

Chapter C
CHARTER

ARTICLE 1

INCORPORATION; SHORT TITLE; DEFINITIONS**SECTION 1-1. INCORPORATION**

The inhabitants of the city of Melrose, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "city of Melrose".

SECTION 1-2. SHORT TITLE

This act shall be known and may be cited as the city of Melrose Charter.

SECTION 1-3. DIVISION OF POWERS

The administration of the fiscal, prudential and municipal affairs of Melrose, with the government thereof, shall be vested in an executive branch headed by a mayor and a legislative branch consisting of a board of aldermen. The legislative branch shall never exercise any executive power, and the executive branch shall never exercise any legislative power.

SECTION 1-4. POWERS OF THE CITY

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or General Laws of the commonwealth, it is the intention and the purpose of the voters of Melrose through the adoption of this charter to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated herein.

SECTION 1-5. CONSTRUCTION

The powers of the city of Melrose under this charter are to be construed liberally in favor of the city, and the specific mention of any particular power is not intended to limit the general powers of the city as stated in section 1-4.

SECTION 1-6. INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or general laws of the commonwealth, Melrose may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any of its agencies or political subdivisions, or with the United States government or any of its agencies.

SECTION 1-7. DEFINITIONS

Unless another meaning is clearly apparent from the manner in which the word or phrase is used, the following words and phrases as used in this charter shall have the following meanings:

- (1) "Charter", this charter and any adopted amendments to it.
- (2) "Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.
- (3) "Full board of aldermen", "Full multiple member body", the entire authorized complement of the board of aldermen, school committee or other multiple member body notwithstanding any vacancy which might exist.
- (4) "general laws", laws enacted which apply alike to all cities and towns, to all cities, or to a class of 2 or more cities, or cities and towns of which Melrose is a member.
- (5) "General Laws", the General Laws of the commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.
- (6) "Initiative measure", a measure proposed by the voters through the initiative process provided under this charter.
- (7) "Local newspaper", a newspaper of general circulation within Melrose, with either a weekly or daily circulation.
- (8) "Majority vote", when used in connection with a meeting of a multiple member body shall mean a majority of those present and voting, unless another provision is made by ordinance, by law, or by its own rules.
- (9) "Measure", any ordinance, order, resolution, or other vote or proceeding adopted, or which might be adopted, by the board of aldermen or the school committee.
- (10) "Multiple member body", any board, commission, committee, sub-committee or other body consisting of 2 or more persons whether elected, appointed or otherwise constituted, but not including the board of aldermen or the school committee.
- (11) "Organization or reorganization plan", a plan submitted by the mayor to the board of aldermen which proposes a change in the organization of the administrative structure of the city government, or a change in the way in which a municipal service, or services are delivered.
- (12) "Quorum", a majority of all members of a multiple member body unless some other number is required by law or by ordinance.

- (13) "Referendum measure", a measure adopted by the board of aldermen or the school committee that is protested under the referendum procedures of this charter.
- (14) "City", the city of Melrose.
- (15) "City agency", any multiple member body, any department, division, or office of the city of Melrose.
- (16) "City bulletin boards", the bulletin board in the city hall on which the city clerk posts official notices of meetings and upon which other official city notices are posted, and the bulletin boards at any other locations as may be designated city bulletin boards by the board of aldermen.
- (17) "City officer", when used without further qualification or description, shall mean a person having charge of an office or department of the city who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the city.
- (18) "Voters", registered voters of the city of Melrose.

ARTICLE 2
LEGISLATIVE BRANCH

SECTION 2-1. COMPOSITION, TERM OF OFFICE

- (a) *Composition* - There shall be a board of aldermen of 11 members which shall exercise the legislative powers of the city. Four of these members, to be known as aldermen-at-large, shall be nominated and elected by and from the voters at large. Seven of these members, to be known as ward aldermen, shall be nominated and elected by and from the voters of each ward, 1 such ward alderman to be elected from each of the 7 wards into which the city is divided under section 7-5.
- (b) *Term of Office* - The term of office for all aldermen shall be for 2 years each, beginning on the first Monday after the first Tuesday in January in the year following their election, and until their successors have been qualified.
- (c) *Eligibility* - Any voter shall be eligible to hold the office of alderman-at-large. A ward alderman shall at the time of election be a voter of the ward from which elected, but if any ward alderman shall during the first 12 months of the term of office remove to another ward in the city, the office shall be deemed vacant and the balance of the unexpired term shall be filled in the manner provided in section 2-11. If the removal occurs after the first 12 months of the term of office such ward alderman may continue to serve for the balance of the term for which elected. If an alderman-at-large or a ward alderman removes from the city during the alderman's term, the office shall immediately be deemed vacant and filled in the manner provided in section 2-11.

SECTION 2-2. PRESIDENT

- (a) *Election and Term* - As soon as practicable after the aldermen-elect have been qualified following each biennial election, as provided in section 9-11, the members of the board of aldermen shall elect from among its members a president who shall serve for 1 year. The method of election of the president shall be prescribed within the rules of the board of aldermen.
- (b) *Powers and Duties* - The president shall preside at all meetings of the board of aldermen, regulate its proceedings and shall decide all questions of order. The president shall appoint all members of all committees of the board of aldermen, whether special or standing. The president shall have the same powers to vote upon all measures coming before the board of aldermen as any other member of the board of aldermen. The president shall perform any other duties consistent with the office that may be provided by charter, by ordinance or by other vote of the board of aldermen.

SECTION 2-3. PROHIBITIONS

- (a) *Holding Other City Office or Position* - No member of the board of aldermen shall hold any other city office or city employment for which a salary or other emolument is payable from the city treasury. No former member of the board of aldermen shall hold any compensated appointed city office or appointed city employment until 1 year following the date on which the former member's service on the board of aldermen has terminated. This provision shall not prevent a city officer or other city employee who has vacated a position in order to serve as a member of the board of aldermen from returning to the same office or other position of city employment held at the time the position was vacated, but no such person shall be eligible for any other municipal position until at least 1 year following the termination of service as a member of the board of aldermen.
- (b) *Interference with Administration* - No board of aldermen nor any member of the board of aldermen shall give orders or directions to any officer or employee of the city appointed by the mayor, either publicly or privately.

SECTION 2-4. COMPENSATION

- (a) *Compensation* - The members of the board of aldermen shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing the salary of aldermen shall be effective unless it shall have been adopted during the first 18 months of the term for which the board of aldermen is elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next municipal election.

SECTION 2-5. GENERAL POWERS

Except as otherwise provided by general law or by this charter, all powers of the city shall be vested in the board of aldermen which shall provide for their exercise and for the performance of all duties and obligations imposed upon the city by law.

SECTION 2-6. EXERCISE OF POWERS; QUORUM; RULES

- (a) *Exercise of Powers* - Except as otherwise provided by general law or by this charter, the legislative powers of the board of aldermen may be exercised in a manner determined by it.
- (b) *Quorum* - The presence of 6 members shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. Except as otherwise provided by general law or by this charter, the affirmative vote of 8 members shall be required to adopt any ordinance or appropriation order.
- (c) *Rules of Procedure* - The board of aldermen shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:

- (i) Regular meetings of the board of aldermen shall be held at a time and place fixed by ordinance.
- (ii) Special meetings of the board of aldermen shall be held at the call of the president or at the call of any 4 or more members, by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the president shall be judge, this notice shall be delivered at least 48 weekday hours in advance of the time set for such meeting. A copy of the notice to members shall immediately be posted upon the city bulletin boards.
- (iii) All sessions of the board of aldermen and of every committee or subcommittee of the board shall at all times be open to the public unless another provision is made by law.
- (iv) A full, accurate, up-to-date account of the proceedings of the board of aldermen shall be kept, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting. The minutes of any executive session, shall be made available as soon as their publication would not defeat the lawful purposes of the executive session.

SECTION 2-7. ACCESS TO INFORMATION

- (a) *In General* - The board of aldermen may make investigations into the affairs of the city and into the conduct and performance of any city agency.
- (b) *City Officers, Members of City Agencies, Employees* - The board of aldermen may require any city officer, member of a city agency or city employee to appear before it to give any information that the board of aldermen may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of that person and within the jurisdiction of the board of aldermen.
- (c) *Mayor* - The board of aldermen may require the mayor to provide specific information to it on any matter within the jurisdiction of the board of aldermen. The board of aldermen may require the mayor to appear before it, in person, to provide specific information on the conduct of any aspect of the business of the city. The mayor may bring to such meeting any assistant, department head or other city officer or employee the mayor may deem necessary to assist in responding to the questions posed by the board of aldermen.
- (d) *Notice* - The board of aldermen shall give 48 hours notice to any person it may require to appear before it under the provisions of this section. The notice shall include specific questions on which the board of aldermen seeks information, and no person called to appear before the board of aldermen under this section shall be required to respond

to any question not relevant or related to those presented in advance and in writing.

SECTION 2-8. APPOINTMENTS OF THE BOARD OF ALDERMEN

- (a) *City Clerk* - The board of aldermen shall elect a city clerk to serve for a term of 3 years. The city clerk shall be the keeper of vital statistics of the city, the custodian of the city seal and of all records of the city, shall administer the oath of office to all city officers, and shall issue licenses and permits as may be provided by law. The city clerk shall have the powers and duties provided that office by the General Laws of the commonwealth, the charter, ordinances or other votes of the board of aldermen.
- (b) *Clerk of Committees* - The board of aldermen shall elect a clerk of committees, who may, but need not be, the city clerk, to serve at the pleasure of the board of aldermen. The clerk of committees shall perform the duties as may be provided by ordinance or by other vote of the board of aldermen.
- (c) *Salary/Compensation* - The city clerk and the clerk of committees shall receive such salary or other compensation as may from time to time be provided for these offices by ordinance.

SECTION 2-9. ORDINANCES AND OTHER MEASURES

- (a) *Emergency Ordinances* - No ordinance shall be passed finally on the date it is introduced, except in case of emergency involving the health or safety of the people or their property. No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to the ordinance, separately voted upon and receiving the affirmative vote of 8 or more members of the board of aldermen. Emergency ordinances shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted under this section is passed extending it, or unless a measure passed under this section has extended it.
- (b) *Measures, In General* - The board of aldermen may pass a measure through all of its stages at any one meeting, except proposed ordinances, appropriation orders and loan authorizations, if no member of the board of aldermen shall object; but, if any single member objects, a vote on the measure shall be postponed to the next meeting of the board of aldermen. On the first occasion that the question of adopting any measure is put to the board of aldermen, except an emergency measure as defined in section 2-9(a), if a single member objects to the taking of a vote, the vote shall be postponed until the next regular or special meeting of the board of aldermen. This procedure shall not be used more than once for any measure notwithstanding any amendments made to the original measure.

- (c) *Posting* - Every proposed ordinance, appropriation order or loan authorization, except emergency ordinances under section 2-9(a), shall be posted on the city bulletin board and made available at the office of the city clerk at least 10 days before its final passage.

SECTION 2-10. BOARD OF ALDERMEN REVIEW OF CERTAIN APPOINTMENTS

The mayor shall submit to the board of aldermen the name of each person the mayor desires to appoint to any city office as a department head or as a member of a multiple-member body, but not including any position which is subject to the civil service law. The board of aldermen shall refer each name submitted to it to a standing committee of the board which shall review each candidate for appointment and may make a report, with recommendations, to the full board of aldermen not less than 7 nor more than 45 days after the referral. The committee may require any person whose name has been referred to it to appear before the committee, or before the board of aldermen, to give any information relevant to the appointment that the committee, or the board of aldermen, may require. Appointments made by the mayor shall become effective on the forty-fifth day after the date on which notice of the proposed appointment was filed with the city clerk unless approved or rejected by the board of aldermen within the 45 days.

SECTION 2-11. FILLING OF VACANCIES

- (a) *Alderman-at-Large* - If a vacancy shall occur in the office of alderman-at-large during the first 12 months of the term for which aldermen are elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of alderman-at-large at the preceding city election who received the highest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes equal to at least 30 per cent of the vote total received by the person receiving the highest number of votes for the office of alderman-at-large at that election. The city clerk shall certify this candidate to the office of alderman-at-large to serve for the balance of the then unexpired term. If a vacancy shall occur in the office of alderman-at-large during the last 12 months of the term for which aldermen-at-large are elected, the vacancy shall be filled by the person at the biennial city election who receives the highest number of votes for the office of alderman-at-large and who is not then serving as a member of the board of aldermen. This person shall immediately be certified and shall serve for the remaining 2 months of the current term in addition to the term for which the person was elected.
- (b) *Ward Alderman* - If a vacancy shall occur in the office of ward alderman, it shall be filled in the same manner as provided in section 2-11(a) for the office of alderman-at-large except that the list shall be of the candidates for the office of ward alderman in the ward in which the vacancy occurs, but if there be no candidate on such list who remains

eligible and willing to serve, the next highest ranking candidate from among the candidates for election to the alderman-at-large who is a resident of the ward in which the vacancy exists shall be certified and shall serve until the next regular election provided such candidate remains a resident of the ward, is willing to serve as a ward alderman and received votes in the ward equal to at least 30 per cent of the vote total received by the person receiving the highest number of votes for the office of ward alderman at that election. The city clerk shall certify this candidate to the office of ward alderman to serve for the balance of the then unexpired term.

- (c) *Filling of Vacancies By Board of Aldermen* - If a vacancy shall occur in the office of alderman-at-large or in that of ward alderman and there is no available candidate to fill the vacancy in the manner provided in section 2-11(a) or (b), the vacancy shall be filled by the remaining members of the board of aldermen. Persons elected to fill a vacancy by the board of aldermen shall serve only until the next regular election at which time the vacancy shall be filled by the voters and the person chosen to fill the vacancy shall immediately be sworn and shall serve for the remainder of the unexpired term in addition to the term for which elected. Persons serving as aldermen under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

ARTICLE 3
EXECUTIVE BRANCH

SECTION 3-1. MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION; PROHIBITIONS

- (a) *Mayor, Qualifications* - The chief executive officer of the city shall be a mayor, elected by and from the voters of the city at large. Any voter shall be eligible to hold the office of mayor. The mayor shall devote full time to the office and shall not hold any other elective public office, nor shall the mayor be engaged in any other business, occupation or profession during the period of service as mayor.
- (b) *Term of Office* - The term of office of the mayor shall be 4 years beginning on the first Monday after the first Tuesday in January following the biennial city election at which chosen and until a successor is qualified.
- (c) *Compensation* - The board of aldermen shall, by ordinance, establish an annual salary for the mayor. No ordinance altering the salary of the mayor shall be effective unless it shall have been adopted in the first 18 months of the term for which aldermen are elected and it provides that the salary is to become effective in January of the year following the next biennial city election.
- (d) *Prohibitions* - The mayor shall hold no other city office or city employment for which a salary or other emolument is payable from the city treasury. No former mayor shall hold any compensated appointed city office or city employment until 1 year following the date on which the former mayor's city service has terminated. This provision shall not prevent a city officer or other city employee who has vacated a position in order to serve as mayor from returning to the same office or other position of city employment held at the time the position was vacated, but no such person shall be eligible for any other municipal position until at least 1 year after the termination of service as mayor. This prohibition shall not apply to persons covered under the leave of absence provisions of section 37 of chapter 31 of the General Laws.

SECTION 3-2. EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

The executive powers of the city shall be vested solely in the mayor and may be exercised by the mayor either personally or through the several city agencies under the general supervision and control of the office of the mayor. The mayor shall cause the charter, the laws, the ordinances and other orders for the government of the city to be enforced, and shall cause a record of all official acts of the executive branch of the city government to be kept. The mayor shall exercise general supervision and direction over all city agencies, unless otherwise provided by law or by this charter. Each city agency shall furnish to the mayor, immediately upon request, any information, materials or otherwise as the mayor may request and as

the needs of the office of mayor and the interest of the city may require. The mayor shall supervise, direct and be responsible for the efficient administration of all city activities and functions placed under the control of the mayor by law or by this charter. The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the city and for this purpose shall have authority, consistent with law, to call together for consultation, conference and discussion at reasonable times all persons serving the city, whether elected directly by the voters, chosen by persons elected directly by the voters, or otherwise. The mayor shall be, by virtue of the office, a member of every appointed multiple member body of the city. The mayor shall have a right, as an ex officio member, to attend any meeting of any appointed multiple member body of the city, at any time, including executive sessions, to participate in the discussions, to make motions and to exercise every other right of a regular member of such body, but not including the right to vote.

SECTION 3-3. APPOINTMENTS BY THE MAYOR

The mayor shall appoint, subject to the review of such appointments by the board of aldermen under section 2-10, all city officers and department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, and persons serving under the board of aldermen. All appointments to multiple-member bodies shall be for terms established under section 5-1. Upon the expiration of the term of any member of a multiple member body, a successor shall be appointed in like manner. The mayor shall fill any vacancy for the remainder of the unexpired term of any member of a multiple member body. All persons classified as department heads shall, subject to the consent of the mayor, appoint, promote and discipline all assistants, subordinates and other employees of the agency for which that person is responsible. All appointments and promotions made by the mayor shall be made on the basis of merit and fitness demonstrated by examination, past performance or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training and previous work experience to perform the duties of the office or position for which chosen.

SECTION 3-4. REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS

- (a) *City Officers and Department Heads* - The mayor may, in writing, remove or suspend any city officer, or the head of any city department appointed by the mayor by filing a written statement, with the city clerk, setting forth in precise detail the specific reasons for the removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the city officer or department head. The city officer or department head may make a written reply by filing such a reply statement, with the city clerk, within 10 days after the date the statement of the mayor has been filed; but, this reply shall have no

effect upon the removal or suspension unless the mayor shall so determine. The decision of the mayor in suspending or removing a city officer or a department head shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the mayor. The removal shall take effect 30 days after the date of filing in the office of the city clerk the notice of removal by the mayor.

- (b) *Other City Employees* - Unless some other procedure is specified in a collective bargaining agreement or by civil service law, a department head may suspend or remove any assistant, subordinate or other employee of the agency for which that person is responsible. The decision of the department head to suspend or remove any assistant, subordinate or other employee shall be subject to review by the mayor. A person for whom a department head has determined a suspension or removal is appropriate may seek review of this determination by the mayor by filing a petition for review, in the office of the mayor, in writing, within 10 days following receipt of notice of this determination. The decision of the mayor shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for suspension or removal solely in the mayor. Nothing in this section shall be construed to be a bar to any other review as may be provided by law.

SECTION 3-5. TEMPORARY APPOINTMENTS TO CITY OFFICES

Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that the office be filled, the mayor may designate the head of another city agency or a city officer or city employee or some other person to perform the duties of the office on a temporary basis until the position can be filled as otherwise provided by law or by this charter. The mayor shall file a certificate in substantially the following form, with the city clerk, whenever a person is designated under this section:

I designate (*name of person*) to perform the duties of the office of (*designate office in which vacancy exists*) on a temporary basis until the office can be filled by (*here set out the regular procedure for filling the vacancy, or when the regular officer shall return*). I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the city of Melrose.

(signed)

Mayor

Persons serving as temporary officers under this section shall have only those powers of the office essential to the performance of the duties of the office during the period of the temporary appointment. Notwithstanding any general or special law to the contrary, no temporary appointment shall be for more than 90 days, but not more than 2 30-day extensions of a temporary appointment may be made when a permanent vacancy exists in the office.

SECTION 3-6. COMMUNICATIONS; SPECIAL MEETINGS

- (a) *Communications to the Board of Aldermen* - The mayor shall, from time to time, by written communications, recommend to the board of aldermen for its consideration such measures as, in the judgment of the mayor, the needs of the city require. The mayor shall, from time to time, by written communication, keep the board of aldermen fully informed of the financial and administrative condition of the city and shall specifically indicate in these such reports any fiscal, financial or administrative problems of the city.
- (b) *Special Meetings of the Board of Aldermen* - The mayor may at any time call a special meeting of the board of aldermen, for any purpose, by causing a notice of the meeting to be delivered in hand or to the place of business or residence of each member of the board of aldermen. This notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least 48 weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. A copy of each such notice shall, immediately be posted on the city bulletin board.

SECTION 3-7. APPROVAL OF MAYOR, EXCEPTION (VETO)

Every order, ordinance, resolution or vote adopted or passed by the board of aldermen relative to the affairs of the city, except memorial resolutions, the selection of city officers by the board of aldermen and any matters relating to the internal affairs of the board of aldermen, shall be presented to the mayor for approval. If the mayor approves of the measure, the mayor shall sign it; if the mayor disapproves of the measure, the mayor shall return the measure, with the specific reason or reasons for such disapproval attached to it, in writing, to the board of aldermen. The board of aldermen shall enter the objections of the mayor on its records, and not sooner than 10 days, nor later than 30 days from the date of its return to the board of aldermen, shall again consider the same measure. If the board of aldermen, notwithstanding the disapproval by the mayor, shall again pass the order, ordinance, resolution or vote by a 2/3 vote of the full board, it shall then be deemed in force, notwithstanding the failure of the mayor to approve it. If the mayor has neither signed a measure nor returned it to the board of aldermen within 10 days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

SECTION 3-8. TEMPORARY ABSENCE OF THE MAYOR

- (a) *Acting Mayor* - Whenever, by reason of sickness, absence from the city or other cause, the mayor shall be unable to perform the duties of the office, the president of the board of aldermen shall be the acting mayor.
- (b) *Powers of Acting Mayor* - The acting mayor shall have only those powers of the mayor that are essential to the conduct of the business of the city in an orderly and efficient manner and on which action may not be delayed. The acting mayor shall have no authority to make

any permanent appointment or removal from city service unless the disability of the mayor shall extend beyond 60 days, nor shall an acting mayor approve or disapprove of any measure adopted by the board of aldermen unless the time within which the mayor must act would expire before the return of the mayor. During any period in which any member of the board of aldermen is serving as acting mayor, that alderman shall not vote as a member of the board of aldermen.

SECTION 3-9. DELEGATION OF AUTHORITY BY MAYOR

The mayor may authorize any subordinate officer or employee of the city to exercise any power or perform any function or any duty which is assigned by this charter, or otherwise, to the mayor, and the mayor may rescind or revoke any such authorizations previously made, but all acts performed under any such delegation of authority during a period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate his powers and duties as a school committee member, the power of appointment to city office or employment or to sign or return measures approved by the board of aldermen.

SECTION 3-10. VACANCY IN OFFICE OF MAYOR

- (a) *Special Election* - If a vacancy in the office of mayor occurs during the first 2 years of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the board of aldermen shall immediately, in the manner provided in section 7-1, order a special election to be held within 90 days following the date the vacancy is created, to fill the vacancy for the balance of the then unexpired term. If a regular city election is to be held within 120 days following the date the vacancy is created a special election need not be held and the position shall be filled by vote at such regular election.
- (b) *President of Aldermen To Serve As Mayor* - If a vacancy in the office of mayor occurs in the third or fourth year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the president of the board of aldermen shall become the mayor. Upon the qualification of the president of the board of aldermen as the mayor, under this section, a vacancy shall exist in that seat on the board of aldermen which shall be filled in the manner provided in section 2-11. A president serving as mayor under this subsection shall not be subject to the restrictions contained in the third sentence of section 3-1(a), nor shall that person be entitled to have the words "candidate for reelection" printed against their name on the election ballot.
- (c) *Powers, Term of Office* - The mayor elected under Section 3-10(a) or (b) shall have all the powers of the mayor. A person elected under subsection (a), shall serve for the balance of the term unexpired at the

time of election to the office. A person chosen under subsection (b), shall serve until the time of the next regular election at which time the person elected to fill the office for the ensuing term of office shall serve, in addition, for the balance of the then unexpired term.

ARTICLE 4
SCHOOL DEPARTMENT

SECTION 4-1. SCHOOL COMMITTEE

- (a) *Composition, Term of Office* - There shall be a school committee which shall consist of 7 members. Six of these members shall be nominated and elected by and from the voters of the city at large. The mayor shall serve, by virtue of office, as the seventh member of the school committee with all of the same powers and duties as the members elected by the voters as school committee members.
- (b) *Term of Office* - The term of office for the 6 school committee members elected by the voters shall be for 4 years, beginning on the first Monday after the first Tuesday in January in the year following their election, and until their successors have been qualified. The terms of office shall be so arranged that 3 such terms are to be filled at each biennial election.
- (c) *Eligibility* - A school committee member shall at the time of election be a voter. If a school committee member removes from the city during the term for which elected, the office shall immediately be deemed vacant and filled in the manner provided in section 4-6.

SECTION 4-2. SCHOOL COMMITTEE CHAIR

- (a) *Election and Term* - As soon as practicable after the school committee members-elect have been qualified following each biennial city election, as provided in section 9-11, the school committee shall organize by electing 1 of the persons elected to the office of school committee member to serve as school committee chair.
- (b) *Powers and Duties* - The school committee chair shall preside at all meetings of the school committee, regulate its proceedings and decide all questions of order. The school committee chair shall appoint all members of all committees of the school committee, whether special or standing. The school committee chair shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The school committee chair shall perform such other duties consistent with the office as may be provided by this charter or by vote of the school committee.

SECTION 4-3. PROHIBITIONS

No member of the school committee shall hold any other city office or city employment for which a salary or other emolument is payable from the city treasury. No former member of the school committee shall hold any compensated appointed city office or city employment until 1 year following the date on which the member's service on the school committee has terminated. This provision shall not prevent a city officer or other city employee who has vacated a position in order to serve as a member of

the school committee from returning to the same office or other position of city employment held at the time the position was vacated, but no such person shall be eligible for any other municipal position until at least 1 year following the termination of service as a member of the school committee.

SECTION 4-4. COMPENSATION

The board of aldermen may, by ordinance, establish an annual salary for members of the school committee. No vote increasing the salary of school committee members shall be effective unless it shall have been adopted during the first 18 months of the term for which school committee members are elected and unless it provides that the salary is to take effect upon the organization of the city government following the next municipal election. Notwithstanding any general or special law to the contrary, members elected to the school committee shall not be eligible to participate in the city's group health or life insurance programs.

SECTION 4-5. SCHOOL COMMITTEE POWERS AND DUTIES

The school committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by the charter, by ordinance, or otherwise and not inconsistent with the grant of powers conferred by general laws. The powers and duties of the school committee shall include the following:

- (1) To elect a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as provided in section 59 of chapter 71 of the General Laws.
- (2) To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable.
- (3) To adopt and to oversee the administration of an annual operating budget for the school department, subject to appropriation by the board of aldermen. The school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment. The school committee shall provide ordinary maintenance of all school buildings and grounds; unless a central municipal maintenance department which may include maintenance of school buildings and grounds is established in accordance with law. Whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least 1 member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.

SECTION 4-6. FILLING OF VACANCIES

- (a) *Runner-Up to Succeed to Office* - If a vacancy shall occur in the office of school committee member, the vacancy shall be filled in descending order of votes received by the candidate for the office of school committee member at the preceding city election who received the highest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes equal to at least 30 per cent of the vote total received by the person receiving the highest number of votes for the office of school committee member at that election. The city clerk shall certify this candidate to the office of school committee member to serve for the balance of the then unexpired term; but if the vacancy occurs during the first 12 months of the term for which school committee members are elected, the person so chosen shall serve only until the next biennial election at which election the remainder of the term shall be filled by the voters. If a vacancy shall occur in the office of school committee member during the last 6 months of the term for which school committee members are elected, the vacancy shall be filled by the person at the biennial city election who receives the highest number of votes for the office of school committee member and who is not then serving as a member of the school committee. This person shall immediately be certified and shall serve for the remaining 2 months of the current term in addition to the term for which the person was elected.
- (b) *Filling of Vacancies By Board of Aldermen and School Committee* - Whenever a vacancy shall occur in the office of school committee member and there is no available candidate to fill the vacancy in the manner provided in section 4-6(a), the president of the board of aldermen shall, within 30 days following the date of the vacancy, call a joint meeting of the board of aldermen and the school committee to act to fill the vacancy. Persons elected to fill a vacancy by the board of aldermen and school committee shall serve only until the next regular election at which time the vacancy shall be filled by the voters and the person chosen to fill the vacancy shall immediately be sworn and shall serve for the remainder of the unexpired term in addition to the term for which elected. Persons serving as school committee members under this section shall not be entitled to have the words "candidate for reelection" printed against their names on the election ballot.

ARTICLE 5
ADMINISTRATIVE ORGANIZATION

SECTION 5-1. ORGANIZATION OF CITY AGENCIES

The organization of the city into operating agencies for the provision of services and the administration of the government may be accomplished only through an administrative order filed with the board of aldermen by the mayor. No administrative order may originate with the board of aldermen. The mayor may, subject only to express prohibitions in a general law or this charter, propose to reorganize, consolidate or abolish any city agency, in whole or in part, or to establish such new city agencies as is deemed necessary, but no function assigned by this charter to a particular city agency may be discontinued or assigned to any other city agency unless this charter specifically so provides. The mayor may from time to time prepare and submit to the board of aldermen administrative orders that establish operating divisions for the orderly, efficient or convenient conduct of the business of the city. These administrative orders shall be accompanied by a message of the mayor which explains the benefits expected to ensue and advises the board of aldermen if any provision of an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances. Whenever the mayor proposes an administrative order, the board of aldermen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following said publication. An organization or reorganization plan shall become effective at the expiration of 60 days following the date the proposal is submitted to the board of aldermen unless the board of aldermen shall, by a majority vote, within such period vote to disapprove the plan. The board of aldermen may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

SECTION 5-2. MERIT PRINCIPLE

All appointments and promotions of city officers and employees shall be made on the basis of merit and fitness demonstrated by examination, past performance or other evidence of competence and suitability.

ARTICLE 6
FINANCE AND FISCAL PROCEDURES

SECTION 6-1. FISCAL YEAR

The fiscal year of the city shall begin on the first day of July and shall end on the last day of June, unless another period is required by general law.

SECTION 6-2. ANNUAL BUDGET POLICY

The mayor shall call a joint meeting of the board of aldermen and school committee before the commencement of the budget process to review the financial condition of the city, revenue and expenditure forecasts, and other relevant information prepared by the mayor in order to develop a coordinated budget. The superintendent of schools shall be present at this meeting.

SECTION 6-3. SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

At least 45 days before the beginning of the fiscal year, the mayor shall submit to the board of aldermen a proposed operating budget for all city agencies, which shall include the school department, for the ensuing fiscal year with an accompanying budget message and supporting documents. The budget message submitted by the mayor shall explain the operating budget in fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed fiscal policies of the city for the ensuing fiscal year, describe important features of the proposed operating budget and indicate any major variations from the current operating budget, fiscal policies, revenues and expenditures together with reasons for these changes. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities and shall be in the form the mayor deems desirable. The school budget, as adopted by the school committee shall be submitted to the mayor at least 30 days before the submission of the proposed operating budget to the board of aldermen. The mayor shall notify the school committee of the date by which the budget of the school committee shall be submitted to the mayor. The mayor and the superintendent of schools shall coordinate the dates and times of the school committee's budget process under the laws of the commonwealth.

SECTION 6-4. ACTION ON THE OPERATING BUDGET

- (a) *Public Hearing* - The board of aldermen shall publish in at least 1 newspaper of general circulation in the city a notice of the proposed operating budget as submitted by the mayor. The notice shall state (1) the times and places where copies of the entire proposed operating budget are available for inspection by the public, and (2) the date, time and place not less than 14 days after its publication, when a public hearing on the proposed operating budget will be held by the board of aldermen.

- (b) *Adoption of the Budget* - The board of aldermen shall adopt the operating budget, with or without amendments, within 45 days following the date the budget is filed with the city clerk. In amending the operating budget, the board of aldermen may delete or decrease any amounts except expenditures required by law, but except on the recommendation of the mayor, the board of aldermen shall not increase any item in or the total of the proposed operating budget, unless otherwise authorized by the laws of the commonwealth. If the board of aldermen fails to take action on any item in the operating budget within 45 days after receipt of the budget, that amount shall, without any action by the board of aldermen, become a part of the appropriations for the year, and be available for the purposes specified.

SECTION 6-5. CAPITAL IMPROVEMENT PROGRAM

The mayor shall submit a capital improvement program to the board of aldermen at least 120 days before the start of each fiscal year. The capital improvement program shall include:

- (1) a clear and concise general summary of its contents;
- (2) a list of all capital improvements proposed to be undertaken during the next ensuing 5 years, with supporting information as to the need for each capital improvement;
- (3) cost estimates, methods of financing and recommended time schedules for each improvement; and,
- (4) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the mayor with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

SECTION 6-6. INDEPENDENT AUDIT

The board of aldermen shall annually provide for an outside audit of the books and accounts of the city to be made by a certified public accountant, or a firm of certified public accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers. The mayor shall annually provide to the board of aldermen a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the board of aldermen. The award of a contract to audit shall be made by the board of aldermen on or before September fifteenth of each year. The clerk of committees shall coordinate the work of the individual or firm selected. The report of the audit shall be filed in final form with the board of aldermen not later than March first in the year following its award.

SECTION 6-7. EXPENDITURES IN EXCESS OF APPROPRIATIONS

Except as otherwise may be provided by law, no official of the city of Melrose shall knowingly and intentionally expend in any fiscal year any sums in excess of the appropriations duly made in accordance with law, or involve the city in any contract for the future payment of money in excess of these appropriations. It is the intention of this section that section 31 of chapter 44 of the General Laws shall be strictly enforced. Any official who violates this section shall be personally liable to the city for any amounts so expended to the extent that the city does not recover these amounts from the person to whom the sums were paid.

ARTICLE 7
ELECTIONS

SECTION 7-1. CITY ELECTIONS: GENERAL, PRELIMINARY FOR OFFICE OF MAYOR

The regular general city election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year. A preliminary election for the purpose of nominating candidates for mayor shall be held on the third Tuesday in September in each odd-numbered year in which a mayor is to be elected, but the city clerk may, with the approval of the board of aldermen, reschedule this election to the fourth Tuesday to avoid a conflict with any civil or religious holiday. Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted, if necessary, 28 days before the date established for the special election.

SECTION 7-2. NON-PARTISAN ELECTIONS

All elections for city offices shall be non-partisan, and election ballots shall be printed without any party mark, emblem, or other designation.

SECTION 7-3. PRELIMINARY ELECTION

- (a) *Ballot Position* - The order in which names of candidates appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk which shall be open to the public.
- (b) *Determination of Candidates* - The 2 persons receiving at a preliminary election the highest number of votes for nomination for mayor shall be the sole candidates for that office whose names shall be printed on the official ballots to be used at the regular general city election at which the office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity. If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for the tie vote, would entitle a person receiving the same to have his name printed on the official ballots for the election, all candidates participating in the tie vote shall have their names printed on the official ballots, even though the ballots will have a number of candidates exceeding twice the number to be elected.
- (c) *Condition Making Preliminary Unnecessary* - If at the expiration of time for filing statements, the number of candidates for mayor to be voted upon at any preliminary election is not greater than 2, then no preliminary election shall be held. The candidates whose statements have been filed with the city clerk shall be deemed to have been nominated to the office, their names shall be voted upon for the office at the succeeding general election, and the city clerk shall not print their names on the ballots to be used at the preliminary election.

SECTION 7-4. BALLOT POSITION, REGULAR CITY ELECTION

The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the city clerk. The drawing shall be open to the public and conducted on or before the thirtieth day preceding the date of the election.

SECTION 7-5. WARDS

The territory of the city shall be divided into 7 wards so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded as far as possible by the center line of known streets or ways or by other well-defined limits. Each such ward shall be composed of voting precincts established in accordance with general laws. The board of aldermen shall from time to time, but at least once in each 10 years, review these wards to insure their uniformity in number of inhabitants.

SECTION 7-6. APPLICATION OF STATE GENERAL LAWS

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, general and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

ARTICLE 8
CITIZEN PARTICIPATION MECHANISMS

SECTION 8-1. FREE PETITION

The board of aldermen or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by 50 or more voters, and which seeks the passage of a measure. The hearing shall be held by the board of aldermen or the school committee, or, in either case, by a committee or sub-committee thereof, and the action by the board of aldermen or the school committee shall be taken not later than 6 weeks after the petition is filed with the city clerk or the school committee. Hearings on 2 or more petitions filed under this section may be held at the same time and place. The city clerk or the school committee shall mail notice of the hearing to the 10 persons whose names appear first on the petition at least 7 days before the hearing. Notice, by publication, of all such hearings shall be at public expense.

SECTION 8-2. CITIZEN INITIATIVE MEASURES

- (a) *Commencement* - Initiative procedures shall be started by the filing of a proposed initiative petition with the city clerk or the secretary of the school committee. The petition shall be addressed to the board of aldermen or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least 250 voters. At least 25 signatures must be certified from each ward. The petition shall be accompanied by an affidavit signed by 10 voters and containing their residential address stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.
- (b) *Referral to City Solicitor* - The city clerk or the secretary of the school committee shall immediately following receipt of a proposed petition deliver a copy of the petition to the city solicitor. The city solicitor shall, within 15 days following receipt of a copy of the petition, in writing, advise the board of aldermen or the school committee whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the board of aldermen or the school committee. If the opinion of the city solicitor is that the measure is not in proper form, the reply shall state the reasons for this opinion, in full. A copy of the opinion of the city solicitor shall also be mailed to the person designated as clerk of the petitioners committee.
- (c) *Submission to City Clerk* - If the opinion of the city solicitor is that the petition is in a proper form, the city clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city solicitor, together with the names and addresses of the first

10 voters who signed the originating petition. Within 30 days following the date the blank forms are issued by the city clerk, the petitions shall be returned and filed with the city clerk signed by at least 15 per cent of the total number of voters as of the date of the most recent city election. Signatures to an initiative petition need not all be on 1 paper, but all papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 10 days following the filing of the petition, the board of registrars of voters shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent city election. The board of registrars of voters shall attach to the petition a certificate showing the results of its examination and shall return the petition to the city clerk, or the secretary of the school committee, depending on how the petition is addressed. A copy of the board of registrars of voters' certificate shall also be mailed to the person designated as clerk of the petitioners committee.

- (d) *Action on Petitions* - Within 30 days following the date a petition has been returned to the city clerk or the secretary of the school committee, and after publication under subsection (f), the board of aldermen or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the board of aldermen or the school committee fails to act with respect to any initiative measure which is presented to it within 30 days following the date the measure is returned to it, the measure shall be deemed to have been rejected on the thirtieth day. If an initiative measure is rejected, the city clerk or the secretary of the school committee shall promptly give notice of that fact to the person designated as the clerk of the petitioners committee, by certified mail.
- (e) *Supplementary Petitions* - Within 60 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the city clerk or the secretary of the school committee, but only by persons constituting the original petitioners committee. The supplemental initiative petition shall be signed by a number of additional voters which is equal to at least 5 per cent of the total number of voters as of the date of the most recent city election, and the signatures on the initial petition filed under subsection (c), and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of at least 20 per cent of the total number of voters in the city. If the number of signatures to this supplemental petition is found to be sufficient by the city clerk, the board of aldermen shall call a special election to be held on a date

fixed by it not less than 35 nor more than 90 days following the date of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination, but if any other city election is to be held within 120 days following the date of the certificate, the board of aldermen may omit the calling of such special election and cause the question to appear on the election ballot at the approaching election for determination by the voters.

- (f) *Publication* - The full text of any initiative measure which is submitted to the voters shall be published in at least 1 newspaper of general circulation in the city not less than 7 nor more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk.
- (g) *Form of Question* - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form: Shall the following measure which was proposed by an initiative petition take effect?

(Here insert a fair, concise summary prepared by the petitioners, and approved by the city solicitor.)

- ☐ YES
- ☐ NO

- (h) *Time of Taking Effect* - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

SECTION 8-3. CITIZEN REFERENDUM PROCEDURES

- (a) *Petition, Effect on Final Vote* - If, within 21 days following the date on which the board of aldermen or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to at least 12 per cent of the total number of voters as of the date of the most recent general city election and addressed to the board of aldermen or to the school committee as the case may be, protesting against the measure or any part of it is filed with the secretary of the school committee or city clerk, the effective date of such measure shall be temporarily suspended. The school committee or the board of aldermen shall immediately reconsider its vote on the measure or part of it, and, if the measure is not rescinded, the board of aldermen shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular city election, but pending this submission and determination, the effect of the measure shall continue to be suspended.

- (b) *Certain Initiative Provisions to Apply* - The petition described in this section shall be termed a referendum petition and the applicable provisions of section 8-2 as they relate to the filing and certification of signatures shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the word "initiative". The measure or part protested against shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part protested against at the election.

SECTION 8-4. INELIGIBLE MEASURES

None of the following shall be subject to the initiative or the referendum procedures:

- (1) proceedings relating to the internal organization or operation of the board of aldermen or of the school committee;
- (2) an emergency measure adopted under the charter;
- (3) the city budget or the school committee budget as a whole;
- (4) any appropriation for the payment of the city's debt or debt service;
- (5) an appropriation of funds to implement a collective bargaining agreement;
- (6) proceedings relating to the appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action;
- (7) any proceedings repealing or rescinding a measure or part of it which is protested by referendum procedures;
- (8) any proceedings providing for the submission or referral to the voters at an election;
- (9) memorial resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition; and
- (10) setting of property tax rate.

SECTION 8-5. SUBMISSION OF OTHER MATTERS TO VOTERS

The board of aldermen may of its own motion, and shall at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular city election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.

SECTION 8-6. CONFLICTING PROVISIONS

If 2 or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.

ARTICLE 9
GENERAL PROVISIONS

SECTION 9-1. CHARTER CHANGES

This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution, or by statutes enacted in accordance with the state constitution.

SECTION 9-2. SEVERABILITY

The provisions of this charter are severable. If any provision of this charter is held invalid the other provisions shall not be affected by this holding. If the application of this charter, or any of its provisions, to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

SECTION 9-3. SPECIFIC PROVISION TO PREVAIL

To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

SECTION 9-4. RULES AND REGULATIONS

A copy of all rules and regulations adopted by any city agency shall be placed on file in the office of the city clerk and shall be available for review by any person who requests such information at any reasonable time. Unless an emergency exists as determined by the mayor, no rule or regulation adopted by any city agency shall become effective until 5 days following the date it is so filed.

SECTION 9-5. PERIODIC REVIEW OF ORDINANCES

Not later than the first day of July, at 5 year intervals, in each year ending in a 5 or in a zero, the mayor and board of aldermen shall provide for a review to be made of the ordinances of the city for the purpose of preparing a proposed revision or recodification of them, without substantive change. This review shall be made by a special committee to consist of 9 members, 4 of whom shall be appointed by the board of aldermen president and 5 of whom shall be appointed by the mayor. At least 2 of the persons appointed by the board of aldermen president shall be members of the board of aldermen and the remaining members shall be voters of the city. The special committee shall file its report with the city clerk not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the board of aldermen agenda for action before the fifteenth day of June in that year and if not so scheduled by the city clerk the matter shall come before the board of aldermen for action at its next meeting held following the fifteenth day of June, and no other business shall be in order until the report has been acted upon, by roll call vote. The review of city ordinances

shall be under the supervision of the city solicitor. A revision, recodification or republication of the ordinances shall be made at 5 year intervals. Copies of the revision, recodification or republication shall be made available to the public at a cost not to exceed the actual cost of the reproduction. In each year between these reenactments, an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

SECTION 9-6. PERIODIC REVIEW OF CHARTER

Not later than the first day of July, at 10 year intervals, in each year ending in a 9, the mayor and board of aldermen shall provide for a review to be made of the city charter. This review shall be made by a special committee to consist of 9 members, 4 of whom shall be appointed by the board of aldermen president and 5 of whom shall be appointed by the mayor. At least 2 of the persons appointed by the board of aldermen president shall be members of the board of aldermen and the remaining members shall be voters of the city. The special committee shall file its report with the city clerk, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the board of aldermen's agenda for action before the fifteenth day of June in that year and if not so scheduled by the city clerk the matter shall come before the board of aldermen for action at its next meeting held following the fifteenth day of June, and no other business shall be in order until such report has been acted upon, by roll call vote.

SECTION 9-7. UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER BODIES

- (a) *Meetings* - All appointed multiple member bodies of the city shall meet regularly at the times and places that they by their own rules prescribe. Special meetings of any multiple member body shall be held on the call of the chairman or by one-third of the members of the body by written notice delivered in hand or to the place of residence of each member at least 48 hours in advance of the time set, which shall contain notice of the subjects to be acted upon. A copy of the notice, shall also be posted on the city bulletin board. Except as may otherwise be authorized by law, all meetings of all multiple member bodies shall at all times be open to the public.
- (b) *Rules and Journals* - Each appointed multiple member body shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. These rules and journals shall be a public record, and certified copies shall be placed on file in the office of the city clerk and in the Melrose Public Library.
- (c) *Voting* - If requested by any member, any vote of any appointed multiple member body shall be taken by a call of the roll and the vote of each member shall be recorded in the journal, but if the vote is unanimous, only that fact need be recorded.

- (d) *Quorum* - A majority of the members of an appointed multiple member body shall constitute a quorum, but a smaller number may meet and adjourn from time to time. Unless some other provision is made by the multiple member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to adopt any vote representing an exercise of the powers of the multiple member body.

SECTION 9-8. NUMBER AND GENDER

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender.

SECTION 9-9. REFERENCES TO GENERAL LAWS

All references to General Laws contained in the charter refer to the General Laws of the commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

SECTION 9-10. COMPUTATION OF TIME

In computing time under this charter the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of time designated is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall not be included, when the period is 7 days or more, every day shall be counted.

SECTION 9-11. OATH OF OFFICE OF MAYOR, BOARD OF ALDERMEN, AND SCHOOL COMMITTEE

A mayor-elect, the board of aldermen-elect, and the school committee members-elect shall, on the first Monday after the first Tuesday in January of each even-numbered year, meet and be sworn to the faithful discharge of their duties. The oath may be administered to the mayor by the city clerk, or by a judge of a court of record, or by a justice of the peace. The oath may be administered to the members of the board of aldermen and the school committee by the mayor, after the mayor has been duly sworn, or by any of the above-named officials. A certificate that the oath or oaths have been taken shall be entered in the journal of the board of aldermen. In case of the absence of the mayor or mayor-elect, as the case may be, or any member-elect of the board of aldermen or school committee on the day the oath of office is administered, the oath may at any time thereafter be

administered to that person. A certificate of each oath subsequently taken shall be entered in the journal of the board of aldermen. After the oath has been administered to the board of aldermen present, they shall organize by electing from among their number a person to serve as the president, as provided in section 2-2. If the city clerk is unable to preside during this election the board of aldermen member senior in years of service on the board of aldermen shall preside during this election. If 2 or more members are equally senior in years of service on the board of aldermen, the member senior both in years of service and age shall preside. The president shall be sworn by the city clerk, or, in the case of the absence of the city clerk, by any person qualified to take oaths or affirmations. After the oath has been administered to the school committee members present, they shall organize by electing from among their number a person to serve as the chair, as provided in section 4-2. If the city clerk is unable to preside during this election the member senior in years of service on the school committee shall preside during the election. If 2 or more members are equally senior in years of service on the school committee the member senior both in years of service and age shall preside. The chair and the vice-chair shall be sworn by the city clerk, or, in the case of the absence of the city clerk, by any person qualified to take oaths or affirmations.

SECTION 9-12. CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected, including those elected by the board of aldermen, or appointed to an office of the city, shall receive a certificate of such election or appointment from the city clerk. Except as otherwise provided by law, every person who is elected, including those elected by the board of aldermen, or appointed to an office of the city before performing any act under this appointment or election, shall take and subscribe to an oath to qualify to enter upon the duties. A record of this oath shall be kept by the city clerk.

SECTION 9-13. LIMITATION ON OFFICE HOLDING

No person shall simultaneously hold more than 1 full-time city office or position of employment. Any hours worked in any part-time position shall not be the same or otherwise conflict with the hours worked in a full-time position.

SECTION 9-14. ENFORCEMENT OF CHARTER PROVISIONS

It shall be the duty of the mayor to see that the charter is faithfully followed and complied with by all city agencies and city employees. Whenever it appears to the mayor that any city agency or city employee is failing to follow any provision of this charter the mayor shall, in writing, cause notice to be given to that agency or employee directing compliance with the charter. If it shall appear to the board of aldermen that the mayor personally is not following the provisions of the charter it shall, by resolution, direct the attention of the mayor to those areas in which they believe there is a failure to comply with charter provisions. The procedures made available

in chapter 231A of the General Laws may be used to determine the rights, duties, status or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.

ARTICLE 10
TRANSITIONAL PROVISIONS

SECTION 10-1. CONTINUATION OF EXISTING LAWS

All general laws, special laws, city ordinances, and rules and regulations of or pertaining to Melrose, including special acts creating regional entities and arrangements of which the city is a member, that are in force when this charter takes effect, and not specifically or by implication repealed by this charter, shall continue in full force and effect until amended or repealed, or rescinded by law, or until they expire by their own limitation. In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law that would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

SECTION 10-2. CONTINUATION OF GOVERNMENT AND ADMINISTRATION

All city agencies shall continue to perform their duties until re-elected, reappointed, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred and assumed by another city agency.

SECTION 10-3. TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of any city agency, or part thereof, the powers and duties of which are assigned in whole or in part to another city agency, shall be transferred immediately to that agency.

SECTION 10-4. EFFECT ON OBLIGATIONS, TAXES, ETC.

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the city before the adoption of this charter, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as otherwise provided in this charter, shall continue without abatement and remain unaffected by the charter; and no legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of this charter.

SECTION 10-5. DISPOSITION OF CERTAIN SPECIAL LAWS

- (a) *Certain Special Laws Recognized and Retained* - The following special acts are hereby especially recognized and retained: chapter 124 of the acts of 1936, chapter 39 of the acts of 1962, chapter 150 of the acts of 1984, and chapter 71 of the acts of 1992.
- (b) *Certain Special Laws Recognized and Retained, in part* - the following special acts which amended the original city charter of 1899, relating to

the organization of the city's government, are recognized and retained in part as follows: so much of chapter 144 of the acts of 1920 and chapter 78 of the acts of 1926 as relates to the establishment of the committee in charge of the care of Memorial Hall, until such time as the mayor may act pursuant to Article 5 of this charter.

SECTION 10-6. TIME OF TAKING EFFECT

This charter shall take effect upon its ratification by the voters and in accordance with the following schedule:

- (1) All city officers and employees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to the ratification by the voters of the home rule charter.
- (2) The first election of officers under this charter shall be held on the first Tuesday following the first Monday in November 2007 for the purpose of electing a mayor, a board of aldermen and members of the school committee. A preliminary election for the purpose of nominating candidates to be elected mayor at such election shall be held on the third Tuesday of September 2007, if necessary, as provided in Article 7 of this charter. At the city election held in November 2007, the 3 school committee candidates receiving the highest number of votes shall be declared elected to a 4 year term and the 3 candidates receiving the next highest number of votes shall be declared elected to a 2 year term. Thereafter at each city election 3 candidates shall be elected to the office of school committee member for terms of 4 years each.
- (3) On the first Tuesday following the first Monday in January the persons elected as mayor, board of aldermen members, and school committee members shall be sworn to the faithful performance of their duties.
- (4) Not later than 30 days following the date of the ratification of this charter by the voters the city clerk shall give to each member of the General Court who represent any part of Melrose a copy of the vote ratifying this charter.
- (5) Immediately after the election at which this charter is adopted, the board of aldermen shall appoint 4 persons to be a committee to begin a review of the city ordinances for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. The city clerk shall be the fifth member and chair of this committee. The committee shall submit a report, with recommendations, within 1 year following its creation and may submit interim reports with recommendations at any time. The review shall be conducted under the supervision of the city solicitor, or by special counsel appointed for that express purpose.

- (6) No later than June 30, 2008, the mayor shall promulgate a series of administrative orders providing for the organization of city government into operating agencies in accordance with section 5-1.
- (7) The mayor and board of aldermen shall have authority to adopt measures that clarify, confirm or extend any of the transitional provisions in order that such transition may be made in the most expeditious manner possible.

SECTION 10-6

MELROSE CODE

SECTION 10-6

Chapter A

ADMINISTRATIVE CODE

ARTICLE I
Introduction.

§ A-101. Introduction and regulatory authority.

- A. This Administrative Code is promulgated pursuant to Section 5-1 of the Charter of the City of Melrose. Section 5-1 authorizes the Mayor to organize, reorganize, consolidate or abolish City agencies. This Administrative Code will remain in effect unless modified or amended pursuant to the provisions of Section 5-1.
- B. The Administrative Code of the City of Melrose provides for the internal organization and administration of the Melrose government. The intention and purpose of this code is to establish a legal, practical, and efficient plan of organization and administrative procedures which allow for and encourage the effective delivery of municipal services to the residents of Melrose. The duties and functions of agencies described herein are to be read broadly and serve to illustrate, but not to circumscribe, the duties and responsibilities of the agencies of the City under the Charter, ordinances, and General Laws of the commonwealth. The Administrative Code is to be applied harmoniously and in concert with the applicable requirements of the Charter, ordinances and the General Laws.
- C. The Administrative Code is composed of two parts, the purpose of which is to describe the various responsibilities, authorities, and methods of administering municipal agency services. The parts describe the multiple-member appointive organization and the administrative organization. A brief description of each part follows:
 - (1) Multiple-member appointive organization: This describes all multiple-member bodies whose members are appointed by the Mayor and further delineates manner and time of appointment, terms of appointment generally and authorities and responsibilities.
 - (2) Administrative organization: This describes all of the administrative agencies of the City under the jurisdiction of the Mayor. It further delineates the mission and functions of each said agency and its authorities and responsibilities.

ARTICLE II

Multiple-Member Appointive Organization**§ A-201. Offices and standards.**

- A. Generally. This part of the Administrative Code describes all multiple-member bodies whose members are appointed by the Mayor and further delineates manner and time of appointment, terms of appointment generally and authorities and responsibilities. The City's representatives to regional governmental boards and committees shall, unless the organic law establishing such a committee provides otherwise, be appointed by the Mayor.
- B. Multiple-member bodies and advisory committees.
- (1) This part of the Administrative Code lists and describes all current multiple-member bodies of the City. The Mayor may, by administrative order, reorganize, consolidate, create, merge, divide, or abolish multiple-member bodies of the City. Administrative orders establishing multiple-member bodies shall specify the following: membership, term of office and authorities and responsibilities. Multiple-member bodies are considered to be City agencies as that term is defined in the Charter.
 - (2) Advisory committees may be appointed by the Mayor from time to time for the purpose of assisting him or her in carrying out his or her responsibilities. Advisory committees, however, shall have no official authority on behalf of the City of Melrose and shall not be considered a board, commission, committee or subcommittee of the City of Melrose. Appointments to advisory committees are not subject to Board of Aldermen approval or rejection.
- C. Method of appointment; removal; term of office.
- (1) The Mayor appoints all members of multiple-member bodies; provided, however, that appointments made by the Mayor shall become effective on the 45th day following the day on which notice of the proposed appointment is filed with the Board of Aldermen, unless the Board of Aldermen shall, within such period, by majority of the full Board of Aldermen, vote to reject such appointment or has sooner voted to affirm it. All members of multiple-member bodies shall take the oath of office within four weeks of their appointment and must take the oath of office prior to entering upon the duties of their office. The City Clerk administers oaths of office.
 - (2) Members of multiple-member bodies shall be deemed to have vacated office if said member fails to attend regularly scheduled meetings for a period of three consecutive months without express leave from the chair of such multiple-member body or if such member is absent from such duties for the period of one year notwithstanding the permission from the chair to be absent.

- (3) Unless otherwise provided by law, the terms of office of multiple-member bodies are arranged so that 1/3 of the terms or as nearly that number as may be possible shall expire each year; vacancies are filled in the same manner of appointment for the remainder of the term; length of term is three years and appointments are effective the first day of March and expire the last day of February. Numbers of members for multiple-member bodies will vary. Whenever a vacancy occurs on a multiple-member body because of death, resignation, removal from the City, removal by the Mayor or the pending expiration of a term for which a person has been appointed, public notice shall be given indicating the title, the length of term, a brief description of duties and a general indication of the qualifications desired of candidates. Members may be removed by the Mayor for such cause as the Mayor deems sufficient in accordance with the provisions of Section 3-4 of the Charter.
- D. Annual reports. All multiple-member bodies shall prepare an annual report of their activities and submit it to the Mayor and the City Clerk on or before the fourth Friday in September. The annual report shall describe fiscal year activities for the year ending each June 30. Where required by state, regional and federal regulations, certain boards may be required to submit copies of their annual reports to appropriate state, regional and federal agencies.
- E. Multiple-member body internal organization; rules and regulations; setting charges and fees.
 - (1) In order to acquaint new members of multiple-member bodies with the affairs which will come before them, the chair shall make available to each new member the minutes of the meetings of the two previous years and copies of any applicable laws, ordinances, rules, or regulations governing such multiple-member body.
 - (2) Each multiple-member body shall, at a minimum, annually elect from its membership a chair, vice chair and clerk, and such other officer or officers as are deemed necessary or as are required by statute. The annual election shall occur in March of each year. The Mayor and City Clerk shall be notified of the officers of each body upon their election.
 - (3) Each multiple-member body shall use Robert's Rules of Order and shall provide for the keeping of minutes. Such minutes shall be available for public inspection. The chair presides over all meetings of the multiple-member body and is the official representative of the multiple-member body in all proceedings before the Board of Aldermen and other officials of the City. The vice chair performs the chair's functions in the absence of the chair. The clerk is responsible for the certification of the multiple-member body's meeting minutes, observance of the Open Meeting Law,¹ and maintenance of the journal of proceedings of the multiple-member

body. If requested by any member, any vote shall be taken by a call of the roll and the vote shall be recorded in the journal provided. However, if the vote is unanimous, only that fact need be recorded. A majority of a multiple-member body shall constitute a quorum, but a smaller number may meet and adjourn from time to time. Regulatory multiple-member bodies shall make rules and regulations and adopt administrative processes for the proper function of activities under their care and control. Regulatory multiple-member bodies may set such charges and fees for services and the use of facilities as deemed appropriate. Such charges and fees shall be approved by the Mayor and the Board of Aldermen. All aspects of financial management for all multiple-member bodies shall be prescribed by the City Auditor.

- F. Time and place of meetings. The clerk of each multiple-member body is responsible for notifying the City Clerk, on or before the first of April, of the regularly scheduled multiple-member body meeting times and dates for the ensuing calendar year. The notification shall also include a location for each regular meeting. This shall not prevent multiple-member bodies from amending the schedule or calling special meetings in addition to those regularly scheduled, provided that, in all instances, provisions of the Open Meeting Law are followed. The City Clerk shall ensure posting of all meeting schedules, consistent with the Open Meeting Law.
- G. Authority to establish subcommittees. Each multiple-member body may, by a majority vote of its membership, establish subcommittees of the multiple-member body for the purpose of addressing a particular issue or issues. A report of their activities shall regularly be made to the full multiple-member body. Each subcommittee so established shall observe laws relevant to the keeping of public records, the Open Meeting Law, and any other applicable law, charter or administrative order.
- H. Multiple-member body meetings with Board of Aldermen. The chair of each multiple-member body shall annually, upon election, meet with the chair of the respective Board of Aldermen committee with which the multiple-member body has a relationship for the purpose of defining appropriate interaction and communication during the ensuing fiscal year. The meeting should establish the following: frequency and method of communications, official(s) or employee(s) responsible for communications, and multiple-member body and Board of Aldermen committee roles in the development of ordinances.
- I. Authority of multiple-member bodies. Multiple-member bodies may be:
 - (1) Advisory, wherein the body has no legal authority to promulgate rules or regulations, decide individual cases or enact policy;

- (2) Regulatory, wherein the body has legal authority to promulgate rules and regulations, set charges and fees, decide individual cases and enact policy;
 - (3) Ministerial, wherein the body has legal authority to take actions which are essentially administrative in nature; or
 - (4) Combinations of advisory, regulatory, and ministerial.
- J. Eligibility for service. Any resident of Melrose, except an elected official, is eligible to be appointed to a multiple-member body. The residency requirement may be waived by the Mayor. Only where expressly authorized by the Charter, the Administrative Code, or General Law shall an officer or employee be appointed to serve on a multiple-member body. This limitation shall not apply to advisory committees, as further defined in Subsection B of this section.
- K. Clerical and other assistants. Subject to the appropriation of the necessary funds, a multiple-member body may employ such clerical and other assistants as it may, from time to time, require. The positions of persons so employed shall be classified and their rates of compensation shall be fixed in accordance with the provisions of the salary administration plan. They shall be subject to the supervision of the multiple-member body and shall perform such duties as it may prescribe. **[Added 8-21-2017 by Ord. No. 2018-4]**

§ A-202. Aging, Council on.

State law reference: MGL c. 40, § 8B.

- A. Established. There shall be a Council on Aging consisting of five members of which at least four members shall be over the age of 60.
- B. Authorities and responsibilities. The Council on Aging coordinates and implements programs designed to meet the needs of residents age 60 and over. The Council surveys the elderly population to better determine their needs, problems and concerns. The Council develops criteria for program and supportive service development based upon an assessment of needs and participates in programs offered by the commonwealth's Executive Office of Elder Affairs. The Council has all of the other powers, duties and responsibilities that are given to councils on aging by the General Laws.
- C. The Council on Aging is an advisory multiple-member body of the City.

§ A-203. Appeals, Board of.

State law reference: MGL c. 41, § 81Z.

- A. Established. There shall be a Board of Appeals consisting of five members and up to two associate members.

- B. Authorities and responsibilities. The Board of Appeals hears and decides individual cases brought by persons seeking relief from the requirements of the Zoning Ordinance, all as provided for by General Laws and by the City Zoning Ordinance.² Specifically, the Board hears and decides applications for variances from the Zoning Ordinance requirements. It also hears and decides applications for special permits and appeals relating to actions or refusals to act by the zoning enforcement officer. The Board has all of the other powers, duties and responsibilities that are given to zoning boards of appeal by the General Laws.
- C. The Board of Appeals is a regulatory multiple-member body of the City.

§ A-204. Assessors, Board of.

State law reference: MGL c. 41, § 24.

- A. Established. There shall be a Board of Assessors consisting of three members.
- B. Authorities and responsibilities. The Board of Assessors annually makes fair cash valuation of all estates, both real and personal, subject to taxation within the City. The Board calculates and submits to the Board of Aldermen for its approval the annual tax rate information necessary to meet all sums voted by the City. The Board hears and decides all questions relating to the abatement of taxes levied by it. The Board has all of the other powers, duties and responsibilities that are given to boards of assessors by the General Laws.
- C. The Board of Assessors is an advisory and regulatory multiple-member body of the City.

§ A-205. Beebe Estate, Board of Trustees of the.

- A. Established. There shall be a Board of Trustees of the Beebe Estate consisting of seven members.
- B. Authorities and responsibilities. The Board of Trustees of the Beebe Estate shall have the management and control of the Beebe Estate house and gardens. The Board of Trustees shall have full power to use, rent or grant the use of the house and gardens and conditions and terms thereof; such conditions and terms shall be approved by the City Solicitor. The City of Melrose shall continue to occupy space in the building in perpetuity at no cost. All funds received by the Trustees shall be deposited in the City treasury and available for exclusive appropriation for Beebe Estate expenses. The Board shall annually submit a budget in the same manner as prepared by any other City department. The Trustees shall be deemed to be special municipal

2. Editor's Note: See Ch. 235, Zoning.

employees of the City of Melrose. **[Amended 8-21-2017 by Ord. No. 2018-4]**

- C. The Board of Trustees of the Beebe Estate is a regulatory and ministerial multiple-member body of the City.

§ A-206. Cable Television Commission.

- A. Established. There shall be a Cable Television Commission consisting of three members.
- B. Authorities and responsibilities. The Cable Television Commission advises the Mayor on matters relating to the licensing and administration of a contract for cable television services in the City. Consistent with the cable television contract, the Commission may be designated by the Mayor to exercise certain authorities under the contract. The Commission provides a forum for citizen complaints and suggestions relating to the cable television services and refers subscriber complaints to the cable operator for appropriate resolution. The Commission meets not less than once each quarter for the purpose of reviewing cable contract compliance and advising on other licensing matters.
- C. The Cable Television Commission is an advisory multiple-member body of the City.

§ A-207. Cemetery Committee.

State law reference: MGL c. 114, § 10.

- A. Established. There shall be a Cemetery Committee consisting of three members.
- B. Authorities and responsibilities. The Cemetery Committee manages the Wyoming Cemetery and may convey the sole and exclusive right of burial in any lot and of erecting tombs and other monuments thereon. The Committee has all of the other powers, duties and responsibilities that are given to cemetery commissioners by the General Laws.
- C. The Cemetery Committee is a regulatory multiple-member body of the City.

§ A-208. Conservation Commission.

State law reference: MGL c. 40, § 8C.

- A. Established. There shall be a Conservation Commission consisting of seven members and up to two associate members. The first appointment of the two associate members shall be for one year for one member and two years for one member. All subsequent appointments shall be for three years, and such appointments of associate members and the filling of vacancies in such associate members shall be by

appointment by the Mayor subject to confirmation by the Board of Aldermen. **[Amended 8-21-2017 by Ord. No. 2018-4]**

- B. Authorities and responsibilities. The Conservation Commission protects, promotes and enhances the quality of the natural resources within the City, especially wetlands and water resources. The Conservation Commission is responsible for the preservation and protection of floodplains, water bodies and other wetlands within the City. The Commission is responsible for the stewardship of the City's conservation lands. The Commission has all of the other powers, duties and responsibilities that are given to conservation commissions by the General Laws.
- C. The Conservation Commission is an advisory and regulatory multiple-member body of the City.

§ A-209. Health, Board of.

State law reference: MGL c. 111, § 26.

- A. Established. There shall be a Board of Health consisting of three members, one of whom shall be a physician.
- B. Authorities and responsibilities. The Board of Health preserves and maintains the City's public health standards and protects its environmental resources through community education and by promulgating reasonable rules and regulations pertaining to those matters placed under its jurisdiction by this Administrative Code. The Board takes evidence in appeals, considers plans required by law, holds hearings and issues findings relative to these matters but has no administrative or executive functions. The Director of Public Health exercises the administrative and executive functions of the Board. The Board may delegate the holding of hearings to the Director but retains the legal authority to vote on the ultimate disposition of the matter being heard. The Board establishes policies and programs for implementation by the Public Health Department. The Board has all of the other powers, duties and responsibilities that are given to boards of health by the General Laws.
- C. The Board of Health is an advisory and regulatory multiple-member body of the City.

§ A-210. Historical Commission.

State law reference: MGL c. 40, § 8D.

- A. Established. There shall be a Historical Commission consisting of seven members.
- B. Authorities and responsibilities. The Historical Commission preserves, protects, and develops the historical and archaeological assets of the City. The Commission may conduct research for places of historic and

archaeological value. The Commission may, subject to appropriation and approval by the Mayor, advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. The Commission, for the purpose of protecting and preserving such places, may make such recommendations as it deems necessary to the Mayor and, subject to the approval of the Board of Aldermen, to the Massachusetts Historical Commission that any such place be certified as a historical or archaeological landmark. The Commission surveys and compiles a listing of all historical sites and buildings within the City, public and private; determines the functions and structures of all historical organizations within the City; and holds correlative seminars with historical organizations. It further determines the requirements for repair, reconstruction, and protection of historical landmarks and assists and cooperates with public commissions in the conduct of public historical events. The Commission has all of the other powers, duties and responsibilities that are given to historical commissions by the General Laws.

- C. The Historical Commission is an advisory multiple-member body of the City.

§ A-211. Human Rights Commission.

- A. Established. There shall be a Human Rights Commission consisting of 11 members. The Commissioners shall, as far as it is practicable, be selected so as to ensure representation from those classes protected under state and federal law, including but not limited to race, color, religious creed, national origin, sex, age, disability, veteran status, ancestry, sexual orientation, or public benefit status.
- B. Authorities and responsibilities. The Human Rights Commission has the authority to initiate and conduct hearings, and conduct investigations into the existence of unlawful discrimination or denial of equal access to housing, employment, education, public accommodations, services and facilities affecting any group or individual on the basis of his or her race, color, religious creed, national origin, sex, age, disability, veteran status, ancestry, sexual orientation, or public benefit status. It may attempt to resolve disputes through the use of mediation and may report to the Mayor on any matters that cannot be resolved through mediation. The Commission has the authority to refer matters to the Massachusetts Commission Against Discrimination for enforcement. The Commission does not hear complaints alleging discrimination on the part of any City agency or official.
- C. The Human Rights Commission is a ministerial and advisory multiple-member body of the City.

§ A-212. Library, Board of Trustees of the.

- A. Established. There shall be a Board of Trustees of the Library consisting of six members.

- B. Authorities and responsibilities. The Board of Trustees represents to the City the interests, issues, and concerns of the library. The Board of Trustees establishes a written policy for the selection of library materials and the use of materials and facilities in accordance with the standards adopted by the American Library Association. The Board has all of the other powers, duties and responsibilities that are given to library trustees by the General Laws.
- C. The Board of Trustees is a regulatory and advisory multiple-member body of the City.

§ A-213. Liquor Licensing Commission.

State law reference: MGL c. 138, § 4.

- A. Established. There shall be a Liquor Licensing Commission consisting of three persons, who shall not be engaged, directly or indirectly, in the manufacture or sale of alcoholic beverages, who have been residents of the City for at least two years immediately preceding their appointment. One member shall be appointed from each of the two leading political parties and the third member may also be appointed from one of said parties. If any member of said Commission engages directly or indirectly in such manufacture or sale, his or her office shall immediately become vacant. Members shall serve for six-year terms.
- B. Authorities and responsibilities. The Liquor Licensing Commission acts as the licensing board for the City with all power to grant, suspend, or revoke licenses and permits for intoxicating liquors. The Commission has all of the other powers, duties and responsibilities that are given to liquor licensing commissions by the General Laws.
- C. The Liquor Licensing Commission is a regulatory multiple-member body of the City.

§ A-214. Park Commissioners, Board of.

State law reference: MGL c. 45, § 2; Chapter 124 of the Acts of 1936.

- A. Established. There shall be a Board of Park Commissioners consisting of five members.
- B. Authorities and responsibilities. The Board of Park Commissioners shall oversee the design, constructing, alteration, repair, maintenance and management of the public parks, squares, and playgrounds and the lighting and watering thereof. The Board of Park Commissioners shall have the exclusive care, management and control of the Mount Hood Memorial Park and Golf Course. The Board shall have full power to use, rent or grant the use of the property under its jurisdiction and set the conditions and terms thereof; such conditions and terms shall be approved by the City Solicitor.

- C. The Board of Park Commissioners is a regulatory multiple-member body of the City.

§ A-215. Planning Board.

State law reference: MGL c. 41, § 81A.

- A. Established. There shall be a Planning Board consisting of nine members appointed to serve for a term of five years or until their successors are appointed and qualified. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- B. Authorities and responsibilities. The Planning Board coordinates the development of the City's vision, policies, goals and objectives for the physical, environmental, economic and social growth and development of the community. The Board provides advice for the incorporation of the vision, policies, goals and objectives into a Comprehensive Plan and reviews planning and development proposals for conformance with that plan. The Planning Board continuously develops and revises the Comprehensive Plan for the physical, environmental and social needs of the City, and its constituent functional plans for housing, transportation, parks and open space, historic preservation, and geographic plans for the City's neighborhoods and retail business wards. It reviews and approves the subdivision plans for the City and decides applications for special permits for planned developments, hillside developments, and affordable housing. The Planning Board administers a site plan review process and issues site plans for new residential, commercial and industrial uses. The Planning Board is the agency assigned to review and provide comments on environmental impact reports. The Board has all of the other powers, duties and responsibilities that are given to planning boards by the General Laws.
- C. The Planning Board is an advisory and regulatory multiple-member body of the City.

§ A-216. Registrars of Voters, Board of.

State law reference: MGL c. 51, §§ 15 and 25 (Order No. 20907).

- A. Established. There shall be a Board of Registrars of Voters consisting of four members, one of whom shall be the City Clerk, with the City Clerk also having the title of Clerk of the Board of Registrars. As nearly as possible the members of the Board shall represent the two leading political parties, provided that the City Clerk need not be enrolled in a political party and provided, further, that in no case shall an appointment be made so as to cause the Board to have more than two members, including the City Clerk, of the same political party.
- B. Authorities and responsibilities. The Board of Registrars of Voters shall hold voter registration sessions, certify the signatures on nomination papers and petitions, hold hearings and decide disputes over signatures

on nomination papers, prepare an annual list of persons 17 and older, and employ poll workers and ballot counters. The Board has all of the other powers, duties and responsibilities that are given to boards of registrars of voters by the General Laws. **[Amended 8-21-2017 by Ord. No. 2018-4]**

- C. The Board of Registrars of Voters is a regulatory multiple-member body of the City.

§ A-217. Soldiers and Sailors Memorial Building, Board of Trustees of the.

State law reference: Chapter 78 of the Acts of 1926.

- A. Established. There shall be a Board of Trustees of the Soldiers and Sailors Memorial Building consisting of five members, at least two of whom shall be veterans.
- B. Authorities and responsibilities. The Board of Trustees of the Soldiers and Sailors Memorial Building shall have charge and control of the repairs, maintenance and management of the Soldiers and Sailors Memorial Building and any personnel assigned to perform repairs, maintenance and management of said facility. The Trustees shall have full power to use, rent or grant the use of the property under their jurisdiction and set the conditions and terms thereof; such conditions and terms shall be approved by the City Solicitor.
- C. The Board of Trustees of the Soldiers and Sailors Memorial Building is a regulatory and ministerial multiple-member body of the City.

§ A-218. Veterans' Services Advisory Board.

State law reference: MGL c. 115, § 12.

- A. Established. There shall be a Veterans' Services Advisory Board consisting of 15 members.
- B. Authorities and responsibilities. The Veterans' Services Advisory Board renders such assistance to the Veterans' Agent relative to the provisions of services to veterans as said Veterans' Agent may request.
- C. The Veterans' Services Advisory Board is an advisory multiple-member body of the City.

§ A-219. Commission on Women. [Added 2-16-2016 by Ord. No. 2016-77]

- A. Established. There shall be a Commission on Women ("Commission") consisting of nine members. The members of the Commission shall be residents of the City of Melrose, shall be drawn from diverse racial, ethnic, religious, age, sexual orientation and socioeconomic backgrounds, and shall have prior experience working toward the

improvement of the status of women in society. **[Amended 6-19-2017 by Ord. No. 2017-128]**

B. Authorities and responsibilities.

(1) The Commission shall endeavor to study, understand, and promote constructive action in areas of interest and concern to women and girls in the community. As a central voice representing the interests of women and girls in the community, the Commission shall facilitate and promote economic, health, safety, education, leadership, and advocacy opportunities for women, foster the advancement of women and girls toward full equality in all areas of life, and provide the community with a needed vehicle for information, advocacy, and action on issues affecting women. In addition, the mission of the Commission shall be guided by the following functions:

- (a) Survey and engage the women of Melrose in order to understand issues of concern and areas of opportunity, such as family and workplace policies, pay equity, women's health, and other areas as identified;
- (b) Educate leaders of business, education, health care, local government, media, and the public on issues affecting women in our community;
- (c) Promote and facilitate collaboration among local boards, commissions, and organizations with regard to issues affecting women in our community;
- (d) Serve as an educational resource by conducting research, producing publications, and providing educational programs;
- (e) Develop and implement special projects and community events focused on areas of interest and concern to women which are not currently being implemented;
- (f) Recognize and promote the accomplishments of women in the community; and
- (g) Preserve, document, and educate the public on the important contributions of women throughout the community's history.

(2) The Commission shall meet each January to elect one of its members as chair and to decide on a calendar of monthly meetings for the ensuing year, said calendar to be posted conspicuously at City Hall. Four members of the Commission shall constitute a quorum, and a majority of those present shall be sufficient for any action taken by the Commission. Any member who fails to attend three consecutive meetings shall be removed from the Commission.

C. The Commission on Women is a ministerial and advisory multiple-member body of the City of Melrose.

§ A-220. Multiple-member bodies incorporated by reference.

The following multiple-member bodies are incorporated herein for reference. They are created by a special act of the Legislature and may not be modified by ordinance or administrative orders.

- A. Pine Banks Park Corporation established pursuant to the provisions of Chapter 393 of the Acts of 1905, Chapter 162 of the Acts of 1906 and Chapter 450 of the Acts of 1922.
- B. Traffic and Parking Commission established pursuant to the provisions of Chapter 76 of the Acts of 1998.

ARTICLE III
Administrative Organization

§ A-301. Offices and standards.

- A. Generally. All agencies, except the office of the City Clerk, are under the jurisdiction of the Mayor and are described in this part of the Administrative Code. The description of agencies delineates the mission and functions of each agency and broadly highlights their authorities and responsibilities.
- B. Coordination of operations. The Mayor coordinates administration, finance, operations and public safety activities by meeting regularly to discuss and coordinate activities to mitigate duplication of services where possible. The Mayor develops action programs, evaluates program completion, and reviews management, financial, personnel, and legal issues. Significant attention is paid towards coordination of work programs, so as to ensure minimal work disruption and efficient service delivery. The delivery of services to the public requires coordination and cooperation among the various divisions, departments and programs within the City. Departmental managers identify those areas of concern where the various agencies can assist each other in the accomplishment of their mission.
- C. Multiple-member body coordination.
 - (1) It is an administrative obligation for the departmental liaison to a multiple-member body to regularly and accurately represent to management multiple-member body activities, policies and decisions, so as to ensure efficient implementation of said body's activities.
 - (2) It is further an administrative obligation to assist multiple-member bodies in the pursuit of their missions and responsibilities. Administrative personnel ensure that multiple-member bodies receive objective, timely, professional and accurate information upon request, in order to better assist multiple-member bodies in their activities.
 - (3) The Mayor ensures proper staff support to multiple-member bodies. The Mayor may discuss with the chair of any multiple-member body the level and quality of administrative support provided, upon the multiple-member body chair's request. Multiple-member body chairs are encouraged to communicate with the Mayor, as necessary, in this and other matters. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- D. Board of Aldermen coordination.
 - (1) City departments provide professional support to the elective organization of the City primarily through the Mayor and the School Superintendent.

- (2) Coordination of reports to the Board of Aldermen occurs through the Mayor. All agencies under the jurisdiction of the Mayor ensure that the Board of Aldermen receives objective, timely, professional and accurate information upon request, in order to better assist the Board of Aldermen in its legislative and policy decisionmaking process.
 - (3) In order to ensure that the coordination of reports to the Board of Aldermen is effective, the Mayor assumes responsibility for the information transmittal. The procedure for transmittal of reports from an agency to the Board of Aldermen is for information to route through the Mayor. The procedure for transmittal of report or service requests from the Board of Aldermen to an agency is for such requests to route through the Mayor.
 - (4) Coordination of report or service requests involving the School Committee and School Superintendent from any municipal agency is similarly transmitted through the Mayor.
 - (5) Nothing in this section shall be construed to deny to members of the Board of Aldermen direct access to information that is readily available and provided by agencies to members of the general public in the pursuit of their civic responsibilities or private business, nor shall staff members be discouraged from providing such information through formal or informal means.
- E. Annual reports. All agencies shall prepare an annual report of their activities and submit it to the Mayor on or before the fourth Friday in September. The annual report shall describe fiscal year activities for the year ending each June 30. Where required by state, regional and/or federal regulations, certain agencies may be required to submit copies of their annual reports to appropriate state, regional and/or federal agencies. The Mayor shall provide for a standard reporting format.

§ A-302. City Clerk.

- A. Established. There shall be an office of the City Clerk under the supervision of a City Clerk elected by the Board of Aldermen. The City Clerk is Clerk to the Board of Aldermen and also serves as a member of the Board of Registrars of Voters and provides supervision to the Elections Administrator.
- B. Authorities and responsibilities.
- (1) The City Clerk is the keeper of vital statistics of the City and of ancient and public records. The City Clerk records and preserves original birth, marriage, and death records and is responsible for the maintenance, disposition, and preservation of municipal archival records. The City Clerk is the custodian of the City Seal and the official records of the City.

- (2) The City Clerk administers the oath of office to elected and appointed officers, notifies the Mayor within 30 days of the expiration of a term of office of all officers appointed by the Mayor, and furnishes copies of the Open Meeting and Conflict of Interest Laws³ to elected and appointed officers.
- (3) The City Clerk posts meeting notices for agencies of the City and other governmental bodies.
- (4) The City Clerk is the custodian of Planning Board records; the rules, regulations, and minutes of multiple-member bodies; and books, reports, and laws received from the commonwealth, and under the Zoning Act⁴ the City Clerk receives copies of decisions and notices of appeal.
- (5) The City Clerk keeps the legislative record of the Board of Aldermen and notifies the Auditor and Treasurer/Collector of Board of Aldermen votes authorizing appropriations and assessments.
- (6) The City Clerk issues such licenses and permits as may be provided by law, including those for marriage, raffles, bazaars, businesses and dogs.
- (7) The City Clerk records state and federal tax liens and Uniform Commercial Code filings.
- (8) The City Clerk receives notice of claims and transmits these claims to the Law Department.

§ A-303. Community Services Division.

A. General provisions.

- (1) Established. There shall be a Community Services Division under the supervision of a Director of Community Services. The Community Services Division shall ensure that programs and services delivered by the departments within are coordinated and responsive. There shall be the following departments within the Community Services Division: Council on Aging, Public Library, Recreation, and Veterans' Services. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- (2) Authorities and responsibilities. The Community Services Division and the departments included therein ensure that Melrose residents have access to programs and services. To these ends the Division seeks to collaborate with residents, other City departments and local, state and federal agencies in developing appropriate programs and services.

3. Editor's Note: See MGL c. 30A, §§ 18 to 25, and MGL c. 268A, respectively.

4. Editor's Note: See MGL c. 40A.

B. Council on Aging Department.

- (1) Established. There shall be a Council on Aging Department within the Community Services Division under the supervision of a Council on Aging Director.
- (2) Authorities and responsibilities. The Council on Aging Department operates a senior center to provide services and for the enjoyment of all elders within the City. The Department is responsible for outreach to elders in the community, in particular to hard-to-reach elders, including those with limited English speaking abilities or with mobility impairments. The Department develops health, cultural and recreational programs and will manage the operations of the center. The Department provides administrative support to the Council on Aging and receives advisory information regarding program service delivery.

C. Public Library Department.

- (1) Established. There shall be a Public Library Department within the Community Services Division under the supervision of a Library Director.
- (2) Authorities and responsibilities. The library provides for the free circulation of books and information technology and videotapes and for the maintenance of Melrose memorabilia for the community and may receive and hold gifts, bequests and devises for its use. The library makes available public meeting space.

D. Recreation Department.

- (1) Established. There shall be a Recreation Department within the Community Services Division under the supervision of a Recreation Director. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- (2) Authorities and responsibilities. The Department is responsible for the establishment, coordination and/or implementation of community sports programs for all boys and girls as well as adults, including working with the City's youth leagues; the planning and coordination of cultural events, including celebrations of the 4th of July, Memorial Day, December holidays, and any festivals or public events; and the supervision and coordination of programmatic activities within the municipal parks. The Department(s) stimulates community interest and participation in the area of recreation, offering diverse programs that promote and foster healthy lifestyles, encourage family involvement and expand community partnerships.

E. Veterans' Services Department.

- (1) Established. There shall be a Veterans' Services Department within the Community Services Division under the supervision of a Veterans' Agent.
- (2) Authorities and responsibilities. The Veterans' Services Department provides aid and assistance to veterans and/or their dependents, secures appropriate benefits for this service group, and provides outreach, counseling, medical, employment, and other support services.

§ A-304. Emergency Management Department.

- A. Established. There shall be an Emergency Management Department under the supervision of an Emergency Management Director.
- B. Authorities and responsibilities. The Emergency Management Department provides planning, resources, communications and recovery services in support of emergencies in the City, adjacent communities, and the commonwealth. The Department functions as the emergency preparedness department consistent with Chapter 639 of the Acts of 1950 and is responsible for coordinating and planning all disaster emergency functions and services within the City amongst all municipal and nonmunicipal agencies and departments. The Department updates and exercises a plan of pre-emergency actions known as the Comprehensive Emergency Management Plan and the Superfund Amendment and Reauthorization Act of 1980 Title III Plan, mitigates emergencies, assists in responses to hazardous materials incidents, and administers cost recovery and other reimbursement programs.

§ A-305. Finance Division.

- A. General provisions.
 - (1) Established. There shall be a Finance Division under the supervision of a Chief Financial Officer. The Chief Financial Officer may serve as the City Auditor or the Treasurer/Collector, but not both. The Chief Financial Officer may also serve as the chief procurement officer. There shall be the following departments within the Finance Division: Assessing, Auditing, Information Technology, Parking Clerk and Treasury/Collecting.
 - (2) Authorities and responsibilities. The Finance Division assists the Mayor with the coordination and administration of the activities of the Assessing, Auditing, Information Technology, Parking Clerk and Treasury/Collecting Departments. The Finance Division is responsible for ensuring that financial and internal support is provided to all departments, providing the general public with departmental information, and improving accessibility to local government and its services.

B. Assessing Department.

- (1) Established. There shall be an Assessing Department within the Finance Division under the supervision of a Director of Assessing.
- (2) Authorities and responsibilities. The Assessing Department creates and maintains a database that includes property characteristics and ownership information for every parcel within the City. This information forms the basis for the Department to apportion the tax levy fairly and equitably among all the taxpaying accounts. In addition, the Department administers motor vehicle excise tax, acts on statutory exemptions, and considers grievances regarding property values.

C. Auditing Department.

- (1) Established. There shall be an Auditing Department within the Finance Division under the supervision of a City Auditor.
- (2) Authorities and responsibilities.
 - (a) The Auditing Department produces monthly financial reports of revenues and expenditures. The Department examines the books and accounts of all City agencies entrusted with the receipt, custody or expenditure of funds and all original bills and vouchers on which funds have been or may be paid from the City treasury. The City Auditor verifies the cash balance of the City treasury by actual count of the cash and review of the bank reconciliations and sets out in his or her annual report the facts so found.
 - (b) The City Auditor audits annually the accounts of the trustees of any property where the principal or income, in whole or in part, is bequeathed or given in trust for the benefit of the City and examines and estimates the funds, securities, and property held by such trustees.
 - (c) The Department examines all bills, drafts, orders and payrolls and, if found correct, draws a warrant upon the treasury for their payment. The Department disallows or refuses to approve for payment any claim found to be fraudulent, unlawful or excessive. The Department maintains a complete set of books and the accounts are kept, so far as practicable, in conformity with the classifications and forms prescribed by law. The Department has custody of all contracts of the City.
 - (d) The Department, at the close of the calendar year, compiles statements in tabulated form, showing the amounts appropriated and the amounts expended and encumbered from each appropriation during the preceding fiscal year, the amounts appropriated for the current fiscal year and the amounts expended and encumbered from such appropriations

during the first six months of such year, the amounts estimated to be expended from such appropriations during the second six months of such year and the estimates for the next ensuing fiscal year, and furnishes a copy thereof to the Mayor.

- (e) The City Auditor participates in the development of the annual operating budget, the capital improvements program, and long-term financial forecasts.

D. Information Technology Department.

- (1) Established. There shall be an Information Technology Department within the Finance Division under the supervision of a Director of Information Technology.
- (2) Authorities and responsibilities. The Department is responsible for several major functional areas: systems development and planning, systems modification and enhancement, operations, central services, and management and administration of the hardware and software for the geographic information system in cooperation with the Departments of Planning and Development and Public Works. The Department provides computer hardware acquisition and maintenance support, software acquisition, development and enhancement to all departments. It further is responsible for computer supplies management, binding, printing, plotting and scanning services, as well as desktop publishing and data communications. The Department is responsible for developing a program for computer training and, most significantly, for processing of all municipal software programs on the host computer system and the City's local area network(s). The Department is the central depository for all electronic information and associated systems maintained and utilized by the City.

E. Office of the Parking Clerk.

- (1) Established. There shall be an office of the Parking Clerk within the Finance Division under the supervision of a Parking Clerk.
- (2) Authorities and responsibilities. The office of the Parking Clerk shall supervise and coordinate the processing of parking violations. The Parking Clerk shall have the authority, subject to the approval the Mayor, to hire or designate such personnel and organize such divisions as the Parking Clerk may deem necessary or contract, by competitive bidding, for such services subject to appropriation to carry out the provisions of this section. The Parking Clerk, acting as a hearing officer, shall have the authority to hold hearings to adjudicate disputes arising from the issuance of parking violations. Said hearing shall be informal, the rules of evidence shall not apply and the decision of the hearing officer shall be final subject to judicial review.

F. Treasury/Collecting Department.

- (1) Established. There shall be a Treasury/Collecting Department within the Finance Division under the supervision of the Treasurer/Collector.
- (2) Authorities and responsibilities. The Treasury/Collecting Department collects and enforces the collection of committed taxes. The Department receives all money belonging to the City and expends and accounts for it according to the ordinances of the City or its authorized officers. The Treasurer/Collector is the negotiating officer for all municipal borrowing and arranges the terms of the borrowing. The Treasurer/Collector establishes and maintains an efficient cash management system reflecting the breakdown of all receipts, disbursements and cash balances. The Treasurer/Collector invests funds to ensure maximum yield on investments while maintaining adequate availability of cash. The Treasurer/Collector maintains all tax title accounts, prepares and maintains all collector's deeds, conducts sales of land of low value, and prepares documents required to petition for foreclosure. The Treasurer/Collector is responsible for the closing and reconciliation of all books and accounts in the Treasury/Collecting Department and for the preparation of related reports. The Treasurer/Collector is the custodian of the funds of the contributory retirement system.

§ A-306. Fire Department. [Amended 5-18-2009 by Ord. No. 09-176]

- A. Established. There shall be a Fire Department under the supervision of a Fire Chief.
- B. Authorities and responsibilities. The Fire Department takes all necessary steps for the extinguishment of fires and the mitigation of hazardous incidents within the City, including the utilization of all necessary personnel and equipment thereof, the destruction of any building or structure and the removal of any obstruction for the purpose of checking or extinguishing fires or hazardous incidents. The Department establishes the location, relocation or removal of all public fire alarm boxes. The Department's fire alarm maintenance lineman shall be responsible for the municipal fire alarm system. The Department assists in the reestablishment of order in the event of civil disturbance, disaster or riot or any other declared emergency. The Department maintains a record of all fires that occur within the City requiring the services of the Department. The Department carries out the terms and provisions of all fire service agreements entered into with other governmental units. The Department investigates the causes of all fires and provides written reports of all suspected arson, inspects all buildings and structures as provided for by the State Fire Code, and provides for the issuance and renewal of certificates of occupancy.

§ A-307. Human Resources Department.

- A. Established. There shall be a Human Resources Department under the supervision of a Human Resources Director.
- B. Authorities and responsibilities. The Human Resources Department administers the classification and compensation plans, collective bargaining agreements and personnel policies. The Department provides advice and assistance to the Mayor and departmental managers on personnel matters, including position classification and compensation levels, employee relations, employee grievances and disciplinary action. The Department develops and administers recruitment, pre-employment physical and psychological examinations and employment processing programs designed to attract the best qualified person to positions in the City's workforce. It plans, develops, supervises, and conducts training, education, employee assistance and career information programs. The Department develops, establishes, and coordinates uniform personnel practices and procedures, including centralized personnel records, standardization of forms and records, position descriptions and compensation standards. It furnishes information relative to civil service and provides assistance to departments relative to civil service matters. The Department investigates, authenticates, processes and resolves workers' compensation and active and retired police officer and firefighter indemnification claims. The Department develops, establishes, and coordinates affirmative action and equal employment opportunity programs designed to reflect the diversity of the City's population in the workforce, ensures the City's compliance with the Fair Labor Standards Act, designs and administers the group health and life insurance programs, and manages the unemployment insurance program.

§ A-308. Inspectional Services Department. [Amended 5-18-2009 by Ord. No. 09-176; 8-21-2017 by Ord. No. 2018-4⁵]

- A. Established. There shall be an Inspectional Services Department, under the supervision of a Director of Inspectional Services, who shall serve as the Building Commissioner and zoning enforcement officer, consisting of building, electrical, plumbing and gas and sealer of weights and measures.
- B. Authorities and responsibilities.
 - (1) The Inspectional Services Department provides a variety of services relating to public safety, environmental and quality of life concerns of the City residents. The Department has eight areas of responsibility: building, plan review, zoning, plumbing, electrical, gas, public safety and sealer of weights and measures. The Department reviews plans, issues permits, conducts inspections,

5. Editor's Note: This ordinance also provided that throughout the City Code references to the "Department of Inspection Services" were amended to "Inspectional Services Department" and references to the "Director of Inspection Services" were amended to "Director of Inspectional Services."

enforces zoning ordinances and investigates and abates complaints. All permits issued, inspections made and enforcement conducted by the Department shall be in accordance with all governing provisions of the Massachusetts General Laws and the Code of Massachusetts Regulations, which provide the Inspectional Services Department with its authority.

- (2) The Department regulates the sale of commodities by weight or measure, inspecting and testing weighing and measuring devices; the operation and use of electronic retail checkout systems; and the method of sale of commodities and the labeling of prepackaged commodities. The Department abates nuisances declared by the Board of Aldermen.

§ A-309. Law Department.

- A. Established. There shall be a Law Department under the supervision of a City Solicitor.
- B. Authorities and responsibilities. The City Solicitor serves as legal counsel to the Board of Aldermen, School Committee, Mayor, and to all agencies and multiple-member bodies of the City. The City Solicitor examines all titles to property purchased by the City and drafts such bonds, deeds, contracts and other legal instruments of whatever nature as may be required by Charter, ordinance or this Administrative Code for the orderly administration of the affairs of the City. He or she attends meetings of the Board of Aldermen as necessary and at the request of the President of the Board of Aldermen advises the Board of Aldermen on questions of law relating to the subject matters before the Board of Aldermen and on the legality of any votes, motions, or other actions proposed to be taken by the Board of Aldermen. He or she provides legal advice and renders written opinions to the Mayor and all elected or appointed City officers, departments and multiple-member bodies on matters pertaining to the functions of their respective offices or on questions of law relating to matters within their authority. The City Solicitor, or his or her designee, prosecutes all legal actions brought on behalf of the City or any officer or agency acting in its capacity as such; defends all actions brought against the City or any officer or agency acting in its capacity as such in any court or other tribunal; and appears as legal counsel for the City in any other actions which may involve the rights and interests of the City or any officer or agency thereof. He or she advises the Mayor on the advisability of resolving or settling claims or suits brought against the City. The City Solicitor may settle such claims or suits if in his or her opinion they can be settled advantageously to the interests of the City.

§ A-310. Planning and Community Development Department.

- A. Established. There shall be a Planning and Community Development Department under the supervision of a Director of Planning and

Community Development. The Planning Board, the Historic District Commission, the Board of Appeals, the Conservation Commission, the Industrial Development Financing Authority and the Melrose Redevelopment Authority are consolidated under the administrative control of the Director of Planning and Community Development. This consolidated department shall not act as nor be construed as including the local housing authority organized under MGL c. 121B, § 3. All books, papers, documents, equipment, building facilities, land and other property, both real and personal, which are or have been in the custody and control of the Planning Board, the Board of Appeals, the Conservation Commission, the Industrial Development Financing Authority and the Melrose Redevelopment Authority shall forthwith be transferred by said agencies to the Planning and Community Development Department. All monies and assets including grants and reimbursements from whatever source of the Planning Board, the Board of Appeals, the Conservation Commission, the Industrial Development Financing Authority and the Melrose Redevelopment Authority are hereby credited to the account of the Planning and Community Development Department. All contracts in force shall be continued in force by such Department until they otherwise expire or are cancelled. Any judicial proceeding in which the Planning Board, the Board of Appeals, the Conservation Commission, the Industrial Development Financing Authority or the Melrose Redevelopment Authority is a party shall not be affected, but the Planning and Community Development Department shall stand in place of said agencies.

B. Authorities and responsibilities.

- (1) The Planning and Community Development Department is organized so that it provides services in the following areas: housing planning and development, which includes all housing programs and community development program applications and administration; economic planning and development, which includes industrial, commercial and retail activities; capital facilities planning and development, which includes transportation, parks and open space and public facilities planning, program and project implementation; planning and coordination, which includes the comprehensive planning process, including functional, geographic and capital improvement planning; land use review and controls such as zoning, site plan and design review process; and other administrative and technical services.
- (2) The Planning and Community Development Department activities include but are not limited to the following: conduct studies of the resources, possibilities and needs of the City and its relationship with other municipalities in the metropolitan region; collect data and create a database for the City and relevant components; provide analysis and interpretation of data and studies; initiate and propose policies, goals and objectives for the physical, economic,

social and environmental needs of the City; prepare economic development policies, strategies and plans for the City; develop economic initiatives and proposals and implement specific economic development projects and programs; manage the planning, design, and construction of capital facilities and community and economic development projects, either independently or in cooperation with other agencies as appropriate; review and analyze proposals for housing, transportation, parking and traffic circulation, parks and open space, historic preservation, environmental resources, public facilities, industrial, commercial and retail development and related matters to assist the Mayor, Board of Aldermen, multiple-member bodies, and other agencies in the making of any recommendations or rendering of any approvals which they may be required to make concerning such matters; provide site plan review and design review services for public and private projects for the City and for all projects which seek City permits or approvals; act as administrative and technical advisor and render clerical support to the Planning Board, the Board of Appeals and the Conservation Commission and provide technical support to the Traffic and Parking Commission; and prepare applications for grants and provide grant administration for those received.

§ A-311. Police Department.

- A. Established. There shall be a Police Department under the direction of a Chief of Police.
- B. Authorities and responsibilities. The Police Department is responsible for the protection of life and property, the preservation of peace, order and safety, the safeguarding of constitutional guarantees, the prevention of crime and the detection and arrest of offenders. The Department investigates incidents and is empowered to enforce laws and ordinances. The Chief of Police issues licenses and permits for firearms and gunsmiths and makes recommendation to the Mayor on individuals to be appointed as constables and special police officers.

§ A-312. Public Health Department.

- A. Established. There shall be a Public Health Department under the supervision of a Director of Public Health.
- B. Authorities and responsibilities. The Public Health Department administers and enforces rules and regulations of the Board of Health, local ordinances, and state laws and regulations relating to public health. The Department investigates and controls the causes of diseases affecting the public health and provides for the detection, reporting, prevention and control of any diseases or health hazard considered dangerous or important, or which may affect the public health. The Department establishes and maintains reasonable health

programs as necessary or desirable for the promotion or protection of the public health and the control of disease as necessary to ameliorate the risk factors associated with the causes of injury, sickness, death and disability within the City. If resources are available, the Public Health Department conducts periodic assessments in order to identify prevalent health needs and recurrent health problems of the community. The Department operates programs including but not limited to school nurses, substance abuse prevention, emergency preparedness and canine control. The Public Health Department prepares, publishes and disseminates such information as may be necessary to inform and advise the public concerning the health and wellness of the population, specific hazards and risk factors that may adversely affect the health and wellness of the population, and specific activities that individuals and institutions can engage in to promote and protect the health and wellness of the population. The Department makes inspections and issues permits, licenses, and certificates and promulgates and enforces reasonable rules and regulations and provides for appeals and variances as required under the State Sanitary Code, the State Environmental Code and the various state codes and City ordinances concerning food purity and quality, housing quality, trash disposal and dumpsters, and other areas of environmental quality. The Department works cooperatively with other City departments as well as local, regional, and state agencies to achieve its mission.

§ A-313. Public Works, Department of.

- A. Established. There shall be a Department of Public Works under the supervision of a Director of Public Works who may also serve as the City Engineer.
- B. Authorities and responsibilities. The Department of Public Works designs and administers the design and construction of public works projects, including buildings, roads, bridges, drainage culverts, sidewalks, bike paths, drainage, and traffic control devices, including traffic signals, pavement markings and signs; provides technical support to other City departments and agencies; provides routine and special survey services in support of City projects; maintains record plans, drawings, reports, field books, easements, maps and documents; and prepares and updates Assessors' maps. The Department provides for the maintenance and repair of roads, sidewalks, and drainage structures; sweeping of roads and parking lots; installation and maintenance of traffic markings; snow and ice control; and maintenance and repair of vehicles and equipment. The Department manages solid waste programs including trash disposal, recycling and yard waste. The Department maintains City buildings (excluding schools and the Mount Hood Memorial Park and Golf Course) and provides for the maintenance of the Wyoming Cemetery, parks and open spaces through its own forces or through the management of private contractors; maintenance and field preparation of recreation areas; planting, care and maintenance of flower beds, trees, and ornamental

shrubs along City-maintained ways, active and passive parks, recreation areas and conservation lands; and servicing of trash containers located throughout the City. The Department manages the wastewater collection system, including operation and maintenance of pumping stations and gravity mains, maintenance of an accounts receivable and billing system for water and sewer use and trash fee billing.

Chapter 1

GENERAL PROVISIONS

ARTICLE I

Adoption of Code**[Adopted 12-16-2002 by Ord. No. 02-060A]****§ 1-1. Adoption of Code.**

The ordinances of the City of Melrose as previously consolidated in the 1976 Revised Ordinances and the 1993 Revised Ordinances, and subsequent ordinances of a general and permanent nature adopted by the Board of Aldermen of the City of Melrose, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 235, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the City of Melrose," hereinafter referred to as the "Code."

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede the 1976 Revised Ordinances and the 1993 Revised Ordinances of the City of Melrose and all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-3. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the legislation in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such legislation and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior legislation.

§ 1-4. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the City Clerk, and such certified copy shall remain on file in the office of said City Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-5. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Board of Aldermen to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of Melrose" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall

thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-6. Publication; filing.

The Clerk of the City of Melrose, pursuant to law, shall cause to be published, in the manner required by law, a copy of this Adoption Ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the City Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the Board of Aldermen. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-9. 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 City of Melrose to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine of not more than \$150.

§ 1-10. 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.

§ 1-11. 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.

§ 1-12. Repealer.

All ordinances or parts of 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 Adoption Ordinance, except as hereinafter provided.

§ 1-13. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to July 6, 2001.
- 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 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 ordinance 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. 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 annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- M. Any regulations adopted by the Traffic Commission.

§ 1-14. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the City of Melrose, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsection B hereof. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Board of Aldermen that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance.⁶ (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-15. When effective.

This ordinance shall take effect upon passage and publication as required by law.⁷

6. Editor's Note: All sections of the Code which were amended or added by this ordinance contain the following history "12-16-2002 by Ord. No. 02-060A." Schedule A, which contains a complete description of all changes, is on file in the office of the City Clerk.

7. Editor's Note: This ordinance was adopted with the following amendment, designated as Schedule B: "Be it ordered by the Melrose Board of Aldermen that the revised ordinances as prepared by the General Code Corporation of Rochester N.Y. parts excluding Chapters 220 and A237 is hereby accepted by the Melrose Board of Aldermen, on the following terms: 1) Scriveners Error. That any scriveners error shall be corrected based on the last amendment/amendments as offered and/or amended by the Melrose Board of Aldermen. 2) Scriveners errors. That this acceptance by the Board of Alderman shall not be considered an adoption of any scriveners error or omission."

ARTICLE II

Use and Construction of Code

**[Adopted as Rev. Ords. 1976, §§ 1-2, 1-3, 1-6 to 1-8, 1-14 and 1-15
(Rev. Ords. 1989, §§ 1-2, 1-3, 1-6, 1-11 and 1-12)]**

§ 1-16. Definitions and word usage.

In the construction of this Code and of all ordinances hereafter enacted the following interpretations shall be placed on the words and phrases hereinafter mentioned, unless such construction or interpretation shall be manifestly inconsistent with the evident intent of the Board of Aldermen or repugnant to the context or to the evident purport of any ordinance.

- A. Definitions. As used in this Code, the following terms shall have the meanings indicated:

BOARD OF ALDERMEN — The Board of Aldermen of the City of Melrose.

CHARTER — The Charter of the City of Melrose as printed in this volume.

CITY COLLECTOR — The City Treasurer and Collector.

CITY, THE CITY or THIS CITY — The City of Melrose in the County of Middlesex and Commonwealth of Massachusetts.

CITY TREASURER — The City Treasurer and Collector.

COMMONWEALTH — The Commonwealth of Massachusetts.

COUNTY — The County of Middlesex in the Commonwealth of Massachusetts.

MONTH — A calendar month.

OWNER — When applied to a building or land includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

PERSON — Includes a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

PRECEDING and FOLLOWING — Next before and next after, respectively.

PUBLIC GROUNDS — Includes the commons and all public lands owned by the City and those parts of public places which do not form traveled parts of streets or highways.

TENANT or OCCUPANT — When applied to a building or land includes any person holding a written or oral lease for or who occupies the whole or a part of such building or land, either alone or with others.

WAY, STREET or HIGHWAY — Includes boulevards, avenues, courts, lanes, alleys, squares, places and sidewalks, and each of these words includes every other one of them.

WRITING or WRITTEN — Includes printing, engraving, lithographing and any other mode of representing words and letters, but if the written signature of a person is required by law, it shall always be his/her own handwriting or, if he/she is unable to write, his/her mark.

B. Word usage.

- (1) Computation of time. The time in which an act is to be done shall be computed by excluding the first and including the last day, and if the last day is Sunday or a legal holiday that day shall be excluded.
- (2) Gender. Words used in the masculine gender shall include the feminine and neuter.
- (3) Joint authority. Words purporting to give a joint authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or persons, unless otherwise herein expressly provided.
- (4) Number. Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular.
- (5) Statute reference. Whenever reference is made to MGL c. ___, § ___, it shall mean the Tercentenary Edition of General Laws and all amendments in addition thereto.
- (6) Tense. Words used in the past or present tense include the future as well as the past and present.

State law references — Similar rules of construction and definitions for statutes, MGL c. 4, §§ 6 and 7; Sundays and legal holidays generally, MGL c. 136.

§ 1-17. Catchlines, history notes and references.

- A. The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.
- B. The history notes appearing in brackets after sections of the Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the sections.

- C. The references and editor's notes appearing throughout the Code are not intended to have any legal effect but are merely intended to assist the users of this volume.

§ 1-18. Ordinances and resolves.

- A. Enacting style of ordinances. All bylaws of the City shall be denominated ordinances or orders, and the enacting style shall be: "Be it Ordained by the Board of Aldermen of the City of Melrose, as follows."
- B. City Clerk to record ordinances. All ordinances shall be recorded by the City Clerk, in the order in which they are passed to be ordained, in a book prepared and kept for that purpose. Such book shall be lettered "Records of Ordinances, City of Melrose" and shall be preserved in the office of the City Clerk, subject to public inspection.
- C. Forms of orders and resolves. Whenever the Board of Aldermen expresses anything by way of command, the form of expression shall be "Ordered," and when such Board expresses opinions, principles, facts or purposes, the form shall be "Resolved."

State law references — Ordinances generally, MGL c. 40, §§ 21 to 33. As to definition of "ordinance" see MGL c. 4, § 7, cl. 22; adoption procedure, MGL c. 39, § 4; availability of records for public inspection, MGL c. 66, § 10.

§ 1-19. General penalty. [Amended 1-6-1997 by Ord. No. 97-77]

Except as otherwise provided, every person who violates any of the provisions of these ordinances and other ordinances of the City shall be subject to a fine not exceeding \$150. Each day any violation of these ordinances or of any other ordinance of the City shall continue shall constitute a separate offense.

State law reference — Authority of City to affix a penalty not exceeding \$300 for each offense, MGL c. 40, § 21.

§ 1-20. Enforcement.

All officers of the City shall enforce obedience to such laws of the commonwealth, ordinances of the City and orders of the Mayor or Board of Aldermen as may be the duty of such officers respectively to enforce and shall promptly take notice of all complaints and institute such proceedings as may be necessary.

§ 1-21. Noncriminal disposition. [Added 4-23-1997 by Ord. No. 97-183; amended 8-17-1998 by Ord. No. 97-183A; 10-21-2002 by Ord. No. 97-183B; 1-20-2009 by Ord. No. 09-099]

- A. Violation of any of the provisions of these ordinances or Board of Health regulations may, in the discretion of the enforcing person, be made the

subject matter of proceedings pursuant to the provisions of MGL c. 40, § 21D, as amended, as a noncriminal disposition. If the enforcing person, empowered under Subsection B, elects to proceed under MGL c. 40, § 21D, as amended, all terms and provisions of said chapter and section shall govern said proceedings.

- B. Violation of the following ordinance sections or Board of Health regulations may be enforced in the manner provided in MGL c. 40, § 21D. For the purpose of this section, the specific penalty which is to apply for violation of each such section shall be as listed below, and the municipal officers or employees whose titles are listed under each such section shall be deemed to be enforcing officers for each such section. In all cases, police officers shall be considered as enforcing persons.

(1) Zoning/building.

- (a) Fine allowed: \$150.
- (b) Enforcement agent: Director of Inspectional Services.
- (c) Fine schedule: first offense: \$50; second offense: \$100; third and subsequent offense: \$150.

(2) Smoking in public place (school).

- (a) Fine allowed: \$50.
- (b) Enforcement agent: Director of Public Health. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- (c) Fine schedule: first and subsequent offense: \$50.

(3) Cemetery.

- (a) Fine allowed: \$150.
- (b) Enforcement agent: Superintendent.
- (c) Fine schedule: first offense: \$50; second and subsequent offense: \$150.

(4) Parks and playgrounds.

- (a) Fine allowed: \$150.
- (b) Enforcement agent: Superintendent.
- (c) Fine schedule: first offense: \$50; second and subsequent offense: \$150.

(5) Public works, ways and places.

- (a) Fine allowed: \$150.

- (b) Enforcement agent: City Engineer, Director of Public Works, Deputy City Engineer, Operations Manager or authorized supervisors. **[Amended 5-21-2012 by Ord. No. 2012-158; 8-21-2017 by Ord. No. 2018-4]**
 - (c) Fine schedule: first offense: \$50; second and subsequent offense: \$150.
- (6) Fire.
 - (a) Fine allowed: \$150.
 - (b) Enforcement agent: Chief, Captain or Lieutenant.
 - (c) Fine schedule: first and subsequent offense: \$150.
- (7) Board of Health.
 - (a) Fine allowed: \$150.
 - (b) Enforcement agent: Director or agent.
 - (c) Fine schedule: first offense: \$50; second offense: \$100; third and subsequent offense: \$150 or in accordance with regulations promulgated by the Melrose Board of Health. **[Amended 6-4-2012 by Ord. No. 2012-173]**
- (8) Canine.
 - (a) Fine allowed: \$50.
 - (b) Enforcement agent: Animal Control Officer. **[Amended 8-21-2017 by Ord. No. 2018-4]**
 - (c) Fine schedule: first offense: \$15; second offense: \$25; third and subsequent offense: \$50.
- (9) Noncriminal possession of one ounce or less of marijuana in a public place (MGL c. 94C, § 32L).
 - (a) Fine allowed: \$100.
 - (b) Enforcement agent: Police Department.
 - (c) Fine schedule: first and subsequent offenses: \$100.

ARTICLE III

**Adoption of 2017 Code Revisions
[Adopted 8-21-2017 by Ord. No. 2018-4]****§ 1-22. Legislative intent.**

The ordinances of the City of Melrose, consisting of Chapters 1 through 235, together with an Appendix, adopted by Ordinance No. 02-060A on December 16, 2002, as amended, supplemented and republished by General Code, LLC, shall be known collectively as the "Code of the City of Melrose, Massachusetts," hereafter termed the "Code." Wherever reference is made in any of the ordinances contained in the Code of the City of Melrose, Massachusetts, to any other ordinance appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such ordinance had been formally amended to so read.

§ 1-23. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of ordinances in force immediately prior to the revision of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Aldermen of the City of Melrose, and it is the intention of said Board of Aldermen that each such provision contained within the Code is hereby reaffirmed as it appears in said Code.

§ 1-24. Copy of Code on file.

A copy of the updated Code has been filed in the office of the City Clerk of the City of Melrose and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified by the City Clerk of the City of Melrose by impressing thereon the Seal of the City of Melrose, and such certified copy shall remain on file in the office of said City Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-25. Changes in previously adopted legislation.

- A. In preparing the 2002 Code and subsequent ordinances for republication, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the

intention of the Board of Aldermen that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.

- B. The amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance.⁸

§ 1-26. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the City of Melrose which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-27. Severability.

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.

§ 1-28. When effective.

This ordinance shall take effect upon passage and publication as required by law.

8. Editor's Note: All sections of the Code which were amended or added by this ordinance contain the following history "8-21-2017 by Ord. No. 2018-4." Schedule A, which contains a complete description of all changes, is on file in the office of the City Clerk.

Chapter 4**ADMINISTRATION OF GOVERNMENT****GENERAL REFERENCES**

Assessments — See Ch. 9.

Emergency management — See Ch. 30.

Boards, commissions and committees — See Ch. 15.

Mayor and Aldermen — See Ch. 48.

Departments — See Ch. 24.

Officers and employees — See Ch. 56.

§ 4-1. Wards and precincts.⁹ [Added 8-19-1985 by Ord. No. 948B; amended 2-23-1993 by Ord. No. 92-172B; 5-21-2001 by Ord. No. 01-251A; 12-5-2011 by Ord. No. 11-154B]

A. Wards. The wards of the City are as follows:

- (1) Ward 1. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of the Stoneham/Melrose town/city line and Lynn Fells Pkwy, and proceeding northerly along the Stoneham/Melrose town/city line to the Wakefield/Melrose town/city line, and proceeding easterly along the Wakefield/Melrose town/city line to Main St, and proceeding southerly along Main St to Franklin St, and proceeding westerly along Franklin St to Albion St, and proceeding westerly and then southerly along Albion St to Melrose St, and proceeding easterly along Melrose St to Lynn Fells Pkwy, and proceeding westerly along Lynn Fells Pkwy to the point of beginning.
- (2) Ward 2. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of Albion St and Melrose St, and proceeding northerly and then westerly along Albion St to Franklin St, and proceeding easterly along Franklin St to Main St, and proceeding northerly along Main St to the Wakefield/Melrose town/city line, and proceeding northerly and then easterly along the Wakefield/Melrose town/city line to the Essex/Middlesex county line, and proceeding southerly along the Essex/Middlesex county line to Lynn Fells Pkwy, and proceeding westerly along Lynn Fells Pkwy to Larchmont Rd, and proceeding southerly along Larchmont Rd to Country Club Rd, and proceeding westerly along Country Club Rd to Marmion Rd, and proceeding southerly along Marmion Rd to Porter St, and proceeding westerly along Porter St to Bellevue Ave, and proceeding northerly along Bellevue Ave to Lynn Fells Pkwy, and proceeding westerly along Lynn Fells Pkwy to Melrose St, and proceeding westerly along Melrose St to the point of beginning.

9. Editor's Note: The current Ward and Precinct Map is on file at the office of the City Clerk.

- (3) Ward 3. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of the Stoneham/Melrose town/city line and Fellsway E, and proceeding northerly along the Stoneham/Melrose town/city line to Lynn Fells Pkwy, and proceeding easterly along Lynn Fells Pkwy to Vinton St, and proceeding southerly along Vinton St to W Emerson St, and proceeding easterly along W Emerson St to MBTA Commuter Rail, and proceeding southerly along MBTA Commuter Rail to W Wyoming Ave, and proceeding westerly along W Wyoming Ave to Cottage St, and proceeding southerly along Cottage St to Russell St, and proceeding westerly along Russell St to Trenton St, and proceeding southerly along Trenton St to Washington St, and proceeding northerly along Washington St to Fellsway E, and proceeding northerly along Fellsway E to the point of beginning.
- (4) Ward 4. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of Vinton St and W Emerson St, and proceeding northerly along Vinton St to Lynn Fells Pkwy, and proceeding easterly along Lynn Fells Pkwy to Bellevue Ave, and proceeding southerly along Bellevue Ave to Porter St, and proceeding easterly along Porter St to Marmion Rd, and proceeding northerly along Marmion Rd to Country Club Rd, and proceeding easterly along Country Club Rd to Larchmont Rd, and proceeding northerly along Larchmont Rd to Lynn Fells Pkwy, and proceeding easterly along Lynn Fells Pkwy to the Essex/Middlesex county line, and proceeding southerly along the Essex/Middlesex county line to Upham St, and proceeding westerly along Upham St to Sewall St, and proceeding southerly along Sewall St to 1st St, and proceeding westerly along 1st St to Lebanon St, and proceeding northerly along Lebanon St to Upham St, and proceeding westerly along Upham St to Essex St, and proceeding westerly along Essex St to W Emerson St, and proceeding westerly along W Emerson St to the point of beginning.
- (5) Ward 5. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of the Malden/Melrose city line and Main St, and proceeding westerly and then northerly along the Malden/Melrose city line to the Stoneham/Melrose town/city line, and proceeding northerly along the Stoneham/Melrose town/city line to Fellsway E, and proceeding southerly along Fellsway E to Washington St, and proceeding easterly along Washington St to Trenton St, and proceeding northerly along Trenton St to Russell St, and proceeding easterly along Russell St to Cottage St, and proceeding northerly along Cottage St to W Wyoming Ave, and proceeding easterly along W Wyoming Ave to E Wyoming Ave, and proceeding easterly along E Wyoming Ave to Summer St, and proceeding easterly along Summer St to Mystic Ave, and proceeding southerly along Mystic Ave to Gibbons St, and proceeding westerly along Gibbons St to Ryder Ave, and proceeding southerly along Ryder Ave to Beaumont

St, and proceeding southerly along Beaumont St to Sylvan St, and proceeding westerly along Sylvan St to Main St, and proceeding southerly along Main St to the point of beginning.

- (6) Ward 6. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of W Emerson St and MBTA Commuter Rail, and proceeding easterly along W Emerson St to Essex St, and proceeding southerly along Essex St to Upham St, and proceeding easterly along Upham St to Lebanon St, and proceeding southerly along Lebanon St to 1st St, and proceeding easterly along 1st St to Sewall St, and proceeding northerly along Sewall St to Upham St, and proceeding easterly along Upham St to the Essex/Middlesex county line, and proceeding southerly along the Essex/Middlesex county line to the Malden/Melrose city line, and proceeding westerly along the Malden/Melrose city line to Penny Rd, and proceeding north westerly along Penny Rd to Dexter Rd, and proceeding westerly along Dexter Rd to Swain Pond Ave, and proceeding northerly along Swain Pond Ave to Cumner Ave, and proceeding northerly along Cumner Ave to Grove St, and proceeding westerly along Grove St to Walnut St, and proceeding southerly along Walnut St to Lynde St, and proceeding easterly along Lynde St to Summer St, and proceeding westerly along Summer St to E Wyoming Ave, and proceeding westerly along E Wyoming Ave to W Wyoming Ave, and proceeding westerly along W Wyoming Ave to MBTA Commuter Rail, and proceeding northerly along MBTA Commuter Rail to the point of beginning.
 - (7) Ward 7. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of Main St and the Malden/Melrose city line, and proceeding northerly along Main St to Sylvan St, and proceeding easterly along Sylvan St to Beaumont St, and proceeding northerly along Beaumont St to Ryder Ave, and proceeding northerly along Ryder Ave to Gibbons St, and proceeding easterly along Gibbons St to Mystic Ave, and proceeding northerly along Mystic Ave to Lynde St, and proceeding westerly along Lynde St to Walnut St, and proceeding northerly along Walnut St to Grove St, and proceeding easterly along Grove St to Cumner Ave, and proceeding southerly along Cumner Ave to Swain Pond Ave, and proceeding southerly along Swain Pond Ave to Dexter Rd, and proceeding easterly along Dexter Rd to Penny Rd, and proceeding easterly along Penny Rd to the Malden/Melrose city line, and proceeding westerly along the Malden/Melrose city line to the point of beginning.
- B. Precincts. The several wards of the City of Melrose, established aforesaid, be and they hereby are divided into precincts as follows:
- (1) Ward 1.

- (a) Precinct 1. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of the Stoneham/Melrose town/city line and Lynn Fells Pkwy, and proceeding northerly along the Stoneham/Melrose town/city line to the Wakefield/Melrose town/city line, and proceeding easterly along the Wakefield/Melrose town/city line to Woodland Ave, and proceeding southerly along Woodland Ave to Clifton Park, and proceeding southerly along Clifton Park to Apthorp Rd, and proceeding westerly and southerly along Apthorp Rd to Franklin St, and proceeding easterly along Franklin St to MBTA Commuter Rail, and proceeding southerly along MBTA Commuter Rail to Lynn Fells Pkwy, and proceeding westerly along Lynn Fells Pkwy to the point of beginning.
 - (b) Precinct 2. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of Apthorp Rd and Franklin St, and proceeding northerly along Apthorp Rd to Clifton Park, and proceeding easterly along Clifton Park to Woodland Ave, and proceeding easterly along Woodland Ave to the Wakefield/Melrose town/city line, and proceeding easterly along the Wakefield/Melrose town/city line to Main St, and proceeding southerly along Main St to Franklin St, and proceeding westerly along Franklin St to Albion St, and proceeding westerly and southerly along Albion St to Melrose St, and proceeding easterly along Melrose St to Lynn Fells Pkwy, and proceeding westerly along Lynn Fells Pkwy to MBTA Commuter Rail, and proceeding northerly along MBTA Commuter Rail to Franklin St, and proceeding westerly along Franklin St to the point of beginning.
- (2) Ward 2.
- (a) Precinct 1. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of Main St and Green St, and proceeding northerly along Main St to the Wakefield/Melrose town/city line, and proceeding northerly along the Wakefield/Melrose town/city line to the Essex/Middlesex county line, and proceeding southerly along the Essex/Middlesex county line to Howard St, and proceeding westerly along Howard St to Green St, and proceeding westerly along Green St to the point of beginning.
 - (b) Precinct 2. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of Albion St and Melrose St, and proceeding northerly and easterly along Albion St to Franklin St, and proceeding easterly along Franklin St to Green St, and proceeding easterly along Green St to Howard St, and proceeding easterly along Howard St to the Essex/Middlesex county line, and proceeding southerly along the Essex/Middlesex county line to Lynn Fells

Pkwy, and proceeding westerly along Lynn Fells Pkwy to Larchmont Rd, and proceeding southerly along Larchmont Rd to Country Club Rd, and proceeding westerly along Country Club Rd to Marmion Rd, and proceeding southerly along Marmion Rd to Porter St, and proceeding westerly along Porter St to Bellevue Ave, and proceeding northerly along Bellevue Ave to Lynn Fells Pkwy, and proceeding westerly along Lynn Fells Pkwy to Melrose St, and proceeding westerly along Melrose St to the point of beginning.

(3) Ward 3.

- (a) Precinct 1. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of the Stoneham/Melrose town/city line and W Wyoming Ave, and proceeding northerly along the Stoneham/Melrose town/city line to Lynn Fells Pkwy, and proceeding easterly along Lynn Fells Pkwy to Vinton St, and proceeding southerly along Vinton St to W Emerson St, and proceeding easterly along W Emerson St to MBTA Commuter Rail, and proceeding southerly along MBTA Commuter Rail to W Foster St, and proceeding westerly along W Foster St to Maple St, and proceeding westerly along Maple St to Cleveland St, and proceeding southerly along Cleveland St to Sanford St, and proceeding westerly along Sanford St to Tappan St, and proceeding southerly along Tappan St to Baxter St, and proceeding southerly along Baxter St to Cleveland St, and proceeding southerly along Cleveland St to W Wyoming Ave, and proceeding westerly along W Wyoming Ave to the point of beginning.
- (b) Precinct 2. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of the Stoneham/Melrose town/city line and Fellsway E, and proceeding northerly along the Stoneham/Melrose town/city line to W Wyoming Ave, and proceeding easterly along W Wyoming Ave to Cleveland St, and proceeding northerly along Cleveland St to Baxter St, and proceeding northerly along Baxter St to Tappan St, and proceeding northerly along Tappan St to Sanford St, and proceeding easterly along Sanford St to Cleveland St, and proceeding northerly along Cleveland St to Maple St, and proceeding easterly along Maple St to W Foster St, and proceeding easterly along W Foster St to MBTA Commuter Rail, and proceeding southerly along MBTA Commuter Rail to W Wyoming Ave, and proceeding westerly along W Wyoming Ave to Cottage St, and proceeding southerly along Cottage St to Russell St, and proceeding westerly along Russell St to Trenton St, and proceeding southerly along Trenton St to Washington St, and proceeding northerly along Washington St to Fellsway E, and proceeding northerly along Fellsway E to the point of beginning.

(4) Ward 4.

- (a) Precinct 1. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of Vinton St and W Emerson St, and proceeding northerly along Vinton St to Lynn Fells Pkwy, and proceeding easterly along Lynn Fells Pkwy to Bellevue Ave, and proceeding southerly along Bellevue Ave to E Emerson St, and proceeding easterly along E Emerson St to Stratford Rd, and proceeding southerly along Stratford Rd to Upham St, and proceeding westerly along Upham St to Sewall St, and proceeding southerly along Sewall St to 1st St, and proceeding westerly along 1st St to Lebanon St, and proceeding northerly along Lebanon St to Upham St, and proceeding westerly along Upham St to Essex St, and proceeding westerly along Essex St to W Emerson St, and proceeding westerly along W Emerson St to the point of beginning.
- (b) Precinct 2. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of Porter St and Bellevue Ave, and proceeding easterly along Porter St to Marmion Rd, and proceeding northerly along Marmion Rd to Country Club Rd, and proceeding easterly along Country Club Rd to Larchmont Rd, and proceeding northerly along Larchmont Rd to Lynn Fells Pkwy, and proceeding easterly along Lynn Fells Pkwy to the Essex/Middlesex county line, and proceeding southerly along the Essex/Middlesex county line to Upham St, and proceeding westerly along Upham St to Stratford Rd, and proceeding northerly along Stratford Rd to E Emerson St, and proceeding westerly along E Emerson St to Bellevue Ave, and proceeding northerly along Bellevue Ave to the point of beginning.

(5) Ward 5.

- (a) Precinct 1. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of the Malden/Melrose city line and MBTA Commuter Rail, and proceeding westerly and then northerly along the Malden/Melrose city line to the Stoneham/Melrose town/city line, and proceeding northerly along the Stoneham/Melrose town/city line to Fellsway E, and proceeding southerly along Fellsway E to Washington St, and proceeding easterly along Washington St to Trenton St, and proceeding northerly along Trenton St to Russell St, and proceeding easterly along Russell St to Cottage St, and proceeding northerly along Cottage St to W Wyoming Ave, and proceeding easterly along W Wyoming Ave to MBTA Commuter Rail, and proceeding southerly along MBTA Commuter Rail to the point of beginning.

- (b) Precinct 2. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of MBTA Commuter Rail and the Malden/Melrose city line, and proceeding northerly along MBTA Commuter Rail to W Wyoming Ave, and proceeding easterly along W Wyoming Ave to E Wyoming Ave, and proceeding easterly along E Wyoming Ave to Summer St, and proceeding easterly along Summer St to Mystic Ave, and proceeding southerly along Mystic Ave to Gibbons St, and proceeding westerly along Gibbons St to Ryder Ave, and proceeding southerly along Ryder Ave to Beaumont Street, and proceeding southerly along Beaumont Street to Sylvan St, and proceeding westerly along Sylvan St to Main St, and proceeding southerly along Main St to the Malden/Melrose city line, and proceeding westerly along the Malden/Melrose city line to the point of beginning.
- (6) Ward 6.
- (a) Precinct 1. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of W Emerson St and MBTA Commuter Rail, and proceeding easterly along W Emerson St to Essex St, and proceeding southerly along Essex St to Upham St, and proceeding easterly along Upham St to Lebanon St, and proceeding southerly along Lebanon St to 1st St, and proceeding easterly along 1st St to Larrabee St, and proceeding southerly along Larrabee St to Grove St, and proceeding westerly along Grove St to Walnut St, and proceeding southerly along Walnut St to Lynde St, and proceeding easterly along Lynde St to Summer St, and proceeding westerly along Summer St to E Wyoming Ave, and proceeding westerly along E Wyoming Ave to W Wyoming Ave, and proceeding westerly along W Wyoming Ave to MBTA Commuter Rail, and proceeding northerly along MBTA Commuter Rail to the point of beginning.
 - (b) Precinct 2. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of Upham St and Sewall St, and proceeding easterly along Upham St to the Essex/Middlesex county line, and proceeding southerly along the Essex/Middlesex county line to the Malden/Melrose city line, and proceeding westerly along the Malden/Melrose city line to Penny Rd, and proceeding westerly along Penny Rd to Dexter Rd, and proceeding westerly along Dexter Rd to Swain Pond Ave, and proceeding northerly along Swain Pond Ave to Cumner Ave, and proceeding northerly along Cumner Ave to Grove St, and proceeding westerly along Grove St to Larrabee St, and proceeding northerly along Larrabee St to 1st St, and proceeding westerly along 1st St to Sewall St, and proceeding northerly along Sewall St to the point of beginning.

(7) Ward 7.

- (a) Precinct 1. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of Main St and the Malden/Melrose city line, and proceeding northerly along Main St to Sylvan St, and proceeding easterly along Sylvan St to Beaumont Street, and proceeding northerly along Beaumont Street, to Ryder Ave, and proceeding northerly along Ryder Ave to Gibbons St, and proceeding easterly along Gibbons St to Mystic Ave, and proceeding northerly along Mystic Ave to Lynde St, and proceeding westerly along Lynde St to Walnut St, and proceeding northerly along Walnut St to Grove St, and proceeding easterly along Grove St to Radcliffe Rd, and proceeding southerly along Radcliffe Rd to the end , and then proceeding southerly along the southerly extension of Radcliffe Road to its point of intersection with Malvern St, and proceeding easterly along Malvern St to Meridian St, and proceeding southerly along Meridian St to Park St, and proceeding easterly along Park St to Spear St, and proceeding southerly along Spear St to Church St, and proceeding southerly along Church St to N Mountain Ave, and proceeding southerly along N Mountain Ave to S Mountain Ave, and proceeding southerly along S Mountain Ave to the Malden/Melrose city line, and proceeding westerly along the Malden/Melrose city line to the point of beginning.
- (b) Precinct 2. All of that portion of Melrose City bounded and described as follows: Beginning at the point of intersection of Grove St and Radcliffe Rd, and proceeding easterly along Grove St to Cumner Ave, and proceeding southerly along Cumner Ave to Swain Pond Ave, and proceeding southerly along Swain Pond Ave to Dexter Rd, and proceeding easterly along Dexter Rd to Penny Rd, and proceeding easterly and then southerly along Penny Rd to the Malden/Melrose city line, and proceeding westerly along the Malden/Melrose city line to S Mountain Ave, and proceeding northerly along S Mountain Ave to N Mountain Ave, and proceeding northerly along N Mountain Ave to Church St, and proceeding northerly along Church St to Spear St, and proceeding northerly along Spear St to Park St, and proceeding westerly along Park St to Meridian St, and proceeding northerly along Meridian St to Malvern St, and proceeding westerly along Malvern St to appoint where the southerly extension of Radcliffe Rd intersects with Malvern St, and proceeding northerly along said southerly extension of Radcliffe Rd to Radcliffe Rd, and proceeding northerly along Radcliffe Rd to the point of beginning.

State law reference — Division of cities into wards and voting precincts, MGL c. 54, §§ 1 to 5 and 10.

§ 4-2. City Hall hours. [Amended 12-16-2002 by Ord. No. 02-060A; 6-21-2004 by Ord. No. 04-266]

All offices in City Hall shall be open for public transaction of business from 8:30 a.m. to 4:00 p.m. on Monday, Tuesday, Wednesday, and Thursday and from 8:30 a.m. to 12:30 p.m. on Friday. Said offices shall not open on Saturdays, Sundays and legal holidays in accordance with MGL c. 41, § 110A, inserted therein by Chapter 265 of the Acts of 1947.

State law references — Closing public offices on Saturday, MGL c. 41, § 110A; closing public offices on legal holidays, MGL c. 136, § 12; legal holidays enumerated, MGL c. 4, § 7.

§ 4-3. Notice of hearings and decisions to City Clerk.

Whenever a public hearing is ordered by any board or officer of the City, such board or officer shall forthwith give notice thereof to the City Clerk and, following such hearing, shall give like notice of its or his/her decision with respect to any matter considered thereat. Upon receipt of such notice, the City Clerk shall send a copy thereof to each member of the Board of Aldermen setting forth the time and place of the hearing and the matter to be considered or the decision with respect to any such matter, as the case may be.

§ 4-3.1. Advertisement for public hearings. [Added 1-20-2004 by Ord. No. 03-298]

Advertisement and administrative costs for public hearings will be borne by the petitioner making a request that requires a public hearing in accordance with City ordinances, regulations of City boards and commissions, Massachusetts General Laws and Massachusetts regulations, federal laws and federal regulations.

§ 4-4. Notice of hearings to other cities and towns.

Whenever it is required by law, ordinance or regulation that a public hearing be held by any board or officer of the City relating to the construction, reconstruction, alteration, demolition or use of any building or structure or to the use of any land located or proposed to be located within 300 feet of the boundary line of an adjoining city or town, such board or officer shall send, or cause to be sent, not less than seven days prior to the date of such hearing, a written notice thereof to the Mayor and Council or to the Selectmen of such city or town.

§ 4-5. (Reserved)¹⁰**§ 4-6. Annual budget. [Added 12-19-1994 by Ord. No. 95-87]**

10. Editor's Note: Former § 4-5, Settlements of legal action, added 6-18-1979 by Ord. No. 20309, was deleted 8-21-2017 by Ord. No. 2018-4.

- A. Not later than the first Monday of April of the preceding fiscal year, each department, commission, board of trustees or committee of the City of Melrose, if formed by ordinance or charter, and the School Department shall submit to the Mayor and Chief Financial Officer of the City a requested appropriation for the forthcoming fiscal year. Such request shall include a mission statement detailing goals and objectives for the forthcoming year and a rationale for each appropriation line item requested. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- B. Annually, not later than the first Monday of June, the Mayor shall submit to the Board of Aldermen a request for an annual appropriation necessary for the operations of the City of Melrose for the forthcoming fiscal year. The annual appropriation request shall be constituted as the City budget and shall be divided as follows, with each part to be considered and approved separately by the Board of Aldermen:
- (1) City of Melrose operating budget, including a financial report for the City of Melrose, prepared by the Chief Financial Officer, detailing revenue sources and indicating municipal bonded indebtedness and other items deemed necessary by the Chief Financial Officer.
 - (2) Water Enterprise Account budget, including a report from the Treasurer/Collector detailing the revenues and expenditures of said account for the previous year. This budget shall include a recommended water rate sufficient to meet the proposed budget.
 - (3) Sewer Enterprise Account budget, including a report from the Treasurer/Collector detailing the revenues and expenditures of said account for the previous year. This budget shall include a recommended sewer rate sufficient to meet the proposed budget.
 - (4) Capital improvement budget, including a three-year capital needs assessment, provided that debt-servicing capacity and funding permit such a budget.
 - (5) School Department budget, including a report from the Superintendent of Schools on the state of public education in Melrose. Said report shall include enrollment figures, achievement scores or other measurable data available and an evaluation of physical plant. Any other information deemed necessary by the Mayor shall also be included. The Mayor shall also request from the Melrose representative on the Northeast Regional Vocational School Committee any information deemed necessary by the Mayor and the Board of Aldermen. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- C. A budget shall be established annually for the operations of the Mount Hood Municipal Park and Golf Course. This budget shall be prepared by the City Board of Park Commissioners and be considered as a separate

and distinct budget from the other municipal budgets. **[Amended 8-21-2017 by Ord. No. 2018-4]**

- D. All budgets shall be submitted in a format approved by the Chief Financial Officer of the City of Melrose and the Massachusetts Department of Revenue.
- E. All budgets submitted by the Mayor to the Board of Aldermen must be balanced. A balanced budget is defined as one in which actual or projected revenues equal requested expenditures. For any budget deemed unbalanced, the Mayor must submit recommended revenue adjustments or expenditure reductions which will, if legislated, balance said budget.

§ 4-7. Transfer of funds from one account to another.

- A. Whenever it shall be deemed necessary by any department of the City to request a transfer of funds from any account to another account, such request shall be made in writing addressed to the Mayor and Board of Aldermen and shall contain the correct designation of the accounts from which and to which the transfer is to be made. Such requests shall also be accompanied by a written statement from the City Auditor certifying that there is a balance available in the account from which the transfer is to be made sufficient to provide the amount deemed to be required as aforesaid.
- B. The foregoing shall be in addition to all other requirements of general or special law relating to such transfers.

State law reference — Transfer of appropriations, MGL c. 44, § 33B.

§ 4-8. Requests for appropriations or transfers.

Every request for an appropriation or transfer of funds made by any officer or board in charge of a department shall be in writing, addressed to the Mayor and Board of Aldermen, and shall be in such detail as to show the estimated cost of each item. Whenever the estimated cost of any article or service for which an appropriation or transfer is requested is contingent upon the receiving of an allowance representing the trade-in value, so-called, of property belonging to the City, a statement to that effect shall be included in such request.

State law reference — Information to be furnished by department heads requesting appropriation, MGL c. 44, § 31A.

**§ 4-9. Orders and requisitions for purchases; approval of bills.
[Amended 10-6-1997 by Ord. No. 98-071]**

- A. No purchase for the City shall be made by any board, committee, agent or person unless the order therefor is written on an order or requisition blank furnished by the City Auditor.

- B. Such order or requisition shall state the department issuing it, the appropriation to which the expenditure is to be charged, the name and address of the person from whom the purchase is to be made, the items wanted, the amount and the price of each and the terms and provisions for a cash discount of not less than 2% for payment on or before the 10th day of the month following the date of receipt of the goods by the department issuing the order or requisition and shall specify that all charges for express or postage shall be prepaid and that duplicate bills shall be sent immediately to the department.
- C. The City Auditor may reject any bill presented in violation of the foregoing subsections.
- D. Upon receipt of bills, if they agree with the order or requisition, the head of the department or, in departments under charge of executive boards, such persons as are legally authorized to sign requisitions or orders and approve bills shall approve and present to the City Auditor, on or before the seventh day of each month, such bills incurred during the preceding month.
- E. In recognition of the need to make more efficient use of our natural resources, create markets for the materials collected in recycling programs, reduce solid waste volume and disposal costs and serve as a model for private and public institutions, the City of Melrose is committed to purchasing products which are environmentally preferable and/or made of recycled materials whenever such products meet quality and performance requirements and are available at reasonable prices and terms.

State law references — Oaths to payrolls and bills, MGL c. 41, § 41; filing of all contracts with City Clerk and City Auditor, MGL c. 41, § 17; approval of bills by City Auditor, MGL c. 41, § 52.

§ 4-10. Purchases after June 15.

No purchases shall be made by any of the several departments of the City after June 15 in any year, except in cases of emergency with the approval of the Mayor. All bills of the departments shall be transmitted to the City Auditor not later than June 20 in any year, provided that in such cases where bills are not available, each department shall furnish the City Auditor, not later than June 20 as aforesaid, with a certificate showing that these certain liabilities have been contracted or incurred and the details and amounts of such liabilities.

§ 4-11. Advertisement for proposals. [Added 12-19-1994 by Ord. No. 95-103, approved in the Legislature 8-16-1995; amended 10-1-2007 by Ord. No. 08-028]

Advertisement for proposals shall be conducted in accordance with MGL c. 30B.

§ 4-12. Contracts. [Added 12-19-1994 by Ord. No. 95-103, approved in the Legislature 8-16-1995; amended 10-1-2007 by Ord. No. 08-028]

All contracts shall be made in accordance with MGL c. 30B.

§ 4-13. Disposition of personal property belonging to City.

- A. Subject to the provisions of Chapter 24, Article II, Fire Department, § 24-24, no department, board, officer or employee shall dispose of any personal property belonging to the City except by the express authorization of the Board of Aldermen with the approval of the Mayor. All orders passed by the Board of Aldermen granting authority to dispose of personal property as aforesaid shall specify in detail the several articles which may be disposed of and may provide for the minimum price at which any or all of such articles may be sold.
- B. Whenever authorization shall have been granted for the disposition of property as aforesaid, the board, department, officer or employee having such property in charge shall advertise at least once in a newspaper published in the City that such property is to be sold, specifying the several articles and requesting bids therefor at a date not less than one week from the date of such advertisement. In the event that no bids are received, it shall be advertised a second time and, if no bids are then received, the property so advertised may be disposed of in such manner as the board, department, officer or employee may deem to be in the best interests of the City, but subject to the approval of the Mayor.

State law reference — Authority of City to convey personal property, MGL c. 40, § 3.

Chapter 6

AGING, COUNCIL ON

§ 6-1. Senior citizen property tax work-off abatement program.¹¹ [Added 8-19-2003 by Ord. No. 01-029A; amended 9-22-2008 by Ord. No. 09-016; 8-17-2015 by Ord. No. 2016-7]

- A. Individuals who are 60 years old or older and disabled individuals shall be eligible to participate in this program. Only one tax abatement per property per year shall be allowed.
- B. City departments are required to identify their specific needs and the Council on Aging (COA) will review each application to match an

11. Editor's Note: Former §§ 6-1, 6-2 and 6-3, relating to the establishment, purpose, terms of office, vacancies, quorum, compensation, officers and powers and duties of the Council on Aging, and § 6-4, Clerical and other assistants, were deleted 8-21-2017 by Ord. No. 2018-4. See now Administrative Code §§ A-201 and A-202. Former §§ 6-1 and 6-3 were amended 12-16-2002 by Ord. No. 02-060A.

applicant's interest and skill set with a department's specific needs. Placement in the program cannot be guaranteed and is based on qualifications and availability of relevant work.

- C. The participants in the program shall perform work for the City and shall receive a rate that shall not exceed the commonwealth's minimum wage for said service. The maximum amount which can be earned by any participant in the program is \$1,000 during any calendar year.
- D. Upon completion of work by the participants, the Board of Assessors shall abate their property taxes for an amount no greater than \$1,000.
- E. In each calendar year, individuals shall be allowed to participate in this program based on one's specific qualifications to perform the work and the available positions needed to perform said work Citywide.
- F. In the event there are more qualified applicants than available positions, participants for the program may be selected from a lottery of equally qualified individuals.
- G. The Director of the City of Melrose Council on Aging shall be responsible for determining eligibility for the program.

Chapter 9

ASSESSMENTS

GENERAL REFERENCES

Streets and sidewalks — See Ch. 202.

Water and sewers — See Ch. 228.

§ 9-1. Hearing required.

Subject to the provisions of Chapter 202, Streets and Sidewalks, §§ 202-18 through 202-21, the Board of Aldermen or the proper committee thereof shall, before the passage of any order for a public improvement which may require the levying of an assessment against any property owner whose property may be deemed to have benefited from the improvement beyond the general advantage to the community, grant a hearing to the property owners so affected and shall have prepared, for the information of such property owners, a schedule of the estimated betterment to be assessed against each parcel of property so benefited.

State law references — Betterments generally, MGL c. 80; sewer and sidewalk assessments, MGL c. 83, §§ 14 to 28.

**§ 9-2. Data furnished to Board of Aldermen. [Amended 5-21-2012
by Ord. No. 2012-158]**

Upon the completion of any work ordered by the Board of Aldermen under the provisions of law authorizing the assessment of betterments and acts amendatory thereof or additional thereto, the City Engineer shall forthwith furnish to the Board of Aldermen all data necessary for the levying of assessments on account of such work.

Chapter 15

BOARDS, COMMISSIONS AND COMMITTEES

GENERAL REFERENCES

Council on Aging — See Ch. 6.

**Water Rate Review Committee — See Ch. 228,
§ 228-15.**

Historic District Commission — See Ch. 131.

ARTICLE I

Board of Appeals

[Adopted as Rev. Ords. 1976, §§ 2-96 to 2-100 (Rev. Ords. 1989, §§ 2-221 to 2-225)]

§ 15-1. Establishment; membership. [Amended 12-16-2002 by Ord. No. 02-060A]

There shall be established in the City a board to be known as the "Board of Appeals," which shall consist of five members, of whom one member shall always be an attorney at law, one an architect and one shall always be either a builder or a civil engineer. All of the members shall be appointed by the Mayor, subject to confirmation by the Board of Aldermen. The Board shall elect annually a Chair from its own number. There shall also be two associate members appointed to the Board to sit on the Board in case of the absence, inability to act or conflict of interest on the part of a member thereof or, in the event of a vacancy on the Board, to sit as a member of the Board until a new member has been appointed thereto and confirmed by the Board of Aldermen. Assignment of such associate member to sit on the Board shall be made by the Chair of the Board. No member or associate member of the Board of Appeals shall represent before such Board any party of interest in any matter pending before it.

State law reference — Establishment of boards of appeals, MGL c. 40A, § 14.

§ 15-2. Terms of office; vacancies; removal of members. [Amended 8-21-2017 by Ord. No. 2018-4]

- A. When the Board of Appeals is first constituted, the terms of the five members thereof shall be, respectively, one for one year, one for two years, one for three years, one for four years and one for five years each, and any subsequent appointments shall be for a term of five years each, so that the term of one appointee will expire each year, except that appointments to fill a vacancy shall be for the unexpired term of the member who is being replaced. Any vacancies on the Board shall be filled by appointment by the Mayor and confirmed by the Board of Aldermen.
- B. The first appointment of the two associate members shall be for one year for one member and two years for one member. All subsequent appointments shall be for two years, and such appointments of associate members and the filling of vacancies in such associate members shall be by appointment by the Mayor subject to confirmation by the Board of Aldermen, with appointments to fill vacancies in such associate members to be for the unexpired term of the member who is being replaced.

§ 15-3. Rehearing following unfavorable actions.¹² [Amended 12-16-2002 by Ord. No. 02-060A]

No appeal or petition for a variance with respect to a particular parcel of land or the building thereon and no application for a special exception which has been unfavorably acted upon by the Board of Appeals shall be considered on its merits by the Board within two years after the date of such unfavorable action except with the consent of all but one of the members of the Planning Board, provided that an annulment of a favorable decision of the Board by the court pursuant to the authorization contained in MGL c. 40A, § 17, shall not constitute unfavorable action within the meaning of this section.

§ 15-4. Fee for hearing. [Amended 10-17-1977 by Ord. No. 19690; 6-1-1981 by Ord. No. 20976; 6-19-2006 by Ord. No. 06-225A]

Before a hearing is held on any appeal under this article, the appellant shall deposit a fee of \$350 for one to three families residential and \$500 for all others with the City Treasurer, who shall give a receipt therefor and shall certify on the notice of the appeal that such fee has been paid. Fees deposited in accordance with this section shall be paid into the City treasury and belong to the City.

12. Editor's Note: Former § 15-3, Jurisdiction, was deleted 8-21-2017 by Ord. No. 2018-4.

ARTICLE II

Planning Board¹³

[Adopted as Rev. Ords. 1976, §§ 2-112 to 2-118 (Rev. Ords. 1989, §§ 2-271 to 2-278)]¹⁴

§ 15-5. Long-range program of projects.

It shall be the duty of the Planning Board, and such Board is hereby authorized, to prepare and maintain a long-range program of projects.

- A. For the purposes of this section, the word "project" shall mean any project for which the City is authorized to incur indebtedness for the construction of buildings and additions thereto, including the original equipment and furnishing of such buildings or additions, and for the construction of other facilities and utilities.
- B. Each department, officer, board and commission of the City who or which proposes to undertake any such project shall prepare and submit to the Planning Board, at such times and in such form as the Board may require, his/her or its requests for projects. The Planning Board shall study each request so submitted and develop projects of its own, and the Board shall submit to the Mayor between November 1 and December 1 of each year a report containing a list of all such projects so requested or developed and its recommended long-range program for such projects. Such report shall show the estimated cost of each project as recommended therein.
- C. For the purpose of carrying out the provisions of this section, the Planning Board may employ temporarily such architects, engineers, contractors and consultants as it deems necessary and may expend such sums as may be appropriated therefor. The Planning Board may request and shall receive from the several officers, departments, boards and commissions of the City such assistance as it may require in carrying out the purposes of this section.

§ 15-6. Reports.

- A. The Planning Board shall report annually, in the month of January, to the Mayor and Board of Aldermen, giving information regarding the condition of the City and any plans or proposals for its development and estimates of the cost thereof, and shall make such other reports as may be required by law.

13. Editor's Note: Former Art. II, Conservation Commission, adopted as Rev. Ords. 1976, §§ 2-101 to 2-104 (Rev. Ords. 1989, §§ 2-241 to 2-244), was deleted 8-21-2017 by Ord. No. 2018-4. See now Administrative Code §§ A-201 and A-208. Former Article II was amended 2-7-2005 by Ord. No. 05-126.

14. Editor's Note: Former §§ 15-13, 15-14 and 15-15 relating to the establishment, membership, terms of office, officers and powers and duties of the Planning Board, § 15-17, Compensation; clerical and other assistants, and § 15-20, Board of Appeals, of this article were deleted 8-21-2017 by Ord. No. 2018-4. See now Administrative Code §§ A-201, A-203 and A-215. Former § 15-20 was amended 12-16-2002 by Ord. No. 02-060A.

- B. The Planning Board shall also report annually, not later than the third Monday in March, to the Mayor and Board of Aldermen, giving a review of the existing Zoning Ordinance with suggested or proposed amendments, if any, and alterations or revisions to the same, if any. The Planning Board may request and shall receive from the several officers, departments, boards and commissions of the City such assistance as it may require in carrying out this purpose.

§ 15-7. Planning Board fees. [Added 10-3-1977 by Ord. No. 19645; amended 5-19-2008 by Ord. No. 08-238]

- A. Before a hearing is held on any application under design review procedures, the applicant shall deposit a fee of \$100 with the City Treasurer, who shall give a receipt therefor and shall certify on the application that such fee has been paid. Fees deposited in accordance with this section shall be paid into the City treasury and belong to the City.
- B. There shall be an administrative fee for all site plan review applications in the amount of \$500, plus \$0.10 per square foot of gross floor area for every development proposal with a gross floor area of 5,000 square feet or more. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- C. There shall be an administrative fee of \$600 for each slope protection special permit application, except in cases where a site plan review application and a slope protection special permit application are filed jointly, in which case the administrative fee for the slope protection special permit application shall be \$300.

ARTICLE III

Board of Assessors¹⁵

[Adopted as Rev. Ords. 1976, §§ 4-1 to 4-3 (Rev. Ords. 1989, §§ 2-301 to 2-304)]¹⁶

§ 15-8. Notice of foreclosure of tax titles.

Whenever the City shall have taken any parcel of land for nonpayment of taxes and the rights of redemption under such taking have been foreclosed, the City Treasurer shall immediately give notification thereof to the Board of Assessors and shall certify to such Board the amount of the tax for which the land was taken, including all taxes added subsequently, the amount of interest charged upon the same, the amount of all betterments, if any, which may have been assessed upon the land and have not been collected by the City and the interest thereon and also the amount of all costs incurred by the City with respect to such taking and foreclosure of the rights of redemption.

§ 15-9. Record of foreclosure.

The Board of Assessors shall keep a separate record of every parcel of land which shall have become a City possession, as aforesaid, in such a manner that there will be indicated thereon the facts contained in the certificate of the City Treasurer as provided in § 15-8, and there shall also be indicated upon such record the amount of all subsequent abatements of taxes and betterment assessments not included in such certificate. Records maintained in accordance with the foregoing shall be kept in a separate file and shall be open to public inspection at all times during regular business hours.

§ 15-10. Impact notices. [Added 12-1-1986 by Ord. No. 1554]

For those fiscal years wherein the tax list is comprised of new state-mandated evaluations, the Assessors shall cause an impact notice to be sent to each individual taxpayer. Such notices shall be sent prior to the delivery of the tax list by the Assessors to the City Collector.

15. Editor's Note: Former Art. III, Liquor Licensing Board, adopted as Rev. Ords. 1976, §§ 2-109 to 2-111 (Rev. Ords. 1989, §§ 2-261 to 2-263), was deleted 8-21-2017 by Ord. No. 2018-4. See now Administrative Code §§ A-201 and A-213. Former Art. III was amended 12-16-2002 by Ord. No. 02-060A.

16. Editor's Note: Former § 15-21, Membership; terms of office; organization, of this article was deleted 8-21-2017 by Ord. No. 2018-4. See now Administrative Code §§ A-201 and A-204.

ARTICLE IV

Board of Health

[Adopted as Rev. Ords. 1976, §§ 9-3 to 9-9 (Rev. Ords. 1989, §§ 8-16 to 8-22)]¹⁷

§ 15-11. Record of votes and acts.

A full record shall be kept of all votes and acts of the Board of Health which may, at any time, be examined by the Mayor or by any committee or member of the Board of Aldermen.

§ 15-12. Claims, demands and causes of action.

All claims, demands and causes of action which the Board of Health may have at any time and from time to time against any person, corporation, town, city or the commonwealth shall be committed by the Board to the City Collector to be collected by him/her. Notice of all claims, demands and causes of action committed for collection as aforesaid shall be given by the Board to the City Auditor at the time of commitment. The system to be followed shall be substantially the same as that followed by the Assessors in committing taxes to the Collector.

17. Editor's Note: The following sections in this article were deleted 8-21-2017 by Ord. No. 2018-4: § 15-32, Appointment; terms of office; § 15-33, Organization; regulations; quorum; § 15-35, Powers and duties; § 15-36, Officers and assistants; and § 15-37, Annual report. See now Administrative Code §§ A-201 and A-209.

ARTICLE V

Property Valuation Board

[Adopted as Rev. Ords. 1976, §§ 17-1 to 17-12 (Rev. Ords. 1989, §§ 14-16 to 14-27)]

§ 15-13. Creation; membership.

A board known as the "Property Valuation Board" is hereby created, to consist of the following members: the City Treasurer/Collector, to be Chair, the Building Commissioner, to be Clerk, and the Chair of the Board of Assessors.

§ 15-14. Powers and duties.

The Property Valuation Board shall provide for the care, maintenance, rental and disposal or otherwise of all real estate to which the City has acquired or may hereafter acquire title in fee by virtue of land court foreclosure of tax titles or otherwise, excepting all property used for a definite municipal purpose.

§ 15-15. Rules of procedure; quorum.

The Property Valuation Board may make its own rules of procedure, but there must be two members to constitute a quorum, and affirmative action shall be by a majority vote of all the members.

§ 15-16. Appraisal of property.

The Property Valuation Board shall appraise each parcel to which the City has acquired title in fee and determine a fair selling price and may recommend the demolition of any building thereon.

§ 15-17. Communication with Mayor and Aldermen.

A fair selling price for land and buildings and recommendations for demolition of buildings shall be communicated to the Mayor and Board of Aldermen.

§ 15-18. Offers to purchase.

Offers for the purchase of any parcel at not less than the listed price shall be made, in writing, to the Property Valuation Board. All such offers shall be accompanied by a deposit of 10% of the offering price, and no offer shall be binding on the City until approved by the Board of Aldermen.

§ 15-19. Disposal of offers.

The Property Valuation Board shall submit such offers to the Mayor with its recommendation and shall also forthwith notify the Planning Board, in writing, of each offer so submitted. The Mayor shall refer such offers to the Board of Aldermen with his/her recommendation.

§ 15-20. Preparation of deeds.

Deeds and all other papers required to complete the transaction shall be prepared by the City Solicitor upon notification of the Property Valuation Board.

State law reference — Officer required to execute deed for sale of real estate by City to provide for payment in lieu of taxes, MGL c. 44, § 63A.

§ 15-21. Payments.

Payments for the purchase or rental of City parcels under this article shall be made to the City Treasurer, and such funds received from the sale of land acquired through tax title foreclosure shall be credited to the account of the Sale of Tax Possessions Fund.

§ 15-22. Use of gravel; grading.

The Property Valuation Board may authorize or request the Department of Public Works to use the gravel or fill found on a City-owned lot or may authorize or request the Department of Public Works to grade such lot.

§ 15-23. Cost of conveyances.

- A. All legal costs for the conveyance of a clear title and other expenses incurred with the approval of the Property Valuation Board shall be paid from funds appropriated to the Board from the account of the Sale of Tax Possessions Fund.
- B. The account of the Sale of Tax Possessions Fund shall at no time be reduced below \$1,000 for any purpose other than for use in the sale of land or improvement of land as hereinbefore described.

ARTICLE VI

Cable Television Commission¹⁸
[Adopted 7-20-1992 by Ord. No. 92-121C¹⁹]**§ 15-24. Funding.**

The cost of all public notices and clerical cost of the Commission shall be paid by the cable service provider(s).

§ 15-25. Recommendations involving real and personal property.

Whenever a cable contract involves the use, rental, lease or sale of rights or interest in real or personal property of the City of Melrose, the Cable Television Commission shall conduct a public hearing and shall, within 60 days of the completion of the hearing, make recommendations to the Mayor and the Board of Alderman as to the terms and conditions of the disposition for their final approval as required under MGL c. 40, § 3.²⁰

18. Editor's Note: Former Art. VI, Board of Annuities, adopted as Rev. Ords. 1976, § 2-95 (Rev. Ords. 1989, § 2-311), was deleted 8-21-2017 by Ord. No. 2018-4.

19. Editor's Note: Former § 15-54, Establishment; membership; terms of office, and § 15-55, Powers and duties, of this article were deleted 8-21-2017 by Ord. No. 2018-4. See now Administrative Code §§ A-201 and A-206.

20. Editor's Note: Former Art. XIII, Constables, which appeared at the end of this chapter, has been renumbered as Ch. 56, Art. VIII. The following articles which appeared in this chapter were deleted 8-21-2017 by Ord. No. 2018-4: Former Art. VII, Historical Commission, adopted as Rev. Ords. 1976, §§ 2-105 to 2-108 (Rev. Ords. 1989, §§ 2-321 to 3-324), amended 8-19-2003 by Ord. No. 04-003; see now Administrative Code §§ A-201 and A-210. Former Art. X, Human Rights Commission, adopted 9-16-1991 by Ord. No. 91-226; see now Administrative Code §§ A-201 and A-211. Former Art. X was amended 4-1-2002 by Ord. Nos. 02-254 and 02-254A, 9-19-2005 by Ord. No. 05-300 and 12-15-2014 by Ord. No. 2015-72. Former Art. XII, Beebe Estate Board of Trustees, adopted 5-17-1999 by Ord. No. 99-223; see now Administrative Code §§ A-201 and A-205.

§ 15-25

MELROSE CODE

§ 15-25

Chapter 24
DEPARTMENTS

ARTICLE I

Police Department

[Adopted as Rev. Ords. 1976, §§ 16-1 to 16-12 (Rev. Ords. 1989, §§ 13-1 to 13-12)]

§ 24-1. Establishment; composition. [Amended 7-20-1981 by Ord. No. 21002; 5-17-1999 by Ord. No. 99-251; 8-21-2017 by Ord. No. 2018-4]

A Police Department is hereby established which shall consist of a Chief, one prosecutor, five Lieutenants, one detective supervisor with the rank of either Sergeant or Lieutenant, eight Sergeants, three detectives with the rank of patrolman and 44 patrolmen. Of the five Lieutenant positions, one shall remain unfilled and unfunded until such time as a Police Chief, having the rank of Lieutenant when he or she became Chief, resigns or is terminated as Police Chief and elects to return to his or her prior position as a Lieutenant.

§ 24-2. School traffic patrol.

- A. There is hereby established a school traffic patrol consisting of 24 persons to be appointed by the Chief of Police and to serve at his/her pleasure. Each such appointment shall be effective upon approval by the Mayor within 15 days of its date.
- B. The members of such patrol shall be designated school traffic supervisors. Such supervisors shall have all the power and authority of regular police officers in the enforcement of MGL c. 90 and Chapter 220, Vehicles and Traffic, of this Code relating to the operation, standing or use of vehicles.
- C. School traffic supervisors shall be under the charge and direction of the Chief of Police, provided that not more than 17 such supervisors shall be assigned to duty at any one time.

State law reference — Exemption of school traffic supervisors from civil service, MGL c. 31, § 5.

§ 24-3. Appointment of members. [Amended 8-21-2017 by Ord. No. 2018-4]

All members of the Police Department shall be appointed by the Mayor, subject to such rules as may be prescribed by the Civil Service Commissioners of the commonwealth.

State law reference — Members of police force under civil service, MGL c. 31, § 48.

§ 24-4. Minimum requirements for applicants. [Amended 8-21-2017 by Ord. No. 2018-4]

All applicants for appointment to the Police Department shall comply with any and all minimum standards and requirements of the Human Resources Division of the commonwealth.

State law reference — Height requirements, MGL c. 31, § 58.

§ 24-5. Powers and duties of Chief of Police. [Amended 6-1-2009 by Ord. No. 09-226]

The Chief of Police shall be the head of the Department of Police and, under the direction of the Mayor, shall have the entire control of the Department. The Chief of Police shall be responsible for the discipline, good order and proper conduct of the persons constituting the Department and for the good condition of all property connected with the Department. The Chief of Police shall devote his/her time to maintaining and preserving peace, order and cleanliness in the City. In case of necessity arising from his or her absence, the Chief of Police shall designate an officer to act as and discharge the duties of the Chief of Police. Additionally, in the case of disability suffered by the Chief of Police, the Mayor shall designate an acting Chief of Police to discharge the duties of said position during the period of disability of the Chief of Police.

§ 24-6. Records; preparation of payroll. [Amended 8-21-2017 by Ord. No. 2018-4]

The Chief of Police shall keep a correct record of all the doings of his/her office which shall at all times be subject to the inspection of the Mayor and Board of Aldermen. The Chief of Police shall, on Monday of each week, prepare a payroll of all persons employed in the Department and present it to the Auditor for certification.

§ 24-7. General duties of members.

The members of the Police Department, under regulations prescribed by the Board of Aldermen and rules of discipline prescribed by the Mayor, shall perform all duties required of them in accordance with the ordinances of the City and laws of the commonwealth.

§ 24-8. Report of defects in public ways and places; building construction; accidents. [Amended 6-3-1985 by Ord. No. 1065]

- A. It shall be the duty of every police officer to take notice of all nuisances, impediments, defects and obstructions in the streets, sidewalks, lanes, alleys, courts, public places and squares of the City and to report the same to the Chief of Police, who shall forthwith transmit such information to both the City Engineer and the Director of Public Works. It shall be the duty of every police officer to take notice of any building construction and report any absence of a building permit to the Chief

of Police, who shall immediately notify the Building Commissioner. It shall be the duty of every police officer to investigate immediately any accident upon a public street or sidewalk coming to his/her notice and report the same at once, with all information obtained, to the Chief of Police, who shall forthwith transmit the same to the City Solicitor. **[Amended 5-21-2012 by Ord. No. 2012-158]**

- B. Any public utility or private contractor shall notify the Chief of Police as to the necessity of a police detail when conducting any work or investigation on any public street or sidewalk in the City for the safety of the public.

§ 24-9. Duties of police as to water. [Amended 5-21-2012 by Ord. No. 2012-158]

It shall be the duty of every police officer to exercise supervision over the use of water to prevent its waste and to report to both the City Engineer and the Director of Public Works all cases of leaking pipes which may come to his/her knowledge and the locations where any waste is permitted by takers or where he/she has good reason to believe that water is being improperly used or wasted.

§ 24-10. Days of work; uniforms. [Amended 7-19-1976 by Ord. No. 19240; 8-21-2017 by Ord. No. 2018-4]

- A. Notwithstanding any provision of general law relative to days off for police applicable to the City, the permanent members of the Police Department shall be excused from duty for two consecutive days out of every six days without loss of pay. The time and manner of excusing them from duty shall be determined by the Chief of Police. Allowances otherwise provided for in the rules and regulations of the Police Department, or time off for vacations, injury, sickness or other cause, shall not be affected by the provisions of this section, except as herein otherwise provided. A member so excused shall be exempt from duty and from attendance at a police station or other place but otherwise shall be subject to all laws, rules and regulations relating to members of the Department.
- B. The Chief of Police shall have authority, whenever in his/her judgment public emergency or any unusual demand for the services of the police requires, to prevent any such member from taking the days off hereinbefore provided for at the time when he/she is entitled thereto or at the time assigned therefor, provided that such days off shall be granted to him/her as soon thereafter as is practicable in the judgment of the Chief of Police. In no case shall the number of such days off be less than 104 in each calendar year.

§ 24-11. Operation of police station. [Amended 8-21-2017 by Ord. No. 2018-4]

The police station shall be open day and night and always in charge of the Chief, Lieutenant, or Sergeant.

§ 24-12. Records of persons arrested. [Amended 8-21-2017 by Ord. No. 2018-4]

The Chief of Police shall keep or cause to be kept at the police station a complete descriptive list of each and every person arrested and brought to the station by giving his/her name, nativity, age, height, complexion, color of hair and eyes, the amount of money and other valuables he/she may have in his/her possession, his/her present residence and the offense for which he/she is arrested, all of which shall be entered in the Department record management systems database.

§ 24-12.1. Appointment of retired officers as special police officers. [Added 4-17-2007 by Ord. No. 07-156]

Any retired Melrose police officer who has been appointed as a special police officer pursuant to Chapter 467 of the Acts of 2004 is eligible for continued appointment as a special police officer until such time as he or she attains the age of 70, provided that said individual complies with all of the requirements of the aforementioned statute.

§ 24-12.2. Appointment and training requirements for special police officers. [Added 11-21-2011 by Ord. No. 12-39]

- A. The Board of Aldermen may, from time to time, appoint one or more persons as special police officers to serve as such for one year, subject to reappointment for one or more one-year terms. There shall never be more than 10 special police officers appointed and eligible for service for the City at any given time.
- B. The Chief of Police shall have control over, supervise, and be responsible for the discipline, good order and proper conduct of all duly appointed special police officers and shall direct their duties and establish employment policies for them as he/she may see fit from time to time.
- C. Special police officers shall be considered employees of the City while performing any and all duties of their office on the City's behalf. They may be disciplined, suspended or terminated by the Chief of Police. Special police officers appointed under this section shall be considered at-will employees of the City of Melrose and not civil service employees.
- D. No person shall be appointed or reappointed as a special police officer or be allowed to serve as such who has not:
 - (1) Attained the age of at least 18 years but not more than 70 years.

- (2) Completed a full application in a form approved by the Chief of Police.
 - (3) Submitted to a full interview by the Chief of Police and his/her designees.
 - (4) Submitted to a Criminal History Systems Board background investigation by the Chief of Police. The Police Department will complete a thorough background investigation of all applicants.
 - (5) Satisfactorily completed a reserve/intermittent training program for municipal police officers in accordance with MGL c. 41, § 96B. In addition, persons subject to appointment or reappointment may be subject to any other training requirements or follow-up training required by the Chief of Police.
- E. Every special police officer appointed or reappointed under this section shall maintain the following licenses and certifications and shall provide documentation thereof to the Chief of Police upon his/her request from time to time:
- (1) Valid Massachusetts driver's license.
 - (2) A Class A license to carry firearms, in accordance with MGL c. 140, § 131.
 - (3) Certification by a licensed medical physician and a licensed psychologist or psychiatrist, chosen by the City, stating that the person is fit for duty as a police officer.
 - (4) Certification in cardiopulmonary resuscitation (CPR)/first aid, firearms training instruction and annual recertifications of the foregoing as deemed necessary by the Chief of Police.
- F. Every special police officer shall be required to wear a proper uniform and carry a firearm, as directed by the Chief of Police, at the special police officer's sole expense.
- G. This section shall not apply to special police officers who are appointed pursuant to Chapter 467 of the Acts of 2004.

ARTICLE II

Fire Department

**[Adopted as Rev. Ords. 1976, §§ 8-5 to 8-9, 8-11 to 8-21.3 and 16-13
(Rev. Ords. 1989, §§ 7-26 to 7-30 and 7-32 to 7-45)]**

§ 24-13. Establishment; organization. [Amended 9-20-1976 by Ord. No. 19272; 12-19-1988 by Ord. No. 2221; 3-8-2004 by Ord. No. 04-143; 5-18-2009 by Ord. No. 09-177; 5-21-2012 by Ord. No. 2012-158]

A Fire Department is hereby established which shall consist of a Chief, an Assistant Chief, the Director of Public Works, the Fire Alarm Maintenance Lineman, ex officio, eight Captains, 10 Lieutenants and 57 privates, organized as follows: Engine Company No. 1, Hook and Ladder Company No. 1, Engine Company No. 2, Engine Company No. 3 and Rescue Company No. 1, together with such other companies as may be established hereafter by the Board of Aldermen. Of the eight Captain positions, one shall remain unfilled and unfunded until such time as a Fire Chief, having the rank of Captain when he or she became Chief, resigns or is terminated as Fire Chief and elects to return to his or her prior position as a Captain. Also there shall be a reserve force to consist of five persons. Vacancies on the reserve force shall be filled from the civil service list within 30 days from the day a vacancy occurs, and otherwise the five-person reserve force shall be kept at full complement at all times.

§ 24-14. Duties of Director of Public Works. [Amended 5-21-2012 by Ord. No. 2012-158]

The Director of Public Works shall, for the purpose of keeping the fire hydrants and water mains always in good working order, be a member of the Fire Department ex officio without additional compensation.

§ 24-14.1. Duties of Fire Alarm Maintenance Lineman. [Added 5-18-2009 by Ord. No. 09-177]

- A. General duties (illustrative and not all inclusive) of the Fire Alarm Maintenance Lineman are to:
- (1) Install and maintain underground and overhead wires for the municipal fire alarm system.
 - (2) Climb poles, using the City bucket truck, stringing wire from pole to pole, making up splices and terminations as required.
 - (3) Maintain the fire alarm desk at the central fire station.
 - (4) Plug out boxes and reset alarm systems and boxes; test all municipal fire alarm boxes every 60 days.
 - (5) Maintain daily records of work performed, both in the computer and in writing.

- (6) Coordinate, cooperate and work with other inspectors, firefighters, the Fire Chief, laborers, and other personnel performing all tasks assigned or required in a complete and professional manner.
 - (7) Be responsible for compliance with instructions, safety procedures, conformance with accepted trade practices and compliance with Department policies and regulations and government laws and regulations as they pertain to the work.
 - (8) Perform assigned or required tasks in a timely manner.
 - (9) Respond sensitively and constructively to customers' requirements.
 - (10) Perform basic electrical work in municipal buildings, under the direction of the Fire Chief.
 - (11) Conduct other work as directed by the supervisor.
- B. The Fire Alarm Maintenance Lineman must be available for overtime and emergency calls.
- C. The Fire Alarm Maintenance Lineman may be required to act in the capacity of Electrical Inspector during after hours in his absence.

§ 24-15. Appointment of members. [Amended 8-21-2017 by Ord. No. 2018-4]

Appointments of members to, and promotions in, the Fire Department shall be made by the Mayor and shall be subject to such rules as may be prescribed by the Civil Service Commission of the commonwealth.

State law reference — Appointment and promotion of members of Fire Department, MGL c. 31, § 20.

§ 24-16. (Reserved)²¹

§ 24-17. Departmental rules and regulations. [Amended 8-21-2017 by Ord. No. 2018-4]

All members of the Fire Department shall, under rules and regulations prescribed by the Fire Chief, perform all duties required of them in accordance with the ordinances of the City and laws of the commonwealth.

§ 24-18. (Reserved)²²

21. Editor's Note: Former § 24-16, Qualifications of members, was deleted 8-21-2017 by Ord. No. 2018-4.

22. Editor's Note: Former § 24-18, Uniform allowance, amended 11-13-1978 by Ord. No. 20049, was deleted 8-21-2017 by Ord. No. 2018-4.

§ 24-19. Board of Engineers. [Amended 8-21-2017 by Ord. No. 2018-4]

The Chief of the Fire Department and the Assistant Chief shall constitute the Board of Engineers and shall perform the duties and exercise the powers of fire wardens as prescribed and conferred by law. The Chief shall be the Chair and the Assistant Chief the Secretary of such Board of Engineers. The Assistant Chief shall be the Deputy Chief and shall exercise the powers and perform the duties of the Chief in case of the latter's absence or disability.

§ 24-20. Powers and duties of Chief. [Amended 5-18-2009 by Ord. No. 09-177]

- A. Generally. The Chief of the Fire Department shall, under the direction of the Mayor, have entire control of the Department, its officers and members and civilian members. The Chief of the Fire Department shall be responsible for the discipline, good order and proper conduct of the persons constituting the Department and for the good condition of all property connected therewith.
- B. At the scene of a fire. The Chief of the Fire Department shall have the sole charge and absolute control and command over all persons present at fires and shall take prompt measures to arrange the various pieces of apparatus in the most advantageous manner and issue such orders as he/she may deem necessary. In case of the absence of the Chief at a fire, the ranking officer present shall, during his/her absence, have and exercise all the power and authority of the Chief and shall perform the duties of his/her office.

§ 24-21. Order of rank of officers.

The order of rank of officers of the Fire Department shall be as follows: Chief of the Fire Department, Assistant Chief, Captain and Lieutenant.

§ 24-22. Chief to keep rolls and accounts.

It shall be the duty of the Chief of the Fire Department to keep, or cause to be kept, fair and exact rolls of the respective companies, specifying the name, rank, age, occupation and residence and the date of the admission and discharge of each member of the Department. The Chief of the Fire Department shall also keep an accurate account of all property belonging to the Department.

§ 24-23. Annual report. [Amended 8-21-2017 by Ord. No. 2018-4]

The Chief of the Fire Department shall, annually in the month of January, make to the Mayor a detailed report of the condition of the Fire Department and of all losses and accidents by fire that may have occurred within the City, with all ascertainable causes thereof, and shall give to the Board of Assessors a detailed report of the number of buildings and a description

of property destroyed or injured, the amount of insurance thereon and the names of the owners.

§ 24-24. Sale of property.

Under the direction of the proper committee of the Board of Aldermen and with the approval of the Mayor, the Chief of the Fire Department may sell condemned property of the Department and make returns therefor to the City Treasurer. The sanction of such committee shall be necessary for such sale.

§ 24-25. Preservation of order and discipline. [Amended 8-21-2017 by Ord. No. 2018-4]

It shall be the duty of the officers of the Fire Department to preserve order and discipline in their respective companies and to require and enforce compliance with the rules, regulations and orders of the Chief of the Fire Department and Assistant Chief and to report forthwith, in writing, to the Chief the name of each and every member who shall be guilty of any neglect of duty or disobedience of orders.

§ 24-26. Gambling, liquor and politics.

No gambling shall be allowed in any building occupied by any company in the Fire Department, nor shall spirituous liquors be used therein. No electioneering or discussion of municipal politics shall be allowed about or in any house or fire station belonging to or occupied by the Department.

§ 24-27. Aid to other cities or towns; taking apparatus out of City.

- A. The Fire Department is hereby authorized, in accordance with the provisions of MGL c. 48, § 59A, to go to aid another city, town or fire district in this commonwealth or in any adjoining state in extinguishing fires therein.
- B. No part of the apparatus of the Fire Department shall be taken out of the City, except to a fire, without the permission of the Mayor or to a fire outside the City without permission of the Chief of the Fire Department or, in his/her absence, of the Assistant Chief.

§ 24-28. (Reserved)²³

§ 24-29. Transfer of members.

No member of the Fire Department shall be transferred from one company to another except by order of the Chief of the Fire Department.

23. Editor's Note: Former § 24-28, Suspension and removal of officers and members, amended 5-18-2009 by Ord. No. 09-177, was deleted 8-21-2017 by Ord. No. 2018-4.

§ 24-30. Discharge for absence and violations.

If any member of the Fire Department shall, except in the case of sickness or with the written permission of the Chief of the Fire Department, be absent without official leave, such absence shall be considered good cause for his/her being discharged from the Department at the discretion of the Chief. An intentional violation of any of the provisions of this article by any officer or member shall be good cause for his/her discharge.

§ 24-31. Emergency medical response services. [Added 11-9-1992 by Ord. No. 93-84]

- A. The Mayor, acting through the Fire Chief, shall be responsible for the oversight of the emergency medical response services provided to the residents of Melrose. The Mayor shall appoint, subject to the approval of the Board of Aldermen, a five-member Emergency Medical Response Service Oversight Committee for a term of two years. The Fire Chief shall be one of the Committee members and shall act as Chair. The Committee shall formulate appropriate and measurable performance and quality standards for the delivery of emergency medical response services to Melrose residents. The Committee shall meet on a regular basis to evaluate the performance of the emergency medical response providers based on the standards established. The Committee shall report all its evaluations and findings to the Mayor.
- B. The Fire Chief shall, on a quarterly basis, report to the Board of Aldermen on the quality of emergency medical response services provided to the residents of Melrose.

§ 24-32. Emergency rescue vehicle. [Amended 9-20-1976 by Ord. No. 19271; 2-4-1991 by Ord. No. 91-150; 8-21-1991 by Ord. No. 92-12; 10-5-1992 by Ord. No. 93-2; 5-16-2011 by Ord. No. 11-162]

- A. Generally. The emergency rescue vehicle shall be in the charge of the Chief of the Fire Department, who shall be responsible for its care and maintenance. In case of an emergency requiring immediate medical or surgical care, the Chief of the Fire Department, or his/her designee, shall direct, control and make such vehicle available for the transportation of sick, injured or disabled persons to the Melrose-Wakefield Hospital or the nearest hospital, if deemed advisable.
- B. Records of trips. The Chief of the Fire Department shall keep record of all trips made by such vehicle, and such information shall be a matter of public record.
- C. Any and all revenue generated by the emergency rescue vehicle shall be placed in the Special Revenue Ambulance Account prior to fiscal year 2012 and the Ambulance Enterprise Fund thereafter. Said revenue shall be utilized by the Fire Department to pay for any and all expenses incurred as a result of the operations of the emergency rescue vehicle in the Fire Department.

- D. Fees and billing policies for medical and emergency transport shall be established by the Board of Aldermen. Fees and billing policies will be reviewed periodically or upon request of the Chief of the Fire Department.
- E. Fees for medical and emergency transport shall be as follows:
[Amended 6-18-2012 by Ord. No. 2012-174; 5-19-2014 by Ord. No. 2014-122; 6-1-2015 by Ord. No. 2015-158; 6-6-2016 by Ord. No. 2016-165]
 - (1) Advanced Life Support 1 (ALS1): \$2,150.
 - (2) Advanced Life Support 2 (ALS2): \$2,725.
 - (3) Basic life support: \$1,750.
 - (4) Emergency transport mileage: \$39 per mile.
- F. The Melrose Board of Aldermen shall review this fee schedule on an annual basis prior to the beginning of the next fiscal year.

ARTICLE III

Inspectional Services Department**[Adopted as Rev. Ords. 1976, § 5-1 (Rev. Ords. 1989, § 4-1)]****§ 24-33. (Reserved)²⁴**

§ 24-34. Fee schedules. [Amended 6-21-2004 by Ord. No. 04-239; 1-18-2005 by Ord. No. 05-114; 6-6-2005 by Ord. No. 05-236; 4-7-2008 by Ord. No. 08-198; 4-21-2009 by Ord. No. 09-178; 5-18-2009 by Ord. No. 09-177; 6-3-2013 by Ord. No. 2013-173; 8-21-2017 by Ord. No. 2018-4]

A. Building permit fees. Administrative fee shall be \$15 for each application.

(1) Construction, reconstruction or alteration.

(a) One- and two-family construction, reconstruction or alteration: \$12 per thousand of total cost. The minimum fee is \$40 plus administrative fee.

(b) All other construction, reconstruction or alteration: \$16 per thousand of total cost. The minimum fee is \$120 plus administrative fee

(2) Mechanical and sheet metal.

(a) One- and two-family mechanical and sheet metal: \$12 per thousand of total cost. The minimum fee is \$40 plus administrative fee.

(b) All other mechanical and sheet metal: \$16 per thousand of total cost. The minimum fee is \$120 plus administrative fee.

(3) For demolition of a structure: \$200.

(4) For the moving of a structure: \$150.

(5) Erect sign, banner, and awnings: \$50 base plus \$6 per \$100 of cost.

(6) For the installation of a tank for the resale or storage, use, and distribution of any fluid other than water (does not include tanks installed in dwellings for storage of oil for domestic use): \$75.

(7) Certificate of occupancy: \$100.

(8) Temporary certificate of occupancy (monthly): \$50.

(9) Dumpster fee: \$35.

(10) Reinspection fee, payable in advance: \$50.

24. Editor's Note: Former § 24-33, Creation, was deleted 8-21-2017 by Ord. No. 2018-4. See now Administrative Code § A-308.

- (11) Mobile structure: \$50.
- (12) Work started without a permit: triple fee of total cost.
- (13) Removal of illegal work: \$300.
- (14) The issuance of a duplicate permit card: \$25.

B. Electrical fees.

- (1) Administration fee of \$15 for each application.
 - (a) New single- and two-family, up to 200 amps per unit, flat fee: \$300.
 - (b) New apartment or condo, per unit: \$150.
- (2) Minimum fee.
 - (a) Commercial: \$75.
 - (b) Residential: \$30.
- (3) Outlets.
 - (a) Receptacles, switches, outlets (each): \$2.
- (4) Fixtures/exit signs.
 - (a) Fixtures (each): \$2.
 - (b) Ceiling suspension fans (each): \$5.
 - (c) Exit/emergency lighting (each): \$2.
- (5) Telephone/data (each): communications systems.
 - (a) Sound or signals (per outlet residential): \$3.
 - (b) Public address (PA) systems, speakers, etc.
 - [1] Telephone, data, cable, etc. (each):
 - [a] Residential: \$3.
 - [b] Commercial: \$5.
- (6) Motors.
 - (a) Under one hp (each): \$25.
 - (b) One to five hp motors (each): \$30.
 - (c) Six to 25 hp motors (each): \$40.
 - (d) Maximum fee above 25 hp (each): \$50.

- (7) Appliance (ranges, dryers, dishwasher, micro, disposal, etc., each): \$10.
- (8) Electric heat.
 - (a) Per section: \$10.
 - (b) Radiant heat: \$5.
- (9) Services.
 - (a) Each 100 amp, one meter one panel: \$100.
 - (b) Each additional 100, or fraction: \$10.
 - (c) Each additional meter, panel: \$20.
 - (d) Panel change: \$50.
 - (e) Temporary service: \$100.
 - (f) Subpanel: \$30.
 - (g) Reattach service (vinyl siding): \$30.
- (10) Electric signs and tubs.
 - (a) Electric signs/indoor and outdoor installation: \$50.
 - (b) Hydromassage bathtub (jacuzzi): \$10.
 - (c) Hot tubs: \$10.
- (11) Transformers.
 - (a) Up to 25 kva: \$50.
 - (b) Over 25 kva: \$75.
 - (c) Central air conditioning:
 - [1] Residential: \$75.
 - [2] Commercial: \$100.
 - [3] HVAC commercial [i.e., freezer, chiller, etc. (each)]: \$75.
- (12) Miscellaneous.
 - (a) Gas/oil boiler (each): \$30. An additional plumbing permit and either a gas or oil permit are required for this installation.
 - (b) Gas/oil furnace (each): \$30. An additional mechanical permit and either a gas or oil permit are required for this installation.
 - (c) Gas pumps (each): \$50.

- (d) Water heater: \$30. An additional plumbing permit is required for this installation.
- (e) Carnivals/fairs: \$100.
- (f) Demo: \$50.
- (g) Solar panels: \$100.
- (13) Pools.
 - (a) Aboveground: \$50.
 - (b) In-ground: \$100.
 - (c) Heat unit (per unit): \$50.
- (14) Alarm systems.
 - (a) Fire/burglar panel only: \$50.
 - (b) Smoke detectors, heat detectors, pull station, horns/audible, sprinkler controls, etc. (each): \$3.
 - (c) Minimum fee for installations not listed: \$50.
- (15) Reinspection fee: \$50.
- (16) Removal of illegal work: \$300.
- (17) Installation not listed: \$50.
- (18) Working without a permit: triple fee.
- (19) The issuance of a duplicate permit: \$25.

C. Plumbing fees.

- (1) Administration fee of \$15 for each application. (When a plumbing and gas permit are applied for together and at the same time for the same address, only one administration fee of \$15 shall be applied.)
- (2) New plumbing/residential.
 - (a) New single-family home: \$300.
 - (b) New multi-dwelling unit (per unit): \$200.
 - (c) Additional fixtures, each: \$8.
- (3) Remodeling/residential.
 - (a) First four fixtures: \$75.
 - (b) Each additional fixture: \$10.

- (4) Commercial new/remodel.
 - (a) First four fixtures: \$100.
 - (b) Each additional fixture: \$20.
 - (5) Water heater:
 - (a) Gas/electric (residential): \$20.
 - (b) Gas/electric (commercial): \$30.
 - (6) Second water meter: \$50.
 - (7) New gas fitting: \$8.
 - (8) Appliances: \$8.
 - (9) Alterations/repairs, system: \$8.
 - (10) Backflow prevention devices:
 - (a) Residential: \$25.
 - (b) Commercial: \$50.
 - (11) Demolition fee (cap off water and sewer): \$50.
 - (12) Work started without permit or without inspector's approval: triple fee.
 - (13) Removal of illegal work: \$300.
 - (14) Reinspection fee: \$50.
 - (15) The issuance of a duplicate permit: \$25.
- D. Gas fees. Gas fees listed in this schedule are for both new work and renovations. Administration fee of \$15 for each application. When a plumbing and gas permit are applied for together and at the same time, for the same address, only one administration fee of \$15 shall be applied.
- (1) Residential (up to three dwelling units):
 - (a) First fixture: \$40.
 - (b) Each additional fixture or appliance: \$10.
 - (c) New apartment or condo (per unit): \$100.
 - (2) Commercial:
 - (a) First four appliances: \$100.
 - (b) Each additional appliance: \$20.

- (3) Gas water heater:
 - (a) Plg/gas residential: \$20.
 - (b) Commercial: \$30.
- (4) Reinspection fee: \$50.
- (5) Work started without permit or without inspector's approval: triple fee.
- (6) Removal of illegal work: \$300.
- (7) The issuance of a duplicate permit: \$25.

§ 24-35. Code Enforcement Inspector. [Amended 8-21-2017 by Ord. No. 2018-4]

The Code Enforcement Inspector, although now under the direction and control of the Director of Inspectional Services, shall continue to act as an agent of the Public Health Department to the extent that:

- A. He/she must, by statute, code or ordinance, perform certain functions as agent of the Public Health Department;
- B. He/she is needed to perform his/her former duties; and
- C. His/her power to make inspection for and complaint of violations of any ordinance, code or law relative to the public health is dependent upon such an agency relationship.

State law references — Authority of inspector of buildings, MGL c. 40A, § 7; designation of inspector of buildings, MGL c. 143, § 3.

ARTICLE IV

Public Library Department**[Adopted as Rev. Ords. 1976, § 2-94 (Rev. Ords. 1989, § 2-211)]****§ 24-36. Disposition of fines and fees.**

All fines and fees of any nature whatsoever received by the Public Library Department shall be paid into the City treasury, and no moneys shall be expended therefrom except for the support and maintenance of the public library, nor unless specifically appropriated therefor by the Board of Aldermen.

State law reference — Public libraries generally, MGL c. 78, § 7 et seq.

Chapter 30**EMERGENCY MANAGEMENT****§ 30-1. Department of Emergency Management. [Amended 8-21-2017 by Ord. No. 2018-4]**

The Department of Emergency Management is established in accordance with § A-304 of the Melrose Administrative Code.

§ 30-2. Director of Emergency Management.

- A. The Department shall be under the direction of a Director of Emergency Management, hereinafter called the "Director," who shall be appointed by the Mayor. The Director shall have direct responsibility for the organization, administration and operation of the Department, subject to the direction and control of the Mayor, and, subject to appropriation of the necessary funds therefor, shall receive such salary as may be fixed, from time to time, by the Mayor. 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.

§ 30-3. Emergency Management Advisory Council.

There is hereby established an Emergency Management Advisory Council, hereinafter called the "Council." The 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 Mayor may deem necessary. Such member of the Council as the Mayor may designate shall serve as Chair of the Council. The Council shall serve subject to the direction and control of the Mayor and shall advise the Mayor and the directors on matters pertaining to emergency management.

§ 30-4. Auxiliary police officers.

Persons appointed to serve as auxiliary police officers of the City under authority of Clause (a) of Section 11 of Chapter 639 of the Acts of 1950 shall, while on duty, and subject to the provisions of such Chapter 639, have

all the powers of regular police officers of the City. The terms of all persons so appointed shall expire on the first Monday in March next following the date of their appointment.

§ 30-5. Police aid to other cities and towns.

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

§ 30-6. 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.

§ 30-7. 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 such Chapter 639.

Chapter 39

(RESERVED)

Chapter 48

MAYOR AND ALDERMEN

§ 48-1. Mayor. [Amended 3-21-1977 by Ord. No. 19244; 1-21-1991 by Ord. No. 2413; 6-20-1994 by Ord. No. 93-432; 5-1-1995 by Ord. No. 95-215A; 8-16-1999 by Ord. No. 00-022; 6-27-2001 by Ord. No. 01-294; 11-20-2006 by Ord. No. 07-068; 12-6-2010 by Ord. No. 11-058; 8-21-2017 by Ord. No. 2018-4]

- A. Salary. The salary of the Mayor shall be \$54,000 per annum effective January 1, 2000, and \$70,000 per annum effective January 1, 2002, and \$80,000 per annum effective January 1, 2003, and \$89,209 per annum effective January 1, 2008; \$92,331 per annum effective January 1, 2009; \$95,563 per annum effective January 1, 2010, and \$98,907 per annum effective January 1, 2011; \$98,907 per annum effective January 1, 2012, and \$99,896 per annum effective January 1, 2013.
- B. The Mayor shall devote full time to his/her duties and shall not conduct any outside business activities during normal business hours.

State law reference — Establishing or changing salary of Mayor, MGL c. 39, § 6A.

§ 48-2. Salary of Aldermen. [Amended 6-27-2001 by Ord. No. 01-295]

The salary of a member of the Board of Aldermen shall be \$3,250 per annum effective January 1, 2002, and \$4,000 per annum effective January 1, 2003.

§ 48-3. Clerk of Committees.

- A. The Board of Aldermen shall elect a Clerk of Committees as provided in Section 2-8(b) of the Charter. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- B. The Clerk of Committees, except in cases where other provision is specifically made, shall act as clerk of all committees, standing or special; shall make and keep proper records of all their meetings and transactions; shall keep a calendar of all committee meetings and give seasonable notice thereof to the committee members when requested so to do by the chair or by a majority of the committee; shall attend all meetings of the Board of Aldermen; and shall perform such other duties as the Board or any committee thereof may from time to time direct.

§ 48-4. Hearings on petitions for legislation.

In any case where a petition for legislation is of such a character, either in the opinion of the President of the Board of Aldermen or of the committee having the matter in charge, as to render it advisable in the public interest that a public hearing be given, notice of such hearing may be given either by publication in one or more newspapers published in the City or otherwise, if the President so determines. The cost of advertising such hearing or of giving notice thereof shall be borne by the City and paid out of the general contingent fund, if in the opinion of the President the matter petitioned is for the public interest; otherwise the cost of advertising or giving notice shall be borne by the petitioner. If the cost of advertising or giving notice is to be borne by the petitioner, it shall be the duty of the City Clerk to notify the petitioner or petitioners that the amount of money necessary to pay for such advertisements must be deposited with him/her within seven days from the date of notice and, if not so deposited, that the petition will be considered withdrawn and will not be acted upon by the Board of Aldermen.

§ 48-5. Stabilization fund.

For the purpose of creating a stabilization fund, as authorized by MGL c. 40, § 5B, and subject to the provisions of such section, the Mayor may include, and the Board of Aldermen may appropriate, in the annual budget for each year an amount of money to be raised by taxation on real estate and tangible personal property or transfer from any surplus funds an amount of money for such purposes. Appropriations from the stabilization fund created by this section may be made for the purposes for which the City would be authorized to borrow money under MGL c. 44, § 7.

§ 48-6. Regular meetings.²⁵ [Added 8-21-2017 by Ord. No. 2018-4]

Regular meetings of the Board of Aldermen shall be held on the first and third Mondays of each month at 7:45 p.m., except:

- A. During July, August and September when there shall be one meeting each month on the third Monday;
- B. When an election is to be held the following day the meeting shall be held on the following Monday; and
- C. When said Monday falls on a holiday, the meeting shall be held on the Tuesday following such holiday.

Chapter 56**OFFICERS AND EMPLOYEES**

25. Editor's Note: Former § 48-6, Departmental reports, added 12-2-1996 by Ord. No. 97-93, was deleted 8-21-2017 by Ord. No. 2018-4. See now Administrative Code § A-301E.

ARTICLE I

Clerk²⁶

[Adopted as Rev. Ords. 1976, §§ 2-51 to 2-60 (Rev. Ords. 1989, §§ 2-111 to 2-120)]

§ 56-1. Records; attesting warrants.

The City Clerk shall have charge of all journals, records, papers and documents of the City not pertaining solely to the business of the other departments of the City. The City Clerk shall attest all warrants and do such other acts and perform such other duties as are required by law or shall be prescribed by the Board of Aldermen. The City Clerk shall enter with the record of each motion, petition, resolution, order or ordinance made, received or considered at any meeting of the Board of Aldermen the name of the person or Alderman by whom the same is made or introduced.

State law reference — City clerks generally, MGL c. 41, §§ 12 to 19A.

§ 56-2. Book showing streets, ways and sidewalks.

The City Clerk shall keep a book with proper index showing all streets, ways and sidewalks which have been or hereafter shall be accepted or laid out, the date of the laying out or acceptance, the location and width of the same and all alterations from time to time made therein.

§ 56-3. Annual supplement to ordinances. [Amended 10-20-1986 by Ord. No. 1522; 10-20-1986 by Ord. No. 1523]

- A. The City Clerk shall, at the close of each municipal year, cause to be prepared and printed as a City document a supplement to the Revised Ordinances containing all the ordinances passed during such year.
- B. The City Clerk shall cause to be prepared and printed as a City document the Revised Ordinances of the City containing all ordinances in effect as of January 1, 1986.
- C. The City Clerk, at the close of every fifth municipal year, shall cause to be prepared and printed as a City document the Revised Ordinances of the City containing all ordinances in effect as of January 1 of that year.

§ 56-4. Bond.

The City Clerk shall give a bond annually in such form as the City Solicitor shall approve, with sufficient sureties to the satisfaction of the Committee on Finance and in such sum as such Committee may prescribe, for the faithful performance of his/her duties and for the delivery to his/her

26. Editor's Note: Former Art. I, Classification and Compensation, adopted as Rev. Ords. 1976, §§ 2-9 to 2-15 and 2-24 to 2-27 (Rev. Ords. 1989, 2-31 to 2-37), as amended, was deleted 8-21-2017 by Ord. No. 2018-4.

successor in office of all books, papers, records and property belonging to such office.

State law reference — Bond to cover collection of license fees, MGL c. 41, § 13A.

§ 56-5. Payment of fees into treasury.

The City Clerk shall, on the first day of each month, pay into the City treasury all fees received by him/her during the preceding month, except such portion thereof as he/she is required by law to pay into the county treasury or to the commonwealth.

§ 56-6. Notice of certain actions to Treasurer.

Whenever the City Clerk shall receive notice of any assignment, pledge or transfer of any contract with the City or of any interest therein or of any sum of money due or to become due thereunder or of wages earned or to be earned by any employee of the City and payable by it or of any claim or right of action of any nature against the City or any order for the payment of money by the City, he/she shall immediately give notice thereof, in writing, to the City Treasurer. The City Clerk shall also give such notice upon the service on him/her of any writ of trustee process in which the City is named as trustee.

§ 56-7. Notice to municipal officers of orders passed by Aldermen.

The City Clerk shall notify the Auditor, Assessors and Treasurer of all orders passed by the Board of Aldermen authorizing appropriations, assessments or abatements thereof. The City Clerk shall also notify every board or officer of any order authorizing an appropriation of money to be expended by such board or officer and of any order pertaining to, or in any way affecting, the powers or duties of such board or officer within three days after such order is approved by the Mayor or otherwise becomes operative and in force.

State law reference — Similar provisions, MGL c. 41, § 15A.

§ 56-8. Notice of license to move building.²⁷

The City Clerk shall notify the Inspector of Wires of the granting of every license for the moving of a building through a public street.

State law reference — Permission to move buildings, MGL c. 85, § 18; cutting of wires in order to move buildings, MGL c. 166, § 39.

27. Editor's Notes: See also Ch. 202, Streets and Sidewalks, § 202-8.

§ 56-9. Transmission to Clerk of Committees of matters referred to committees.

When any vote or order is passed by the Board of Aldermen referring any matter of business to a committee composed in whole or in part of members of the Board of Aldermen or authorizing the performance of any special duty by such committee, the City Clerk shall forthwith transmit to the Clerk of Committees an attested copy of such vote or order.

§ 56-10. Assistant City Clerk.

- A. The City Clerk shall, on or before the first Monday in February in each year, appoint an Assistant City Clerk, subject to confirmation by the Board of Aldermen.
- B. The Assistant City Clerk may be removed by the vote of a majority of all the members of the Board of Aldermen taken by roll call.
- C. In the absence of the City Clerk, the Assistant City Clerk shall perform all the duties of the office and shall perform such other duties as he/she may be called upon to perform by the City Clerk.

State law reference — Authority to appoint assistant city clerk, MGL c. 41, § 18.

ARTICLE II

Treasurer and Collector

[Adopted as Rev. Ords. 1976, §§ 2-69 to 2-86 (Rev. Ords. 1989, §§ 2-151 to 2-168)]²⁸

§ 56-11. Custody of funds; deposits and investments.

- A. The City Treasurer shall receive, receipt for and have the care and custody of the current funds of the City from the time the same shall come into his/her possession and also all moneys, properties and securities which may be placed in his/her charge by virtue of any statute, ordinance, gift, devise, bequest or deposit, including cemetery trust funds.
- B. The City Treasurer may deposit any portion of such current funds in such national banks or trust companies, organized under the laws of Massachusetts, on such conditions and at such rates of interest as he/she shall deem best, and in accordance with the City's investment policy as approved by the Mayor. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- C. The City Treasurer may invest in such securities as are legal investments for savings banks in the commonwealth all money received by virtue of any gift, devise or bequest, including cemetery trust funds, and may sell any of such securities and invest and reinvest the proceeds thereof in the manner above set forth. **[Amended 8-21-2017 by Ord. No. 2018-4]**

State law references — Deposits limited by City to 60% of the capital and surplus of the depository, MGL c. 44, § 55; placing trust funds at interest in banks and trust companies required, MGL c. 44, § 54.

§ 56-12. Negotiation of loans.

The City Treasurer shall negotiate all loans that may be made for the City under the authority and sanction of the Mayor and Aldermen and have the custody of all moneys realized therefrom.

§ 56-13. Authentication of bonds and notes.

All bonds, notes or scrip hereafter issued by the City shall, when requested by the purchasers, be authenticated by the certificate of such Boston bank or trust company as may be selected by the City Treasurer and approved by the Mayor, and no bond, note or scrip hereafter issued shall be a valid obligation against the City unless so authenticated when requested by the purchasers.

28. Editor's Note: The following sections which appeared in this article were deleted 8-21-2017 by Ord. No. 2018-4: former § 56-30, Title; term of office; powers and duties, § 56-34, Statement of exemption from taxation, and § 56-40, Registration of ownership of bonds or notes.

§ 56-14. Cost projections for new bond issues. [Added 11-14-2005 by Ord. No. 06-053]

To the extent compatible with Massachusetts General Laws and the Code of Massachusetts Regulations, the Board of Aldermen shall not approve of any bond without receiving, prior to final passage, information from the City Treasurer, including a projection of the cost (principal and interest) of the bond and a payment schedule reflecting all payments until retirement of the bond. In the case of bonds proposed to be paid from revenues from any enterprise fund, the Treasurer shall also provide a projection estimating the impact of said bond issue on rates required for the operation of the affected enterprise.

§ 56-15. Payments upon certificate of Auditor; accounts.

The City Treasurer shall make payments from the funds of the City in his/her possession upon the certificate of the Auditor and cause an accurate account of the same to be kept in proper bookkeeping form or such form as the Board of Aldermen may prescribe.

§ 56-16. Statements of receipts and expenditures. [Amended 8-21-2017 by Ord. No. 2018-4]

The City Treasurer shall cause to be reported daily to the Auditor a statement of all receipts and disbursements in order that proper entries may be made in the books kept by the Auditor.

§ 56-17. Payment of City employees. [Amended 8-21-2017 by Ord. No. 2018-4]

After heads of departments shall have furnished payrolls of such employees in their respective departments as are entitled by law to be paid, and after such payrolls shall have been properly approved and certified, the Treasurer shall make payment to each employee, his/her authorized agent or attorney and shall take therefor the receipt of no other person than such employee, agent or attorney. The Treasurer shall pay each of such employees at the place where he/she is employed and for that purpose may make the necessary arrangements for transportation to such place or places.

§ 56-18. Safekeeping of books and other documents.

The City Treasurer shall cause all books, papers, vouchers and documents under his/her care belonging to the City to be deposited and kept in a fireproof vault or safe in his/her office in the City Hall and shall render such services and furnish such information respecting the accounts, finances and payments of and to the City as the Mayor, Board of Aldermen or any committee thereof may, from time to time, require.

§ 56-19. Endorsement of Auditor required.

The City Treasurer shall pay no bill, payroll or demand unless endorsed with the approval of the Auditor.

§ 56-20. Notice to Planning Board of land acquired by tax title.

Whenever the City acquires any land after foreclosure of the right of redemption under a tax title, the City Treasurer and Collector shall forthwith give written notice thereof, describing such land and its location, to the Planning Board.

§ 56-21. General duties as to collection. [Amended 6-17-1991 by Ord. No. 91-309]

- A. The City Collector shall collect all taxes, water rents and charges, assessments for betterments, departmental charges and all other moneys due the City. The City Collector shall proceed without delay to collect all accounts which may be committed to him/her by any department of the City in accordance with provisions as set forth in the General Laws. In effecting settlement of accounts, other than taxes and assessments for betterments, the City Solicitor shall render such assistance to the City Collector as he/she may require, and such City Collector shall have the authority to employ such other means to enforce collection as he/she may deem proper.
- B. The Treasurer and Collector have the authority to refund payments made in error, overpayments and payments made voluntarily but requested to be returned.

State law references — Similar provisions, MGL c. 41, § 38A; MGL c. 60, § 2.

§ 56-22. Abatement of uncollectible charges.

In cases where all attempts to obtain settlement of charges, other than taxes and assessments for betterments, have failed and the same remain unpaid, the City Collector shall certify such fact to the City Solicitor, and if, in the opinion of the City Solicitor, such charges are uncollectible, he/she shall so report to the City Collector. Upon receipt of such report the City Collector shall notify the board or officer making such charges that the same appear to be uncollectible. Such board or officer may thereupon, with the approval of a majority of the members of the Committee on Finance of the Board of Aldermen, abate such charges, and the City Collector shall be credited with the amount of such abatements on the books of the City. The City Auditor shall be notified, in writing, of all abatements made under this section.

State law reference — Abatement of taxes and other charges and approval of Commissioner of Corporations and Taxation therefor, MGL c. 58, § 8, and MGL c. 59, §§ 59 to 74.

§ 56-23. Issuance of tax bills; collection of taxes.

- A. The City Collector shall issue the tax bills as soon as possible after the tax lists and warrants are delivered to him/her by the Assessors and shall proceed to collect all taxes as provided by law.
- B. The City Collector shall proceed to collect, by due process of law, all taxes remaining unpaid on the first day of September next ensuing. **[Amended 8-21-2017 by Ord. No. 2018-4]**

State law reference — Payment of taxes and interest, MGL c. 59, § 57; issuance of the tax bill, MGL c. 60, § 3.

§ 56-24. Account of receipts and payments; statements to City Auditor. [Amended 8-21-2017 by Ord. No. 2018-4]

The City Collector shall keep an accurate account of all receipts and payments to him/her on behalf of the City. The City Collector shall pay daily to the City Treasurer all moneys received, stating upon what accounts the same have been received, and shall forward daily to the City Auditor an accurate written statement of the amount and purpose of every such payment.

§ 56-25. Demand in writing for assessments.

- A. Whenever any bills for assessments on account of sidewalks, streets, drains or sewers are committed to the City Collector for collection, he/she shall forthwith demand payment, in writing, and if any assessments remain unpaid for three months after the demand and no notice of apportionments shall have been received by the City Collector, he/she shall proceed to collect the same according to law.
- B. In the case of each assessment for betterments he/she shall bring to the attention of the person to whom notice thereof is sent the pertinent provisions of law relating to petitions for abatement, the date when a charge for interest will be made and the rate thereof, such policies or procedures with respect to apportionment as the Assessors, acting under authority of law, may from time to time adopt and, if a request for apportionment is required, the time within which such a request must be made.

§ 56-26. Collection of water and sewer bills. [Amended 12-16-2002 by Ord. No. 02-060A]

- A. The City Collector shall forthwith, upon commitment to him/her of charges for water and sewer, as provided in Chapter 228, Water and Sewers, § 228-4, proceed to collect the same in accordance with the provisions of § 56-21 and shall have authority to bring suit therefor in the name of the City in any court of competent jurisdiction. **[Amended 8-21-2017 by Ord. No. 2018-4]**

- B. The City Collector may send notice to each user of water whose bill therefor remains unpaid 60 days after commitment that, unless such bill is paid within 14 days thereafter, the water being supplied to the property may be shut off. At the expiration of the period of 14 days, the City Collector may notify the Director of Public Works to shut off the water from the premises of the user thus delinquent. The Director of Public Works shall thereupon cause the water to be shut off in accordance with such notice, and the water shall not be let on again until the amount due, and \$25 for shutting off and turning on, is paid. **[Amended 5-21-2012 by Ord. No. 2012-158; 8-21-2017 by Ord. No. 2018-4]**
- C. Nothing in the foregoing shall be construed to prevent charges for water becoming a lien on real estate as provided in MGL c. 40, §§ 42A to 42F.

ARTICLE III

Auditor²⁹

[Adopted as Rev. Ords. 1976, §§ 2-87 to 2-89 (Rev. Ords. 1989, §§ 2-181 to 2-183)]

§ 56-27. Powers and duties. [Amended 6-19-1989 by Ord. No. 2215; 6-19-1989 by Ord. No. 2216; 8-21-2017 by Ord. No. 2018-4]

- A. The City Auditor shall have charge of all revenue and expenditure accounts of the City and shall keep a set of books showing in detail the revenues and expenditures of the City by departments.
- B. The City Auditor shall examine all payrolls, bills or demands rendered against the City and all orders or votes of the Board of Aldermen for the payment of money and shall see that they have been incurred with due authority and that they are properly approved by authorized persons as defined in MGL c. 44.
- C. The City Auditor shall approve no bill, payroll or demand until a budget has been duly passed by the Board of Aldermen and sufficient funds by transfer or an appropriation shall have been made therefor. The City Auditor shall see that vouchers are prepared in proper form and that the same are duly recorded and distributed to their proper accounts.
- D. If the City Auditor approves of a bill, payroll or demand, he/she shall endorse it with his/her certificate of approval and shall cause an abstract of the same to be entered on a book kept for the purpose and shall pass it to the Treasurer for payment. The City Auditor shall withhold approval of any bill, payroll or demand, the regularity or validity of which may be questioned by him/her or by any member of the Board of Aldermen, and no such bill when so questioned shall be passed to the Treasurer for payment until approved by a majority of the proper committee of the Board of Aldermen.³⁰

State law reference — City auditor, MGL c. 41, §§ 48 to 54A.

29. Editor's Note: Former Art. III, Solicitor, adopted as Rev. Ords. 1976, §§ 2-61 to 2-68 (Rev. Ords. 1989, §§ 2-131 to 2-138), was deleted 8-21-2017 by Ord. No. 2018-4.

30. Editor's Note: The following sections which appeared at the end of this article were deleted 8-21-2017 by Ord. No. 2018-4: former § 56-49, Examination of books, records and accounts, and § 56-50, Annual audit by Director of Accounts.

ARTICLE IV

Fence Viewers

[Adopted as Rev. Ords. 1976, § 2-93 (Rev. Ords. 1989, § 2-201)]

§ 56-28. Office established; appointment.

The office of Fence Viewer is hereby established, and three Fence Viewers shall be appointed annually by the Mayor, subject to confirmation by the Board of Aldermen.

State law reference — Powers and duties of fence viewers, MGL c. 49.

ARTICLE V

Director of Public Works and City Engineer

[Adopted as Rev. Ords. 1976, §§ 20-1 to 20-4 and 20-7 (Rev. Ords. 1989, §§ 15-21 to 15-25 and 15-28); amended 5-6-1985 by Ord. No. 676; 5-21-2012 by Ord. No. 2012-158]

§ 56-29. Appointment of Director of Public Works.

Subject to confirmation by the Board of Aldermen, the Mayor shall appoint the Director of Public Works for a term of three years.

§ 56-30. Appointment and qualifications of City Engineer.

The Director of Public Works, subject to the consent of the Mayor, shall appoint the City Engineer who shall be an engineer of established reputation in municipal engineering or a field similar thereto and have a certificate of registration as a professional engineer issued in accordance with MGL c. 112, § 81M.

§ 56-31. Assistants and employees.

The Director of Public Works shall engage such assistants and employees as the work in his/her Department may require, provided that in the employment of laborers preference shall be given at all times to residents of the City who are registered voters.

§ 56-32. Insurance.

It shall be the duty of the City Engineer to effect all insurance to indemnify the City against loss, except such as may be placed on the fixtures, furnishings and equipment in the charge of the School Department and except surety bonds required by law to be furnished by or to any board or officer of the City, in such companies licensed to do business in the commonwealth as in his/her judgment may seem best.

§ 56-33. Repair of public buildings. [Amended 8-21-2017 by Ord. No. 2018-4]

The Director of Public Works shall have charge of the repair of all public buildings. No repairs shall be undertaken until an appropriation to cover the cost thereof shall have been voted by the Board of Aldermen and approved by the Mayor, except as provided in Section 44 of the Charter.

§ 56-34. Inspection of work done by Building Commissioner.

It shall be the duty of the City Engineer to inspect all work done by the Building Commissioner on his/her own account which would otherwise come under the inspection of the Building Commissioner.

ARTICLE VI

Sealer of Weights and Measures³¹

[Adopted as Rev. Ords. 1976, §§ 23-5 to 23-10 (Rev. Ords. 1989, §§ 19-21 to 19-26)]

§ 56-35. Qualifications. [Amended 1-22-1991 by Ord. No. 91-122]

The Sealer of Weights and Measures shall be appointed in accordance with the provisions of MGL c. 98, § 34.

§ 56-36. Duty to enforce laws.

The Sealer of Weights and Measures shall enforce all laws relative to the use of weights and measures and the giving or use of false weights and measures.

§ 56-37. Collection and disposition of fees. [Amended 4-7-2008 by Ord. No. 08-198; 6-3-2013 by Ord. No. 2013-173]

- A. The Sealer of Weights and Measures shall collect the fees and charges which by law he/she is allowed to receive and shall pay over to the City Treasurer each month all sums so received by him/her.
- B. Inspection fees are as follows:
 - (1) Gas meters: \$25.
 - (2) Scales: \$20
 - (3) Taxi meters: \$25.
 - (4) Oil truck meters: \$50
 - (5) Retail checkout register and aisle scanners, yearly inspection fee:
 - (a) One to three scanners: \$75.
 - (b) Four to 11 scanners: \$150.
 - (c) Twelve or more scanners: \$250.
 - (6) Adjustment of scales, meters and scanners, made by or witnessed by the inspector: \$60 per hour (with a minimum of \$60).
 - (7) Reinspection: \$25.

§ 56-38. Certificates of sealing.

The Sealer of Weights and Measures shall, at the time of sealing, furnish the owner of the article sealed or his/her agent with a certificate, signed by the

31. Editor's Note: Former Art. VI, Physician, adopted as Rev. Ords. 1976, §§ 2-90 to 2-92 (Rev. Ords. 1989, §§ 2-191 to 2-193), was deleted 8-21-2017 by Ord. No. 2018-4.

Sealer, stating the name and address of the owner of the article, the date when sealed and the amount of the fee, if any, collected.

§ 56-39. Records and reports.

The Sealer of Weights and Measures shall keep a detailed record of all work performed by him/her and annually, in the month of January, shall make to the Mayor and Board of Aldermen a report thereof and of the weights, measures and balances tested, sealed or condemned by him/her, together with an inventory of the standards and working apparatus in the possession of the City, and shall annually make to the Director of Standards and Necessaries of Life of the Department of Labor and Industries a similar report at such time, in such form and of such facts as such Director shall require.

§ 56-40. Office and hours; custody of public scales.

The Sealer of Weights and Measures shall have an office at City Hall and shall establish office hours for the convenience of the public who desire to have scales, weights and measures tested. The Sealer of Weights and Measures shall have the care and custody of all public scales of the City.

ARTICLE VII

Parking Clerk**[Adopted 2-19-1991 by Ord. No. 91-159B]****§ 56-41. Authority.**

This article is adopted pursuant to the authority granted by MGL c. 90, § 20A 1/2, and said section is hereby adopted.

§ 56-42. Powers and duties.

The Parking Clerk shall administer and coordinate the processing of parking notices in the City of Melrose as authorized by MGL c. 90, § 20A 1/2.³²

32. Editor's Note: The following sections which appeared at the end of this article were deleted 8-21-2017 by Ord. No. 2018-4: former § 56-69, Appointment; term of office, § 56-70, Reports, and § 56-71, Salary.

ARTICLE VIII

Constables**[Adopted 3-19-2007 by Ord. No. 07-145]****§ 56-43. Qualification, appointment and regulation. [Amended 2-25-2008 by Ord. No. 08-127]**

- A. Appointment authority. The Mayor shall have the power to appoint, subject to confirmation by the Board of Aldermen, such number of constables as may be deemed advisable.
- B. Term of appointment. The term of appointment shall be for three years. Said appointment and any authority thereunder shall automatically expire on the date of termination set in the appointment. Constables seeking reappointment shall make a new application.
- C. Application.
 - (1) Any person seeking to be appointed as constable shall make written application therefor to the Mayor stating his reasons for desiring such appointment and such other reasonable information as may reasonably be required to determine the applicant's fitness to serve as constable. At a minimum, the application should provide the following information:
 - (a) Name and address of applicant;
 - (b) Name and address of current employer if any;
 - (c) Names and addresses of former employers for the five years preceding the date of application;
 - (d) A statement as to the moral character of the applicant signed by five citizens of Melrose, one of whom must be a duly licensed attorney at law; and
 - (e) The results of a criminal background (CORI) check on the applicant or, for a time period ending on May 30, 2008, a report as to the character and fitness of the applicant from the Chief of Police shall be accepted in lieu of a (CORI) background check.
 - (2) The Mayor or the Board of Aldermen may seek additional information regarding the applicant if necessary in their reasonable judgment in order to determine the applicant's fitness for appointment to the office of constable.
 - (3) The application shall be accompanied by a nonrefundable fee in the amount of \$50.
 - (4) The application for constable shall only be approved for those applicants who are found, after a review of the above-referenced

application materials and information, to be a person of good repute and character and qualified to hold said office.

- (5) Satisfactory completion of such training course or other requirements as are from time to time found necessary and prescribed by the Mayor for the effective performance of the duties of constable shall be a prerequisite for appointment to the position of constable.
- D. Requirement of bond. The bond required in order to authorize the service of civil process by constables shall be in the sum of \$5,000 with an incorporated surety company.
- E. Fees remitted to the City.
- (1) Constables appointed under this article shall pay the City 25% of all the fees collected for the service of civil process per MGL c. 41, § 95A.
 - (2) Payments made under this section shall be deposited in to the general fund.
 - (3) On a quarterly basis, the Treasurer/Collector or Auditor shall provide the Board of Alderman with an accounting of all fees collected under this section.
 - (4) Each constable shall file annually before April 15 an annual accounting of fees collected for service of civil process per MGL c. 41, § 95B.
- F. Reporting requirements.
- (1) Constables appointed under this article shall keep a ledger of all fees and other compensation earned directly or indirectly in the office of constable, including but not limited to fees for service of process and activities related to property seizure and debt collection.
 - (2) Constables appointed under this article shall retain for a minimum of three years all records of any seizures for which they received compensation and shall make those records available for inspection upon request of the Mayor, Chief of Police, or Board of Aldermen.
 - (3) Constables appointed under this article shall inform the Mayor and the Board of Aldermen of any civil or criminal action against them within 10 days of receiving notice of the same.
- G. Removal. The Mayor may, with the consent of the Board of Alderman, remove a constable for gross misconduct. Gross misconduct shall include, but not be limited to, the following:
- (1) Violation of any provision this article.
 - (2) Threatening debtors with criminal sanctions.

- (3) Representing oneself to be a constable in any municipality without a valid appointment.
- (4) Being found by a court of competent jurisdiction or similar authority to have violated any state or federal unfair debt collection law or regulation.

Chapter 67**SEAL AND FLAG****§ 67-1. City Seal.**

- A. Description. The Corporate Seal of the City shall be in the form of three concentric circles, having in the upper part of the inner circle the words "Explored 1628" and underneath the words, consecutively: "Charlestown 1629," "Pondfeilde 1638" and "Malden, North End, 1649." Within the upper part of the middle circle shall be the words "Town of Melrose" and in the lower part the words "Incorporated 1850." Within the upper part of the outer circle shall be the words "City of Melrose" and in the lower part the words "Incorporated 1900."
- B. Keeper; use generally. The City Clerk shall be the ex officio keeper of the City Seal but shall permit the Mayor or any other City officer to affix the same to any document to which the City Seal is required to be affixed.

State law references — City Seal generally, MGL c. 40, § 47; unauthorized use of City Seal, MGL c. 268, § 35.

§ 67-2. Sealing and authentication of legal documents.

All deeds and other legal documents made, given or entered into by the City requiring a seal shall be sealed with the City Seal and shall be signed and acknowledged in behalf of the City by the Mayor.

§ 67-3. Identification of City vehicles.

All motor vehicles owned by the City and under the charge of any department thereof shall have affixed on the outside thereof a facsimile of the City Seal not less than eight inches in diameter and shall also have so designated, in letters not less than two inches in height, the name of such department.

§ 67-4. City Flag.

- A. Description. The flag of the City shall bear three stripes of equal width, running the length of the flag. The top stripe shall be red, with the words "City of Melrose" in white letters centered thereon. The middle stripe shall be white, with an outline of a shield centered thereon, bearing a representation of the Upham House in brown and the words "Upham House" and the numerals "1703" imprinted in green thereon. The bottom stripe shall be red, with the year "1900" in white letters centered thereon.
- B. Custodian. The City Clerk shall be custodian of the City Flag.

Chapter 93

ANIMALS

GENERAL REFERENCES

Dogs in cemeteries — See Ch. 102, § 102-9. Parks and playgrounds — See Ch. 173.

ARTICLE I
General Provisions

§ 93-1. Inspectors of animals.

The Mayor shall annually, in March, nominate one or more Inspectors of Animals and before April 1 shall send to the Director of Animal Health for the Commonwealth of Massachusetts the name, address and occupation of each nominee. Such nominee shall not be approved until appointed by such Director of Animal Health for the Commonwealth of Massachusetts.

State law reference — Inspectors of animals, MGL c. 129, § 15 et seq.

§ 93-2. Protection of trees and other property.

- A. No person shall fasten a horse or other animal to or near any tree or shrub in any public street or grounds. No person shall leave any horse or destructive animal which may be in his/her charge unhitched in any public way or place or so hitched as to injure any ornamental tree or plant.
- B. No owner or keeper of any animal(s) within the City limits shall allow or cause said animal(s) to be tethered, chained, tied, leashed or by any other means attached and/or affixed to any fence, signpost, tree, bush, pole or any other structure that is outside the confines of the owner's or keeper's property.
- C. No owner or keeper of any animal within the City limits shall allow an animal that is lawfully tethered upon the confines of the owner's or keeper's property access to any sidewalk, way, street or any other public or private property, other than that of the owner's or keeper's own property.

State law reference — Protection of trees, MGL c. 87, § 12.

§ 93-3. Violations and penalties.

- A. Except as otherwise provided in this chapter or other revised ordinances, any person who violates the provisions of this chapter shall be punished as follows:
 - (1) First offense: fine of \$15.
 - (2) Second offense: fine of \$25.
 - (3) Third or subsequent offense: fine of \$50.
- B. Any violation which continues beyond a twenty-four-hour period shall be considered a separate offense.

**§ 93-4. Enforcement. [Amended 12-16-2002 by Ord. No. 02-060A;
8-21-2017 by Ord. No. 2018-4]**

The Inspector of Animals, the Animal Control Officer (pursuant to MGL c. 140, § 136A et seq.), the Chief of Police, any police officer or the designated representative of any City department shall be authorized to enforce the provisions of this chapter.

State law reference — MGL c. 140.

ARTICLE II

Dogs**§ 93-5. Special license required in certain cases.**

- A. No dog shall be kept for breeding purposes, nor shall more than three dogs be kept for any purpose, except such dogs as are under the age of six months, on any premises situated in the City unless a special license therefor shall have been obtained from the Board of Aldermen.
- B. Every special license referred to in Subsection A shall specify the premises on which dogs may be kept under its authority, shall remain in force until the 31st day of March next following and shall be expressly made revocable by vote of the Board of Aldermen after hearing. No license to keep dogs on any premises in the City situated within 500 feet of any dwelling house shall be granted except after a public hearing, notice of the time and place of which shall be given, not less than seven days prior thereto, by publication in a newspaper published in the City and by mail to all owners and occupants of real estate abutting such premises or directly opposite such premises on any public or private way as they appear on the most recent tax list at the time the application for such license is filed.

§ 93-6. Leashing requirements. [Amended 5-20-2002 by Ord. No. 02-324]

- A. No person shall own or keep in the City, outside the confines of the owner's or keeper's property, any dog that is not held firmly on a leash.
- B. The Animal Control Officer may, at his/her discretion, waive the provisions of Subsection A if a determination is made that the owner or keeper has a valid reason to have the dog unleashed or untethered for training, exhibition or show purposes. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- C. Violation of this section shall be punishable as follows:
 - (1) First offense, unaltered or altered: fine of \$50.
 - (2) Second offense, unaltered or altered: fine of \$100.
 - (3) Third offense: \$150.
 - (4) Apprehension: \$10.³³
 - (5) Confinement: \$10 per day.
 - (6) Kennels: \$100.
 - (7) Seeing eye dogs: no fees.

33. Editor's Note: The line "Adoption: all fees and expenses" which immediately followed this subsection in Ord. No. 02-324 was deleted per instructions from the City as superseded by Ord. No. 02-102. See § 93-11.

- D. Exemptions. Dogs will be permitted to go without leashes only within areas designated as "off-leash dog areas" as determined by the Board of Park Commissioners in accordance with § 173-17, provided that: **[Added 6-4-2012 by Ord. No. 2012-180]**
- (1) All dogs are leashed prior to entering and upon leaving the off-leash dog area.
 - (2) All dogs must be accompanied by a guardian who must remain with his/her dog(s) at all times while using the off-leash dog area.
 - (3) Guardians are legally responsible for their dog(s) and any injuries caused by their dog(s).
 - (4) Guardians may bring no more than three dogs to the off-leash dog area at one time.
 - (5) Guardians must dispose of their dog's fecal matter in accordance with § 93-8.
 - (6) The following dogs are forbidden from entry into the off-leash dog areas:
 - (a) Dogs in heat.
 - (b) Dogs less than six months of age.
 - (c) Dogs without municipal licenses and up-to-date vaccinations.
 - (d) Aggressive dogs. Any dog that engages in fighting or that does not respond to voice command.

§ 93-7. Attack dogs anchored inside delivery vehicles.

Attack dogs used in delivery vehicles as guards shall be firmly anchored within the vehicle with a metal chain leash to prevent their leaving the confines of the interior.

§ 93-8. Waste disposal.

- A. Disposal of feces. Any person who is the owner or keeper or in control or possession of a dog within the City of Melrose shall dispose of any feces left by his/her dog on any public sidewalk, public street or any other public area or City-owned or City-controlled property or on any private property neither owned nor occupied by said person and for which permission has not been granted by a lawfully authorized person for the disposal of such feces on said property.
- B. Method of disposal. Disposal of feces shall be accomplished by transporting and disposing of such feces to and at a place suitable and lawful for the disposal of canine feces or as otherwise designated as appropriate by the Board of Health.

§ 93-9. Registration and licensing. [Amended 5-20-2002 by Ord. No. 02-303B; 12-16-2002 by Ord. No. 02-060A; 6-23-2005 by Ord. No. 05-257A]

- A. Any and all persons who are owners or keepers of dogs residing within the City of Melrose shall register each dog which is six months old or older with the City Clerk and shall cause said dog to be licensed, numbered and described. The licensing period shall be on an annual basis commencing on January 1 of each year and ending on December 31 of each year.
- B. The City Clerk shall not issue a license to any dog unless the owner or keeper thereof provides the City Clerk with a veterinarian's certification that said dog has been vaccinated in accordance with MGL c. 140, § 145B, or has been certified exempt from this provision due to a finding of the Board of Health that, due to infirmity or physical condition of said dog, inoculation is deemed inadvisable, or has a notarized letter from a veterinarian that a certification was issued or a metal rabies tag bearing an expiration indicating that said certification is still in effect.
- C. The City Clerk shall charge the following fees for the issuance of dog licenses. Said fees shall not be reduced or prorated in the event that the license is issued for less than one calendar year. Spayed or neutered dog: \$20 per year; an intact dog: \$23 per year. A late fee of \$15 is to be imposed if not licensed by March 15 annually. No fee shall be charged for a license issued for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder. **[Amended 12-17-2012 by Ord. No. 2013-69; 8-21-2017 by Ord. No. 2018-4]**
- D. The owners or keepers of the dog shall cause the dog to wear a collar or harness, of leather or some other suitable material, to which shall be attached a tag issued by the City Clerk at the time of licensing. Said tag shall contain the name of the City of Melrose, the license number and the year of issue of said license.

§ 93-10. Complaints. [Amended 12-16-2002 by Ord. No. 02-060A; 8-21-2017 by Ord. No. 2018-4]

If any person shall make a complaint, in writing, to the Chief of Police or Animal Control Officer of the City of Melrose that any dog owned or harbored within his/her jurisdiction is a nuisance by reason of excessive barking, howling or yelping or by reason of behavior or habits deemed by the Chief of Police or the Animal Control Officer to be detrimental to the health, safety or well-being of the community, such Chief of Police or Animal Control Officer shall investigate or cause to be investigated such complaint, and the dog may be taken from the owner, and the Chief of Police or Animal Control Officer shall provide for the proper housing of the offending dog in order to allow for a quiet or safe neighborhood.

§ 93-11. Adoption of animals. [Added 6-17-2002 by Ord. No. 02-102]

- A. The City may, acting through the Animal Control Officer, enter into adoption agreements with members of the public pursuant to which animals which come into the custody of the City may be given to members of the public for adoption.
- B. The City may charge an adoption fee of \$10 to individuals adopting animals from the City hereunder.
- C. A standard adoption agreement shall be kept on file with the Public Health Department. **[Amended 8-21-2017 by Ord. No. 2018-4]**

Chapter 102**CEMETERY****§ 102-1. Cemetery Committee. [Amended 8-21-2017 by Ord. No. 2018-4]**

A Cemetery Committee for the City of Melrose is established in accordance with § A-207 of the Administrative Code.

State law reference — Cemeteries, MGL c. 114.

§ 102-2. Grants, donations or bequests.

The City will take and hold any grant or donation, bequest or deposit that may be made upon trust, to apply the same or the income thereof as may be designated by the donor, for the improvement or embellishment of the public cemetery. When such grant, donation, bequest or deposit is made by a person holding, occupying or interested in a lot in the public cemetery for its repair, preservation or embellishment, the City may give such person an agreement in such form and upon such conditions as may be established to keep such lot in repair forever or for such period as may be agreed upon.

§ 102-3. Deposits for care of lots and graves.

The City will receive of any person any sum not less than \$15 nor exceeding \$500 for the purpose of providing for the preservation and care of such lot or its appurtenances as the person paying the money may designate. All sums of money so received shall be immediately paid to the City Treasurer, who shall give a receipt therefor.

§ 102-4. Statement of income on deposits.

The City Treasurer shall annually, in the month of April and at such other times as the Cemetery Committee shall request, make a statement to it showing the amount of income which has accrued on each separate deposit and of the several lots in the public cemetery upon which the income may be expended.

§ 102-5. Application of funds; annual report.

The Cemetery Committee shall receipt for and faithfully apply all sums of interest received by it in accordance with the statements made by the City Treasurer and shall annually, in the month of January, submit to the Mayor and the Board of Aldermen a report containing a statement of the condition of the cemetery and an account in detail of the receipts and expenditures therefor.

§ 102-6. Sale of lots and graves.

The Cemetery Committee may sell and convey to any person, resident or nonresident, the exclusive right of burial and of erecting tombs and cenotaphs upon any lot in any cemetery belonging to the City and of ornamenting the same, on such terms and conditions and subject to such regulations as it shall prescribe. The proceeds of such sales shall be paid into the City treasury, shall be kept separate from other funds in an account to be known as "Sale of Lots and Graves" and shall be deposited by the City Treasurer in any savings bank chartered under the laws of the commonwealth or invested in bonds or notes which are legal investments for such savings banks or in paid-up shares in cooperative banks. Interest on funds so deposited and the income from funds so invested shall be credited only to such account, and appropriations shall be made from the account, including interest credited as aforesaid, only for the purpose of reimbursing the City for the cost of land required for cemetery purposes, its care, improvement and embellishment or the enlargement of the cemetery.

§ 102-7. Form of deeds; recording.

Every deed for right of burial in Wyoming Cemetery shall be in such form as the Cemetery Committee shall prescribe and the City Solicitor shall approve, shall be signed by the Chair of such Committee and countersigned by the Clerk thereof and by the City Treasurer, shall have the City Seal affixed thereto and shall be recorded by such Clerk in a book provided for such purpose.

§ 102-8. Appropriations.

The Cemetery Committee shall have the control of any appropriation which may be made for the public cemetery by the Board of Aldermen.

§ 102-9. Control of dogs. [Added 6-6-1994 by Ord. No. 94-116]

No person shall permit a dog to be in or within any property under the control of the Cemetery Committee. This section shall not apply to any person lawfully upon the cemetery with a sight or hearing dog under his or her custody or control.

Chapter 106**COAL AND OTHER PUBLIC COMMODITIES****GENERAL REFERENCES**

Sealer of Weights and Measures — See Ch. 56,
Art. VI.

§ 106-1. Duties of weigher; fees.

- A. Generally. A sworn weigher not engaged in the business of buying and selling coal or other public commodities shall attend on every day, Sundays and legal holidays excepted, at such places and at such times, during business hours, as may be designated by the Sealer of Weights and Measures for the purpose of weighing coal and other public commodities. The weigher shall deliver to the driver of every load of coal or other public commodity weighed by him/her a certificate specifying the name and address of the seller, the purchaser and the driver, the number of the load and the weight and tare thereof, the date when the certificate is given and the amount of fees received.
- B. Books required. The weigher shall also keep in a book furnished by the City Clerk a duplicate of such certificate. Such book shall always be open to public inspection and when filled shall be deposited with the City Clerk.
- C. Fees. The fees for weighing public commodities in accordance with Subsection A of this section shall be designated by the Sealer of Weights and Measures and shall be published by the Sealer of Weights and Measures at least once a year in a newspaper published in the City.

State law reference — Weighers of coal, MGL c. 94, § 238.

§ 106-2. Coal and commodities furnished to City.

All coal and other commodities furnished to the City or any department thereof shall be weighed on scales designated by the Sealer of Weights and Measures by a sworn public weigher who shall keep a record as above set forth and deliver a certificate of weight to the driver to deliver to the janitor or person in charge of the building where the coal is to be delivered. The fees for such weighing shall be paid by the seller.

§ 106-3. Coke or coal to be weighed by public weigher.

Coke or coal sold in the City by weight shall, on the request of the purchaser, be taken by the seller to scales designated by the Sealer of Weights and Measures and weighed by a sworn weigher not engaged in the business of buying and selling such goods, the expense of such weighing to be paid by the seller. Any dealer failing to comply with the provisions of this section shall be liable to a fine not exceeding \$10.

State law reference — Coal to be weighed by a sworn weigher without cost to the purchaser and certificate of weight, MGL c. 94, § 244.

Chapter 119**FIRE PREVENTION****GENERAL REFERENCES****Fire Department — See Ch. 24, Art. II.****Alarm devices — See Ch. 89.****Emergency management — See Ch. 30.****Inflammables and explosives — See Ch. 137.**

§ 119-1. Fire limits.

For the purpose of further protecting the City against damage by fire, fire limits, to be known as "Districts A and B," are hereby established and provided for as follows:

- A. District A. District A shall be bounded as follows: Beginning at a point on the southwesterly corner of Essex Street and Main Street; thence westerly on Essex Street to the Boston and Maine railroad tracks; thence southerly on said railroad tracks to the northeasterly corner of Berwick and Grove Streets; thence on a true line to the northeasterly corner of the Lincoln School building; thence 150 feet back on West Wyoming Avenue running easterly to 150 feet east of the southeasterly corner of East Wyoming Avenue and Main Street; thence northerly 150 feet back of Main Street to within 150 feet of the southeasterly corner of Grove and Main Streets; thence 150 feet back on said Grove Street running easterly to Walnut Street; thence northerly to within 150 feet of East Foster Street; thence 150 feet back on East Foster Street running easterly to Dell Avenue to the westerly side of Dell Avenue to the southwesterly corner of Upham Street and Dell Avenue; thence on Upham Street to the point of beginning.
- B. District B. District B shall be bounded as follows: Essex Street a distance of 150 feet back on the north and east sides of said street and to the railroad on the west side; Tremont Street from West Emerson Street to the Lynn Fells Parkway on the east side to a depth of 150 feet and on the west side of the railroad; Main Street a distance of 150 feet back on both sides of said street from Upham and Essex Streets to Reading Hill Avenue; Green Street a distance of 150 feet back on both sides of said street from Franklin Square to Howard Street; Franklin Street a distance of 150 feet back on both sides of said street from Franklin Square to Greenwood Street; West Emerson Street a distance of 150 feet back on both sides of the street from the railroad tracks to Vinton Street.

§ 119-2. Smoke detectors in certain residential buildings. [Added 9-17-1979 by Ord. No. 20322; amended 4-22-1980 by Ord. No. 20577]

- A. All buildings or structures occupied in whole or in part for residential purposes and not regulated by MGL c. 148, § 26A, 26B or 26C, shall, upon the sale or transfer of such building or structure, be equipped by the seller with approved smoke detectors as provided in MGL c. 148, § 26E. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- B. The head of the Fire Department shall enforce the provisions of this section. The provisions of MGL c. 148, § 30, shall not apply to this section.

§ 119-3. Use of steam engines; report and repair of dangerous conditions.

- A. It shall be the duty of the Chief of the Fire Department to take cognizance of every building in the City in which any steam engine shall be used and of all buildings in the City in the process of erection or alteration and to make a record of such use thereof as in his/her judgment may, from any cause, be dangerous in case of fire and report the same to the State Fire Marshal forthwith. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- B. Whenever, in the Chief's opinion, any chimney, hearth, oven, stovepipe, fire frame or other fixture, or whatever else may give just cause for alarm, should be altered, repaired or removed, the Chief shall forthwith notify and direct the owner of the premises upon which the same is situated to alter, repair or remove the same as he/she may direct.
- C. In case of neglect or refusal so to do, the Chief shall cause the same to be removed, altered or repaired at the expense of such owner, who shall also be liable to a penalty not exceeding \$20 for such neglect or refusal. Any person who shall obstruct the Chief in carrying out the provisions of this section shall be liable to a penalty not exceeding \$150 for each offense. **[Amended 8-21-2017 by Ord. No. 2018-4]**

§ 119-4. Demolition to prevent spread of fires.

Whenever it shall be determined by the officer in command at any fire that it is necessary to pull down or demolish any building in order to prevent the spreading of fire, the same may be done by his/her order, in accordance with the statute in such case made and provided.

State law references — Demolition of buildings to prevent spread of fire, MGL c. 48, §§ 3 to 5; burnt or dangerous buildings as nuisances, MGL c. 139, §§ 1 to 3.

§ 119-5. False fire alarm.

Any person intentionally raising a false alarm of fire shall be prosecuted by the Chief of the Fire Department according to law.

State law references — Interfering with fire signal system, MGL c. 268, § 32; punishment for causing a false alarm of fire, MGL c. 269, § 13.

§ 119-6. Driving over hose.

No person, without the permission of the Chief of the Fire Department, the Assistant Chief or the officer in charge, shall drive a vehicle upon or over any hose placed in the street for use at a fire.

State law reference — Driving over fire hose, MGL c. 89, § 7A.

§ 119-7. Fees for inspections, permits and other services. [Added 2-3-1992 by Ord. No. 92-118A; amended 3-2-1992 by Ord. No. 92-118; 11-15-2004 by Ord. No. 05-083]

The following fees shall be charged by the Melrose Fire Department for the following services:

- A. Smoke detector inspection:
 - (1) One to five units: \$50 per unit.
 - (2) Six to 25 units: \$50 plus \$25 per unit.
 - (3) Over 25 units: \$125 plus \$25 per unit.
- B. Smoke detector reinspection: \$25.
- C. Installation or removal of above- or below-ground storage tank: \$50 (up to 275 gallons); \$150 (over 275 gallons).
- D. Install oil burner equipment: \$50.
- E. Propane storage (annually): \$50.
- F. Storage of flammable liquid/gas/solid (annually): \$50.
- G. Storage of gunpowder/black powder (annually): \$50.
- H. Ammunition storage license (annually): \$25.
- I. Acetylene storage (annually): \$50.
- J. Tar kettle: \$50.
- K. Tank truck inspections: \$100.
- L. Blasting permit: \$250.
- M. Reissue permits: \$25.
- N. Supervised display of fireworks: \$50.
- O. Copy of fire reports: \$50.
- P. Sprinkler test: \$150.
- Q. Salamanders: \$50.
- R. Building demolition: \$100.

- S. Correction to municipal fire alarm system: \$150.
- T. Plans review:
 - (1) One to two families: \$50.
 - (2) Three to five families: \$100.
 - (3) Six to 25 families: \$200.
 - (4) Twenty-six families or more: \$250.
 - (5) Commercial: \$150.
- U. Hospital inspection: \$400 annual. **[Amended 12-16-2013 by Ord. No. 2014-56]**
- V. Nursing home inspection: \$200 annual. **[Amended 12-16-2013 by Ord. No. 2014-56]**
- W. Place of assembly inspection: \$50 annual.
- X. Fire inspection for common victualler: \$10 annual.
- Y. Underground tank, slurry filled: \$100.
- Z. Tent permit: \$50.
- AA. Model rocket: \$10.
- BB. Tank registration FP290: \$100 (five years).
- CC. Paint spray booth: \$25 annual.
- DD. Multifamily (four and above)/commercial/industrial inspection fee: \$100 annual. **[Added 12-16-2013 by Ord. No. 2014-56]**
- EE. Master box connection: \$250 annual. **[Added 12-16-2013 by Ord. No. 2014-56]**
- FF. Penalty for premature work: where any work is started without a permit, all required fees will be triple the scheduled fee. **[Added 12-16-2013 by Ord. No. 2014-56]**

Chapter 127

HAWKERS, PEDDLERS AND TRANSIENT VENDORS

GENERAL REFERENCES

- | | |
|--|---|
| Sealer of Weights and Measures — See Ch. 56,
Art. VI. | Licenses and permits — See Ch. 152.

Noise — See Ch. 164. |
| Junk, secondhand and precious metals
dealers — See Ch. 143. | Parks and playgrounds — See Ch. 173. |

ARTICLE I
Hawkers and Peddlers

§ 127-1. License required; exception.

No person shall go from place to place in this City selling or bartering, or carrying or exposing for sale or barter, any meats, butter, cheese, fish and fresh fruit or vegetables in or from any cart, wagon or other vehicle, or in any other manner, without a license therefor from the Sealer of Weights and Measures, provided that this section shall not apply to any person who sells only fruits or vegetables raised or produced by himself/herself or his/her family or fish which is obtained by his/her own labor or the labor of his/her family.

State law reference — Articles which may be sold without a license under law of the commonwealth, MGL c. 101, §§ 15 and 17.

§ 127-2. Qualifications for grant of license; term and fee.

The Sealer of Weights and Measures shall have authority to grant such license to any person of good repute for morals and integrity who is, or has declared his/her intention to become, a citizen of the United States. Such license, unless sooner revoked by the Sealer of Weights and Measures, shall expire one year after the granting thereof, and each person so licensed shall pay therefor a fee of \$10.

State law reference — Transient vendors, hawkers and peddlers, MGL c. 101, §§ 1 to 33.

§ 127-3. Recording with Chief of Police. [Amended 4-21-1981 by Ord. No. 20919]

No hawker or peddler shall sell, or offer or expose for sale, any of the articles enumerated in MGL c. 101, § 17, or any acts in amendment thereof or in addition thereto, and no person shall make door-to-door calls at home for the purpose of soliciting sales or other contracts unless he/she shall have first registered his/her name, residence and nature of the business with the Chief of Police, and no such calls shall be made except by appointment, and no calls shall be made between sunset and sunrise. Every person licensed under the provisions of § 127-1 as a hawker or peddler shall record his/her name and residence in like manner with the Chief of Police.

§ 127-4. Manner of carrying and crying wares.

No person hawking, peddling, carrying or exposing any article for sale shall cry his/her wares or make any loud noise in the sale of the same to the disturbance of the peace and comfort of the inhabitants of the City, nor shall he/she carry or convey such articles in any manner that will tend to injure or disturb the public health or comfort, nor otherwise than in vehicles and receptacles which are neat and clean and do not leak.

§ 127-5. Numbers and badges.

Every hawker and peddler licensed by the Sealer of Weights and Measures under § 127-1 shall be assigned a number and shall provide himself/herself with a badge, of such type and design as may be approved by such Sealer, bearing the words "peddler" and "Melrose" and the number of his/her license, which shall be worn in a conspicuous manner. Whoever neglects to wear such badge, as aforesaid, or wears the same without authority, shall be punished by the penalty provided in Chapter 1, General Provisions, § 1-19.

§ 127-6. License numbers on vehicles.

Every vehicle or other receptacle used by a licensee as a conveyance for articles offered or exposed for sale by him/her shall have attached thereto on each side a number plate, to be furnished by the Sealer of Weights and Measures with his/her license, bearing the number and date of expiration of such license.

§ 127-7. Weights and measures.

No person shall be registered or assigned a badge or number plate under the provisions of §§ 127-5 and 127-6 until he/she obtains a certificate from the Sealer of Weights and Measures stating that all weighing and measuring devices intended to be used by such person have been duly inspected and sealed as required by law. The use of, or possession by such person with intent to use, any false or unsealed weighing or measuring devices shall be sufficient cause for the revocation of his/her license or the cancellation of his/her registration.

§ 127-8. Endorsing and exhibiting license.

Every person licensed to peddle as aforesaid shall endorse his/her usual signature upon his/her license. Any licensee who fails, neglects or refuses to exhibit his/her license when the same is demanded of him/her by a commissioner or inspector or the Sealer of Weights and Measures, City Treasurer or Clerk, constable, police officer or justice of the peace shall be subject to the same penalty as if he/she had no license.

§ 127-9. Revocation of license.

Any hawker's or peddler's license granted under this article or any ordinance amendatory thereof or additional thereto may be revoked by the Sealer of Weights and Measures.

ARTICLE II
Transient Vendors

§ 127-10. License required.

Every transient vendor, as defined in MGL c. 101, § 1, before making any sale of goods, wares or merchandise in the City, shall make application for a license to the Board of Aldermen.

State law reference — Law of the commonwealth requiring the license, MGL c. 101, § 5.

§ 127-11. Issuance of license; fee; term.

Upon the favorable action of the Board of Aldermen upon the application referred to in § 127-10 and the payment of a fee of \$25 therefor, the City Clerk shall thereupon issue to such transient vendor a license, which shall remain in force so long as the licensee shall continuously keep and expose for sale such stock of goods, wares or merchandise as is described in the application as aforesaid, but not later than the first day of April following its date.

§ 127-12. Recording and endorsement of license.

Upon such payment and proof of payment of all other license fees, if any, chargeable upon local sales, the City Clerk shall record the state license of such transient vendor in full, shall endorse thereon "local license fees paid" and shall affix thereto his/her official signature and the date of such endorsement.

Chapter 131

HISTORIC DISTRICTS

§ 131-1. Short title; authority.

This chapter shall be known and may be cited as the "Historic Districts Ordinance" under authority of MGL c. 40C.

§ 131-2. Purpose.

The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics or architecture of buildings and places significant in the history of the commonwealth and the City and through the maintenance and improvement of settings for such buildings and places and the encouragement of designs compatible therewith.

§ 131-3. Historic District Commission.

- A. In accordance with the Historic Districts Act, MGL c. 40C, there is hereby established the Melrose Historic District Commission, which shall have all the powers and duties of a historic district commission under the General Laws.
- B. All members and alternate members of the Commission shall be appointed by the Mayor, subject to confirmation by the Board of Aldermen. The Commission shall consist of seven members, including one member, where possible, from two nominees submitted by the local historical societies; one member, where possible, from two nominees submitted by the Massachusetts chapter of the American Institute of Architects; one member, where possible, from two nominees submitted by the Boston Society of Landscape Architects; and one member, where possible, from two nominees submitted by the Eastern Middlesex Board of Realtors. The Commission shall also include a lawyer and one or more residents or owners or renters of property in the historic district to be administered by the Commission.
- C. When the Commission is first established, two members shall be appointed for a term of one year, two shall be appointed for a term of two years and three shall be appointed for a term of three years, and their successors shall be appointed in a like manner for terms of three years. When the Commission is first established, one alternate member shall be appointed in like manner for a term of one year, one alternate member for a term of two years and one alternate member for a term of three years, and their successors shall be appointed in like manner for terms of three years. All vacancies shall be filled in like manner for the unexpired term.
- D. All members of the Commission shall serve without compensation.

- E. The Commission shall elect annually a Chair and Vice Chair from its own number and a Secretary from within or without its own number.
- F. The Historic District Commission shall adopt rules and regulations for the conduct of its business not inconsistent with the provision of the Historic Districts Act. The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work and may accept money gifts and expend the same for such purposes.
- G. Meetings of the Historic District Commission shall be held at the call of the Chair and shall be called at the request of two members of the Commission and in such other manner as the Commission shall determine in its rules. A majority of the members of the Commission shall constitute a quorum. When taking action under the provisions of the fourth paragraph of Section 11 of the Historic Districts Act³⁴ the Commission shall make its determination within 45 days after the filing of the application for a certificate of appropriateness or such further time as the applicant may, in writing, allow.

§ 131-4. Downtown Melrose Historic District.

- A. There is hereby established, under the provisions of MGL c. 40C, a historic district to be known as the "Downtown Melrose Historic District," shown on a plan titled "Proposed Downtown Melrose Historic District" dated July 16, 1979, showing in general a boundary following rear property lines of properties bordering Main Street from the intersection of West and East Foster Streets to the south side of West and East Emerson Streets, said plan having been approved and signed by the City Engineer, placed on file at the offices of the City Clerk and the Director of Inspectional Services, recorded in South Middlesex District Registry of Deeds and included herewith as part of this chapter.³⁵ **[Amended 8-21-2017 by Ord. No. 2018-4]**
- B. The establishment of the historic district under this section shall take effect when all the Commissioners are appointed by the Mayor and confirmed by the Board of Aldermen.

§ 131-5. Jurisdiction of Commission.

- A. The following categories of buildings or structures or exterior architectural features may be constructed or altered within a historic district without review by the Historic District Commission:
 - (1) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, removal and similar matters as the Commission may reasonably specify.

34.Editor's Note: See MGL c. 40C, § 11.

35.Editor's Note: Said plan is included as an attachment to this chapter.

- (2) Terraces, walks, driveways, sidewalks and similar structures, or any one or more of them, provided that any such structure is substantially at grade level. This is not to be construed as to include parking lots.
 - (3) Storm doors and windows, screens, window air conditioners, antennas and similar appurtenances.
 - (4) Paint colors, except for paint proposed for masonry or any materials now not painted.
 - (5) Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation or for professional purposes, provided that only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly.
 - (6) The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided that such reconstruction is begun within one year thereafter and carried forward with due diligence.
- B. The authority of the Commission shall be limited to exterior architectural features within the designated district which are subject to view from a public way.

Chapter 137

INFLAMMABLES AND EXPLOSIVES

GENERAL REFERENCES

Fire prevention — See Ch. 119.

§ 137-1. Licenses for keeping, storage or sale required; fees; approval of application. [Amended 4-6-1987 by Ord. No. 1655; 11-15-2004 by Ord. No. 05-084³⁶; 5-16-2005 by Ord. No. 05-213]

- A. The Board of Aldermen may grant licenses, in accordance with the provisions of MGL c. 148, § 13, to suitable persons to use land for the construction or maintenance thereon of buildings or other structures for the keeping, storage or sale of any of the articles named in § 9 of such chapter, except fireworks, firecrackers or torpedoes, and for the keeping of vehicles with gasoline or other volatile inflammable fluid, as defined in § 14 of such chapter, in the same. The fee for any license granted under this section shall be in accordance with the following schedule:

36. Editor's Note: This order provided an effective date of 1-1-2005.

- (1) For a license for keeping in a designated building or structure one to five cars, inclusive: \$50; six to 25 cars, inclusive: \$100; and 25 cars and up: \$150.
 - (2) For a license or licenses to keep and store crude petroleum, or any of its products, or other inflammable fluids: for the first 10,000 gallons at the rate of \$20 for each 1,000 gallons or fraction thereof; and for all over 10,000 gallons at the rate of \$1 for each 1,000 gallons or fraction thereof.
 - (3) For a license or licenses to keep, store and sell crude petroleum, or any of its products, or other inflammable fluids: for the first 10,000 gallons at the rate of \$15 for each 1,000 gallons or fraction thereof; and for all over 10,000 gallons at the rate of \$1 for each 1,000 gallons or fraction thereof.
 - (4) For licenses for keeping, storing and selling ammunition in a designated building or structure: \$2.
- B. No license shall be granted under this section unless the application therefor is approved by the Chief of the Fire Department, nor shall any license be granted for the keeping for sale at any retail filling station of more than 40,000 gallons of gasoline or more than 500 gallons of other inflammable fluids.

State law references — Granting of licenses, after notice and hearing, for storage of petroleum and its products, filing of certificates of registration thereof annually, revocation by Aldermen and reinstatement by State Fire Marshal, MGL c. 148, § 13; explosives, MGL c. 148, § 9 et seq.

§ 137-2. Annual registration of license; notice to Aldermen of failure to file.

- A. Licenses granted under § 137-1 shall be subject to the provisions of MGL c. 148, § 13, requiring the filing of a certificate of registration therefor annually, and the fee for the filing of such certificate shall be 1/2 the amount of the fee for the license.
- B. The City Clerk shall, on the first day of May in each year, notify the Board of Aldermen of all owners or occupants of land used under licenses hereinbefore referred to who have failed to file a certificate of registration as herein required, and, upon receipt of such notification, the Board of Aldermen may, in the manner provided by law, revoke such license.

§ 137-3. Storage of barrels, cans, tires and motor vehicles at filling stations.

No owner or occupant of premises licensed for the keeping, storing and selling of gasoline shall place, keep or store, or permit to be placed, kept or stored, in the open on the licensed premises any empty barrels, cans

or other containers or tires, new or used, except in racks or other display devices, or any motor vehicles, except those belonging to such owner or occupant or to his/her employees or to his/her actual customers whose vehicles are on the licensed premises incident to the servicing of such vehicles, provided that so much of this section as relates to motor vehicles shall not apply to premises occupied by a licensed motor vehicle dealer or by a licensed operator of an open-air parking space. Failure to comply with the requirements of this section shall be deemed to be cause for revocation of the license.

**§ 137-4. Operative air pump a condition of fuel storage permit.
[Added 12-3-1979 by Ord. No. 20282]**

- A. The approval of any license or permit to store fuel for the purposes of retail sale to the public, or the approval of any application for the renewal or reissuance of any license or permit to store fuel for the purpose of retail sale to the public, shall be conditioned upon the installation and continuing maintenance and operation on the licensed premises of an air pump for the use of the general public without a fee or charge for the use thereof.
- B. The failure to keep the air pump operative and available to the general public for more than 72 consecutive business hours shall constitute a violation of the condition of the license or permit sufficient to result in the revocation of the license or permit.

Chapter 143

JUNK, SECONDHAND AND PRECIOUS METALS DEALERS

GENERAL REFERENCES

Hawkers, peddlers and transient Licenses and permits — See Ch. 152.
vendors — See Ch. 127.

ARTICLE I

Junk and Secondhand Dealers

[Adopted as Rev. Ords. 1976, §§ 10-1 to 10-7 (Rev. Ords. 1989, §§ 9-101 to 9-107)]

§ 143-1. Issuance of licenses; fees. [Amended 5-20-2002 by Ord. No. 02-303]

- A. The Board of Aldermen may, upon petition, license suitable persons to be dealers in or keepers of shops for the purchase, sale and barter of junk, old metals or secondhand articles, at such places as may be designated in such licenses, and also junk collectors to collect by purchase or otherwise from place to place in the City junk, old metals and secondhand articles under the rules, regulations and restrictions hereinafter prescribed, which shall be expressed in every such license, provided that no such license shall be issued or in force unless all scales, weights and measures which are to be used by the applicant in his/her business under the license shall have been inspected, tested and sealed by the Sealer of Weights and Measures immediately before the issuance of the license.
- B. Such licenses may be granted during the month of April to take effect on the first day in May next following. The fee for a license to be a dealer in, or keeper of a shop for, the purchase, sale and barter of junk, old metals or secondhand articles shall be \$125, and the fee for a license to be a junk collector shall be \$150.

State law references — Junk and junk dealers, MGL c. 140, §§ 54 to 56; license fees, MGL c. 140, § 202; effective date of licenses, MGL c. 140, § 203.

§ 143-2. Signs; business to be conducted in place designated in license.

Every keeper of any shop regulated by this article shall put in a suitable and conspicuous place on his/her shop a sign having his/her name and occupation legibly inscribed thereon in large letters, and no such keeper shall carry on his/her business in any place other than that designated in his/her license unless permission so to do is granted by the Board of Aldermen.

§ 143-3. Badges to be worn by junk collectors. [Amended 8-21-2017 by Ord. No. 2018-4]

Every junk collector, when engaged in collecting, transporting or dealing in junk, old metals or secondhand articles, shall wear and display on his/her outer garments or cap a metallic badge on which shall be legibly inscribed, in Arabic figures not less than one inch in height, the number of his/her license and, in Roman letters not less than 1/2 inch in height, the words "Licensed Junk Collector" and shall have the words "License Junk Collector,

Melrose" in Roman letters not less than one inch in height and the number of his/her license in Arabic figures not less than two inches in height on each side of every vehicle used by him/her for the collection or transportation of junk, old metals or secondhand articles so as to be distinctly seen and read.

**§ 143-4. Examination of shops, vehicles and record of purchases.
[Amended 4-21-1981 by Ord. No. 20920]**

Every keeper of any shop regulated by this article shall at all times keep a record containing the name and address of each person from whom the shop purchased secondhand articles, the date of purchase and a brief description of the article purchased and shall, at all times, allow the Mayor and Aldermen, the Chief of Police or any person by them respectively authorized thereto to examine such shop and all articles of merchandise therein, including the ledger containing the data pertaining to any such transaction, and every such keeper or junk collector shall allow the Mayor and Aldermen, the Chief of Police or any person by them respectively authorized thereto to examine any vehicle or receptacle used by him/her for the collection or transportation, or any place used by him/her for the keeping or storage, of such articles.

§ 143-5. Dealing with minors.

No such dealer, keeper or junk collector shall directly or indirectly purchase or receive by way of barter or exchange any junk, old metals or secondhand articles from a minor, knowing or believing him/her to be such.

§ 143-6. Records to be kept by City Clerk.

It shall be the duty of the City Clerk to keep a record of the name, residence and place of business of every person licensed under the provisions of this article, the particular purpose for which such license is granted and the name and residence of every person in the employ of each person so licensed.

State law reference — Similar provisions, MGL c. 140, § 202.

§ 143-7. Violations and penalties.

Whoever, not being so licensed, keeps any shop regulated by this article or is such dealer or junk collector in the City or being so licensed keeps such shop or is such dealer or junk collector in any place or manner other than that designated in his/her license or after notice to him/her that his/her license has been revoked shall forfeit \$20 for each offense, and whoever violates any rule, regulation or restriction contained in his/her license shall forfeit not more than \$20 for each offense.

State law reference — Similar provisions, MGL c. 140, § 55.

ARTICLE II

Precious Metals Dealers
[Adopted 11-21-2011 by Ord. No. 12-59³⁷]**§ 143-8. Definitions.**

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

DEALER — Any person, partnership, corporation or other entity, whether permanent or itinerant, who on one or more occasions (through any means) buys or sells secondhand gold, silver, precious metals, gems or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.

ITINERANT BUSINESS — Any business conducted intermittently within the City of Melrose or at varying locations.

MINOR — Any person under the age of 18 years.

PERMANENT-BASED BUSINESS — Any business conducted on a year-round basis and housed in a single structure, such as a store or residence.

§ 143-9. License required.

No person, corporation or other entity shall engage in the business of purchase, barter, sale, collection or storage of precious metals without a license issued by the Board of Aldermen.

§ 143-10. License fee.

The fee for a precious metals dealer's license shall be \$50 per year.

§ 143-11. Restrictions.

No such license shall be issued to:

- A. A person who has been convicted of a felony or crime involving theft-related offenses within five years of issuance or renewal of the license.
- B. A person who has had a license revoked for cause. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- C. A person who, at the time of the application for renewal of any license issued hereunder, would not be eligible for such license under first application.
- D. A copartnership, unless one of the members of such copartnership owning not less than 5% interest therein shall be qualified to obtain such a license.

37. Editor's Note: Chapter 144, Precious Metals Dealers, added by Ord. No. 12-59, was renumbered as Art. II of this chapter 8-21-2017 by Ord. No. 2018-4.

- E. A corporation if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock in such corporation, would not otherwise be eligible to receive a license hereunder for any reason.
- F. A person whose place of business is conducted by a manager or agent, unless said manager or agent possesses the same qualifications required of the licensee.
- G. A person who is not of good character and reputation in the community.

§ 143-12. Revocation or suspension of license.

Licenses issued under the provisions of this article may be revoked by the Chief of Police, after a hearing, upon notice to the applicant, for any of the following causes:

- A. Fraud, misrepresentation or false statement contained in the application for license.
- B. Fraud, misrepresentation or false statement made in the course of carrying on the business of purchasing secondhand precious metals, gems and jewelry.
- C. Any violation of this article.
- D. Conviction of any crime or disorderly persons offense involving moral turpitude.
- E. Conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

§ 143-13. Recordkeeping.

- A. The licensee shall keep a daily written record book of all purchases and sales and make said record available to the Melrose Police Department upon request, which shall contain the following:
 - (1) The date of the transaction;
 - (2) The name of the person conducting the transaction;
 - (3) The name and address of the customer; a description of the general appearance of the customer; and the number from the customer's valid driver's license, military ID card, alcoholic beverage card, or any other means of identification that contains birth date, sex, race and address;
 - (4) An identification and description of the purchased goods or sold goods, including, if reasonably available, the serial, model or other number, and all identifying marks inscribed thereon. In addition,

the dealer shall furnish any other identifying information that may be required on forms prescribed and furnished to the dealer by the Melrose Police Department;

- (5) The price paid;
 - (6) The number of the check issued for the purchase price; and
 - (7) The signature of the customer.
- B. The licensee shall keep a list of purchases with a photocopy of a driver's license or other photographic identification of the seller as well as the date and time of the transaction; a copy of this list shall be furnished to the Melrose Police Department not less than once every two weeks.
- C. The record of each purchase and sale transaction shall be maintained for a period of not less than two years.
- D. Each licensee shall be required to furnish an updated list to the Melrose Police Department of all new employees whether temporary or permanent. All employees shall be subject to the restrictions contained in § 143-11 herein.

§ 143-14. Purchases from minors.

No licensee shall purchase, receive, barter or exchange precious metals, gold, silver or platinum from anyone under 18 years of age.

§ 143-15. Violations.

In addition to the sanctions imposed pursuant to § 143-12 herein, the licensee may be fined \$100 for each violation of the provisions of this article.

Chapter 152

LICENSES AND PERMITS

GENERAL REFERENCES

**Hawkers, peddlers
vendors — See Ch. 127.**

**and transient Junk, secondhand and precious metals
dealers — See Ch. 143.**

Vehicles for hire — See Ch. 222.

ARTICLE I
General Provisions

§ 152-1. Issuance; disposition of fees.

Unless otherwise provided, all licenses specified in this chapter shall be granted by the Board of Aldermen and shall be issued by the City Clerk, who shall keep a proper book of records of licenses, and all fees shall be turned over to the City Treasurer for the use of the City.

State law reference — Licenses generally, MGL c. 140.

§ 152-2. Filing of applications; cost of hearings.

Except as otherwise provided in this chapter, all applications for licenses or renewals thereof shall be filed with the City Clerk for presentation to the Board of Aldermen and shall be accompanied by the fee established therefor. Whenever a public hearing is required precedent to the granting of a license, the cost of publishing notice thereof shall be paid, in advance, by the applicant.

§ 152-3. Refund of fee on dismissal of application.

Whenever any application for a license is dismissed, the City Auditor shall be notified of such action and shall thereupon draw a voucher authorizing the City Treasurer to make refund to the applicant of the amount of the fee paid by the applicant.

§ 152-4. Licenses not specifically mentioned. [Amended 5-21-2012 by Ord. No. 2012-158]

Licenses which may be legally granted for purposes not specifically mentioned in this chapter may be granted by the Board of Aldermen, which shall fix the fees at its discretion. Whenever the use of a public street is involved, the consent of the City Engineer shall be obtained in the same manner as provided in § 152-15.

§ 152-5. Transfers to be considered as new applications. [Amended 4-6-1987 by Ord. No. 1654]

All transfers of licenses issued under the provisions of this chapter shall be considered as new applications in accordance with § 152-2.

§ 152-6. Renewals.

- A. Generally. Pursuant to MGL c. 41, § 13B, and except as otherwise provided in this chapter, the City Clerk is hereby authorized to renew all licenses and permits with respect to which the Board of Aldermen is designated as the licensing or issuing authority under the provisions of any general or special law, or of any ordinance of the City, and for which no public hearing is required. A report of each license renewed under

this section shall be made by the City Clerk to the Board of Aldermen at the regular meeting of the Board next following the granting of such renewal.

- B. Departmental reports. The City Clerk shall forthwith, after receiving an application for the renewal of a license or permit which the Clerk is authorized to renew under Subsection A of this section, obtain from the Chief of the Police Department a report as to the character and fitness of the applicant to exercise the license or permit applied for. The Clerk shall also obtain reports from such other City departments as would be concerned with the operation of the business for which such license or permit is required. It shall be the duty of such Chief and of the heads of all other City departments to cause all necessary investigations to be made and, in the case of each report, to recommend whether the renewal of such license or permit shall be approved or disapproved.
- C. Reference of certain applications to Aldermen. Upon the request of an applicant who has been refused a renewal of a license or permit by the City Clerk, or whenever the Clerk shall receive an adverse report with respect to an applicant for renewal of a license or permit, the application, together with all reports relating thereto and, in the case of refusal by the City Clerk, a written statement of the reasons therefor, shall be referred to the Board of Aldermen, which shall then determine whether the renewal of the license or permit applied for shall be granted or refused.
- D. Retention of applications; notation of actions taken. The City Clerk shall keep all applications for renewals of licenses or permits granted by him/her under authority of Subsection A of this section in a file provided for the purpose and shall make a notation on each such application of his/her action in granting or refusing renewal thereof.

§ 152-7. Suspension or revocation.

Except as otherwise provided by law, any license granted or renewed under authority of this chapter may be suspended or revoked at the pleasure of the Board of Aldermen. When such license is revoked, the City Clerk shall note the revocation upon the face of the record of the license and shall give written notice to the holder of the license by causing the same to be delivered to him/her, in person, or by leaving it at the place of business designated in the license.

§ 152-8. Recording.

All licenses or permits or renewals thereof granted by any department or officer for any purpose whatsoever shall be recorded in a stub book kept for that purpose and in a form approved by the City Auditor.

§ 152-9. Licenses issued by commonwealth.

Nothing in this chapter shall be construed as conflicting with any license issued under the authority of the commonwealth.

ARTICLE II
Specific Licenses and Permits

§ 152-10. Advertisements and notices within limits of highway.

No person shall paint or put upon, or in any other manner affix to, any fence, structure, pole, rock or other object within the limits of any highway any words, device, trademark, advertisement or notice which is not required by law to be posted thereon without first obtaining consent therefor from the Board of Aldermen.

State law references — Affixing advertisements to trees, MGL c. 87, § 9; affixing to fences, structures, etc., MGL c. 266, § 126.

§ 152-11. Auctioneers. [Amended 2-7-1977 by Ord. No. 19418; 3-17-1986 by Ord. No. 1343; 5-20-2002 by Ord. No. 02-303; 12-16-2002 by Ord. No. 02-060A; 8-21-2017 by Ord. No. 2018-4]

Every auctioneer must be licensed by the Deputy Director of Standards in the State Office of Consumer Affairs and Business Regulation and conform to the laws relating to auctioneers by obtaining a special permit or annual permit from the City. An annual permit is applicable to an auctioneer who operates an auction house in the City. A special permit would be issued to all others. The fee for an annual permit shall be the sum of \$50 and for a special permit the sum of \$40.

State law reference — Auction licenses in municipalities, MGL c. 100, § 10.

§ 152-12. Common victuallers and innholders. [Amended 6-15-1981 by Ord. No. 20718; 4-21-2009 by Ord. No. 09-125]

No person shall hereafter engage in the business of innholder or common victualler without first obtaining a license therefor from the Board of Aldermen. A fee of \$75 shall be paid for each of such licenses.

State law reference — Law of the commonwealth authorizing cities to grant licenses to common victuallers, innholders, etc., MGL c. 140, § 2, construed in *Liggett Drug Co. v. Board of License Commissioners*, 296 Mass. 41, 4 N.E. (2d) 268.

§ 152-13. Itinerant musicians.

A. License required. No itinerant musician shall play any musical instrument in the streets or public places or elsewhere within the City without first receiving a license from the Board of Aldermen.

B. Restrictions.

(1) No itinerant musician shall play any musical instrument in the streets or public places of the City before 7:30 a.m. or after 9:00

p.m. or on Sundays or within 100 yards of any school which is in session.

- (2) Every itinerant musician who is granted a license shall be assigned a number which shall be written or printed on the license and shall be conspicuously displayed upon the instrument played by him/her, if possible; otherwise it shall be displayed upon the hat or clothing of the licensee.

State law reference — Municipal authority to regulate musicians, MGL c. 85, § 10.

§ 152-14. Lodging houses.

No person shall conduct a lodging house, as defined in MGL c. 140, § 22, without first obtaining a license therefor from the Board of Aldermen. A fee of \$50 shall be paid for each such license.

State law reference — Lodging houses, MGL c. 140, §§ 22 to 32.

§ 152-15. Lunch carts. [Amended 9-18-1989 by Ord. No. 90-12; 5-21-2012 by Ord. No. 2012-158]

All persons who shall apply to the Board of Aldermen for a license to conduct a street lunch cart shall first secure written consent of the City Engineer, which consent shall state the place in such street where such lunch cart shall be stationed, and the Board shall not license such cart to be stationed in any other place, but such consent shall not in any way, except as to location, affect the authority of the Board, and it may grant or refuse such license at its discretion. The sum to be paid for such license shall be \$50. Each applicant shall be allowed one pushcart for each license.

State law reference — Licenses for lunch carts, MGL c. 140, § 49.

§ 152-16. Moth exterminators.

No person shall undertake the business of suppressing or exterminating, for hire, the nests, pupae or caterpillars of the brown-tail or gypsy moth without first registering with the officer or board having charge of this work and obtaining from him/her or it a license.

State law reference — Gypsy or brown-tail moths, MGL c. 132, § 11 et seq.

§ 152-17. Dealers in secondhand vehicles. [Amended 10-2-1989 by Ord. No. 90-13]

- A. Licenses to buy and sell secondhand motor vehicles shall be granted to suitable persons by the Board of Aldermen under the provisions of MGL c. 140, §§ 57 to 69.
- B. All such licenses shall be expressed to be under the provisions of MGL c. 140 and acts in amendment thereof and in addition thereto and shall

specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business.

C. The fees for such licenses shall be as follows:

- (1) For licenses of the first class: \$100.
- (2) For licenses of the second class: \$100.
- (3) For licenses of the third class: \$100.

§ 152-18. Motor vehicle races.

- A. No person, as owner or as one in control of any land or building in the City, shall use or allow to be used such land or building for the purpose of staging or holding any motor vehicle race unless the person staging or holding such motor vehicle race is licensed to do so in accordance with the provisions of this section.
- B. Any person intending to stage or hold any such motor vehicle race shall first file with the Board of Aldermen a written application specifying the location, day of the week and time of the day during which such races are intended to be held, the type and maximum number of vehicles to be involved and the manner and conditions under which such races are to be conducted. The application shall be made on a form provided by the City Clerk. Within five days, excluding Sundays and holidays, of filing his/her application, the applicant shall provide copies of such completed application to the Chief of Police, the Chief of the Fire Department, the Board of Health and the Director of Inspectional Services and the owners of any property abutting the situs of the proposed race.
- C. Within 30 days after the filing of the application, the Board of Aldermen shall hold a public hearing with regard to such application, notice of which hearing the City Clerk shall cause to be published once in a newspaper of general circulation within the City at least five days prior to the date of the hearing. The cost of such publication shall be paid by the applicant.
- D. The Board of Aldermen shall grant to the applicant a license to conduct motor vehicle races on the premises specified in the application on such days and during such hours as it deems consistent with the public interest and upon such conditions as it deems proper to preserve the public health, safety and welfare. However, no such license shall be issued unless the applicant has shown to the reasonable satisfaction of the Board that the proposed races will not create a hazard to the public safety, become a public nuisance or constitute an activity which will substantially interfere with the reasonable use and enjoyment of property in the surrounding area. No such license shall exceed one year in duration. Renewals of such license shall be granted only after compliance with the procedures and standards set forth above.

- E. For purposes of this section, "motor vehicle" is defined as any self-propelled vehicle constructed, designed or modified for propulsion by power other than muscular power, including but not limited to automobiles, motorcycles and bicycles with a motor or drive wheel attached. "Motor vehicle race" shall mean any event or activity to which the public is invited, whether or not an admission fee is charged, in which individuals operate motor vehicles in competition against each other either as to speed or driving ability or any event or activity in which said motor vehicles are operated to perform unusual or difficult maneuvers designed to demonstrate the driving skills of the operator, whether or not in competition with other participants.
- F. Any person or entity who or which conducts a motor vehicle race in violation of this section shall be subject to a fine of not more than \$50. Each day upon which a motor vehicle race is conducted in violation of this section shall be considered a separate violation.
- G. A violation of the terms and conditions of a license granted under this section shall constitute grounds for suspension or revocation of such license by the Board of Aldermen if, after giving to the licensee reasonable notice and opportunity to be heard, a majority of the Board of Aldermen determines such revocation or suspension to be consistent with the purpose of this section.
- H. A fee of \$50 shall be paid for each of such licenses.

§ 152-19. Open-air parking spaces.

The Aldermen may grant licenses, in accordance with the provisions of MGL c. 148, § 56, to suitable persons to engage in the business of conducting or maintaining an open-air parking space. The fee for such license shall be \$10. Licenses granted under this section shall expire on April 30 following the date of issuance.

§ 152-20. Pool and billiard tables; bowling alleys. [Amended 5-20-2002 by Ord. No. 02-303]

Every person licensed to keep a pool, billiard or sippio table for hire, in accordance with the provisions of MGL c. 140, § 177, shall pay for such license a fee at the rate of \$10 for each table. Every person so licensed to operate bowling alleys shall pay for such license a fee at the rate of \$50 for the first alley and \$35 for each additional alley.

§ 152-21. Posters, handbills and pamphlets. [Amended 6-15-1981 by Ord. No. 20718]

No person shall distribute or display posters, handbills or placards, pamphlets, newspapers or any other printed, lithographed or engraved advertising matter in any public parking area, street, lane, alley or way, or on public property of any nature, without obtaining a license or permit

therefor from the City Clerk, who shall collect a fee of \$15 therefor and keep a record of all such licenses or permits.

§ 152-22. Casual sales. [Added 7-19-1999 by Ord. No. 99-315]

- A. For the purpose of this section, "casual sale" means the sale of new or used articles of any nature or description to the public at large in any residential district, which is commonly referred to as an attic, lawn, yard or garage sale.
- B. No person shall engage in the casual sale of new or used articles of any nature or description without first obtaining a permit for such purpose from the Inspectional Services Department.
- C. Every applicant for any such permit shall set forth on an application to be provided by the Inspectional Services Department his/her name, age and address, a general description of the property to be sold and the date or dates of such sale.
- D. Permits may be granted for a period of up to two consecutive days, with the hours of operation limited to between 9:00 a.m. and 7:00 p.m. No more than two such permits may be issued in one calendar year to any one resident or for any one location.
- E. No person shall offer for sale at a casual sale any articles which have been purchased for resale or articles for which such person is acting as a selling agent.
- F. Signs advertising a casual sale may be displayed 24 hours before the sale. All signs must be removed within 24 hours after the sale.
- G. Any person who violates any of the provisions of this section shall be subject to a fine of not more than \$20 for each offense.

§ 152-23. Automatic amusement devices. [Added 5-6-2002 by Ord. No. 02-157]

- A. Applicability. This section shall apply to automatic amusement devices as that term is defined in MGL c. 140, § 177A.
- B. Licensing.
 - (1) The Board of Aldermen shall grant licenses for automatic amusement devices on an annual basis. The annual fee for an automatic amusement device license shall be \$20 per year. No entity or individual shall operate such a device within the City without a license. Any license granted under this section shall expire on December 31 of each year unless sooner revoked. Every license issued for an automatic amusement device shall state the address of the premises at which said device shall operate and shall describe the type of automatic amusement device covered by the

license. No license shall state more than one premises at one time.
[Amended 8-21-2017 by Ord. No. 2018-4]

- (2) Automatic amusement devices licensed under this provision shall be installed on the premises stated in the license and shall be in open view while in operation and shall be at all times available for inspection.
- C. Standards for licenses. The Board of Aldermen may refuse to grant or renew licenses for any automatic amusement devices which present a risk of misuse as a gaming device, including but not limited to the following:
- (1) An automatic amusement device which involves matching of random numbers, patterns or cards.
 - (2) An automatic amusement device which has a mechanism for adjusting the odds.
 - (3) An automatic amusement device which has a remote control feature which can reset from another location.
 - (4) An automatic amusement device which is capable of returning money to the player other than change for the excess amount put in.
 - (5) An automatic amusement device which accumulates more than 26 plays.
 - (6) An automatic amusement device which does not cost the same amount for each player.
 - (7) An automatic amusement device which permits a player to change any aspect of the game by paying a different amount of money than another player before or during the game.
 - (8) An automatic amusement device which contains a metering device which accounts for both money or points in and money or points out.
- D. Inspection; seizure of unlicensed devices. All automatic amusement devices and licenses for automatic devices granted by the Board of Aldermen shall be subject to inspection by the Melrose Police Department to ensure compliance with these provisions and conformance with the application submitted. Any unlicensed automatic amusement device shall be subject to immediate seizure by the Melrose Police Department.
- E. Fine for violation. Any person found in violation of the provisions of this section shall be punished by a fine of \$50 for each offense.
- F. Use in private homes. The provisions of this section shall not apply to use of automatic amusement devices in private homes.

§ 152-24. Wine and malt beverage licensing. [Added 1-20-2009 by Ord. No. 09-064]

A. Wine and malt beverage license applications.

- (1) The Liquor Licensing Commission shall cause the Board of Aldermen to be officially notified of the date, time and place where the public hearing of an applicant for a wine and malt beverage license, for consumption on premises or off premises, shall be held, said notice to be made no less than 21 days prior to the public hearing date.
- (2) Upon receipt of an application to grant a wine and malt beverage license or an application to transfer such a license from one location to another or an application to transfer a license from an individual, corporation or partnership to another qualified to receive such a license, or a request to change the manager or management of a licensed establishment, or notice of an alleged violation, the Liquor Licensing Commission, at least 21 days prior to any decision respecting any said license or transfer, shall forward copies of the application to the Clerk of Committees of the Board of Aldermen, to the local residence and electronic mail address of each Alderman, the Chief of Police, Fire Chief, Building Commissioner and the Director of Public Health. **[Amended 8-15-2011 by Ord. No. 12-04; 8-21-2017 by Ord. No. 2018-4]**
- (3) Copies of the agenda of each Liquor Licensing Commission meeting shall be delivered to the Clerk of Committees of the Board of Aldermen, each member of the Board of Aldermen, the Chief of Police, Fire Chief, Building Commissioner and the Director of Public Health, at least two full business days prior to each meeting. **[Amended 8-21-2017 by Ord. No. 2018-4]**

B. Wine and malt beverage licensed premises.

- (1) Upon receiving notice of a public hearing regarding a pending application for a wine and malt beverage license, for consumption on premises or off premises, the Building Commissioner shall provide a written report to the Liquor Licensing Commission and each member of the Board of Aldermen prior to the date of the public hearing as to whether the premises proposed for such license conforms in all respects to the State Building Code and the Zoning Ordinance.³⁸
- (2) Upon receiving notice of a public hearing regarding a pending application for a wine and malt beverage license, for consumption on premises or off premises, the Fire Chief or his designee shall provide a written report to the Liquor Licensing Commission and each member of the Board of Aldermen prior to the date of the

38. Editor's Note: See Ch. 235, Zoning.

public hearing as to whether the premises proposed for such license conforms in all respects to the State Fire Safety Code.

Chapter 164**NOISE****§ 164-1. Intent; applicability.**

- A. This chapter is intended to prohibit preventable and unnecessary noise and is not intended, nor shall it be construed, to regulate the usual and customary noise incidental to urban life.
- B. This chapter may be applied to business and industrial establishments, but when so applied to establishments properly located in business or industrial zones, due consideration shall be given to the zone in which the establishment is located, and the customary and natural noise incident to the operation of businesses or industries permitted in the area zoned shall be considered so as not to work an undue hardship upon lawful business and industrial establishments.

§ 164-2. Loud, disturbing and unnecessary noises.

- A. It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the City.
- B. A noise disturbance shall be defined as any sound which:
 - (1) May cause temporary or permanent hearing loss in persons exposed.
 - (2) Is injurious to public health.
 - (3) Causes a nuisance which is prohibited by law.
 - (4) Is defined as a noise disturbance pursuant to the provisions of this chapter.
- C. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, which enumeration shall not deemed to be exclusive:
 - (1) Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up. The use of sirens except by authorized emergency vehicles, as defined by this chapter, is prohibited.

- (2) Radios, phonographs and similar devices. The using, operating or permitting to be played, used or operated of any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be disturbing to a normal person at the property line shall be prima facie evidence of a violation of this subsection.
- (3) Yelling and shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of normal persons.
- (4) Animals and birds. The keeping of any animal or bird which causes frequent or long-continued sounds which are plainly audible within a noise-sensitive zone or plainly audible at a distance of 50 feet from the lot line of the lot on which it is located.
- (5) Defect in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (6) Constructing or repairing of buildings. The erection, including excavating, or the demolition, alteration or repair of any building other than between 7:00 a.m. and 6:00 p.m., except in cases of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Commissioner, which may be granted for a period of three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Building Commissioner or his/her designee should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m., and if he/she shall further determine that loss or inconvenience would result to any party in interest, he/she may grant permission for the work to be done between the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- (7) Schools, churches and hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning or church while the same is in use, or adjacent to any hospital, which unreasonably interferes with workings of the institution or which disturbs or unduly annoys patients in a hospital, if conspicuous

signs are displayed in such street indicating that the same is a school, church or hospital street. **[Amended 8-21-2017 by Ord. No. 2018-4]**

- (8) Hawkers and peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (9) Pile drivers and hammers. The operation between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and at any time on Sundays of any pile driver, steam or power shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- (10) Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such a noise.
- (11) Loading and unloading. Loading, unloading, closing or handling of boxes, crates, containers, dumpsters, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day on weekdays or between the hours of 10:00 p.m. and 9:00 a.m. the following day when the following day is a Saturday, Sunday or holiday in such a manner that is plainly audible within a noise-sensitive zone.

§ 164-3. Noises emanating from places of business or amusement.

It shall be unlawful for any person in charge of any store, garage, filling station, apartment house, theater or other premises where persons gather or enter for purposes of amusement or trade within the City, either by his/her own actions or by permitting or allowing any persons who may resort to said premises by day or night, to disturb the neighbors or public peace by:

- A. Loud cries, boisterous songs or the operation of musical machines, instruments or other musical devices, the use of which produces loud music or noises, or making other noises interrupting the peace or quiet of the neighborhood within a radius of 300 feet.
- B. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to be plainly audible at a distance of 50 feet from the lot line of the lot on which said activity is located.
- C. Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of any individual at or beyond the property boundary of the source if on private property or at 50 feet from the source if on a public space or public right-of-way. For the purposes of this subsection, "vibration perception threshold" means the minimum ground- or structure-borne

vibration motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

§ 164-4. Creation of noise at night.

It shall be unlawful for any person in charge of any store, garage, filling station, apartment house, theater or other premises where persons gather or enter for purposes of amusement or trade within the City, either by his/her own actions or by permitting or allowing any persons who may resort to said premises, to disturb the neighbors or public peace by loud cries, boisterous songs or the operation of musical machines, instruments or other musical devices, the use of which produces loud music or noises, or making other noises interrupting the peace or quiet of the neighborhood at any and all places within the City after the hour of 10:00 p.m. and before the hour of 7:00 a.m.

§ 164-5. Exemptions.

- A. Noise emanating from lawful and proper activities on school grounds, playgrounds, parks or places wherein athletic contests take place is exempt from the provisions of this chapter during established hours of operation. Special events may be exempted upon issuance of a permit from the Mayor or his/her designee.
- B. Noise emanating from emergency activities involving electric or gas substations, fire stations, police stations, post offices, railroad commuter passenger stations, telephone exchanges, telephone transmission equipment buildings and microwave relay towers, maintenance and equipment storage buildings owned and operated by the City and public works facilities is exempt from the provisions of this chapter.

§ 164-6. Noise in excess of established noise levels.

It shall be unlawful to make, continue or cause to be made or continued any noise in excess of the noise levels set forth in § 164-7 unless such noise is reasonably necessary to the preservation of life, health, safety or property.

§ 164-7. Measurement of noise.

- A. Any activity, not expressly exempted by this chapter, which creates or produces sound, regardless of frequency, exceeding the ambient noise levels at the property line of any property or, if a condominium or apartment house, within any adjoining apartment above the ambient noise levels as designated in the following table, at the time and place and for the duration then mentioned, shall be deemed to be a violation of this chapter, but the following enumeration shall not be deemed to be exclusive:

Duration of Sound	7:00 a.m. to 6:00 p.m.	6:00 p.m. to 10:00 p.m. (residential districts)	10:00 p.m. and 7:00 a.m.
	(all districts)	(all other districts)	(residential districts)
Less than 10 minutes	75 db	70 db	60 db
Between 10 minutes and 2 hours	70 db	60 db	50 db
In excess of 2 hours	60 db	50 db	40 db

B. In determining whether a particular sound exceeds the maximum permissible sound level in the table set out in Subsection A:

- (1) Sounds in excess of the residential district limitations as measured in a residential district are violative of this section whether the sound originates in a residential district or any other district.
- (2) During all hours of Sundays and holidays, the maximum allowable decibel levels for residential districts are as set forth in Column 3 of the table.

§ 164-8. Outdoor implements.

Any power lawn mower, power hedge clipper, power saw or such other implement designed primarily for outdoor use shall be operated within the City only between the hours 7:30 a.m. and 9:00 p.m. on weekdays or between the hours of 9:00 a.m. and 9:30 p.m. on Saturdays, Sundays and legal holidays; however, such equipment, the operation of which conforms to the maximum allowable sound levels as prescribed in § 164-7, may be operated during the hours otherwise prohibited by this section.

§ 164-9. Violations and penalties. [Amended 9-22-1998 by Ord. No. 96-193A]

A violation of any provision of this chapter shall be punishable by a fine of not more than \$50 for a first offense, \$100 for a second offense and \$150 for each subsequent offense. After the third offense, there shall be no automatic renewal of a municipal license. Each separate occurrence in violation of this chapter shall constitute a separate and distinct offense.

§ 164-10. Other remedies.

The provisions of this chapter shall be in addition to and shall not disturb either the right of the City, if such, or the right of individuals affected by the violation of this chapter to pursue any other remedy for the abatement of a

nuisance or any other remedy which might or could be available under the law.

§ 164-11. Authorized enforcement personnel. [Amended 8-21-2017 by Ord. No. 2018-4]

Enforcement personnel shall be the Police Chief, the Building Commissioner, the Director of Public Health and their designees.

§ 164-12. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them:

AMBIENT NOISE — The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single, predominant source.

AUTHORIZED EMERGENCY VEHICLE — Any of the following vehicles when equipped and identified according to law:

- A. A vehicle of a Fire Department.
- B. A publicly owned police vehicle or a privately owned vehicle used by a police officer for police work under agreement, express or implied, with the authority to which he/she is responsible.
- C. An ambulance, whether publicly or privately owned.
- D. An emergency vehicle of a City department or a public service corporation.

DECIBEL, db or db(A) — The weighted sound level measured by the use of metering characteristics and the prescribed A-weighting frequency response specified in American National Standards SL. 4. 1971 as established by the American National Standards Institute, Inc.

DWELLING — Any building or structure, or portion thereof, except temporary housing or one wherein a watchman's quarters are the only sleeping accommodations, which is wholly or partly used or intended to be used for living or sleeping by human occupation.

EMERGENCY SITUATION — A situation wherein immediate work is necessary to restore property to a safe condition following a public calamity or immediate work is required to protect persons or property from an imminent exposure to danger.

MOTORCYCLE — Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

MOTOR VEHICLE — Any vehicle, motorcycle, machine, tractor, trailer, semitrailer or combination thereof propelled or drawn by mechanical power and used for the transportation of passengers or property or any

combination thereof, but does not include a vehicle, locomotive or car operated exclusively on a rail or rails.

NOISE — One or a group of loud, harsh, nonharmonious sounds or vibrations that are unpleasant and irritating to the ear.

OFFICIAL TRAFFIC CONTROL DEVICE — Any traffic light, stop or yield sign, official or police officer. **[Amended 8-21-2017 by Ord. No. 2018-4]**

RESIDENTIAL DISTRICT — Any district except a commercial, industrial or manufacturing district as defined in Chapter 235, Zoning.

SOUND — For the purposes of the "Duration of Sound" column in the table in § 164-7, "sound" includes continuous, continual and intermittent sounds transmitted by any means, the interval of silence between which does not exceed 10 seconds.

§ 164-13. Guide to noise.

- A. The intensity of noise is measured in decibels (db). Its measurement is logarithmic, which means that each decibel increase of 10 is a ten-times increase in the level of noise: 130 is 10 times greater than 120, and 130 is 100 times greater than 110.
- B. A guide to the noise intensity:
 - (1) Thirty decibels is considered very quiet.
 - (2) Fifty decibels is considered moderately quiet.
 - (3) Eighty decibels is considered annoying.
 - (4) One hundred decibels is considered intolerable.
 - (5) One hundred forty decibels is considered threshold of pain.
 - (6) One hundred eighty decibels is considered lethal.
- C. Applying the decibel scale to everyday, we find:

Level	Decibels
Lethal Level	180 Rocket engine
	150 Jet plane at takeoff
	120 Machine gun at close range
Pain Threshold	120 Pneumatic chipper
	115 House party, 4-piece rock band
	115 Jet airliner (500 feet overhead)
	111 Motorcycle
	108 Pneumatic hammer, 6 feet away
	107 Power mower
	104 Walking near a helicopter

Level	Decibels
Discomfort and Danger Area	102 Outboard motor
	102 Outside, jet taking off at airport
	100 Heavy automobile traffic or jet aircraft passing overhead
	100 Train stopping in station
	100 150-cubic-foot air compressor
	98 Farm tractor
	96 Pushing a power lawn mower
	95 Subway train
	95 At a seat in subway, windows open
	94 Inside a jet airplane on takeoff
	93 Food blender
	92 Screaming child
	90 Bus idling; heavy city noises
	90 Niagara Falls at base; garbage disposal
Hearing Damage (Eight hours)	88 Propeller aircraft flyover at 1,000 feet
	86 Sports car running in street
	85 Garbage truck 200 feet away
	82 Traffic at a residential intersection
Recommended Maximum Noise Level	75 Average traffic
	75 Vacuum cleaner; dishwasher
	70 Automobile; home air conditioner
	60 Conversational speech
	55 Window air conditioner
	50 Quiet restaurant
	45 Homes
	40 Quiet office
	35 Library
	30-40 Refrigerator
	30 Whispering
	20 Leaves rustling in breeze
	20 Broadcasting studio
	10 Normal breathing

Level**Decibels**

0 Audibility threshold (level of weakest sound that can be heard by young person with excellent hearing)

Chapter 173**PARKS AND PLAYGROUNDS****GENERAL REFERENCES**

Animals — See Ch. 93.

Peace and good order — See Ch. 177.

Hawkers, peddlers and transient vendors — See Ch. 127. **State acts related to parks** — See Ch. A250

§ 173-1. Board of Park Commissioners.

The Park Department shall be under the charge of the Board of Park Commissioners appointed under and subject to the provisions of MGL c. 45, § 2, which shall, in addition to the powers and duties conferred and imposed upon it by General Laws, have charge of the design, construction, alteration, repair, maintenance and management of the public parks, squares and playgrounds and the lighting and watering thereof.

State law reference — Parks and playgrounds generally, MGL c. 45, §§ 1 to 25.

§ 173-2. Offenses generally.

No person shall solicit the acquaintance of any person; or utter any profane, threatening, abusive or indecent language or loud outcry; or solicit any subscription or contribution; or have possession of or drink any intoxicating liquors; or play any games of chance; or have possession of any instrument of gambling; or do any obscene or indecent act; or pray aloud or make an oration or harangue or any political speech or other canvass or solicitation in or upon any of the grounds under the control and management of the Board of Park Commissioners.

§ 173-3. Injury to property.

No person shall dig up, break, cut, remove, deface, defile or ill use any tree, bush, shrub, plant, turf, building, structure, fence, sign or any other thing or article belonging to the City under the care and management of the Board of Park Commissioners in or upon any of such premises.

§ 173-4. Throwing missiles; depositing rubbish; use of ponds.

No person shall throw any stone or other missile or throw, drop or place in any park, garden, playground, beach or reservation, pond or brook any wastepaper, rubbish or refuse or, except with the written permission of the Board of Park Commissioners, moor any boat or raft in any pond under its jurisdiction or build or maintain any float or platform on or over the waters of such pond or fish in such pond or cut or injure the ice on the waters of such pond in such a manner as to interfere with the lawful rights of the public therein.

§ 173-5. Swimming, boating and skating.

No person shall wade or swim in the waters, or row upon the waters in a boat, or skate or slide upon ice covering the waters, of any pond or brook under the jurisdiction of the Board of Park Commissioners which has been determined by such Board or by the Chief of the Police Department to be unfit, unsafe or dangerous for use.

§ 173-6. Letting of boats and canoes.

- A. No person shall let for hire or have any boats or canoes on any pond under the jurisdiction of the Park Commissioners without a permit from the Board of Park Commissioners. Permits may be revoked by such Board if boats or canoes are let or used by irresponsible parties or unsafe boats or canoes are let or used.
- B. No person shall let any boat for hire to any person who is less than 17 years of age, unless such minor is accompanied by a responsible adult or produces the written permission of his/her parent or guardian.

§ 173-7. Capacity to handle boat or canoe.

A person shall not row or paddle a boat or canoe unless, in the opinion of the Superintendent of Parks and Playgrounds or his/her agents, such person is able to handle the same with safety to himself/herself or to the occupants thereof, nor shall he/she do so in such a manner as to annoy or endanger the occupants of other boats or canoes.

§ 173-8. Motorboats.

No person shall have charge of, run or drive a boat propelled by steam, naphtha, gasoline, electric or other motor or engine within the waters of any pond under the jurisdiction of the Park Commissioners unless he/she shall first have obtained from them a permit to do so.

§ 173-9. Injuring animals; carrying or discharging firearms and fireworks.

No person shall annoy, injure, shoot or in any way molest any bird or animal or carry or discharge any firearms or fireworks on any park, garden,

playground, reservation, beach or any of the grounds under the control and management of the Board of Park Commissioners.

§ 173-10. Sales and advertising.

No person, except with the written authority of the Board of Park Commissioners, shall engage in any business, sell or expose for sale or give away any goods, wares or merchandise or distribute any circulars or post, paint, affix or display any signs, notices, placards or advertising devices within any of the grounds under the control and management of the Board of Park Commissioners.

§ 173-11. Sleeping in park areas; climbing over railings or fences.

No person shall go among the shrubberies or lie or sleep upon any area or sit, stand, lie upon or climb over any railing, balustrade, wall or fence within the confines of any park, playground, reservation, beach or any of the grounds under the jurisdiction of the Board of Park Commissioners.

§ 173-12. Riding or driving vehicles and animals.

No person, except with written authority from the Board of Park Commissioners, shall drive any automobile, motorcycle or other vehicle or any animal in or upon any park, playground, garden, beach or any of the grounds under the jurisdiction of the Board of Park Commissioners.

§ 173-13. Refusal to obey orders of park officers.

No person shall refuse or neglect to obey any reasonable direction, order or command of any regular or special park police officer.

§ 173-14. Amendment of rules and regulations.

Sections 173-2 through 173-13, being the rules and regulations of the Park Department, shall not be altered or amended without the approval of the Board of Park Commissioners.

§ 173-15. Hockey and skating on ponds and rinks.

- A. The Board of Park Commissioners shall, not later than 12 hours after snow has ceased to fall, cause the snow to be removed from an area on every pond and rink under its jurisdiction and which has not been determined, as provided in § 173-5, to be unfit, unsafe or dangerous for use and which will be adequate both for hockey playing and skating by the general public.
- B. Whenever necessary, because of the roughness of the ice or for any other reason, the Board of Park Commissioners shall cause every such pond or rink to be flooded or scraped.

§ 173-16. Use of athletic fields.

Any athletic team desiring to secure the exclusive use of any field under the jurisdiction of the Board of Park Commissioners on any particular day shall file an application with such Park Commissioners stating the time for which such use is desired, and the Park Commissioners may issue a permit for such exclusive use according to their discretion.

§ 173-17. Off-leash dog areas.³⁹ [Added 6-4-2012 by Ord. No. 2012-179]

- A. The Board of Park Commissioners with the approval of the Board of Aldermen may designate parkland under its jurisdiction for use as off-leash dog areas in accordance with § 93-6D. The Board of Park Commissioners may promulgate additional rules and regulations to govern the use of such off-leash dog areas.
- B. Said rules and regulations shall be posted by the entrance to each off-leash dog area and also posted to the City of Melrose website.
- C. An independent, nonprofit sponsor group may assist in the operation, control or financial support of such an off-leash dog area under the discretion of the Board of Park Commissioners.

Chapter 177**PEACE AND GOOD ORDER****GENERAL REFERENCES**

Alarm devices — See Ch. 89.

Noise — See Ch. 164.

Animals — See Ch. 93.

Parks and playgrounds — See Ch. 173.

§ 177-1. Interference with use of streets and public places; powered model airplanes.

- A. No person shall, within the limits of any street or highway, throw stones or other missiles or engage in any game or exercise which might interfere with the free, safe and convenient use of such street or highway by any person traveling or passing along the same. No person shall project by means of any air pipe, air gun, spring gun, sling or like instrument any missile or substance whatsoever in or into any public street, highway, court, square or place within the City.

39. Editor's Note: Former § 173-17, Mini-Board, amended 6-17-1996 by Ord. No. 96-354 and 1-20-1998 by Ord. No. 98-146, was deleted 8-21-2017 by Ord. No. 2018-4.

- B. No person shall operate or use any power-propelled model airplane in any public place within the City except with the approval of the board or officer having charge of such place.

§ 177-2. Drinking or possessing alcoholic beverages in certain public places or ways.

No person shall drink or possess in any open or partially consumed container any alcoholic beverages as defined in MGL c. 138, § 1, while on, in or upon any public way or upon any 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 or a park or playground or private land or place without consent of the owner or person in control thereof. All alcoholic beverages being used in violation of this section shall be seized and safely held until final adjudication of the charge against the person arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.

§ 177-2.1. Prohibition against consumption of alcoholic beverages or drugs by minors on private property. [Added 6-26-2008 by Ord. No. 08-35A]

- A. Legislative intent. It is the purpose of this section to protect the public interest, welfare, health and safety within the City of Melrose by prohibiting the service to and consumption of alcoholic beverages and drugs by persons under the age of 21 at private premises located within the City. The Board of Aldermen finds that the occurrence of social gatherings at private premises where alcoholic beverages or drugs are served to or consumed by persons under the age of 21 is harmful to such persons themselves and a threat to public welfare, health and safety. The Board of Aldermen finds further that persons under the age of 21 often obtain alcoholic beverages or drugs at such gatherings and that persons who rent, own or otherwise control the premises at which such service and/or consumption is occurring will be more likely to ensure that alcoholic beverages and drugs are neither served to nor consumed by persons under the age of 21 at these gatherings.

- B. Definitions. For purposes of this section, the following terms shall be defined as follows:

ALCOHOLIC BEVERAGE — Any liquor, wine, beer, spirits, cider or other liquid or solid, patented or not, composed of or containing alcohol or spirits, whether or not brewed, fermented or distilled, and capable of being consumed by a person.

CONTROL — The authority and ability to regulate, direct, or dominate.

DRUG — Any substances recognized as drugs in the official United States Pharmacopoeia, or official National Formulary, or any supplement to any of them; or any substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man

or animals; or any substances, other than food, intended to affect the structure or any function of the body of man and animals.

OPEN HOUSE PARTY — A social gathering at a residence or other private property with minors present.

PERSON — A human being and, where appropriate, a public or private corporation, an unincorporated association or a partnership.

PREMISES — A home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, whether occupied as a dwelling, party or other social function, and whether owned, leased, rented, or used with or without compensation. The term "premises" shall also include private functions held at public facilities within the City of Melrose.

- C. Prohibition. Any person who owns, rents or otherwise controls any premises shall be responsible when an open house party takes place at said premises where any alcoholic beverage or drug is being unlawfully possessed, served to or consumed by persons under the age of 21 at these gatherings at said premises. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- D. Exception. The provisions of this section shall not apply to:
- (1) The possession or consumption of a drug for which the individual has a current, valid prescription or as otherwise permitted by any other applicable law;
 - (2) The use of alcoholic beverages which occurs exclusively between a person under the age of 21 and his/her parent or legal guardian; and
 - (3) The practice of legally recognized religious observances.
- E. Penalties. Failure to comply with Subsection C above shall constitute a violation of this section punishable by a fine as outlined below:
- (1) A first violation of this section shall be punishable by a warning which shall be issued by the Chief of the Melrose Police Department.
 - (2) A second violation of this section at the same premises or by the same person within a twelve-month period shall be punishable by a fine of \$150.
 - (3) A third or subsequent violation of this section at the same premises or by the same person within a twelve-month period shall be punishable by a fine of \$300.
- F. The fine schedule prescribed at Subsection E is based upon a rolling schedule, meaning that in calculating the fine payable, the Police Chief or City Solicitor shall count backward starting from the date of the most recent violation of this section to determine how many previous

violations of said section have taken place at the premises or been committed by the same person during the statutory twelve-month period. A warning given pursuant to this section shall remain in effect for the premises until a full twelve-month period has elapsed during which there has been no response to the premises.

- G. Appeal. Any person upon whom is imposed a fine/penalty pursuant to this section shall have the right to appeal the imposition of such fine/penalty in a noncriminal proceeding by making a written request within 21 days to the Clerk Magistrate for the Malden District Court.
- H. Inconsistency with other laws.
 - (1) If any part or provision of this section is inconsistent with any federal or state statute, law, rule or regulation, then such statute, law, rule or regulation shall prevail.
 - (2) If any part or provision of this section or the applicability thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this section, or the application thereof to other persons or circumstances.

§ 177-3. Awnings and shades projecting over sidewalks.

- A. No person shall place or maintain any awning or shade over any part of a street or sidewalk unless the same is securely fastened and so located as in nowise to inconvenience passengers, the lowest part to be at least seven feet above the sidewalk and in no case to extend beyond the line thereof.
- B. No such awning or shade projecting six inches or more into or over the way shall be placed or maintained without written permission from the City Engineer, which permission shall be revocable, and all persons receiving such permission shall conform to any direction in relation to location, materials, construction and other matters relating thereto as shall be given by the Building Commissioner. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- C. The provisions of this section shall likewise apply to any sign, flag, article of merchandise or other thing over or upon any sidewalk or street in the City. In no case shall any permit be granted to place or maintain any swinging sign so as to project six inches or more over any sidewalk or street in the City.

State law reference — Municipal authority to require permission for projecting awnings and shades, MGL c. 85, § 8.

§ 177-4. Coasting or sliding; designation of permitted areas.

- A. No person shall coast or slide along or upon any street or portion thereof in the City, unless such street or portion thereof shall be designated for such purpose by the City Engineer and proper precautions for the public safety are taken by the Chief of Police. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- B. The City Engineer may prescribe the hours during which coasting shall be permitted on such streets as may be designated by him/her for coasting under this section. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- C. No person shall park a vehicle on any street or portion thereof designated for coasting or sliding during the hours prescribed therefor.

State law reference — Municipal authority to regulate coasting on ways, MGL c. 85, § 10A.

§ 177-5. Disorderly and indecent conduct and language.

No person shall behave in a rude and/or disorderly manner or use any indecent, profane or insulting language, gestures or objectionable sounds or remain upon any sidewalk; in any public way, lane, alley or other public place; in or near any dwelling house, building or any place to which the public has a right of access as invitees; or upon any doorstep, portico or other projection from any house or building. The violation of this section shall be deemed a misdemeanor for which the violator may be arrested without a warrant by any police officer of the City.

§ 177-6. Discharging firearms.

No person shall discharge any firearms within the City unless permission is granted by the Board of Aldermen, provided that this section shall not apply to any person in defense of himself/herself, family or property or in the performance of any duty required by law.

§ 177-7. Loitering on sidewalks and public ways.

No person shall stand or loiter on any sidewalk or public way in such manner as to obstruct free passage for pedestrians or vehicles. The violation of this section shall be deemed a misdemeanor for which the violator may be arrested without a warrant by any police officer of the City.

§ 177-8. Obstructing passage to public buildings.

No person shall remain upon the steps of any church, hotel, hall or public building, or in any space or way leading thereto, so as to obstruct the passage to and from such church, hall, hotel or building, and any person so remaining shall, when ordered by a police officer, owner or other person having charge, immediately depart therefrom.

State law reference — Disturbing public meetings, MGL. c. 272, §§ 38 to 42.

§ 177-9. Peeping and spying.

No person, except an officer of the law in performance of his/her duties, shall enter upon the premises of another or upon any public property with the intention of peeping into the windows of a house or other building or of spying in any manner upon any persons therein.

§ 177-10. Injuring public property.

No person shall wantonly injure, mar, deface or destroy any fence, guidepost, signboard, awning or light in any street, square or public place in the City, neither shall any person cut down, remove, injure or destroy any tree or shrub in any public street or grounds in the City without the permission of the officer in charge thereof.

State law reference — Property damage generally, MGL c. 266, § 104 et seq.

§ 177-11. Use of radios and amplifying devices for advertising purposes.

No person shall use any amplifying device or radio operated from any building, vehicle or store within the City for advertising purposes. This shall not prohibit the use of such devices for civic purposes, provided that a permit is issued therefor by the Chief of Police.

§ 177-12. Snow and ice removal. [Amended 2-22-1994 by Ord. No. 94-179; 2-5-1996 by Ord. No. 96-146; 1-22-2008 by Ord. No. 08-103]

- A. Generally. No owner, tenant or occupant of land or a building, or any agent thereof, in this City shall cause any snow or ice from said land or building to be placed in the sidewalk, road, or other public way in the City.
- B. Removal required on sidewalks. The owner, tenant or occupant of any estate in those sections of the City containing commercial, office and manufacturing facilities shall cause all snow and ice to be removed from the sidewalks adjoining such estate within six daylight hours after snow has ceased to fall or has drifted thereon from a building. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- C. Removal required on certain buildings. The tenant or occupant of any building of which any part overhangs the sidewalk of any street in any part of the City shall cause all snow and ice to be removed from such building within six daylight hours after the snow has ceased to fall or has drifted thereon or after the ice has formed. The owner of such estate or building and his/her agent having charge thereof shall also be required to cause the removal of such snow and ice as herein

provided. The penalty for violation of this section shall apply to the tenant, occupant, owner or agent.

D. Clearing sidewalks. The sidewalks adjoining public buildings or grounds shall be cleared under the direction of the Director of Public Works. **[Amended 5-21-2012 by Ord. No. 2012-158]**

E. Enforcement.

(1) The Director of Public Works and his/her designee shall have the authority to enforce all provisions of this section. The Melrose Police Department is authorized to assist in the enforcement of this section. **[Amended 5-21-2012 by Ord. No. 2012-158]**

(2) Whoever violates any of the provisions of Subsections A through D of this section shall be fined \$50.

(3) Owners shall be liable for any violation of Subsections A through D of this section.

(4) Upon neglect of or violation of the duties imposed by the provisions of Subsections A through D of this section, such duties may be performed by the Director of Public Works or his/her agent at the expense of the person(s) or entities liable to perform those duties. Assessment of costs under this subsection shall not preclude any party from being fined under Subsection E(1). **[Amended 8-21-2017 by Ord. No. 2018-4]**

(5) The City Solicitor with the approval of the Mayor may in civil actions prosecute and adjust claims inuring to the City under the provisions of this section.

State law references — Municipal authority to require removal of snow and ice, MGL c. 40, § 21, cls. (2) and (3); removal of snow and ice generally, MGL c. 85, § 5; appropriations for removal of snow and ice from private ways, MGL c. 40, § 6C.

§ 177-13. Swimming or bathing.

No person shall swim or bathe in any of the waters surrounding or within the City, except when wearing trunks or tights or other suitable bathing suit.

§ 177-14. Defacing walls, fences or sidewalks.

No person shall deface walls, fences or sidewalks by writing, marking or printing any language or caricatures thereon.

State law reference — Malicious injury to fences, MGL c. 266, § 114.

§ 177-15. Chronic problem properties. [Added 4-19-2016 by Ord. No. 2016-139]

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

CITY — The Mayor or his or her authorized designee.

POLICE RESPONSE — Any and all police action deemed appropriate by the Police Chief to protect the health, safety and welfare of inhabitants of a property, location, or immediate area where valid complaints have been documented, including the posting of police personnel at or near the property.

PROBLEM PROPERTY — A residential or commercial property for which there have been no fewer than six valid complaints in the preceding 12 months for any misdemeanor or felony under Massachusetts law that occurred in a dwelling unit within the property, on the property, or on an immediate sidewalk or street or abutting property, involving tenants, occupants, residents, or persons allowed on the property by the owner, owner's agent or by a resident or guest of a resident, including offenses involving the disturbance of the peace. In designating a property as a "problem property," the City shall take into consideration the nature of the activity, the number of dwelling units on the property, the nature of the use of the property, and the history of police complaints at the subject property and at properties owned by the same property owner or managed by the same management company. Once designated a problem property, a property shall remain so designated until the Police Department confirms that the property has not been the subject of a valid complaint for a period of no less than 12 months.

VALID COMPLAINT — Refers to an investigated finding, documented by Police Department personnel dispatched or caused to respond to an incident, that a misdemeanor or felony under Massachusetts law has taken place in a dwelling unit within a property, on a property, or on an immediate sidewalk or street or abutting property, involving tenants, occupants, residents, or persons so allowed on the property by the owner, owner's agent or by a resident or guest of a resident. A complaint need not result in an arrest or a formal criminal charge to be deemed a valid complaint. A "valid complaint," as used in this chapter, shall not include a police response based on a complaint by an occupant of the property who is a victim or a family member of a victim of the reported offense. This term shall not include incidents involving an occupant of the premises who is the victim of domestic violence and who reported the incident of domestic violence to the police.

- B. Notification.

- (1) After a property has accumulated three valid complaints, the City shall provide notice, in writing, to the property owner by regular and certified mail, return receipt requested, sent to the property owner's residence or usual place of business that is on record at the Assessor's office. This notice shall state:

- (a) The property owner and list the specific address that has accumulated three valid complaints.
 - (b) The number and nature of the valid complaints that have occurred on said property in the preceding 12 months.
 - (c) The number of additional incidents after which the property could be deemed a problem property.
 - (d) That if the property is deemed a problem property, the cost of future police response may be assessed against the property owner and responsible tenant.
 - (2) For each property deemed by the City to be a problem property, the City shall provide notice, in writing, to the property owner and by regular and certified mail, return receipt requested, sent to the property owner's residence or usual place of business that is on record at the Assessor's office. This notice shall state:
 - (a) The property owner and list the specific address that has been designated a problem property;
 - (b) The number of valid complaints that have occurred on said property in the preceding 12 months;
 - (c) The cost of the police response to the property;
 - (d) To whom the property owner must address a letter of appeal of the problem property designation; and
 - (e) That the costs of future police response may be assessed against the property owner.
- C. Cost of police assigned to problem properties.
- (1) The Police Chief shall keep an accurate record of the actual cost of police response to a dwelling unit within a property, a particular property or a specific location, and such record shall include the number of officers who are part of the determined response, the amount of time each officer worked on the response, and the actual cost of each officer's participation in the response based on that officer's actual rate of pay.
 - (2) The Police Chief shall forward such record to the Collector-Treasurer.
 - (3) After a dwelling unit within a property or the entire property has been determined to be a problem property, the Police Chief, at his or her discretion, may assess the cost of any future police response to the property owner, including the posting of police personnel at the property, and:
 - (a) The City shall notify the property owner of the Police Department's assessment of costs by:

- [1] Delivering such notification by regular and certified mail, return receipt requested, sent to the property owner's residence and usual place of business that is on record at the Assessor's office.
 - [2] Identifying the number of valid complaints that have occurred since the property's designation as a problem property.
 - [3] Informing the property owner of the costs assessed under this section.
 - [4] Indicating where and to whom the property owner must address a letter of appeal of police response costs assigned to him or her.
 - [5] Informing the property owner that he or she has 14 business days to file an appeal and 30 business days to pay the assessment.
- (b) The Police Chief, or his/her designee, shall have the authority to consider the nature of the incident(s) underlying the valid complaints in making his/her decision to assess costs. The Police Chief, or his/her designee, shall consider the following factors in making the decision to assess costs:
- [1] The nature of the incident(s) underlying the valid complaints.
 - [2] Whether the incident(s) resulted in an arrest.
 - [3] The effect of the activity on the quality of life in the neighborhood.
 - [4] The property owner's and occupant's willingness to cooperate with police.
 - [5] The history of criminal activity taking place at the property or location.

D. Payments.

- (1) The property owner is responsible for payment of the bill in full within 30 business days of receiving the notification. All amounts collected by the Collector-Treasurer shall be deposited into a revolving fund under the control of the Police Department. If not paid, the Collector-Treasurer is hereby authorized and empowered to bill the property owner for the cost the City incurred for its police response.
- (2) Any unpaid bill for police response, including interest and/or collection costs, shall be added to the real estate tax on the property and collected as part of that tax. Failure to pay real estate

taxes will render the property owner delinquent, and the Collector-Treasurer shall commence foreclosure proceedings.

- (3) All charges to recover costs imposed in this section shall constitute a municipal charges lien on the property so charged in accordance with MGL c. 40, § 58.

E. Appeal of designation or cost assessment.

- (1) The property owner may, within 14 business days of receipt of the problem property designation or cost assessment, appeal the decision by requesting, in writing, a hearing before the Board of Aldermen.
- (2) The Board of Aldermen shall determine whether, in light of the factors specified in Subsection C(3)(b) above, the Police Chief's decision to assess the costs of a police response at a problem property was reasonable. The Board of Aldermen may uphold or reduce the costs assessed by the Police Department, but it may not increase them. The Board of Aldermen's decision must be in writing. If the Board of Aldermen finds in favor of the property owner, the cost of the penalty shall be abated; if the assessment is upheld or reduced, it shall be due and payable within 30 business days.

F. Eviction. In the event the property owner has, in good faith, commenced eviction proceedings against the tenant(s) responsible for the incident at the property that results in the assessment of costs, the assessment of costs shall be reduced to \$0 for that particular incident. The Police Chief may continue police response at the particular property or location, at his or her discretion, at all times after the eviction proceeding has been completed; provided, however, that such costs shall not be assessed to the property owner.

G. Prevention. A landlord may request in writing that the City provide the landlord with a list of any valid complaints involving a prospective tenant occurring within one year prior to the date of the written request. To the extent permitted by law, the City shall provide the information to the landlord pursuant to Massachusetts public records law(s). Failure of the City to provide such information that is found to have existed at the time of the written request and legally could have been provided to the landlord shall cause this section to be invalid against the landlord for any valid complaints involving the prospective tenant for whom the written request was made.

Chapter 182

POLES AND WIRES

§ 182-1. Petition for erection of poles.

Poles for the support of wires shall not be erected in the public ways or squares of the City without a petition therefor being first presented to the Board of Aldermen, which petition shall be accompanied by a plan showing thereon the specific location of each pole, and without receiving written permission to do so from such Board.

State law references — Similar provisions, MGL c. 166, § 22; location of poles and conduits for transmission of electricity, MGL c. 166, §§ 21 to 29; wires and poles generally, MGL c. 166, §§ 30 to 42.

§ 182-2. Inspection of proposed location.

Whenever the Inspector of Wires shall receive notice of a public hearing ordered by the Board of Aldermen upon a petition seeking a permit for an original location for wires, poles, piers, abutments or conduits for the transmission of electricity, he/she shall forthwith make an inspection of the proposed location and shall, prior to the date of such hearing, make a report of his/her findings with respect thereto to the Board of Aldermen.

§ 182-3. Manner and place of setting poles; reservation for City wires.

- A. Poles must be set in the sidewalk not less than 10 inches from the outer side of the curbline and shall not be located within 10 feet of any lamppost or any other pole, except when they are designed to carry wires on streets running at right angles to each other, nor within four feet of any fire hydrant.
- B. Where possible, all poles must be uniformly spaced, of uniform height and not more than 170 feet apart. All poles must be set not less than six feet in the ground. Poles must be stepped, commencing eight feet from the sidewalk, such steps to be parallel to the edge stone of the street. Each line of poles must be run on one side of the street only, except when it is absolutely necessary to change to the other side.
- C. Extensions of pole tops must not be made on any pole without the approval of the Inspector of Wires, and a gain on every pole set in the streets and carrying wires must be reserved for the wires owned by the City.

§ 182-4. Maintenance and marking of poles.

All poles now standing or hereafter erected shall be kept in good condition to the satisfaction of the Inspector of Wires. They shall be stenciled, marked or branded with the owner's name or initials at a point not less than five nor more than 10 feet from the ground.

§ 182-5. Support of crossarms; marking of supports.

Where crossarms are designed to carry six or more wires, they must be supported with iron braces. The owner's name must be painted, stenciled or branded thereon.

§ 182-6. Tagging wires of different ownership.

Where wires of different ownership occupy the same crossarm, a tag must be fastened to the same at the insulator, on which is stamped the owner's name or initials. Such tags are to be made of unoxidizable metal and securely fastened with wire.

§ 182-7. Brackets, crossarms and pins generally.

Pole brackets must not be used on poles carrying electric wires of any kind. Wires must be supported by crossarms. Where necessary, a single wire may be supported on pins on the tops of poles.

§ 182-8. Defacing poles.

No person shall deface any pole by the use of linemen's spurs or by cutting with a knife, ax or any other implement.

§ 182-9. Abandonment of poles; storage of new poles.

- A. When poles and fixtures have been abandoned by the owners thereof, they must remove them as soon as they discontinue their use, unless it is positively known that they will again use them within 60 days. Wires on such poles or fixtures owned by others must be removed unless the owners of such wires assume the ownership of such poles and fixtures, the same to be transferred to them by the original owners by authority of the Board of Aldermen.
- B. New poles must not be brought on any street more than two days in advance of the time they are to be set, and when old poles are taken down they must be removed from the street the same day.

§ 182-10. Use of poles of another.

No person shall attach any wire or line for the transmission of electricity for any purpose, except the lines and wires of the City, to any pole, except such as are provided for such purpose or such as are on his/her own premises or upon other lands with the consent of the owner thereof, or insert the same into any underground conduit except with the consent of the owner and by the order of the Board of Aldermen.

**§ 182-11. Insulation; guy wires and pole brackets on trees.
[Amended 5-21-2012 by Ord. No. 2012-158]**

All poles and posts used for support for streetlighting purposes shall be insulated in such a manner as to protect employees and other persons against accident, and the method of insulation must be approved by the Inspector of Wires. Guy wires must be insulated from poles and fixtures by inserting an insulator not less than six feet from the point of attachment. Guy wires must not be attached to trees on public ways without the permission of the City Engineer, and pole brackets must not be used on trees for the support of wires.

State law reference — Insulation, MGL c. 166, § 30.

§ 182-12. Cutting or injuring trees. [Amended 5-21-2012 by Ord. No. 2012-158]

No street railway, electric light, telephone or telegraph company shall destroy, cut or mutilate any of the trees located on any of the thoroughfares or public grounds of the City, except by written permission of the City Engineer, or allow any trees located on any of the thoroughfares or public grounds of the City to be injured through improper insulation of its wires.

§ 182-13. Certain wires not to be attached to upper and under side of crossarms.

Wires must not, when running in the same direction, be attached to the upper and under side of the same crossarm, and the use of so-called "hard rubber hood insulators" or "porcelain knobs" will not be permitted for high- or low-potential conductors.

§ 182-14. Alternating currents; drop wires.

The two conductors constituting the line and return of any circuit for alternating currents must be run parallel to each other and at a distance apart not less than 12 inches, except in case of service cable. When wires are brought below the roof of a building, the drops must commence at the top of the same and run straight down and between and not in front of the windows, hoistways, etc., and as near the wall as the character of the service will permit. All such drop wires designed to carry an electric light or power current must be heavily covered with the best quality of insulation, and that in turn with at least two braids of cotton, and, when they are within easy reach of persons from windows, doors, etc., they shall have an approved additional covering or tube as a further protection to the insulation. Not over five feet of so-called "weatherproof" and "underwriters" insulation will be approved for drop wires for services.

§ 182-15. Height of wires.

No wires shall hang less than 18 feet from the street or sidewalk at the lowest points of sag.

§ 182-16. Transformers.

Transformers must not be placed on any fixture on a roof or on any wall rising above a roof. Transformers must not be attached to the outside wall of buildings so that they can be reached by persons from windows, doors, fire escapes, stairways or the ground. The primary wires must drop to the transformer at right angles to the mains or branches. They must be heavily covered with the best grade of insulation, and that in turn with at least two braids of cotton. So-called "underwriters" and "weatherproof" insulation will not be approved.

§ 182-17. Inspector of Wires.

- A. The Inspection of Wires Department shall be a subdivision of the Inspectional Services Department and shall be under the charge of the Wiring Inspector, who shall be appointed by the Mayor, subject to confirmation by the Board of Aldermen, and who shall devote all of his/her time to the duties of his/her office.
- B. The term "Inspector of Wires," wherever appearing in this and other chapters, shall include the "Wiring Inspector."
- C. The Inspector of Wires shall have supervision of all electric and other wires erected in, upon, over or under any street or building and all poles supporting wires or lamps and streetlights. The Inspector of Wires shall also have the powers and perform the duties required of such an officer by law or by the ordinances of the City. The Inspector of Wires shall keep a detailed record of the business transacted by his/her department and shall annually, in January, submit a report thereof to the Mayor and Board of Aldermen.

State law reference — Appointment of inspectors of wires and their duties, MGL c. 166, § 32.

§ 182-18. Shutting off current; removal of defective wires, cables or conductors.

The Inspector of Wires will be deemed the sole judge of what constitutes safe and proper construction and insulation of all wires. If cables or conductors, poles or fixtures used for the transmission and distribution of electric current are in an unsafe and dangerous condition, he/she shall cause the current to be shut off, if the existing defects are not remedied in a reasonable time, and such defective wires, cables or conductors shall then be treated as being dead and unused and shall be removed by the Inspector of Wires at the expense of the owner thereof.

§ 182-19. Fire alarm telegraph and police signal systems. [Amended 5-18-2009 by Ord. No. 09-177]

- A. The Fire Alarm Maintenance Lineman shall, by virtue of his/her office, be the superintendent of the fire alarm telegraph and police signal

systems and of all other electric wires and wire systems now or hereafter owned by the City. The Fire Alarm Maintenance Lineman shall have the care and management of the wires, apparatus, machinery and other property connected with the systems, shall keep them in good working order at all times and shall have access to all buildings and places necessary for these purposes. The Fire Alarm Maintenance Lineman shall, at least once every 60 days, inspect and test, or cause to be inspected and tested under his/her direction, each fire alarm telegraph box in the City. All additions to such systems and all new electric wires and appliances required by the City for its use shall be erected under his/her supervision and to his/her satisfaction.

- B. The Fire Alarm Maintenance Lineman shall, at least once every 60 days, report to the Chief of the Fire Department the results of his/her inspections and tests of fire alarm telegraph boxes made within the period of 60 days next preceding the date of his/her report.

§ 182-20. Assistants to Inspector of Wires.

The Inspector of Wires may appoint and remove such assistants as may be necessary for the work to be done so far as permitted by appropriation.

§ 182-21. Standards for electric work.

All electric work shall be installed in accordance with the rules of the American Insurance Association, the ordinances and regulations of the City and the rules established by the Inspector of Wires.

State law reference — Authorizing board of fire prevention regulations to make rules relative to electric wiring, MGL c. 143, § 3L.

§ 182-22. Rules established by Inspector of Wires.

Rules shall be established by the Inspector of Wires regulating the time of notification of work to be done, the requirements or conditions for turning on the electric current and such other matters as he/she may deem advisable.

§ 182-23. Information to be furnished.

Any person installing or maintaining electric or other wires shall, upon request of the Inspector of Wires, furnish him/her with such information as may be necessary to the faithful and effectual discharge of his/her duties under this chapter.

§ 182-24. Notice to inspector of wires prior to commencing work.

Every person proposing to place wires designed to carry a current of electricity within a building shall give notice thereof to the Inspector of Wires before commencing the work and shall not turn on the current to

wires that are to be used for electric lighting, heating or power until written permission to do so has been given by the Inspector of Wires.

State law reference — Notice to wiring inspector required, MGL c. 143, § 3L.

Chapter 194

SEWAGE DISPOSAL

GENERAL REFERENCES

Water and sewers — See Ch. 228.

§ 194-1. Construction standards for cesspools and septic tanks.

- A. No cesspool or septic tank with tile field shall hereafter be constructed or maintained in the City unless it shall conform to the following requirements:
 - (1) Where the ground is suitable, leaching cesspools shall be built and maintained. Such cesspools shall be built of concrete within three feet from the top, tightly covered and made flyproof. In certain instances septic tanks with tile fields may be used.
 - (2) Where the ground is not suitable for a leaching cesspool or septic tank, a watertight cesspool may be constructed and maintained if tightly covered and made flyproof.
- B. The kind and size of cesspool or septic tank with tile field shall be determined by the Board of Health and shall depend upon the soil foundation, land area and amount of sewage or drainage to be emptied into such cesspool or septic tank. No cesspool or septic tank shall be covered or used until inspected and approved by an agent or inspector of the Board of Health.

§ 194-2. Discontinued vaults, privies and cesspools.

Vaults, privies or cesspools hereafter discontinued shall, within 10 days of such discontinuance, be thoroughly cleaned and filled with earth or other suitable material.

§ 194-3. Connection to public sewer or cesspool; prohibited substances.

- A. Every building used as a dwelling or in which persons are employed shall be separately and independently connected with the public sewer by a sufficient drain or, if no public sewer is provided, with a proper and sufficient cesspool, and the cesspool and drainpipe shall be acceptable in construction and location to the Board of Health. Several buildings

may have a common sewer connection if such connection is approved by the Board of Health and the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**

- B. No substance which will tend to clog the pipes, produce an explosive mixture or destroy the pipes or their joints shall be allowed to enter any house drainage system.

State law reference — Board of health authorized to require connection with common sewer, MGL c. 83, § 11.

Chapter 198

SOLID WASTE

ARTICLE I

Compost Areas

[Adopted 6-18-1990 by Ord. No. 90-257; amended 2-20-2007 by Ord. No. 07-107A]

§ 198-1. Construction and location.

No person shall construct, erect, place or locate an area for the accumulation of organic material for the purpose of composting unless it conforms to the following requirements:

- A. No compost area shall be placed within three feet of a property line.
- B. Compost areas shall be sufficiently screened to restrict access of scavenging animals.
- C. Compost materials shall be regularly treated with lime in amounts sufficient, as determined by the Board of Health, to prevent odors.
- D. Compost shall consist of plant-based material and shall exclude meat scraps and bones.

ARTICLE II

Collection and Disposal

[Adopted as Rev. Ords. 1976, §§ 13-3, 13-6, 20-5 and 20-6 (Rev. Ords. 1989, §§ 8-1, 15-26 and 15-27)]

§ 198-2. Dumping; obstructing sidewalks; placement of refuse containers. [Amended 6-18-1984 by Ord. No. 785A; 6-18-1984 by Ord. No. 785B; 2-20-2007 by Ord. No. 07-107A]

- A. No person shall put or place, or cause to be put or placed, in any street, lane, alley or any other place, public or private, where it may be offensive or objectionable, any ashes, dirt or refuse, nor shall any piece of metal or wood or any plastic in any form or other material injurious to feet or to tires of vehicles or any other rubbish be put, placed or thrown into or on any street, lane, alley or public place. No person shall throw or place on any vacant land or in any brook or pool rubbish, limbs, brush, barrels, boxes, etc.
- B. No person shall place or cause to be placed on any sidewalk, footwalk or crosswalk any object whatsoever so as to interfere with the convenient use of the same by any person traveling thereon. This shall not apply to building materials so placed by permission of the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- C. Refuse may not be left on sidewalks for collection except after 5:00 p.m. of the day before scheduled pickup. Refuse containers and receptacles shall be placed at the curb by 7:00 a.m. on the scheduled collection day and shall be removed from the sidewalk within 12 hours after refuse collection.
- D. The Public Health Department enforcing officers shall prosecute violations under the provisions of MGL c. 270, § 16 (disposal of rubbish, etc.). No property owner shall be prosecuted for violation until a written notice of warning is served. **[Amended 8-21-2017 by Ord. No. 2018-4]**

§ 198-3. Ashes and rubbish; yard waste; metal goods; collection fees. [Last amended 6-25-2015 by Ord. No. 2015-168]

- A. The Director of Public Works shall, in addition to the duties prescribed by law and the Charter, have charge of the collection and disposal of ashes and other household rubbish, including garbage, under proper regulations approved by the Mayor and Board of Aldermen.
- B. The Director of Public Works shall, for a period beginning on or around April 15 and ending about December 15, collect at curbside, biweekly or monthly as defined in its annual collection calendar, all leaves and grass clippings, provided that such materials do not violate any regulation or rule authorized by this section. Leaves and grass clippings shall be placed at curbside for City pickup in plain brown paper bags or barrels, subject to such reasonable limits as may be set by the Director

of Public Works. No loose materials will be collected. The Director of Public Works shall operate a drop-off yard waste collection program in conjunction with this subsection.

- C. There shall be a collection of large metal goods by the Public Works Department either once or twice a week at the Director's discretion and under the following regulations:
 - (1) Metal goods include refrigerators, sinks, stoves, bathtubs, toilets, shower stalls, radiators, metal file cabinets, metal desks, dismantled play sets, metal pipes tied together in a bundle weighing not in excess of approximately 30 pounds and any other metal goods requiring special pickup.
 - (2) Each metal goods item as defined in Subsection C(1) will be picked up at curbside for a fee of \$20 payable to the City of Melrose. The homeowner/resident wishing to dispose of such items will obtain a receipt from the Department of Public Works after payment is made for each item. Any item that has no sticker will not be picked up by the City or its agents.
 - (3) The collection of these fees is to be in accordance with Chapter 56, Officers and Employees, § 56-21.
 - (4) Moneys collected under this Subsection C shall be set aside in a special fund suggested by the Auditor.
- D. No person, except an authorized employee or agent of the Public Works Department, shall remove any article or material deposited or placed upon a street or sidewalk for the purpose of being collected by the Public Works Department.
- E. No dumpster may be placed on City streets without first obtaining written permission from the Director of Public Works or his designee.
- F. Trash tipping fee.
 - (1) Residential. A trash fee of \$200 per dwelling unit is hereby established effective July 1, 2005, on all residential structures of six units or fewer.
 - (2) (Reserved)
 - (3) Discount.
 - (a) Effective January 1, 2016, any senior citizen (65 years or older) who owns and occupies a single-family home or condominium with an income of \$65,870 or less for a single person, \$75,280 or less for married couples, will be eligible for a 50% discount for this fee.
 - (b) Effective January 1, 2016 hardship cases. Any citizen who owns and occupies a single-family home or condominium with an

income of \$35,000 or less for a single person, \$40,000 or less for married couples, will be eligible for a 100% discount for this fee.

- (c) Proviso. Eligibility should be determined by using the adjusted gross income number found on the IRS 1040 form.

(4) (Reserved)

(5) Billing. The Collector shall issue bills quarterly.

(6) Exemption. Any person that can demonstrate an alternative lawful disposal method may apply for an exemption.

G. Billing period; place of placement; delinquent payments.

(1) All bills for solid waste and recycling shall be made out and rendered by the Public Works Department to consumers quarterly, and all such bills shall be payable within 30 days at the office of the City Collector.

(2) Bills not paid within 30 days shall be subject to the following:

(a) Demand charge of \$5.

(b) Interest penalty of 14% from the due date.

(c) Lien fee of \$10, to be applied only on those solid waste and recycling bills that become lien on real estate tax bills.

§ 198-4. Curbside recycling. [Added 1-22-1991 by Ord. No. 91-123; amended 8-15-1994 by Ord. No. 94-344; 2-20-2007 by Ord. No. 07-107B]

A. General provisions.

(1) The City of Melrose will provide for the curbside collection of acceptable recyclable waste from residences with six units or fewer in accordance with the provisions of § 198-3 and this section.

(2) The City of Melrose will supply to each residence, as defined in Subsection A(1), a recycling container or containers to be used by the resident for placement of acceptable recyclable waste for curbside collection.

(3) "Acceptable recyclable waste" is defined as follows:

(a) All clear unbroken glass. Containers, clear or colored, are acceptable. Ceramics, light bulbs, plate glass and drinking glasses, etc., are not acceptable.

(b) Clean steel, aluminum, tin, and bimetal cans. No aerosol containers, motor oil or paint cans will be accepted curbside.

- (c) Clean newspapers/newsprint, office paper, paper bags, magazines, catalogs, phone books, junk mail, and shredded paper, bagged in brown paper bags, tied in bundles, or placed in a recycling bin separate from containers and secured.
- (d) Clean plastic containers, coded No. 1 through No. 7 on each piece. Plastic containers refer to solid containers such as margarine tubs or juice, water and milk jugs but not to items such as plastic bags and toys. Each item must have a clearly marked recycling code No. 1 through No. 7 on the bottom. Plastic containers for hazardous waste items such as motor oil or paint products shall not be accepted. Plastic items not marked with the proper recyclable code shall not be placed in the recycling container.
- (e) To be considered acceptable recyclable waste, all glass, cans and plastic shall be emptied and rinsed.
- (f) The City of Melrose is not limited to items in Subsection A(3)(a) through (e) as acceptable recyclable waste and may make changes from time to time.

B. Recycling containers; usage, placement and cost.

- (1) The recycling containers must be placed at curbside in accordance with the schedule to be announced by the Department of Public Works and will be collected by a contractor as agent for the City of Melrose. If material placed in the recycling container is not acceptable recyclable waste as defined in Subsection A it will be left in the recycling container, and the resident shall remove the unacceptable recyclable waste before placing the recycling container at curbside for the next collection.
- (2) The first recycling container/containers will be supplied free of charge to the residents and will remain the property of the City of Melrose.
- (3) Source separation of acceptable recyclable waste shall be performed by the residents according to the instructions given by the Department of Public Works.
- (4) Residents shall protect the recycling containers from misuse, loss or damage and return the containers to the Department of Public Works upon request.

C. Authorized collection of acceptable recyclable waste. No person, except those individuals and companies authorized by the City of Melrose, shall collect or pick up or cause to be collected or picked up any acceptable recyclable waste which has been placed for collection pursuant to the provisions of this section. The individuals or companies so authorized shall supply the City of Melrose with receipts for collected accepted recyclable wastes, and all collections of accepted

recyclable wastes shall take place according to the trash pickup schedule determined by the Department of Public Works but no earlier than 7:00 a.m. and no later than 6:00 p.m. of the same day.

§ 198-5. Public dumping areas. [Amended 9-17-2007 by Ord. No. 07-107C⁴⁰; 5-21-2012 by Ord. No. 2012-158]

The City Engineer shall have charge of the maintenance and management of all places authorized by the Board of Health to be used as public dumps. The City Engineer shall have authority to regulate by suitable signs or by rules issued by him/her the use of such dumps by employees of the City, contractors and all other persons and to require compliance therewith. The City Engineer shall furnish copies of all rules made under authority of this section to the Chief of the Police Department, and it shall be the duty of the police officers to enforce such rules. Any person who violates any regulation or rule authorized by this section shall be punished by a fine of not more than \$300 for each violation and will be responsible for the cleaning of the area.

State law reference — Assignment by Board of Health of places for public and private dumps, MGL c. 111, § 150A.

40. Editor's Note: This ordinance also repealed former § 198-6, Unlawful deposits, added 6-19-1995 by Ord. No. 95-281.

ARTICLE III

Dumpsters**[Adopted 3-7-1994 by Ord. No. 94-177]****§ 198-6. Location and maintenance. [Amended 9-17-2007 by Ord. No. 07-107C; 8-21-2017 by Ord. No. 2018-4]**

- A. Each dumpster must be located at a distance from the lot line, as defined in Chapter 235, Zoning, § 235-5, so as not to interfere with the safety and convenience or health of any abutters or residents. Specific dumpster locations may be directed by the Director of Public Health as approved by the Board of Health.
- B. The dumpster site may be required to be enclosed or screened when deemed necessary by the Director of Public Health in a manner to be prescribed by the Director of Public Health as approved by the Board of Health.
- C. All dumpsters, except temporary roll-off construction-type dumpsters, shall be equipped with lids that shall be closed, except during filling or emptying. When closed, dumpsters may be required to be locked as deemed necessary by the Director of Public Health as approved by the Board of Health.
- D. It shall be the responsibility of the property owner or owners being serviced to maintain the dumpster and dumpster site free of all nuisances, including but not limited to scattered debris, overflowing debris, undue odor and pests and rodents.
- E. The property owner or owners shall have the dumpster washed, deodorized, sanitized or steamed as deemed necessary by the Director of Public Health as approved by the Board of Health.

§ 198-7. Violations and penalties. [Amended 9-17-2007 by Ord. No. 07-107C]

- A. Any person, whether contractor, owner, tenant or occupant, being serviced or other person or company who or which shall violate any provisions of these regulations and upon written notification does not comply with the order or causes or allows repeated violations shall be fined no more than \$300 for each violation.
- B. Each day's failure to comply with any order shall constitute a separate violation.
- C. These regulations shall apply to all dumpsters in the City of Melrose, whether for residential, commercial or industrial use. These regulations shall be enforced by the Director of Public Health and the Board of Health. **[Amended 8-21-2017 by Ord. No. 2018-4]**

§ 198-8. Temporary dumpster permit. [Added 5-16-1994 by Ord. No. 94-178; amended 9-17-2007 by Ord. No. 07-107C]

A temporary dumpster permit (roll-off or gondola type) may be issued to a property owner or authorized agent for a period not to exceed 60 days in connection with construction or demolition or for any similar temporary need. Permits may be renewed for an additional 60 days. All provisions of §§ 198-6 and 198-7 shall be complied with. Failure to obtain a temporary dumpster permit shall constitute a violation subject to the provisions of § 198-7A herein.

§ 198-9. Dumpster placement. [Added 9-17-2007 by Ord. No. 07-107C]

- A. No dumpster may be placed on public ways without first obtaining written permission from the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- B. No dumpster shall be placed on any public way, sidewalk, private way or alley without first obtaining a sidewalk or street occupancy permit from the Director of Public Works. The permit shall be valid for 30 days and renewable in additional thirty-day intervals. **[Amended 8-21-2017 by Ord. No. 2018-4]**

ARTICLE IV

Transfer Stations

**[Adopted 12-15-2003 by Ord. No. 04-116;⁴¹ amended 9-17-2007 by
Ord. No. 07-107C]**

§ 198-10. Fees; transferability of permits.

Fees authorized for permitting transfer stations under MGL c. 16 and the Department of Environmental Protection (DEP) shall be the maximum allowed under the Code of Massachusetts Regulations (CMR); said permits shall not be transferable.

41. Editor's Note: This amendment provided that it shall have a sunset clause of three months.

Chapter 202

STREETS AND SIDEWALKS

GENERAL REFERENCES

Assessments — See Ch. 9.

Water and sewers — See Ch. 228.

Poles and wires — See Ch. 182.

ARTICLE I
General Provisions

§ 202-1. Permit required to occupy street or public place. [Amended 5-21-2012 by Ord. No. 2012-158]

No person, except an employee of the Department of Public Works in the performance of his/her duties, shall dig up the pavement or ground in any public street, lane or alley or any sidewalk in the City or erect any staging for building thereon or place any materials or rubbish thereon without first obtaining from the City Engineer a written permit stating the space in the street or other public place that may be occupied and the time allowed for such occupancy, and such other provisions as he/she may deem best, and filing with him/her a written agreement under seal, with sureties, if required, to comply strictly with the terms of the permit and indemnify the City from all loss, cost or expense that it may suffer by reason of such occupancy.

§ 202-1.1. Reservation of space for City use; rights and privileges of City therein. [Added 4-19-2016 by Ord. No. 2016-138]

In all underground conduits sufficient and necessary space as shall be determined by the Board of Aldermen, upon consultation with the IT Director, shall be reserved free of expense for the use of the fire, police and other information technology, telegraph and telephone signal wires and/or cables belonging to the City and used exclusively for municipal purposes, and the City, by its Inspector of Wires and/or other proper servants, shall be allowed access to such conduits at all times. The City shall be allowed equal facilities and privileges with others using such conduits in putting in, taking out and repairing wires. In the alternative, another conduit, also known as a "shadow conduit," of equal size and length may be laid along with the permitted conduit, which shall be for the exclusive use, and under the exclusive control of, the City.

§ 202-2. Protective railings and fences; restoration. [Amended 5-21-2012 by Ord. No. 2012-158]

- A. No street, lane, alley, sidewalk or other public place in the City shall, under any permit granted as provided in § 202-1, be dug up, obstructed or otherwise rendered inconvenient or unsafe for travel unless the person receiving such permit shall put, and at all times keep up, a suitable railing or fence around the section of the street, lane, alley or other public place so obstructed, so long as the same shall remain unsafe or inconvenient, and shall also keep, as specified by the City Engineer, lighted lanterns, fixed in some proper manner, every night from twilight through the whole night so long as such obstruction shall remain.
- B. The person receiving such permit shall also, within such reasonable time as the City Engineer shall direct, repair such street, lane, alley,

sidewalk or public place in such manner as shall meet the approval of the City Engineer.

§ 202-3. Riding or driving on sidewalk.

No person shall ride, drive, wheel, draw or push any cart, wheelbarrow or other vehicle of burden or pleasure upon or along any sidewalk in the City, except for the purpose of crossing such sidewalk to go into or out of some adjoining enclosure, provided that this section shall not apply to children's carriages propelled by hand, invalids' tricycles or chairs and bicycles pushed by hand.

§ 202-3.1. Use of gas-powered vehicles: scooters, powerboards and mini-motorbikes. [Added 11-8-2004 by Ord. No. 05-035]

- A. Definition. This section refers to scooters, powerboards, and mini-motorbikes that have two or more wheels, that are designed to be stood upon or sat upon by the operator, and that are gas-powered by an engine or motor capable of propelling the vehicle with or without human thrust.
- B. Prohibition from sidewalks. No person may use, ride or otherwise operate a gas-powered scooter, powerboard, or mini-motorbike on a sidewalk in the City of Melrose.
- C. Prohibition from streets and other areas. No person may use, ride or otherwise operate a gas-powered scooter, powerboard, or mini-motorbike on a public way or street unless that person is 16 years of age or older and is carrying a valid driver's/operator's license. No person shall operate said vehicle on the grounds of any public school or other City property, including parks.
- D. Penalties. Any person violating the provisions of this section shall be subject to a fine of \$50.
- E. Enforcement. The Melrose Police Department shall have the authority to enforce this section. The provisions of MGL c. 40, § 21D, may be used to enforce this section.
- F. Impoundment. The Melrose Police Department shall have the authority to impound any vehicle used in violation of this section. The City shall return any impounded vehicle only upon payment of an impoundment fee of \$100 and a daily storage fee of \$10 per day.
- G. Exceptions. Nothing in this section shall prevent the legal use of:
 - (1) Any mechanical or motorized device designed and used to assist a person with a disability affecting ambulation or a device for which the user has a medical necessity;
 - (2) A moped that has been registered with the Registry of Motor Vehicles; or

- (3) A motorized bicycle that has been registered with the Registry of Motor Vehicles.

H. Regulatory authority. The Chief of the Melrose Police Department shall have the authority to promulgate rules and regulations necessary to implement and enforce this section.

§ 202-4. Gates or doors.

No person shall allow any gate or door belonging to premises owned or occupied by him/her or under his/her control to swing on, over or into any street or sidewalk in the City.

§ 202-5. Firewood, coal and other fuel.

No firewood, coal or other fuel shall be allowed to remain unnecessarily on any sidewalk or in any street, lane or alley of the City, and, in case it must so remain after twilight or through the night, the owner shall place and keep a sufficient light upon the same.

§ 202-6. Vehicles in private ways obstructing fire apparatus.

No vehicle shall be left unattended within the limits of any private way in such a position that it would obstruct the access of fire apparatus to any part of a tenement house, private dwelling or apartment house, as defined in MGL c. 145, § 2.

§ 202-7. Vehicles crossing sidewalks. [Amended 5-21-2012 by Ord. No. 2012-158]

No person shall cross with a horse-drawn or commercial motor vehicle any concrete, brick or granolithic sidewalk in the City, except over regularly recognized driveways, without first obtaining from the City Engineer a written permit stating the place to be crossed and filing with the City Clerk a written agreement under seal, with sureties if required, approved by the City Engineer to indemnify the City from all loss, cost or expense that it may suffer by reason of such crossing.

§ 202-8. Moving buildings.⁴² [Amended 5-21-2012 by Ord. No. 2012-158]

No person shall move, or cause to be moved, any building through any public street in the City without first obtaining from the City Engineer a written permit therefor stating the streets through which, and the time within which, the building may be moved, and any other provision that he/she may deem best, and filing with him/her a written agreement under seal, with sureties if required, to comply with the terms of such permit and indemnify the City for all loss, cost or expense it may suffer by reason of the moving of such building.

42. Editor's Note: See also Ch. 56, Officers and Employees, § 56-8.

State law reference — Moving buildings, MGL c. 85, § 18.

§ 202-9. Opening roadways or sidewalks. [Added 6-20-1994 by Ord. No. 94-345; amended 12-16-2002 by Ord. No. 02-060A]

A. Fees, deposits and insurance.

- (1) A nonrefundable application fee as provided in § 202-14 of this chapter is required for each location where a permit is requested. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- (2) A five-hundred-dollar (cash or certified check) refundable deposit is required and will be held until the permanent trench repair has been completed and approved by the City Engineer or his/her designee. Interest earned, if any, on said deposit will become the property of the City of Melrose and is not refundable. Trenches not inspected due to the failure of the permittee to properly notify the City Engineer shall be subject to loss of deposit and/or repeat of reconstruction procedures. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- (3) A five-thousand-dollar performance and payment bond is required for each roadway/sidewalk opening permit granted. Blanket bonds in the amount of \$50,000 may be substituted for City-wide operations. This bond will cover all street or sidewalk permits issued to a particular contractor or permittee for work within the City during a specified period of time.
- (4) Any contractor(s) representing the permittee must furnish the City of Melrose with a certificate of insurance for general liability in the amount of \$500,000.

B. Permit issuance.

- (1) Permits shall be issued by the City Engineer after proper presentation of the above documentation per § 202-1. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- (2) Work shall not begin prior to 7:00 a.m.
- (3) Traffic (vehicular and pedestrian) control shall be the responsibility of the permittee.
- (4) Permits shall be granted for a thirty-calendar-day period. Extensions may be granted at the discretion of the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- (5) Agents of the City who are performing work directly for the City of Melrose shall be exempt from the permitting process. However, the trench repair standards established by this section shall apply to all excavations in the City of Melrose.

C. Notification.

- (1) Dig-Safe must be notified.
- (2) The City Engineer shall be notified 24 hours prior to the commencement of any work and again 24 hours prior to the final pavement repair. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- (3) The Melrose Police and Fire Departments shall be notified, as applicable.

D. Construction procedures.

- (1) The pavement shall be precut and may only be disturbed within the area requiring excavation for repair, replacement or new installation. When the opening occurs within two feet of the curb and/or edge of the hardened surface, the paved area between the excavation and the curb and/or edge must be removed. All final pavement cuts shall be straight lines with ninety-degree angles at all corners.
- (2) In the backfill process, the backfill shall be comprised of suitable material as approved/determined by the City Engineer or his/her designee. Cement concrete shall be used around all electrical and telephone conduit in trenches. Controlled-density fill (CDF) may be required. Compaction (when CDF is not used) shall be executed in six-inch lifts. Each lift shall be 95% compacted by mechanical means. When the total surface area of an individual opening in bituminous concrete is less than nine square feet, all backfill material(s) will be placed to within a minimum of six inches of the pavement surface or the thickness of the original pavement structure, whichever is greater. For individual openings with surface areas of nine square feet and larger, the backfill material(s) will be installed to within four inches of the pavement surface or the thickness of the existing structure, whichever is greater. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- (3) The hardened pavement shall then be cut back and removed six inches to 12 inches from all sides of the initial excavation to the depth of the original pavement structure, exposing the undisturbed gravel subbase. Edges will be cut perpendicular to the surrounding surface and have a clean, vertical face, particularly in the corners. All structures shall be leveled to the lines with ninety-degree angles at the point(s) of intersection.
- (4) All surplus and/or unacceptable excavated materials shall be removed from the job site immediately. The excavation site shall be maintained in a clean and safe condition at all times. Sidewalks and roadways shall be cleaned and opened to traffic at the end of each working day, unless otherwise authorized by the City Engineer. Access to properties is to be maintained. The removal and disposal of materials, including pavement, is the responsibility of the permittee and shall be achieved in such a manner as to minimize

interference with pedestrian and vehicular traffic. **[Amended 5-21-2012 by Ord. No. 2012-158]**

- (5) The permittee shall be liable for the condition of the roadway and sidewalk openings and protection thereof prior to the temporary repair and will be held responsible for any and all damage due to any failure of barricades, barriers, warning signs, lights or steel plates used to properly protect the work from traffic, pedestrians or other causes. All open ditches shall be protected by uniform traffic control devices in conformance with the Massachusetts Department of Transportation manual. All excavations must be properly secured to ensure the safety of the traveling public and immediately reported to the City Engineer when secured, unsecured or changed for any reason. **[Amended 5-21-2012 by Ord. No. 2012-158; 8-21-2017 by Ord. No. 2018-4]**
- (6) Temporary patching shall be performed only by contractors approved by the City Engineer and shall be the financial responsibility of the permittee. All barricades and/or safety devices shall be immediately removed from the vicinity upon completion of the temporary bituminous patching application. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- (7) Any improperly prepared excavations, including those left with unacceptable backfill material or insufficient pavement depth, shall be temporarily paved by a municipal contract representative and charged to the refundable deposit of the permittee. The deposit shall immediately be replenished to the original amount. At a later date, the trench shall be reexcavated and prepared correctly by the permittee. Under these conditions the permittee may also be subject to permit cancellation, loss of deposit and any and all expenses incurred by the City with respect to the excavation.
- (8) All excavations will be allowed to settle and/or consolidate for a period of time before the final opening is attempted. This term will be defined as a minimum of 30 days when CDF was used as a backfill material. Compacted gravel subbase must experience at least one seasonal freeze/thaw cycle. The Public Works Department reserves the right to address any subbase deficiency within or adjacent to the original excavated area with whatever measure is deemed necessary during this period. These corrective procedures will be the financial responsibility of the permittee.
- (9) Immediately after the specified settling period, the excavation shall be permanently restored by the contract representative for the City in accordance with Department of Public Works requirements and the approval of the City Engineer. The following procedures will be strictly adhered to: **[Amended 5-21-2012 by Ord. No. 2012-158]**

- (a) The infrared method will be utilized for trenches in bituminous concrete that do not exceed 100 linear feet.
 - (b) A compacted, one-and-one-half-inch bituminous concrete overlay will be required (curb to curb) for sections of asphalt pavement affected by trenches exceeding the one-hundred-foot restriction.
 - (c) Microsurfacing may be substituted for the bituminous concrete overlay at the sole discretion of the City Engineer.
 - (d) An approved petroleum resin sealant may be required as a substitution for, or in addition to, the bituminous concrete overlay as determined by the City Engineer. Material formulation and application will be established in the field when this condition is exercised.
 - (e) All temporary asphalt patches installed in concrete sidewalks will be reexcavated to the extremities of the square(s) in which the excavation is contained. All excavated materials shall be properly disposed of. The finished concrete will be replaced to the depth, strength and contour of the original structure.
 - (f) All other surfaces, i.e., brick, grass, wood, etc., are to be replaced consistent with the original and in strict accordance with Department of Public Works guidelines and with the approval of the City Engineer.
 - (g) Under the permanent restoration provisions above, the permittee will also be responsible for any or all necessary appurtenant measures, including but not limited to surface profiling, resetting utility structures, compatible crack filling, tack coating, infrared heating of the seams, etc. Auxiliary measures will be determined by site inspection with an authorized representative of the City Engineer.
 - (h) All restoration procedures shall be the financial obligation of the permittee.
- (10) Pavement cracks that develop after the permanent repair has been performed within and immediately adjacent to the excavated area will be filled and/or sealed by a contract representative of the City in accordance with Department of Public Works requirements and the City Engineer's approval. These crack repairs shall be the financial responsibility of the permittee. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- (11) The permittee shall be responsible for any settlement, subbase failure and pavement cracks that develop in or adjacent to the original excavated area for a period of three years from the date of final accepted permanent repair or, if CDF is used, for a period of one year from the date of the final accepted permanent repair. Any

surface disorder caused by settlement and/or subbase movement within the general area containing a street or sidewalk opening shall be addressed by the Department of Public Works or private vendor at the direction of the City Engineer. All related corrective measures will be charged to the permittee, and the term of obligation will begin again. **[Amended 5-21-2012 by Ord. No. 2012-158]**

E. Penalties.

- (1) Anyone opening streets or sidewalks without a permit is subject to cancellation and refusal of existing and future permits, license revocation and associated fines.
- (2) Any entity excavating without a permit shall be penalized a sum equal to 10 times the cost of a permit per day per excavation, i.e., each excavation each day will be assessed 10 times the permit cost for each day of unauthorized activity. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- (3) Any entity excavating with a permit beyond the permit's expiration date shall be penalized a sum equal to four times the cost of a permit per day.

F. Billing and collections.

- (1) Police protection, if required, shall be paid by the permittee either directly or billed by the City contract representative at cost, plus handling charges.
- (2) At the direction of the City, the appropriate contract representative shall bill the permittee for the above-cited services. Payment for these services will be rendered within 30 days. On past-due invoices a service charge of 1 1/2% per month will be allowed on accounts 30 days past due, provided that the rate does not exceed the amount which is permitted by law. Invoices exceeding 90 days shall be paid by the City. The City will then exercise the right to fine the permittee accordingly. Under these conditions total accrued service charges, together with all costs of collection, including attorney's fees, will become the financial obligation of the permittee.
- (3) The City reserves the right to assume the billing function, including assessment and conveyance of reasonable handling charges, as provided by Massachusetts General Laws.

G. Modifications and exceptions. The City reserves the sole right to make changes or exceptions to this regulation, subject to written notice and as authorized by the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**

ARTICLE II
Services to Property Owners

**§ 202-10. Public Works Department authorized to perform work.
[Amended 5-21-2012 by Ord. No. 2012-158]**

Except in the case of construction of improvements under the law authorizing the assessment of betterments and except in cases of extreme emergency under Chapter 228, Water and Sewers, § 228-17B, the Public Works Department may perform any service or furnish any materials authorized under this article, including the construction and repair of private drains and particular sewers, water service pipes and sidewalks and edgestones, and may perform such other services or furnish such other materials as the City Engineer may deem expedient, all or any part of the cost of which is to be paid by the owner of any premises, provided that such owner or his/her accredited agent shall make written application therefor in duplicate to the City Engineer upon forms furnished by him/her.

§ 202-11. Estimate of cost of work; deposit with City. [Amended 5-21-2012 by Ord. No. 2012-158]

Upon receipt of an application for service to be rendered by the Public Works Department, the City Engineer shall, without delay, make an estimate of the cost of the work to be done or the materials to be furnished and shall transmit such estimate to the applicant, and the City Engineer shall endorse upon the duplicate copy of such application the amount of such estimate and shall transmit such copy to the City Auditor. The applicant shall, within 90 days after receipt of such estimate, deposit with the City Treasurer the amount so estimated or the portion thereof which such applicant may be required to pay, and each such deposit shall be held as a separate fund.

§ 202-12. Treasurer to give notice of deposit. [Amended 5-21-2012 by Ord. No. 2012-158]

Whenever the City Treasurer shall receive any deposit under § 202-11, he/she shall notify the City Engineer and the City Auditor forthwith, and no such work shall be commenced nor any such material furnished until such notice has been given.

§ 202-13. Work and materials charged at actual cost; statement; difference paid by party debtor.

All work performed and all materials furnished as authorized by this article shall be charged at the actual cost to the City. A statement thereof shall be furnished to the applicant, the City Collector and the City Auditor, and the difference between such actual cost and the amount of the estimate made at the time of the application and deposited, as aforesaid, shall be paid by the party debtor.

§ 202-14. Schedule of service charges. [Added 3-16-1992 by Ord. No. 92-120; amended 3-16-1992 by Ord. No. 92-175]

The Engineering Division shall charge the following for services provided to the public:

- A. Photocopies: \$0.50 each.
- B. Microfilm copies: \$1.50.
- C. Blue-lines prints: \$2 each.
- D. Computer-generated plans: \$10 each.
- E. Research time:
 - (1) Up to one hour: no charge.
 - (2) Over one hour: \$20 per hour.
- F. Block party permit: no charge.
- G. Street opening permit: \$25 each occasion.
- H. Sidewalk opening permit: \$25 each occasion.
- I. Street occupancy permit: \$15 each occasion.
- J. Sidewalk occupancy permit: \$15 each occasion.

ARTICLE III
Streets

§ 202-15. Width and grade.

- A. No street or way shall be accepted by the City as a public street or way unless the street is at least 50 feet in width, except such streets or ways that were in public use or which appear on any plan recorded in the Registry of Deeds or approved by the Board of Survey in the manner provided by MGL c. 41, §§ 74, 75 and 76, prior to October 20, 1941, and that are not less than 40 feet in width and do not have a grade exceeding 15% or unless the street leads from some accepted street or way, provided that a street or way which was in public use prior to the year 1900 and is less than 40 feet in width may be so accepted.
- B. In an extension of an existing street which is not 50 feet in width, the adjustment of bringing the two widths together shall be accomplished on lines to be approved by the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**

State law references — Planning Board approval of ways in new developments, MGL c. 41, § 81O; procedures for laying out, relocating or altering streets, MGL c. 82, §§ 21 to 25.

§ 202-16. Sidewalk area; street pavement.

Any street or way ordered by the Board of Aldermen to be constructed as a public way shall have a space reserved on each side thereof, extending not more than nine feet from the inside line of the street as ordered to be laid out by such Board, for a sidewalk, grass plot and edgestone. The portion of the street or way between the outside lines of the space so reserved shall be constructed with macadam or other pavement of similarly lasting character.

**§ 202-17. Approval of building method required for acceptance.
[Amended 5-21-2012 by Ord. No. 2012-158]**

No street or way shall be accepted unless it is built in a manner satisfactory to the City Engineer.

**§ 202-18. Applications and petitions for construction or
discontinuance; notice of construction in subdivisions. [Amended
3-2-1998 by Ord. No. 98-214]**

- A. Except in the case of ways in subdivisions constructed as required by the rules and regulations of the Planning Board governing the subdivision of land, all applications or petitions for laying out, altering, widening or discontinuing any street or way shall be made in writing and addressed to the Board of Aldermen upon such forms or blanks as it shall prescribe and must be signed by 10 or more citizens or taxpayers. Such petitions shall state the names of the owners, if known, of the

property affected by the proposed laying out, alteration, widening or discontinuance of the particular street or way named therein.

- B. The Planning Board shall forthwith, before a way in a subdivision has been constructed in a manner required by the rules and regulations of the Board governing the subdivision of land, give notice thereof to the Board of Aldermen.

§ 202-19. Referral to Committee on Public Works and Planning Board. [Amended 5-21-2012 by Ord. No. 2012-158; 8-21-2017 by Ord. No. 2018-4]

- A. Upon receipt of a petition for the laying out, altering, widening or discontinuing of a street or way or of a notice from the Planning Board that a way has been constructed in a subdivision, the Board of Aldermen shall refer such petition or notice to the Committee on Public Works, and the Clerk shall transmit a copy of each such petition to the Planning Board for report as required by MGL c. 41, § 81I. The Committee on Public Works shall make a report to the Board of Aldermen on each such petition or notice referred to it, and, if such report recommends the laying out, widening, alteration or discontinuance of the way to which such petition or notice relates, it shall be accompanied by a plan and profile thereof, showing accurately and definitely the proposed line and grade, together with an estimate of the cost of construction, if required, made by the City Engineer.
- B. The report of the Committee on Public Works shall also state the names of the persons over whose lands such laying out, altering, widening or discontinuance is recommended, with the amount of damages, if any, which should be allowed to each, the manner in which the work should be performed and whether or not the work should be done under the laws authorizing the assessment of betterments.

§ 202-20. Hearing by Board of Aldermen.

- A. If a favorable report of the Committee is accepted or an unfavorable report is rejected, the Board of Aldermen shall, by an order, appoint a time for hearing all parties interested therein, at the rooms of the Board of Aldermen, and direct that notice of its intention to lay out, alter, widen or discontinue such street or way and to do the same under the provisions of law authorizing the assessment of betterments, if such be the case, be given in the manner provided by law. The notice may be served by any constable of the City, who shall make his/her return on the original order.
- B. The Board of Aldermen shall hear all parties interested and all persons claiming damages by reason of such proposed laying out, alteration, widening or discontinuance at the time and place appointed for the hearing.

§ 202-21. Order to lay out, alter or discontinue; notice of taking land. [Amended 12-16-2002 by Ord. No. 02-060A]

- A. If, after hearing all the parties interested, the Board of Aldermen is of the opinion that the laying out, altering, widening or discontinuance of the street or way as requested is of common convenience and public necessity, it shall request the City Solicitor to draft and present to the Board, for action thereon, an order to the effect that the street or way shall be laid out, altered, widened or discontinued, as the case may be, which order shall define the boundaries, grade and measurements of the street or way to be laid out, altered, widened or discontinued and shall also state the names of all persons sustaining damages by such laying out, alteration, widening or discontinuance, the amount of compensation which such persons shall receive therefor and the time allowed the owners of land taken to remove all property which may obstruct the building of such street or way.
- B. The City Engineer shall, upon like request, prepare a plan and profile showing accurately and definitely the line and grade as finally adjusted and fixed by the Board of Aldermen and showing the date of final action by the Board and signed by him/her. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- C. If such street or way is laid out, altered, widened or discontinued under the provision of law authorizing the assessment of betterments, the order shall be in the form and shall be recorded in the manner provided by MGL c. 80, § 2.
- D. Whenever any taking is made under the provisions of this section, the Board of Aldermen shall immediately, after the land is entered upon, cause notice thereof to be given to every person whose property has been taken or who is otherwise entitled to damages on account of such taking in the manner provided by MGL c. 79, § 7C.
- E. Such notice shall be in writing and shall describe in general terms the purpose and extent of the taking and shall state the amount of damages, if any, awarded to the person to whom it is sent or, if no damages have been awarded, the time within which he/she may petition for an award of damages and also the time within which he/she may petition the Superior Court to determine his/her damages. Such notice may be served by personal service or by leaving an attested copy thereof at the last and usual place of abode of the person to be notified, if he/she is a resident of the commonwealth, by any person authorized to serve civil process, or notice may be given to persons within or without the commonwealth by registered mail or other suitable means.

§ 202-22. Recording and filing of order. [Amended 5-21-2012 by Ord. No. 2012-158]

Every order for the laying out, altering, widening or discontinuing of any street or way shall be recorded by the City Clerk in a book kept for that purpose, and a copy thereof shall be filed with the City Engineer.

§ 202-23. Filing of plans and profiles. [Amended 5-21-2012 by Ord. No. 2012-158]

Plans and profiles relating to the laying out, altering, widening or discontinuing of any street or way shall be filed in the office of the City Engineer.

§ 202-24. Repairs and reconstruction on certain private ways. [Amended 3-4-1985 by Ord. No. 788; 5-21-2012 by Ord. No. 2012-158]

The Aldermen may, if they so declare and in their judgment, for the preservation of the public convenience and public necessity, for work of a temporary and emergency nature, order the making of repairs or reconstruction on private ways which have been open to public use for six years or more, as authorized by MGL c. 40, § 6N, and Chapter 693 of the Acts of 1977, and may provide, in such order, for the assessment of betterments upon the owners of estates which derive particular benefit or advantage from making such repairs on any such private way a sum equal, in the aggregate, to 1/2 of the cost thereof and, in the case of each such estate, in proportion to the frontage thereof on such way. All applications or petitions for making repairs must include all abutters to such ways, to be made in writing and addressed to the Board of Aldermen upon such forms or blanks as it shall prescribe. The City Engineer will determine whether drainage is required in the subsurface of such ways, and the City shall not be liable for damages caused by such repairs to any greater extent than if such work were done on public ways. Any repair or reconstruction of such way requires a cash deposit of 10% of the total cost.

§ 202-25. Temporary repairs on certain private ways. [Added 3-4-1985 by Ord. No. 788A]

- A. The City Engineer may make temporary repairs on private ways which have been open to public use for six years or more and shall request an annual appropriation which he/she deems adequate for such temporary repairs. Such temporary repairs shall include only filling of holes in the subsurface of such ways and repairs to the surface thereof similar to those used for existing surfaces, but may include the oiling or tarring of such ways and the covering of such oil or tar with sand or gravel. There shall be no assessments for pothole repairs. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- B. The City shall not be liable for damage caused by such repairs to any greater extent than if such work were done on public ways.

§ 202-25.1. Reconstructing or resurfacing streets. [Added 6-1-2009 by Ord. No. 09-097; amended 5-21-2012 by Ord. No. 2012-158]

No street opening permit shall be granted between and including the 15th day of November and the 15th day of April to any utility, corporation, person or other entity, except in a case of actual necessity as certified to and approved by the City Engineer and by the Mayor.

ARTICLE IV
Sidewalks

§ 202-26. City Engineer to direct work. [Amended 5-21-2012 by Ord. No. 2012-158]

No sidewalk shall be built, altered, repaired or discontinued, nor shall any edgestone be placed or reset, on any of the public streets except by and under the direction of the City Engineer.

State law reference — Sidewalks generally, MGL c. 83, §§ 25 to 29; MGL c. 85, § 4 et seq.

§ 202-27. Construction material. [Amended 5-21-2012 by Ord. No. 2012-158]

All sidewalks shall be constructed of artificial stone known as "granolithic" or such other material as shall be recommended by the City Engineer and shall have a granite edgestone set along the gutter or outside edge, with sodding between the edgestone and outside edge of the granolithic, unless the Board of Aldermen shall specify that either the sidewalk, edgestone or sodding be omitted in certain cases.

§ 202-28. Application to have work performed. [Amended 5-21-2012 by Ord. No. 2012-158]

Any person wishing to have a sidewalk built, altered or repaired, or an edgestone placed or reset, in front of his/her premises shall first make and file in the office of the City Engineer a written application therefor and agreement to pay 1/2 of the cost thereof. Applications under this section shall be subject to the provisions of §§ 202-10 and 202-13.

§ 202-29. Order to reconstruct sidewalk. [Amended 5-19-1997 by Ord. No. 97-315; 8-21-2017 by Ord. No. 2018-4]

The Aldermen may, if in their judgment the safety and convenience of the general public so require, order the reconstruction of a sidewalk with materials of a more permanent character than that which may currently exist. Assessments shall be levied against the various properties which abut such sidewalks. Such assessments shall be calculated on the basis of 1/2 the actual cost of work prorated over the frontage of the properties involved. Assessments may be calculated a value less than 1/2 the cost of work only in the case of roadways which are designated by the Massachusetts Department of Transportation and the Federal Highway Administration as either a rural major collector roadway, an urban minor artery or an urban other principal artery.

ARTICLE V

Names, Boundaries and Numbering of Public Ways**§ 202-30. Changing names of public ways.**

The Board of Aldermen may, by a majority vote of the whole Board, change the name of any public street, way or square in the City, provided that whenever the Board of Aldermen intends to change any such name it shall, before final action thereon, appoint a time and place for hearing all persons interested therein and direct that notice of such hearing and of its intention to change such name of a street, way or square be given in the manner required in the case of the laying out of streets.

State law reference — Changing names of streets, MGL c. 85, § 3.

§ 202-31. Naming and changing names of streets not public ways.

The naming of streets not public ways shall be under the jurisdiction of the Planning Board, and, whenever such Board intends to change the name of any such street, it shall, before final action thereon, appoint a time and place for hearing all persons interested therein and shall give notice of such hearing and of its intention to change the name of such street in the manner required in the case of the laying out of streets and also as provided by MGL c. 41, § 74.

State law reference — Naming unaccepted ways, MGL c. 85, §§ 3A and 3B.

§ 202-32. Street name signs; marking of street lines.

- A. The names of all streets and highways shall be properly marked by signs, and, except as otherwise provided in the rules and regulations of the Planning Board governing the subdivision of land, the placing of signs and guide boards shall be provided for out of the highway appropriation.
- B. The placing of street signs and the marking of street lines and boundaries shall be done by or under the direction of the City Engineer.
[Amended 5-21-2012 by Ord. No. 2012-158]

§ 202-33. Marking lines of public streets.

The lines of all public streets or highways hereafter laid out shall be marked with granite monuments wherever possible and in all cases by permanent and accessible marks at all street intersections, angles and at both ends of every curve.

§ 202-34. Disturbing street bounds. [Amended 5-21-2012 by Ord. No. 2012-158]

No person shall move or disturb street bounds except by and under the direction of the City Engineer or some person delegated by him/her to do so.

§ 202-35. Numbering of buildings. [Amended 4-5-1999 by Ord. No. 99-200; 5-21-2012 by Ord. No. 2012-158]

All buildings shall be numbered with suitable metal or painted numbers which are a minimum of three inches tall visible from the curb identifying their address assigned by the City Engineer. The number shall be affixed adjacent to the street door.

State law reference — Numbering buildings, MGL c. 40, § 21, cl. (10).

§ 202-36. Care and custody of plans, numbers, signs and posts. [Amended 5-21-2012 by Ord. No. 2012-158]

All plans, numbers, signs, posts and such other material belonging to the City and pertaining to the numbering of buildings, placing of street signs and guide boards or street bounds shall be in the care and custody of the City Engineer.

Chapter 205**SWIMMING POOLS****§ 205-1. Safety rescue equipment.**

All private swimming pools shall be equipped with the following minimum safety rescue equipment located so as to be visible from the pool and readily accessible: a self-flotation ring buoy conforming to United States Coast Guard specifications, of at least 16 inches in diameter with at least 20 feet of lifeline cord attached, and a rescue pole at least 12 feet in length.

Chapter 220**VEHICLES AND TRAFFIC**

ARTICLE I
General Provisions

§ 220-1. Definitions.

For the purpose of this chapter, the words and phrases used herein shall have the following meanings, except in those instances where the context clearly indicates a different meaning:

BUS STOP — Any area in the roadway set aside for the boarding of, or alighting from, and the parking of buses.

COMMERCIAL VEHICLE — Any vehicle being used in the transportation of goods, wares or merchandise for commercial purposes.

COMMERCIAL VEHICLE, HEAVY — Any commercial vehicle having an actual capacity of 2 1/2 tons or over.

CROSSWALK — That portion of a roadway ordinarily included within the prolongation or connection of curblines and property lines at intersections or at any portions of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.

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 in relation to the Police or Fire Department.

FUNERAL — Any procession of mourners, properly identified as such, accompanying the remains of a human body.

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 MGL c. 90, § 1, including divided ways. The rules and regulations contained in this chapter 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.

LANE — A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

OFFICER — Any officer, any investigator, examiner or inspector of the Registry of Motor Vehicles or any constable or special officer, provided that he/she is in uniform and has his/her badge of office displayed over his/her left breast and upon his/her outer garment.

OFFICIAL CURB MARKING — That portion of a curbing the painting of which has been authorized by the Engineer and Superintendent of Public Works and which has the written approval of the Department of Public Works of the commonwealth.

OFFICIAL STREET MARKING — 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 Engineer

and Superintendent of Public Works and which has the written approval of the Department of Public Works of the commonwealth.

OFFICIAL TRAFFIC SIGN — All signs, traffic islands, markings and devices, other than signals, not inconsistent with this chapter, and which conform to standards prescribed by the Department of Public Works of the commonwealth and are erected by authority of a public body or official having official jurisdiction for the purpose of guiding, directing, warning or regulating traffic.

OFFICIAL TRAFFIC SIGNAL — All signals conforming to the standards as prescribed by the Department of Public Works of the commonwealth, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of directing or warning traffic.

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 METER — Any mechanical device, not inconsistent with the provisions of this chapter, placed or erected on any public way within the City for the regulation of parking. Each parking meter installed shall indicate by proper legend the legal parking time established by ordinance of the City and, when operated, shall at all times indicate the balance of legal parking time permitted and at the expiration of such period shall indicate illegal or overtime parking.

PARKING METER SPACE — Any space within a parking meter zone adjacent to a parking meter which is duly designated for the parking of a single vehicle by lines painted on the surface of the street adjacent to or adjoining each parking meter.

PARKING METER ZONE — Any street or portion thereof upon which parking meters are installed and in operation and upon which the parking of vehicles is permitted for a limited time subject to compliance with the further provisions of this chapter.

PEDESTRIAN — Any person afoot or riding a conveyance moved by human power, except bicycles or tricycles.

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.

SERVICE ZONE — An area in the roadway set aside for the accommodation of commercial and transient vehicular traffic.

SIDEWALK — That portion of a street or highway set aside for pedestrian travel.

STREET OR HIGHWAY — The entire width between property lines of every way open to the use of the public for purposes of travel.

TAXICAB STAND — An area in a roadway in which certain taxicabs are 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.

TRAFFIC ISLAND — An area of space set aside within a roadway or municipal off-street parking area which is not intended for use by vehicular traffic.

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 this chapter 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.

(Rev. Ords. 1976, § 12-1; Rev. Ords. 1989, § 10-1)

§ 220-2. Riding on portion of train or bus not intended for passengers.

No person shall ride on any train or bus upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty.

(Rev. Ords. 1976, § 12-2; Rev. Ords. 1989, § 10-2)

§ 220-3. Zones of quiet.

- A. All of the territory within 200 feet of the premises of each hospital in this City is hereby created and established as a zone of quiet. The Engineer and Superintendent of Public Works 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 Engineer and Superintendent of Public Works may temporarily establish a zone of quiet upon any street where a person is seriously ill, if requested to do so by written statement of at least two registered physicians certifying to its necessity. Such 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 such physicians. Such 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. No person operating a motor vehicle within any designated and signed zone of quiet shall sound the horn or other warning device of such vehicle except in an emergency, nor shall any person make loud or unusual noise or play any music within or upon any of the streets, alleys or public places in any such zone of quiet.

(Rev. Ords. 1976, § 12-3; Rev. Ords. 1989, § 10-3)

§ 220-4. Reporting 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 \$200 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 MGL c. 90, § 26.

(Rev. Ords. 1976, § 12-4; Ord. No. 20325, 12-3-1979; Rev. Ords. 1989, § 10-4)

§ 220-5. Experimental regulations.

For purposes of trial, the Board of Aldermen may make temporary rules regulating traffic or test, under actual conditions, traffic signs, signals, markings or other devices. No such emergency or experimental rule regulating traffic shall remain in effect for a period of time longer than 60 days.

(Rev. Ords. 1976, § 12-5; Rev. Ords. 1989, § 10-5)

§ 220-6. Exemptions.

The provisions of this chapter shall not apply to operators 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 or to 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 this chapter. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard for the safety of others.

(Rev. Ords. 1976, § 12-6; Rev. Ords. 1989, § 10-6)

§ 220-7. Owner prima facie responsible for violations.

If any vehicle is found upon any street or highway in violation of the provisions of this chapter and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

(Rev. Ords. 1976, § 12-7; Rev. Ords. 1989, § 10-7)

§ 220-8. Schedule of parking fines.

As provided under provisions of MGL c. 90, § 20A 1/2, which was accepted by the Board of Aldermen on December 23, 1981, there is hereby established the following schedule of fines for the offenses subject to this section:

- A. Any person convicted of a violation of any rule, regulation or order made under this chapter shall be punished by a fine not exceeding \$20 for each offense, except as otherwise provided in this chapter.
- B. Pursuant to the provisions of MGL c. 90, § 20A 1/2, any person violating any provisions of any rule, regulation, order or ordinance regulating the parking of motor vehicles shall be punished by a fine for each offense as hereinafter set forth:
 - (1) Group A, punishable by a fine of \$25 for each offense:
 - (a) Meter violation.
 - (b) Meter overtime (feeding meter).
 - (2) Group B, punishable by a fine of \$25 for each offense:
 - (a) Parking on sidewalk.
 - (b) Parking within five feet of driveway or private way.
 - (c) Wrong direction parking.
 - (d) Not parking within marked space.
 - (e) Overtime parking (except at meter).
 - (f) Parking more than 12 inches from curb.
 - (g) Parking between 2:00 a.m. and 6:00 a.m.
 - (h) More than two hours (resident permit required).
 - (i) R.R. parking permit or unpaid space.
 - (j) Two hours or municipal parking permit required.
 - (k) Parked overtime (restricted time).
 - (l) Two hours or daytime permit required.
 - (m) Other.
 - (3) Group C, punishable by a fine of \$25 for each offense:
 - (a) Parking in restricted area.
 - (b) Parking within 10 feet of a fire hydrant.
 - (c) Parking within 20 feet of intersection.

- (d) Parking or stopping in bus stop.
 - (e) Interfering with free flow of traffic.
 - (f) Overtime parking in taxi stand (over 30 minutes).
 - (g) Parking in an area designated as a fire lane.
 - (h) Parking so as to block or obstruct a crosswalk.
 - (i) Parking so as to block or obstruct any portion of the sidewalk.
 - (j) Stopped in the travel lane of the street or double parking.
 - (k) Stopped or parked in a taxi space.
 - (l) Opposite driveway (posted no parking).
 - (m) Interfering with snow plowing (any street).
 - (n) Resident permit required.
- (4) Group D, punishable by a fine of \$50 for each offense:
- (a) Obstructing snow removal (towable).
 - (b) Parking a vehicle having six wheels or more on any street or parking area for a period in excess of one hour.
 - (c) Parking so as to block a fire hydrant (towable).
- (5) Group E, punishable by a fine of \$50 for each offense:
- (a) Snow emergency, main arteries (towable).
- (6) Group F, punishable by a fine of \$150 for each offense:
- (a) Parking in an area designated for handicapped parking by a vehicle not bearing a handicapped license plate or numbered Registry of Motor Vehicles handicapped parking permit.
 - (b) Parking in such a manner as to obstruct a handicapped ramp.
- (Rev. Ords. 1976, § 12-8; Ord. No. 20259, 5-21-1979; Ord. No. 17, 2-1-1982; Rev. Ords. 1989, § 10-8; Ord. No. 92-147, 1-21-1992; Ord. No. 92-246, 3-16-1992; Ord. No. 93-211, 2-16-1993; Ord. No. 97-78, 1-6-1997; Ord. No. 02-365, 6-17-2002; Ord. No. 08-227, 5-5-2008)

§ 220-9. Commitment and reporting of parking fines.

All charges for parking fines shall be committed forthwith by the Police Department to the City Collector for collection, and, whenever charges are so committed, such Department shall file with the City Auditor a report, in writing, of the total amount of the charges in each such commitment. The Department shall forthwith give notice, in writing, to the City Collector

and the City Auditor of every correction in, and abatement of, a charge for parking fines.

(Ord. No. 18, 2-1-1982; Rev. Ords. 1989, § 10-9)

§ 220-10. Violations and penalties.

- A. Except as otherwise provided in the foregoing rules and regulations or by statute or by any commission, department or other body authorized by law to impose penalties for violations of rules, regulations and orders governing the use and operation of vehicles, any person convicted of violating any of the provisions of the foregoing rules and regulations or of any temporary or experimental rules or regulations made under authority of § 220-5 shall be punished by a fine not exceeding \$20 for each offense.
- B. Failure to pay a motor vehicle violation notice within 21 days will automatically increase the fines according to the following schedule for each offense, with a limit of \$25 for each offense if paid prior to notification of the Registry of Motor Vehicles:
 - (1) Group A: \$20.
 - (2) Group B: \$20.
 - (3) Group C: \$25.
 - (4) Group D: \$35.
 - (5) Group E: \$25.
- C. Fines thereafter will be \$45.

(Rev. Ords. 1976, § 12-9; Ord. No. 19, 2-1-1982; Rev. Ords. 1989, § 10-10; Ord. No. 92-147A, 3-2-1992)

ARTICLE II

Authority and Duties of Police**§ 220-11. Enforcement; direction of traffic.**

It shall be the duty of officers designated by the Chief of Police to enforce the provisions of this chapter. Such officers are hereby authorized to direct all traffic either in person or by means of visible or audible signals in conformance with the provisions of this chapter, provided that in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians, officers of the Police or Fire Department may direct traffic as conditions may require, notwithstanding the provisions of this chapter.

(Rev. Ords. 1976, § 12-10; Rev. Ords. 1989, § 10-21)

§ 220-12. Removal of vehicles.

In accordance with MGL c. 40, § 22D, the Board of Aldermen hereby enacts regulations authorizing the moving or towing of vehicles under the direction of the Chief of Police, or such other officer of the rank of Sergeant or higher as the Chief of Police may from time to time designate, to some convenient place through the agency of a person or persons in the employ of the Police Department or by an independent contractor selected in accordance with this section on the basis of competitive bids. A written contract will be kept on file by the Chief of Police, and bids will be advertised at his/her direction effective January 1, 1988.

(Ord. No. 1833, 10-19-1987; Rev. Ords. 1989, § 10-22)

§ 220-13. Temporary street closings.

The Chief of Police is hereby authorized to close temporarily any street or highway in an impending or existing emergency or for any lawful assemblage, demonstration or procession, provided that there is reasonable justification for the closing of such street.

(Rev. Ords. 1976, § 12-11; Rev. Ords. 1989, § 10-23)

§ 220-14. Temporary parking prohibitions.

The Chief of Police 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, provided that there is reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.

(Rev. Ords. 1976, § 12-12; Rev. Ords. 1989, § 10-24)

§ 220-15. Drivers to comply.

Drivers of vehicles shall comply with any lawful or reasonable order, signal or direction of any officer.

(Rev. Ords. 1976, § 12-13; Rev. Ords. 1989, § 10-25)

ARTICLE III
Operation of Vehicles

§ 220-16. Using vehicle to display advertising signs.

No person shall operate or park a vehicle on any street or highway for the sole purpose of displaying advertising signs.

(Rev. Ords. 1976, § 12-57; Rev. Ords. 1989, § 10-31)

§ 220-17. Weight limits.

No person shall operate a motor vehicle, other than a school bus or a motor vehicle for the carriage of passengers for hire, which, with or without its load, weighs more than four tons upon any of the following streets or parts of streets, except in the case of an emergency or except when used for the purpose of making deliveries of goods, materials or merchandise to or similar collections from abutting land or buildings or in connection with the repair or construction of such streets or parts of streets or of underground structures or structures of public service corporations therein or except when driving to or from a garage or place of storage abutting thereon:

- A. Lebanon Street, from Sylvan Street to Main Street.
- B. Linwood Avenue, from Sylvan Street to Grove Street.

(Rev. Ords. 1976, § 12-58; Rev. Ords. 1989, § 10-32)

§ 220-18. Heavy commercial vehicles.

- A. The use or operation of heavy commercial vehicles is hereby restricted on the following streets or parts of streets in the manner outlined herein and during the period of time set forth:

- (1) Bellevue Avenue, from Upham Street to Lynn Fells Parkway, during the hours from 5:00 a.m. to 8:00 p.m.
- (2) Porter Street, from Main Street to the Melrose-Saugus line, during the hours from 5:00 a.m. to 8:00 p.m.
- (3) Green Street, from Main Street northerly to Howard Street, from 12:00 midnight to 8:30 a.m.
- (4) Cottage Street, from Wyoming Avenue, West, to Foster Street, West.
- (5) Intersection at Briggs Street and Main Street.
- (6) Intersection at Highland Avenue, East and West, at Main Street
- (7) Intersection at Sargent Street and Franklin Street during the hours from 5:00 a.m. to 11:00 p.m.

- B. This section shall not apply to heavy commercial vehicles going to or coming from places upon such streets or adjoining streets or ways to which access cannot otherwise be gained or to vehicles of municipal departments or public service corporations having emergency work to do on such streets or adjoining streets or to United States Mail vehicles collecting mail on such streets or to Police and Fire Department vehicles or to ambulances.

(Rev. Ords. 1976, § 12-59; Rev. Ords. 1989, § 10-33; Ord. No. 1521, 12-18-1989; Ord. No. 91-222, 4-16-1991; Ord. No. 92-26, 1-21-1992; Ord. No. 92-191, 12-7-1992; 11-15-2000; 5-9-2001)

§ 220-19. Driving within marked lane.

When any roadway has been divided into lanes, a driver of a vehicle shall drive so as to be entirely within a single lane and shall not move from the lane in which he/she is driving until he/she has first ascertained whether such movement can be made with safety.

(Rev. Ords. 1976, § 12-60; Rev. Ords. 1989, § 10-34)

§ 220-20. Using right lane.

Upon all roadways the driver of a vehicle shall drive in the lane nearest the right side of the roadway when such lane is available for travel, except when overtaking another vehicle or when preparing for a left turn.

(Rev. Ords. 1976, § 12-61; Rev. Ords. 1989, § 35)

§ 220-21. Overtaking other vehicles.

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 safe operation of any vehicle ahead.

(Rev. Ords. 1976, § 12-62; Rev. Ords. 1989, § 36)

§ 220-22. 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 audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his/her vehicle until completely passed by the overtaking vehicle.

(Rev. Ords. 1976, § 12-63; Rev. Ords. 1989, § 37)

§ 220-23. 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 subsection 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 a 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/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal to proceed.

(Rev. Ords. 1976, § 12-64; Rev. Ords. 1989, § 38)

§ 220-24. 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.

(Rev. Ords. 1976, § 12-65; Rev. Ords. 1989, § 39)

§ 220-25. Separation between slow-moving vehicles.

Upon roadways less than 27 feet wide and upon which vehicular traffic is permitted to operate in both directions, the driver of any slow-moving vehicle, when traveling outside of a business or residential district, shall not follow another slow-moving vehicle within 200 feet, but this shall not be construed to prevent such slow-moving vehicle from overtaking and passing another slow-moving vehicle. This section shall not apply to funerals and other lawful processions.

(Rev. Ords. 1976, § 12-66; Rev. Ords. 1989, § 40)

§ 220-26. Backing to curb.

No vehicle shall remain backed to the curb, except when actually loading and unloading, and the horse thereof, if it is a horse-drawn vehicle, shall be turned in the direction of the traffic and parallel to the curb.

(Rev. Ords. 1976, § 12-67; Rev. Ords. 1989, § 41)

§ 220-27. Care in starting, stopping, turning and backing.

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 the operation of another vehicle should be affected by a stopping or turning movement, the driver of such vehicle shall be given a plainly visible signal, as required by § 220-28.

(Rev. Ords. 1976, § 12-68; Rev. Ords. 1989, § 42)

§ 220-28. Stopping and turning signals.

- A. Every person operating a motor vehicle, before stopping the vehicle or making any turning movement which would affect the operation of any other vehicle, shall give a plainly visible signal either by means of the hand and arm in the manner hereinafter specified or by a suitable mechanical or electrical device or devices. Hand and arm signals shall be made as follows:
- (1) An intention to turn to the left shall be indicated by hand and arm extended horizontally.
 - (2) An intention to turn to the right shall be indicated by hand and arm extended upward.
 - (3) An intention to stop or decrease speed shall be indicated by hand and arm extended downward.
- B. Whoever violates any provision of this section shall be punished by a fine of not more than \$5 for the first offense, not less than \$5 nor more than \$10 for a second offense and not less than \$10 nor more than \$25 for subsequent offenses committed during any period of 12 months.
- (Rev. Ords. 1976, § 12-69; Rev. Ords. 1989, § 43)

§ 220-29. U-turns prohibited on certain streets or parts of streets.

No vehicle shall make a U-turn on the following streets or parts of streets:

- A. Foster Street, West, between Main Street and Myrtle Street.
 - B. Main Street, between Wyoming Avenue and Porter Street.
 - C. Potomac Street, from Main Street to Mount Vernon Avenue.
 - D. Wyoming Avenue, West, from Cleveland Street westerly for a distance of 100 feet and Adams Street easterly for a distance of 100 feet.
 - E. Boston Rock Road, from Mt. Vernon Avenue for a distance of 500 feet.
 - F. Greenleaf Place, from Franklin Street southerly until dead end of street.
- (Rev. Ords. 1976, § 12-70; Ord. No. 123, 10-4-1982; Ord. No. 1937, 12-19-1988; Rev. Ords. 1989, § 10-44; Ord. No. 90-9A, 2-5-1990; Ord. No. TC 04-143, 5-18-2005)

§ 220-30. Certain turns prohibited.

The driver of a vehicle or other conveyance shall not make a turn from the way in which he/she is driving into another way as designated below:

- A. No person driving in a northwesterly direction on Washington Street shall make a left turn into Fellsway East.

- B. No person driving in a northerly direction on Lebanon Street at the intersections of Main, Lebanon and Porter Streets shall make a left turn onto Main Street.
- C. No vehicle may make a right turn from Sixth Street onto First Street between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday.
- D. No person driving in a northerly direction on Garland Street shall make a left turn shall make a left turn onto Wyoming Avenue, West.
- E. No person driving in a northeasterly direction on Ravine Road shall make a left turn onto Wyoming Avenue, West.
- F. No person driving in a southerly direction on Geneva Road shall make a left turn onto First Street between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday.
- G. No person driving in an easterly direction on Wyoming Avenue, West, shall make a right turn onto Ravine Road.
- H. No person driving in an easterly direction on Wyoming Avenue, West, shall make a right turn onto Garland Street.
- I. Perkins Street, heading south, at Warwick Road, no right turn 6:00 a.m. to 9:00 a.m.

(Rev. Ords. 1976, § 12-71; Ord. No. 20596A, 4-22-1980; Ord. No. 20781, 11-17-1980; Rev. Ords. 1989, § 10-45; Ord. No. 93-184, 8-16-1993; Ord. No. TC 07-027, 5-21-2008)

§ 220-31. Turning movements.

- A. Where official traffic control devices are erected directing specific traffic to use a designated lane or lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway, or to prohibit a turn or to make a required turn at an intersection of roadways, drivers of vehicles shall obey the direction of every such device.
- B. In accordance with the foregoing, the streets listed are incorporated in this section as follows:
 - (1) Grove Street westbound into Main Street, right lane must turn right.
 - (2) Green Street (at Franklin Square) westbound onto Main Street, right lane must turn right.
 - (3) Sylvan Street eastbound onto Lebanon Street, right lane must turn right.
 - (4) Main Street southbound onto Banks Place, right lane must turn right.

- (5) Main Street southbound onto Wyoming Avenue, West, right lane must turn right.

C. No left turns. Left turns shall be prohibited in the following locations:

- (1) From Upham Street westbound onto Stevens Place.

(Ord. No. 20924, 4-21-1981; Rev. Ords. 1989, § 10-46; Ord. No. TC 04-127, 4-20-2005; Ord. No. TC 04-136, 5-18-2005)

§ 220-32. Left lane must turn left.

The driver of a vehicle or other conveyance shall make a left turn from the left lane from the way in which he/she is driving into another way as designated below:

- A. For southbound vehicles on Main Street turning left onto Lebanon Street or Porter Street.
- B. Sylvan Street eastbound onto Lebanon Street.
- C. For northbound vehicles on Main Street turning left onto Wyoming Avenue, West.
- D. For northbound vehicles on Main Street turning left onto Oak Grove Avenue (private development).

(Ord. No. 19700C, 11-21-1977; Rev. Ords. 1989, § 10-47; Ord. No. TC 04-136, 5-18-2005)

§ 220-33. Sounding horn when necessary.

The driver of a vehicle shall give an audible warning with his/her horn or other suitable device whenever necessary to ensure safe operation.

(Rev. Ords. 1976, § 12-72; Rev. Ords. 1989, § 10-48)

§ 220-34. Obedience to isolated stop signs.

Every driver of a vehicle or other conveyance approaching an intersection of ways where there exists facing him/her an official sign bearing the word "Stop" or a flashing red signal authorized by this section, and such sign or signal having apart from this regulation the written approval of the Department of Public Works of the commonwealth and such approval being in effect, shall, before proceeding through the intersection, bring such vehicle or conveyance to a complete stop at such point as may be clearly marked by a sign or line or, if a point is not so marked, then at a place between such stop sign or signal and the nearer line of the street intersection. This section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device or except as provided in § 220-39. In accordance with the foregoing, the erection and maintenance of an official stop sign or signs as engrossed are

authorized as shown in Schedule I, Isolated Stop Signs, included at the end of this chapter.

(Rev. Ords. 1976, § 12-73; Rev. Ords. 1989, § 10-49; Ord. No. 90-43C, 2-20-1990)

§ 220-35. Operation at underpasses and overpasses and at intersections 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.

(Rev. Ords. 1976, § 12-74; Rev. Ords. 1989, § 10-50)

§ 220-36. Driving on road surfaces under construction or repair.

No operator shall enter upon the 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 is closed to travel and one or more signs, lights or signals have been erected to indicate that all or part of the road surface of the street or highway is not to be used or when so advised by an officer or watchman, member of a street or highway crew or employee of the City, either audibly or by signals.

(Rev. Ords. 1976, § 12-75; Rev. Ords. 1989, § 10-51)

§ 220-37. Driving on sidewalks.

The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

(Rev. Ords. 1976, § 12-76; Rev. Ords. 1989, § 10-52)

§ 220-38. 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 cross attached to both the first and last vehicles.

(Rev. Ords. 1976, § 12-77; Rev. Ords. 1989, § 10-53)

§ 220-39. Drivers in funeral and other processions.

- A. It shall be the duty of each driver in a funeral or other procession to keep as near to the right side of the roadway as is feasible and to follow the vehicle ahead as closely as is 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 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.
- D. The Chief of Police is hereby authorized to permit funeral directors to temporarily restrict parking on any public street, way or parking area, as the Chief of Police may determine, to those motor vehicles participating in a funeral procession. Funeral directors may place temporary signs or other suitable devices on any public street, way or parking area indicating that a funeral procession is in progress. Said signs or other suitable devices shall be promptly removed by the funeral director at the conclusion of the funeral procession.

(Rev. Ords. 1976, § 12-78; Rev. Ords. 1989, § 10-54; Ord. No. 95-191, 3-6-1995)

§ 220-40. Vehicle loads to be secured and covered.

No vehicle shall be driven or moved on any street or highway, nor shall the owner of any vehicle knowingly permit such vehicle to be driven or moved on any street or highway, unless such vehicle is so constructed or so loaded as to prevent its contents from spilling, dropping, sifting, leaking or otherwise escaping therefrom. Vehicles loaded with any materials which may be blown about by the wind shall be suitably covered to prevent the contents thereof from being blown upon the streets or highways.

(Rev. Ords. 1976, § 12-79; Rev. Ords. 1989, § 10-55)

§ 220-41. One-way streets.

Upon the streets or parts of streets designated in Schedule II, One-Way Streets, included at the end of this chapter, vehicular traffic shall move only in the direction indicated.

(Rev. Ords. 1976, § 12-80; Rev. Ords. 1989, § 10-56)

§ 220-42. Special speed limits.

Upon the following streets the speed limit shall be restricted to 25 miles per hour:

- A. Hesseltine Avenue, northbound, beginning at Howard Street, thence northerly on Hesseltine Avenue 0.24 mile ending at Pearl Street, the total distance being 0.24 mile.
- B. Hesseltine Avenue, southbound, beginning at Pearl Street, thence southerly on Hesseltine Avenue 0.24 mile ending at Howard Street, the total distance being 0.24 mile.

- C. Pearl Street, eastbound, beginning at Main Street, thence easterly on Pearl Street 0.30 mile ending at Virginia Avenue, the total distance being 0.30 mile.
- D. Pearl Street, westbound, beginning at Virginia Avenue, thence westerly on Pearl Street 0.30 mile ending at Main Street, the total distance being 0.30 mile.
- E. Highland Avenue, East, eastbound, beginning at Main Street, thence easterly on Highland Avenue, East, 0.11 mile ending at Hesseltine Avenue, the total distance being 0.11 mile.
- F. Highland Avenue, East, westbound, beginning at Hesseltine Avenue, thence westerly on Highland Avenue, East, 0.11 mile ending at Main Street, the total distance being 0.11 mile.
- G. Bellevue Avenue from Lynn Fells Parkway to Porter Street.
- H. Emerson Street, West, from Lynn Fells Parkway to Vinton Street.
- I. Warwick Road.
- J. Swains Pond Avenue.
- K. East Wyoming/Summer Street.
- L. Pleasant Street between Everett Street and Gould Street.
- M. Lincoln Street from Upham Street to Lynn Fells Parkway.

(Ord. No. 344A, 9-19-1983; Ord. No. 98-072, 10-6-1997; 10-18-2000; 5-9-2001; 5-15-2002; Ord. No. TC 08-016, 1-21-2009)

§ 220-42.1. Traffic safety zones.

Under the provisions of Chapter 171 of the Commonwealth of Massachusetts Acts of 2009,⁴³ a traffic safety zone speed limit of 20 miles per hour shall be in effect for:

- A. Emerson Street, West, from Tremont Street to Vinton Street abutting Bowden Park.

(Ord. No. TC 10-007, 5-19-2010)

§ 220-43. Entry prohibited on certain streets.

Vehicles may be restricted from entering an area in a given direction, as follows:

- A. First Street at the intersection of Geneva Road, easterly. Travel is prohibited between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday, as posted: "Do Not Enter" sign.

43. Editor's Note: This act is included at the end of this chapter.

- B. Damon Avenue in a southerly direction from Glendale Avenue to Ruggles Street, do not enter 7:00 a.m. to 3:30 p.m., Monday through Friday, except emergency vehicles.
- C. Hopkins Street at Lebanon Street. "Do not enter" signage on Hopkins Street.

(Ord. No. 93-184A, 8-16-1993; Ord. No. 94-233, 4-19-1994; Ord. Nos. TC 03-101, TC 03-110, 10-22-2003)

ARTICLE IV

Traffic Signs, Signals, Markings and Zones**§ 220-44. Erection and maintenance of traffic signs and signals; when required.**

- A. The Engineer and Superintendent of Public Works is hereby authorized and, as to those signs and signals required hereunder, it shall be his/her duty to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, signals, markings and safety zones must conform to the standards prescribed by the Department of Public Works of the commonwealth.
- B. Sections 220-51 to 220-60 and 220-94, relating to parking, §§ 220-17 and 220-18, relating to heavy commercial vehicles, §§ 220-29 and 220-30, relating to turning movements, and § 220-41, relating to one-way streets, shall be effective only during such times as a sufficient number of 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 and bus stops shall be effective only during such time as a sufficient number of official signs are erected and maintained at each of the exits for such one-way street and at either end of such bus stop so that at least one sign will be clearly visible for a distance of at least 75 feet to drivers approaching such exit or bus stop.

(Rev. Ords. 1976, § 12-14; Ord. No. 20326, 12-3-1979; Rev. Ords. 1989, § 10-91)

§ 220-45. 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 § 220-39. 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. While the green lens is illuminated, drivers facing the signal may proceed through the intersection but shall yield the right-of-way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such a signal was exhibited. Drivers of vehicles making a right turn or left turn shall yield the right-of-way to pedestrians crossing with the flow of traffic.

- B. Right, left and vertical green arrows. When a right green arrow is illuminated, drivers facing such signal may turn right. When a left green arrow is illuminated, drivers facing such signal may turn left. When a vertical green arrow is illuminated, drivers facing such signal may go straight ahead. When a green arrow is exhibited, together with a red or yellow lens, drivers may enter the intersection to make the movement permitted by the arrow but shall yield the right-of-way to vehicles and pedestrians proceeding from another direction on a green indication.
- C. Yellow. While the yellow lens is illuminated, waiting drivers shall not proceed and any driver approaching the intersection or a marked stop line shall stop at such point unless so close to the intersection that a stop cannot be made in safety; provided, however, that if a green arrow is illuminated at the same time, drivers may enter the intersection to make the movement permitted by the arrow.
- D. Red. Traffic facing a steady circular red signal alone shall stop at a clearly marked stop line or, 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 allowed by MGL c. 89, § 8. No driver of a vehicle facing a circular red signal indication shall make a right turn where official traffic signs are installed and maintained prohibiting such turn at the following intersections:
- (1) Lebanon Street and Upham Street:
 - (a) Upham Street westbound to Lebanon Street northbound.
 - (b) Upham Street eastbound to Lebanon Street southbound.
 - (c) Lebanon Street northbound to Upham Street eastbound.
 - (d) Lebanon Street southbound to Upham Street westbound.
 - (2) Lebanon Street and Grove Street:
 - (a) Grove Street westbound to Lebanon Street northbound.
 - (b) Grove Street eastbound to Lebanon Street southbound.
 - (c) Lebanon Street northbound to Grove Street eastbound.
 - (d) Lebanon Street southbound to Grove Street westbound.
 - (3) Lebanon Street and Porter Street:
 - (a) Lebanon Street northbound to Porter Street eastbound.
 - (4) Lebanon Street and Foster Street, East.
 - (5) Lebanon Street at Forest Street:
 - (a) Lebanon Street southeastbound to Forest Street southbound.

- (b) Lebanon Street northwestbound to Forest Street northbound.
- (c) Forest Street southbound to Lebanon Street northwestbound.
- (d) Forest Street northbound to Lebanon Street southeastbound.
- (6) Main Street and Emerson Street, East and West:
 - (a) Emerson Street, East, westbound to Main Street northbound.
 - (b) Emerson Street, West, eastbound to Main Street southbound.
 - (c) Main Street northbound to Emerson Street, East, eastbound.
 - (d) Main Street southbound to Emerson Street, West, westbound.
- (7) Main Street and Foster Street, East and West:
 - (a) Foster Street, East, westbound to Main Street northbound.
 - (b) Foster Street, West, eastbound to Main Street southbound.
 - (c) Main Street northbound to Foster Street, East, eastbound.
 - (d) Main Street southbound to Foster Street, West, westbound.
- (8) Main Street and Franklin Street:
 - (a) Franklin Street eastbound to Main Street southbound.
 - (b) Main Street southbound to Franklin Street westbound.
- (9) Main Street and Green Street:
 - (a) Green Street westbound to Main Street northbound.
 - (b) Main Street northbound to Green Street eastbound.
 - (c) Green Street southwestbound to Main Street northbound.
- (10) Main Street and Grove Street:
 - (a) Grove Street eastbound to Main Street southbound.
 - (b) Main Street northbound to Grove Street eastbound.
 - (c) Main Street southbound to Grove Street westbound.
- (11) Main Street and Lebanon Street:
 - (a) Main Street northbound to Lebanon Street southbound.
- (12) Main Street and Upham Street:
 - (a) Upham Street westbound to Main Street northbound.
 - (b) Main Street northbound to Upham Street eastbound.

(13) Main Street and Essex Street:

- (a) Main Street southbound to Essex Street westbound.

(14) Main Street and Wyoming Avenue, East and West:

- (a) Wyoming Avenue, East, westbound to Main Street northbound.
- (b) Wyoming Avenue, West, eastbound to Main Street southbound.
- (c) Main Street northbound to Wyoming Avenue, East, eastbound.
- (d) Main Street southbound to Wyoming Avenue, West, westbound.

- E. Red and yellow. While the red and yellow lenses are illuminated together, drivers shall not enter the intersection, and during such time the intersection shall be reserved for the exclusive use of pedestrians.
- F. Flashing red. A flashing red lens shall indicate those intersections at which a driver is required by law to stop before entering.
- G. Flashing yellow. A flashing yellow lens shall indicate the presence of a hazard, and drivers may proceed only with caution.
- H. Flashing green. A flashing green lens shall indicate an intersection or pedestrian crosswalk in use or subject to use by entering or crossing traffic. Drivers may proceed only with caution and shall be prepared to comply with a change in the signal to a red or yellow indication.
- I. All new traffic lights in the City of Melrose are to be equipped with audible signals.

(Rev. Ords. 1976, § 12-15; Ord. No. 20471, 6-16-1980; Ord. No. 20471A, 3-2-1981; Rev. Ords. 1989, § 10-92; 8-18-1999; 4-19-2000; 5-17-2000; 6-14-2000; Ord. No. TC 07-009, 5-23-2007)

§ 220-46. Display of unauthorized signs, signals and markings.

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal or marking which purports to be or is an imitation of or resembles an official traffic sign, signal or marking or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Chief of the Police Department is hereby empowered to remove every such prohibited sign, signal or marking or cause it to be removed without notice.

(Rev. Ords. 1976, § 12-16; Rev. Ords. 1989, § 10-93)

§ 220-47. Interference with signs, signals and markings.

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic sign, signal or marking shall be liable to a penalty not exceeding \$20 for each and every offense.

(Rev. Ords. 1976, § 12-17; Rev. Ords. 1989, § 10-94)

§ 220-48. Location of bus stops and taxicab stands.

The location of all bus stops and taxicab stands shall be specified by the Traffic Commission, and, in the case of each, the Traffic Commission shall designate who may use them as such, provided that no portion of a roadway shall be designated as a taxicab stand under this section until the owner and tenant occupant of the premises abutting thereon shall have filed with the Traffic Commission written statement assenting thereto.

(Rev. Ords. 1976, § 12-18; Rev. Ords. 1989, § 10-95)

§ 220-49. Obedience to traffic signs and signals.

No driver of any vehicle shall disobey the instructions of any official traffic control signal, sign, marking, marker or legend, unless otherwise directed by a police officer.

(Rev. Ords. 1976, § 12-19; Rev. Ords. 1989, § 10-96)

ARTICLE V

Stopping, Standing and Parking**§ 220-50. Parking prohibited in certain locations.**

No person shall park a vehicle in any of the following places, and vehicles parked in violation of this section may be moved by or under the direction of an officer and at the expense of the owner to a place where parking is permitted:

- A. Within an intersection.
- B. Upon any crosswalk.
- C. Upon any sidewalk.
- D. Upon a roadway where parking is permitted unless both wheels on the right side of the vehicle are within 12 inches of the curb or edge of the roadway, except upon those streets which are designated as one-way streets. On such one-way streets vehicles shall be parked in the direction in which the vehicle is moving and with both wheels within 12 inches of the curb. This shall not apply to streets or parts of streets where angle parking is required by these regulations.
- E. Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least 10 feet wide for passing traffic.
- F. Upon any street or highway within 10 feet of a fire hydrant.
- G. Upon or in front of any private road or driveway without the consent of the owner of such private road or driveway.
- H. Upon any street or highway within 20 feet of an intersecting way, except alleys.
- I. Upon the roadway in a rural or sparsely settled district.
- J. Upon any street or highway or location marked especially for vehicles for the handicapped or veterans' use, as follows:
 - (1) City Hall, south side, one space.
 - (2) Essex Street, No. 34, two spaces.
 - (3) Main Street, No. 830, two spaces.
 - (4) Shadow Road, No. 12, one twenty-foot space.
 - (5) One handicapped space on the easterly side of Tremont Street at Morelli Field.
 - (6) A designated handicapped parking space area in front of the YMCA to accommodate those people legally defined as handicapped, to readily gain access to the facility. A two-hour limit should be posted.

- (7) A handicapped parking space in front of 141 Walton Park.
 - (8) A handicapped parking space in front of 39 Forest Street.
 - (9) A handicapped parking space on Emerson Street, East.
 - (10) One handicapped parking space on the east side of Main Street at the northeast corner of Main Street and Foster Street, East.
 - (11) One handicapped parking space (one spot behind the bus stop) on the west side of Main Street at the northwest corner of Main Street and Foster Street, West.
- K. One drop-off only space just north of the handicapped parking space on the east side of Main Street north of Foster Street, East.
- (Rev. Ords. 1976, § 12-20; Ord. No. 21027, 10-5-1981; Ord. No. 21028, 10-5-1981; Rev. Ords. 1989, § 10-111; Ord. No. 90-186, 4-2-1990; Ord. No. 91-305, 6-17-1991; Ord. No. 93-288, 3-15-1993; Ord. No. 97-265, 4-21-1998; Ord. No. 99-063, 10-5-1998; 9-20-2000; 10-19-2004; Ord. No. TC 08-013, 6-18-2008)

§ 220-51. Parking prohibited on certain streets; stopping/standing prohibited.

- A. Upon the streets or highways or parts thereof designated in Schedule III, Parking Prohibited on Certain Streets, included at the end of this chapter, parking is hereby prohibited.
- B. Stopping/standing is prohibited as follows:
- (1) In front of 57 Upham Street, south side, heading east.
- (Rev. Ords. 1976, § 12-21; Rev. Ords. 1989, § 10-112; Ord. Nos. TC 09-001, 09-004, 1-21-2009)

§ 220-52. Parking prohibited on certain streets during certain times.

- A. No person shall park a vehicle between the hours of 4:00 p.m. and 6:00 p.m. of any day, except Sundays and legal holidays, on the following designated streets or parts thereof:
- (1) (Reserved)
 - (2) Franklin Street, south side, from Belmont Street to a point 170 feet west of Belmont Street.
 - (3) Main Street, east side, from Green Street to a point 50 feet north of Green Street.
- B. No person shall park a vehicle between the hours of 6:00 p.m. and 12:00 midnight or between the hours of 12:00 midnight and 8:00 a.m. of any day on the following designated streets or parts thereof:

C. No person shall park a vehicle between the hours of 8:00 a.m. and 6:00 p.m. of any day, except Saturdays, Sundays and legal holidays, upon the following designated streets or parts thereof:

- (1) Forest Street, north side, from Lebanon Street westerly for a distance of 207 feet.
- (2) Franklin Street, north side, from Pratt Street easterly for a distance of 100 feet.
- (3) Lebanon Street, west side, from Forest Street northerly for a distance of 220 feet and from Lynde Street southerly for a distance of 160 feet.
- (4) Maple Street, south side, from Florence Street westerly for a distance of 138 feet.

D. (Reserved)

E. No person shall park a vehicle between the hours of 7:00 a.m. and 10:00 a.m. of any day, except Saturdays, Sundays and legal holidays, on the following designated streets or parts thereof:

Name of Street	Side	Location
Albion Street	Both	From a point 50 feet north of Melrose Street northerly to Day Street
Albion Street	North	From Day Street to Franklin Street
Ashland Street	East	From Melrose Street to Franklin Street
Ashland Street	West	From Melrose Street to Franklin Street
Auburn Street	Both	From Melrose Street to Ellsworth Avenue
Belmont Place	South	60 feet westerly from Belmont Street
Brunswick Park	Easterly and southerly	—
Crystal Street	East	From Main Street to Melrose Street
Day Street	Both	From Ashland Street to Albion Street
Main Street	East	From Green Street northerly to Lynn Fells Parkway
Melrose Street	Both	From Tremont Street westerly to Boston and Maine Railroad arch
Melrose Street	Both	From Boston and Maine Railroad arch westerly to Vinton Street
Melrose Street	North	From Lynn Fells Parkway to Tremont Street

Name of Street	Side	Location
Tremont Street	Both	From Melrose Street northerly to a point 75 feet south of Ellsworth Avenue

- F. No person shall park a vehicle between the hours of 8:00 a.m. and 6:00 p.m. of any day, except Sundays and legal holidays, upon the following designated streets or parts thereof:

- (1) Greenwood Street, east side, from a point 80 feet north of Franklin Street northerly to Ashburton Place.
- (2) Pleasant Street, east side, from Goodyear Avenue northerly to a point opposite the southerly line of Gould Street.

- G. (Reserved)

- H. No person shall park a vehicle between the hours of 6:00 a.m. and 10:00 a.m. Monday through Friday, except legal holidays, on the following designated streets or parts thereof:

Name of Street	Side	Location
Derby Road	Both	From Sylvan Street to Ledgewood Avenue
Kingsley Avenue	Both	From Main Street to Derby Road
Ledgewood Avenue	Both	From Main Street to Derby Road
Lodge Avenue	Both	From Main Street to Derby Road
Mt. Vernon Avenue	Both	From Sylvan Street northerly to Rockview Avenue
Rockview Avenue	Both	Easterly from Main Street to Mt. Vernon Avenue
Sylvan Street	Both	Easterly from Main Street for a distance of 500 feet
Woodruff Avenue	Both	From Main Street to Derby Road

- I. No person shall park a vehicle between the hours of 8:00 a.m. and 3:00 p.m. on any day on the following designated streets or parts thereof:

- (1) Foster Street, West, south side, from Florence Street to a point running easterly 86.5 feet.

- J. No person shall park and/or stand a vehicle (no parking or standing) between the hours of 7:00 a.m. and 3:30 p.m. Monday through Friday (except legal holidays) on the following designated streets or parts thereof:

- (1) First Street, north side, from Ashcroft Road westerly for a distance of 230 feet.

- (2) First Street, south side, from Ashcroft Road to Geneva Road for a distance of 830 feet.
 - (3) Wyoming Avenue, West, north side, from a point opposite the easterly property line point of the Lincoln School westerly to a point opposite the westerly property line point of the Lincoln School (tow zone).
- K. No person shall park a vehicle between 7:00 a.m. and 4:00 p.m. of any day, except Saturdays, Sundays and legal holidays, on the following designated streets or parts thereof:
- L. Parking shall be prohibited on the west side of Ravine Terrace from 5:30 p.m. to 8:30 p.m., Monday through Friday, and 9:30 a.m. to 1:30 p.m. on Saturday.
- M. Parking shall be prohibited on Baxter Street and Conant Road, north and east sides from Whittier Street, westerly and northerly to Prospect Street, from 5:30 p.m. to 8:30 p.m., Monday through Friday, and 9:30 a.m. to 1:30 p.m. on Saturday.
- N. Parking and standing shall be prohibited on First Street at the Winthrop School from 7:00 a.m. to 3:30 p.m.
- O. No person shall park a vehicle between the hours of 7:30 a.m. and 8:30 a.m. and 2:00 p.m. and 3:00 p.m. on the following designated streets or parts thereof:
 - (1) Crescent Avenue, both sides, from Everett Street to school parking lot.
 - (2) Crescent Avenue, east side, from Russell Street to Everett Street.
 - (3) Everett Street, south side, from Crescent Avenue to Bartlett Street.
 - (4) Russell Street, south side, within 50 feet of Crescent Avenue.
 - (5) Vinton Street, west side, from Glen Street 300 feet northerly.
- P. Parking shall be prohibited between 3:00 p.m. and 8:00 p.m. Monday through Friday in the two spaces just north of the drop-off only space on the east side of Main Street north of Foster Street, East.
- Q. Resident parking only from 8:00 a.m. to 6:00 p.m. on the west side of Brazil Street from Washington Street to the Malden line.
- R. No parking 6:00 a.m. to 9:00 a.m. on the north side of Short Street from Main Street to Green Street.
- S. No parking except from 10:00 a.m. to 12:00 noon on Fridays only on the east side of Green Street starting at the intersection of Green Street and Linden Road and continuing southerly for a distance of approximately 125 feet.

(Rev. Ords. 1976, § 12-22; Ord. No. 20585, 3-17-1980; Ord. No. 21026, 8-17-1981; Ord. No. 461, 5-16-1983; Ord. No. 709, 3-19-1984; Ord. No. 709A, 3-19-1984; Ord. No. 861A, 2-19-1985; Ord. No. 874A, 2-19-1985; Ord. No. 1364, 4-7-1986; Ord. No. 2170, 3-20-1989; Ord. No. 2390, 11-20-1989; Rev. Ords. 1989, § 10-113; Ord. No. 90-8A, 2-5-1990; Ord. No. 90-326, 7-16-1990; Ord. No. 91-233, 5-6-1991; Ord. No. 92-44, 9-16-1991; Ord. No. 93-185, 8-16-1993; Ord. No. 95-154, 2-6-1995; 9-8-1998; 4-19-2000; 11-15-2000; 1-10-2001; 2-19-2003; 3-19-2003; 10-19-2004; Ord. No. TC 04-137, 4-20-2005; Ord. No. TC 07-008, 5-23-2007; Ord. No. TC 07-016, 1-16-2008; Ord. No. TC 07-017, 6-20-2007; Ord. No. TC 07-020, 9-19-2007; Ord. No. TC 08-001, 2-20-2008; Ord. No. TC 09-002, 3-18-2009; Ord. No. TC 11-003, 8-18-2010)

§ 220-53. One-hour parking.

- A. No person shall park a vehicle for longer than one hour at any time between the hours of 8:00 a.m. and 6:00 p.m. of any day, except Sundays and legal holidays, on the following described streets or parts thereof:

Name of Street	Side	Location
Berwick Street	East	From a point 60 feet north of the northerly line of Wyoming Avenue, West to a point 35 feet south of the southerly line of Grove Street, and from a point 20 feet north of the northerly line of Grove Street northerly to a point 20 feet south of the southerly line of Foster Street, West
Circuit Street	East	From the southerly entrance at Hurd Street northerly to 31 Circuit Street
Driveway between City Hall and post office	East	—
Emerson Street, West	North	From the entrance to Cedar Park Station westerly to Vinton Street
Emerson Street, West	South	From Essex Street easterly a distance of 175 feet easterly
Essex Street	North	From Willow Street for a maximum of three spaces
Farwell Avenue	East	From Green Street to Haskell Street

Name of Street	Side	Location
Foster Street, West	South	From a point 73 feet west of railroad crossing easterly to railroad crossing
Franklin Street	North	From Howie Street to Sargent Street, from Ashland Street to Marvin Road and from Belmont Street to Greenwood Street
Franklin Street	South	From Tremont Street to a point 75 feet east of Belmont Street
Green Street	North	From a point 120 feet east of Main Street, at Franklin Square, easterly for a distance of 512 feet
Green Street	South	From a point 85 feet east of Main Street, at Franklin Square, easterly to a point 60 feet before Haverhill Place
Herbert Street	North	From Berwick Street to Myrtle Street
Hurd Street	Northeasterly	From Wyoming Avenue, West, to the easterly entrance of Circuit Street on Hurd Street
Main Street	East	From a point 80 feet north of a point opposite the center of the Central Fire Station northerly to the southerly line of Ingalls Court and from a point 82 feet north of Linden Road northerly to a point 100 feet south of Green Street, at Franklin Square, and from a point 160 feet north of the northerly line of Green Street, at Franklin Square, northerly for a distance of 150 feet
Main Street	East	From the northerly line of Central Terrace northerly to a point six feet south of the crosswalk just south of the southerly line of Field's Court/ Eastman Place and from a point 40 feet north of the northerly line of Upham Street northerly to a point 80 feet south of a point opposite the center of the Central Fire Station

Name of Street	Side	Location
Main Street	West	From a point 20 feet north of the northerly driveway entrance to the City Hall Plaza parking lot between the Central Fire Station and Memorial Hall northerly to a point 34 feet south of the southerly line of Emerson Street, West
Main Street	West	From a point 88 feet north of the northerly line of Essex Street northerly to a point 20 feet south of the northerly property of City Hall
Main Street	West	From a point 65 feet plus or minus a few feet as necessary for a bus stop north of the northerly line of Foster Street, West, northerly to a point 20 feet south of the southerly line of Essex Street
Main Street	West	From the northerly side of the north driveway of the C.J. McCarthy House No. 910 Main Street northerly to a point 125 feet south of the southerly line of Franklin Street
Main Street	West	From a point 120 feet north of the northerly line of Franklin Street northerly for a distance of 340 feet
Melrose Street	North	Between Lynn Fells Parkway and Main Street
Pleasant Street	West	From Ashmont Street to Everett Street
Upham Street	North	From a point opposite easterly line of Stevens Place easterly to Felton Place
Wyoming Avenue, West	North	From a point 55 feet west of Main Street westerly to Boston and Maine Railroad right-of-way, and from Hurd Street to Florence Street
Wyoming Avenue	South	From a point 55 feet west of Main Street westerly to Pleasant Street

- B. No person shall park a vehicle for longer than one hour at any time between the hours of 8:00 a.m. and 4:00 p.m. of any day, except Sundays and legal holidays, in the following described streets or parts thereof:

(1) (Reserved)

- (2) Franklin Street, south side, from Belmont Street to a point 170 feet west of Belmont Street.
- C. No person shall park a vehicle for longer than one hour at any time between the hours of 7:00 a.m. and 9:00 a.m. or between the hours of 4:00 p.m. and 6:00 p.m. of any day, except Sundays and legal holidays, on the following described streets or parts thereof:
- D. No person shall park a vehicle for longer than one hour at any time between the hours of 8:00 a.m. and 9:00 p.m. of any day on the following described streets, or parts thereof:
- (1) Grove Street, north side, from a point 450 feet east of Main Street easterly to Lebanon Street, except for where parking is prohibited.
- (2) Main Street, west side, from Wyoming Avenue north to Foster Street.
- (3) Main Street, east side, from Lynde Street north to Foster Street.
- E. No person shall park a vehicle for longer than one hour at any time between the hours of 8:00 a.m. and 6:00 p.m. of any day, except Saturdays, Sundays and legal holidays, on the following described streets or parts thereof:

Name of Street	Side	Location
Bellevue Avenue	East	From a point 20 feet north of the northerly line of Upham Street northerly to a point 40 feet south of the southerly line of Emerson Street, East and from a point 40 feet north of the northerly line of Emerson Street, East northerly to a point 20 feet south of the southerly line of Porter Street
Bellevue Avenue	West	From a point 20 feet north of the northerly line of Upham Street northerly to a point 40 feet south of the southerly line of Emerson Street, East and from a point 40 feet north of the northerly line of Emerson Street, East northerly to a point 20 feet south of the southerly line of Porter Street and from a point 20 feet north of the northerly line of Porter Street northerly to a point 50 feet south of the southerly line of the Lynn Fells Parkway

Name of Street	Side	Location
Bellevue Avenue	—	Around the island at the Lynn Fells Parkway at all corners (20 feet at southerly ends and 50 feet at Fells end)
Berwick Street	East	Between Grove Street and Foster Street, West
Emerson Street, East	North	From a point 70 feet east of the easterly line of Main Street easterly to a point 40 feet west of the westerly line of Lebanon Street
Emerson Street, East	Both	From a point 40 feet east of the easterly line of Bellevue Avenue easterly to a point 20 feet west of the westerly line of Lincoln Street

- F. No person shall park a vehicle for longer than one hour at any time between the hours of 9:00 a.m. and 4:00 p.m. of any day, except Saturdays, Sundays and legal holidays on the following described streets, or parts thereof:

(1) Ashcroft Road, east side, from First Street to Upham Street.

- G. No person shall park a vehicle for longer than one hour at any time between the hours of 6:00 a.m. and 10:00 a.m. Monday through Friday, except legal holidays, on the following described streets, or parts thereof:

(1) Chipman Avenue: westerly side, from Franklin Street to Marvin Road; easterly side: from Highland Avenue, West, to Marvin Road.

(2) 569 - 601 Franklin Street/Undercliff Terrace.

(3) Highland Avenue, West, from Chipman Avenue to Cliff Street.

(4) East Wyoming Avenue, entire length, both sides.

(5) Chestnut Street, entire length, both sides.

(6) Mt. Vernon Street, entire length, both sides.

(7) Mount Vernon Avenue, entire length, both sides.

(8) Tremont Street, east side, from Emerson Street, West, to the Lynn Fells Parkway.

(9) Lake Avenue, right side, entire length.

- H. No person shall park a vehicle for longer than one hour on the following described streets, or parts thereof:

- (1) Cleveland Street, west side, from Baxter Street northerly for two spaces.
 - (2) Washington Street (southbound), west side, from Brazil Street to Malden line.
 - (3) Dills Court/Main Street.
 - (4) Everett Street, north side, from Pleasant Street to Crescent Avenue.
- I. No person shall park a vehicle for longer than one hour at any time between the hours of 7:00 a.m. and 10:00 a.m. Monday through Friday, except legal holidays, on the following described streets, or parts thereof:
- (1) Circuit Street, west side, from the southerly entrance at Hurd Street northerly to a point opposite 31 Circuit Street.
 - (2) Ellsworth Avenue, south side.
 - (3) Tremont Street, east side, from the Lynn Fells Parkway northerly to 207 feet south of Union Street.
- J. No person shall park a vehicle for longer than one hour at any time between the hours of 6:00 a.m. and 12:00 midnight of any day on the following designated streets or parts thereof:
- (1) Leonard Road, east side, beginning at the north driveway of No. 57-55 northerly for a distance of 100 feet toward Foster Street, East.
 - (2) Leonard Road, south side, beginning at the driveway of No. 21 easterly for a distance of 150 feet.
- (Rev. Ords. 1976, § 12-23; Ord. No. 20596B, 8-18-1980; Ord. No. 223B, 12-20-1982; Ord. No. 710, 3-19-1984; Ord. No. 711, 3-19-1984; Ord. No. 1123, 8-19-1985; Ord. No. 1876, 2-16-1988; Rev. Ords. 1989, § 10-114; Ord. No. 91-87, 12-3-1990; Ord. No. 92-45, 9-16-1991; Ord. No. 98-248A, 7-20-1998; 10-20-1999; 1-12-2000; 5-17-2000; 6-14-2000; 11-15-2000; 1-10-2001; 5-9-2001; 5-16-2001; 1-15-2003; 3-19-2003; 6-18-2003; Ord. No. TC 03-105, 10-22-2003; 1-21-2004; 4-21-2004; Ord. No. TC 04-136, 5-18-2005; Ord. No. TC 08-022, 11-19-2008; Ord. No. TC 09-002, 3-18-2009; Ord. No. TC 09-019, 9-23-2009; Ord. No. TC 09-021, 9-23-2009)

§ 220-54. Two-hour parking.

- A. No person shall park a vehicle for longer than two hours between the hours of 8:00 a.m. and 9:00 p.m. of any day on the following described streets or parts thereof:

- (1) Lebanon Street, east side, from a point 335 feet north of Emerson Street, East, a distance of 225 feet to a point 150 feet south of Porter Street.
 - (2) Lynde Street, south side, from a point 166 feet east of Main Street easterly to Summer Street.
 - (3) Main Street, west side, from a point 480 feet south of the southerly line of Crystal Street southerly to a point 80 feet north of the northerly line of Emerson Street, West.
 - (4) Farwell Avenue, west side, from the intersection with Green Street for a distance of about 80 feet northerly.
- B. No person shall park a vehicle for longer than two hours at any time between the hours of 8:00 a.m. and 6:00 p.m. of any day, except Sundays and legal holidays, on the following described streets or parts thereof:

Name of Street	Side	Location
Cedar Park	North	From Vinton Street easterly to the west side of Cedar Park
Cedar Park North	Both	Westerly and northerly to Emerson Street, West
Corey Street	West	From Wyoming Avenue, West, to Grove Street
Dell Avenue	West	From Upham Street a distance of 240 feet southerly
Emerson Street, East	North	From Lebanon Street to Bellevue Avenue
Emerson Street, West	North	From a point 125 feet west of Main Street westerly to Vinton Street
Essex Street	North	From Myrtle Street to Willow Street
Essex Street	South and west	From a point 79 feet west of Willow Street westerly and northerly to a point 300 feet south of Emerson Street, West
Goodyear Avenue	Both	From Washington Street westerly to the end of said street
Grove Street	South	From point 40 feet east of Berwick Street easterly to Corey Street
Groveland Road	Both	From Gould Street southerly to the end of said street
Gould Street	Both	From Pleasant Street westerly to the end of said street

Name of Street	Side	Location
Hurd Street	North	From the easterly entrance of Circuit Street on Hurd Street to the westerly entrance of Circuit Street on Hurd Street
Main Street	East	From 500 feet north of the Malden line northerly to a point 30 feet south of the southerly line of Mt. Vernon Street
Main Street	East	From the north property line of Mary A. Livermore School northerly to Lebanon Street
Main Street	East	From the northerly line of Mt. Vernon Street for a distance of about 150 feet north
Main Street	West	From the Malden line to a point 40 feet south of Wyoming Avenue, West
Main Street	West	Between Melrose Street and Crystal Street, excepting spaces otherwise provided thereon
Myrtle Street	East	From Grove Street to Foster Street, West, and from Essex Street to Emerson Street, West
Porter Street	South	From a point 68 feet east of the easterly line of Lebanon Street to a point 20 feet west of the westerly line of Rowe Street
Tremont Street	West	From a point 66 feet north of Emerson Street, West, a distance of 756 feet northerly
Vinton Street	Both	From North High Street to Emerson Street, West
Wyoming Avenue, West	North	From a point 65 feet distance from the westerly line of Cleveland Street to Whittier Street

C. No person shall park a vehicle for longer than two hours at any time between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, on the following described streets or parts thereof:

- (1) Melrose Street, between Main Street and Lynn Fells Parkway.
- (2) Pleasant Street, west side, from Wyoming Avenue, West, to Everett Street, except where otherwise prohibited by bus stops, fire hydrants and street corners, etc.

- (3) Shadow Road, east side, from Washington Street to Converse Lane.
- (4) Converse Lane, both sides of street, entire length of road.
- D. No person shall park a vehicle for longer than two hours on the following described streets or parts thereof:
 - (1) Bartlett Street.
 - (2) Crescent Avenue from Lincoln School to Francis Street.
 - (3) Everett Street.
 - (4) Francis Street.
 - (5) Greenwood Street, west side, from a point 80 feet north of Franklin Street to a point opposite the southerly line of Ashburton Place
 - (6) Linden Road, north side (parking is prohibited on south side).
 - (7) Main Street from Emerson Street, East, to Livermore Lot.
 - (8) Two parking spots near Fleet Bank/bus stop.
 - (9) Belmont Street parking lot.
- E. No person shall park a vehicle for longer than two hours at any time between the hours of 8:00 a.m. and 6:00 p.m. of any day, except Saturdays, Sundays and legal holidays, on the following described streets or parts thereof:
 - (1) West side and north sides of Hillside Avenue between Emerson Street, East, to Bellevue Street.

(Rev. Ords. 1976, § 12-24; Ord. No. 459, 5-16-1983; Ord. No. 949, 2-19-1985; Ord. No. 1344, 3-17-1986; Ord. No. 1344A, 4-7-1986; Ord. No. 1504, 1-5-1987; Rev. Ords. 1989, § 10-114; Ord. No. 91-195, 4-1-1991; Ord. No. 93-310, 4-20-1993; Ord. No. 94-219, 4-4-1994; Ord. No. 95-13, 8-15-1994; Ord. No. 95-86, 11-21-1994; Ord. No. 98-073, 9-15-1997; 2-17-1999; 1-12-2000; 9-20-2000; 5-16-2001; 2-13-2002; 4-17-2002; 1-15-2003; Ord. No. TC 04-138, 4-20-2005; Ord. No. TC 04-136, 5-18-2005; Ord. No. TC 06-015, 4-18-2007; Ord. No. TC 07-017, 6-20-2007; Ord. No. TC 09-002, 3-18-2009; Ord. No. TC 11-003, 8-18-2010)

§ 220-55. Thirty-minute parking.

- A. No person shall park a vehicle for more than 30 minutes at any time between 8:00 a.m. and 9:30 p.m. of any day, except Sundays and legal holidays, on the following designated streets or parts thereof:
 - (1) Green Street, west side, from Haverhill Place northwesterly 60 feet.

- (2) Main Street, east side, from a point 50 feet northerly of Green Street for a distance of 110 feet northerly.
 - (3) Main Street, east side, from a point 80 feet southerly of Green Street for a distance of 20 feet southerly.
 - (4) Main Street, west side, from a point 80 feet northerly of Franklin Street for a distance of 40 feet northerly.
- B. No person shall park a vehicle for more than 30 minutes at any time between the hours of 8:00 a.m. and 4:00 p.m. and between 6:00 p.m. and 9:30 p.m. of any day, except Sundays and legal holidays, on the following designated streets or parts thereof:
 - (1) Main Street, east side, from Green Street to a point 50 feet north of Green Street.
- C. (Reserved)
- D. No person shall park a vehicle for more than 30 minutes at any time at the following locations:
 - (1) Foster Street, West, south side, two parking spaces from a point approximately 10 feet easterly of Cottage Street for a distance of 40 feet easterly.
(Rev. Ords. 1976, §§ 12-25; Ord. No. 847, 10-15-1984; Rev. Ords. 1989, § 10-114; Ord. No. TC 04-138, 4-20-2005; Ord. No. TC 04-141, 5-18-2005)

§ 220-56. Fifteen-minute parking.

- A. No person shall park a vehicle for longer than 15 minutes between the hours of 7:00 a.m. and 8:00 p.m. of any day, except Sundays and legal holidays, on the following designated streets or parts thereof:
 - (1) Main Street, west side, from a point 99 feet south of Crystal Street for a distance of 48 feet southerly.
 - (2) Marvin Road, east side, from a point 95 feet north of the northerly line of Franklin Street for distance of 40 feet northerly.
 - (3) Wyoming Avenue, West, north side, from a point 20 feet west of the westerly line of Cleveland Street westerly for a distance of 65 feet.
- B. No person shall park a vehicle for longer than 15 minutes between the hours of 7:00 a.m. and 9:00 p.m. of any day, except Sundays and legal holidays, on the following designated streets or parts thereof:
 - (1) Main Street, east side, from Upham Street to Eastman Place.
- C. No person shall park a vehicle for longer than 15 minutes on the following designated streets or parts thereof:

- (1) Sixth Street, east side, beginning 10 feet south of Foster Street, southerly for two spaces, a distance of 40 feet.
- (2) Two spots in front of the business at 31-33 West Wyoming Avenue.
- (3) Cleveland Street, west side, from 20 feet north of West Wyoming Avenue for two spaces.

(Rev. Ords. 1976, § 12-26; Rev. Ords. 1989, § 10-114; Ord. No. 95-46, 10-3-1994; Ord. No. TC 05-108, 9-21-2005; Ord. No. TC 06-009, 6-21-2006; Ord. No. TC 09-021, 9-23-2009)

§ 220-57. Five-minute parking.

No person shall park a vehicle for longer than five minutes at any time on the following designated streets or parts thereof:

- A. Essex Street, north side, from a point 150 feet west of Main Street a distance of 45 feet westerly

(Rev. Ords. 1976, § 12-27; Rev. Ords. 1989, § 10-114)

§ 220-58. Bus stops.

- A. No person shall park a vehicle other than a bus in a bus stop.
- 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.
- C. Bus stops are hereby established at the following locations:
 - (1) Franklin Street, north side, from the westerly line of Greenwood Street westerly for a distance of 65 feet.
 - (2) Main Street, east side, from the southerly line of Wyoming Avenue, East, a distance of 65 feet southerly; from the southerly line of Grove Street a distance of 65 feet southerly; from the southerly line of Foster Street, East, a distance of 65 feet southerly; from the southerly line of Upham Street a distance of 65 feet southerly; from the southerly line of Emerson Street, East, a distance of 65 feet southerly; from the point of curvature of the curve on Main Street at the corner of Lebanon Street and Main Street a distance of 65 feet southerly; from the southerly line of Short Street a distance of 65 feet southerly; from the northerly line of Linden Road a distance of 82 feet northerly; from the southerly line of Green Street at Franklin Square a distance of 65 feet southerly.
 - (3) Main Street, west side, from the northerly line of Wyoming Avenue, West, a distance of 65 feet northerly; from the northerly line of Grove Street a distance of 65 feet northerly; from the northerly line of Foster Street, West, a distance of 65 feet northerly; from the northerly line of Essex Street a distance of 88 feet northerly;

from the northerly line of Emerson Street, West, a distance of 65 feet northerly; from a point 400 feet south of the southerly line of Crystal Street a distance of 65 feet southerly; from the southerly line of Melrose Street a distance of 65 feet southerly; from the southerly line of Franklin Street a distance of 65 feet southerly.

- (4) Pleasant Street, west side, from a point 20 feet south of the southerly line of Everett Street a distance of 60 feet southerly.

(Rev. Ords. 1976, § 12-28; Rev. Ords. 1989, § 10-115)

§ 220-59. Taxicab stands.

- A. No person shall park a vehicle other than a taxicab in any taxicab stand, except that the operator of any vehicle may temporarily stop in such stand for the purpose of, and while actually engaged in, loading and unloading for a period of time not to exceed 30 minutes.
- B. No person shall park a taxicab upon any street at any place other than the taxicab stand or stands designated for the use of his/her taxicab or taxicabs except while engaged in waiting for an opportunity to use a taxicab stand designated for his/her use.
- C. Public taxicab stands are hereby established at the following locations:
46 Essex Street, two taxicabs.

(Rev. Ords. 1976, § 12-29; Rev. Ords. 1989, § 10-116)

§ 220-60. Service zones.

No person shall park a vehicle on any street in any service zone for a period of time longer than 30 minutes and except while actually engaged in loading or unloading.

(Rev. Ords. 1976, § 12-30; Rev. Ords. 1989, § 10-117)

§ 220-61. Angle parking.

- A. The Board of Aldermen shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed.
- B. Upon the following streets or parts of streets which have been marked or signed for angle parking vehicles shall be parked with one wheel within 12 inches of the curb and at the angle to the curb indicated by allowable markings or official signs, and the vehicle shall be parked so that all four of its wheels shall be placed wholly within the painted lines provided: (Reserved).

(Rev. Ords. 1976, § 12-31; Rev. Ords. 1989, § 10-118)

§ 220-62. Parking of vehicles for sale.

It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale.

(Rev. Ords. 1976, § 12-32; Rev. Ords. 1989, § 10-119)

§ 220-63. All-night parking.

It shall be unlawful for the driver of any vehicle, other than one acting in an emergency, to park such vehicle on any street between the hours of 2:00 a.m. and 6:00 a.m.

(Rev. Ords. 1976, § 12-33; Rev. Ords. 1989, § 10-120)

§ 220-64. Selling merchandise from vehicles.

- A. No person shall stand or stop any vehicle upon any public way in the City for the purpose of selling or offering for sale any food, beverage or goods, wares or merchandise therein or therefrom.
- B. This section, however, shall not prevent the stopping of vehicles of hawkers and peddlers at dwelling houses for the purpose of selling goods, wares or merchandise to occupants thereof in accordance with the provisions of MGL c. 101 and regulations made under authority thereof.

(Rev. Ords. 1976, § 12-34; Rev. Ords. 1989, § 10-121)

§ 220-65. Parking on private ways.

In accordance with the provisions of MGL c. 40, § 21, cl. (14), the following regulations governing the leaving of vehicles unattended within the limits of private ways are hereby enacted. Such regulations shall be effective only during such times as official signs are erected setting forth their provisions.

- A. Upon the following private ways, or parts thereof, parking is hereby prohibited at any time:
 - (1) Colby Terrace, both sides, from South Cedar Park southeasterly to end of terrace.
 - (2) Eastman Place, north side, from Main Street 130 feet easterly.
 - (3) Fields Court, south side, from Main Street 120 feet easterly.
 - (4) Stone Place, both sides, from Pleasant Street to Washington Street.
 - (5) Greenleaf Place, both sides, from the southerly line of Franklin Street southerly and westerly to the end of street.

- (6) Banks Place, both sides, from the westerly line of Main Street westerly to the beginning of the MBTA service road to Oak Grove Station in Malden.
- B. Upon the following private ways, or parts thereof, parking is hereby prohibited between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, except legal holidays:
 - (1) Stevens Place, west side, from Upham Street southerly to Eastman Place.
(Rev. Ords. 1976, § 12-35; Ord. No. 21026, 8-17-1981; Ord. No. 20, 2-1-1982; Ord. No. 2115A, 10-17-1988; Ord. No. 2147, 10-17-1988; Rev. Ords. 1989, § 10-122; Ord. No. TC 07-007, 4-18-2007)

§ 220-66. Resident sticker and permit parking; qualifications.

- A. On the following City streets, avenues or roads, the resident requesting a sticker shall present the registration certificate of the vehicle to the Police Department for verification prior to being issued the resident parking sticker:
 - (1) Rowe Street, north and east sides, from a point 20 feet east of the easterly line of Green Street easterly and southerly to a point 50 feet north of the northerly line of Porter Street, and from a point 50 feet south of the southerly line of Porter Street southerly to the northerly property line of No. 73 Rowe Street.
 - (2) Rowe Street, west side, from a point 20 feet south of the southerly line of Emerson Street, East, southerly to a point 20 feet north of the northerly line of Upham Street.
- B. Permanent regulated parking is enacted by issuing to each household on Union Street two parking permits and one visitor parking permit. Parking is permitted on Union Street, south and west sides, from a point 20 feet east of the easterly line of Tremont Street easterly to a point 20 feet west of the curve on Union Street and from a point 20 feet south of the curve on Union Street southerly to the end of Union Street.
- C. It shall be unlawful for the driver of any vehicle, with either a "residential parking sticker," "residential parking permit" or a "visitor parking permit" to park such vehicle on any street between the hours of 2:00 a.m. and 6:00 a.m. (except as provided under Article VI, § 220-70, the definition of "residential parking permit").
- D. Maximum of two resident parking placards valid for overnight parking only between 2:00 a.m. and 6:00 a.m. to be issued by the Parking Clerk at the locations determined by the Traffic Commission for those residential properties that are deemed to have a severe hardship due to the lack of off-street parking. Placards expire December 31 and must be renewed January 1 yearly. Fee shall be as regulated in § 220-91.

- (1) Maximum of two resident parking placards for overnight parking only between 2:00 a.m. and 6:00 a.m. to be issued to the owners of Nos. 9, 30 and 34 Upland Road and No. 33 Sewall Woods Road. No fee for the calendar year 2005.
 - (2) One resident parking placard for overnight parking only between 2:00 a.m. and 6:00 a.m. to be issued to the owner of 14 Albion Street.
- E. Maximum of 14 residential permit parking spaces for residents on Essex Street, from Main Street to Shaw's, and on Main Street, from Essex Street to Foster Street, West. Permits will cost \$800 annually.
- (Ord. No. 1340, 4-7-1986; Ord. No. 1363, 4-7-1986; Rev. Ords. 1989, § 10-123; 9-19-2001; Ord. No. TC 04-144, 6-27-2005; 9-21-2005; Ord. No. TC 09-002, 3-18-2009)

§ 220-67. Parking on City Hall premises.

No person shall park a vehicle at any time on that portion of the premises on which the City Hall building stands lying between the north side of the building and Essex Street and between the westerly line of such premises and Main Street.

(Rev. Ords. 1976, § 7-7; Rev. Ords. 1989, § 10-124)

§ 220-68. Criteria for establishing handicapped parking spaces.

- A. All requests shall be in writing and include the approval for handicap plates or placard from the Registry of Motor Vehicles.
- B. Requests shall be approved by the Engineer and Superintendent of Public Works and the Police and Fire Chiefs.
- C. Permits shall be issued by the Engineer and Superintendent of Public Works for three years and are subject to renewal.
- D. Approved signs shall be erected within 30 business days of passage unless weather conditions prohibit it.
- E. All applications shall include a statement or letter outlining the hardship necessitating the special parking space.
- F. A list of approved requests for special parking spaces shall be kept and updated as necessary.

(Ord. No. 96-105, 2-20-1996)

§ 220-69. Emergency fire apparatus and safety measures.

- A. Parking is prohibited at all times at the following locations:

Name of Street	Side	Location
First Street	North	From a point 40 feet east of a point opposite the easterly line of Sixth Street westerly to a point 40 feet west of a point opposite the westerly line of Sixth Street
Foster Street, East	North	From the easterly line of Larrabee Street easterly for a distance of 60 feet
Foster Street, East	South	From a point opposite the center line of the fire station easterly for a distance of 150 feet and westerly for a distance of 150 feet, for a total of 300 feet; area to be marked as a fire lane
Foster Street, East	South	From the easterly line of Larrabee Street easterly for a distance of 25 feet
Franklin Street	South	From the westerly line of Greenleaf Place westerly to the westerly lot line of No. 92 Franklin Street (approximately 85 feet); area to be marked as a fire lane
Larrabee Street	Both	From the northerly line of Foster Street, East, northerly for a distance of 70 feet
Larrabee Street	West	From the southerly line of Foster Street, East, southerly for a distance of 85 feet
Laurel Street	Both	From the westerly line of Larrabee Street westerly for a distance of 45 feet
Laurel Street	Both	From the easterly line of Sixth Street easterly for a distance of 50 feet
Laurel Street	South	From the easterly line of Larrabee Street easterly to the easterly lot line of No. 93 Laurel Street (approximately 125 feet); area to be marked as a fire lane

Name of Street	Side	Location
Main Street	East	From a point opposite the center line of the Central Fire Station northerly for a distance of 80 feet and from this same point southerly for a distance of 80 feet for a combined total of 160 feet (fire lane - tow zone / no parking or standing)
Main Street	East	From the southerly line of Mount Vernon Street southerly for a distance of 25 feet
Mount Vernon Avenue	West	From the southerly line of Mount Vernon Street southerly for a distance of 25 feet
Mount Vernon Street	South	From the easterly line of Main Street easterly for a distance of 25 feet
Mount Vernon Street	South	From the westerly line of Mount Vernon Avenue westerly for a distance of 25 feet and from the easterly line of Mount Vernon Avenue easterly for a distance of 25 feet
Pearl Street	South	From Main Street easterly to Damon Avenue
Sixth Street	East	From First Street southerly to Foster Street, East
Sixth Street	East	From the southerly line of Foster Street, East southerly for a distance of 25 feet
Sixth Street	East	From the northerly line of Laurel Street northerly for a distance of 25 feet
Sixth Street	West	From the northerly line of Foster Street, East, northerly for a distance of 50 feet
Stevens Place	West	From the corner at Eastman Place northerly for a distance of 125 feet (fire lane)
Vine Street	South	From a point 20 feet west of the westerly line of Willow Street easterly to a point 65 feet east of the easterly line of Willow Street; area to be marked as a fire lane
Willow Street	East	From Cherry Street northerly to Vine Street

Name of Street	Side	Location
Winter Street	North	From Lebanon Street westerly to Dell Avenue

B. Fire, police and other duly marked emergency vehicles shall be permitted to move against the authorized flow of traffic on certain one-way streets as indicated below when responding to an emergency. Both the emergency vehicle lighting and emergency vehicle siren systems must be in operation when traveling against the flow of traffic.

- (1) Belmont Street, northbound, from Melrose Street to Franklin Street.
- (2) First Street, eastbound, from Geneva Road to Sixth Street.
- (3) First Street, eastbound, from Sixth Street to Ashcroft Road.
- (4) Ruggles Street, northbound, from Howard Street to Damon Avenue.
- (5) Damon Avenue, northbound, from Ruggles Street to Glendale Avenue.
- (6) Lake Avenue, eastbound and southbound, from Tremont Street to Emerson Street, West.
- (7) Hopkins Street, eastbound and southbound, from Lebanon Street to Forest Street.

(Ord. No. 98-067A, 10-20-1997; Ord. No. 98-316, 5-18-1998; Ord. No. TC 03-110, 10-22-2003; Ord. No. TC 09-014, 6-17-2009)

ARTICLE VI
Public Parking Areas⁴⁴

§ 220-70. Definitions.

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

COMMERCIAL PARKING AREA — Any public parking area or portion thereof designated by ordinance for the parking of noncommercial and light commercial (not to exceed four tons) motor vehicles for a fee as set by ordinance.

COMMERCIAL PARKING PERMIT — A nontransferable sticker, medallion or other device issued by the Parking Clerk, for a fee set by ordinance, which authorizes vehicles to be parked in commercial parking areas during designated hours.

COMMUTER PARKING AREA — Any public parking area or section thereof set aside by ordinance for the parking of noncommercial motor vehicles, for periods not to exceed 12 hours, for a flat-rate fee based on 12 hours or any portion thereof.

FEE LOCK BOX — Designation for a device or devices selected by the Engineer and Superintendent of Public Works for the collection of parking fees in commuter parking areas.

PUBLIC PARKING AREA — Any land owned by, acquired, used or leased by the City or its agents and used for public parking.

RESIDENTIAL PARKING PERMIT — A nontransferable sticker, medallion or other device issued by the Parking Clerk, for a fee set by ordinance, which authorizes noncommercial motor vehicles to be parked in designated areas between the hours of 2:00 a.m. and 6:00 a.m. Vehicles shall be removed from said areas by 8:00 a.m.

(Ord. No. 93-111, § 18-1, 12-7-1992)

§ 220-71. Construction and maintenance.

The Engineer and Superintendent of Public Works shall have charge of the design, construction, alteration, repair, maintenance and management of all public parking areas. The Engineer and Superintendent of Public Works shall have authority to regulate, by suitable signs, markings or other devices, the movement of vehicles in and the direction in which vehicles shall enter or leave such parking areas, subject to the approval of the Board of Aldermen.

(Ord. No. 93-111, § 18-2, 12-7-1992)

44. Editor's Note: Original Ch. 12, Art. VI, Parking Meters, of Rev. Ords. 1976 (Ch. 10, Art. V, Div. 2 of Rev. Ords. 1989) was deleted 2-1-1993 by Ord. No. 93-206.

§ 220-72. Placement of signs and markings; parking restrictions in parking areas/lots.

- A. The Engineer and Superintendent of Public Works shall place and maintain or cause to be placed and maintained such signs, markings, safety zones or other devices as may be required to give effect to the provisions of this article or, in his/her judgment, as are necessary for regulating the parking of vehicles in public parking areas, subject to the approval of the Traffic Commission.
- B. The following restrictions apply:
- (1) Kimball Court, no parking both sides.
 - (2) Dills Court, no parking east side.
 - (3) Cerretani's Way, no parking both sides, except where spaces are designated.
 - (4) Faulkner Place, no parking both sides.
 - (5) Larrabee Place, no parking both sides.

(Ord. No. 93-111, § 18-3, 12-7-1992; Ord. No. 92-338, 2-1-1993)

§ 220-73. Interference with signs and markings.

It shall be unlawful for any person to willfully deface, injure, move, obstruct or interfere with any sign, marker, marking or other device in a public parking area.

(Ord. No. 93-111, § 18-4, 12-7-1992)

§ 220-74. Obedience to signs and markings; manner of parking.

- A. No operator of any vehicle shall disobey any sign, marker, marking, legend or other device for the regulation of parking in a public parking area.
- B. Whenever lines are painted on the surface of a public parking area for the purpose of indicating the place and manner in which vehicles shall be parked therein, each vehicle shall be parked so that all four wheels thereof shall be placed wholly within such lines.

(Ord. No. 93-111, § 18-5, 12-7-1992)

§ 220-75. Obstructing traffic.

No person shall park a vehicle in a public parking area in such a manner as to obstruct the movement of other vehicles within such parking area.

(Ord. No. 93-111, § 18-6, 12-7-1992)

§ 220-76. Parking unregistered motor vehicles.

No person shall park in a public parking area any vehicle which is not authorized by the provisions of MGL c. 90 to be operated on the ways of the commonwealth.

(Ord. No. 93-111, § 18-7, 12-7-1992)

§ 220-77. All-night parking.

The parking of vehicles in any public parking areas/lots between the hours of 2:00 a.m. and 6:00 a.m. shall be prohibited, except when authorized by residential parking permits. Residential parking permits shall be available for use in the following parking areas/lots pursuant to the requirements in §§ 220-70 and 220-91, Residential parking permits:

- A. Area encompassing the City Hall Plaza Parking Lot, excluding the 12 parking spaces immediately behind the central fire station.
- B. Area on the westerly side of Belmont Street to the southerly side of Franklin Street.
- C. Area on the easterly side of Belmont Street.
- D. Area on the west side of Berwick Street, from a point 100 feet north of the northerly line of Wyoming Avenue, West, northerly to the southerly line of Foster Street, West.
- E. Area between Central Terrace and Field's Court, also known as "Field's Court Municipal Parking Lot."
- F. Area between Foster Street, West, and Grove Street.
- G. Area known as "Friends Block Parking Area" between Grove Street and Foster Street, East.
- H. Area known as "Myrtle Street Parking Area."
- I. Area at Melrose Railroad Station (Cedar Park), west side.
- J. Area at Melrose Railroad Station (Cedar Park), east side.
- K. Area at Wyoming Railroad Station.
- L. Area known as "Livermore School Parking Lot."
- M. Area at Melrose Highlands Railroad Station.

(Ord. No. 93-111, § 18-8, 12-7-1992)

§ 220-78. Parking regulated in certain public parking areas.

- A. No person shall, except in designated commuter parking areas, park any motor vehicle in excess of the hour designated herein, Sunday and holidays excepted.

- B. No person shall park a vehicle for a period of time longer than two hours, between the hours of 8:00 a.m. and 6:00 p.m. of any day, except Saturday, Sunday and legal holidays, in the following public parking areas or parts thereof:
- (1) Area known as "Fields Court Parking Area," except in designated commercial parking areas pursuant to the requirements of § 220-90.
 - (2) Area known as "Livermore School Parking Area."
 - (3) Area known as "Friends Court Municipal Parking Area/Lot" except in designated commercial parking areas pursuant to the requirements of § 220-90.
 - (4) Area west of Main Street, between Foster Street, West, and Essex Street, known as "Dill's Court Public Parking Area," except in designated commercial parking areas pursuant to the requirements of § 220-90.
 - (5) Area west of Main Street, north of Grove Street, known as "Larrabee Place Public Parking Area."
 - (6) A portion of the area known as "Myrtle Street Parking Area," as designated on a plan titled "Myrtle Street Parking Area" and dated December 7, 1992, said plan to be included as part of this article.
 - (7) A portion of the area known as "City Hall Plaza Parking Area," as designated on a plan titled "City Hall Plaza Parking Area" and dated December 7, 1992, said plan to be included as part of this article.⁴⁵

(Ord. No. 93-111, § 18-9, 12-7-1992)

§ 220-79. Parking prohibited temporarily.

The Engineer and Superintendent of Public Works is hereby authorized to prohibit, temporarily, the parking of vehicles in any public parking area or part thereof in an impending or existing emergency or for a lawful assemblage or demonstration, provided that there is reasonable justification for such prohibition. Vehicles parked in places where parking is temporarily prohibited may be moved by or under the direction of any police officer.

(Ord. No. 93-111, § 18-10, 12-7-1992)

§ 220-80. Free public parking areas.

A person may park a vehicle for an unlimited time between the hours of 8:00 a.m. and 6:00 p.m. in the following areas:

45. Editor's Note: The City Hall Plaza Parking Area Plan is included at the end of this chapter.

- A. A portion of the area known as "City Hall Plaza Parking Area," as designated on a plan titled "City Hall Plaza Parking Area" and dated December 7, 1992, said plan to be included as part of this article.⁴⁶
- B. A portion of the area known as "Myrtle Street Parking Area," as designated on a plan titled "Myrtle Street Parking Area" and dated December 7, 1992, said plan to be included as part of this article.

(Ord. No. 93-111, § 18-11, 12-7-1992)

§ 220-81. Parking in designated spaces.

Whenever any vehicle shall be parked, the owner or operator of said vehicle shall park within the space designated by marking lines.

(Ord. No. 93-111, § 18-12, 12-7-1992)

§ 220-82. Collection and deposit of money.

The Parking Clerk is hereby authorized and it shall be his/her duty to collect, or cause to be collected, all moneys deposited in commuter lock boxes daily and all other fees as due. Such funds collected shall be presented forthwith to the City Treasurer for deposit in a separate account titled "Parking/Permit Revenue," to be held until further appropriated. The report of all funds so deposited shall be prepared and presented to the Mayor and Board of Aldermen monthly.

(Ord. No. 93-111, § 18-13, 12-7-1992)

§ 220-83. Use of fees.

All fees received from the operation and use of parking spaces in public parking areas shall be used as authorized by MGL c. 40, § 22C and any other applicable provisions of general or special law.

(Ord. No. 93-111, § 18-14, 12-7-1992)

§ 220-84. Experimental regulations.

For the purposes of trial, the Board of Aldermen may make experimental rules regulating the movement or parking of vehicles in public parking areas or test, under actual conditions, signs, signals, markings or other devices in such areas. No such experimental rule shall remain in effect for a period of time longer than 60 days.

(Ord. No. 93-111, § 18-15, 12-7-1992)

§ 220-85. Enforcement.

It shall be the duty of police officers to enforce the provisions of this article.

46. Editor's Note: The City Hall Plaza Parking Area Plan is included at the end of this chapter.

(Ord. No. 93-111, § 18-16, 12-7-1992)

§ 220-86. Violations and penalties.

Any person who violates any provision of this article relating to public parking areas shall be punished by a fine of \$10 for the first offense and \$20 for each subsequent offense.

(Ord. No. 93-111, § 18-17, 12-7-1992)

§ 220-87. Commuter parking fees.

The fee for designated commuter parking areas shall be \$2 for the time designated, Saturdays, Sundays and legal holidays excluded, to be deposited in a fee lock box or meter. Monthly permits will be issued at \$35 per month. No more than 100 permits will be issued.

(Ord. No. 93-111, § 18-18, 12-7-1992; Ord. No. 94-26A, 9-20-1993; Ord. No. 02-366, 6-17-2001)

§ 220-88. Commuter parking lots/areas.

Commuter parking lots/areas are hereby designated in the following public parking areas or portions thereof from 5:00 a.m. to 12:00 noon for fee lock boxes and/or as specified for parking meters:

- A. Area known as "Cedar Park" as defined and laid out on a map titled "Cedar Park" dated August 12, 1993, said map to be included as part of this article.
- B. Area known as "Melrose Highland Station" as defined and laid out on a map titled "Melrose Highland Station" dated February 12, 1991, said map to be included as part of this article.
- C. Area known as "Belmont Street Commuter Parking Area" (east side of Belmont Street, from the southerly line of Franklin Street southerly to a point opposite the northerly line of Belmont Place) as defined and laid out on a map titled "Belmont Street Area" dated February 12, 1991, said map to be included as part of this article.
- D. Area known as "Wyoming Station" as defined and laid out on a map titled "Wyoming MBTA Station" dated February 12, 1991, said map to be included as part of this article.

(Ord. No. 93-111, § 18-19, 12-7-1992; Ord. No. 94-26, 9-20-1993; Ord. No. 94-26A, 9-20-1993)

§ 220-89. Commercial parking permits.

The Parking Clerk shall issue a maximum of 70 commercial parking permits to local merchants, said permits to be sold annually for a fee of \$250. No person or entity may hold more than two commercial permits annually in

each of the commercial parking areas, unless such person or entity shall have first notified the Parking Clerk of a request to seek additional spaces, in which case the Parking Clerk shall post a notice at City Hall for 10 consecutive business days and, after such time, if no other requests for permits are received, then the Parking Clerk may issue additional permits to such person or entity. Renewals shall have a grace period of 30 working days.

(Ord. No. 93-111, § 18-20, 12-7-1992; Ord. No. 94-26A, 9-20-1993; Ord. No. 97-109A, 12-2-1996)

§ 220-90. Commercial parking lots/areas.

Portions of certain parking areas of the City shall be designated commercial parking areas. Parking in a commercial parking area from 6:00 a.m. to 6:00 p.m., Monday through Friday, except legal holidays, shall require a permit issued by the Parking Clerk. At all other times such commercial parking area spaces shall be available to anyone wishing to park there. Commercial parking areas are hereby designated in the following public parking areas or portions thereof:

- A. A portion of the area known as "Friends Parking Lot/Area," comprising 12 spaces as designated on a plan titled "Friends Court Municipal Parking Lot Layout" and dated November 12, 1996, said plan to be included as part of this article.⁴⁷
- B. A portion of the area known as "Larrabee Place Parking Lot/Area," comprising nine spaces as designated on a plan titled "Larrabee Place Municipal Parking Lot Layout" and dated November 12, 1996, said plan to be included in this article.⁴⁸
- C. Portions of the area known as "Dill's Court Parking Lot/Area," comprising 12 spaces as designated on a plan titled "Dill's Court Municipal Parking Lot Layout" and dated December 7, 1992, said plan to be included as part of this article.⁴⁹
- D. Portions of the area known as "Field's Court Parking Lot/Area," comprising seven spaces as designated on a plan titled "Field's Court Municipal Parking Lot Layout" and dated December 7, 1992, said plan to be included as part of this article.⁵⁰
- E. Portions of the area known as "Belmont Street Municipal Parking Lot/Area" comprising 14 spaces as designated on a plan titled "Belmont Street Municipal Parking Lot Layout" and dated February 12, 1991, said plan to be included as part of this article.⁵¹

47.Editor's Note: The Friends Parking Lot Plan is included at the end of this chapter.

48.Editor's Note: The Larrabee Place Parking Area Plan is included at the end of this chapter.

49.Editor's Note: The Dill's Court Parking Lot Plan is included at the end of this chapter.

50.Editor's Note: The Field's Court Parking Lot Plan is included at the end of this chapter.

51.Editor's Note: The Belmont Street Parking Lot Plan is included at the end of this chapter.

- F. Portions of the area known as "The Livermore Municipal Parking Lot/ Area comprising 10 spaces as designated on a plan titled "The Mary Livermore School Parking Lot Layout" and dated February 19, 1991, said plan to be included as part of this article.⁵²

(Ord. No. 93-111, § 18-21, 12-7-1992; Ord. No. 94-26A, 9-20-1993; Ord. No. 97-109, 12-2-1996)

§ 220-91. Residential parking permits.

The Parking Clerk may, upon the request of a Melrose resident, issue to said resident a residential parking permit for a noncommercial motor vehicle, for overnight parking in designated public parking areas only. No more than 300 such permits shall be issued.

- A. The cost of said permits shall be \$80 per year to be paid semiannually.
- B. Violation of any other conditions or terms of this article shall, after a hearing by the Parking Clerk, be considered just cause for the revocation of said permit.
- C. The Parking Clerk is herein authorized to set reasonable terms and conditions relative to said permits subject to the approval of the Mayor and Board of Aldermen.

(Ord. No. 93-111, § 18-22, 12-7-1992; Ord. No. 94-26A, 9-20-1993; Ord. No. 97-14, 8-19-1996; Ord. No. 03-100, 2-3-2003)

52. Editor's Note: The Livermore School Parking Lot Plan is included at the end of this chapter.

ARTICLE VII
Snow Emergency and Towing Zones

§ 220-92. Removal of vehicles authorized.

- A. In accordance with the provisions of MGL c. 40, § 22D, the Board of Aldermen hereby enacts regulations authorizing the removal to a convenient place of vehicles parked or standing in such a manner or in such areas as described in this article on any way under the control of the City. Vehicles specifically exempt by MGL c. 40, § 22D shall not however be subject to such removal.
- B. 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 of the rank of Sergeant or higher as the Chief of Police may from time to time designate, to some convenient place through the agency of a person or persons in the employ of the Police Department or by an independent contractor selected in accordance with this section on the basis of competitive bids.

(Rev. Ords. 1976, § 12-36; Rev. Ords. 1989, § 10-181)

§ 220-93. Declaration of weather emergency.

- A. Whenever impending weather conditions threaten to constitute a traffic hazard impairing transportation, the movement of food and fuel supplies, medical care, fire, health and police protection and other vital facilities of the City, the Chief of Police shall declare an emergency period. Whenever such an emergency exists and the Chief of Police shall have caused announcement thereof through the Massachusetts Department of Public Works by the use of the available news media, any and all of the parking prohibitions in this article shall become effective at either the time designated or upon the accumulation of two inches of snow in the absence of a declaration.
- B. No driver shall stop, stand or park any vehicle within the limits of the traffic arteries or parts thereof designated in this article, provided that this regulation shall not apply to passenger vehicles stopped temporarily during the actual receiving or discharging of passengers nor to commercial vehicles stopped temporarily during the actual loading or unloading of materials.

(Rev. Ords. 1976, § 12-37; Rev. Ords. 1989, § 10-182)

§ 220-94. Snow emergency arteries.

The below-names streets shall be designated as snow emergency arteries in the City:

Name of Street	Location
Forest Street	From the Malden line to Lebanon Street
Franklin Street	From Main Street to the Stoneham line
Green Street	From Main Street to Main Street
Greenwood Street	From Franklin Street to the Wakefield line
Howard Street	From Green Street to the Saugus line
Lebanon Street	From the Malden line to Main Street
Lincoln Street	From Upham Street to Lynn Fells Parkway
Main Street	From the Malden line to the Wakefield line
Perkins Street	From Lynn Fells Parkway to the Stoneham line
Pleasant Street	From Washington Street to Wyoming Avenue
Upham Street	From Main Street to the Saugus line
Vinton Street	From Warwick Road to Franklin Street
Warwick Road	From Lynn Fells Parkway to Vinton Street
Washington Street	From the Malden line to Fellsway East Extension
Wyoming Avenue	From Main Street to the Stoneham line

(Rev. Ords. 1976, § 12-38; Rev. Ords. 1989, § 10-183)

§ 220-95. Towing for standing or parking in specific locations.

- A. No person shall stand, park or allow, permit or suffer any vehicle registered in his/her name to stand or park in any of the following places:
- (1) 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.
 - (2) Upon any sidewalk.
 - (3) Upon any crosswalk.
 - (4) Upon any way within 20 feet of an intersecting way, except alleys.
 - (5) Upon a way within 10 feet of a fire hydrant.
 - (6) On the roadway side of any vehicle stopped or parked at the edge or curb of the way (double-parked).
 - (7) In front of a public or private driveway.
 - (8) 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.

- B. 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 § 220-98. The owner of any vehicle removed or towed away under the provisions of this section shall also be subject to the penalties provided for a violation of this chapter as set forth in Article I, § 220-8.
- C. No person shall stand, park or allow, permit or suffer any vehicle registered in his/her name to stand or park during the hours of 7:00 a.m. to 3:30 p.m., Monday through Friday, except legal holidays, on the north side of West Wyoming Avenue from a point opposite the easterly property line point of the Lincoln School westerly to a point opposite the westerly property line point of the Lincoln School.⁵³

(Rev. Ords. 1976, § 12-39; Rev. Ords. 1989, § 10-184; Ord. No. 90-160, 3-5-1990)

§ 220-96. Towing zones.

- A. No person shall stand or park or allow, permit or suffer any vehicle registered in his/her name to stand or park on a way or ways or parts of ways hereinafter described and during the periods of time as set forth in Articles I and VII:

Name of Street	Location
Forest Street	From the Malden line to Lebanon Street
Franklin Street	From Main Street to the Stoneham line
Green Street	From Main Street to Main Street
Greenwood Street	From Franklin Street to the Wakefield line
Howard Street	From Green Street to the Saugus line
Lebanon Street	From the Malden line to Main Street
Lincoln Street	From Upham Street to Lynn Fells Parkway
Main Street	From the Malden line to the Wakefield line
Perkins Street	From Lynn Fells Parkway to the Stoneham line
Pleasant Street	From Washington Street to Wyoming Avenue
Upham Street	From Main Street to the Saugus line

53. Editor's Note: Original § 12-40, Removing vehicles interfering with work of snow removal, of Ch. 12 of Rev. Ords. 1976, which immediately followed this section, was deleted 5-19-1980 by Ord. No. 20639.

Name of Street	Location
Vinton Street	From Warwick Road to Franklin Street
Warwick Road	From Lynn Fells Parkway to Vinton Street
Washington Street	From the Malden line to Fellsway East Extension
Wyoming Avenue	From Main Street to the Stoneham line

- B. 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 § 200-98. The owner of any vehicle removed or towed away under the provisions of this section shall also be subject to the penalties provided for a violation of this chapter as set forth in Article I, § 220-8.

(Rev. Ords. 1976, § 12-41; Rev. Ords. 1989, § 10-185)

§ 220-97. Official traffic signs.

The provisions of § 220-96 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. Such signs shall be appended above or incorporated into the legend of parking prohibition signs.

(Rev. Ords. 1976, § 12-42; Rev. Ords. 1989, § 10-186)

§ 220-98. Removal and storage fees.

The Board of Aldermen hereby imposes upon the owner of any vehicle moved or towed to a convenient place under the provisions of this article the following fees, as set by the Massachusetts Department of Telecommunications and Energy. The maximum rates as of December 31, 2005, are as follows:

- A. Removal or towing fees: not to exceed \$75.
- B. Storage fees:
 - (1) Not to exceed \$20 for any twenty-four-hour period.
 - (2) Not to exceed \$20 for any period less than 24 hours.

(Rev. Ords. 1976, § 12-43; Rev. Ords. 1989, § 10-187)

§ 220-99. Liability for damages 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.

(Rev. Ords. 1976, § 12-44; Rev. Ords. 1989, § 10-188)

§ 220-100. Record of vehicles towed or removed.

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 the time.
- C. The location to which it was moved.
- D. The fee charged for towing.
- E. The name of the towing contractor, if any.
- F. The name and rank of the officer who authorized towing.

(Rev. Ords. 1976, § 12-45; Rev. Ords. 1989, § 10-189)

ARTICLE VIII
Pedestrians

§ 220-101. Obedience to police officers; crosswalks.

- A. Pedestrians shall obey the directions of police officers directing traffic.
- B. Whenever there is an officer directing traffic or a traffic control signal within 300 feet of a pedestrian, no such pedestrian shall cross a way or roadway except within the limits of the marked crosswalk at the signalized location and as hereinafter provided in this article.
- C. For the purpose of this article, a marked crosswalk shall only be construed to be that area of a roadway reserved for pedestrian crossing located between two solid white reflectorized twelve-inch pavement markings in rural areas or markings not less than six inches wide in urban areas. Such markings or lines shall be no less than six feet apart.

(Rev. Ords. 1976, § 12-81; Rev. Ords. 1989, § 10-201)

§ 220-102. Crossing at traffic control signal locations.

- 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, a pedestrian shall not cross a roadway unless or until the pedestrian control signal push button has been actuated and then shall 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.
- C. It shall be unlawful for any person to actuate a pedestrian control signal unless crossing of the roadway is intended.

(Rev. Ords. 1976, § 12-82; Rev. Ords. 1989, § 10-202)

§ 220-103. Obedience to traffic control signals.

- A. 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:

- (1) Red and yellow or the word "walk." Whenever the red and yellow lenses are illuminated together or the single word "walk" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signal only.
 - (2) Red alone or "don't walk." Whenever the words "don't walk" or any indication other than red and yellow shown together 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/her 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 words "don't walk" are illuminated by rapid intermittent flashes.
 - (3) 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.
 - (4) Yellow alone, red alone or flashing "don't walk." Pedestrians approaching or facing a yellow, red or flashing "don't walk" illuminated indication shall not start to cross a roadway.
 - (5) 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 red-yellow or "walk" indication when such indication is in operation.
- B. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.

(Rev. Ords. 1976, § 12-83; Rev. Ords. 1989, § 10-203)

§ 220-104. Effect on other laws; vehicle operators to exercise due care.

- A. The provisions of this article shall not abrogate the provisions of MGL c. 90, §§ 14 and 14A, which provide precautions for safety of other travelers and for the protection of blind persons crossing ways.
- B. Notwithstanding the provisions of this article, 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.

(Rev. Ords. 1976, § 12-84; Rev. Ords. 1989, § 10-204)

§ 220-105. Exemptions.

The provisions of this article 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 this article.

(Rev. Ords. 1976, § 12-85; Rev. Ords. 1989, § 10-205)

§ 220-106. Violations and 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 MGL c. 90, § 18A.

(Rev. Ords. 1976, § 12-86; Rev. Ords. 1989, § 10-206)

ARTICLE IX
Schedules

§ 220-107. Schedule I, Isolated Stop Signs.

[Note: All stop signs that are posted at the intersections of Melrose roadways and the Fellsway East Extension and the Lynn Fells Parkway are under the control and maintenance of the Metropolitan District Commission (MDC).]

Name of Street	Direction of Travel	At Intersection of
Albert Street	East and west	Nelson Road
Ardsmoor Road	—	Sheffield Road (four-way stop)
Argyle Street	South	Beech Avenue
Ashland Street	North and south	Franklin Street
Ashland Street	South	Melrose Street
Banks Place	East	Main Street
Baxter Street	East	Cleveland Street
Baxter Street	East and west	Cutter Street
Bay State Road	—	Damon Avenue (three-way stop)
Beech Avenue	East and West	Swains Pond Avenue (five-way stop)
Beech Avenue	—	Whitman Avenue (four-way stop)
Beech Avenue	West	Lebanon Street
Bellevue Avenue	—	Emerson Street, East (four-way stop)
Bellevue Avenue	—	Porter Street (four-way stop)
Belmont Street	South	Melrose Street
Boardman Avenue	—	Damon Avenue (four-way stop)
Botolph Street	South	Franklin Street
Burrell Street	West	Lincoln Street
Cedar Park, North	East	Vinton Street
Chester Street	East and west	Florence Street
Chestnut Street	North and south	Wyoming Avenue, East
Chipman Avenue	South	Franklin Street
Cleveland Street	South	Sanford Street (three-way stop)
Cleveland Street	South	Wyoming Avenue, West
Clifford Street	—	Nelson Road (four-way stop)
Clifford Street	West	Howard Street

Name of Street	Direction of Travel	At Intersection of
Clinton Road	North	Russell Street
Cochrane Street	North and south	Boardman Avenue
Cochrane Street	North and south	Glendale Avenue
Cochrane Street	North and south	Pearl Street
Cochrane Street	South	Howard Street
Corey Street	North	Grove Street
Cottage Street	North	Foster Street, West
Cottage Street	North	Wyoming Avenue, West
Cottage Street	South	Russell Street
Country Club Road	—	Larchmont Road (four-way stop)
Crystal Street	North	Melrose Street
Cumner Avenue	South	Beech Avenue (five-way stop)
Damon Avenue	—	Boardman Avenue (four-way stop)
Damon Avenue	—	Glendale Avenue (four-way stop)
Damon Avenue	East	Cochrane Street
Damon Avenue	North	Bay State Road (three-way stop)
Dell Avenue	North and south	Foster Street, East
Dyer Avenue	North and south	Warwick Road
Echo Street	East and west	Beacon Street
Echo Street	West	Whitman Avenue
Emerson Street, East	—	Bellevue Avenue (four-way stop)
Emerson Street, West	West	Tremont Street and Essex Street (three-way stop)
Elm Street	North	Howard Street
Essex Street	—	Myrtle Street (four-way stop)
Essex Street	North	Emerson Street, West and Tremont Street (three-way stop)
Faxon Street	North	Grove Street
First Street	—	Highview Avenue (four-way stop)
Florence Street	North	Foster Street, West
Florence Street	North	Wyoming Avenue, West

Name of Street	Direction of Travel	At Intersection of
Foster Street, East	—	Gooch Street (three-way stop, east and west on Foster Street and north on Gooch Street)
Foster Street, East	—	Highview Avenue (four-way stop)
Foster Street, East	—	Larrabee Street (four-way stop)
Foster Street, East	—	Sixth Street (four-way stop)
Foster Street, East	East and west	Waverly Avenue
Foster Street, West	—	Myrtle Street (four-way stop)
Garland Street	North	Wyoming Avenue
Glendale Avenue	—	Damon Avenue (four-way stop)
Gooch Street	—	Laurel Street (four-way stop)
Gooch Street	North	First Street
Gooch Street	North	Foster Street, East (three-way stop)
Gooch Street	South	Grove Street
Goss Avenue	North and south	Beech Avenue
Granite Street	North and south	Beech Avenue
Green Street	Northwest	Howard Street, at northwest corner of traffic island
Greenwood Street	South	Franklin Street
Grove Street	—	Swains Pond Avenue (four-way stop)
Grove Street	West	Berwick Street
Hesseltine Avenue	South	Howard Street
Highland Avenue, East	West	Main Street
Highland Avenue, West	East	Main Street
Highland Avenue, West	West	Ashland Street
Highview Avenue	—	Foster Street, East (four-way stop)
Highview Avenue	North and south	First Street
Hillside Avenue	North and south	Emerson Street, East
Howard Street	Northeast	Howard Street (sign located opposite northeast corner of traffic island)
Hurd Street	East and west	Cottage Street

Name of Street	Direction of Travel	At Intersection of
Hurd Street	East and west	Trenton Street (three-way stop)
Indian Hill Lane	West	Porter Street
Kimball Court	West	Myrtle Street
Kingsley Avenue	East	Main Street
Kingsley Avenue	West	Derby Road
Larchmont Road	---	Country Club Road (four-way stop)
Larrabee Street	---	Foster Street, East (four-way stop)
Larrabee Street	---	Laurel Street (four-way stop)
Larrabee Street	South	Grove Street
Laurel Street	---	Gooch Street (four-way stop)
Laurel Street	---	Larrabee Street (four-way stop)
Laurel Street	---	Sixth Street (four-way stop)
Laurel Street	East and west	Waverly Avenue, Slayton Road and Sycamore Road (five-way stop)
Laurel Street	West	Lebanon Street
Ledgewood Avenue	East	Main Street
Ledgewood Avenue	West	Derby Road
Lincoln Street	---	Porter Street (four-way stop)
Linwood Avenue	---	Lynde Street and Malverne Street (four-way stop)
Linwood Avenue	North	Grove Street
Linwood Avenue	South	Sylvan Street
Lodge Avenue	East	Main Street
Lodge Avenue	West	Derby Road
Lynde Street	East	Lebanon Street
Lynde Street	East	Linwood Avenue and Malverne Street (four-way stop)
Lynde Street	West	Main Street
Malvern Street	East and west	Lebanon Street
Malvern Street	West	Linwood Avenue and Lynde Street (four-way stop)
Marmion Road	South	Porter Street
Melbourne Avenue	---	Wyoming Avenue, West
Melrose Street	---	Tremont Street (four-way stop)
Melrose Street	---	Vinton Street (four-way stop)
Melrose Street	East and west	Warren Street

Name of Street	Direction of Travel	At Intersection of
Meridian Street	North	Grove Street
Meridian Street	North and south	Beech Avenue
Mount Vernon Street	West	Main Street
Myrtle Street	—	Essex Street (four-way stop)
Myrtle Street	—	Foster Street, West (four-way stop)
Myrtle Street	North	Emerson Street, West
Mystic Avenue	South	Gibbons Street
Nelson Road	—	Clifford Street (four-way stop)
Nelson Road	North	Howard Street
Nelson Terrace	North	City Hall Plaza parking lot
Orris Street	South	Warwick Road and Vinton Street
Park Street	East and west	Lebanon Street
Pearl Street	East and west	Damon Avenue
Penney Road	West	Swains Pond Avenue
Perkins Street	—	Warwick Road (four-way stop)
Pleasant Street	North	West Wyoming Avenue
Poplar Street	North	Emerson Street, West
Porter Street	—	Bellevue Avenue (four-way stop)
Porter Street	—	Lincoln Street (four-way stop)
Ravine Road	East	Wyoming Avenue, West
Rockview Avenue	East	Mt. Vernon Avenue
Rowe Street	North and south	Emerson Street, East
Rowe Street	South	Porter Street
Ruggles Street	South	Howard Street
Russell Street	East and west	Trenton Street
Sanford Street	—	Cleveland Street (three-way stop, east and west on Sanford Street and south on Cleveland Street)
Sanford Street	West	Maple Street
Sargent Street	North	Briggs Street
Sargent Street	North and south	Highland Avenue, West
School Street	North	Porter Street

Name of Street	Direction of Travel	At Intersection of
Sheffield Road	—	Ardsmoor Road (four-way stop)
Sheffield Road	North	Porter Street
Sheffield Road	South	Woodcrest Drive
Sixth Street	—	Foster Street, East (four-way stop)
Sixth Street	—	Grove Street and Swains Pond Avenue (four-way stop)
Sixth Street	—	Laurel Street (four-way stop)
Sixth Street	North	First Street
Slayton Road	—	Laurel Street, Waverly Avenue and Sycamore Road (five-way stop)
Spear Street	North	Park Street
Stillman Road	West	Slayton Road
Stone Place	East	Pleasant Street
Stratford Road	North and south	Emerson Street, East
Summer Street	North and south	Lynde Street
Summer Street	South	Lynde Street
Summer Street	South	Wyoming Avenue, East
Swains Pond Avenue	—	Grove Street and Sixth Street (four-way stop)
Swains Pond Avenue	North and south	Beech Avenue and Cumner Avenue (five-way stop)
Swains Pond Avenue	South	Penney Road
Sycamore Road	—	Laurel Street, Waverly Avenue and Slayton Road (five-way stop)
Sylvan Street	East	Lebanon Street
Sylvan Street	West	Derby Road
Tappan Street	North	Maple Street
Tappan Street	North and south	Sanford Street
Tremont Street	—	Melrose Street (four-way stop)
Tremont Street	North	Franklin Street
Tremont Street	South	Emerson Street, West, and Essex Street (three-way stop)
Trenton Street	North and south	Wyoming Avenue, West

Name of Street	Direction of Travel	At Intersection of
Trenton Street	South	Hurd Street (three-way stop)
Trenton Street	South	Washington Street
Vinton Street	—	Melrose Street (four-way stop)
Vinton Street	North	Warwick Road and Vinton Street
Vinton Street	North and south	Emerson Street, West
Vinton Street	South	Maple Street and Foster Street, West
Walton Park	North	Franklin Street
Walton Park	North and south	Orris Street
Warwick Road	—	Perkins Street (four-way stop)
Washington Street	South	Pleasant Street
Waverly Avenue	—	Laurel Street, Slayton Road and Sycamore Road (five-way stop)
Waverly Avenue	North	Upham Street
Waverly Place	North	Wyoming Avenue, West
Wheeler Avenue	North and south	Beech Avenue
Whitman Avenue	—	Beech Avenue (four-way stop)
Whitman Avenue	North	Grove Street
Whittier Street	North and south	Baxter Street
Whittier Street	South	Wyoming Avenue, West
Willow Street	North and south	Essex Street
Willow Street	South	Foster Street, West
Winter Street	West	Dell Avenue
Woodruff Avenue	East	Main Street
Woodruff Avenue	West	Derby Road
Youle Street	East and West	Lynn Fells Parkway

(Rev. Ords. 1976, § 12-73; Ord. No. 370, 6-6-1983; Ord. No. 549, 9-19-1983; Ord. No. 1030, 4-16-1985; Ord. No. 1032, 4-16-1985; Ord. No. 968, 12-16-1985; Ord. No. 1325, 3-3-1986; Ord. No. 1398, 5-19-1986; Ord. No. 1496, 1-5-1987; Ord. No. 1777, 9-21-1987; Ord. No. 1790, 10-5-1987; Ord. No. 1791, 10-5-1987; Ord. No. 1834, 2-1-1988; Ord. No. 1902A, 2-1-1988; Ord. No. 1809, 2-16-1988; Ord. No. 1810, 2-16-1988; Ord. No. 1960, 6-6-1988; Ord. No. 2155, 10-3-1988; Ord. No. 1961, 10-17-1988; Ord. No. 2116, 10-17-1988; Ord. No. 2181, 11-14-1988; Ord. No. 2248, 4-18-1989; Ord. No. 90-63, 10-16-1989; Ord. No. 90-64, 10-16-1989; Ord. No. 90-43, 1-16-1990; Ord. No. 90-61A, 2-5-1990; Ord. No. 90-62A, 2-5-1990; Ord. No. 90-43C, 2-20-1990; Ord. No. 91-214, 4-16-1991; Ord. No. 91-89, 12-3-1990; Ord. No. 91-154, 2-4-1991; Ord. No. 91-214, 4-16-1991; Ord. No. 91-265, 12-16-1991; Ord. No. 92-47A, 1-21-1992; Ord. No. 93-54, 9-21-1992; Ord. No. 94-16, 9-20-1993; Ord. No. 94-186, 2-22-1994; Ord. No. 94-232, 4-19-1994; Ord. No. 94-307, 5-16-1994; Ord. No. 95-11, 8-15-1994; Ord. No. 95-53A, 2-6-1995; Ord. No. 95-153, 2-6-1995; Ord. No. 95-174, 2-21-1995; Ord. No. 96-376A, 10-21-1996; Ord. No. 97-83, 11-7-1996; Ord. No. 97-63A, 1-6-1997; Ord. No. 97-98A, 9-15-1997; Ord. No. 97-267A, 9-15-1997; Ord. No. 97-357A, 9-15-1997; Ord. No. 97-358A, 9-15-1997; Ord. No. 98-134, 12-15-1997; 12-16-1998; 3-16-1999; Ord. No. 99-222, 4-20-1999; 4-21-1999; 7-28-1999; 7-19-2000; 10-18-2000; 2-13-2002; 1-15-2003; Ord. No. TC 04-146, 5-18-2005; Ord. No. TC 06-003, 4-19-2006; Ord. No. TC 08-008, 10-15-2008; Ord. No. TC 09-001, 1-21-2009; Ord. No. TC 09-009, 2-18-2009; Ord. No. TC 09-020, 9-23-2009)

§ 220-108. Schedule II, One-Way Streets.

Name of Street	Location	Direction of Travel
Belmont Street	From Franklin Street to Melrose Street	Southerly
Berwick Street	From Foster Street, West, to Wyoming Avenue, West	Southerly
Brunswick Park	From Vinton Street to Melrose Street	Easterly and northerly
Burrell Street	From Lincoln Street to Lynn Fells Parkway	Westerly
Cedar Park	From Emerson Street, West, at Melrose Depot to the point where Cedar Park turns in a westerly direction	Southerly
Cerretani's Way	From Essex Street to Dill's Court Parking Lot	Southerly
Cleveland Street	From Maple Street to the northwest corner of Baxter Street	Southerly

Name of Street	Location	Direction of Travel
Corey Street	From Wyoming Avenue, West, to Grove Street	Northerly
Cottage Street	From Wyoming Avenue, West, to Foster Street, West	Northerly
Crystal Street	From Main Street to Melrose Street	Northerly
Damon Avenue	From Glendale Avenue to Ruggles Street, 7:00 a.m. to 3:30 p.m. Monday through Friday (except for emergency vehicles)	Southerly
Day Street	From Ashland Street to Albion Street	Easterly
Derby Road and Waverly Place	From Sylvan Street to Wyoming Avenue, West	Northerly
Dill's Court	From Foster Street, West, to Dill's Court Parking Lot	Northerly
Ellsworth Avenue	From Tremont Street to Ashland Street	Easterly
Essex Street	From Main Street to Myrtle Street	Westerly
Faulkner Place	From Main Street to the Larrabee Place Parking Lot/Area	Westerly
First Street	From Ashcroft Road to Geneva Road 7:00 a.m. to 3:30 p.m. Monday through Friday (except emergency vehicles)	Westerly
Florence Street	From Wyoming Avenue, West, to Foster Street, West	Northerly
Gooch Street	From Foster Street, East to Upham Street	Northerly
Green Street, south end	From Main Street northeasterly counterclockwise around traffic island, then southwesterly to Main Street	—
Herbert Street	From Berwick Street to Myrtle Street	Easterly
Highland Avenue West	From Ashland Street to Chipman Avenue	Westerly
Holland Road	From Emerson Street, West, to Lynn Fells Parkway	Northerly and westerly
Hopkins Street	From Forest Street to Lebanon Street 7:00 a.m. to 3:30 p.m. Monday through Friday (except for emergency vehicles)	Northerly and westerly

Name of Street	Location	Direction of Travel
Howie Street	From Highland Avenue, West, to Franklin Street	Southerly
Kimball Court	From the Dill's Court Parking Lot/ Area to Myrtle Street	Westerly
Lake Avenue	From Emerson Street, West, to Tremont Street (except for emergency vehicles)	Northerly and westerly
Larrabee Place	From Main Street to the Larrabee Place Parking Lot/Area	Westerly
Leonard Road	From its westerly intersection with Foster Street, East, to its easterly intersection with Foster Street, East	Southerly, easterly and northerly
Linden Road	From Bellevue Avenue to Lynn Fells Parkway	Easterly
Linden Road	From Green Street to Lynn Fells Parkway	Southeasterly
Linden Road	From Green Street to Main Street	Westerly
Lynde Street	From Linwood Avenue to Lebanon Street	Northeasterly
Myrtle Street	From Grove Street to Foster Street, West	Northerly
Porter Street	From Main Street to Rowe Street	Easterly
Rowe Street	From Porter Street to Emerson Street, East	Southerly
Ruggles Street	From Damon Avenue to Howard Street from 7:30 a.m. to 3:00 p.m. Monday to Friday (except emergency vehicles)	Southerly
Short Street	From Main Street to Green Street	Easterly
Trenton Street	From Foster Street, West, to Wyoming Avenue, West	Southerly
Trenton Street	From Washington Street northeasterly counterclockwise around City park, then southwesterly to Washington Street	---
Waverly Place and Derby Road	From Sylvan Street to Wyoming Avenue, West	Northerly
Winthrop Street	From Main Street to Myrtle Street	Westerly

(Rev. Ords. 1976, § 12-80; Ord. No. 1388, 5-5-1986; Ord. No. 1388A, 9-22-1986; Ord. No. 2163, 1-3-1989; Ord. No. 2164, 1-3-1989; Ord. No. 2206, 4-16-1991; Ord. No. 91-211A, 9-16-1991; Ord. No. 92-160, 1-21-1992; Ord. No. 95-12, 8-15-1994; Ord. No. 96-47, 10-2-1995; 11-18-1998; 1-26-1999; 3-16-1999; 8-15-2001; Ord. No. TC 03-101, 10-22-2003; Ord. No. TC 03-114, 12-17-2003)

§ 220-109. Schedule III, Parking Prohibited on Certain Streets.

Name of Street	Side	Location
Albion Street	Both	From Melrose Street a distance of 50 feet northerly
Albion Street	South	From Day Street to Franklin Street
Altamont Avenue	West	From Upham Street southerly a distance of 50 feet
Ashcroft Road	West	From First Street to Upham Street
Ashland Street	East	From Franklin Street to Highland Avenue, West
Banks Place	Both	From Main Street westerly to MBTA service road
Bay State Road	Both	From Main Street a distance of 50 feet easterly
Bellevue Avenue	Both	From a point 40 feet south of Emerson Street, East, to a point 40 feet north of Emerson Street, East
Bellevue Avenue	East	From Porter Street northerly to the Lynn Fells Parkway
Belmont Street	East	From Franklin Street for a distance of 725 feet southerly
Belmont Street	East	From Melrose Street for a distance of 30 feet northerly
Belmont Street	West	From Melrose Street to Franklin Street
Berwick Street	East	From Grove Street southerly for a distance of 35 feet
Berwick Street	East	From Wyoming Avenue, West, northerly for a distance of 60 feet
Berwick Street	West	From Wyoming Avenue, West, to Foster Street, West, except public parking area between Berwick Street and the railroad tracks
Beverly Street	East and north	From Porter Street to Rowe Street

Name of Street	Side	Location
Beverly Street	West and south	From a point 40 feet south of bend in the street to a point 40 feet west of bend in the street
Boylan Square	All sides of traffic island	At the junction of Howard and Green Streets
Bratley Street	Both	From the northerly line of Lebanon Street northerly to first driveway on both sides of street
Brazil Street	Southeast	From Washington Street southwesterly to the Malden line
Cedar Park	East	From Emerson Street, West, at Melrose Depot, to northerly line of Cedar Park
Cedar Park	South	From Vinton Street easterly to Boston and Maine Railroad
Chipman Avenue	East	From Franklin Street to Highland Avenue, West
Cleveland Street	East	Between Maple Street and Baxter Street
Colby Terrace	Both	From Cedar Park, South, southeasterly to end
Corey Street	East	From Wyoming Avenue, West, to Grove Street
Cottage Street	East	From Wyoming Avenue, West, northerly for a distance of 50 feet (for school buses and fire trucks)
Cottage Street	East	From Wyoming Avenue, West, to Russell Street
Cottage Street	West	From Wyoming Avenue, West, southerly to Alden Street
Crystal Street	West	From Main Street to Lynn Fells Parkway
Damon Avenue	West	From Ruggles Street to Glendale Avenue
Dell Avenue	East	From Foster Street, East, to Upham Street
Eastman Place	North	From Main Street easterly 130 feet
Echo Street	South	From a point 40 feet west of the westerly line of Beacon Street (no parking/standing) easterly to Hoover School entrance (property)

Name of Street	Side	Location
Ellsworth Avenue	North	From Ashland Street to Tremont Street
Ellsworth Avenue	South	From the easterly line of Tremont Street easterly for a distance of 60 feet
Emerson Place	West	From Emerson Street, West, southerly to end
Emerson Street, East	North	From a point 40 feet west of Bellevue Avenue easterly to a point 40 feet east of Bellevue Avenue
Emerson Street, East	North	From the easterly line of Lebanon Street easterly for a distance of 60 feet
Emerson Street, East	North	From the easterly line of Main Street easterly for a distance of 70 feet
Emerson Street, East	South	From Main Street east to a point 40 feet east of Bellevue Avenue
Emerson Street, West	North	From Main Street a distance of 125 feet westerly
Emerson Street, West	South	From the westerly line of Essex Street to the easterly line of Cedar Park at the Melrose Railroad Station
Emerson Street, West	South	From Main Street westerly to a point 175 feet east of the easterly line of Essex Street
Essex Street	Both	From the easterly line of Myrtle Street easterly for a distance of 30 feet
Essex Street	North	From Main Street westerly for a distance of 65 feet
Essex Street	North and east	From Willow Street westerly and northerly to Emerson Street, West
Essex Street	South	From Myrtle Street to a point 79 feet west of the westerly line of Willow Street
Essex Street	South	From Myrtle Street a distance of 30 feet easterly
Essex Street	West	From Emerson Street, West, a distance of 300 feet southerly
Farwell Avenue	West	From a point about 80 feet north of Green Street for a distance of about 130 feet northerly

Name of Street	Side	Location
Felton Place	West	From Upham Street northerly to the end of Felton Place
Fields Court	South	From Main Street easterly for a distance of 120 feet
First Street	North	From a point 40 feet east of a point opposite the easterly line of Sixth Street westerly to a point 40 feet west of a point opposite the westerly line of Sixth Street
Florence Street	East	From Wyoming Avenue, West, to Foster Street, West
Florence Street	West	From Chester Street to Wyoming Avenue, West
Florence Street	West	From Foster Street, West, 180 feet southerly
Foster Street, East	Both	From Lebanon Street a distance of 50 feet in a westerly direction
Foster Street, East	Both	From Main Street easterly to its easterly intersection with Leonard Road
Foster Street, East	North	From the easterly line of Larrabee Street easterly for a distance of 60 feet
Foster Street, East	North	From Sixth Street to Waverly Avenue
Foster Street, East	South	From a point opposite the center line of the fire station easterly for a distance of 150 feet and westerly for a distance of 150 feet, for a total of 300 feet
Foster Street, East	South	From the easterly line of Larrabee Street easterly for a distance of 25 feet
Foster Street, West	North	From the westerly side of the driveway entrance (also known as "Dill's Court") to the Dill's Court Municipal Parking Lot/Area westerly for a distance of 75 feet to an entrance/exit to the same parking lot/area, to provide for 3 police vehicles only

Name of Street	Side	Location
Foster Street, West	North	From the westerly edge of the railroad tracks westerly for a distance of 130 feet; and from a point 20 feet east of the Beebe School parking area entrance westerly to Vinton Street; and from a point opposite the center line of Trenton Street easterly for a distance of 140 feet, to include an area for a drop-off zone (no parking/standing)
Foster Street, West	North	No parking/standing, drop-off zone adjacent to the easterly property line of the Beebe School, approximately 80 feet in length
Foster Street, West	South	Between west side of Cottage Street and east side of Florence Street
Foster Street, West	South	From Main Street westerly for a distance of 40 feet
Foster Street, West	South	From point 136 feet west of Main Street westerly to Myrtle Street
Foster Street, West	South	From point 73 feet west of Railroad Crossing to Cottage Street
Franklin Street	North	From Apthorp Road to a point 100 feet east of Apthorp Road
Franklin Street	North	From 100 feet west of Botolph Street westerly 120 feet
Franklin Street	North	From Main Street westerly to a point 30 feet west of the westerly line of Howie Street
Franklin Street	North	From Marvin Road to a point 85 feet west of Marvin Road
Franklin Street	South	From Ashland Street to Tremont Street
Franklin Street	South	From Belmont Street to a point 75 feet east of Belmont Street
Franklin Street	South	From Ferdinand Street to a point 170 feet west of Belmont Street
Franklin Street	South	From the westerly line of Greenleaf Place westerly for a distance of 85 feet to the westerly lot (property) line of No. 92.

Name of Street	Side	Location
Franklin Street	South	From Main Street westerly to a point 10 feet west of the Franklin School's property line
Franklin Street	South	From the Melrose/Stoneham line easterly to a point 170 feet west of Belmont Street
Gooch Street	East	Between Foster Street, East, and Upham Street (on-street parking allowed along westerly side)
Gooch Street	West	Beginning at the southerly side of Upham Street and extending southerly a distance of 20 feet
Greenleaf Place	Both	From the southerly line of Franklin Street southerly and westerly to the end of the street
Green Street	East	From Lynn Fells Parkway to Linden Road, except Sundays and legal holidays
Green Street	East	From Lynn Fells Parkway southwesterly to Main Street
Green Street	North	From Main Street, at Franklin Square, easterly for a distance of 120 feet (tow zone)
Green Street	South	From Main Street, at Franklin Square, easterly for a distance of 85 feet
Green Street	West	From the southerly line of Linden Road southwesterly to Main Street
Greenwood Street	Both	From Franklin Street a distance of 80 feet northerly
Grove Street	North	From Berwick Street to Faulkner Place (no parking or standing)
Grove Street	North	From Main Street a distance of 450 feet easterly
Grove Street	North	From the westerly line of Main Street westerly for a distance of 85 feet
Grove Street	North	From Main Street easterly to the westerly driveway of the Friends Court Municipal Parking Lot/Area; right lane for right turn only; no parking or standing (tow zone)

Name of Street	Side	Location
Grove Street	South	From the easterly line of Berwick Street 40 feet easterly
Grove Street	South	From Corey Street easterly to Grove Place
Herbert Street	South	From Berwick Street to Myrtle Street
Hesseltine Avenue	East	From Howard Street northerly to Glendale Avenue
Highland Avenue, West	South	From Ashland Street to Chipman Avenue
High Street, North	North	From a point 275 feet east of Vinton Street easterly for a distance of 75 feet
High Street, North	South	From High Street, South, to Vinton Street
High Street, South	East and south	From the south side of High Street, North, southerly and westerly for a distance of 190 feet
High Street, South	North and west	From Vinton Street to High Street, North
Hillcrest Avenue	East	From Upham Street to Enmore Road
Hillside Avenue	East and south	From Upham Street to Bellevue Avenue
Hillside Avenue	West and north	From the point in the bend of the road near the Bellevue Avenue end of Hillside Avenue for a distance of 60 feet southerly and 60 feet easterly for a total distance of 120 feet
Hurd Street	North or northeast	From the easterly end of Circuit Street northwesterly for a distance of 120 feet
Hurd Street	Southwest	From Wyoming Avenue, West, northwesterly to Florence Street
Lake Avenue	West and south	From Emerson Street, West, north and west to Tremont Street
Larrabee Street	Both	From the northerly line of Foster Street, East, to a point 70 feet north of Foster Street, East
Larrabee Street	East	From Foster Street, East, 140 feet southerly
Larrabee Street	West	From the southerly line of Foster Street, East, to a point 85 feet south of Foster Street, East

Name of Street	Side	Location
Laurel Street	Both	From the easterly line of Sixth Street easterly for a distance of 50 feet
Laurel Street	North	From Sixth Street to Larrabee Street
Laurel Street	North and south	From the westerly line of Larrabee Street westerly for a distance of 45 feet
Laurel Street	South	From the easterly line of Larrabee Street easterly for a distance of 125 feet to the easterly lot line of No. 93 Laurel Street (fire lane)
Lebanon Street	Both	From a point 140 feet south of Sylvan Street to a point 140 feet north of Sylvan Street
Lebanon Street	East	From Beech Avenue northerly to Malvern Street
Lebanon Street	East	From Laurel Street to a point 335 feet north of the northerly line of Emerson Street, East
Lebanon Street	East	Starting from the intersection with Park Street for a distance of approximately 50 feet south ("No Parking" sign on Lebanon Street when approaching Park Street)
Lebanon Street	East	From a point 150 feet south of Porter Street northerly to Porter Street (no parking or standing; tow zone)
Lebanon Street	North	From Malden line to Bratley Street
Lebanon Street	Northeast	From Forest Street southeasterly for a distance of 80 feet
Lebanon Street	South	From Malden line to a point opposite the westerly line of Bratley Street
Lebanon Street	West	From Emerson Street, East, northerly to Main Street
Lebanon Street	West	From Park Street to Malvern Street
Leonard Road	East, north and west	Beginning at the southeasterly corner of Foster Street, East, at the westerly entrance of Leonard Road on Foster Street, East, to the southwesterly corner of Foster Street, East, at the easterly entrance of Leonard Road on Foster Street, East

Name of Street	Side	Location
Leonard Road	West and south	Beginning at the southwesterly corner of Foster Street, East, at the westerly entrance of Leonard Road on Foster Street, East, for a distance of 170 feet southerly and easterly
Leonard Road	South and east	From a point 50 feet west of the easterly bend of Leonard Road to a point 50 feet north of the easterly bend of Leonard Road (first left turn is westerly bend and second left turn is easterly bend)
Linden Road	South	From Green Street westerly to Main Street
Linden Road	South	From the easterly line of Green Street easterly to the westerly line of Bellevue Avenue
Linwood Avenue	Both	From a point 25 feet south of the southerly line of Lynde Street northerly to Lynde Street
Linwood Avenue	West	From Summer Street to Grove Street
Lynde Avenue	East	For distance of 155 feet southerly from Wyoming Avenue, West
Lynde Avenue	West	For distance of 110 feet southerly from Wyoming Avenue, West
Lynde Street	North	From Main Street easterly to Linwood Avenue
Lynde Street	South	From Linwood Avenue to Lebanon Street
Lynde Street	South	From Main Street a distance of 166 feet easterly
Main Street	East	From a point 40 feet south of a point opposite the southerly line of Banks Place northerly to a point 190 feet north of the northerly line of Sylvan Street
Main Street	East	From a point opposite the northerly line of Banks Place a distance of 350 feet northerly
Main Street	East	From a point opposite the center line of the Central Fire Station a distance of 80 feet north and 80 feet south for a total of 160 feet (fire lane; no parking/standing; tow zone)

Name of Street	Side	Location
Main Street	East	From Foster Street, East, northerly to Central Terrace, also a distance of 40 feet in front of the YMCA to be used for a drop-off only for YMCA users (no parking/standing or stopping to pick up YMCA users)
Main Street	East	From Green Street to a point 80 feet south of Green Street
Main Street	East	From a point 20 feet north of the southerly intersection of Green Street southerly to a point 260 feet south of the westerly line of Lebanon Street
Main Street	East	From Ingalls Court northerly to a point 35 feet north of the northerly line of Emerson Street, East
Main Street	East	From the Malden line northerly for a distance of about 500 feet
Main Street	East	From the southerly line of Mount Vernon Street southerly for a distance of 25 feet
Main Street	East	From a point 42 feet south of the southerly line of Short Street northerly to Linden Road
Main Street	East	From a point 280 feet south of Sylvan Street to a point 190 feet north of Sylvan Street
Main Street	East	From the northerly line of Upham Street northerly for a distance of 45 feet
Main Street	East	From a point 40 feet north of the northerly line of Wyoming Avenue, East, south to a point until about 150 feet south of the southerly line of Wyoming Avenue, East
Main Street	West	From a point 40 feet south of the southerly line of Banks Place northerly to the southerly line of Ledgewood Avenue

Name of Street	Side	Location
Main Street	West	From a point 24 feet south of the south driveway exit of the City Hall Plaza parking area/lot northerly to a point 20 feet north of the north driveway entrance to the City Hall Plaza parking area/lot
Main Street	West	From a point 480 feet south of the southerly line of Crystal Street northerly to a point 145 feet north of the northerly line of Crystal Street
Main Street	West	From a point 40 feet south of the southerly line of Emerson Street, West, northerly to a point 80 feet north of the northerly line of Emerson Street, West
Main Street	West	From a point 40 feet south of the southerly line of Essex Street northerly to a point 88 feet north of the northerly line of Essex Street
Main Street	West	From the southerly line of Foster Street, West, southerly for a distance of 40 feet and northerly to a point 80 feet north of the northerly line of Foster Street, West
Main Street	West	From the northerly line of Franklin Street northerly for a distance of 80 feet
Main Street	West	From the southerly line of Franklin Street southerly for a distance of 125 feet
Main Street	West	From the southerly line of Grove Street southerly for a distance of 75 feet and from Grove Street northerly to Faulkner Place
Main Street	West	From the southerly line of Highland Avenue, West, southerly for a distance of 60 feet
Main Street	West	From the Lynn Fells Parkway northerly to the property line between the C.J. McCarthy House at No. 910 Main Street and the Franklin School
Main Street	West	From 100 feet northerly from the Malden line for a distance of 375 feet

Name of Street	Side	Location
Main Street	West	From Melrose Street to the Lynn Fells Parkway
Main Street	West	From the southerly line of Wyoming Avenue, West, southerly for a distance of 40 feet
Malvern Street	North	From Lebanon Street to Linwood Avenue
Malvern Street	North	From Lynde Street for a distance of 60 feet easterly
Malvern Street	South	From the easterly line of Linwood Avenue easterly for a distance of 50 feet
Marvin Road	East and south	From Franklin Street for a distance of 95 feet northerly
Marvin Road	East and south	From Franklin Street northerly and easterly to Chipman Avenue
Marvin Road	West and north	From Franklin Street northerly and easterly to Richardson Road
Melrose Street	North	From a point 25 feet west of the westerly line of Belmont Street easterly to a point 20 feet east of the easterly side of the railroad bridge
Melrose Street	North	From the Lynn Fells Parkway westerly to the exit driveway of the Towers Shopping Plaza parking lot
Melrose Street	North	From a point 33 feet west of the westerly line of Tremont Street easterly to a point 47 feet east of the easterly line of Tremont Street
Melrose Street	South	From a point opposite the westerly line of Ashland Street easterly to the Lynn Fells Parkway
Melrose Street	South	From a point 25 feet west of the westerly line of Brunswick Park easterly to the driveway of the fire station (to include the 10-foot restriction of the fire hydrant at this location)
Melrose Street	South	From Lynn Fells Parkway to Main Street

Name of Street	Side	Location
Melrose Street	South	From a point 38 feet west of the westerly line of Tremont Street easterly to a point 44 feet east of the easterly line of Tremont Street
Morgan Street	South	From Briggs Street to Main Street
Mount Vernon Avenue	East	From Mount Vernon Street southerly to Boston Rock Road
Mount Vernon Avenue	West	From the southerly line of Mount Vernon Street southerly for a distance of 25 feet
Mount Vernon Street	North	From Main Street to Chestnut Street
Mount Vernon Street	South	From the easterly line of Main Street easterly for a distance of 25 feet
Mount Vernon Street	South	From a point 25 feet west of the westerly line of Mount Vernon Avenue easterly to a point 25 feet east of the easterly line of Mount Vernon Avenue
Myrtle Street	East	From the southerly line of Emerson Street, West, southerly for a distance of 40 feet
Myrtle Street	East	From Foster Street, West, to Essex Street
Myrtle Street	East	From the southerly line of Foster Street, West, southerly for a distance of 30 feet
Myrtle Street	East	From the northerly line of Grove Street northerly for a distance of 30 feet
Myrtle Street	West	From Grove Street to Emerson Street, West
Nason Drive	Both	From Greenwood Street easterly to the driveway of the Steele House apartment building
Norman Road	West	From Porter Street to Hillcrest Avenue
Orris Place	Both	From the southerly end of Orris Place northerly for a distance of 35 feet
Pearl Street	South	From Main Street easterly to Damon Avenue

Name of Street	Side	Location
Perkins Street	Northeast	From a point 65 feet west of Warwick Road easterly to a point 70 feet east of Warwick Road
Perkins Street	Southwest	From a point 65 feet west of Warwick Road easterly to a point 65 feet east of Warwick Road
Pleasant Street	Both	From Washington Street to Stone Place
Pleasant Street	East	From Everett Street to Wyoming Avenue, West
Pleasant Street	East	From a point opposite the southerly line of Gould Street northerly to Wyoming Avenue, West
Pleasant Street	East	From Wyoming Avenue, West, for a distance of 30 feet southerly
Pleasant Street	West	From a point 120 feet north of the northerly line of Everett Street southerly to a point 85 feet south of the southerly line of Everett Street
Poplar Street	East	From Emerson Street, West, to junction of Prospect Street
Porter Street	North	From Bellevue Avenue to Linden Road
Porter Street	North	From Main Street easterly to Linden Road
Porter Street	South	From Bellevue Avenue to Orient Avenue
Porter Street	South	From Main Street easterly for a distance of 80 feet
Porter Street	South	From a point 75 feet west of Rowe Street easterly to Orient Avenue
Pratt Street	West	From Franklin Street to Highland Avenue, West
Rowe Street	East	From Emerson Street, East, southerly to Upham Street
Rowe Street	East	From a point 50 feet north of the northerly line of Porter Street southerly to a point 50 feet south of the southerly line of Porter Street
Rowe Street	West	From Green Street southerly to Emerson Street, East

Name of Street	Side	Location
Ruggles Street	North	From Damon Avenue westerly 167 feet
Ruggles Street	South	From Damon Avenue westerly 130 feet
Short Street	South	From Main Street to Green Street
Sixth Street	Both	At First Street (40 feet from either side of the intersection)
Sixth Street	East	From First Street southerly to Foster Street, East (no parking or standing)
Sixth Street	East	From Foster Street, East, southerly to a point 25 feet south of the southerly line of Foster Street, East
Sixth Street	East	From Laurel Street northerly to a point 25 feet north of the northerly line of Laurel Street
Sixth Street	West	From the southerly line of First Street southerly to a point 25 feet south of the southerly line of First Street
Sixth Street	West	From Laurel Street to Foster Street, East
Sixth Street	West	From the northerly line of Foster Street, East, northerly to a point 50 feet north of the northerly line of Foster Street, East (fire lane)
Stillman Road	North	From easterly intersection of Slayton Road approximately 400 feet easterly from a point opposite the 400-foot mark approximately 265 feet in a westerly direction
Stone Place	Both	From Washington Street easterly to Pleasant Street
Swains Pond Avenue	Both	From a point 100 feet south of Penney Road easterly and northerly to Mill Road
Sylvan Street	Both	From the easterly line of Main Street easterly to a point 70 feet east of the easterly line of Main Street
Sylvan Street	North	From Main Street to a point 70 feet easterly
Sylvan Street	South	From Main Street to a point 70 feet westerly

Name of Street	Side	Location
Tremont Street	Both	From a point 75 feet south of the southerly line of Ellsworth Avenue, and the southerly line of Ellsworth Avenue extended, northerly to Franklin Street
Tremont Street	East	From the northerly line of Emerson Street, West, northerly for a distance of 130 feet
Tremont Street	East	From a point 72 feet north of the northerly line of the Lynn Fells Parkway southerly to a point 50 feet south of the southerly line of the Lynn Fells Parkway
Tremont Street	East	From a point 38 feet north of the northerly line of Melrose Street southerly to a point 207 feet south of the southerly line of Union Street
Tremont Street	West	From a point 33 feet north of the northerly line of Melrose Street southerly to Emerson Street, West
Trenton Street	East	From Alden Street to Foster Street, West
Upham Street	North	From a point 115 feet east of East Street a distance of 225 feet easterly
Upham Street	North	Westerly from Lebanon Street for 75 feet
Upham Street	North	From the easterly line of Main Street easterly to a point 100 feet east of the easterly line of Main Street
Upham Street	South	From the westerly line of Altamont Avenue westerly to a point 50 feet west of the westerly line of Altamont Avenue
Upham Street	South	From Main Street to Lebanon Street
Vine Street	North	From Myrtle Street to Essex Street
Vine Street	South	From the easterly line of Essex Street for a distance of 75 feet easterly
Vine Street	South	From a point 20 feet west of the westerly line of Willow Street easterly to a point 65 feet east of the easterly line of Willow Street (fire lane)

Name of Street	Side	Location
Vinton Street	East	From Franklin Street a distance of 70 feet southerly
Vinton Street	West	From Melrose Street to Franklin Street
Vinton Street	West	From Melrose Street to Orris Street
Walnut Street	Both	From Lynde Street to Grove Street
Warwick Road	East	From Youle Street southerly 200 feet
Warwick Road	Northwest	From a point 65 feet south of Perkins Street northerly to a point 70 feet north of Perkins Street
Warwick Road	Southeast	From a point 65 feet south of Perkins Street northerly to a point 65 feet north of Perkins Street
Washington Street	East	From the Malden-Melrose line to Stone Place
Washington Street	West	From a point 130 feet south of Brazil Street northerly to Goodyear Avenue
Waverly Place	East and West	From the intersection of Wyoming Avenue, West, approximately 200 feet back
Willow Street	East	From Cherry Street northerly to Essex Street
Willow Street	East	From Essex Street northerly to Vine Street
Willow Street	West	From Foster Street, West, to Vine Street
Windsor Street	Both	From the southerly line of Stanley Street southerly to the northerly property line of No. 12 Windsor Street
Winter Street	North	From Lebanon Street westerly to Dell Avenue
Winthrop Street	Both	From Main Street to Myrtle Street
Wyoming Avenue, East	North	From Main Street for a distance of 140 feet easterly
Wyoming Avenue, West	Both	From Main Street for a distance of 55 feet westerly
Wyoming Avenue, West	North	From Lynde Street to Melbourne Avenue
Wyoming Avenue, West	North	From Trenton Street westerly for a distance of 50 feet

Name of Street	Side	Location
Wyoming Avenue, West	South	From Florence Street to Stoneham town line
Wyoming Avenue, West	South	From Pleasant Street to Florence Street

(Rev. Ords. 1976, § 12-21; Ord. No. 20584, 3-17-1980; Ord. No. 20596, 8-18-1980; Ord. No. 21026, 8-17-1981; Ord. No. 460, 5-16-1983; Ord. No. 708, 3-19-1984; Ord. No. 950, 2-19-1985; Ord. No. 1179, 10-7-1985; Ord. No. 1180, 10-7-1985; Ord. No. 1181, 10-7-1985; Ord. No. 1182, 10-7-1985; Ord. No. 1099, 12-16-1985; Ord. No. 1222, 3-3-1986; Ord. No. 1271, 3-3-1986; Ord. No. 1362, 4-7-1986; Ord. No. 1775, 10-5-1987; Ord. No. 1963, 2-16-1988; Ord. No. 1962, 10-3-1988; Ord. No. 2425, 11-20-1989; Ord. No. 90-164, 2-20-1990; Ord. No. 90-185, 4-2-1990; Ord. No. 92-362, 12-7-1992; Ord. No. 93-135, 1-19-1993; Ord. No. 97-94, 12-2-1996; Ord. No. 97-349, 6-2-1997; Ord. No. 98-101, 11-10-1997; 11-18-1998; 12-16-1998; 1-26-1999; 2-17-1999; 1-12-2000; 4-19-2000; 6-14-2000; 9-20-2000; 8-15-2001; 9-19-2001; 1-16-2002; 1-15-2003; 4-16-2003; Ord. Nos. TC 04-133, 04-134, 1-19-2005; Ord. No. TC 04-136, 5-18-2005; Ord. No. TC 06-004, 4-19-2006; Ord. No. TC 06-015, 4-18-2007; Ord. No. TC 07-027; 5-21-2008; Ord. No. TC 08-005, 6-18-2008; Ord. No. TC 08-022, 11-19-2008; Ord. No. TC 09-002, 3-18-2009; Ord. No. TC 09-018, 10-21-2009; Ord. No. TC 11-005, 10-20-2010)

Chapter 222

VEHICLES FOR HIRE

GENERAL REFERENCES

Licenses and permits — See Ch. 152.

ARTICLE I
General Provisions

§ 222-1. Terminology.

- A. Every vehicle used or designed to be used for the conveyance of persons for hire from place to place within the City, except a street or elevated railway car or a trackless trolley vehicle within the meaning of MGL c. 163, § 2, or a motor vehicle operated in the manner and for the purposes set forth in MGL c. 159A, or a vehicle hired for a funeral, shall be deemed to be a hackney carriage within the meaning of this chapter.
- B. Unless the context otherwise expressly requires, the words "drive" and "driver" shall be respectively deemed to include "operate" and "operator."
- C. A private hackney stand shall be one established only on private property, and a special hackney stand shall be a portion of a public way authorized to be used by the holder of a license granted under § 222-20 for the parking of vehicles to which such license relates.

State law reference — Common carriers generally, MGL c. 159; carriers of passengers by motor vehicles, MGL c. 159A; municipal authority to regulate carriages and vehicles, MGL c. 40, § 22.

§ 222-2. Appeals. [Added 6-3-1985 by Ord. No. 899; amended 8-21-2017 by Ord. No. 2018-4]

Anyone refused a permit and/or license to operate certain motor vehicles under this chapter may appeal the refusal to grant a permit and/or license by requesting, in writing, a hearing before the licensing authority within 30 days of the refusal.

§ 222-3. Livery service license. [Amended 6-16-2014 by Ord. No. 2014-108]

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

LICENSE/PERMIT AUTHORITY — Melrose Board of Aldermen.

LIVERY VEHICLE — A passenger car, station wagon, van or limousine used for transporting persons and items in their possession for compensation. A livery vehicle is not marked on its exterior with the livery company name or number. Such vehicle does not operate on a fixed route and is hired by means of a telephone request or contract arranged in advance of the time transportation is needed. A vehicle used solely in connection with transportation for funerals shall not be considered a livery vehicle and shall not be subject to the provisions of this section.

- B. Livery service license requirements.

- (1) A livery service shall be subject to the provisions of this section if said livery service:
 - (a) Maintains a place of business within the City of Melrose; and
 - (b) Advertises, in any format or medium, that it provides livery service within the City of Melrose.
- (2) No person or business entity shall, within the City of Melrose, engage in any conduct which would constitute the business of a livery service without a livery service license issued by the Melrose Board of Aldermen. The livery company licensed hereunder is responsible for the conduct and actions of its drivers while operating vehicles owned by the company.
- (3) No vehicle shall be utilized by a livery service unless such vehicle:
 - (a) Is properly registered in accordance with Massachusetts law;
 - (b) Is properly insured or bonded in accordance with Massachusetts law or regulations;
 - (c) Has a valid Massachusetts vehicle inspection sticker; and
 - (d) Has been issued a livery service license by the Melrose Board of Aldermen and displays a livery vehicle permit pursuant to this section.

C. Livery service license.

- (1) Application process. Each applicant for a livery service license shall make application to the City Clerk's office. Such application form shall contain the applicant's identifying information; the proposed location(s) to be used in the operation of the livery service, including place of garaging; the number and type of vehicles the applicant intends to utilize in connection with the livery service; and a written description of the services to be provided under the license. Each applicant must execute a statement, in writing and under the pains and penalties of perjury, that the applicant owes no back taxes, penalties or interest to the Commonwealth of Massachusetts or the City of Melrose.
- (2) Each application must be accompanied by:
 - (a) An application fee of \$100 in the form of a check made payable to the City of Melrose;
 - (b) A yearly renewal fee of 100; each additional vehicle shall cost an additional \$75;
 - (c) A Criminal Offender Record Information (CORI) request form;
 - (d) A copy of the current insurance policy for all vehicles; and

- (e) A copy of the current registration for all vehicles.
- D. Authority of license granting authority. The Board of Aldermen may, within its discretion, deny, grant, amend or modify a livery service license. If granted, such license shall be subject to such conditions or restrictions as may be imposed by the Board of Aldermen. The Board of Aldermen may, for cause and after public hearing, amend or revoke any license that has been granted hereunder.
- E. License.
 - (1) A license granted by the Board of Aldermen shall be issued by the City Clerk. Such license shall specify the name of the service, effective date of the license, expiration date of the license and the conditions or restrictions as imposed by the Board of Aldermen, including the place or places of business, place of garaging, the days and hours of service, the manner by which fares are to be determined, the amount and types of vehicles that may be utilized by the service, and any other specific condition imposed by the Board of Aldermen.
 - (2) All licenses shall expire at 11:59 p.m. on April 30 of the year following issuance. There shall be no prorating of application/license fees. A license shall be nontransferable. A livery service licensee hereunder may apply to the Board of Aldermen for modification or amendment of an existing license. Such application shall be submitted upon the standard application form and must be accompanied by an application fee of \$100.
 - (3) A limousine or livery service must be a separate corporation and/or business entity from any other business(es) or taxicab service(s).
- F. Mandatory reports: automatic suspension of license. The holder of a license to operate a livery service must, within 24 hours of its occurrence, report, on behalf of his/her livery service, the following to the office of the City Clerk:
 - (1) The suspension or revocation of a motor vehicle registration certificate for any vehicle utilized by the service;
 - (2) The cancellation of the service's motor vehicle liability insurance policy or bond; or
 - (3) Suspension or revocation of the permit holder's Massachusetts motor vehicle operator's license, or the suspension or revocation of the permit holder's license or right to operate in any other state.
- G. Suspension or revocation of license. A license to operate or manage a livery service may be suspended or revoked after notice to the holder of such permit and a hearing before the Board of Aldermen. Suspension or revocation is authorized if the Board of Aldermen determines, by a preponderance of the evidence, that the license holder:

- (1) Has knowingly made a false or inaccurate statement on any record or application required by any of the provisions of this section.
 - (2) Is, in any jurisdiction, convicted or subject to a finding of sufficient facts for a finding of guilty in regard to any felony offense.
 - (3) Is, in any jurisdiction, convicted or subject to a finding of guilty in regard to any misdemeanor offense involving assault; assault and battery; threatening; larceny, fraud; prostitution; gaming; illegal sale or distribution of an alcoholic beverage; or a statute or regulation relative to livery services.
 - (4) Has knowingly permitted the operation of a livery vehicle by a person who is not the holder of a valid license to operate a livery vehicle.
 - (5) Has permitted a vehicle, without a livery vehicle license, to be utilized for the transportation of passengers of a livery service.
 - (6) Has knowingly permitted any livery vehicle to be used in the commission or furtherance of any criminal conduct.
 - (7) Has refused to permit any inspection authorized or required by the provisions of this section.
 - (8) Has failed to prepare, maintain or file any report, record or notice required by the provisions of this section.
 - (9) Has engaged in or permitted any conduct that is prohibited by the provisions of this section.
- H. Notice of suspension or revocation. Upon the suspension or revocation of a license to operate or manage a livery service, the Board of Aldermen shall give written notice of such suspension or revocation, and the reason therefor, to the livery service.
- I. Display of notice to passengers. Each livery vehicle shall conspicuously display, on a form to be provided by the Board of Aldermen and in such manner as to be visible to all passengers, the following notice: "This Vehicle Is Owned By: (Name, Address and Phone Number of Livery Service)."
- J. Notice and acknowledgement of section. The Board of Aldermen shall provide each applicant for a license or permit with a copy of this section. Each applicant must acknowledge, in writing, the receipt of the same.
- K. Permit to operate a livery vehicle (drivers) (Chief of Police).
- (1) Application process. Each application for a permit to operate a livery vehicle shall be accompanied by an application/permit nonrefundable fee of \$25, a clear photocopy of the applicant's current active driver's license, a signed CORI request form, and

a signed statement, by the holder of a license to operate a livery service, of the intent to hire the applicant.

- (2) Background check. Upon receipt of an application, a background check and CORI shall be conducted of the applicant by the Chief of Police or his/her designee to determine if the applicant is subject to any of the conditions requiring a denial of the permit.
- (3) Permit to operate a livery vehicle.
 - (a) No person shall operate a livery vehicle without a valid Massachusetts motor vehicle operator's license and a permit to operate a livery vehicle issued by the Chief of Police or his/her designee. The livery company is responsible for conducting periodic inspections of the driver's Massachusetts motor vehicle operator's license and a permit to operate a livery vehicle. It is the company's responsibility to ensure that drivers have their Massachusetts motor vehicle operator's license and a permit to operate a livery vehicle in their possession while driving a livery.
 - (b) The holder of a permit to operate a livery vehicle must, within 24 hours of its occurrence, report the following to the City Clerk's office:
 - [1] Involvement in any motor vehicle accident, whether on or off duty, which resulted in death, bodily injury or property damage exceeding \$1,000.
 - [2] Being arrested, cited or charged with operating under the influence of liquor or drugs, motor vehicle homicide, operating in a race or operating in a negligent or reckless manner, any crime against a person or any felony offense.
 - [3] Suspension or revocation of the permit holder's Massachusetts motor vehicle operator's license, or the suspension or revocation of the permit holder's license or right to operate a motor vehicle in any other state.
- (4) Denial of permit. The Chief of Police or his/her designee may not issue a permit if the applicant is deemed, after an investigation of all facts, including but not limited to the applicant's criminal history, motor vehicle driving history and/or character, to be an unsuitable person to possess such a license.
- (5) Issuance and display of permit. An applicant who is not subject to any of the conditions requiring a denial of a permit shall be issued such permit. Such permit must be displayed, in a place visible to any passenger, in a livery vehicle operated by the permit holder.
- (6) Suspension or revocation of permit. A permit to operate a livery vehicle may be suspended or revoked after notice to the holder of

such permit by the Chief of Police and a hearing before the Board of Aldermen. Suspension or revocation is authorized if the Board of Aldermen determines, by a preponderance of the evidence, that the permit holder is deemed, after an investigation of all facts, including but not limited to the applicant's criminal history, motor vehicle driving history and/or character, to be an unsuitable person to possess such a license.

- (7) Notice of suspension or revocation of permit. Upon the suspension or revocation of a permit to operate a livery vehicle, the Chief of Police shall give written notice of such suspension or revocation, with the reasons therefor, to the holder of the permit to operate or manage a livery service by which the suspended or revoked person is employed.
- (8) Inspection of license and/or permit. The holder of a permit to operate a livery vehicle shall make available, upon demand of any police officer or member of the Board of Aldermen, his/her Massachusetts driver's license and his/her livery permit. Both of these items are required to be on the person while operating a livery vehicle. The operator of a livery vehicle must permit such officer or member to inspect the vehicle to determine its compliance with the provisions of this section.

L. General provisions.

- (1) The owners or drivers of livery car service or livery limousine service shall not solicit passengers on public ways or from hackney stands. Livery service shall not be used as taxicabs and taxicabs shall not be used as livery.
- (2) Notification of change of address. A license holder must give written notice of any change of address, by certified mail, to the City Clerk's office.
- (3) This section shall not apply to any nonprofit corporation, charitable corporation or any governmental organization.

§ 222-4. Hackney stands. [Amended 5-21-2012 by Ord. No. 2012-158]

A holder of a hackney license may occupy as a private stand, subject to general provisions of law, private property in the City, if authorized thereto by the owner, lessee or official representative thereof. Subject to the provisions of Chapter 220, Vehicles and Traffic, of this Code, the Board of Aldermen may designate stands in the public ways which shall be accessible to all licensed hackney carriages, or it may designate such a stand for the use of a particular licensee, in which case the expense of such signs and markings as may be required shall be borne by such licensee in such amount as may be determined by the City Engineer.

§ 222-5. Hours of business.

Every holder of a hackney license shall keep his/her place of business open, with a responsible person in attendance, at all times except between the hours of 1:00 a.m. and 7:00 a.m. and, in case such holder has been authorized to use a private or special hackney stand, shall at such times keep one or more licensed hackney carriages thereon except when all such carriages authorized to be used under his/her license are engaged. Between the hours of 1:00 a.m. and 7:00 a.m. every such licensee shall maintain a telephone connection for emergency calls.

§ 222-6. Fare rate schedule. [Amended 6-2-1980 by Ord. No. 20671; 12-7-1987 by Ord. No. 1905; 7-16-2001 by Ord. No. 01-223; 10-17-2005 by Ord. No. 06-051; 4-22-2008 by Ord. No. 08-215]

The following maximum rates of fare for the transportation of passengers in hackney carriages in the City are hereby established:

- A. The charge for one passenger with hand baggage shall be:
 - (1) For the first 1/8 mile: \$2. **[Amended 10-3-2011 by Ord. No. 12-28]**
 - (2) For each additional 1/8 mile: \$0.50. **[Amended 10-3-2011 by Ord. No. 12-28]**
 - (3) Waiting time per hour: \$26.
- B. For each additional passenger (over three): \$0.25.
- C. Deliveries, packages and bundles: service charge of \$0.25.
- D. Groceries:
 - (1) For each bag carried by driver: \$0.10.
 - (2) For each box carried by driver: \$0.25.
- E. Charges for handling trunks shall be by mutual agreement.
- F. All fares outside City limits shall be by mutual agreement.
- G. Charges for vehicles hired by the hour or for any special occasion shall be subject to mutual agreement.
- H. The hackney carriages are also subject to biannual inspections. **[Amended 8-21-2017 by Ord. No. 2018-4]**

§ 222-7. Taximeters; waiting time.

- A. Every hackney carriage shall have a taximeter of the size and design approved by the Chief of Police which shall be so located as to be easily read by the passenger in the rear seat. After sundown the face of every taximeter shall be illuminated by a suitable light so arranged as to

throw a steady light thereon. No vehicle shall be licensed as a hackney carriage until the taximeter attached thereto shall have been officially approved. **[Amended 8-21-2017 by Ord. No. 2018-4]**

- B. Waiting time shall include all time during which the vehicle is not in motion, beginning after its arrival at the place to which it has been called and the party engaging the same has been notified. A charge as specified in § 222-6 for waiting time may be made.

§ 222-8. Display of certificates and rates of fare.

In the interior of every vehicle licensed to be set up and used as a hackney carriage there shall be placed the certificate for such vehicle issued pursuant to § 222-22 and also a card showing all rates of fare and charges for the use of such vehicle, which shall be no higher than those prescribed by § 222-6. Such certificate and card shall be enclosed and secured in a suitable frame or frames in such a manner that they cannot easily be molested or destroyed and shall be so displayed as to be at all times in clear view of any passenger. No charge shall be made for the use of a licensed hackney carriage at a rate higher than that printed on the card.

§ 222-9. Maintenance of vehicles. [Amended 6-3-1985 by Ord. No. 903]

Every licensed hackney carriage or limousine shall be kept in good condition, suitable for occupancy and mechanically fit for the safety of passengers. The interior and exterior shall be clean and sanitary at all times. Whenever required for the safety of passengers or of the public, the wheels of every such carriage shall be equipped with chains or other devices adequate to prevent skidding.

§ 222-10. Overloading prohibited.

No passengers in excess of the number which can be seated therein according to the maker's design of the vehicle shall be permitted to be carried or to be in or on any hackney carriage or limousine at any time, nor shall any person be allowed to stand or sit upon the running boards or guards of such vehicle while it is in motion.

§ 222-11. Operation by unauthorized driver prohibited.

No holder of a hackney license or limousine license shall allow any vehicle set up or used by him/her as a hackney carriage or limousine to be driven or operated by any person other than a driver to whom a permit has been issued in accordance with § 222-25.

§ 222-12. Liability of licensees.

Any person in whose name a license has been issued to conduct the business of setting up and using a hackney carriage or limousine shall, for the purposes of this chapter, be deemed to be the owner of the carriage or

limousine and shall be liable for all forfeitures and penalties contained in such license unless, upon the transfer by sale, lease or otherwise of any such carriage or limousine, notice of such transfer has been given to the City Clerk.

§ 222-13. Limousine service. [Added 6-3-1985 by Ord. No. 900; amended 6-3-1985 by Ord. No. 901; 8-21-2017 by Ord. No. 2018-4]

The Board of Aldermen may grant to suitable persons licenses to set up and use limousines for the conveyance of passengers for hire within and without the City, the fare to be collected within the City. The business of setting up and using a limousine service is authorized by this section, and every vehicle authorized to be used pursuant to a license granted by this section shall be known as a "limousine service." The owners or drivers of limousines shall not solicit passengers on public ways or from hackney stands. Limousines shall not be used as hackney carriages and hackney carriages shall not be used as limousines, and every holder of a limousine license shall keep his/her place of business in a business district, and if vehicles are kept in the City they must be located or garaged in a business district. All provisions of this chapter will also apply to limousine licenses as well as to hackney carriage licenses and must be adhered to, except §§ 222-3 to 222-8, 222-14 and 222-19. Limousine passenger service shall be by reservation only.

§ 222-14. Soliciting passengers.

A driver shall not solicit passengers except by motion of the hand nor in any public way or place except when his/her carriage is rightfully standing upon some private or special stand, nor shall he/she solicit passengers by repeatedly driving his/her vehicle to and fro in front of any theater, hotel, hall, public resort or other place of gathering so as to interfere with proper and orderly access thereto and egress therefrom.

§ 222-15. Taking on or discharging passengers.

No driver shall stop or take on or discharge passengers on any street except at the curb, nor shall any passenger be permitted to enter or leave a hackney carriage or limousine except from the side nearest the curb.

§ 222-16. Refusal of passengers.

No driver shall refuse to carry any person desiring to engage a licensed hackney carriage or limousine as a passenger unless such person is noisy, intoxicated or otherwise disorderly or is known to be infected with a contagious disease or unless his/her vehicle already contains a passenger or is already engaged.

§ 222-17. Passengers with infectious diseases; dead bodies.

A driver of a licensed hackney carriage or limousine shall not receive or permit to be placed therein nor convey in or upon the same any person

who is known to be infected with any contagious disease, nor shall any such driver accept for transportation the body of any deceased person.

§ 222-18. Passenger's control of vehicle.

No driver shall take up or carry any passenger in a licensed hackney carriage or limousine when his/her vehicle is already occupied or engaged by some other person without the consent of such person. No person shall be obliged to pay any extra fare or fee for refusing such consent.

§ 222-19. Overcharging by drivers prohibited; passenger's receipt.

No driver shall demand from any passenger a fare in excess of the applicable rate as shown on the card required to be displayed in his/her vehicle. Whenever requested by a passenger or whenever the amount of a fare is in dispute, such passenger shall be furnished with a receipt giving the name of the driver, the place from which and to which such passenger was transported and the amount of fare received.

ARTICLE II

Licenses**§ 222-20. License required; fee; term; limitation on number.
[Amended 6-3-1985 by Ord. No. 902; 4-6-1987 by Ord. No. 1657;
5-20-2002 by Ord. No. 02-303]**

No person shall conduct the business of setting up and using a hackney carriage or limousine without first obtaining a hackney or limousine license from the Board of Aldermen. A fee of \$100 shall be paid for each vehicle authorized to be set up and used as a hackney carriage, and a fee of \$75 shall be paid for each vehicle authorized to be set up and used as a limousine under such license, and every such license shall be valid from the date of issue until the first day of May next following. The number of hackney carriages to be licensed shall be limited to 18. The number of limousine vehicles to be licensed shall not be limited.

§ 222-21. Application; description of vehicles.

Every application for a hackney license or limousine license shall be made on a form provided by the City Clerk and shall set forth the name and residence of the applicant or, in the case of a firm or corporation, the name thereof and the location of its principal place of business and the name and residence of its manager or principal representative in charge of the business and the location of the garage or other place where such carriages are to be kept and of any stand, private or special, from which they are to be operated. If granted a hackney license, the applicant shall, within 30 days of such granting or within seven days of obtaining a certificate of registration from the Registrar of Motor Vehicles, whichever shall occur first, furnish a description of each vehicle used as a hackney carriage, including, in the case of a motor vehicle, the make, model and manufacturer's number and the number and date of the certificate of registration issued by the Registrar of Motor Vehicles.

§ 222-22. Form; certificates for vehicles.

Every hackney license and limousine license shall bear a suitable number and shall have recorded thereon the information contained in the application therefor. With every license so issued there shall also be provided a certificate for each vehicle licensed thereunder showing the license number, the name and residence of the licensee or, in the case of a firm or corporation, the name and principal place of business thereof and, in the case of a motor vehicle, the make, model and manufacturer's number and the number of the certificate of registration issued by the Registrar of Motor Vehicles.

§ 222-23. Transfer; change of address; discontinuance of business.

- A. No holder of a hackney license or limousine license shall conduct his/her business at any place other than that specified in his/her license,

except as otherwise provided in this article, nor shall any such license be sold, assigned or transferred without the consent of the Board of Aldermen, provided that in case a vehicle authorized to be set up and used as a hackney carriage or limousine under such license is sold or otherwise disposed of, the certificate thereof shall be returned to the City Clerk, and there shall be issued to the holder of such license a certificate, in the form prescribed by § 222-22, for such vehicle as may be acquired to replace the vehicle sold or disposed of upon application and the presentation of satisfactory evidence to the City Clerk and the payment of \$0.50 for such certificate. The licensee shall notify the City Clerk of any change of his/her residence or, in the case of a firm or corporation, of its principal place of business or of the residence of its manager or principal representative in charge of the business.

- B. Any holder of such license who shall cease to engage in the business for which he/she was licensed shall forthwith surrender his/her license and certificate or certificates to the City Clerk, and no refund therefor shall be made.
- C. The City Clerk shall make a proper record of every such transfer, discontinuance of business or change of residence.

§ 222-24. Bus license.

No person shall operate a motor vehicle as a business for the carriage of passengers for hire in the City by receiving and discharging passengers along the route in which such vehicle is operated or for transporting passengers by him/her as a business between fixed and regular termini without first obtaining a license from the Mayor and Board of Aldermen and complying in all respects with the provisions of law relating thereto. Such license shall be revocable at the pleasure of the Mayor and Board of Aldermen in such manner as may be provided by law. The fee for such license shall be \$10.

ARTICLE III
Drivers' Permits

§ 222-25. Permit required; fees; term; revocation. [Amended 4-3-2000 by Ord. No. 00-234]

- A. No person shall drive a licensed hackney carriage or limousine without first obtaining from the Chief of Police a permit in such form as the Chief of Police shall prescribe.
- B. The fee for such permit shall be \$25 and said amount of \$25 annually thereafter, with replacement of lost permits costing \$12.50.
- C. Permits issued under the provisions of this article shall be valid from the date of issue until the first day of May next following, unless sooner revoked, and any such permit may be revoked by the Chief of Police at his/her discretion.

§ 222-26. Qualifications of drivers; endorsements on permits.

Permits to drive hackney carriages or limousines shall be issued only to such persons as have been determined, after investigation by the Chief of Police, to be fit and proper persons to receive such permits and who are employed, or have been offered employment, by the holder of a hackney license and have presented to the Chief valid licenses as operators issued by the Registrar of Motor Vehicles. The date and number of such operator's license and the name of such employer, or prospective employer, shall be endorsed on each permit issued under § 222-25.

§ 222-27. Permits not transferable.

No permit issued under § 222-25 shall be sold, assigned or transferred, nor shall the person to whom it was issued allow or suffer any other person to have such permit, nor shall any person have possession of a permit issued to another.

§ 222-28. Display of permit.

Every driver of a licensed hackney carriage or limousine shall at all times when driving or in charge of any such carriage display on his/her outer garments or cap the permit issued to him/her.

§ 222-29. Notice of change of address or employer.

When any person to whom a permit has been issued under § 222-25 changes his/her address, his/her place of employment or his/her employer, such person shall, within 24 hours of such change, give notice thereof, in writing, to the Chief of Police.

Chapter 228
WATER AND SEWERS

GENERAL REFERENCES

Assessments — See Ch. 9.

Streets and sidewalks — See Ch. 202.

Sewage disposal — See Ch. 194.

ARTICLE I
General Provisions

§ 228-1. Regulations considered part of contract. [Amended 6-26-1985 by Ord. No. 1108]

Except as otherwise specifically ordered by the Board of Aldermen, the rules and regulations set out in this chapter shall be considered as a part of the contract with every person who uses City water and the City sewer service, and every person who takes the water and uses the sewers assents thereto and agrees to be bound thereby.

§ 228-2. Shutting off water for violations. [Amended 2-1-1993 by Ord. No. 92-318]

If any person violates any of the rules and regulations set out in this chapter, the water will be shut off and will not be turned on again until all charges, including \$25 for shutting off and turning on, have been paid.

§ 228-3. Billing period; place of payment; delinquent payments. [Amended 6-17-1985 by Ord. No. 1045; 7-21-1986 by Ord. No. 1417; 7-28-1986 by Ord. No. 1455; 12-19-1988 by Ord. No. 2217; 10-19-1992 by Ord. No. 93-50]

- A. All bills for water and sewer shall be made out and rendered by the Public Works Department to consumers quarterly and all such bills shall be payable within 30 days at the office of the City Collector.
- B. Bills not paid within 30 days shall be subject to the following:
 - (1) Demand charge of \$5.
 - (2) Interest penalty of 14% from the due date.
 - (3) Lien fee of \$10, to be applied only on those water and sewer bills that become lien on real estate tax bills.

§ 228-4. Commitment of charges for collection. [Amended 6-17-1985 by Ord. No. 1046]

All charges for water and sewer service shall be committed forthwith by the Public Works Department to the City Collector for collection, and, whenever charges are so committed, such Department shall file with the City Auditor a report, in writing, of the total amount of the charges in each such commitment. The Department shall forthwith give notice, in writing, to the City Auditor of every correction in and abatement of a charge for water and sewer services.

ARTICLE II

Water**§ 228-5. Right of entry. [Amended 5-21-2012 by Ord. No. 2012-158]**

The City Engineer or his/her agent shall at all reasonable hours have free access to premises supplied with water to examine the condition of the pipes and fixtures and quantity of water used and to shut off the water for nonpayment or any violation of the rules set out in this article.

State law reference — Authority of municipalities to make regulations relative to pipes through which water is supplied, MGL c. 40, § 21, cl. (7).

§ 228-6. Laying of service pipes. [Amended 5-21-2012 by Ord. No. 2012-158]

Except as otherwise provided by the rules and regulations of the Planning Board governing the subdivision of land, water service pipes will be laid from the main to the line of the street without charge and from the line of the street to the building at the expense of the applicant, provided that the whole or part of the work from the street line to the building may be done by the property owner or his/her agent, subject to the approval of the City Engineer, if the property owner so elects.

§ 228-7. Size and material of service pipes and meters. [Amended 5-21-2012 by Ord. No. 2012-158]

No water service pipe or meter larger than 3/4 of an inch will be laid or allowed, except upon special consent of the City Engineer and upon the payment of the additional cost to the City. All pipe laid on the abuttor's premises between the street line and the meter or cellar wall shall be of such material as may be approved by the City Engineer.

§ 228-8. Separate service pipes required; protection and maintenance. [Amended 5-21-2012 by Ord. No. 2012-158]

No two buildings shall be supplied with water through the same service pipe, and, so far as possible, each tenement or apartment shall be supplied through a separate service pipe. Any person putting in his/her own service pipe from the street line to the building must lay it at least 5 1/2 feet deep and must provide a stop and waste cock, properly located, inside the building and take such other precautions as may be deemed necessary by the City Engineer. He/she must keep the service pipe, stop and waste cock and all fixtures connected therewith on his/her premises in good repair and protected from frost, and he/she will be held liable for all damage which may result from a failure to do so.

§ 228-9. Additional service pipes.

Any person desiring more than one water service pipe for any one tenant from the main to his/her premises will be required to pay the whole cost of such additional pipe.

**§ 228-10. Laying mains in public and private ways; assessments.
[Amended 5-21-2012 by Ord. No. 2012-158]**

- A. Applications for the original laying of pipes in public and private ways for the conveyance and distribution of water shall be made, in writing, to the City Engineer in such form as he/she shall prescribe. Before laying any such pipe, the City Engineer shall prepare an estimate of the cost thereof and of the assessments to be paid by the owners of the land which will receive benefit therefrom, computed in the manner provided in this section, and shall grant a hearing to each such owner. Notice of the time and place of such hearing shall be given, in writing, not less than seven days prior to the date thereof, and each such owner shall be furnished with a statement of the estimated betterment to be assessed against his/her property.
- B. Acting under authority of MGL c. 40, § 42G, the City Engineer shall assess $\frac{1}{2}$ of the actual cost of originally laying pipes in public and private ways upon the estates benefited thereby. For the purpose of apportioning the cost among the estates so benefited, $\frac{1}{3}$ of such $\frac{1}{2}$ of the cost shall be assessed upon the total frontage of the land so benefited on the street or way in which such pipe is laid, and each such estate shall be assessed its proportional part thereof. Two-thirds of such $\frac{1}{2}$ of the cost shall be assessed upon the total area of the land so benefited within a depth of 100 feet from the street or way in which such pipe is laid, and each such estate shall be assessed its proportional part thereof.
- C. In the case of an estate which receives a direct benefit from the laying of such a pipe but which does not abut the street or way in which such pipe is laid and is not wholly located within 100 feet from such street or way, so much of the area of such estate as may be deemed by the City Engineer to be just and reasonable shall be included in the total area, as aforesaid, and assessed its proportion of the cost in the same manner as land within 100 feet of such street or way.
- D. Each corner lot abutting upon a street or way in which such a pipe is laid and which receives direct benefit therefrom shall be assessed in accordance with the provisions of this section, including the whole frontage of the lot on the street in which such pipe is first laid. When such a pipe is laid on the other street or way on which such lot abuts, so much of the area of such lot as has been previously assessed and so much of the frontage of such lot on the other street or way as may be deemed by the City Engineer to be just and equitable shall be exempt from assessment.

- E. Whenever the City Engineer determines that a pipe for the conveyance and distribution of water shall be originally laid in any public or private way, he/she shall take all such steps as may be required to ensure that effect will be given to all pertinent provisions of MGL c. 40, § 42I.
- F. This section shall not apply to the laying of water pipes for which provision is otherwise made by the rules and regulations of the Planning Board governing the subdivision of land.

§ 228-11. Laying mains in private property.

No water main shall be laid in any private property, other than a private way, unless the owner thereof gives a release to the City for that purpose, and such owner, when required, shall file a bond for the payment annually of 6% of the cost to the City of such main and connections until such time as the revenue from such main shall be sufficient to pay the interest on the cost of construction.

§ 228-12. Turning on and shutting off water; charges. [Amended 1-21-1992 by Ord. No. 91-264A]

- A. No person except the City Engineer or those authorized by him/her shall at any time turn or let on water to any house or building or in any way interfere with any gate, fire hydrant or standpipe. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- B. Charges.
 - (1) Water turned off at curb: \$25.
 - (2) Water turned on at curb: \$25.
 - (3) Meter tests: \$25.
 - (4) Special meter reading trip charge: \$25.
 - (5) Final meter reading: \$25.
 - (6) Repair of frozen meters: \$25 plus parts.
 - (7) Fire flow tests (hydrant): \$100.

§ 228-13. Notice that water will be shut off.

In cases of abnormal use of water or when necessary to shut off the street mains, consumers will ordinarily be given notice, but failure to give such notice shall not constitute a claim for any damage which may be occasioned.

§ 228-14. Water meters.

- A. No person except the proper officers of the Water Division will be allowed to set, take off or repair meters. **[Amended 8-21-2017 by Ord. No. 2018-4]**

- B. All water meters will be furnished, placed and maintained by the City. Any damage to any meter done or caused by the carelessness or neglect of the owner or occupant will be charged to his/her next bill, and, if not paid as provided for in § 228-3, the water will be shut off and not again turned on until such charge and all others are paid.
- C. Effective October 1, 2017, a manual read fee of \$50 per quarter shall be charged to any account that cannot be remotely read by the City of Melrose. **[Added 6-19-2017 by Ord. No. 2017-148]**

§ 228-15. Rates set by Mayor and Aldermen; Water Rate Review Committee. [Last amended 6-27-2013 by Ord. No. 2013-204]

- A. Except as provided by § 228-16, all bills for water furnished by the City shall be rendered at intervals of three months (quarterly) at rates established by the Mayor and Board of Aldermen from time to time. **[Amended 5-19-2014 by Ord. No. 2014-117; 6-15-2015 by Ord. No. 2015-143; 6-16-2016 by Ord. No. 2016-163; 6-19-2017 by Ord. No. 2017-146]**
- (1) Tiered water rates per 100 cubic feet, effective fiscal year 2018 and reflected on bills dated October 1, 2017:

- (a) Quarterly consumption:

Cubic Feet	Rate Per 100 Cubic Feet
0 to 2,000	\$6.34
Over 2,000	\$8.62

- (b) Quarterly meter base fee:

Meter Size (inches)	Fee
Up to 1	\$16.60
1 1/2	\$64.72
2	\$100.81
3	\$185.02
4	\$305.32
6	\$606.07

Deduct (second meter) based
on size as listed above*

*Pending upgrade of meter to
interface with existing
reading system

Second meter fee - meter replaced	\$16.60
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Meter Size**(inches)****Fee**

Second meter fee – meter not replaced \$50.00

(c) Monthly consumption:

Cubic Feet**Consumption Rate**

First step: 1 to 667 \$6.34

Second step: > 668 \$8.62

(d) Monthly meter base fee:

Meter Size**(inches)****Fee**

Up to 1 \$5.54

1 1/2 \$21.58

2 \$33.61

3 \$61.68

4 \$101.78

6 \$202.03

Second meter fee – meter replaced \$5.54

Second meter fee – meter not replaced \$16.67

(2) The water rate shall be applied to all properties in the City of Melrose classified under Commonwealth of Massachusetts Department of Revenue (DOR) Property Classification Code of April 1987 Code/Codes 1, 101 through 103, 104 and 105 and all land or structures exclusively in municipal use by the City of Melrose.

- B. There is hereby created a Water Rate Review Committee, to consist of the Director of Public Works, the Auditor, the Treasurer/Collector and a member of the Board of Aldermen appointed by the President. The Committee shall meet at least annually to review the water rate charges established pursuant to this section, the costs of operating and maintaining the water system and any capital improvements to the system. The Committee shall hold at least one meeting per year after 7:00 p.m. It shall report its findings and any recommendations to the Board of Aldermen no later than the 13th day of April of each year. **[Amended 5-15-2017 by Ord. No. 2017-136]**

State law reference — Law of commonwealth making water rates a lien on real estate, MGL c. 40, §§ 42A to 42F.

§ 228-16. Water used for building purposes. [Amended 6-17-1985 by Ord. No. 1047; 12-16-2002 by Ord. No. 02-060A]

- A. The following rates shall be charged for water used for building purposes:
 - (1) The minimum charge for construction of new buildings shall be the same for the three months' minimum charges.
 - (2) For extraordinary additions or repairs, the rate shall be assessed by the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- B. The City Engineer shall have the right to require the applicant to pay by meter instead of the foregoing schedule for building purposes. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- C. The rates for water for building purposes, which are to be paid in advance, include the charge for turning on and shutting off water, and no allowance will be made if water is obtained from other premises.

§ 228-17. Application for use of water or other work; emergencies.

- A. Applications for the use of water for service pipes, for thawing frozen pipes or for any other work to be done or materials to be furnished in connection with the supplying of water to any premises shall be made in accordance with Chapter 202, Streets and Sidewalks, § 202-10.
- B. In cases of extreme emergency, of which the City Engineer shall be the judge, such application shall not be required, nor shall the provisions of § 202-10 apply, provided that as soon as may be after the furnishing of such water or materials or the completion of such work, the City Engineer shall render a bill therefor, in an amount representing the actual cost to the City, to the owner of the premises. Such bill shall be payable on presentation, and the provisions of Chapter 56, Officers and Employees, § 56-26, relative to commitment, return, correction, abatement and shutting off of water for nonpayment of water bills, shall apply to each such bill. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- C. In no case shall water be turned on for specific purposes until all charges are paid or, for fractional parts of the year, until the proportional part of the minimum charge is paid up to the first day of January next following. Fractional parts of a month shall be considered a full month, and 1/4 of the minimum rate per annum shall be the least charge that shall be made.

§ 228-18. Abatements in case of vacancy. [Amended 12-16-2002 by Ord. No. 02-060A; 5-21-2012 by Ord. No. 2012-158]

In case of vacancy, abatements may be allowed and made at the rate of \$0.20 per 100 cubic feet, provided that no abatement shall be allowed or made unless notice of vacancy is given, in writing, at the office of the City Engineer and the sum of \$25 paid for shutting off the water, which sum shall

include the expense of turning on again. No premises will be considered vacant unless such notice is given and water so shut off. No abatement or refund shall be made for water so shut off during the last three months of the year or for fractional parts of 100 cubic feet.

§ 228-19. Opening or interfering with fire hydrants. [Amended 5-21-2012 by Ord. No. 2012-158]

No person except the City Engineer or those authorized by him/her and the officers of the Fire Department in case of fire shall open or otherwise interfere with any fire hydrant, tie or fasten a horse or any other animal to any fire hydrant or place any obstruction in the way of its free use by the firefighters.

§ 228-20. Elderly discount. [Added 4-3-1989 by Ord. No. 2324; amended 5-6-1996 by Ord. No. 96-237]

A. A twenty-percent discount on water bills shall be given upon application to the office of the City Engineer in accordance with the following procedure: **[Amended 5-21-2012 by Ord. No. 2012-158]**

- (1) The applicant must have passed age 65 in the calendar year prior to that in which he/she is making application for discount. In the case of joint home ownership, either spouse/owner must have passed age 65 in the prior year.
- (2) The applicant must be the owner of record of the property for which discount is requested and his/her name must appear on the water bill for that property.
- (3) The yearly consumption of water by the applicant shall not exceed 6,250 cubic feet. **[Amended 6-16-2016 by Ord. No. 2016-166]**
- (4) The discount shall only apply to owners of one-family or two-family homes who are able to demonstrate their primary residence in said single- or two-family home. **[Amended 6-16-2016 by Ord. No. 2016-166]**
- (5) Otherwise eligible condominium owners will be entitled to a discount which shall be equal to the average discount provided for in this section for the immediately preceding fiscal year. **[Added 6-16-2016 by Ord. No. 2016-166]**

B. Applicants who have not reached 65 will also qualify for discount if:

- (1) They are in conformity with the other provisions of this section.
- (2) Their yearly gross income does not exceed \$15,000 for a single person and \$23,000 if filing jointly.

C. Administration of the discount program set forth in Subsections A and B above shall be in accordance with reasonable policies established by the Director of Public Works, or his/her designee, and shall be in

strict compliance with this section. **[Added 6-16-2016 by Ord. No. 2016-166]**

ARTICLE III

Backflow and Cross-Connections
[Added 6-2-1997 by Ord. No. 97-323]**§ 228-21. Authority.**

In accordance with the Safe Drinking Water Act of 1974 and the Commonwealth of Massachusetts regulations 310 CMR 22.22 of the Massachusetts Drinking Water Supply Regulations, the water purveyor has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water supply system.

§ 228-22. Purpose.

The purpose of this article is:

- A. To protect the public potable water supply served by the City of Melrose Water Division from the possibility of contamination or pollution by isolating within its customers' internal distribution system(s) such contaminants or pollutants which could backflow or backsiphon into the public water supply system.
- B. To promote the elimination or control of existing cross-connections, actual or potential, between its customers' in-house/in-plant potable water system(s) and nonpotable systems.
- C. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all public potable water systems by cross-connection.

§ 228-23. Responsibility of Water Division and customers.

The City of Melrose Public Works Department Water Division shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of any premises, the Division determines that an approved backflow prevention device is required at the City's water service connection to any customer's premises for the safety of the public water supply system, the Division or its designated agent shall give notice in writing to said customer to install such an approved backflow prevention device at each service connection to his/her premises. The customer shall, within 60 days, install such approved device or devices at his/her own expense, and failure, refusal or inability on the part of the customer to install said device or devices within 60 days shall constitute a ground for disconnecting water service to the premises until such device or devices have been properly installed and inspected.

§ 228-24. Definitions. [Amended 4-7-2008 by Ord. No. 08-129]

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

ALTER — Any activity which will measurably change the ability of a ground surface to absorb water or will change existing surface drainage patterns. "Alter" may be similarly represented as "alteration of drainage characteristics" and "conducting land disturbance activities."

APPROVED — Accepted by the City of Melrose Public Works Department Water Division as meeting an applicable specification stated or cited in this regulation or as suitable for this proposed use.

BACKFLOW — The flow of water or other liquids, mixtures or substances under pressure into the distributing pipes of a potable public water supply system from any source or sources other than intended source.

BACKFLOW PREVENTER — A device or means designed to prevent backflow or backsiphonage.

- A. AIR GAP — The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood rim of said vessel.
- B. REDUCED-PRESSURE-PRINCIPLE DEVICE — An assembly of two independently operating check valves with an automatically operating differential relief valve between the two check valves, two shutoff valves plus properly located test cocks.
- C. DOUBLE CHECK VALVE ASSEMBLY — An assembly of two independently operating approved check valves with shutoff valves on each side of the check valves, plus properly located test cocks.
- D. PRESSURE VACUUM BREAKER — A device designed to prevent backsiphonage only and which is used under static line pressure, plus properly located test cocks.

BACKSIPHONAGE — The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable public water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable public water supply system.

BEST MANAGEMENT PRACTICE (BMP) — Structural, nonstructural, and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment.

CERTIFICATION EXAMINATION — An examination approved by the Department for the purpose of testing competency in all areas of cross-connection control and backflow prevention device testing.

CERTIFIED BACKFLOW PREVENTION DEVICE TESTER — An individual who holds a valid Massachusetts backflow prevention device tester's certificate issued by the Department.

CONTAMINANT — A physical, chemical, biological or radiological substance or matter in water.

CROSS-CONNECTION — Any actual or potential connection between a distribution pipe of potable water from a public water system and any pipe of nonpotable water.

DEPARTMENT — The Commonwealth of Massachusetts, Department of Environmental Protection.**[Amended 8-21-2017 by Ord. No. 2018-4]**

DIVISION — The City of Melrose Public Works Department Water Division as the operator of the Melrose Water Distribution System.

HAZARD, DEGREE OF — The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable public water system.

- A. **HAZARD, HEALTH (high hazard)** — Any condition, device or practice in any water supply system and its operation which could create or, in the judgment of the Division, may create a danger to the health and well-being of the public water consumer.
- B. **HAZARD, PLUMBING (high hazard)** — A plumbing-type cross-connection in a consumer's potable water system that has been properly protected by a vacuum breaker, air-gap separation or backflow prevention device. Unprotected plumbing-type cross-connections are considered to be a health hazard.
- C. **HAZARD, SYSTEM (low hazard)** — All actual or potential threats to the physical properties of the public water system or to the potability of the public or the consumer's potable water system which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances but would not be dangerous to health.

INSPECTION — The physical examination and testing of an installed backflow prevention device to verify that the backflow prevention device is functioning properly.

INSPECTION AND MAINTENANCE REPORT FORM — A report form, designated by the Department, which is to be used by certified testers to record all pertinent testing information.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY — The policy issued by the Department of Environmental Protection and, as amended, that coordinates the requirements prescribed by state bylaws promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and Massachusetts Clean Waters Act, MGL c. 21, §§ 26 to 56.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage

system, street, gutter, curb, inlet, public storm drain, public storm sewer, 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 of Melrose.

OWNER — Any person maintaining a cross-connection installation or owning premises on which cross-connections can or do exist.

STORMWATER — Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

WATER, NONPOTABLE — Water which is not safe for human consumption or which is of questionable potability, including private wells.

WATER, POTABLE — Water from a public source which has been approved by the Massachusetts Water Resources Authority for human consumption. **[Amended 8-21-2017 by Ord. No. 2018-4]**

§ 228-25. Requirements.

A. Water Division.

- (1) On new installations, the Division will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required and will notify the owner of plan approval requirements by the appropriate reviewing authority.
- (2) For premises existing prior to the start of this program, the Division will perform surveys of the premises and reviews of as-built plans and issue a cross-connection violation form to the owner detailing any corrective action required, the method of achieving the correction and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved (higher health hazard - minimum time).
- (3) The Division will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to ensure satisfactory operation.
- (4) If the Division determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

B. Owner responsibility.

- (1) The owner shall be responsible for the elimination or protection of all cross-connections on his/her premises.
- (2) The owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross-

connections and installation of backflow prevention devices and applying annually for the renewal of each permit.

- (3) The owner shall have any device that fails an inspection or test repaired immediately by a licensed plumber.
- (4) The owner shall inform the Division of any proposed or modified cross-connection and also of any existing cross-connections of which the owner is aware but which have not been found by the Division.
- (5) The owner shall not install bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.
- (6) The owner shall install backflow preventers in a manner approved by the Department and by the Division.
- (7) The owner shall install only reduced-pressure backflow preventers and double check valve assemblies approved by the Department.
- (8) The owner shall be responsible for the payment of all fees for permits, device testings, retestings in the case that the device fails to operate correctly and second reinspections for noncompliance with Division or Department requirements.

C. Testing.

- (1) Reduced-pressure backflow preventers and double check valve assemblies shall be tested and inspected at least semiannually by the Division's certified tester, at the expense of the owner.
- (2) Reduced-pressure backflow preventers and double check valve assemblies must be tested annually by the owner, independent of the semiannual test by the public water supplier, and said test must be conducted by a Department-certified tester.
- (3) Any backflow preventer which fails during a periodic test must be repaired or replaced immediately by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the owner's expense to ensure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than 14 days after the test date will be established. The owner is responsible for spare parts, repair tools or a replacement device. Parallel installation of two devices is an effective means of the owner ensuring that uninterrupted water service remains during testings or repair of devices and is strongly recommended when the owner desires such continuity.

§ 228-26. Enforcement; violations and penalties.

- A. Right of entry. All owners or operators of commercial, industrial or institutional premises served by a public water supply system shall authorize agents and employees of the City of Melrose Public Works Department Water Division and/or the Department, upon presentation of their credentials, to enter their premises without a warrant for the purpose of inspecting and surveying their water systems for cross-connections and assuring compliance with these regulations, whether or not the Division and/or the Department has evidence that their water system is in violation of an applicable legal requirement.
- B. The Division shall not allow a cross-connection to exist with the public water system unless it is considered necessary and all appropriate approvals and permits have been issued.
- C. Failure of the owner to comply with any applicable section of this article will constitute a violation of 310 CMR 22.22 and will be subject to termination of water service by the City of Melrose Public Works Department Water Division.
- D. Fine. Whoever maintains a cross-connection without a permit or after revocation of the permit to maintain such connection and whoever maintains a cross-connection without installing the appropriate backflow prevention device required by these regulations and by the reviewing authority shall be punished by a fine of not more than \$500. Reference: 310 CMR 22.22(13)(a).

§ 228-27. Procedure policy.

Attached is the procedure policy package.⁵⁴

54. Editor's Note: The procedure policy package is on file in the office of the Water Division.

ARTICLE IV

Sewer Use

[Added 5-4-1981 by Ord. No. 20841, App. B (Rev. Ords. 1989, §§ 16-51 to 16-70, 16-81 to 16-86, 16-91 to 16-99, 16-111 to 16-117 and 16-131 to 16-145)]

§ 228-28. Purpose.

The purpose of this article is to regulate the use of public and private sewers, the installation and connection of building sewers and the discharge of waters and wastes in the public sewer system in the City.

§ 228-29. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACT — The Clean Water Act of 1977, Public Law 95-217, as amended from time to time.

BOD or BIOCHEMICAL OXYGEN DEMAND — The quantity of oxygen utilized in five days at 20° C., expressed in milligrams per liter, in the biochemical oxidation of wastewater as determined by a procedure described in Standard Methods.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 10 feet outside the inner face of the building wall.

BUILDING SEWER (also called "house connection") — The wastewater connection from the building to a public sewer.

CITY ENGINEER — The Engineer for the City.**[Amended 5-21-2012 by Ord. No. 2012-158]**

COMMISSION — The Metropolitan District Commission, Commonwealth of Massachusetts, or any other commission, board or officers duly authorized to act for the commonwealth in the application of these rules and regulations.

COMPATIBLE POLLUTANT — A substance that is amenable to removal in substantial amounts by the wastewater treatment plant. Compatible pollutants include, but are not limited to, coliform bacteria, suspended solids and those that exert BOD.

DEPARTMENT — The Public Works Department of the City.

DIRECTOR OF PUBLIC WORKS — The Director of the Department of Public Works for the City.**[Added 5-21-2012 by Ord. No. 2012-158]**

EXCESSIVE — More than the limits established in these regulations or of such magnitude that, in the judgment of the Commission, may cause damage to any facility or be harmful to the wastewater treatment process

or reduce its efficiency, cannot be removed in the wastewater treatment plant to the degree required to meet the Act, creates any hazard in the receiving waters, exceeds the capacity of the metropolitan sewerage system or otherwise endangers life, limb or public property or constitutes a public nuisance.

FLOATING OIL — Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

GARAGE — Any building wherein are kept or stored one or more motor vehicles, including, among others, a public or private garage, carport, motor vehicle repair shop or paint shop, service station, lubritorium, car wash or any building used for similar purposes.

GARBAGE — Wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INCOMPATIBLE POLLUTANT — A substance that is not amenable to removal in substantial amounts by the wastewater treatment plant. Incompatible pollutants include, but are not limited to, toxic metals and persistent organics.

INDUSTRIAL USER — Any user identified in the Standard Industrial Classification Manual of the United States Office of Management and Budget, as amended and supplemented, under the following divisions:

- A. Division A: Agriculture, Forestry and Fishing.
- B. Division B: Mining.
- C. Division D: Manufacturing.
- D. Division E: Transportation, Communications, Electric, Gas and Sanitary Services.
- E. Division I: Services.

INDUSTRIAL WASTES — Any solid, liquid or gaseous wastes resulting from industrial processes.

MDC — The Metropolitan District Commission.

MDC RULES AND REGULATIONS — The most recent Rules and Regulations Covering Discharge of Sewage, Drainage, Substances or Wastes to Sewerage Works Within the Metropolitan Sewerage District.

METROPOLITAN SEWERAGE DISTRICT — All cities, towns and sewer districts served by the Commission in accordance with legislation.

METROPOLITAN SEWERAGE SYSTEM — The sewerage works under the control of the Commission.

MUNICIPAL SEWER — A sewer controlled by the City, a governmental agency or a public authority, such as the Metropolitan District Commission.

NATURAL OUTLET — Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

pH — The logarithm of the reciprocal of the hydrogen ion concentration, expressed in moles per liter. Neutral water, for example, has a pH value of seven and a hydrogen ion concentration of 10^{-7} . The electrometric method of measurement is preferred. The calorimetric method of measurement may be substituted upon approval by the Commission.

PRIVATE DRAIN or PRIVATE STORM DRAIN — A storm drain not directly controlled by any public agency or government.

PROPERLY SHREDDED GARBAGE — Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in municipal sewers. No particle shall be greater than 1/2 inch or 1.27 centimeters in any dimension.

PUBLIC DRAIN or PUBLIC STORM DRAIN — A storm drain controlled by the City or the Metropolitan District Commission.

PUBLIC SEWER — A common sanitary sewer controlled by the City or the Metropolitan District Commission.

RECEIVING WATERS — Any watercourse, river, pond, ditch, lake, aquifer, ocean or other body of surface water or groundwater receiving discharge of wastewater or effluent.

SANITARY SEWAGE — Liquid or water-carried human and domestic wastes from residences, commercial buildings, industrial plants and institutions, exclusive of groundwater, stormwater and surface water and exclusive of industrial wastes.

SANITARY SEWER — A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of groundwater, stormwater and surface water that are not admitted intentionally.

SEPTAGE — The liquid and solid wastes of sanitary sewage origin that are removed from a cesspool, septic tank or similar receptacle.

SEWAGE — The spent water of a community. The preferred term is "wastewater."

SEWAGE TREATMENT PLANT — An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. This term is used as a synonym for waste treatment plant, wastewater treatment plant or water pollution control plant.

SEWER — A pipe or conduit that carries wastewater or drainage water.

SEWERAGE SYSTEM — Any device, equipment or works used in the transportation, pumping, storage, recycling and reclamation of sewage and industrial wastes.

SLUDGE — Waste containing varying amounts of solid contaminants removed from water, sanitary sewage, wastewater or industrial wastes by physical, chemical and biological treatment.

SLUG — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation and which may adversely affect the sewerage system.

STANDARD METHODS — The current edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, American Water Works Association and Water Environment Federation. **[Amended 8-21-2017 by Ord. No. 2018-4]**

STORM DRAIN and STORM SEWER — A pipe or conduit for conveying stormwater or surface water or relatively unpolluted water from any source.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, wastewater or other liquids and are removable by a laboratory filtering procedure as described in Standard Methods.

TOXIC WASTES — Wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant and those wastes so specified in these regulations and in the Act.

TREATMENT SYSTEM — Any device, equipment or works used in the pumping, storage, treatment, recycling and reclamation of sewage and industrial wastes.

USER — Any municipality, governmental agency, public authority, person or permittee discharging sewage, inflow or industrial wastes directly or indirectly into any public sewer or public drain.

WASTES — Substances in liquid, solid or gaseous form that can be carried in water.

WASTEWATER — The spent water of a community, which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any groundwater, surface water and stormwater that may be present.

WASTEWATER FACILITIES — The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

§ 228-30. Sewer service rates; minimum charges. [Added 6-26-1985 by Ord. No. 1108; last amended 6-27-2013 by Ord. No. 2013-205]

- A. All bills for sewer service furnished by the City to City sewer users shall be rendered at intervals of three months (quarterly) at the following tiered rates per 100 cubic feet of sewage flow on fiscal year 2018 bills

rendered as of October 1, 2017. Sewer consumption shall be assessed based on 90% of metered water consumption. This does not apply to homes with second water meters, which will continue to have their sewer usage assessed at 100% of their indoor water usage. **[Amended 5-19-2014 by Ord. No. 2014-118; 6-15-2015 by Ord. No. 2015-144; 6-16-2016 by Ord. No. 2016-164; 6-19-2017 by Ord. No. 2017-147]**

- (1) Quarterly consumption:

Cubic Feet	Rate Per 100 Cubic Feet
1 to 2,000	\$11.62
Over 2,000	\$14.64

- (2) Quarterly meter base fee:

Meter Size (inches)	Fee
Up to 1	\$14.25
1 1/2	\$55.93
2	\$87.19
3	\$160.13
4	\$264.33
6	\$524.83

- (3) Monthly consumption:

Cubic Feet	Consumption Rate
First step: 1 to 667	\$11.62
Second step: > 668	\$14.64

- (4) Monthly meter base fee:

Meter Size (inches)	Fee
Up to 1	\$4.75
1 1/2	\$18.65
2	\$29.07
3	\$53.38
4	\$88.11
6	\$174.95

Sewer rates (based on 90% consumption if no irrigation water)

- B. Sewage flow shall be based on a percentage of metered water consumption on the following schedule:
- (1) Residential users with one meter contribute 90% of metered water consumption as sewage flow.
 - (2) Residential users with separate lawn and garden service meters contribute 100% of their domestic metered water consumption and 0% of their metered lawn and garden service water consumption as sewage flow. **[Amended 6-15-2015 by Ord. No. 2015-144]**
 - (3) Industrial/commercial users, including hospitals, contribute on a percentage basis up to 90% of metered water consumption. This percentage equals 90% except in cases where the City Engineer has determined wherein product retention of water, cooling tower loss and other evaporative water losses have occurred in the process. The sewage flow as a percentage of metered water consumption will be set on an individual basis in those cases.
 - (4) Tax-exempt users contribute 90% of metered water consumption as sewage flow.
 - (5) Agricultural and cemetery users with one meter contribute only the portion of their metered water consumption which can be allocated to domestic use as sewage flow.

§ 228-31. Elderly discount. [Added 2-20-1996 by Ord. No. 96-185; amended 5-6-1996 by Ord. No. 96-238]

- A. A twenty-percent discount on sewer bills shall be given upon application to the office of the City Engineer in accordance with the following procedure: **[Amended 5-21-2012 by Ord. No. 2012-158]**
- (1) The applicant must have passed age 65 in the calendar year prior to that in which he/she is making application for discount. In the case of joint ownership, either spouse/owner must have passed age 65 in the prior year.
 - (2) The applicant must be the owner of record of the property for which discount is requested and his/her name must appear on the sewer bill for that property.
 - (3) The yearly consumption of water by the applicant shall not exceed 6,000 cubic feet.
 - (4) The discount shall only apply to owners of one-family or two-family homes. Three-family homes or larger are excluded.
- B. Applicants who have not reached 65 will also qualify for discount if:
- (1) They are in conformity with the other provisions of this section.

- (2) Their yearly gross income does not exceed \$15,000 for a single person and \$23,000 if filing jointly.

§ 228-32. Damaging or tampering with facilities.

- A. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or other applicable charge.
- B. Any person who wantonly or maliciously destroys or injures any part of the metropolitan sewerage system shall forfeit and pay to the commonwealth three times the amount of the damages assessed therefor and, on conviction thereof, shall be punished by a fine not exceeding \$1,000 and by imprisonment not exceeding one year.
[Amended 8-21-2017 by Ord. No. 2018-4]

§ 228-33. Connections to be regulated.

All users which connect any sewage or drainage pipes with any municipal sewers in the City, either directly or indirectly, shall do so subject to the direction, control and regulation of the Commission and the City.

**§ 228-34. Separation of surface waters and sewage required.
[Amended 4-7-2008 by Ord. No. 08-129]**

- A. The plumbing of any estate or premises shall be so arranged as to keep any groundwater, stormwater or surface water or unpolluted waters separate from the sanitary sewage. Such waters shall be connected to a storm drain or watercourse and such sewage connected to a sanitary sewer.
- B. No person shall maintain or make a connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§ 228-35. Unlawful deposit of waste.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or objectionable waste.

**§ 228-36. Untreated discharge to natural outlet prohibited.
[Amended 4-7-2008 by Ord. No. 08-129]**

- A. Illicit discharges. No person shall dump, discharge, or cause or allow to be discharged any pollutant or nonstormwater discharge into the municipal separate storm sewer system (MS4), into a receiving water,

or into the waters of the commonwealth. Discharge or flow resulting from fire-fighting activities is exempt from this requirement. The following additional 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 drain system:

- (1) Waterline flushing;
 - (2) Flow from potable water sources;
 - (3) Springs;
 - (4) Natural flow from riparian habitats and wetlands;
 - (5) Diverted stream flow;
 - (6) Rising groundwater;
 - (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20) or uncontaminated pumped groundwater;
 - (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air-conditioning condensation;
 - (9) Discharge from landscape irrigation or lawn watering;
 - (10) Water from individual residential car washing;
 - (11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine), provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
 - (12) Discharge from street sweeping;
 - (13) Dye testing, provided verbal notification is given to the the Board prior to the time of the test;
 - (14) Nonstormwater discharge permitted under an 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
 - (15) Discharge for which advanced written approval is received from the Department as necessary to protect public health, safety, welfare or the environment.
- B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system,

regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

- C. Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**

§ 228-37. Septic tank use restricted.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

§ 228-38. Connection to public sewer required. [Amended 5-21-2012 by Ord. No. 2012-158]

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City is hereby required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that such public sewer is within 100 feet of the property line. This requirement for connection may be waived when permitted by the City Engineer.

§ 228-39. Contributions by industrial users.

The Commission may deny or condition new or increased contributions of pollutants to the metropolitan sewerage system by industrial users.

§ 228-40. Pretreatment requirements.

Users shall make wastewater acceptable in accordance with these regulations before discharging to any municipal sewers. Any facilities required to pretreat wastewater to a level acceptable to the Commission shall be provided and maintained at the user's expense. A description and detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Commission in accordance with the implementation schedule prepared by the user and incorporated in the user's permit. The review of plans and operating procedures will in no way relieve such user from the responsibility of modifying the pretreatment facility as may be necessary to produce an effluent acceptable to the Commission under the provisions of these regulations and requirements of federal or state agencies. Any subsequent changes in a pretreatment facility or method of operation shall be reported to the Commission before modification of such facility.

§ 228-41. Time frame for compliance with standards.

Any user to which City, Commission, federal or state pretreatment standards are applicable shall be in compliance with such standards within the time required by the Commission.

§ 228-42. Traps required for flammable wastes.

Garages and other establishments where gasoline is used or where wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients can be discharged and which are connected with municipal sewers shall be provided with a suitable trap or separator. All traps or separators shall be of a type and capacity approved by the Commission and shall be located so as to be readily and easily accessible for cleaning and inspection.

§ 228-43. Maintenance of pretreatment equipment.

Where pretreatment or flow-equalizing facilities or traps or separators are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner or the user at his/her own expense.

§ 228-44. Meters and measuring devices. [Amended 12-16-2002 by Ord. No. 02-060A]

- A. When required by the Commission or by the City, the owner or user of any property discharging industrial wastes shall install a suitable control or measuring device, together with manholes, chambers, meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manholes, chambers or meters shall be accessibly and safely located, shall be constructed in accordance with plans approved by the Commission and by the City, shall be installed by the owner at his/her expense and shall be maintained by him/her in good operating condition at all times. The records from the meters and measuring devices shall be furnished to the Commission or to the City upon request.
- B. The facilities shall be constructed in accordance with all applicable construction standards and specifications. Construction shall be completed in accordance with a time schedule established by the Commission.
- C. The Director of Public Works or other duly authorized City employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold from the City information considered confidential if the industry establishes that the revelation to the public of the information in question might result in an advantage to competitors. While performing the necessary work on private properties, the Director of Public Works or duly authorized

employees of the City shall observe all safety rules applicable to the premises established by the company. **[Amended 8-21-2017 by Ord. No. 2018-4]**

- D. The Commission or the City may inspect the facilities of any user to ascertain whether these regulations are being met. Persons or occupants of premises where wastewater is generated or discharged shall allow representatives of the Commission or the City ready access at all reasonable times to all parts of the premises for inspection or sampling or in performance of any of their duties. The Commission or the City shall be deemed to be performing a governmental function for the benefit of the general public, and neither the Commission, the City nor the representatives of either shall be liable for any loss or damage as a result of the performance of such governmental function. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the Commission or from the City will be permitted to enter without undue delay for the purpose of carrying out their specific responsibilities.
- E. The Director of Public Works and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- F. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with Standard Methods and shall be determined at the control manhole or chamber provided or by use of suitable samples taken at the control manhole or chamber. If no special manhole or chamber has been provided, the control point shall be a sampling point acceptable to the Commission and the City. Sampling shall be carried out by customarily accepted methods. The particular analyses involved will determine whether a composite or grab sample is taken. If there is any question concerning the sampling, the Commission or City will make the final decision.
- G. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be made available, upon request, to other governmental agencies and to the public without restriction unless the user specifically requests otherwise and is able to demonstrate, to the satisfaction of the Commission and the City, that the release or communication of such information would divulge methods or

processes entitled to protection as trade secrets or would violate applicable provisions of law.

§ 228-45. Protection from discharges; notice of accidental discharge.

Each user shall provide protection from any discharges, including accidental discharges, in violation of these regulations. Users shall notify the Commission and the City immediately upon discharging wastes in violation of these regulations in order for countermeasures to be taken to minimize the damage to all municipal sewers and to receiving waters. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement to the Commission and to the City describing the causes for the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to any municipal sewers or for any fines imposed on the Commission or on the City.

§ 228-46. Information for employees.

Users shall inform their employees of the existence of these regulations, and at least one copy shall be permanently posted on the user's bulletin board. Each user shall permanently post a notice advising employees as to who in its organization has been designated as the responsible individual for compliance with these regulations and who should be notified of any accidental discharges in violation of these regulations.

§ 228-47. Penalties imposable by City.

- A. Any person who discharges wastes in a manner in violation of this article is guilty of misdemeanor.
- B. When a discharge of wastes causes an obstruction, damage or any other impairment to the sewerage system, the Public Works Department may assess a charge against the discharger for the work required to clean or repair the facility.
- C. Any person who violates the provisions of this article shall be fined not exceeding \$100 for each offense, such fine to accrue to the City. Each day of the existence of any such violation shall be deemed a separate offense.
- D. Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the Department or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall be punished by a fine of not more than \$100.
- E. Whenever a discharge of wastes is in violation of the provisions of this article or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the City Solicitor may petition

the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

- F. The Public Works Department may terminate or cause to be terminated wastewater service to any person if a violation of any provision of this article is found to exist or if a discharge of wastes causes or threatens to cause a condition of contamination, pollution or nuisance.
- G. The penalties included in this section are in addition to any which may be levied by the MDC or other governmental or regulatory body.

§ 228-48. Penalties imposable by Commission.

Any user who violates any provision of these regulations or any user who knowingly makes any false statement, representation, record, report, plan or other document filed with the City or the Commission or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this regulation shall be punished by a fine of not less than \$1,000 nor more than \$10,000 for each day such violation continues or shall be subject to a civil penalty not to exceed \$10,000 per day of such violation, which may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction.

§ 228-49. Disposal of septage.

Septage shall be disposed of in accordance with the following provisions:

- A. No user shall discharge or cause to be discharged or allow to be discharged into any municipal sewer any septage which originates within the limits of the City unless such discharges are in conformance with the permit granted to the user by the City and are also in conformance with the permit granted to the City by the Commission. The City shall not grant a permit for septage containing industrial wastes or incompatible wastes.
- B. No user shall discharge or cause to be discharged or allow to be discharged into any municipal sewer any septage which originates in any territory outside the limits of the City.

§ 228-50. Precedence of more stringent regulations.

If federal or state agencies or the Commission enacts or promulgates laws or regulations more stringent than these regulations, the federal, state or Commission requirements shall take precedence.

§ 228-51. Recourse for violations.

When the Commission or the City finds that a discharge of wastes has been taking place or threatens to take place in violation of these regulations or the provisions of a permit, the following actions may be taken:

- A. The Commission or the City may issue an order to cease and desist any such discharge or violation to any user not complying with such prohibitions, limits, requirements or provisions and direct such user as follows:
- (1) To comply forthwith;
 - (2) To comply in accordance with a time schedule set forth by the Commission or by the City; or
 - (3) To take appropriate remedial preventive action in the event of a threatened violation.
- B. The Commission and the City may require the user to submit a detailed time schedule setting forth specific actions to be taken, subject to modifications as the Commission or the City deems necessary for the user to follow in order to prevent or correct a violation. The Commission and the City may issue an implementation schedule to the user containing specific actions and time schedule.

§ 228-52. Implementation and enforcement. [Amended 12-16-2002 by Ord. No. 02-060A]

In the implementation and enforcement of these requirements, the following provisions shall be observed:

- A. Whenever the Commission issues, denies or modifies a permit, issues an order or assesses charges for damage or other violations occasioned by noncompliance with any permit or other lawful requirement, the Commission shall inform the user to which such action is addressed of its right to submit, within 10 working days, a written request for reconsideration of that action. The request shall set forth in detail the facts supporting it. The Commission shall schedule an informal interview with the user submitting the request, to be held within 15 working days of receiving it, and shall rule in writing.
- B. When the Commission proposes to revoke a permit, the Commission shall notify the user, in writing, of such proposed ruling and of its right to submit, within 10 days, a written request for reconsideration of that ruling. The request shall set forth in detail the facts supporting it. The Commission shall schedule an informal conference with the user submitting the request, to be held within 15 working days of receiving it, and shall issue its final ruling in writing within 10 working days of the completion of the conference.
- C. Every ruling under Subsections A and B shall inform the person to whom it is addressed of his/her right to request, within 30 calendar days, a hearing under the provisions of MGL c. 30A. Within 15 calendar days of receiving such a request, the Commission shall schedule a hearing, to be held not sooner than 15 calendar days nor later than 30 calendar days after giving notice of the hearing to the requesting party.

- D. The Commission reserves the right to take direct enforcement action through the courts, pursuant to MGL c. 92, App. § 1-24, in any case of violation of these regulations.

§ 228-53. Publication of list of industrial users.

A list of industrial users will be published in the Melrose Evening News every year in the month of January as a form of public participation. Included in the list will be all industrial users which were not in compliance with the applicable pretreatment requirements during the previous 12 months. A summary of the control actions taken by the Commission or by the City will also be published in conjunction with the list.

§ 228-54. Calculation of drain and sewer cost; collection of assessment.

The actual cost of each public drain or public sewer laid and constructed pursuant to an order of the Board of Aldermen shall be paid for as follows:

- A. One-half of the actual cost shall be paid by the City and the remaining 1/2 shall be assessed upon the estates benefited by the drain or sewer. For the purpose of apportioning the charge among the estates so benefited, 1/3 of such 1/2 of the cost shall be assessed upon the total frontage of the land so benefited on the street or way in which the drain or sewer is constructed, and each estate shall be assessed its proportional part thereof. Two-thirds of such 1/2 of the cost shall be assessed upon the total area of the land so benefited within a depth of 100 feet from the street or way in which the drain or sewer is constructed, and each estate shall be assessed its proportional part thereof.
- B. In the case of estates which receive a direct benefit from the construction of a drain or sewer and have no assessable lot frontage and are not wholly located within 100 feet from the street or way in which it is constructed, so much of the area of the estates as may be deemed just and reasonable by the Board of Aldermen shall be included in the total area as aforesaid and assessed its proportion of the cost in the same manner as land within 100 feet of the street or way.
- C. Each corner lot abutting upon a street or way in which a drain or sewer is constructed and which receives benefit therefrom shall be assessed in accordance with the provisions of Subsections A and B above, including the whole frontage of the lot on the street in which the drain or sewer is first constructed, and, when a drain or sewer is constructed in the other street or way on which such lot abuts, so much of the frontage on the other street or way as the Mayor or Board of Aldermen may deem just and equitable, not exceeding 50 feet thereof, and so much of the area of such corner lot as has been previously assessed shall be exempted from assessment.

- D. The City Engineer shall keep an accurate account of the cost of each public drain and public sewer constructed by virtue of an order of the Board of Aldermen, and, for the purpose of assisting the Board in assessing the estates benefited thereby, he/she shall furnish the Board with such information as to costs of drains and sewers, owners of abutting estates and other facts as may be necessary. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- E. The Board of Aldermen shall cause a list of assessments referred to in this article, with its certification thereof, when made, to be delivered to the Assessors, who shall commit the same to the City Collector.
- F. The City Collector shall forthwith, in writing, demand payment of the parties liable to assessments referred to in this article and proceed in the collection thereof in the manner prescribed by law.

§ 228-55. Permits for industrial users.

- A. Requirements and conditions. Every user discharging industrial wastes to any municipal sewer shall obtain a joint permit from the Commission and from the City. Industrial users proposing new discharges shall obtain such permits prior to constructing a building sewer. The Commission and the City may change the conditions of a permit from time to time as circumstances, including regulations enacted or promulgated by the state or federal government or its agencies, may require. The Commission and the City may stipulate special conditions and terms upon which the permit will be issued. No user may increase the daily volume, strength or rate of his/her permitted discharge beyond 15% without first securing an amendment to his/her permit.
- B. Applications. Every industrial user shall be required to obtain a permit and shall, within 90 calendar days of the promulgation of these regulations, complete and file at its own expense a permit application form with the Commission and with the City. Known industrial users which have not filed a permit application will be notified promptly by the Commission or the City to apply for a permit. As additional users become identified through industrial waste surveys, they will be notified to apply for a permit. All industrial users are advised to apply for a permit prior to such notification. Permit application forms may be obtained from the Metropolitan Sewerage Division and the City and shall be filed within 30 calendar days of notification.
- C. Evaluation of application; imposition of conditions. The Commission and the City shall evaluate the adequacy of data furnished in the application form. If insufficient data has been furnished, the Commission will notify the industrial user to provide additional data within a specified time. After acceptance of data, the Commission and the City will issue the permit. The Commission and the City may stipulate special conditions and terms upon which the permit may be issued.

- D. Permit conditions. Permits may contain the following conditions:
- (1) Limits on rate, time and characteristics of discharge or requirements for flow regulation and equalization.
 - (2) Installation of inspection, flow measurement and sampling facilities, including access to such facilities.
 - (3) Specifications for monitoring programs which may include flow measurement, sampling, chemical and biological tests, recording of data and reporting schedules.
 - (4) Pretreatment requirements and schedules for implementation, including schedules for reporting progress towards meeting these requirements.
 - (5) Submission of discharge reports.
 - (6) Schedules for the payment of industrial cost recoveries as required under Section 204 of the Act.
 - (7) Special service charges or fees.
 - (8) Other conditions as deemed appropriate by the Commission or by the City to ensure compliance with these regulations and with applicable requirements of state or federal law.
- E. Permit not assignable. A permit shall not be reassigned or transferred.
- F. Revocation and modification of permit. If an industrial user discharges amounts or rates of pollutants in violation of these regulations, the Commission or the City may revoke the existing permit in accordance with § 228-52. If an industrial user shows that changes in the industrial process have improved the characteristics and volume of its discharge, the permit may be modified upon application by the industrial user to the Commission.
- G. Enforcement of permit conditions. The conditions of all permits shall be enforced by the Commission and the City in accordance with the provisions of these regulations.
- H. Reports. When required by the permit, each industrial permittee shall submit a duly signed report to the Commission and the City containing all information requested by the Commission or the City and in a form acceptable to the Commission or the City. The Commission and the City will evaluate the data furnished. If insufficient data has been furnished, additional information may be required.
- I. Sources of charges and recovery payments information. The Commission and City may use the information provided in the permit applications, permits and discharge reports as the basis for determining user charges and industrial recovery payments.

§ 228-56. Minimum discharge requirements.

The City sanitary sewer system discharges into the sewerage works of the Metropolitan Sewerage District (MSD), a division of the Metropolitan District Commission (MDC). All discharges into the public sanitary sewers shall, as a minimum, conform to the requirements of the most recent Rules and Regulations Covering Discharge of Sewage, Drainage, Substances or Wastes to Sewerage Works Within the Metropolitan Sewerage District, referred to in this article as the "MDC Rules and Regulations." A copy of the state regulations detailing the authority and power of the Metropolitan District Commission is included in Appendix B-1 of this article for reference.⁵⁵

§ 228-57. Types of substances prohibited from discharge.

No user shall discharge or shall cause or allow to be discharged any substances, water or wastes that the Commission or the City has identified as likely, either singly or by interaction with other substances, to:

- A. Harm either the sewerage system or the wastewater treatment process;
- B. Be otherwise incompatible with the treatment process;
- C. Cause a violation of federal and state discharge permits issued to the Commission or to the City;
- D. Adversely affect receiving waters;
- E. Endanger life, limb or public property; or
- F. Constitute a nuisance.

§ 228-58. Enumeration of prohibited substances. [Amended 12-16-2002 by Ord. No. 02-060A]

No user shall discharge or cause or allow to be discharged any of the following substances:

- A. Gasoline, benzene, naphtha, fuel oil, crude oil, lubricating oils and flammable or explosive liquids, solids or gases or any other oils or greases of hydrocarbon or petroleum origin.
- B. Waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive or injurious properties capable of causing damage or hazard to structures, equipment, sewerage systems and personnel.
- C. Solids or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage systems, such

55. Editor's Note: Appendix B-1 is on file at the office of the City Clerk.

as but not limited to sand, metal, glass, wood, plastics, rubber, latex and lime slurries.

- D. Liquids or vapors having a temperature higher than 150° F. or 65° C.
- E. Waters or wastes containing fats, wax, grease or oils of vegetable or animal origin in excess of 100 milligrams per liter or containing other substances (not specifically prohibited by Subsection A) which may solidify or become viscous at temperatures between 32° F. or 0° C. and 150° F. or 65° C. Waters or wastes containing such substances, excluding normal household waste, shall exclude all visible oils, fats and greases. The use of chemical or physical means, such as temperature variation, emulsifying agents or mechanical mixers, to bypass or release fats, oils and greases into the municipal sewerage system is prohibited. If the discharge concentration for any fats, oils and greases is in excess of 100 milligrams per liter after treatment, the Commission may increase the discharge concentration limit on a case-by-case basis when the user demonstrates to the Commission's satisfaction that its discharge is not contributing to nuisance conditions.
- F. Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the City.
- G. Metals.
- (1) Waters or wastes containing amounts of toxic or objectionable metals in excess of the concentrations obtainable by acceptable control technology, including but not limited to the following:
- | | | |
|-----------|-----------|----------|
| Antimony | Chromium | Nickel |
| Arsenic | Copper | Selenium |
| Barium | Iron | Silver |
| Beryllium | Lead | Tin |
| Boron | Manganese | Zinc |
| Cadmium | Mercury | |
- (2) In general, wastes containing the above metals shall be treated to reduce their concentrations to the minimum levels attainable by chemical precipitation processes or other equally effective methods. In no case, however, shall allowable metal concentrations be higher than those concentrations allowed by applicable state or federal law.
- H. Nonmetals.

- (1) Waters or wastes containing amounts of toxic or objectionable nonmetals in excess of concentrations attainable by acceptable control technology, including but not limited to:

Ammonia	Pesticides	Chlorides
Cyanides	Phenols	Polychlorinated biphenyls (PCB's)
Herbicides	Sulfates	Sulfides

- (2) In no case, however, shall allowable nonmetal concentrations be higher than those concentrations allowed by applicable state or federal law.

- I. Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Commission in compliance with state or federal regulations.
- J. Sludges or deposited solids resulting from an industrial or pretreatment process.
- K. Substances causing excessive discoloration or turbidity.
- L. Slugs as defined herein.
- M. Substances which exert unusual BOD, chemical oxygen demand or chlorine requirements in quantities such that when received in the composite sewage at the sewage treatment works they exceed the limits established for such discharges.

§ 228-59. Discharge of unpolluted waters. [Amended 4-7-2008 by Ord. No. 08-129]

- A. No person shall discharge or cause to be discharged any unpolluted waters, such as groundwater, stormwater, surface water, roof runoff, tidewater, subsurface drainage, uncontaminated cooling water or uncontaminated industrial process water, to any sanitary sewer. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into a sanitary sewer system.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- C. Property owners shall allow an employee of the City or a designated representative of the City to inspect the building to confirm that there is no sump pump or other prohibited discharge into the sanitary system. The City may periodically reinspect any building or premises to determine compliance with the requirements of this section.

- D. Any property owner who previously made any connection or installation in violation this section shall immediately remove such connection or correct such an installation. If not removed or corrected within 30 calendar days after notice of the violation has been delivered personally or by certified mail to the owner, the City may impose a surcharge in the amount provided in Subsection E of this section. Such a surcharge may also be imposed upon any property owner, after a thirty-calendar-day notice has been delivered, and if the owner refuses to allow his or her property to be inspected. The owner of a building or premises found to be not in conformance with this section during periodic reinspections may be subjected to a surcharge as provided in Subsection E of this section.
- E. A surcharge of \$300 per quarter is hereby imposed on every sewer bill to property owners for the following conditions:
- (1) Not in compliance with this section.
 - (2) Refusal of property inspection.

§ 228-60. Dilution prohibited.

The attainment of specific levels for discharge to municipal sewers by dilution in the absence of treatment shall be prohibited.

§ 228-61. Wastes of unusual strength or character.

Notwithstanding the limitations set forth in § 228-58 above, a special temporary permit or amendment to an existing permit between the Commission and the City and the user may be issued by the Commission whereby a waste of unusual character or strength may be accepted on an interim basis when, in the opinion of the Commission, unusual or extraordinary circumstances compel special terms and conditions of temporary duration. Such permit or amendment will be issued only when, in the opinion of the Commission, it would not cause any interference with or disruption in the treatment works, would not violate the National Pollutant Discharge Elimination System (NPDES) permit or commonwealth water quality standards and would not force additional controls on other dischargers to achieve compliance with effluent limitations.

§ 228-62. Permit required for sewer hookup; fee; City to provide labor and materials. [Amended 4-7-2008 by Ord. No. 08-129]

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer, public drain or appurtenance thereof without first obtaining a written permit from the Public Works Department. A permit and inspection fee of \$10 for a residential or commercial building sewer permit or private drain permit shall be paid to the City at the time the application is filed.

- B. Except as otherwise provided by the rules and regulations of the City Planning Board governing the subdivision of land, the material required in the construction of building sewers, private drains and appurtenances thereof shall be provided and the labor thereon shall be performed by the City or its duly authorized agents and no other person, provided that the applicant may make all of the excavation and backfill outside the street lines, except so much as will affect the proper bedding and securing of the pipe or other structure.
- C. No person shall be allowed to make any alteration in, or make any connection with, any private drain or building sewer other than that intended in the original permit without making another application and obtaining permission to do so from the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- D. The City Engineer shall have the right to inspect building drains, building sewers, building storm drains, and other private sewers, grease traps, oil traps, particle separators and other facilities tributary to the City's wastewater and storm drainage systems, at any reasonable time while such construction is underway. The owner shall notify the City Engineer when such facility is installed and ready for final inspection and before the facility is connected to the City's wastewater and storm drainage systems. Requests for inspections on new sewer service connections shall be made before 4:00 p.m. on the day preceding the installation or within a reasonable time frame on the day of installation. Connection to the City's wastewater and storm drainage systems shall be made in the presence of an authorized representative of the City. No facility shall be covered over until approval has been given by the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**

§ 228-63. Classes of building sewer permits; application form; supplemental information.

- A. There shall be two classes of building sewer permits:
 - (1) For residential and commercial service; and
 - (2) For service to establishments producing industrial wastes.
- B. In either case, the owner shall make application on a special form furnished by the City. For further information concerning industrial permits, see § 228-55. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**

§ 228-64. Catch basins and traps. [Amended 5-21-2012 by Ord. No. 2012-158]

The City Engineer may, at any time, require such catch basins and traps to be introduced along the line of any private drain, or on the discharge of any fixture connecting therewith, as he/she may deem necessary for the proper maintenance of such private drain or of the main drain.

§ 228-65. Installation of private drains and building sewers.

- A. Private drains and building sewers shall be laid to and through the cellar wall and shall be provided with a cleanout in the direct line of the pipe.
- B. All pipes through or under the wall of any building, and for a distance of eight feet outside of the wall or building, shall be of extra-heavy cast iron.

§ 228-66. Maintenance responsibilities.

Subject to the provisions of § 228-62, every private drain or building sewer shall be under the control of, and shall be maintained and kept clean by, the City. All costs and expense incident to the installation and connection of private drains and building sewers shall be borne by the owner of the premises served by the same. Additionally, all cleaning of, repairs to or renewals of such drains and sewers shall be made at the expense of the owner of the premises served by such sewer and drain, provided that any labor on such a drain or sewer which may be required as a result of defects or obstructions in the main drain or public sewer shall be paid for by the City.

§ 228-67. Disposition of assessment for betterment.

Whenever a betterment for a public drain or public sewer constructed pursuant to an order of the Board of Aldermen has been assessed on the premises with respect to which an application for connection has been made and such assessment has been paid, no fee shall be paid for entry into such public drain or public sewer, except as provided in Chapter 202, Streets and Sidewalks, §§ 202-10 and 202-12. If no assessment for betterment has been paid, the fee for entry into such a public drain or public sewer shall be fixed by the Board of Aldermen.

§ 228-68. Use of sewer conditioned on payment of bill.

If any bill due the City for constructing, cleaning or repairing or renewing a private drain or building sewer remains unpaid following 60 days from the date thereof, the further use of such drain or sewer shall not be permitted until such bill has been paid.

§ 228-69. Responsibility for plumbing.

All pipes and fixtures outside the building shall be considered part of the building sewer, private drain or connection thereof and shall be under the control of the Public Works Department. All pipes and fixtures within any buildings shall be considered a part of the plumbing and shall be under the control of the Building Commissioner. In the event of any conflict between the requirements of the Building Commissioner and any section of this article, the requirements of this article shall apply.

§ 228-70. Independent sewer required for every building; exception. [Amended 12-16-2002 by Ord. No. 02-060A]

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any single connection aforementioned.

§ 228-71. Use of old sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Department, to meet all requirements of this article.

§ 228-72. Establishment of specifications.

The Public Works Department shall, from time to time, establish standard requirements or specifications to regulate the sizes, materials, methods and workmanship to be used in the construction of sewers, house connections and other similar work and appurtenances thereto connected or intended to be connected into or to discharge, directly or indirectly, into any public sewer of the City. These requirements shall be in revision to or in addition to those of the City Building Commissioner. Such standard requirements shall provide for gastight and watertight connections and minimum requirements as to size, depth, slope or rate of grade for such pipes, shall regulate the kinds of pipe, fittings, methods of laying, jointing, materials used, manner of connecting to existing municipal sewers and general consideration as to location and other pertinent features. Any such requirements or specifications as may be adopted from time to time are hereby made a part of this article.

§ 228-73. Specifications to apply in absence of code provisions. [Amended 8-21-2017 by Ord. No. 2018-4]

A copy of these requirements titled "Regulations for Connecting Building Sewers to the Public Sewer" is included in Appendix B-2 of this article.⁵⁶ In the absence of code provisions, or in amplification thereof, the materials

and procedures set forth in the appropriate specifications of the American Society for Testing and Materials (ASTM) and the Water Environment Federation (WEF) Manual of Practice No. 9 shall apply.

§ 228-74. Gravity flow or means of lifting required.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 228-75. Feeding surface water drainage into sewer prohibited.

No person shall make connection of roof downspouts, foundation drains, areaway drains or other source of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§ 228-76. Private drains. [Amended 5-21-2012 by Ord. No. 2012-158]

Except by special consent of the City Engineer, no private drain larger than eight inches in diameter or which is constructed of material other than vitrified, transite or iron pipe of an approved weight will be allowed to connect with any public drain. All private drains shall be laid accurately to straight lines and grades. When angles are unavoidable, the changes in direction shall be made by Y branches and bends. The opening in the Y in the direct line of the pipe shall be sealed and left unused for the purpose of flushing and cleaning.

§ 228-77. Stormwater permits for parcels of land greater than one acre. [Added 4-7-2008 by Ord. No. 08-129]

- A. Any land alteration, including but not limited to any excavation, paving, curb cutting, street opening, or any activity that will alter the drainage characteristics of a parcel of land that is greater than one acre, shall obtain a permit from the Department.
- B. Application.
 - (1) The applicant shall file a completed application package. While the applicant may be a representative, the permittee must be the owner of the site or holder of an easement. The application package shall include:
 - (a) A completed application form with original signatures of all owners.
 - (b) A stormwater management plan and project description.

- (c) Operation and maintenance plan.
 - (d) Erosion and sediment control plan.
 - (2) Filing an application for a permit grants the Department, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance after issuance of the permit.
- C. Performance criteria.
- (1) At a minimum, projects shall comply with the policy, criteria, and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater Management Policy Handbooks.
 - (2) The applicant shall prepare and implement an erosion and sedimentation control plan to prevent the introduction of sediments into the Department's sewers and storm drains. The design of any facilities required pursuant to this section shall be subject to the approval of the Department, and the design, installation and maintenance of such facilities shall be at the facility owner's expense. The Department shall have the right to inspect such facilities.
 - (3) The applicant shall submit to the Department a description of all new best management practices, including location, design and installation plans, vendor and manufacturer, and maintenance requirements.
 - (4) An operation and maintenance plan shall be required at the time of application for all projects. The project proponent shall be responsible for future maintenance of such best management practices. The operation and maintenance plan shall remain on file with the Department and shall be an ongoing requirement.
- D. The Public Works Department shall, from time to time, establish standard requirements or specifications to regulate the terms, conditions, definitions, enforcement, fees, procedures, and administration of this section.

§ 228-78. Infiltration and inflow mitigation fees. [Added 6-16-2016 by Ord. No. 2016-200]

- A. Any person or entity changing, altering, repairing, adding to or improving his/her or its property in any way that may or should impact the sewer system within the City of Melrose, or any person or entity proposing to add additional wastewater to an existing sewer connection, or any applicant for a new building permit, shall be required to mitigate infiltration/inflow sources which add extraneous water to the sewer system, thereby reducing its capacity and capability to accommodate new flows, at a rate of one gallon of infiltration/

inflow removal for each additional gallon of wastewater that will be discharged to the sewer system as a result of the subject project. In the event a connection is subject to a state sewer connection/extension permit under Code of Massachusetts Regulations Chapter 314, and such permit is conditioned upon the completion of removal of infiltration/inflow prior to connection, said removal of infiltration/inflow shall be credited toward complying with the requirements of this section.

- B. Title 5 (310 CMR 15) shall be used to determine flow rates, which will be used to calculate the value of the infiltration and inflow mitigation fee. Said fee shall be calculated based on the net change in Title 5 flows resulting from the subject project and a cost of \$6.89 per gallon per day (gpd) of flow. Existing conditions will be established based on records of the Melrose Assessor's office. For example, a project with a net increase of five bedrooms compared to existing conditions per Assessor's records has an associated Title 5 flow increase of 550 gpd; therefore the fee for this connection is \$3,789.50 (550 gpd net increase x \$6.89/gpd). This is a one-time fee required prior to the issuance of a building permit or any other permit, order or permission for any change, alteration, repair, addition or modifications improving the subject property.
- C. The fee assessment, or indication that no fee is required based on a determination of no net increase to sewer flows from the subject project, shall be determined by the Director of Public Works. The Director will not sign off on occupancy for any project for which an outstanding payment is due for any assessed infiltration and inflow mitigation fee, for the subject project or for any other project for which occupancy is sought by the same applicant.
- D. For purposes of this section the following terms shall have the meanings set forth herein:

DIRECTOR — The Director of Public Works, after review, approval and consent by and of the City Engineer.

INFILTRATION — Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through means which include, but are not limited to, defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

INFILTRATION/INFLOW — The quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW — Water other than sanitary flow that enters a sewer system (including sewer service connections) from sources which include, but are not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, sump pumps, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters,

or drainage. Inflow does not include, and is distinguished from, infiltration.

Chapter 231**WETLANDS PROTECTION****§ 231-1. Purpose.**

- A. The purpose of this chapter is to protect the wetlands, water resources, and adjoining land areas in the City of Melrose 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, water quality, water pollution control, fisheries, shell fisheries, wildlife habitat, rare species habitats, including rare plant species, native plant species, and recreation values (collectively, the "resource area values protected by this chapter").
- B. This chapter is intended to utilize the home rule authority of the City of Melrose 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 the regulations promulgated thereunder at 310 CMR 10.00.

§ 231-2. Jurisdiction.

- A. Except as permitted by the Conservation Commission or as provided in this chapter, no person shall cause, suffer, allow, or commence to remove, fill, dredge, build upon, degrade, discharge into, excavate, clear, landscape, pollute, drain, construct upon, change the physical, chemical, vegetative or biological characteristics of or otherwise alter the following resource areas: any freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; lakes; ponds of any size; rivers; streams (including intermittent streams); creeks; lands under water bodies; and lands subject to flooding or inundation by groundwater or surface water (collectively the "resource areas protected by this chapter"). Said resource areas shall be protected whether or not they border surface waters.
- B. In addition, lands abutting resource areas are integral in protecting and preserving the resource areas and resource area values protected by this chapter. Accordingly, land within 100 feet horizontally from resource areas other than land subject to flooding or inundation by groundwater or surface water is subject to regulation by the Commission to the same extent as the resource area itself.

§ 231-3. Exemptions and exceptions.

- A. The application and permit required by this chapter shall not be required for 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, in its sole discretion, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

- B. Any existing structure or use of such structure lawful at the effective date of this chapter may continue although such structure or use does not conform to this chapter. Any existing structure may be repaired, maintained and improved but in no event made larger. Any nonconforming structure which is destroyed may be rebuilt on the same location but no larger than the original overall square footage.

§ 231-4. Applications and fees.

A. Permit applications.

- (1) No person may undertake any activity within the jurisdiction of the Commission, as defined in § 231-2 of this chapter, without first applying for, obtaining from, and complying with a permit from the Conservation Commission. Applications shall be filed with the Conservation Commission at the following address:

Melrose City Clerk's Office

Melrose City Hall

562 Main Street

Melrose, MA 02176

- (2) The Commission will accept as the application and plans under this chapter any application and plans filed under the Wetlands Protection Act if such application and plans also satisfy the filing requirements set forth in this chapter. The Commission reserves the right to require such other information as it deems necessary to render a decision or take action under this chapter.
- B. Request for determination. Any person desiring to know whether or not a proposed activity is subject to this chapter may, in writing, request a determination from the Commission. Such a request for determination (RFD) shall include a narrative describing the proposed project and a site plan illustrating the proposed project, as further described in

§ 231-5B. The Commission will accept as the RFD under this chapter a request for determination of applicability under the Wetlands Protection Act if such application and plans also satisfy the filing requirements set forth in this chapter. The Commission reserves the right to require such other information as it deems necessary to render a decision or take action under this chapter.

C. Filing fees.

- (1) At the time that an application is submitted, the applicant shall pay a filing fee as set forth in this section. The fee is in addition to that required by the Wetlands Protection Act. The fees shall be calculated in accordance with the schedule listed below. Projects conducted by the City and its departments are exempt from fees.
- (2) The following fee schedule has been determined by the Commission to be commensurate with the expense of providing review services to applicants, exclusive of consultant fees as set forth in Subsection D, notification costs as described in § 231-7A(1), and legal advertisement costs as described in § 231-7A(1):
 - (a) Request for determination: no charge.
 - (b) Request for permit: \$50.
 - (c) Request for permit extension: \$50.
 - (d) Modification/amendment request: \$50.
 - (e) Certificate of compliance: no charge.
 - (f) Emergency certification request: no charge.

D. Consultant fee.

- (1) Upon receipt of an application, or at any point during the hearing process, the Commission, in its sole discretion, is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This fee is called the "consultant fee." The specific consultant services may include, but are not limited to, performing or verifying the accuracy of resource area survey and delineation; analyzing resource area functions and values, including wildlife habitat evaluations, hydrogeologic and drainage analysis; and researching environmental or land use law. The minimum qualifications of any consultant selected by the Commission shall consist of either a bachelor's degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.

- (2) If a municipal revolving fund has been established pursuant to MGL c. 44, § 53E, or a special act for deposit and Commission use of filing and/or consultant fees described above, then such filing and/or consultant fees shall be deposited therein, for uses set out in the vote establishing the fund. This account shall be kept separate from the account established for filing fees paid under the Wetlands Protection Act.
- (3) The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information available only through outside consultants is necessary to make an objective decision. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws. Any unused portion of the consultant fee shall be returned to the applicant.
- (a) The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to the following schedule:

Project Cost	Maximum Fee
Up to \$100,000	Up to \$500
\$100,001 to \$500,000	Up to \$2,500
\$500,001 to \$1,000,000	Up to \$5,000
\$1,000,001 to \$1,500,000	Up to \$7,500
\$1,500,001 to \$2,000,000	Up to \$10,000

- (b) Each additional project cost increment of \$500,000 (over \$2,000,000) may be charged not more than an additional maximum fee of \$2,500 per increment.
- (c) The "project cost" means the estimated entire cost of the project, including but not limited to resource area delineation, building design and construction, site preparation, landscaping, and all site improvements. The project shall not be segmented to avoid the consultant fee. The applicant shall submit estimated project costs at the Commission's request, but the lack of such estimated project costs shall not impact payment of the consultant fee.

E. Deadlines.

- (1) The Commission will hold a public hearing within 21 days of the date of receipt of a complete application for permit. The Commission may also schedule a site visit of the property, as set forth in § 231-7C.

- (2) If the Commission determines that the application does not contain all required documentation, the Commission will notify the applicant of the information or materials that still need to be provided. The applicant will deliver all such outstanding documentation at least six business days prior to the next public hearing. Submission of material by the applicant five business days or fewer before the public hearing will constitute a constructive request by the applicant for a continuation of the hearing if, in the sole opinion of the Commission, the Commission, staff, or public has not had adequate or sufficient time to properly consider said material. Omission of information at any stage may require that the public hearing be continued pending receipt of the information.

§ 231-5. Materials in support of permit applications.

- A. Site work prior to filing and the public hearing. In order to clarify the review process for the Commission and/or its agent, flagged stakes shall be installed at the project site for the Commission's site visit to mark the following locations:
 - (1) All wetlands within 100 feet of the edge of the proposed alteration shall be marked with numbered flagging tape, which will correspond to the edge of wetlands numerically indicated on the plans as set forth in Subsection B; and
 - (2) The corners of proposed buildings and drainage systems and delineation of roadways nearest the protected resource areas shall be marked, with the specific location noted on the flags to correspond to the plan.
- B. Submission requirements applicable to all projects. Any application for a permit under this chapter 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 by this chapter. At a minimum, the application shall include the following:
 - (1) Narrative detailing the proposed project; and
 - (2) Site plan showing details of the proposed project as follows:
 - (a) The following information shall be delineated:
 - [1] Boundary of the resource area, showing flags numbered to correspond with numbered flags installed at the site;
 - [2] FEMA floodplain delineation, if applicable.
 - [3] The fifteen- and twenty-foot setback requirements for the proposed project as set forth in § 231-6;
 - [4] The one-hundred-foot buffer zones to the resource area;

- [5] One-hundred-foot inner and two-hundred-foot outer riparian zones, if applicable;
 - [6] Proposed erosion and sedimentation controls (e.g., stacked hay bales and silt fences);
 - [7] The limit-of-work line or note if the same as the erosion control barrier;
 - [8] Recorded easements or restrictions on or crossing the property and metes and bounds of proposed conservation restrictions noting the total restricted area;
 - [9] Abutting property owners and map and parcel identification;
 - [10] Elevation or sections of buildings, retaining walls or other structures if any change in grade or elevation is proposed;
 - [11] Proposed location of any fill or construction material to be stored on site;
 - [12] Extent of any new impervious surfaces and infiltration measures proposed for runoff from such surfaces (e.g., dry wells, porous pavement);
 - [13] Utility connections, if applicable;
 - [14] Drainage details for any proposed stormwater management system to mitigate stormwater runoff, if applicable; and
 - [15] Landscape plan or buffer zone enhancement plan to detail the approach to protect/enhance the buffer zone.
- (b) If the proposed project involves construction of residential, commercial, or similar structure, or if it involves addition of structures or change in elevation or grading within the one-hundred-year floodplain, the plan shall contain a stamped and signed certification by a professional land surveyor, a professional civil engineer (if applicable), or a registered landscape architect (if applicable).
- (c) Provide one original stamped plan and seven copies of the plan.
- (3) Erosion and sedimentation control. Applicants shall be required to show appropriate erosion control measures, including but not limited to silt prevention devices, silt fences and/or hay bales. A narrative erosion control plan shall be provided for all resource areas protected by this chapter. Specifications shall be provided for both temporary and permanent ground covers. The erosion

control plan shall describe all temporary and permanent methods to control erosion and siltation on site.

§ 231-6. Standards.

No permit shall be granted unless the applicant's proposed project complies with the following requirements or unless the Commission, in its sole discretion, deems it necessary or desirable to waive any provision herein.

A. Setbacks. The following setbacks are minimum setbacks and may be extended further if the Commission, in its sole discretion, deems it necessary for the protection of the resource values protected by this chapter. Minimum setbacks will be viewed on a case-by-case basis. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of the resource areas protected by this chapter. Information to be assessed includes, but is not limited to, leaching, erosion, drainage, on-site ponding, and general effect on wetlands.

- (1) General. No permit for any alteration or structure shall be issued unless the proposed project complies with the following minimum setbacks:
 - (a) No disturbance zone. A no disturbance zone shall be provided and maintained in the area of land situated between a wetland and a parallel line located 15 feet away, measured outward horizontally from the edge of the wetland. The no disturbance zone shall be naturally vegetated and free from oil, hazardous materials, and chemicals (including, without limitation, fertilizers, herbicides and pesticides).
 - (b) No construction zone. A no construction zone shall be provided and maintained in the area of land situated between a wetland and a parallel line located 20 feet away, measured outward horizontally from the edge of the wetland. Lawns and landscaping are permitted but structures and appurtenances thereto are prohibited in the no construction zone.
- (2) Wetland-dependent structures. A zero-foot setback for wetland dependent structures (drain outfalls, weirs, etc.) will be permitted where the Commission, in its sole discretion, deems reasonable.
- (3) Upland access. A zero-foot setback for site improvements necessary for upland access will be permitted where the Commission, in its sole discretion, deems reasonable alternative access to be unavailable.
- (4) Wetland setbacks for preexisting structures. Projects associated with preexisting structures or projects not presently in compliance with this chapter may not increase the degree of nonconformance of those structures or projects. No new alteration shall be commenced and no new structure shall be located within the no

construction zone or no disturbance zone, as set forth in this chapter.

- B. Floodplain requirements. There shall be no net loss of flood storage volume at any elevation. There shall be no increase in the rate of runoff as a result of any project. The Commission may impose specific planting and/or maintenance requirements in order to achieve floodplain requirements. The Commission may also require the applicant to conduct drainage calculation studies and to take other mitigation measures as appropriate.
- C. Wildlife habitat. No project may result in the loss of critical habitat or cause negative impacts on critical habitat of rare, threatened, or endangered species, or species of special concern. Any applicant proposing an alteration near a critical habitat area shall be required to include a description of wildlife habitat characteristics observed on the property. 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 to perform a wildlife habitat study 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 areas suitable for wildlife, importance of wildlife corridors in the area, or possible presence of rare species in the area. The work shall be performed by an individual who, at a minimum, meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act.
- D. Stormwater management.
 - (1) Any applicant proposing an increase of impervious area greater than 500 square feet within a buffer zone or land subject to flooding must demonstrate that there will be no net increase in runoff peak discharge rate and no net loss of recharge to groundwater.
 - (2) This requirement may be met in one of two ways:
 - (a) DEP Stormwater Policy method. An applicant may submit engineering calculations using methods approved in the Massachusetts DEP Stormwater Management Policy and guidance documents in effect at the time of the application, showing pre- and post-development recharge and peak discharge rates for a one-, two-, and ten-year storm. Drainage calculations submitted in compliance with the DEP Stormwater Policy may be used to satisfy this requirement but must include calculations for a one-year storm in addition to those required under the DEP policy.
 - (b) Low-impact development method.
 - [1] As an alternative to the DEP method, applicants may receive a presumption that the stormwater performance

standard is met by applying low-impact development (LID) best management practices to all new impervious surfaces. The applicant may utilize as many or as few of the following techniques as needed to effectively manage stormwater on site, subject to the approval of the Commission:

- [a] Removal of preexisting impervious area of the same or greater size in the same drainage area;
 - [b] Use of permeable pavers in place of impervious materials;
 - [c] Design of surfaces so that runoff will be in the form of sheet flow directed towards a naturally vegetated buffer area. The width of the naturally vegetated area must be at least equal to the width of the impervious area;
 - [d] Direction of runoff flow to rain gardens or bioretention areas. These areas should be large enough to accommodate the volume of one inch of runoff over the area of contributing impervious surface;
 - [e] Use of green roof systems;
 - [f] Connection of runoff from new impervious areas to dry wells or other infiltration devices. Said devices should be large enough to accommodate the volume one inch of runoff over the area of contributing impervious surface; or
 - [g] Other similar stormwater management practices as may be approved by the Commission on a case-by-case basis.
- [2] Applicants electing to apply LID methods are not required to submit drainage studies unless required to do so under the Massachusetts DEP Stormwater Management Policy. Use of low-impact development practices is encouraged for all projects, including those involving under 500 square feet and those subject to the DEP Stormwater Management Policy. The Commission may require the use of LID practices in any project where the Commission deems such use necessary to preserve the values protected under this chapter.

§ 231-7. Notice and hearings.

A public hearing shall be held for each filing. At the hearing, the information is presented to the Commission and the public by the applicant and/or the applicant's representative(s).

A. Notice of this hearing is given as follows:

(1) Notice to abutters.

- (a) Any person filing an application with the Conservation Commission for anything other than an RFD shall at the same time send written notice thereof, by hand delivery or form of mailing providing proof of mailing (e.g., certified mail or certificate of mailing), 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 100 feet of the property line of the applicant, including any in another municipality or across a body of water. Applications for an RFD do not require abutter notification.
- (b) In addition, any person filing an application for an alteration to take place on property bordering Swains Pond, Towners Pond, or Ell Pond shall give written notice thereof to all abutters to such pond.
- (c) The notification required under this section shall be made at the expense of the applicant and shall have enclosed a copy of the application, with plans, or shall state where copies may be examined or obtained by abutters. The notification shall also state where information regarding the date, time, and place of the public hearing may be obtained. The applicant shall mail, send by overnight delivery or hand deliver to the Commission a copy of the notice sent to abutters as required under this section.
- (d) An applicant may use the notice forms provided by the Department of Environmental Protection pursuant to the Wetlands Protection Act to satisfy the notice requirements of this chapter, provided that all other applicable requirements under this chapter are also satisfied.
- (e) The applicant shall present either the certified mail receipts or certificate of mailing receipts for all abutters at the beginning of the public hearing. The presentation of the receipts for all abutters identified on the tax list shall constitute compliance with abutter notification requirements. The Conservation Commission shall determine whether the applicant has complied with abutter notification requirements.
- (f) When a person requesting a permit or determination is other than the owner of the subject property, the request, the notice of the hearing, and the determination itself shall be sent by the Commission to the owner, as well as to the person making the request.

- (2) Legal notice. Notice of the date, time and place of the public hearing shall be given by the Commission at the expense of the applicant, not less than five days prior to such hearing, by publication in a newspaper of general circulation in Melrose, and by mailing a notice to the applicant.

B. Public hearing.

- (1) The Commission shall commence the public hearing within 21 days from receipt of a complete application, unless the applicant authorizes an extension for the hearing. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or other reasons deemed necessary by the Commission in its sole discretion.
- (2) The Commission in an appropriate case may elect to combine its hearing under this chapter with the hearing or meeting conducted under the Wetlands Protection Act.

C. Investigations. The Commission, its agents, officers, consultants and employees may enter upon the land that is the subject of an application for the purpose of carrying out its duties under this chapter and may make or cause to be made such examination or survey as the Commission, in its sole discretion, deems necessary.

§ 231-8. Permits and conditions.

A. The Commission shall make its determination in writing within 21 days of the close of the public hearing. The Commission shall either:

- (1) Make a determination that the applicant's proposed project is not likely to have a significant individual or cumulative adverse effect upon any resource area protected by this chapter, in which case the Commission may issue a permit or other order with or without conditions; or
- (2) Make a determination that the applicant's proposed project is likely to have a significant individual or cumulative adverse effect upon any resource area protected by this chapter, in which case the Commission shall deny or grant the applicant a permit or other order, with or without conditions.

B. Issuance.

- (1) If it issues a permit, the Commission shall impose conditions which the Commission, in its sole discretion, deems necessary or desirable to protect the values protected by this chapter, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed,

resulting from past activities, permitted and exempt, and foreseeable future activities.

- (2) The Commission in an appropriate case may combine the decision issued under this chapter with the order of conditions, order of resource area delineation, determination of applicability, or certificate of compliance issued under the Wetlands Protection Act.
 - (3) No work proposed in any application shall be undertaken until the permit or other determination issued by the Commission with respect to such work has been recorded by the applicant in the Registry of Deeds or, if the land affected is registered land, in the Registry Section of the Land Court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded.
- C. Expiration. A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission, in its sole discretion, may issue a permit expiring five 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, in the Commission's sole discretion, be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the Commission prior to expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place and shall apply to all owners, current and future, of the land.
- D. Denial of permit.
- (1) Where no conditions are adequate to protect the resource values protected by this chapter, the Commission is empowered, in its sole discretion, to deny a permit for failure to meet the requirements of this chapter. It may also deny a permit for the following reasons: for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, or other requirements of this chapter; or for failure to avoid or prevent unacceptable, significant, or cumulative effects upon the resource area values protected by this chapter.
 - (2) Applicants shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the 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 an application or grant a permit with conditions.
- E. Responsibility of compliance. After the recording of a permit hereunder, any person who purchases, inherits or otherwise acquires real estate

upon which activities have been conducted in violation of the provisions of this chapter or in violation of any permit issued under this chapter shall comply with any such permit or restore such land to its condition prior to any such violation.

- F. Certificate of compliance. When an applicant has completed a project, it shall obtain a certification of compliance from the Commission by filing a written request with the Commission. The written request shall include a certification by an applicable professional that the project was completed in compliance with the permit and shall set forth what deviation (if any) exists from the permit. Prior to the issuance of a certificate of compliance, the Commission shall make a site inspection. The applicant or applicant's agent shall be present for the site inspection. Within 21 days of receipt of the applicant's written request for a certificate of compliance, the Commission shall determine whether the project was completed in compliance with the permit. If the Commission determines, in its sole discretion, after review and inspection, that the project has not been completed in compliance with the permit, it may refuse to issue a certificate of compliance. Such refusal shall be in writing and shall specify the reasons for denial. If the Commission determines, in its sole discretion, after review and inspection, that the project has been completed in accordance with the permit, the Commission shall issue a written certificate of compliance.
- G. Revocations; modifications; amendments. For good cause, the Commission at a public hearing may, in its sole discretion, revoke, modify or amend a permit or other determination issued pursuant to this chapter or the Wetlands Protection Act, after notice to the holder of such permit or other determination, and notice to the public, abutters and City boards. Good cause for such revocation or modification shall include, but is not limited to, the following:
- (1) Failure by the applicant or his successors to comply with the terms of a permit or other determination issued pursuant to this chapter or the Wetlands Protection Act;
 - (2) The receipt of new information relating to the project which indicates that previous information presented to the Commission was inaccurate; or
 - (3) Changes to the project after completion of the Commission's review.

§ 231-9. Waiver.

- A. Strict compliance with this chapter may be waived when, in the sole judgment of the Commission, such action is in the public interest and is consistent with the intent and purpose of the chapter. In addition, any person may request a waiver by submitting a waiver request to the Commission in writing. The waiver request shall be presented at the time of filing the application, along with a written justification

stating why a waiver is desired or needed, is in the public benefit, or otherwise is in the interest of justice, and is consistent with the intent and purpose of the chapter. In evaluating whether a waiver shall be granted, the Commission shall consider whether there are any practicable alternatives to the proposed project with less adverse impacts upon the resource areas protected by this chapter. The Commission may require the applicant to conduct an analysis of alternatives to show that there are no practicable alternatives.

- B. The Commission may waive the filing fee, consultant fee, and costs and expenses for an application filed by a government agency.

§ 231-10. Rules and regulations. [Amended 8-21-2017 by Ord. No. 2018-4]

After public notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this chapter, effective when voted and filed with the City Clerk. Such regulations may impose reasonable fees upon applicants to cover the Commission's administrative costs. 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.

§ 231-11. Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter. Terms not defined herein shall have the meanings given in the Wetlands Protection Act.

ABUTTER — Owner of land abutting the activity.

ALTER or ALTERATION — Includes, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this chapter:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- C. Drainage, or other disturbance of water level or water table;
- D. Dumping, discharging, or filling with any material which may degrade water quality;
- E. Placing of fill, or removal of material, which would alter elevation;
- F. Driving of piles, erection, expansion or repair of buildings, or structures of any kind, including temporary structures;

- G. Introducing chemicals (including, without limitation, pesticides, herbicides or fertilizers), oil or hazardous materials;
- H. Placing of obstructions or objects in water;
- I. Harming or destroying of plant life;
- J. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- K. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater; and
- L. Incremental activities that have, or may have, a cumulative adverse impact on the resource areas protected by this chapter.

APPLICANT — Any person submitting an application to the Commission.

APPLICATION — Any written request for action or determination by the Commission, including but not limited to a request for a permit, RFD, waiver, certificate of compliance, or any request pursuant to the Wetlands Protection Act.

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.

BUFFER ZONE — Lands abutting within 100 feet horizontally outward from any resource area.

CITY — The City of Melrose, Massachusetts, a municipal corporation.

COMMISSION — The Conservation Commission of the City of Melrose.

COMMONWEALTH — The Commonwealth of Massachusetts.

CONSULTANT FEE — The fee charged to an applicant to cover the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services.

DAYS — In calculating time periods under this chapter, shall mean business days for periods less than or equal to five days and calendar days for periods of greater than five days.

LAND SUBJECT TO FLOODING — The area bounded by the estimated maximum lateral extent of floodwater which would result from the statistical one-hundred-year frequency storm. Said boundary shall be that determined by reference to the most recently available data prepared for the community under the National Flood Insurance Program (NFIP, currently administered by the Federal Emergency Management Agency, successor to the U.S. Department of Housing and Urban Development). Where NFIP profile data is unavailable, the boundary of bordering land subject to flooding shall be the maximum lateral extent of floodwater which has been observed or recorded. In

the event of a conflict, the issuing authority may require the applicant to determine the boundary of bordering land subject to flooding by engineering calculations which shall be: **[Amended 8-21-2017 by Ord. No. 2018-4]**

- (1) Based upon a design storm of seven inches of precipitation in 24 hours (i.e., a Type III Rainfall, as defined by the U.S. Natural Resources Conservation Service);
- (2) Based upon the standard methodologies set forth in U.S. Natural Resources Conservation Service Technical Release No. 55, Urban Hydrology for Small Watersheds, and Section 4 of the U.S. Natural Resources Conservation Service, National Engineering Hydrology Handbook; and
- (3) Prepared by a registered professional engineer or other professional competent in such matters.

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 City ordinances, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

POND — Shall follow the definition of 310 CMR § 10.04.

RARE SPECIES — Includes, without limitation, all vertebrate and invertebrate animal and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife (the Division), regardless of whether the site in which they occur has been previously identified by the Division.

RFD — A request for determination from the Commission.

VERNAL POOL — An intermittent pond that meets the criteria set forth in "Guidelines for Certification of Vernal Pool Habitat" issued by the Massachusetts Division of Fisheries and Wildlife. Prior certification is not required. Vernal pools function as essential breeding habitat for a variety of amphibian species, such as wood frog (*Rana sylvatica*) and mole salamanders, and provide other important wildlife habitat functions for amphibians and other wildlife. Vernal pool habitat includes a one-hundred-foot setback area.

WETLANDS — Any freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, banks, lakes, ponds of any size, rivers, streams (including intermittent streams), creeks, or lands subject to flooding or inundation by groundwater or surface water.

WETLANDS PROTECTION ACT — The Wetlands Protection Act at MGL c. 131, § 40, and the regulations promulgated thereunder at 310 CMR 10.00.

§ 231-12. 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 hereunder (including conditions requiring mitigation work) be secured wholly or in part by one or more of the methods described below:

- A. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient, in the opinion of the Commission, to be released in whole or in part upon issuance of a certificate of compliance for work performed pursuant to the permit. If the applicant fails to perform and observe the required conditions within a reasonable time and, in the case of a wetlands replication project, within two years, the applicant shall forfeit such bond, deposit or security, and a certificate of compliance shall not be granted until the conditions are satisfied.
- B. By accepting 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.

§ 231-13. Land owned by Commission. [Amended 8-21-2017 by Ord. No. 2018-4]

Any land held by the Commission, no matter how such land originally came to be under the Commission's control, shall be held by the Commission for the purpose of protecting open space and promoting the resource values protected by this chapter for the benefit of the residents of the City. Pursuant to the Conservation Commission Act (HB § 18.9)⁵⁷ and MGL c. 40, § 15A, such land may not be transferred without a unanimous vote of the Commission, a vote of the Board of Aldermen and a two-thirds vote of the Legislature of the commonwealth.

§ 231-14. Enforcement.

- A. Enforcement shall be taken upon any person who commences an activity under the jurisdiction of the Commission without a permit or otherwise fails to restore illegally altered land to its original condition, or fails to comply with a permit, order of conditions or an enforcement order (including a stop-work order) issued pursuant to this chapter.
- B. No person shall subdivide or segment land for the purpose of circumventing the requirements of this chapter. No person shall injure

57. Editor's Note: See MGL c. 40, § 8C.

or destroy plant life located in any of the resource areas protected by this chapter, including but not limited to cutting trees or their roots.

- C. The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land 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:
 - (1) In the case of minor infractions, administration actions, violation notices, and enforcement orders (including stop-work orders);
 - (2) In the case of major infractions, civil actions including injunctions and fines; and
 - (3) In the case of repeat offenders and major violations, criminal court actions.
- E. Any person who violates provisions of this chapter may be ordered to restore the property to its original condition and take any other action that the Commission, in its sole discretion, deems necessary to remedy such violation, or may be fined, or both.
- F. If a civil action, administration action, final order, penalty, violation notice, enforcement order, stop-work order, criminal court action, fine or an adjustment for a violation is contemplated, the Commission will discuss this matter at a public meeting with notice and an invitation to participate to the City Solicitor. The property owner will be given at least 48 hours' notice in writing of the date, time and place of the public meeting, by certified mail, return receipt requested, or hand delivery. If a majority of the Commission present at the meeting finds, by a preponderance of the evidence, that a violation has occurred, then the owner may be fined not more than \$300 per offense per day. Each violation may be considered a separate offense. Each day the violation continues constitutes a separate violation under this chapter.
- G. Upon request of the Commission, the case may be referred to the City for enforcement. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.
- H. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement. Any enforcement order shall be published, at the applicant's expense, in one or more local newspapers. In addition, the enforcement order shall be recorded on the deed for the property at issue.

- I. As an alternative to criminal prosecution in a specific case, the Commission may issue citations under the noncriminal disposition procedure set forth in MGL c. 40, § 21D. The following fine structure shall be utilized to maintain fairness and consistency. Each violation may be considered a separate offense. Each day the violation continues constitutes a separate violation under this chapter. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- (1) Unpermitted alteration of the buffer zone carries a fine of \$150.
 - (2) Unpermitted alteration of the no disturbance zone carries a fine of \$200.
 - (3) Unpermitted alteration of a resource area carries a fine of \$300 for each resource area altered.
 - (4) Failure to secure necessary permits required to perform work within an area subject to protection under this chapter carries a fine of \$150.
 - (5) Leaving unpermitted fill in place within a resource area and/or buffer zone carries a fine of \$300.
 - (6) Failure to record with the Registry of Deeds an order of conditions issued under the chapter carries a fine of \$150.
 - (7) Failure to notify the Commission prior to start of work carries a fine of \$100.
 - (8) Failure to comply with all conditions of a permit issued under the chapter carries a fine of \$300.
 - (9) Failure to have the necessary permits and approved drawings and plans available at the project site at all times carries a fine of \$300.
 - (10) Failure to properly use, maintain, and/or install erosion controls carries a fine of \$100 for the first offense, \$200 for the second offense, and \$300 for each subsequent offense.
 - (11) Conducting work outside the scope shown on an approved plan approved under this chapter carries a fine of \$300.
 - (12) Failure to notify the Commission in writing in regard to any changes to an approved plan under this chapter carries a fine of \$300.
 - (13) Failure to properly secure any stockpiled material within the one-hundred-foot buffer zone associated with an approved project carries a fine of \$300.
 - (14) Failure to permanently stabilize all disturbed areas associated with an approved project within 30 days of completion of the project carries a fine of \$300.

- (15) Failure to request a certificate of compliance or an order of conditions within six months of completion of the project carries a fine of \$300.
- (16) Failure to submit required replication monitoring reports carries a fine of \$300.
- (17) Failure to design required replication area as specified in approved plans carries a fine of \$300.
- (18) Failure to record the certificate of compliance with the Registry of Deeds carries a fine of \$150.
- (19) Failure to comply with requirements listed on the City of Melrose's notice of violation or enforcement order carries a fine of \$300 per day.

§ 231-15. Appeals.

A decision of the Commission shall be reviewable in the Superior Court in accordance with MGL c. 249, § 4.

§ 231-16. Relation to the 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.

§ 231-17. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

Chapter 235

ZONING

GENERAL REFERENCES

Historic districts — See Ch. 131.

Wetlands protection — See Ch. 231.

ARTICLE I

Title, Authority and Purpose**§ 235-1. Title.**

This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Melrose, Massachusetts," hereinafter referred to as "this chapter."

§ 235-2. Authority.

This chapter is adopted pursuant to the authority granted by MGL c. 40A and amendments thereto, herein called the "Zoning Act." Where the Zoning Act is amended from time to time after the effective date of this chapter and where such amendments are mandatory, such amendments shall supersede any regulations of this chapter which have been set forth on the basis of the Zoning Act in existence at the effective date of this chapter.

§ 235-3. Purpose.

This chapter is enacted for the following purposes: to lessen congestion in the streets; to conserve health; to secure safety from fires, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase its amenities and to encourage an orderly expansion of the tax base by utilization, development and redevelopment of land. It is made with reasonable consideration as to the character of the district and to its peculiar suitability for particular uses, with a view to giving direction or effect to land development policies and proposals of the Planning Board, including the making of Melrose a more viable and more pleasing place to live, work and play.

ARTICLE II
Word Usage and Definitions

§ 235-4. Word usage.

- A. For the purpose of this chapter and unless the context of usage clearly indicates another meaning, certain terms and words shall have the meaning given herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "used" or "occupied" includes the words "designed, arranged, intended or offered to be used or occupied"; the word "building," "structure," "lot," "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory.
- B. Terms and words not defined herein but defined in the Melrose Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary. Uses listed in the Table of Use Regulations under the classes "retail and service trades" and "wholesale trade and manufacturing" shall be further defined by the Standard Industrial Classification Manual published by the United States Bureau of the Census.

§ 235-5. Definitions. [Amended 12-2-1974 by Ord. No. 18561; 12-2-1974 by Ord. No. 18562; 7-20-1987 by Ord. No. 1691C; 10-16-1989 by Ord. No. 2312; 12-7-1989 by Ord. No. 1735; 12-21-1989 by Ord. No. 1574; 8-20-1990 by Ord. No. 90-209; 5-1-1995 by Ord. No. 95-189; 12-16-1996 by Ord. No. 97-38; 1-4-1999 by Ord. No. 99-021; 5-7-2007 by Ord. No. 07-132; 8-23-2007 by Ord. No. 07-044A; 2-17-2009 by Ord. No. 09-060]

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

ABANDONMENT —

- A. The cessation of a nonconforming use as indicated by the visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a structure or lot; or
- B. The replacement of a nonconforming use or structure by a conforming use or structure.

ADMINISTRATIVE OFFICER — The Building Commissioner, City of Melrose, Massachusetts.

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended. For purposes herein, "substantial or

significant portion of stock" shall mean more than 25% of the subject establishment's inventory stock or more than 25% of the subject premises' gross floor area.

ADULT CLUB — A club, restaurant, function hall or similar private or commercial establishment which regularly features:

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

ADULT MOTION-PICTURE THEATER — An enclosed building used for presenting material (motion-picture films, video cassettes, cable television, slides or any other such visual media) distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended.

ADULT PARAPHERNALIA STORE — An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended.

ADULT USE — An adult bookstore, adult club, adult motion-picture theater, adult paraphernalia store or adult video store as defined in this chapter.

ADULT VIDEO STORE — An establishment having as a substantial or significant portion of its stock-in-trade, for sale or rent, motion-picture films, video cassettes and similar audio/visual media which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended. For purposes herein, "substantial or significant portion of stock" shall mean more than 25% of the subject establishment's inventory stock or more than 25% of the subject premises' gross floor area.

ALTERATION — Any construction, reconstruction or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building or other structure.

ANTENNA — A device for directly transmitting or receiving electromagnetic transmissions.

APARTMENT HOUSE — A building designed or intended or used as the home or residence of three or more families, each in a separate dwelling unit, living independently of each other, and who may have a common right in halls and stairways.

ASSISTED LIVING FACILITY — **[Added 7-21-2014 by Ord. No. 2014-146]**

A. A residential development subject to certification by the Executive Office of Elder Affairs under MGL c. 19D, as amended, and defined as an entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria:

- (1) Provides room and board;
- (2) Provides, directly by employees of the entity or through arrangements with another organization which the entity may or may not control or own, assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and
- (3) Collects payments or third party reimbursements from or on behalf of residents to pay for the provision of assistance with the activities of daily living or arranges for the same.

B. This definition shall not include group foster care, group homes, single room occupancy residences, rooming or lodging houses, skilled nursing facility, hospices, or elderly housing which is not assisted living.

BASEMENT — A portion of a building, partly below grade, which has more than 1/2 of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement shall be deemed a story when its ceiling is four feet or more above the average finished grade. **[Amended 9-16-2013 by Ord. No. 2013-198]**

BOARD — The Board of Appeals of the City of Melrose, Massachusetts.⁵⁸

BUILDING — A combination of any materials, whether portable or fixed, having a roof, enclosed within the exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

BUILDING, ACCESSORY — A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

BUILDING AREA — The aggregate of the maximum horizontal cross-sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies and terraces.

BUILDING, ATTACHED — A building having any portion of one or more walls in common with adjoining buildings.

58. Editor's Note: See Administrative Code § A-203 and Ch. 15, Art. I, Board of Appeals.

BUILDING COVERAGE — The building area expressed as a percent of the total lot area.

BUILDING, DETACHED — A building having open space on all sides.

BUILDING FRONT YARD — The area of the front yard between the front lot line and the principal building bound by lines extending from each front corner of the principal building perpendicular to the street. No more than 20% of the building front yard on residential properties with three or fewer dwelling units shall be covered with an impervious surface.

BUILDING, HISTORICAL — A building certified or qualified for certification by the Massachusetts Historical Commission in accordance with its published standards as a historical landmark.

BUILDING, NONCONFORMING — An existing building or structure or the existing use of any building or structure at the time of adoption of this chapter, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located.

BUILDING, PRINCIPAL — A building in which is conducted the principal use of the lot on which it is located.

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

CERTIFICATE OF OCCUPANCY — A statement signed by the Building Commissioner setting forth either that a building or structure complies with the Zoning Ordinance or that a building, structure or parcel of land may lawfully be employed for a specified use, or both.

COMMON LAND — A parcel or parcels of open space within the site designated for a cluster or planned unit development maintained and preserved for open uses and designed and intended for the use or enjoyment of residents of these developments, but not including parking areas or ways, public or private. Common land may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of such residents.

COMMUNICATIONS TOWER — A tower that is freestanding or anchored with cables, used to support an antenna or other voice or data transmission and receiving devices.

DISTRICT — A zoning district as established by Article III of this chapter.

DRIVE-IN EATING ESTABLISHMENT — A commercial establishment wherein food is usually served to or consumed by patrons while they are seated in parked cars.

DRIVE-IN ESTABLISHMENT — A business establishment wherein patrons are usually served while seated in parked vehicles in the same lot. The term "drive-in" includes drive-in eating establishments where food is purchased from a building on the lot but is consumed in the vehicle; drive-in service

establishments such as banks, cleaners and the like; and automotive service stations, gasoline stations or the like.

DRIVEWAY — An open space, located on a lot, which is not more than 24 feet in width, built for access to a garage or off-street parking or loading space.

DWELLING — A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, which is occupied in whole or in part as the home residence or sleeping place of one or more persons. The term "one-family, two-family or multifamily dwelling" shall not include a hotel, lodging house, hospital, membership club, mobile home or dormitory.

DWELLING, MULTIFAMILY — A building containing three or more dwelling units and including an apartment house, garden apartment house and multifamily dwellings.

DWELLING UNIT — One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking and sanitation.

ESSENTIAL SERVICES — Services provided by public utility or governmental agencies through erection, construction, alteration or maintenance of gas, electrical, steam or water transmission or distribution systems and collection, communication, supply or disposal systems, whether underground or overhead. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety or general welfare.

FAMILY — An individual or two or more persons related by blood or marriage living together as a single housekeeping unit and including necessary domestic help, such as nurses or servants, and further including, provided that the dwelling is owner-occupied, not more than three lodgers or roomers taken for hire. A group of individuals (including necessary domestic help, such as nurses or servants, but excluding lodgers or roomers taken for hire) not related by blood or marriage but living together as a single housekeeping unit may constitute a family. For purposes of controlling residential density, each such group of four individuals shall constitute a single family.

FLOOD LINE — The limits of flooding from a particular body of water caused by a storm whose frequency of occurrence is once in 25 years, as determined and certified by a registered professional engineer qualified in drainage.

FLOODWAY — The area subject to periodic flooding, the limits of which are determined by the flood line.

FLOOR AREA, GROSS — The sum of the gross horizontal area of the several floors, including basements, of a principal building and its accessory buildings on the same lot, measured from the exterior faces of the walls. It does not include cellars; unenclosed porches or attics not used for human occupancy; malls within a shopping center utilized purely for pedestrian circulation and/or decorative purposes between individual shops of the center; any floor space in an accessory or principal building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this chapter; or any such floor space intended or designed for accessory heating, ventilating and air-conditioning equipment.

FLOOR AREA RATIO — The ratio of the gross floor area to the total lot area.

FRONTAGE — The length of continuous linear footage of a lot as measured between the intersection of the side lot lines along a street. In the case of a corner lot, frontage shall be measured from the side lot line along the street to the intersection of street lines or street lines extended. A circle, the diameter of which is not less than 80% of the required minimum lot frontage and is tangent to the street lot line at any point, must be able to fit within all other lot lines. The acute angle measured between the frontage and any side lot line shall not be less than 55°.

GARAGE — A building or structure or a portion thereof in which a motor vehicle containing a flammable fluid in its fuel storage tank or other propellant is stored, housed and kept. This does not include a new car sales room.

GARAGE, CARPORT — A roofed structure attached to a residence, enclosed on not more than two sides, designed to house one, two or three motor vehicles.

GARAGE, COMMUNITY — A group of private garages, either detached or under one roof, arranged in a row or around a common means of access.

GARAGE, PRIVATE — A garage for housing motor vehicles only, with a capacity of not more than three vehicles.

GARAGE, PUBLIC — Any garage not included in the definition of a private garage or a community garage.

HEIGHT — The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, the deck of a mansard roof or the mean level of the highest gable or slope of a hip roof.

HOME OCCUPATION — An accessory use which is carried on entirely within a dwelling unit and is incidental and subordinate to the dwelling use and which shall not occupy more than 40% of the gross floor area or 600 square feet, whichever is less, of the dwelling unit so used. Such use shall be carried on by the occupants of the dwelling unit, with no nonresident employees, and shall not in any manner change the residential appearance of the building or the property.

HOSPITAL — A building providing, among others, twenty-four-hour inpatient services for persons admitted thereto for the diagnosis, medical,

surgical or restorative treatment or other care of human ailments, including a sanitarium and clinic.

HOSPITAL, VETERINARY — A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

HOTEL — A building or any part of a building containing rooming units without individual cooking facilities and having a common entrance or entrances and including an inn, motel, motor inn and tourist court, but not including a boardinghouse, lodging house or rooming house.

IMPERVIOUS SURFACE — A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. [A surface with an overall permeability coefficient which is less than 10^{-4} centimeters per second (cm/sec) is considered significant.] Impervious surfaces include, but are not limited to, roofs, paved areas (e.g., streets, sports courts) and swimming pools.

IN-LAW APARTMENT — A dwelling unit either contained within an owner-occupied one-family structure (such as, but not limited to, a cellar or attic) or attached thereto (such as, but not limited to, a garage or barn) which constitutes separate living facilities for immediate members of the family, such as a mother and/or father or a son and/or daughter or their respective spouses. See "dwelling unit" as defined in this section.

- A. An accessory in-law apartment is a separate, subordinate living area constructed as part of an existing owner-occupied single-family structure and built in a manner which maintains the appearance of a single-family structure.
- B. There shall be no boarders or lodgers within either unit of a dwelling with an accessory in-law apartment.
- C. No accessory in-law apartment shall be constructed without a building permit issued by the Building Inspector.
- D. No use as an accessory in-law apartment shall be permitted prior to a certificate of occupancy by the Building Inspector.
- E. A certificate of occupancy shall be issued for three years. Continued occupancy shall require issuance of a new certificate of occupancy.
- F. The dwelling unit shall be located within the single-family dwelling as it existed on January 1, 1990.
- G. The dwelling unit shall occupy no more than 1/3 of the gross floor area as of January 1, 1990.

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

JUNKYARD — The use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of any lot that joins any street for the storage, keeping or abandonment of junk.

LINE, BUILDING — The line established by this chapter beyond which a building shall not extend, except as specifically provided in this chapter.

LOADING SPACE — An off-street space at least 12 feet in width, 50 feet in length and with a vertical clearance of at least 14 feet, having an area of not less than 1,300 square feet, which includes access and maneuvering space, used exclusively for loading and unloading of goods and materials from one vehicle. The dimensions of the loading space may be reduced by the Building Commissioner to not less than 300 square feet, which includes access and maneuvering space, when it is clearly evident that service vehicles utilizing said space will not require the area listed above.

LODGING HOUSE — A building containing four or more lodging units.

LODGING UNIT — One or more rooms for the semipermanent use of one, two or three individuals not living as a single housekeeping unit and not having cooking facilities. "Lodging unit" shall include rooms in boardinghouses, lodging houses, tourist homes or rooming houses. It shall not include convalescent, nursing or rest homes; dormitories of charitable, educational or philanthropic institutions; or apartments or hotels.

LOT — An area or parcel of land or any part thereof, not including water area, in common ownership, designated on a plan filed with the Building Commissioner by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds.

LOT, CORNER — A lot at the point of intersection of and abutting on two or more intersecting streets, the interior angle of intersection of the street lot lines or, in case of a curved street, extended lot lines being not more than 135°. For purpose of this chapter, each street frontage shall be considered a front yard and the remaining two yards shall be considered rear yards.

LOT DEPTH — The mean horizontal distance between the front lot line and the rear lot line.

LOT, INTERIOR — A lot, excluding a corner lot, the side lot lines of which do not abut on a street.

LOT LINE, FRONT — The property line dividing a lot from a street right-of-way.

LOT LINE, REAR — The lot line opposite from the front lot line.

LOT LINE, SIDE — Any lot line not a front or rear lot line.

LOT, NONCONFORMING — A lot lawfully existing at the effective date of this chapter, or any subsequent amendment thereto, which is not in accordance with all provisions of this chapter.

LOT, THROUGH — A lot, the front and rear lot lines of which abut streets, or a corner lot, two opposite lines of which abut streets.

LOT WIDTH — The horizontal distance between the side lot lines as measured at the minimum front yard depth required by this chapter and parallel to the street line.⁵⁹

MEMBERSHIP CLUB — A social, sports or fraternal association or organization which is used exclusively by members and their guests and is not conducted as a gainful business.

MONOPOLE — The type of mount that is self-supporting with a single shaft of wood, steel and/or concrete and a platform (or racks) for panel antennas arrayed at the top.

OPEN SPACE — The space on a lot not covered by buildings, structures, or impervious surfaces, unobstructed to the sky by man-made objects and expressed as a percentage of total lot area.

OWNER — The duly authorized agent, attorney, purchaser, devisee, trustee, lessee or any person having vested or equitable interest in the use, structure or lot in question.

PARKING SPACE — An off-street space inside or outside a structure for exclusive use as a parking stall for one motor vehicle.

PLANNED DEVELOPMENT — A development involving the construction of two or more principal buildings on the same lot for any permitted use.

RECREATIONAL MARIJUANA ESTABLISHMENT — A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business, subject to regulation under Chapter 94G of the Massachusetts General Laws; provided, however, that a registered marijuana dispensary shall not be deemed to be a recreational marijuana establishment.**[Added 8-21-2017 by Ord. No. 2017-130]**

REGISTERED MARIJUANA DISPENSARY — A not-for-profit entity and use registered under 105 CMR 725.100, and previously known as a medical marijuana treatment center, which may acquire, cultivate, possess, process [including development of related products such as edible marijuana-infused products (MIPs), tinctures, aerosols, oils, or ointments], transfer, transport, sell, distribute, dispense, and/or administer marijuana, products containing marijuana, related supplies, and/or educational materials to registered qualifying patients or their personal caregivers. A registered marijuana dispensary does not include non-medical dispensaries.**[Added 8-21-2017 by Ord. No. 2017-129]**

REPAIR — With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use or location of a structure.

RETAIL FOOD ESTABLISHMENT — A retail store selling food products, not to be consumed on the premises, which shall include but not be limited

59. Editor's Note: The definition of "medical marijuana treatment center" which immediately followed this definition and was added 1-22-2013 by Ord. No. 2013-44 was deleted 8-21-2017 by Ord. No. 2017-129. See now the definition of "registered marijuana dispensary."

to one or more of the following: fresh cheese, fresh meat or delicatessen products, freshly prepared baked goods or confections, natural and organic food or beverages, and which may also sell, incidental to the sale of food products therein, wines and malt beverages, but not tobacco products, lottery tickets, pharmacy items, toiletries, personal care products or photographic supplies or services. The term "retail food establishment" as used herein shall further comport with the definition of "establishment" as defined in Chapter 327 of the Acts of 2008.

SERVICE STATION — A building or part thereof whose chief activity is the selling of gasoline, oil and related products for motor vehicles or the provision of lubricating service or general auto repair.

SETBACK — The shortest horizontal distance from the front lot line to the nearest building wall or building part not specifically excluded by § 235-25.

SIGN — Any temporary or permanent lettering, word, symbol, drawing, picture, design, device, emblem, trademark, banner, pennant, insignia, article, or object that advertises, calls attention to, or indicates any premises, person or activity, whatever the nature of the material and manner of composition or construction, when the same is placed out of doors or affixed on or in any part of a building for the purpose of being visible from the exterior of the building. **[Amended 12-5-2011 by Ord. No. 12-10]**

SIGN, AWNING — A sign which is printed, painted, or affixed to an awning or canopy. **[Added 12-5-2011 by Ord. No. 12-10]**

SIGN, BILLBOARD — Any sign, regardless of size, which advertises, calls attention to or promotes for commercial purposes any product, service or activity other than one manufactured, sold or engaged in on the lot at which the sign is located. **[Added 12-5-2011 by Ord. No. 12-10]**

SIGN, BUILDING DIRECTORY — A sign affixed at a building entrance which identifies the occupants of the building not exceeding an area determined on the basis of 1.5 square feet for each establishment occupying the building. **[Added 12-5-2011 by Ord. No. 12-10]**

SIGN, BUSINESS — A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

SIGN, IDENTIFICATION — A sign used simply to identify the name, address and title of an individual family or firm occupying the premises upon which the sign is located.

SIGN, ROOF — A sign erected on or affixed to the roof of a building.

SIGN, STANDING — A sign erected on or affixed to the land, including any exterior sign not attached to a building.

SIGN, SURFACE AREA OF — For a sign, either freestanding or attached, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting

framework and bracing which are incidental to the display itself. For a sign consisting of individual letters, designs and symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs and symbols.

SIGN, TEMPORARY — Any sign intended to be displayed for not more than 30 consecutive days in any calendar year.**[Added 12-5-2011 by Ord. No. 12-10]**

SIGN, WALL — A sign affixed to the exterior wall of a building and extending not more than 15 inches therefrom and installed parallel to the face of the building.**[Amended 12-5-2011 by Ord. No. 12-10]**

SIGN, WINDOW — A sign which is posted, painted, or affixed on an interior transparent surface, including windows and doors, intended to be visible from the exterior of the building or a sign that is located within five feet of the glass of a window exposed to public view and visible from the exterior of the building.**[Added 12-5-2011 by Ord. No. 12-10]**

SPECIAL EXCEPTION (SPECIAL PERMIT) — A use of a structure or lot or any action upon a premises which may be permitted under this chapter only upon application to and on approval and issuance of a special permit by the Board and in accordance with provisions of Article X.

STORY — The portion of a building which is between one floor and the next higher floor level or the roof. If a mezzanine floor area exceeds 1/3 of the area of the floor immediately below, it shall be deemed a story. A basement shall be deemed a story when its ceiling is four feet or more above the average finished grade. A cellar shall not be deemed a story.**[Amended 9-16-2013 by Ord. No. 2013-198]**

STORY, HALF — A story directly under a sloping roof where, in the case of a roof having one uniform degree of pitch (such as in gable, hipped, or shed roof types), the points of intersection of the bottom of the rafters and the interior faces of the exterior walls are less than two feet above the floor level on at least two opposite exterior walls. Dormers may be constructed provided the length of the dormer(s), as measured along the lowest bearing points of the dormer(s) on the rafters of the sloping roof, does not exceed 50% of the length of the sloping roof to which it is attached. There may be more than one dormer provided the total sum of the horizontal length of the dormers does not exceed 50% of the length of the sloping roof to which they are attached. Dormers shall be set back at least two feet from the gable ends of a sloping roof, and the roof overhang shall be maintained throughout existing structures or established below the dormer in the case of new structures.**[Amended 9-16-2013 by Ord. No. 2013-198]**

STREET — A way which is 21 or more feet in right-of-way width which is accepted or devoted to public use by legal mapping or by any other lawful procedure. It shall be synonymous with the words "road," "avenue," "highway" and "parkway" and similar designations.

STRUCTURE — A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, tower, framework,

retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelters, piers, wharves, bin, fence, sign or the like.

SUBSTANCE ABUSE TREATMENT CENTER — An entity, however organized, routinely providing substance abuse treatment services, including but not limited to consultation; counseling; dispensing of medication to treat substance abuse; dispensing prescriptions (to be filled) for medication to treat substance abuse; examination; all forms of sample collection and laboratory testing, including but not limited to blood draw, swab-testing and urinalysis; and therapy. No substance abuse treatment center shall be located within 300 feet of the property line of a property used for a residential dwelling, public or nonprofit school or public park or playground. **[Added 7-21-2014 by Ord. No. 2014-146]**

TOWNHOUSE — A row of at least three but not more than five one-family dwelling units whose side walls are separated from the other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner.

TRAILER — Any vehicle which is immediately portable and is arranged, intended, designed or used for sleeping, eating or business or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately portable or no longer immediately portable by virtue of having its wheels removed or skirts attached, shall not be considered a building for the purpose of this chapter.

USE — The purpose for which a structure or lot is arranged, designed or intended to be used, occupied or maintained.

USE, ACCESSORY — A use incidental and subordinate to the principal use of a structure or lot or a use, not the principal use, which is located on the same lot as the principal structure. Accessory use by area shall be interpreted not to exceed 40% of the area of the total use of the structure and/or lot on which it is located.

USE, NONCONFORMING — A use lawfully existing at the time of adoption of this chapter or any subsequent amendment thereto which does not conform to one or more provisions of this chapter.

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

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

UTILITY CABINET, PUBLIC/PRIVATE — Any structure used by a public utility for providing continuity of service not over seven feet in height and

requiring less than a two-hundred-square-foot base area, of which only 50% may be occupied by cabinet.

VARIANCE — Such departure from the terms of this chapter as the Board, upon appeal in specific cases, is empowered to authorize under the terms of Article X.

WIRELESS COMMUNICATIONS COMPANY — An entity that provides wireless communications services. For zoning purposes a wireless communications company is not a public services corporation or a public utility and must comply with the provisions of this chapter.

WIRELESS COMMUNICATIONS SERVICE FACILITY (WCSF) — A facility for the provision of personal wireless services as defined by the Federal Telecommunications Act of 1996, as amended. Such facilities include but are not limited to transmitting and receiving equipment, antennas, antenna structures and supports and related accessory structures or equipment, monopoles and satellite dishes over three feet in diameter.

WIRELESS COMMUNICATIONS SERVICES — Personal wireless services as defined in the Federal Telecommunications Act of 1996, as amended. By way of example but not limitation, personal wireless services include cellular telephone services, personal communications services (PCS) and commercial mobile radio services.

YARD — A portion of a lot, upon which the principal building is situated, unobstructed artificially from the ground to the sky and having at least two sides open to lot lines.

YARD, FRONT — A yard extending for the full width of the lot between the front line of the nearest building wall or building part not specifically excluded by § 235-25 and the front lot line.

YARD, REAR — A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

YARD, SIDE — A yard extending for the full length of a building between the nearest building wall and the side lot line.

ARTICLE III
Establishment of Districts

§ 235-6. Division into districts. [Amended 4-7-2008 by Ord. No. 08-128; 7-21-2014 by Ord. No. 2014-146; 4-6-2015 by Ord. No. 2015-90]

The City of Melrose, Massachusetts, is hereby divided into 14 zoning districts to be designated as follows:

Full Name	Class	Short Name
Suburban Residence	Residential	SR
A Suburban Residence	Residential	SR-A
B Suburban Residence	Residential	SR-B
A Urban Residence	Residential	UR-A
B Urban Residence	Residential	UR-B
C Urban Residence	Residential	UR-C
D Urban Residence	Residential	UR-D
Smart Growth District		SGD
Rail Corridor Overlay District		RCOD
General Business	Business	BA
General Business	Business	BA-1
Transit-Oriented Mixed Use	Business and Residential Mixed Use	BA-2
Extensive Business	Business	BB
Extensive Business	Business	BB-1
Local Business	Business	BC
Medical Business	Business	BD
Industrial	Industrial	I
Industrial A		I-A

- A. Residential districts, as a group, are herein referred to as "R" districts.
- B. Business districts, as a group, are herein referred to as "B" districts.
- C. Industrial districts, as a group, are herein referred to as "I" districts.

§ 235-7. Zoning Map.

The location and boundaries of the zoning districts are hereby established as shown on a map titled "Zoning Map of the City of Melrose, Massachusetts," dated November 1972, which accompanies and is hereby declared to be a part of this chapter. The authenticity of the Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk,

and the imprinted Seal of the City under the following words: "This is to certify that this is the Zoning Map of the City of Melrose, Massachusetts, referred to in the Zoning Ordinance of the City of Melrose, Massachusetts, which was adopted by the Board of Aldermen on November 27, 1972."

§ 235-8. Changes to map.

Any change in the location of boundaries of a zoning district hereafter made through the amendment of this chapter shall be indicated by the alteration of such map, such changes to be dated and authenticated as prescribed in § 235-7. The map thus altered is declared to be part of this chapter thus amended. The Building Commissioner shall be responsible for making changes to the Zoning Map. Such changes shall be made within 14 days of the final approval of amendments. The Zoning Map shall be drawn at a scale of one inch equals 650 feet with ink on stable material and shall be located in the office of the Building Commissioner. Photographic reductions of this large-scale map may serve as copies of the Zoning Map.

§ 235-9. Boundaries of districts.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules apply:

- A. Where a boundary is indicated as a street, alley, railroad, watercourse or other body of water, it shall be construed to be the center line or middle thereof or, where such boundary approximates a City boundary, then to the limits of the City boundary.
- B. Where a boundary is indicated as following approximately or parallel to a street, railroad, watercourse or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.
- C. Where a dimensional boundary or the actual property boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.
- D. Where a boundary is indicated as intersecting the center line of a street, railroad, watercourse or other water body, and unless it is otherwise indicated, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, to the tangent to the curve at the point of intersection.
- E. The abbreviation "PL" means property line as shown on the City Assessors' Map as in effect at the effective date of this chapter. The abbreviation "PL," when used in conjunction with a subsequent amendment to this chapter, shall mean a property line as shown on the City Assessors' Map as in effect at the effective date of such amendment.

- F. The abbreviation "CL" means center line and "CI" means center of intersection.

ARTICLE IV

Interpretation and Application**§ 235-10. Interpretation.**

The provisions of this chapter shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals or the general welfare of the City of Melrose, Massachusetts, and except for Chapter 25, Zoning, of the Revised Ordinances of 1956, City of Melrose, Massachusetts, and all subsequent amendments thereto, the provisions of this chapter are not intended to repeal, amend, abrogate, annul or in any way impair or interfere with any lawfully adopted ordinance, covenants, regulations or rules. Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.

§ 235-11. Application.

Except as herein provided, the provisions of this chapter shall apply to the erection, construction, reconstruction, alteration or use of buildings or structures or use of land. Except as herein provided, any existing conforming use, structure or lot shall not by any action become nonconforming, and any existing nonconforming use, structure or lot shall not become further nonconforming.

§ 235-12. Existing buildings and land. [Amended 7-16-1973 by Ord. No. 18052]

This chapter shall not apply to existing buildings or structures, nor to the existing use of any building or structure or of land, to the extent to which it is legally used at the time of adoption of this chapter, but it shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration or for its use for the same purpose to a substantially greater extent, except as hereinafter provided.

§ 235-13. Mixed uses.

In cases of mixed occupancy, the regulations for each use shall apply to the portion of the building or land so used.

ARTICLE V
Use Regulations

§ 235-14. Applicability.

Except as provided in this chapter, no building, structure or land shall be used except for the purposes permitted in the district as described in this article. Any use not listed shall be construed to be prohibited.

§ 235-15. Permitted uses.

In the Table of Use and Parking Regulations,⁶⁰ the uses permitted by right in the district shall be designated by the letter "P," except that any use listed in the Table of Use and Parking Regulations as a permitted use, the proposed location of which does not abut on a street which is laid out and accepted as a traveled way, or which has not been built to subgrade, so that such way or street is passable for fire apparatus and other traffic, or which abuts on a street or way in which there is no public sewer or in which there is no water available for connection with the building after completion, may be permitted only as an exception by special permit. Those uses that may be permitted as an exception by special permit in the district, in accordance with Articles X and XI, shall be designated by the letter "S." Uses designated "-" shall not be permitted in the district.

§ 235-16. Uses subject to other regulations.

Uses permitted by right or by special exception shall be subject, in addition to use regulations, to all other provisions of this chapter.

§ 235-16.1. Site plan review. [Added 12-13-2004 by Ord. No. 05-003; amended 3-21-2005 by Ord. No. 05-171; 4-7-2008 by Ord. No. 08-128A; 5-19-2008 by Ord. No. 05-171A; 5-3-2010 by Ord. No. 10-125]

A. Purpose and intent. The purpose of this section is to ensure that the design and layout of new commercial, industrial and multifamily development will not be detrimental to surrounding land uses. The intent of the site plan review process is to regulate, rather than prohibit, uses through reasonable conditions which may be imposed by the Melrose Planning Board (Site Plan Review Committee, SPRC) concerning location of buildings, signs, open space, landscaping, parking areas, access and egress, drainage, sewage, water supply, and public safety.

B. Applicability.

- (1) A site plan review is required for all new commercial and industrial uses. New multifamily uses consisting of four or more units shall

60. Editor's Note: The Table of Use and Parking Regulations is included as an attachment to this chapter.

also require a site plan review, as shall any extension in excess of 2,500 square feet of an existing industrial, commercial, or multifamily use.

- (2) Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multifamily structure or purpose shall also require a site plan review.
- (3) In the instance where a project is to be phased, or where property abutting the proposed development can be used in a similar fashion and is held by a related entity, or where a development proposal is an extension of an abutting development built within the previous five years and held by a related entity, the total development capacity of all parcels shall be considered for purposes of determining applicability for site plan review.
- (4) The provisions of this section shall not apply to a development which has been scrutinized from a design perspective by the Design Review Subcommittee and received a special permit or variance from the relevant permit granting authority at the time of adoption of this section, nor to any such development which is subsequently modified in accordance with the provisions of this chapter, provided that such design review provisions remain substantially unchanged as a result of any such modification.
- (5) The provisions of this section shall not apply to registered marijuana dispensaries which require a special permit from the Planning Board pursuant to § 235-73.3. **[Added 8-21-2017 by Ord. No. 2017-129]**

C. Relationship to the building permit.

- (1) The Building Inspector shall not issue a building permit unless and until a site plan review has been obtained and a letter to that effect with or without site plan conditions has been forwarded to the Building Inspector by the SPRC. The conditions shall become conditions of the building permit and shall be met prior to the issuance of a permanent occupancy permit. No material deviation from an approved site plan shall be made without approval from the Site Plan Review Committee. If any particular condition of the plan is found to not comply with City or state codes, all remaining conditions shall remain applicable.
- (2) Before issuing a permanent occupancy permit, the Building Commissioner shall require that the applicant provide to the Building Commissioner two sets of as-built site drawings and exterior elevations. One copy shall be forwarded to the SPRC; the other copy shall remain on file in the Inspectional Services Department.
- (3) Developments required to undergo a site plan review process in accordance with this section shall not be required to obtain a

special permit for more than four accessory parking spaces under the Table of Use and Parking Regulations, Accessory Use No. 18.⁶¹

D. Site plan submission criteria.

- (1) The applicant shall submit 14 copies of a site plan proposal. Dimensions and scales of the plan shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. The site plan review application materials shall be submitted to the Office of Planning and Community Development (OPCD). The site plan review application materials will be reviewed for completeness within seven days and returned to the applicant. The application materials may then be submitted to the City Clerk to be time stamped and filed.
- (2) The OPCD shall transmit nine copies of said application to the SPRC, one copy to City Clerk to be filed, one copy each to the City Engineer, Board of Health, and the Building Commissioner, and one copy will be available in OPCD for review by the City Planner, Fire Chief, Police Chief, and Conservation Commission. All departments shall report their comments, conditions, remedial measures and recommendations, in writing, to the SPRC within 30 days. Any department that does not respond within 30 days will be deemed to have waived any objection to the application. A copy of the executive summary shall be transmitted to the Mayor, School Department and the City Solicitor.
- (3) At a minimum, the submittal materials shall include the following items as applicable:
 - (a) An executive summary generally describing the nature and location of the project, including parking and loading, traffic flow and circulation, projected traffic volumes and impact, external lighting, landscaping and screening, utilities and protection and/or enhancement of existing natural areas.
 - (b) Parcel lot lines for the proposed project and surrounding parcels.
 - (c) Height and use of all buildings abutting the proposed project, including a building or buildings directly across from the proposed project but separated by a public or private right-of-way.
 - (d) Proposed parking plan including location of access and egress.
 - (e) Estimated average daily traffic and peak hour traffic to be generated by the proposal.
 - (f) Level of service analysis for nearby intersections.

61. Editor's Note: The Table of Use and Parking Regulations is included as an attachment to this chapter.

- (g) Transportation management plan (TMP), including policies for parking management, transit promotion, bicycle storage, pedestrian safety and car sharing. The TMP shall explain the long-term management and enforcement of the TMP components.
 - (h) Location of existing and proposed buildings on the project site.
 - (i) Rendering of all facades of proposed buildings.
 - (j) Handicapped access provisions.
 - (k) Foundation lines of the proposed buildings, gross floor area, and building height.
 - (l) Location of solid waste containers and the nature of any required screening.
 - (m) Existing and proposed topography and the location of all natural features such as wetlands, streams, water bodies, and exposed bedrock to be removed, if any.
 - (n) Areas subject to a one-hundred-year flood, if any.
 - (o) Provisions for drainage and sewage.
 - (p) Provisions for the protection of abutting properties during construction, and site excavation, demolition, blasting, and site reclamation plans if appropriate.
 - (q) Proposed landscaping, including all screening and buffering of adjacent residential areas.
 - (r) Provisions for fencing, walls, and the existing and proposed lighting.
 - (s) Location, material, and size of all signs.
 - (t) The location, materials and dimensions of loading areas, walkways and driveways.
- (4) Plans shall be prepared by a registered professional engineer, registered land surveyor, architect, or landscape architect, as appropriate. Any of the requirements of a site plan review application may be waived by majority vote of the SPRC.
- (5) When a proposal requires site plan review as well as a special permit and/or variance, the applicant may elect the order for pursuing the requirements. Where the Planning Board serves as the special permit granting authority for proposed work, it shall consolidate its site plan review and special permit procedures.

- E. Site plan review criteria. The SPRC shall at a minimum review all site plans for the following and shall find that the following criteria are fulfilled:
- (1) Consistency with the design, character, and scale of the surrounding area.
 - (2) Consistency with all sign, design, landscaping, lighting, buffering, and public safety requirements and standards established by City of Melrose departments.
 - (3) Protection and enhancement of important existing natural, historic or scenic site features.
 - (4) Protection of adjacent properties and surrounding areas from detrimental impacts during and after construction, including but not limited to air and water pollution, flood, noise, odor, dust, vibration, and lighting.
 - (5) Convenience and safety of vehicular and pedestrian movement within the site and of the location of driveway openings in relation to traffic and/or adjacent streets.
 - (6) Adequacy and arrangement of parking spaces, bicycle racks, internal ways, loading areas, and sidewalks, and the ability of the site plan to accommodate parking in areas other than the front of the building.
 - (7) Adequacy of the local streets to accommodate the traffic generated by the proposed use. When a level of service (LOS) analysis is required to make this determination, the proposed development shall comply with the following standards:
 - (a) Level of service (LOS) at nearby intersections shall not be degraded more than one level as a result of traffic generated by the proposed development, nor shall any nearby intersection degrade below the level of D. Intersections with an existing LOS of E or F shall not result in increased delay time or be made worse.
 - (b) Safety hazards shall not be created, added to, or exacerbated as a result of traffic generated by the proposed development.
 - (c) If any of the standards in Subsection E(7)(a) and (b) above are violated, the applicant shall provide alternative proposals to meet the standards, including but not limited to reduction in the size of the development, change in the proposed uses on the site, contributions to off-site street and intersection improvements or construction of off-site street and intersection improvements.
 - (8) Adequacy of sewerage and water supply systems within the site to serve the proposed use without overloading the municipal systems

to an extent that the health, safety or general welfare of residents of the City is put at risk.

- (9) Adequacy of proposed methods of refuse disposal and storage.
 - (10) Adequacy of snow management, including removal or on-site storage.
 - (11) Adequacy of soil erosion plan and the plan for protection of steep slopes, both during and after construction.
 - (12) Stormwater management.
 - (a) Stormwater systems shall be designed to protect the public and environment from flooding, siltation, pollutants and related drainage impacts and shall conform to the applicable performance standards included in the Massachusetts Department of Environmental Protection Stormwater Management Policy or any successor legislation.
 - (b) Stormwater systems shall be designed to use low-impact design (LID) methodologies to mitigate drainage impact. Low-impact design (LID) methodologies may include porous pavements, bioretention cells, infiltration trenches, rainwater collection cisterns and other design methods that maximize the use of landscaped areas for stormwater control and promote the reuse of runoff.
 - (c) Stormwater flood mitigation shall be provided through the use of best management practices (BMPs) to further reduce the frequency and intensity of flooding otherwise generated at the proposed site. To the extent practicable, BMPs shall be sized to capture, retain, and percolate to ground all runoff from impermeable surfaces generated by the five-year, twenty-four-hour storm event. Preferred BMPs shall include, but not be limited to, constructed wetlands, pocket wetlands, rain gardens, vegetated swales, retention/detention ponds, and subsurface leaching systems.
 - (13) Adequacy of landscaping, including the screening of adjacent residential uses, street trees, landscape islands in any parking lots and landscape buffers along the street frontage.
 - (14) Adequacy of screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features.
- F. Site Plan Review Committee; composition. The Site Plan Review Committee (SPRC) shall be the Melrose Planning Board.
- G. Review schedule. The SPRC shall open a public hearing on the application no later than 65 days after the application materials have been filed with the City Clerk. Notice of such public hearing shall be provided as required by MGL c. 40A, § 11. The decision of the

SPRC shall be made within 35 days of the close of the public hearing. The required time limits for a public hearing and decision may be extended by written agreement between the applicant and the SPRC. For new renewable and alternative energy research and development establishments permitted in the industrial districts, the decision of the SPRC shall be made within one year from the date of filing the site plan review application with the City Clerk. The decision of the Site Plan Review Committee shall be upon a concurring vote of the majority of SPRC members and shall be in writing. The SPRC may approve the application as submitted, approve subject to modifications or conditions, or deny the application. A written decision setting forth the record of the proceedings, the vote of each member and the reasons for the decision shall be filed in the office of the City Clerk within 14 days. In the event of a denial, the application and site plan may be resubmitted if the reasons for the denial are remedied. Failure by the SPRC to take action within 35 days of the close of the public hearing or within the agreed upon extended time or within one year of filing a completed site plan review application in the case of a new renewable or alternative energy research and development establishment permitted in the industrial districts shall be deemed an approval of the site plan. The City Clerk shall issue a certificate stating the date of the public hearing and the fact that the SPRC failed to take final action and the date of the approval resulting from such failure.

- H. Expiration of site plan approval. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.
- I. Appeals. The applicant or any aggrieved person may appeal any or all conditions of a site plan review to the Melrose Board of Appeals pursuant to MGL c. 40A, § 8, and § 235-60C(1)(a) of this chapter.

§ 235-16.2. Temporary moratorium on recreational marijuana establishments. [Added 8-21-2017 by Ord. No. 2017-130⁶²]

A. Purpose.

- (1) By vote at the state election on November 8, 2016, the voters of the commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016, and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018, and to begin accepting applications for licenses on April 1, 2018.

62. Editor's Note: This order also provided for the repeal of former § 235-16.2, Temporary moratorium on medical marijuana treatment centers, added 9-16-2013 by Ord. No. 2013-199.

- (2) The regulation of recreational marijuana establishments raises novel and complex legal, planning, and public safety issues, and the City needs time to study and consider the regulation of recreational marijuana establishments and address such issues, as well as to address the potential impact of the state regulations on local zoning and to undertake a planning process to consider amending the Zoning Ordinance regarding regulation of recreational marijuana establishments and other uses related to the regulation of recreational marijuana. The City intends to adopt a temporary moratorium on the use of land and structures in the City for recreational marijuana establishments so as to allow sufficient time to engage in a planning process to address the effects of such structures and uses in the City and to enact ordinances in a manner consistent with sound land use planning goals and objectives.
- B. Temporary moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for recreational marijuana establishments. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the City shall undertake a planning process to address the potential impacts of recreational marijuana use in the City, consider the Cannabis Control Commission regulations regarding recreational marijuana establishments and related uses, and shall consider adopting new Zoning Ordinance regulations to address the impact and operation of recreational marijuana establishments and related uses.

§ 235-17. Table of Use and Parking Regulations.

See table attached to this chapter which is declared to be a part of this chapter.

ARTICLE VI

Dimensional and Density Regulations**§ 235-18. Applicability.**

The regulations for each district pertaining to minimum lot area, minimum lot width, minimum lot depth, minimum front yard depth, minimum side yard width, minimum rear yard depth, maximum height of buildings, maximum number of stories, maximum building area, maximum floor area ratio and minimum open space shall be as specified in this article and as set forth in the Table of Dimensional and Density Regulations and subject to the further provisions of this chapter.

§ 235-19. Table of Dimensional and Density Regulations.

See table attached to this chapter plus attached notes, which are declared to be part of this chapter.

§ 235-20. Reduction of lot area. [Amended 5-1-1995 by Ord. No. 95-189]

The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this chapter, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this chapter if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made. At least 60% of the lot area required for zoning compliance shall be contiguous land other than land located in a wetland, as defined in MGL c. 131, § 40, or land located under a brook, creek, stream, river, pond or lake.

§ 235-21. Separation of lots.

Lots shall not be separated or transferred in ownership so as not to comply with the provisions of this chapter.

§ 235-22. Screening and buffers in industrial or business districts.

Screening and buffers shall be required in any industrial or business district which adjoins a residential district as follows: this strip shall be at least 25 feet in width, except when abutting a residential use in the UR-C District, in which case the width may be reduced to 10 feet. It shall contain a screen of plantings of vertical habitat in the center of the strip not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than three feet on center and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year round. At least 50% of the plantings shall consist of evergreens and they shall be evenly spaced.

§ 235-23. Buildings in floodway.

A building, except a boathouse, shall not be erected in a floodway or in any area subject to periodic flooding unless the first floor elevation is higher than the highest flood recorded. If such flood elevation shall have been reduced by construction of dams at the headwaters, or by other means, the first floor elevation may be correspondingly lowered to the reduced flood level.

§ 235-24. Accessory buildings and other structures. [Amended 4-17-1973 by Ord. No. 17859; 12-18-1978 by Ord. No. 20211]

- A. In the "R" districts, a detached accessory building shall conform to the provisions set forth in the following schedule:

District	Maximum Coverage (percent of required rear yard area) ¹	Distance From Lot Line (feet)		Building Height (feet)
		Front	Side and Rear	
SR	25%	20	10	20
SR-A	25%	20	10	20
SR-B	40%	15	10	20
UR-A	50%	15	4 ²	20
UR-B	50%	15	4 ²	20
UR-C	50%	15	4 ²	20
UR-D	50%	15	4 ²	20

NOTES:

- ¹ The required rear yard area is calculated by multiplying the required rear yard depth by the required lot width.
- ² The required distance from side and rear lot lines for accessory private swimming pools shall be 10 feet in all districts. Any swimming pool with side walls over two feet in depth shall be enclosed in an impassable six-foot-high fence with a self-latching gate or an equivalent enclosure or means of protection from access to the pool as defined in the State Building Code. Self-enclosed pools shall be enclosed to a height of six feet above ground level with a self-latching gate or an equivalent impassable enclosure as approved by the Building Commissioner.

- B. An accessory building attached to the principal building shall be considered as an integral part thereof and shall be subject to front, side and rear yard requirements applicable to the principal building. Accessory buildings in the "B" and "I" districts may be located on the lot so as not to violate the minimum front yard, height restrictions and minimum open space requirements set forth in the Table of Dimensional and Density Regulations. Other accessory structures shall be governed by the regulations for accessory buildings unless specifically exempted by the Board as a special exception.

§ 235-25. Additional dimensional and density provisions. [Amended 12-2-1974 by Ord. No. 18564; 12-18-1978 by Ord. No. 20211; 12-7-1989 by Ord. No. 1735; 5-1-1995 by Ord. No. 95-189]

In addition to the regulations in §§ 235-18 through 235-24 above, the following regulations shall apply:

- A. Existing and new residential uses in all nonresidential districts shall be subject to the regulations for the particular type of dwelling in the UR-C District. **[Amended 4-6-2015 by Ord. No. 2015-90]**
- B. Except for planned developments for multifamily development, cluster residential development, planned unit development or commercial development, and except for community facilities and public utilities, only one principal structure shall be permitted on a lot. In the case of planned multifamily developments other than planned unit development, the minimum distance between the walls of such principal buildings which contain windows shall be twice the minimum side yard or side setback required in the district. The minimum lot area required per each individual dwelling unit, building or other unit or use shall be multiplied by the number of such units to obtain the minimum lot area required for the total tract of land. Other area regulations shall apply to the tract.
- C. A corner lot shall have minimum street yards with the depths which shall be the same as the required front yard depths for the adjoining lots.
- D. At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.
- E. Projections into required yards or other required open spaces are permitted subject to the following:
- (1) Balcony or bay window, limited in total length to 1/2 the length of the building, not more than two feet.
 - (2) Open terrace or steps or stoop, such as a porch, platform or entrance stairway, under four feet in height, up to 1/2 the required yard setback.

- (3) Steps or stoop over four feet in height, windowsill, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features, not more than two feet.
 - (4) No permit shall be required for the erection or replacement of fixed or retractable awnings installed on one- and two-family dwellings, unless they project over public property. **[Amended 12-5-2011 by Ord. No. 12-10]**
- F. The provisions of this chapter governing the height of buildings shall not apply to chimneys, cooling towers, elevator bulkheads, skylights, ventilators, electronic equipment, elevator shafts and other necessary appurtenances usually carried above the roof; nor to domes, towers, stacks or spires, if not used for human occupancy and which occupy not more than 20% of the ground floor area of the building; nor to ornamental towers, observation towers, radio broadcasting towers, television and radio antennas and other like structures which do not occupy more than 20% of the lot area; nor to churches or public, agricultural or institutional buildings or private schools not conducted for profit that are primarily used for school purposes, provided that the proposed appurtenances are not located within the flight paths of an airport or heliport as defined by FAA regulations and approved by the FAA.
- G. The maximum gross floor area for a commercial establishment in a BC District shall be 10,000 square feet.
- H. Where the existing development along a block amounts to more than 50% of the block frontage, and where said development has an average setback less than required by this chapter, then any vacant lot setback may be reduced to said average of the existing development.
- I. The gross floor area of each one-family detached dwelling and per dwelling unit in a two-family dwelling shall not be less than 768 square feet. The gross floor area in a multifamily dwelling shall not be less than 450 square feet for one-bedroom dwelling units, 600 square feet for two-bedroom units and 768 square feet for three-bedroom or larger units.
- J. In all districts the lot width as measured at any point between the front lot line and the rear building line shall not be less than that prescribed in the Table of Dimensional and Density Regulations.
- K. At no street intersection in any district shall any new or replacement organic material, excepting a lawn or ground cover, be planted or permitted to grow, nor any obstruction to vision exceeding the lesser of three feet in height above the plane established by the intersecting streets or 30 inches above the sidewalk be placed, nor shall existing organic material be permitted to grow above such height, on any lot within the triangular area formed by the intersecting curbs at a

distance of 25 feet from the corner. Where curbs do not exist, measurement shall be made along edge of pavement.

- L. A fence, hedge, wall, sign or other structure or vegetation may be maintained on any lot, provided that in the front yard area no such structure or vegetation shall be over three feet in height above the adjacent ground within five feet of the front lot line unless it can be shown that such vegetation will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.

ARTICLE VII

Signs

[Amended 12-2-1974 by Ord. No. 18565; 10-17-1994 by Ord. No. 94-368; 5-1-1995 by Ord. No. 95-189; 12-5-2005 by Ord. No. 06-050; 12-5-2011 by Ord. No. 12-10]

§ 235-26. Purpose and intent.

- A. The intent of this article is to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the community, provide a more enjoyable and pleasing community, and to encourage and foster the most appropriate use of land.
- B. Signs perform important and necessary functions in the community which are essential for the public safety and general welfare, such as communicating messages, providing information about goods and services available, and providing orientation. Because of their potential detrimental impact on the visual and perceptual environment, signs must be regulated in order to:
 - (1) Prevent hazards to vehicular and pedestrian traffic;
 - (2) Prevent conditions which have a blighting influence and contribute to declining property values;
 - (3) Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity;
 - (4) Preserve the amenities and visual quality of the City and curb the deterioration of the community environment; and
 - (5) Conserve energy.

§ 235-27. Applicability.

All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the Commonwealth of Massachusetts, this chapter and any other applicable state and local regulations. Signs for property located in the Downtown Historic District must be accompanied by a certificate of appropriateness by the Historic District Commission, as regulated by MGL c. 40C ("Historic Districts Act"), and Chapter 131, Historic Districts, of the Code of the City of Melrose prior to applying for a building permit.

§ 235-28. Permit requirements.

- A. Except as provided in Subsection B below, no sign shall be erected, altered, or relocated without a permit issued by the Building Commissioner.

- B. The following type of signs shall be authorized by right without the need for a permit to be issued by the Building Commissioner:
- (1) Any traffic or directional sign owned and installed by a governmental agency.
 - (2) Temporary signs or banners for public or charitable purposes displayed more often or larger in size than allowed in § 235-29A. "Temporary" shall be construed to mean any period not exceeding 30 consecutive days.
 - (3) Political signs on private property, provided that such signs shall not exceed six square feet in sign area, shall be set back at least five feet from the front lot line, shall not be placed in such location as to constitute a traffic or pedestrian safety hazard, and shall not be displayed for more than 30 days prior to the applicable election or more than seven days following such election.
 - (4) One unlighted temporary sign offering premises for sale or lease for each parcel in one ownership, provided that it shall not exceed six square feet in surface area and it shall be set back at least five feet from the front lot line. Said temporary sign must be removed upon completion of sale or lease.
 - (5) One unlighted temporary sign of an architect, engineer, or contractor erected during the period such person is performing work on the premises on which such sign is erected, provided that it shall not exceed six square feet in surface area and it shall be set back at least five feet from the front lot line. Said temporary sign must be removed upon completion of work.
 - (6) Traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the logo or name of any business or product and shall not be internally illuminated. Such signs shall not exceed two square feet in area and the top of the sign shall not extend more than four feet above the ground.
 - (7) Interior illuminated window signs, provided that:
 - (a) They shall be placed only in a window and not in a door and shall also:
 - [1] Have a sign area not to exceed four square feet;
 - [2] Be placed no closer than 10 feet to any other illuminated window sign on the premises;
 - [3] Be placed only in a window which contains no other signs of any type;

[4] Be illuminated only during hours of operation of the business establishment; and

[5] Be illuminated by steady (not flashing, changing or moving) light only.

(b) There shall be no more than two interior illuminated window signs per establishment.

(8) Interior window signs, temporary or permanent and not illuminated, may be attached to the inside glass surface of a window (a single structurally supported sheet of glass or a sash) or door, or placed within an establishment within five feet from any window or door and situated or designed so that the sign's graphic content is visible from the outside through a window or door, provided that any such sign shall:

(a) Be uniformly located and not exceed 30% of the glass sheet or sash;

(b) Contain no letters larger than six inches in height;

(c) Not be restricted with respect to materials, provided that professional appearance and good order shall be maintained at all times; and

(d) Not be attached to the outside surface of any window or door.

§ 235-29. General regulations.

A. Exterior temporary signs or banners for business establishments shall be permitted with a building permit. One temporary sign or banner is allowed per establishment for a period not to exceed 30 days, provided that the sign does not exceed the size of the maximum allowed for the establishment in the district in which it is located. No more than one temporary sign permit may be issued for an establishment in a calendar year.

B. All signs (including temporary interior window displays or banners) and their illuminators shall not by reason of location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic marking. All illumination of signs must be by steady, stationary, white light, of reasonable intensity, shielded and directed solely at the sign and must be so arranged as to prevent glare onto any portion of any public way or into any residential area.

C. No sign shall be illuminated between 12:00 midnight and 6:00 a.m., except signs identifying police or fire stations or hospitals and signs on premises open for business and then only while open for business.

D. The supporting members for any sign shall be in acceptable proportion to the size of the sign.

- E. At the boundary line of the City, and within a street right-of-way, a sign not exceeding two square feet in area indicating the meetings of any Melrose civic organization may be erected only after the granting of a special permit by the Board of Appeals.
- F. It shall be a violation of this chapter to operate an individual letter or segmented sign in any manner other than with all letters or segments properly lighted, or with all letters or segments not lighted.
- G. Any sign not addressed by this chapter shall be deemed prohibited.

§ 235-30. Prohibited signs.

- A. The following signs shall not be permitted, constructed, erected, or maintained:
 - (1) Moving, changing or flashing signs and signs illuminated by or including any flashing, projecting or oscillating light; billboards and off-premises signs; electronic billboards and reader boards; and strings of pennants or so-called "whirlygigs" and the like. Flashing or animated signs of any color or light source, including but not limited to incandescent, neon, fluorescent, light emitting diode (LED) and plasma, shall not be permitted.
 - (2) Neon signs except as displayed on the inside of windows subject to the provisions outlined in § 235-28B.
 - (3) Any sign erected so as to obstruct any door, window, or fire escape on a building.
 - (4) More than one sign for any one premises in the "R" districts.
 - (5) Signs constructed, erected, or maintained above the height of any roof or upon any roof of any building.
 - (6) Exterior window signs.
 - (7) Interior window signs, both permanent and temporary, which cover more than 30% of a window.
 - (8) Signs in the public way which are not permanently affixed to a building, structure, or the ground, including "sandwich board" or A-frame signs unless permitted by the Superintendent of Public Works in accordance with § 202-1 of the Code of the City of Melrose, Massachusetts.
 - (9) Signs mounted, affixed, or painted on a motor vehicle whose primary function is a sign and not for the transport of goods or merchandise.
- B. It shall be a violation of this chapter to display any illuminated sign that advertises any product, service or entity other than the establishment which occupies the premises on which the sign is located, or a product

manufactured by and at the establishment on which the sign is located. This requirement applies to external signs and to interior signs placed in or designed or arranged so as to shine through one or more windows or doors of any building.

§ 235-31. Signs permitted in any residential district.

- A. One professional nameplate for each medical doctor or dental practitioner, provided that such sign shall not exceed one square foot in surface area.
- B. One identification sign for each dwelling unit, provided that such sign shall not exceed one square foot in surface area. If lighted, it shall be illuminated with a white, steady, stationary light of reasonable intensity, shielded and directed solely at the sign, not casting light off the premises and not used other than for identifying the occupancy.
- C. One identification sign for each membership club, funeral establishment, school, municipal building, house of worship, multifamily dwelling development, community facility, or public utility use, provided that the sign shall not exceed 10 square feet in surface area and shall not rise to more than six feet from the ground or sidewalk. If lighted, it shall be illuminated with a white, steady, stationary light, of reasonable intensity, shielded and directed solely at the sign, not casting light off the premises and set back at least 1/2 of the required depth of the front yard. For a school, municipal building, house of worship, and community facility, one additional standing sign up to 40 square feet in surface area may be allowed, provided that it shall not rise to more than six feet from the ground or sidewalk and shall be subject to the setback and illumination provisions in this subsection.

§ 235-31.1. Signs permitted in any business or industrial district.

- A. Signs permitted in § 235-31 are allowed in any "B" or "I" district.
- B. Wall signs. No sign shall be affixed to a building except as hereinafter provided:
 - (1) One wall sign for each lot street frontage of each business or industrial establishment, provided that it shall be attached and parallel to the main wall of a building and shall face such lot street frontage; it shall not project horizontally more than 15 inches therefrom; the surface area of the sign shall not aggregate more than 10% of the area of the wall on which it is displayed or 50 square feet, whichever is the lesser; and, if illuminated, it shall be illuminated externally by steady, stationary, white light, of reasonable intensity, shielded and directed solely at the sign, not casting direct or reflected light off the premises and not used other than for identifying the establishment.

- (2) The division of the permissible wall sign area into two or more wall signs may be allowed by special permit if, in the opinion of the Board of Appeals, such division significantly enhances the appearance of the resulting signage in concert with the architecture of the specific building.
- (3) When a business establishment has a customer entrance from a parking lot, the customer entrance may also be identified by a wall sign installed at the parking lot entrance subject to the dimensional provisions in Subsection B(1).
- (4) Building directory signs. In the case of multi-story buildings with multiple occupants, each upper floor occupant is allowed one sign not to exceed 1.5 square feet in size affixed to a directory at the entrance to the upper floors.
- (5) Wall sign restrictions.
 - (a) No sign shall be mounted above the first floor of a building;
 - (b) Signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings, and cornices; and
 - (c) Signs on adjacent storefronts within the same building shall be coordinated in height, proportion, and material.

C. Awning signs.

- (1) In addition to the allowed wall sign, one awning sign is permitted for each ground floor use, provided that the awning is one color and the letters are a separate color, shade or tint and the letters are painted on or are integral to the awning fabric, are in a maximum of one line, are no larger than six inches in height, and are located on the valance or vertical face of the awning.
- (2) In instances where there is no wall sign associated with a ground floor business establishment, the permitted awning sign may include a maximum of two lines of letters, the letters may be no larger than 16 inches in height, and the area of the sign (the letters and/or logo) may not exceed the area allowed for a wall sign in this district.
- (3) No internally illuminated awning signs are allowed.

D. Standing signs.

- (1) One standing sign is permitted for each business or industrial establishment, provided that it shall not exceed 40 square feet in surface area on any one side, it shall have a maximum of two faces, no portion of it shall be set back less than 10 feet from the front lot line, it shall not rise to more than six feet from the ground or sidewalk, and it shall be externally illuminated.

- (2) Where a single lot is occupied by more than one business, whether in the same structure or not, there shall not be more than one standing sign.
 - (3) Where a multifamily dwelling development is located in a nonresidential district, one identification sign shall be allowed, provided that the sign shall not exceed 10 square feet in surface area, shall not rise to more than six feet from the ground or sidewalk, and no portion of it shall be set back less than 10 feet from the front lot line. If lighted, it shall be illuminated with a white, steady, stationary light, of reasonable intensity, shielded and directed solely at the sign, not casting light off the premises.
- E. Gasoline filling station signs. Gasoline filling stations shall be allowed the following types of permanent signs: one standing sign, one wall sign, and two canopy signs, provided that such signs shall meet all of the other requirements of this article, in addition to those set forth in this subsection.
- (1) One standing sign for each gasoline filling station, provided that it shall not exceed 40 square feet in surface area, no portion of it shall be set back less than 10 feet from the front lot line, it shall not be erected so that any portion of it is over 10 feet above the ground or sidewalk, and, if lighted, it shall be illuminated internally by white light only.
 - (2) The standing sign may include gasoline prices and have a maximum of two faces.
 - (3) Up to two canopy signs are permitted for each gasoline filling station, provided that they are each a maximum of one line, not greater than 12 inches in height, and not longer than six feet. Identifying symbols (logo, trademark, etc.), if any, shall be considered part of the canopy sign when calculating the maximum allowed size.
 - (4) No internally illuminated canopy signs are allowed.

§ 235-31.2. Preexisting nonconforming signs.

Any sign existing at the date of adoption of this chapter but which does not conform to these regulations by reason of its size, location, type, lighting, lettering, or illumination shall become conforming when altered in any way.

ARTICLE VIII
Off-Street Parking and Loading

§ 235-32. Off-street parking requirements. [Amended 12-2-1974 by Ord. No. 18563; 12-18-1978 by Ord. No. 20053; 5-4-1987 by Ord. No. 1575; 5-1-1995 by Ord. No. 95-189; 5-1-1995 by Ord. No. 95-189A; 12-16-1996 by Ord. No. 97-38; 4-6-2015 by Ord. No. 2015-90]

After the effective date of this chapter, off-street parking spaces shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use or any change in an existing use in its entirety in accordance with the Table of Use and Parking Regulations (see Article V), the Table of Off-Street Parking Regulations and other requirements as contained herein. The parking code stipulated in the Table of Use and Parking Regulations shall correspond to the use and space requirements set forth in the Table of Off-Street Parking Regulations as presented in this article.

Table of Off-Street Parking Regulations

Parking Code	Use	Number of Off-Street Parking Spaces
A1	Dwelling, single, and single including in-law apartment	2
A2	Dwelling, two-family	4
B	Dwelling, multifamily	2 per dwelling unit, except in the BA-1 and BA-2 Districts, in which case it shall be 1 per dwelling unit
C	Lodging house, dormitory, fraternity, sorority, YMCA, YWCA and similar types of group quarters	1 per rental or sleeping unit; any bedroom or group of 2 beds in a single room constitutes a sleeping unit
D	Theater, restaurant, gymnasium, auditorium or similar place of public assembly with seating facilities	1 for each 4 seats of total seating capacity
E	Automotive retail and service establishment and other retail and service establishments utilizing extensive display areas, either indoor or outdoor, which are unusually extensive in relation to customer traffic	1 per 1,000 square feet of gross floor space; in the case of outdoor display areas, 1 for each 1,000 square feet of lot area in such use

Table of Off-Street Parking Regulations

Parking Code	Use	Number of Off-Street Parking Spaces
F	Hotel, motel or tourist court	1 for each sleeping room and 1 for each 400 square feet of meeting area and restaurant space
G	Other retail, service, finance, insurance or real estate establishment or adult use	1 per each 300 square feet of gross floor space
G-1	Medical office (including doctors, dentists and clinics)	1 per each 200 square feet of gross floor area
H	Wholesale establishment, warehouse or storage establishment	1 per each 1,000 square feet of gross floor space
I	Manufacturing or industrial establishment	1 per each 600 square feet of gross floor space or 0.75 per each employee of the combined employment of the 2 largest successive shifts, whichever is larger
J	Hospital	1 per each 600 square feet of gross floor area
K	Nursing home	1 per bed at design capacity
L	Business, trade or industrial school or college; country club	1 for each 200 square feet of gross floor area in classrooms and other teaching stations, plus space for gymnasium or auditorium, whichever has the larger capacity (refer to Code D)
M	Other school	2 per classroom in an elementary and junior high school; 4 per classroom in a senior high school, plus space for auditorium or gymnasium, whichever has the larger capacity (refer to Code D)
N	Community facility (City building, recreation, etc.)	1 per each 400 square feet of gross floor space

Table of Off-Street Parking Regulations

Parking Code	Use	Number of Off-Street Parking Spaces
O	Public utility	1 for each 400 square feet of gross floor area devoted to office use; 1 for each 800 square feet of gross floor area per other use
P	Transportation terminal establishment; home occupation	1 for each 600 square feet of gross floor area
Q	Mixed use	Sum of various uses computed separately
R	Any use permitted by this chapter not interpreted to be covered by this schedule	Closest similar use as shall be determined by the Building Commissioner
T	Mixed residential and home occupation use	The applicable residential off-street parking requirement plus 1 for each 600 square feet of gross floor area used for home occupation

§ 235-33. Off-street loading requirements. [Amended 5-1-1995 by Ord. No. 95-189]

The off-street loading and unloading requirements presented in the Table of Off-Street Loading Regulations shall apply to all existing buildings where the use has been changed to retail service commercial, wholesale, transportation and industrial and community facility use as specified in the Table of Use and Parking Regulations or to any building hereafter erected for such uses.

Table of Off-Street Loading Regulations

Use	Number of Loading Spaces Per Unit
Retail trade, manufacturing and hospital establishment with over 5,000 square feet of gross floor area	1 per 20,000 square feet or fraction thereof of gross floor area up to 2 spaces; 1 additional space for each 60,000 square feet or fraction thereof of gross floor area over 40,000 square feet; space used for ambulance receiving at a hospital is not to be used to meet these loading requirements
Business services, other services, community facility (school, church, town building, recreation, etc.) or public utility establishment with over 5,000 square feet of gross floor area	1 per 75,000 square feet or fraction thereof of gross floor area up to 2 spaces; 1 additional space for each 200,000 square feet or fraction thereof of gross floor area over 150,000 square feet

§ 235-34. Existing spaces.

Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this chapter, or any spaces subsequently provided in accordance with this chapter, shall not be decreased or in any way removed from service to the use originally intended to be served so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the tables of this article, provided that this regulation shall not require the maintenance of more parking or loading spaces than are required according to the tables.

§ 235-35. Computation of spaces.

When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction of 1/2 or more shall require one space.

§ 235-36. Combined facilities.

Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, subject to approval by the Building Commissioner, where it is evident that such facilities will continue to be available for the several buildings or uses.

§ 235-37. Continuance.

Required off-street parking or loading spaces which after development are later designated as, and accepted by the City for, off-street parking or loading purposes shall continue to serve the uses or structures to meet these requirements so long as said use or structure remains.

§ 235-38. Location of parking spaces. [Amended 5-1-1995 by Ord. No. 95-189; 8-23-2007 by Ord. No. 07-044A]

- A. Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve or, when practical difficulties as determined by the Board of Appeals prevent their establishment upon the same lot, they shall be established no further than 300 feet from the premises to which they are appurtenant. No required off-street parking spaces shall be located within the required front yard area in any district, except for one-family dwellings.
- B. In no instance may the open space required for a lot be used for the provision of off-street parking spaces.

§ 235-39. Location of loading spaces.

The loading spaces required for the uses listed in the Table of Off-Street Loading Regulations shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this chapter.

§ 235-40. Parking reduction provisions. [Amended 5-19-1980 by Ord. No. 20550; 8-20-1990 by Ord. No. 90-211; 1-4-1993 by Ord. No. 93-112A; 4-6-2015 by Ord. No. 2015-90]

- A. The Board of Appeals by special permit may allow the substitution of spaces within municipal parking lots in lieu of the parking requirements of this article, provided they are located within 1,000 feet of the building which is intended to be served.
- B. Any structures on lots recorded prior to January 1, 1980, abutting municipal parking lots located in the area bounded northerly by Essex and Upham Streets, southerly by Grove Street, easterly by the boundary of the BA-1 District between Grove Street and Upham Street and westerly by Myrtle Street are permitted the use of said lots without the requirement of a special permit.
- C. As part of site plan review, for projects within the BA-1 and BA-2 Districts, the Planning Board may allow shared or reduced parking requirements for uses having different peak times of parking demand requirements or if a use needs a lesser number of parking spaces than is required. Evidence which supports these shared or reduced parking requirements shall be produced in a report from a traffic engineer engaged by the applicant and approved by the Planning Board as part of site plan review. Where shared parking is to serve uses on separate lots, documentation shall be provided establishing the permanent legal right for such shared use. Factors that the Planning Board may consider include but are not limited to:
 - (1) Proximity to available public parking with demonstrated availability to support the project.

- (2) Characteristics of the occupants that create less parking demand, such as age or household income.
- (3) Provision of a mix of uses on site with offset peak parking demand times.
- (4) A shared parking agreement with proximate properties with offset parking demand times.
- (5) Dedication of spaces for car-sharing services (e.g., Zipcar).
- (6) Employers who provide transit incentives for their employees.

§ 235-41. Parking and loading space standards. [Amended 10-16-1989 by Ord. No. 2111; 5-1-1995 by Ord. No. 95-189; 8-23-2007 by Ord. No. 07-044A]

All parking and loading areas, either contained within structures or otherwise, including automotive and drive-in establishments of all types, shall be subject to the following where applicable:

- A. The area shall be effectively screened with suitable planting or fencing on each side which adjoins or faces the side or rear lot line of a lot situated in any "R" district.
- B. The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices. The location of spaces shall be suitably marked by painted lines or other appropriate markings. Driveways and contiguous parking areas in residential districts shall be surfaced with pervious material systems that utilize porous pavement, pavers, brick or other materials in accordance with acceptable engineering practices or bituminous or cement concrete.
- C. A substantial bumper of masonry, steel or heavy timber or a concrete curb or berm curb which is backed shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks and screening materials.
- D. The layout of the parking area shall allow sufficient space for the storage of plowed snow unless removal by some other means is assured.
- E. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
- F. There shall not be any business operation for vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles except on a lot occupied by a permitted automotive use. Any gasoline or oil facilities shall be at least 25 feet from any lot line.

- G. There shall not be any storage of materials or equipment or display of merchandise within a required parking area except as part of approved building operations.
- H. Parking shall not be located within the required front yard area in any district.
- I. Parking and loading spaces other than those required for single- and two-family dwellings shall be so arranged as not to permit backing of vehicles onto any street.
- J. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curbline of an intersecting street.
- K. Any two driveways leading to or from a street, to or from a single lot, shall not be within 30 feet of each other at their intersections with the front lot line for an interior lot and 40 feet for a corner lot.
- L. Any entrance or exit driveway shall not exceed 24 feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the width may be increased to 40 feet. Driveways in residential districts shall not exceed 20 feet in width.
- M. The Board may grant a special exception to permit the reduction of the parking space requirements to 80% of that required in the Table of Off-Street Parking Regulations where conditions unique to the use will reasonably justify such a reduction.
- N. Each off-street parking space shall not be less than nine feet in width and 18 feet in length for angle parking or 22 feet in length for parallel parking, exclusive of drives, walks and maneuvering space.
- O. Each off-street parking space shall have direct access to an aisle or driveway having a minimum width of 24 feet in the case of two-way traffic or the following widths in the case of one-way traffic only:

Minimum Aisle Width

Angle of Parking	(feet)
Parallel	12
30°	11
45°	13
60°	18
90°	20

§ 235-42. Parking of commercial vehicles. [Amended 5-7-2007 by Ord. No. 07-132]

The parking of a commercial vehicle with a registered gross weight in excess of 10,000 pounds shall be prohibited in any residential district.

ARTICLE IX

Nonconforming Uses, Structures and Lots**§ 235-43. Applicability.**

The provisions of this article apply to actions in connection with nonconforming uses, structures and lots created by the initial enactment of this chapter or by any subsequent amendment. It is the purpose of this chapter to discourage the perpetuity of nonconforming uses whenever possible. The lawful use of any building or land existing at the time of the enactment of this chapter may be continued, except as otherwise provided.

§ 235-44. Extension and alteration. [Amended 8-6-1973 by Ord. No. 18053; 2-19-1985 by Ord. No. 957; 5-1-1995 by Ord. No. 95-189]

- A. Any nonconforming use, except for agriculture, horticulture or floriculture, of any open space on a lot outside a structure or of a lot not occupied by a structure shall not be extended.
- B. Any nonconforming principal use of a structure shall not be extended.
- C. Any nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of 40% of the existing structure.
- D. Any existing structure on a nonconforming lot may be altered and the conforming use extended throughout the altered portion, provided that any resultant alteration shall not cause the structure to violate the dimensional and density regulations of the district in which it is located.
- E. Any existing nonconforming building used as a one- or two-family dwelling may be extended and the conforming use extended throughout the extended portion, notwithstanding that the extended portion may violate the side or rear yard requirements, provided that said extended portion follows the line of the existing building and is not less than 7 1/2 feet from each lot line.
- F. Any nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.
- G. Any extension or alteration to an existing nonconforming building used as a one- or two-family dwelling shall be allowed as a matter of right, provided that the extension or alteration is consistent with and does not violate the dimensional and density regulations of the district in which it is located.

§ 235-45. Residential lot of record.

Any lot lawfully laid out by plan or deed duly recorded, or any lot shown on a plan endorsed by the Planning Board with the words "approval under the Subdivision Control Law not required," or words of similar import, which complies (at the time of recording or such endorsement, whichever is

earlier) with the minimum area, frontage, width and depth requirements, if any, of the Zoning Ordinance then in effect may be built upon for residential use provided it has a minimum area of 5,000 square feet, with a minimum front footage of 50 feet, and is otherwise in accordance with the provisions of Section 6 of the Zoning Act.⁶³

§ 235-46. Reduction or increase.

- A. Any nonconforming lot or open space on the lot, including yards and setbacks, if already smaller than that required shall not be further reduced so as to be in greater nonconformity. The Board, however, may grant a special permit to extend a conforming use so as to violate or further violate the side or rear yard requirements.
- B. No building area or floor area, where already nonconforming, shall be increased so as to be in greater nonconformity.
- C. Any off-street parking or loading spaces, if already equal to or fewer than the number required to serve their intended use, shall not be further reduced in number.

§ 235-47. Change of use or lot.

- A. Any nonconforming use of a structure may be changed to another nonconforming use provided the changed use is not a substantially different use as determined by the Building Commissioner.
- B. Any nonconforming use which has been once changed to a permitted use or to another nonconforming use which is not a substantially different use shall not again be changed to another nonconforming use.
- C. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.

§ 235-48. Restoration.

- A. Any nonconforming structure or any structure occupied by a nonconforming use which is totally destroyed by fire or other natural cause may be rebuilt on its original foundation according to original floor area limitations and used for its original use. Otherwise it shall not be rebuilt except in accordance with the use, dimensional and density regulations of this chapter. Historical buildings may be exempt by special exception of the Board of Appeals.
- B. Any nonconforming structure or any structure occupied by a nonconforming use which is damaged by fire or other natural cause may be repaired or rebuilt according to the dimensions and floor area limitations of the original structure and used for its original use or a conforming use.

63.Editor's Note: See MGL c. 40A, § 6.

- C. If restoration under Subsection B above is not started within one year of the cause of the damage, the repaired structure shall not be used except for a conforming use.

§ 235-49. Abandonment.

- A. Any nonconforming use of a conforming structure and lot which has been abandoned for a continuous period of two years or more shall not be used again except for a conforming use. For agriculture, horticulture or floriculture, the abandonment period shall be five years.
- B. For purposes of this section, the abandonment period shall not be broken by temporary occupancy except when such temporary occupancy is for a period of 60 consecutive days.

§ 235-50. Moving nonconforming structures.

Any nonconforming structure shall not be removed to any other location on the lot or any other lot unless every portion of such structure, the use thereof and the lot shall be conforming.

§ 235-51. Unsafe structures.

Except as covered under §§ 235-48 and 235-49, any structure determined to be unsafe may be restored to a safe condition, provided such work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and it shall not place the structure in greater nonconformity, and provided, further, if the cost to restore any structure shall exceed 50% of its replacement value, it shall be reconstructed only as a conforming structure and used only for a conforming use.

ARTICLE X
Administration and Enforcement

§ 235-52. Administrative officer.

It shall be the duty of the Building Commissioner to administer and enforce the provisions of this chapter.

§ 235-53. Building permit required; application procedure.

- A. It shall be unlawful for any owner or person to erect, construct, reconstruct or alter a structure or change the use or lot coverage, increase the intensity of use or extend or displace the use of any building, other structure or lot without applying for and receiving from the Building Commissioner the required building permit therefor. For purposes of administration, such permit and application procedure involving a structure may be made at the same time and combined with the permit required under the Building Code.
- B. An application for any permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings or structures to be constructed, together with the lines within which all buildings or structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this chapter. A record of all applications, plans and permits shall be kept on file by the Building Commissioner. The Building Commissioner shall take action on an application for a permit, either granting the permit or disapproving the application, within 14 days of receipt of the application.

§ 235-54. Previously approved permits.

The status of previously approved permits shall be as determined by the Zoning Act, Section 6.⁶⁴

§ 235-55. Certificate of occupancy required.

- A. It shall be unlawful to use or occupy any structure or lot hereafter erected or altered unless the Building Commissioner has issued a certificate of occupancy and has specified thereon the use to which the structure or lot may be put. Applications for certificates of occupancy and compliance shall be filed coincident with the application for building permits and shall be issued or refused in writing for cause within five days after the Building Commissioner has been notified, in writing, that the erection or alteration of such buildings has been completed. A record of all certificates shall be kept on file in the office of the Building Commissioner. Buildings accessory to dwellings when

64. Editor's Note: See MGL c. 40A, § 6.

completed at the same time shall not require a separate certificate of occupancy.

- B. Pending the issuance of a regular certificate, a temporary certificate may be issued for a period not exceeding six months during the completion of alterations or during partial occupancy of a building, pending its completion. No temporary certificate shall be issued prior to its completion if the building fails to conform to the provisions of the building ordinances and state laws or of this chapter to such a degree as to render it unsafe for the occupancy proposed.

§ 235-56. (Reserved)⁶⁵

§ 235-57. Permit time limits.

Any work for which any permit has been issued by the Building Commissioner shall be actively prosecuted within 90 days and completed within one year of the date of the issuance of the permit. Any permit issued for a project which is actively prosecuted for one year may be extended for an additional year at the discretion of the Building Commissioner. Additional time extensions may be granted only by a special permit approved by the Board of Appeals. Any project not completed within the applicable time limits shall be in violation of this chapter.

§ 235-58. Notice of violation and order. [Amended 9-16-2013 by Ord. No. 2013-200]

- A. The Building Commissioner shall serve a notice of violation and/or order to any owner or person responsible for the erection, construction, reconstruction, extension, repair, removal, demolition, conversion or alteration of a structure or change in use, increase in intensity of use or extension or displacement of use of any structure or lot in violation of the provisions of this chapter or in violation of any approved plan, information or drawing pertinent thereto or in violation of a permit or certificate issued under the provisions of this chapter or in violation of any provision of this chapter, and such order shall direct the discontinuance of the unlawful action, use or condition and the abatement of the violation within a time to be specified by the Building Commissioner.
- B. Any owner who having been served with a notice of violation and/or order and who ceases any work or other activity as a result shall not leave any structure or lot in such condition as to be a hazard or potential hazard, nuisance or menace to the public safety, health, morals or general welfare.
- C. If the Building Commissioner is requested in writing to enforce this chapter against any person allegedly in violation of the same and

65. Editor's Note: Former § 235-56, Permit and certificate fees, as amended, was repealed 6-21-2004 by Ord. No. 04-239. See now § 24-34.

such officer declines to act, the Building Commissioner shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefor within 14 days of receipt of such request.

§ 235-59. Violations and penalties. [Amended 9-16-2013 by Ord. No. 2013-200]

If the notice of violation and/or order by the Building Commissioner is not complied with in the time specified in the order, then the Building Commissioner shall institute fines of \$100 per day, per violation. Each section of the Code of Melrose cited shall constitute a separate violation. In the event any party fails to comply with an order, the Building Commissioner may seek to enforce said order, at law or in equity, in a court of competent jurisdiction.

§ 235-60. Board of Appeals. [Amended 5-1-1995 by Ord. No. 95-189; 2-19-2002 by Ord. No. 02-066C]

A. Establishment of Board of Appeals. The Board of Appeals shall be the Board of Appeals established under Chapter 22 of the Revised Ordinances of the City of Melrose 1956, as last amended.⁶⁶

B. Powers.

(1) Under this chapter the Board shall have the following powers:

(a) To hear and decide appeals in accordance with Section 8 of the Zoning Act.⁶⁷

(b) Except as provided in § 235-61B, to hear and decide applications for special permits and conditions and to impose conditions thereon.

(c) To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon a variance from the terms of this chapter.

(2) In exercising the powers under Subsection B(1)(c) above, the Board may impose limitations both of time and use, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time hereafter.

(3) In exercising these powers, the Board may, in conformity with the provisions of this chapter and the Zoning Act, reverse or affirm, in whole or in part, or may modify any order or decision and may make such order or decision as ought to be made and to that end

66.Editor's Note: See Administrative Code § A-203 and Ch. 15, Art. I, Board of Appeals.

67.Editor's Note: See MGL c. 40A, § 8.

shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

C. Board of Appeals procedures.

(1) Appeals.

- (a) An appeal to the Board may be taken by any person aggrieved by reason of his/her inability to obtain a permit from this chapter,⁶⁸ by the Metropolitan Area Planning Agency or by any person, including an officer or board of the City or of an abutting city or town, aggrieved by an order or decision of the Building Commissioner or other administrative official in violation of any provision of this chapter.
 - (b) Any such appeal shall be taken within 30 days from the date of the order or decision which is being appealed by filing a notice of appeal, specifying the ground thereof, with the City Clerk who shall forthwith transmit copies thereof to such officer or board whose order or decision is being appealed and to the members of the Board. Such officer or board shall forthwith transmit to the Board of Appeals all documents and papers constituting the record of the case in which the appeal is taken.
- (2) Meetings of the Board shall be held at the call of the Chair or when called in such other manner as the Board shall determine in its rules.
- (3) The Board of Appeals shall hold a hearing on any appeal, application or petition transmitted to it by the City Clerk within 65 days from the date of filing with the City Clerk of such appeal, application or petition.
- (a) The Board shall cause notice of such hearing to be published and sent to parties in interest as provided for herein and shall notify the Planning Board and the planning boards of adjacent cities and towns, which may forward recommendations with respect to said matter for the consideration of the Board of Appeals.
 - (b) In all cases where notice of a public hearing is required, notice shall be given by publication in a newspaper of general circulation in the City or town once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing, and by posting such notice in a conspicuous place in City Hall for a period of not less than 14 days before the day of the hearing.

68.Editor's Note: So in original. See MGL c. 40A, § 8, which reads "inability to obtain a permit or enforcement action from any administrative officer under the provisions of this chapter."

- (c) "Parties in interest" as used herein shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way and owners of land within 300 feet of the property line, all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town. The Assessors maintaining any applicable tax list shall certify to the Board of Appeals the names and addresses of parties in interest, and such certification shall be conclusive for all purposes. The Board of Appeals may accept a waiver of notice from or in his/her stead any successor owner of record⁶⁹ who may not have received a notice by mail and may order special notice to any such person, giving not less than five nor more than 10 additional days to reply.
 - (d) Publications and notices required by this section shall contain the name of the petitioner, a description of the area or premises, street address, if any, or other adequate identification of the location, of the area or premises which is the subject of the petition, the date and place of the public hearing, the subject matter of the hearing and the nature of action or relief requested, if any. No such hearing shall be held on any day on which a state or municipal election caucus or primary is held in such City. The Board of Appeals shall notify the Planning Board and the planning boards of every adjacent city or town, which may forward recommendations with respect to said matter for the consideration of the Board of Appeals. At the hearing, any party, entitled to notice thereof or not, may appear in person, by agent or by attorney.
 - (e) The Chair of the Board or, in his/her absence, the Acting Chair may administer oaths, summon witnesses and call for the production of papers. All hearings of the Board shall be open to the public.
- (4) The decision of the Board on any appeal or application for a variance shall be made within 100 days after the date of the filing of such appeal or application. The decision on any petition for special permit shall be made within 90 days after the public hearing thereon. Failure of the Board to act within said time constraints shall be deemed to be the grant of the relief, application, appeal or petition, as the case may be, subject to an additional judicial appeal as provided for in the Zoning Act.
- (a) The Board shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question or, if absent or failing to vote, indicating such fact and

69. Editor's Note: So in original. See MGL c. 40A, § 11, which reads "a waiver of notice from, or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record."

setting forth clearly the reason or reasons for its decision and of its official actions, copies of all of which shall be filed within 14 days in the office of the City Clerk and shall be a public record, and notice of the decision shall be mailed forthwith to the petitioner, applicant or appellant, to the parties in interest as defined in Subsection C(3)(c) above and to every person present at the hearing who requested that notice be sent to him/her and stated the address to which such notice was to be sent. Each notice shall specify that appeals, if any, shall be made pursuant to Section 17 of the Zoning Act⁷⁰ and shall be filed within 20 days after the date of filing of such notice in the office of the City Clerk.

- (b) Upon the granting of a variance or special permit or any extension, modification or renewal thereof, the Board shall issue to the owner, and to the applicant if other than the owner, a copy of the decision, certified by the Chair or Clerk, containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for the issuance of such variance or permit and certifying that copies of the decision and all plans referred to in the decision have been filed with the Planning Board and City Clerk. No variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the City Clerk that 20 days have elapsed and no appeal has been filed or, if such appeal has been filed, that it has been dismissed or denied is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.
- (c) If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the Board of Appeals in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such Board prior to the expiration of the one-year period. If the Board of Appeals does not grant such extension within 30 days of the date of application therefor, and upon the expiration of the original one-year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this chapter and MGL c. 40A, § 10.

70.Editor's Note: See MGL c. 40A, § 17.

- (5) No appeal, application or petition which has been unfavorably and finally acted upon by the Board shall be acted favorably upon within two years after the date of final unfavorable action unless said Board finds, by a concurring vote of all except one member of the Board, specific and material changes in the record of its proceedings,⁷¹ and unless all but one of the members of the Planning Board consent thereto and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.
 - (6) Any person aggrieved by a decision of the Board of Appeals or any special permit granting authority, whether or not previously a party to the proceedings, or any municipal officer or board may appeal to the Superior Court or to the Land Court or to the District Court as provided in MGL c. 40A, § 17, by bringing an action within 20 days after the decision has been filed in the office of the City Clerk. Notice of the action with a copy of the complaint shall be given to such City Clerk so as to be received within such 20 days. The complaint shall allege that the decision exceeds the authority of the Board or authority and any facts pertinent to the issue and shall contain a prayer that the decision be annulled. There shall be attached to the complaint a copy of the decision appealed from, bearing the date of filing thereof, certified by the office of the City Clerk with whom the decision was filed.
 - (7) The City may provide any officer or board of the City with independent legal counsel for appealing, as provided in this section, a decision of the Board of Appeals or special permit granting authority and for taking such other subsequent action as parties are authorized to take.
- D. Adoption of rules. The Board shall adopt rules for conducting its business and otherwise carrying out the purposes of this chapter. A copy of such rules shall be filed in the office of the City Clerk. Meetings of the Board shall be held at the call of the Chair and also when called in such other manner as the Board shall determine in its rules.
- E. Other requirements. The granting of any appeal by the Board shall not exempt the applicant from any provision of this chapter not specifically ruled upon by the Board or specifically set forth as excepted in this particular case from a provision of this chapter. It shall be unlawful for any owner or person to reconstruct, convert or alter a structure or change the use, increase the intensity of use or extend or displace the use of any building, other structure or lot or change any required limitations or special conditions imposed by the Board in authorizing a special permit or variance without appealing to the Board as a new

71. Editor's Note: So in original. See MGL c. 40A, § 16, which reads "specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings."

case over which the Board shall have complete administrative power to deny, approve or modify.

ARTICLE XI

Special Permits and Conditions**§ 235-61. Special permit granting authorities. [Amended 8-9-2004 by Ord. No. 04-184A; 12-19-2005 by Ord. No. 06-017]**

- A. The Board of Appeals, upon written application duly made to the Board, may grant special permits as hereinafter prescribed. Said special permits may be issued only for uses which are in harmony with the general purpose and intent of this chapter and shall be subject to general and specific provisions hereinafter stated, and such permits may also impose conditions, safeguards and limitations on time or use.
- (1) Special permits as prescribed in § 235-63 in locations and for uses designated "S" in the Table of Use and Parking Regulations⁷² and special permits or conditions allowed elsewhere in this chapter.
 - (2) Variances from the terms of this chapter as prescribed in § 235-64.
 - (3) Special permits for uses accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, whether or not on the same parcel as activities permitted as a matter of right, provided that the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.
- B. The Planning Board, upon written application, may grant special permits as hereinafter prescribed.
- (1) Special permits as prescribed in § 235-65 for multifamily residential use in nonresidentially zoned areas.
 - (2) Special permits designated as design review permits as prescribed in § 235-66.
 - (3) Special permits providing for cluster developments as prescribed in § 235-67.
 - (4) Special permits providing for planned unit developments and planned business developments as prescribed in § 235-68 through 235-71.
 - (5) Special permits under the affordable housing incentive program prescribed in § 235-73.1 of this chapter.
 - (6) Special permits under slope protection prescribed in § 235-73.2 of this chapter.

72. Editor's Note: The Table of Use and Parking Regulations is included as an attachment to this chapter.

- (7) Special permits as prescribed for in § 235-73.3 for registered marijuana dispensaries. **[Added 8-21-2017 by Ord. No. 2017-129]**

§ 235-62. Special permit procedure. [Amended 5-1-1995 by Ord. No. 95-189; 2-19-2002 by Ord. No. 02-066C]

- A. Application. Applications shall be filed with the City Clerk, and a copy of said application, including the date and time of filing certified by the City Clerk, shall be filed forthwith by the petitioner with the special permit granting authority indicated heretofore. The application shall be filed on such forms and with such accompanying materials and in such manner as prescribed in the rules of the special permit granting authority placed on file with the City Clerk by said special permit granting authority.
- B. Public hearing. A public hearing shall be conducted by the special permit granting authority within 65 days of the filing of an application. The time and place of said hearing shall be fixed by the special permit granting authority, which will give notice, and said notice shall include the name of the petitioner, a description of the area or premises, the street address, if any, or other adequate identification of the area or premises which is the subject of the hearing, the date, time and place of the hearing, the subject matter sufficient for identification and the nature of the action or relief requested.
- C. Notice. Notice of the public hearing shall appear in a newspaper of general circulation in the City. The first notice shall appear at least 14 days before the scheduled hearing date, and the second notice shall appear in the following week. In addition, notice of the hearing shall be posted in a conspicuous place in City Hall for 14 days prior to the scheduled hearing. Mail notice is required to be sent to abutters as they appear on the most recent tax list of Melrose and of adjoining cities and towns if applicable, to owners of land directly opposite on any public or private street or way as they appear on the most recent tax list, to owners of land within 300 feet of the property line, to the Melrose Planning Board and to the planning boards of adjoining cities and towns.
- D. Record. The public hearing shall be open to the public and shall be conducted in a manner consistent with rules published by the special permit granting authority. The special permit granting authority shall cause to be made a detailed record of its proceedings and shall include the vote of each member on each question, including whether absent or not voting. The record shall state in detail the reasons for the decisions made and shall record any limitations or conditions, if any. A copy of the record shall be filed with the City Clerk within 14 days of the decision.
- E. Decision. The decision must be made within 90 days after the date of the public hearing, and failure to take final action upon an application for a special permit within 90 days following the date of the public

hearing shall be deemed to be a grant of the permit applied for. A notice of the decision shall be mailed to the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within 300 feet of property line, even if in adjoining cities or towns, the Melrose Planning Board, the planning boards of adjoining cities or towns and to persons present at the hearing so requesting notice of the decision. Notice of the decision shall inform recipients of appellate rights under Section 14 of the Zoning Act.⁷³

- F. Vote. A concurring vote of all but one of the members of the Board of Appeals is required to grant a special permit or variance by said Board, and two-thirds concurring vote of the Planning Board is required to grant a special permit by said Board.
- G. Certification and recording of special permit or variance. Any special permit or variance granted by a special permit granting authority shall be certified by said authority and show the name and address of the landowner or applicant if other than the owner. The notice of special permit shall identify the land affected, set forth compliance with statutory prerequisites and state that a special permit has been granted and certify that copies of the decision and all plans referred to in the decision have been filed with the City Clerk and the Planning Board. No variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the City Clerk that 20 days have elapsed and no appeal has been filed or, if such appeal has been filed, that it has been dismissed or denied is recorded in the Registry of Deeds with the date and time of such recording and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. A special permit granted under this chapter shall lapse in two years, which shall not include such time required to pursue or await the determination of an appeal, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.
- H. Reconsideration of unfavorable action. Reconsideration of unfavorable action of a special permit granting authority shall be made pursuant to Section 16 of the Zoning Act⁷⁴ and as noted in § 235-60C of this chapter.
- I. Appeal. Appeal from the decision of a special permit granting authority shall be made only pursuant to Section 17 of the Zoning Act⁷⁵ and as noted in § 235-60C of this chapter.
- J. Conclusive nature of grant of special permit. Notwithstanding defect in notice, appeal in accordance with Section 17 of the Zoning Act shall constitute the exclusive remedy for complaint against the granting of

73.Editor's Note: See MGL c. 40A, § 14.

74.Editor's Note: See MGL c. 40A, § 16.

75.Editor's Note: See MGL c. 40A, § 17.

a special permit. In the case of defect in notice, complaint must be commenced within 90 days from the time the decision is filed in the City Clerk's office.

**§ 235-63. Findings by special permit granting authority; conditions.
[Amended 5-4-1987 by Ord. No. 1650]**

- A. Before granting an application for a special permit, as allowed in § 235-61, the special permit granting authority, with due regard to the nature and condition of all adjacent structures and uses and the district within which the same is located, shall find all of the following general conditions to be fulfilled:
- (1) The use requested is listed in the Table of Use and Parking Regulations as a special permit in the district for which application is made or is so designated elsewhere in this chapter.
 - (2) The requested use is essential or desirable to the public convenience or welfare.
 - (3) The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
 - (4) The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.
 - (5) Any special regulations for the use set forth in this article are fulfilled.
 - (6) The requested use will not impair the integrity or character of the district or adjoining districts nor be detrimental to the health, morals or welfare.
- B. The special permit granting authority shall also impose, in addition to any applicable conditions specified in this chapter, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this chapter, including but not limited to the following: front, side or rear yards greater than the minimum required by this chapter; screening buffers or planting strips, fences or walls as specified by the special permit granting authority; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation, time duration of permit or extent of facilities; and regulation of number and location of driveways or other traffic features beyond the minimum required by this chapter. Such conditions shall be imposed in writing, and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the special permit granting authority.

- C. In order that the special permit granting authority may determine that the above-mentioned restrictions are to be met, a site plan or revised site plan shall be submitted, in duplicate, to the special permit granting authority by the applicant. Said site plan shall show, among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas and other open uses, all facilities for sewage, refuse and other waste disposal and for surface water drainage and all landscape features, such as fences, walls, planting areas and walks. The special permit granting authority shall, within 10 days after receipt thereof, transmit one copy of such plan to the Planning Board or, in the case where the Planning Board is the special permit granting authority, to the Board of Appeals. Said Board may, in its discretion, investigate the case and report in writing its recommendation to the special permit granting authority.
- D. The special permit granting authority shall not take final action on said plan until it has received a report thereon from the Planning Board (or from the Board of Appeals where the Planning Board is the special permit granting authority) or until said Planning Board (or Board of Appeals) has allowed 35 days to elapse after receipt of such plan without submission of a report thereon.

§ 235-64. Variances.

- A. As allowed in § 235-61A, the Board may authorize a variance for a particular use or parcel of land or to an existing building thereon from the terms of this chapter where, owing to conditions especially affecting such parcel or such building but not affecting generally the district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise, to the appellant and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this chapter.
- B. Before any variance is granted, the Board must find all of the following conditions to be present:
 - (1) Conditions and circumstances are unique to the applicant's lot, structure or building and do not apply to the neighboring lands, structures or buildings in the same district.
 - (2) Strict application of the provisions of this chapter would deprive the applicant of reasonable use of the lot, structure or building in a manner equivalent to the use permitted to be made by owners of their neighborhood lands, structures or buildings in the same district.
 - (3) The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this chapter.

- (4) Relief, if approved, will not cause substantial detriment to the public good or impair the purpose and intent of this chapter.
- (5) Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the district.

§ 235-65. Multifamily residential use in nonresidentially zoned areas authorized by Planning Board.

- A. General. Said permits may be authorized where the public good would be served after a finding by the Planning Board that such nonresidentially zoned area would not be adversely affected by such a residential use and that permitted uses in such a zone are not noxious to a multifamily use.
- B. Location. Special permits for multifamily residential use may be applied for only within the BA-1, BA-2 and BB-1 Zones. **[Amended 4-6-2015 by Ord. No. 2015-90]**
- C. Dimensional and density regulations. Under separate application, said permit may be applied for in conjunction with a design review permit. Otherwise all other provisions of this chapter shall apply.

§ 235-66. Design review permits authorized by Planning Board.

- A. General. The Planning Board, as the special permit granting authority, may authorize a special permit designated a "design review permit" to increase the permissible density of population or intensity of a particular use in a proposed development, provided that the petitioner or applicant shall, as a condition for the grant of said permit, provide certain open space, housing for persons of low or moderate income, traffic or pedestrian improvements or other amenities.
- B. Conditions. Conditions for the grant of said permit shall include at least one of the following:
 - (1) Provision of open space in such amount and in such manner as the Planning Board shall require, which may include the preservation of open space through placing of parking within or under the building, also including the preservation of open space in its natural state, insofar as practicable, the minimizing of tree and soil removal and the maintenance of change of grade in keeping with the general appearance of neighboring developed areas or, in areas where changes are required, the provision of landscaping of parking areas and of the site.
 - (2) Provision of housing for persons of low or moderate income, as defined by the Federal Housing Authority, where such housing constitutes at least 10% of the dwelling units.

- (3) Provision of such traffic or pedestrian improvements as the Planning Board may require, including optimum size and placement of entrances, ramps, walkways, drives, parking and especially the location and number of access points to public streets. Additionally, consideration shall be given to the width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, arrangement of parking areas and the protection of neighboring properties.
 - (4) Provision of other amenities as the Planning Board may require, including the arrangement or rearrangement of the building on the site, the massing of the building in relation to surrounding properties and the protection of the City's heritage through preservation of historic, traditional or significant uses or structures, whether these exist on the site or on adjacent properties.
- C. Location. Said design review permits may be applied for only in UR-D, BA-1, BA-2 and BB-1 Zones as located on the Zoning Map. **[Amended 4-6-2015 by Ord. No. 2015-90]**
- D. Maximum design review permit increases. **[Amended 4-6-2015 by Ord. No. 2015-90]**
 - (1) UR-D Zone and BB-1 Zone:
 - (a) Lots under 20,000 square feet: not applicable.
 - (b) Lots 20,000 to 30,000 square feet: Article VI dimensional and density regulations for UR-C Districts shall apply, with the exception of minimum lot area per dwelling unit and maximum stories, which shall be as determined by the Planning Board, but not exceeding a floor area ratio of 1.5 and further not exceeding a height of 62 feet.
 - (c) Lots over 30,000 square feet: Article VI dimensional and density regulations for UR-C Districts shall apply, with the exception of minimum lot area per dwelling unit and maximum stories, which shall be as determined by the Planning Board, but not exceeding a floor area ratio of 1.75 and further not exceeding a height of 62 feet.
 - (2) BA-1 Zone and BA-2 Zone:
 - (a) Lots under 20,000 square feet: not applicable.
 - (b) Lots 20,000 to 50,000 square feet: Article VI dimensional and density regulations for UR-C Districts shall apply, with the exception of minimum lot area per dwelling unit and maximum stories, which shall be as determined by the Planning Board, but not exceeding a floor area ratio of 2.0 and further not exceeding a height of 62 feet.

- (c) Lots over 50,000 square feet: Article VI dimensional and density regulations for UR-C Districts shall apply, with the exception of minimum lot area per dwelling unit and maximum stories, which shall be as determined by the Planning Board, but not exceeding a floor area ratio of 3.0 and further not exceeding a height of 62 feet.

§ 235-67. Cluster residential development. [Amended 12-2-1974 by Ord. No. 18566]

For single-family residential development in a cluster pattern in the SR, SR-A and SR-B Districts, subject to dimensional and density regulation less than the minimum required for development of an individual lot in the same district, the following conditions shall apply:

- A. The tract of land in a single or consolidated ownership at the time of application shall be at least 15 acres in size and the plan of which shall be subject to approval by the Planning Board under the Melrose Land Subdivision Regulations.
- B. A site plan shall be presented to the Planning Board for the entire tract.
- C. Each individual lot in the SR, SR-A and SR-B Districts shall be subject to all requirements for a one-family detached dwelling in the UR-A District.
- D. The total number of proposed lots in the development within the SR District shall not exceed the number of lots which could be developed under normal application requirements of the SR District. The total number of proposed lots in the development within the SR-A District shall not exceed the number of lots which could be developed under normal application requirements of the SR-A District. The total number of proposed lots in the development within the SR-B District shall not exceed the number of lots which could be developed under normal application of the requirements of the SR-B District. For purposes of this subsection, it shall be assured that a maximum of 80% of the total tract area could be utilized to meet lot area requirements.
- E. The proposed plan shall be in accordance with the Melrose Future Land Use Plan as last revised.
- F. The development shall be served by both public water and public sewerage systems.
- G. The minimum open space requirement shall be 50% of the total tract area. A portion of the open space land, amounting to at least 10% of the total tract area, shall be set aside as common land covenanted to be maintained as permanent open space in private or cooperative ownership. The form of covenant covering such common land shall provide for its permanent ownership and maintenance and shall be subject to the approval of the Planning Board and the City Solicitor. (With the consent of the Aldermen this common land may be deeded to

the City.) This common land shall be of such a physical character and appropriately planned so as to be of use to the residents of the cluster development.

- H. Such common land shall be deeded to the City or permanently covenanted simultaneously with the Planning Board's approval of the definitive subdivision plan.
- I. Such common land shall be restricted to open space recreational uses, such as tot-lot, park, playground, play field, golf course or conservation area.
- J. Such common land shall have suitable access to a street.

§ 235-68. Planned unit development in SR-A District.

For development in a planned unit concept in the SR-A District for uses including, among others, residential, business and institutional and not subject to the Table of Dimensional and Density Regulations, the following conditions shall apply:

- A. The tract shall be in single or consolidated ownership, and the plan for the tract shall be subject to the approval by the Planning Board under the Melrose Land Subdivision Regulations. The tract shall be at least 30 contiguous acres, which may be intersected by a street or streets.
- B. The development may be totally new development or it may incorporate existing development either in its present form or as altered through rehabilitation.
- C. The following uses shall be permitted: residential, including townhouses and multifamily dwellings; community facilities (religious or educational; membership club for exclusive use of the residents of the planned unit development; public recreation or open space; fire station); public transportation terminal facility; and business establishments selling convenience goods such as food, drugs and proprietary goods; general merchandise such as dry goods, apparel and accessories, hardware, home furnishings and similar items; personal and consumer services establishments; and medical, other professional and business offices, including financial, insurance and real estate offices.
- D. A maximum of 5% of the total residential gross floor area at any one time may be devoted to business gross floor area.
- E. The minimum open space requirements shall be as follows: percent of total tract area: 60%; percent of developed area: 20%. A portion of the open space land, amounting to at least 10% of the total tract area, shall be set aside as common land covenanted to be maintained as permanent open space in private or cooperative ownership. The form of covenant covering such common land shall provide for its permanent ownership and maintenance and shall be subject to the approval of

the Planning Board and the City Solicitor. (With the consent of the Aldermen, this common land may be deeded to the City.) This common land shall be of such a physical character and appropriately planned so as to be of use to the residents and patrons of the development.

- F. The remaining land area may be developed for residential, community facilities and business uses. In considering the application, the Planning Board should determine the need for sites for community facilities such as schools, playgrounds, fire stations and the like. Where such a need is found, appropriate sites within the development shall be set aside.
- G. The residential density shall not exceed 20 dwelling units per acre of the total tract area.
- H. The locations of buildings shall be governed by the following:
 - (1) All buildings shall be at least one foot from any lot line for each foot of building height, but in no case shall any building be closer than 15 feet to any lot line.
 - (2) All principal buildings shall be at least 24 feet apart, except that where building heights exceed 40 feet, these distances shall be increased by one foot for each foot of height over 40 feet.
 - (3) All principal buildings shall be at least 15 feet from any common parking area.
- I. Buildings of greater height than eight stories may be allowed only as long as the minimum distances required in Subsection H(1) and (2) above are increased by one foot for each two feet of height over 80 feet.
- J. The development shall be served by both public water and public sewerage systems.
- K. The principal streets shall be offered for acceptance as public ways. Where retained as private ways, they shall be posted as such by standard street signs.
- L. A location plan at a scale of one inch equals 650 feet shall be submitted.
- M. A site plan for the entire tract at a scale of one inch equals 40 feet, prepared by a recognized land planner, registered architect or registered professional engineer, shall be submitted to the Planning Board in duplicate and shall show, in addition to other items as may be required by the Planning Board, at least the following:
 - (1) Two-foot contours on the tract and within 50 feet thereof.
 - (2) The location and acreage of areas to be devoted to specific uses.
 - (3) Existing and proposed streets, parking, drainage and utility systems.

- (4) Proposed residential density of development in terms of dwelling units per acre and type and proposed business uses in square footage and types.
 - (5) A separate plan showing the location of parks, open recreation areas and other open spaces, schools and other public community uses.
 - (6) A plan for landscaping, including existing natural features and proposed landscaping, prepared by a registered landscape architect.
- N. The development plan shall be consistent with the Melrose Future Land Use Plan as last revised.
- O. Signs shall be governed by the regulations of Article VII as applied to the use in the planned unit development, except that projecting signs shall not be permitted.

§ 235-69. Planned unit development in UR-B, UR-C and UR-D Districts.

For development in a planned unit concept in the UR-B, UR-C and UR-D Districts for uses including, among others, residential, business and institutional and not subject to the Table of Dimensional and Density Regulations, the following conditions shall apply:

- A. The tract shall be in single or consolidated ownership, and the plan for the tract shall be subject to the approval by the Planning Board under the Melrose Land Subdivision Regulations. The tract shall be at least five contiguous acres, which may be intersected by a street or streets.
- B. The development may be totally new development or it may incorporate existing development either in its present form or as altered through rehabilitation.
- C. The following uses shall be permitted: residential, including townhouses and multifamily dwellings; community facilities (religious or educational; membership club for exclusive use of the residents of the planned unit development; public recreation or open space; fire station); public transportation terminal facility; and business establishments limited to the following business uses: retail establishments selling convenience goods such as food, drugs and proprietary goods; general merchandise such as dry goods, apparel and accessories, hardware, home furnishings and similar items; personal and consumer services establishments; and medical, other professional and business offices, including financial, insurance and real estate offices.
- D. A maximum of 5% of the total residential gross floor area at any one time may be devoted to business floor area.

- E. For a planned unit development where the tract includes land in both the residential districts and the business districts under § 235-70, the proportion of any type of development at any one time shall be computed by applying the limits of Subsection D above to that portion of the total tract in the residential district and by applying the limits of § 235-70D to that portion of the total tract in the business district. However, the location of each type of use shall not be restricted by the zoning boundary.
- F. The minimum open space requirements shall be as follows: percent of total tract area: 20%; percent of developed area: 10%. A portion of the open space land, amounting to at least 10% of the total tract area, shall be set aside as common land covenanted to be maintained as permanent open space in private or cooperative ownership. The form of covenant covering such common land shall provide for its permanent ownership and maintenance and shall be subject to the approval of the Planning Board and the City Solicitor. (With the consent of the Aldermen, this common land may be deeded to the City.) This common land shall be of such a physical character and appropriately planned so as to be of use to the residents and patrons of the development.
- G. The remaining land area may be developed for residential, community facilities and business uses. In considering the application, the Planning Board should determine the need for sites for community facilities such as schools, playgrounds, fire stations and the like. Where such a need is found, appropriate sites within the development shall be set aside.
- H. The residential density shall not exceed 60 dwelling units per acre of the total tract area.
- I. The locations of buildings shall be governed by the following:
 - (1) All buildings shall be at least one foot from any lot line for each foot of building height, but in no case shall any building be closer than 15 feet.
 - (2) All principal buildings shall be at least 24 feet apart, except that where building heights exceed 40 feet, these distances shall be increased by one foot of height over 40 feet.
 - (3) All principal buildings shall be at least 15 feet from any common parking area.
- J. Buildings of greater height than eight stories may be allowed only as long as the minimum distances required in Subsection I(1) and (2) above are increased by one foot for each two feet of height over 80 feet.
- K. The development shall be served by both public water and public sewerage systems.

- L. The principal streets shall be offered for acceptance as public ways. Where retained as private ways, they shall be posted as such by standard street signs.
- M. A location plan at a scale of one inch equals 650 feet shall be submitted.
- N. A site plan for the entire tract at a scale of one inch equals 40 feet, prepared by a recognized land planner, registered architect or registered professional engineer, shall be submitted to the Planning Board in duplicate and shall show, in addition to other items as may be required by the Planning Board, at least the following:
 - (1) Two-foot contours on the tract and within 50 feet thereof.
 - (2) The location and acreage of areas to be devoted to specific uses.
 - (3) Existing and proposed streets, parking, drainage and utility systems.
 - (4) Proposed residential density of development in terms of dwelling units per acre and type and proposed business uses in square footage and types.
 - (5) A separate plan showing the location of parks, open recreation areas and other open spaces, schools and other public community uses.
 - (6) A plan for landscaping, including existing natural features and proposed landscaping, prepared by a registered landscape architect.
- O. The development plan shall be consistent with the Melrose Future Land Use Plan as last revised.
- P. The off-street parking requirements may be reduced where a common parking area(s) serves a cluster(s) of business development. However, reduction in parking space requirements shall not exceed more than 10% of those required under normal application of the requirements set forth elsewhere in this chapter.⁷⁶
- Q. Signs shall be governed by the regulations of Article VII as applied to the use in the planned unit development, except that projecting signs shall not be permitted.

§ 235-70. Planned unit development in BA-1, BA-2, BB, BB-1, BC and BD Districts. [Amended 4-6-2015 by Ord. No. 2015-90]

For development in a planned unit concept in the BA-1, BA-2, BB, BB-1, BC and BD Districts for uses including, among others, residential, business and institutional and not subject to the Table of Dimensional and Density Regulations, the following conditions shall apply:

76. Editor's Note: See Art. VIII, Off-Street Parking and Loading.

- A. The tract shall be in single or consolidated ownership, and the plan for the tract shall be subject to the approval by the Planning Board under the Melrose Land Subdivision Regulations. The tract shall be at least five contiguous acres, which may be intersected by a street or streets.
- B. The development may be totally new development or it may incorporate existing development either in its present form or as altered through rehabilitation.
- C. The following uses shall be permitted: residential, including townhouses and multifamily dwellings; community facilities (religious or educational; membership club for exclusive use of the residents of the planned unit development; public recreation or open space; fire station); public transportation terminal facility; and business establishments limited to the following business uses: retail establishments selling convenience goods such as food, drugs and proprietary goods; general merchandise such as dry goods, apparel and accessories, hardware, home furnishings and similar items; personal and consumer services establishments; and medical, other professional and business offices, including financial, insurance and real estate offices.
- D. A maximum of 20% of the total land area at any one time may be devoted to residential use.
- E. For a planned unit development where the tract includes land in both business districts and the residential districts under § 235-69, the proportion of any type of development at any one time shall be computed by applying the limits of Subsection D above to that portion of the total tract in the business district and by applying the limits of § 235-69D to that portion of the total tract in the residential district. However, the location of each type of use shall not be restricted by the zoning district boundary.
- F. The minimum open space requirements shall be as follows: percent of total tract area: 10%; percent of developed area: 5%. A portion of the open space land, amounting to at least 10% of the total tract area, shall be set aside as common land covenanted to be maintained as permanent open space in private or cooperative ownership. The form of covenant covering such common land shall provide for its permanent ownership and maintenance and shall be subject to the approval of the Planning Board and the City Solicitor. (With the consent of the Aldermen, this common land may be deeded to the City.) This common land shall be of such a physical character and appropriately planned so as to be of use to the residents and patrons of the development.
- G. The remaining land area may be developed for residential, community facilities and business uses. In considering the application, the Planning Board should determine the need for sites for community facilities such as schools, playgrounds, fire stations and the like. Where such a need is found, appropriate sites within the development shall be set aside.

- H. The residential density shall not exceed 60 dwelling units per acre of the portion of the total land area devoted to residential use.
- I. The locations of buildings shall be governed by the following:
 - (1) All buildings shall be at least one foot from any lot line for each foot of building height, but in no case shall any building be closer than 15 feet.
 - (2) All principal buildings shall be at least 24 feet apart, except that where building heights exceed 40 feet, these distances shall be increased by one foot for each foot of height over 40 feet.
 - (3) All principal buildings shall be at least 15 feet from any common parking area.
- J. Buildings of greater height than eight stories may be allowed only as long as the minimum distances required in Subsection I(1) and (2) above are increased by one foot for each two feet of height over 80 feet.
- K. The development shall be served by both public water and public sewerage systems.
- L. The principal streets shall be offered for acceptance as public ways. Where retained as private ways, they shall be posted as such by standard street signs.
- M. A location plan at a scale of one inch equals 650 feet shall be submitted.
- N. A site plan for the entire tract at a scale of one inch equals 40 feet, prepared by a recognized land planner, registered architect or registered professional engineer, shall be submitted to the Planning Board in duplicate and shall show, in addition to other items as may be required by the Planning Board, at least the following:
 - (1) Two-foot contours on the tract and within 50 feet thereof.
 - (2) The location and acreage of areas to be devoted to specific uses.
 - (3) Existing and proposed streets, parking, drainage and utility systems.
 - (4) Proposed residential density of development in terms of dwelling units per acre and type and proposed business uses in square footage and types.
 - (5) A separate plan showing the location of parks, open recreation areas and other open spaces, schools and other public community uses.
 - (6) A plan for landscaping, including existing natural features and proposed landscaping, prepared by a registered landscape architect.

- O. The development plan shall be consistent with the Melrose Future Land Use Plan as last revised.
- P. The off-street parking requirements may be reduced where a common parking area(s) serves a cluster(s) of business development. However, reduction in parking space requirements shall not exceed more than 10% of those required under normal application of the requirements set forth elsewhere in this chapter.⁷⁷
- Q. Signs shall be governed by the regulations of Article VII as applied to the use in the planned unit development, except that projecting signs shall not be permitted.

§ 235-71. Planned business development. [Amended 5-4-1987 by Ord. No. 1650; 4-6-2015 by Ord. No. 2015-90]

For the planned business development of land in the BA-1, BA-2, BB, BB-1, BC, BD, UR-C and UR-D Districts, the development shall be subject to all regulations of this chapter, except that the following shall be allowed through grant of a special permit for the planned business development by the Planning Board: building coverage greater than the maximum building coverage permitted in the Table of Density and Dimensional Regulations, parking requirements less than the parking requirements contained in Article VIII and additional uses as provided for below, provided that:

- A. The tract in single or consolidated ownership at the time of application shall be at least three contiguous acres in size. A development plan shall be presented for the entire tract.
- B. Regardless of the zone in which a planned business development is located, all of the uses listed in the Table of Use and Parking Regulations under the categories "community facilities," "retail service commercial," "wholesale, transportation and industrial" and "accessory use" shall be permitted in a planned business development provided the specific uses are approved by the Planning Board when the development plan for the planned business development is approved.
- C. Uses may be contained in one continuous building or in groupings of buildings. The Planning Board shall review the site plan with respect to safety of the users of the development and further with respect to the overall intent of this section. The development of one continuous building or the development of a grouping of buildings may be served by one common parking area and by common exit and entrance areas, in which case a reduction in the parking area may be allowed.
- D. The minimum open space requirement shall be 5%.
- E. As part of the approval of any planned business development, the Planning Board shall review plans and may issue a special permit for accessory parking for compliance with Article VIII of this chapter.

77. Editor's Note: See Art VIII, Off-Street Parking and Loading.

Where conditions unique to a planned business development so justify, the Planning Board may grant a maximum of a ten-percent reduction of the parking space requirements indicated in the Table of Off-Street Parking Regulations.⁷⁸

- F. A site plan shall be presented for the entire tract showing two-foot finished contours, existing and proposed drainage, sewerage, water, parking and street access. A separate plan for landscaping shall be presented.
- G. The development plan shall be consistent with the Melrose Future Land Use Plan as last revised.
- H. The development shall be served by both public water and public sewerage systems, both of which must be adequate to accept the proposed development.
- I. Signs shall be governed by the regulations of Article VII, except that projecting signs shall not be permitted.
- J. The plan shall provide for adequate access in relation to the anticipated traffic generation by the proposed development.
- K. The plan shall be evaluated with respect to its impact upon the neighborhood, its effect on City services such as fire protection and its overall demands on the City. The design of each building in a planned business development shall be reviewed and approved by the Planning Board to ensure that it is reasonably appropriate in relation to the approved plan.

§ 235-71.1. Smart Growth District. [Added 4-7-2008 by Ord. No. 08-128; amended 7-21-2014 by Ord. No. 2014-146]

- A. Purpose. The purposes of the Smart Growth District are:
 - (1) To promote economic development and neighborhood revitalization through the redevelopment and reuse of industrial buildings and related sites;
 - (2) To provide housing options which are sufficient to meet the needs of households at varying income levels and different stages of life;
 - (3) To promote high-quality, sustainable design that reinforces and enhances neighborhood identity and minimizes negative impacts on the environment;
 - (4) To create a pedestrian-friendly environment that promotes walking, bicycling and transit use, and encourages reduced vehicle ownership; and
 - (5) To promote a mix of compatible uses.

78. Editor's Note: See § 235-32.

B. Definition and applicability.

- (1) A "Smart Growth District project" ("SGD project") is a development that complies with all the provisions of this § 235-71.1, including provisions relating to uses, density, site and building dimensions, off-street parking, building design, lighting, and signs.
- (2) This § 235-71.1 includes use, dimensional and other regulations that may modify the requirements of the underlying district(s) for an SGD project. Any requirement of the Zoning Ordinance that is not specifically modified by this § 235-71.1 shall remain in effect for an SGD project.
- (3) The provisions of this § 235-71.1 shall apply only to an SGD project. Any building, structure or use of land that is not part of an SGD project shall conform to the regulations and requirements applicable to the underlying districts without modification by this § 235-71.1.
- (4) An SGD project shall be subject to site plan review under § 235-16.1. Site plan review approval for an SGD project is contingent upon the Planning Board, acting as the Site Plan Review Committee, finding that the requirements of this § 235-71.1 are met in addition to the site plan review criteria described in § 235-16.1.

C. Establishment of Smart Growth District.

- (1) The Smart Growth District (SGD) is established as an overlay district that may be applied to land in the Industrial A District as described herein, which is referred to herein as the "underlying district." When a parcel is placed within the SGD, it also remains in the underlying Industrial A District and must comply with the regulations of the Industrial A District except as specifically modified by this § 235-71.1.
- (2) The Smart Growth District includes the following parcels, identified by Assessors' Map and lot numbers as of January 1, 2007. This list of parcels is intended to include all properties shown on the Melrose Zoning Map as the Industrial A District located on lower Washington Street.

Map	Lots
B1	5
B2	16-18, 17, 19, 20, 21, 35, 36, 37
B3	57, 58, 58A, and the private way known as Stone Place

D. Permitted uses.

- (1) An SGD project may include, and shall be limited to, the following permitted uses, alone or in combination:
 - (a) Multifamily residential, including townhouses and apartment buildings and including accessory uses thereto.
 - (b) Retail establishments selling convenience goods such as food, drugs and proprietary goods, or general merchandise such as dry goods, apparel and accessories, hardware, home furnishings and similar items, provided that no individual establishment, except such businesses in existence in the Industrial A District at the time of the effective date of this § 235-71.1, shall exceed 15,000 square feet gross floor area.
 - (c) Retail food establishment with a floor area of less than 3,000 square feet in conjunction with an off-premises liquor license.
 - (d) Personal and consumer services establishments, including beauty and barber shops, clothing rental, dry cleaning pickup shops, garment repair, tailors, and similar businesses providing frequent or recurrent services related to personal needs, and including accessory retail sales of products related to the services offered at such consumer services establishments.
 - (e) Professional and business offices, including but not limited to medical, legal, insurance, architects, engineers, and real estate offices. This does not include banks and financial institutions or substance abuse treatment centers.
 - (f) Restaurants, coffee shops, and similar establishments selling prepared food to be consumed on or off site.
 - (g) Studios of artists or artisans, including persons engaged in the application, teaching, or performance of fine arts such as but not limited to drawing or painting, sculpture, vocal or instrumental music, or writing, and including the accessory sale of art produced on the premises.
 - (h) Live/work space, combining a dwelling unit with an integrated work space principally used by one or more of the residents of the unit.
- (2) An SGD project may include more than one principal structure on a single lot, provided that the Planning Board finds through the site plan review process that safe and convenient access will be provided to all structures.
- (3) An SGD project shall not include any use which consists of drive-through service, whereby a product or service is provided to a person who remains in a vehicle.

E. Dimensional and density regulations.

- (1) Lot area and frontage. An SGD project shall have a minimum lot area of 0.5 acre and a minimum frontage on a public way of at least 100 feet.
- (2) Yards.
 - (a) Minimum yards. Each lot within the SGD project shall comply with the following requirements:
 - [1] Minimum front yard: 15 feet from the lot line.
 - [2] Minimum side yard: 12 feet from the lot line.
 - [3] Minimum rear yard:
 - [a] Abutting a residential zoning district: 20 feet from the lot line.
 - [b] Not abutting a residential zoning district: 15 feet from the lot line.
 - (b) Maximum front yard.
 - [1] In order to define a consistent building line along the street, new buildings shall not be set back more than 20 feet from the front property line.
 - [2] The maximum front yard may be increased to 30 feet provided that the additional yard area incorporates a courtyard or sitting area at least 1,500 square feet in area and at least 20 feet deep that adjoins and is open on one or more sides to the public sidewalk; is open to the public for exclusive use by pedestrians; contains pedestrian amenities such as seating; and is landscaped to create a separation from the street, to provide shade, to reduce noise, and to mitigate fumes.
 - [3] At least 60% of the front side of a lot facing a public street, measured in percentage of linear feet of the frontage, shall be occupied by buildings or open space.
 - (c) The Planning Board may require, on the basis of site plan review, an accessway to improve pedestrian circulation and for public safety access.
- (3) Building separation. Buildings on a single lot shall be at least 18 feet apart to provide adequate separation for emergency access.
- (4) Development intensity.
 - (a) The maximum residential density of an SGD project shall be 35 dwelling units per acre.

- (b) The maximum floor area ratio (FAR) of an SGD project shall be 1.25, plus 0.05 for each 1.0% of total floor area devoted to commercial uses, but shall not exceed a maximum FAR of 2.0.
- (5) Open space.
 - (a) An SGD project shall include open space at least equal to the percentage of total lot area as set forth below:
 - [1] An SGD project that involves only the rehabilitation of an SGD landmark building, as defined in Subsection G(2), provided that there is no increase in the footprint of the building and the gross floor area is increased by no more than 50%: 10%.
 - [2] An SGD project that involves the rehabilitation of an SGD landmark building, regardless of increase in footprint or floor area, and may include new construction: 25%.
 - [3] Any other SGD project: 35%.
 - (b) The open space requirement shall apply to the SGD project as a whole, regardless of whether the SGD project consists of a single lot or multiple lots.
 - (c) In recognition of the increased open space and recreation demands that will result from new residential development, an SGD project shall also contribute to the City's off-site public open space as follows:
 - [1] Upon receiving a building permit for any residential units in an SGD project, the applicant shall make a contribution to the City's Open Space Fund in the amount of \$1,100 per dwelling unit.
 - [2] The Open Space Fund contribution per dwelling unit shall be decreased by 5% for each 1% by which the open space on the lot exceeds the minimum requirement stipulated in Subsection E(5)(a).
- (6) Building and structure height.
 - (a) The maximum permitted height for buildings in an SGD project shall be 60 feet, except as follows:
 - [1] No part of a building that is less than 40 feet from a front lot line shall exceed a height of 50 feet.
 - [2] No part of a building that is less than 40 feet from a side lot line abutting a residential district shall exceed a height of 50 feet.
 - [3] No part of a building that is less than 50 feet from a rear lot line abutting a residential district shall exceed 40 feet.

No part of a building that is less than 100 feet from a rear lot line abutting a residential district shall exceed a height of 50 feet.

- [4] No part of a building shall have a height that is greater than its distance to the front lot line of any residentially zoned property on the opposite side of the street, less 25 feet. [For example, if the street right-of-way is 45 feet and the building in an SGD project is set back 15 feet from the property line, the maximum height at that point shall be $(45+15)-25 = 35$ feet.]
- (b) The height of a building or structure in the SGD shall be defined as the vertical distance from the average grade of Washington Street, along the frontage of the lot/s of the SGD project at the time of the site plan review application, to the top of the structure of the highest roof beams of a flat roof, the deck of a mansard roof or the mean level of the highest gable or slope of a hip roof. This shall supersede the definition of "height" in § 235-5 for an SGD project.
- (c) A roof appurtenance enclosing mechanical equipment may exceed the applicable maximum building height established by Subsection E(6)(a) above, provided that:
- [1] It is no more than 10 feet above the roof surface;
- [2] It is no less than 10 feet from the exterior wall of the building; and
- [3] The total horizontal area of all such appurtenances does not exceed 20% of the building footprint.
- (d) Parking structures not integrated into a building primarily for human occupation shall be no more than 28 feet in height to the deck of the highest parking area.
- (7) Building coverage. The maximum permitted coverage by all buildings in an SGD project shall be 50%. This requirement shall apply to the SGD project as a whole, regardless of whether the SGD project consists of a single lot or multiple lots.
- (8) Existing nonconforming buildings. An SGD project may include a building in existence on the effective date of this § 235-71.1 which does not conform to the requirements set forth in Subsection E relating to minimum or maximum front yard, minimum side yard, maximum building height, or minimum building separation. No change shall be made to lot lines, building footprint or building height that further increases any such nonconformity unless the Planning Board determines, based on site plan review, that such change is necessary for structural or access reasons or to meet the design standards of this section.

F. Off-street parking.

- (1) Off-street parking spaces shall be provided as follows:

Use	Spaces Required
Residential	1.0 space per studio or 1-bedroom dwelling unit
	1.5 spaces per 2-bedroom dwelling unit
	2.0 spaces per 3-bedroom dwelling unit
	1.0 visitor space per 10 residential units
Office and retail	
Ground floor	1.0 space per 350 square feet gross floor area
Floors above ground level	1.0 space per 500 square feet gross floor area

- (2) Notwithstanding Subsection F(1), the overall off-street parking requirement (total parking spaces divided by total dwelling units) may be less than 1.5 per unit but shall not be less than 1.25 per unit.
- (3) On-street parking on public streets and internal ways may be permitted within the Smart Growth District provided all necessary approvals are obtained, but on-street parking on public streets shall not be used to meet the minimum requirements for off-street parking.
- (4) The Planning Board may allow shared or reduced parking requirements for uses having different peak times of parking demand requirements or if a use needs a lesser number of parking spaces than is required. Evidence which supports these shared or reduced parking requirements shall be produced in a report from a traffic engineer engaged by the applicant and approved by the Planning Board as part of site plan review. Where shared parking is to serve uses on separate lots, documentation shall be provided establishing the permanent legal right for such shared use. Factors that the Planning Board may consider include but are not limited to:
- (a) Proximity to available public parking with demonstrated availability to support the project.
 - (b) Characteristics of the occupants that create less parking demand, such as age or household income.

- (c) Provision of a mix of uses on site with offset peak parking demand times.
- (d) A shared parking agreement with proximate properties with offset parking demand times.
- (e) Dedication of spaces for car-sharing services (e.g., Zipcar).
- (f) Employers who provide transit incentives for their employees.
- (5) Parking setbacks.
 - (a) Surface parking areas shall conform to the following minimum setback requirements:
 - [1] From a public street: 30 feet.
 - [2] From an internal way (not to include parking lot drive aisles): 10 feet.
 - [3] From a structure: 10 feet.
 - [4] From a side or rear lot line where the abutting property is within the SG District notwithstanding any other setback provision within this Subsection F(5)(a): five feet.
 - [5] From a lot line abutting the railroad right-of-way: five feet.
 - [6] From any other side or rear lot line: 10 feet.
 - (b) Parking structures shall conform to the following minimum setback requirements:
 - [1] From an internal way: 10 feet.
 - [2] From a public street: 30 feet.
 - [3] From a side lot line: 12 feet.
 - [4] From a rear lot line:
 - [a] Abutting a residential zoning district: 20 feet.
 - [b] Not abutting a residential zoning district: 15 feet.
 - (c) No surface parking area or parking structure shall be closer to a public street than the closest principal building.
 - (d) The provisions of Subsection F(5)(a), (b), and (c) above shall not apply to SGD projects that are limited to the rehabilitation of a building or buildings in existence at the time of adoption of this amendment and that do not include the construction of new buildings.
- (6) Bicycle parking facilities or storage shall be provided as follows, assuming one space accommodates one bicycle:

Use	Bicycle Parking Required
Residential	1.0 space per 20 dwelling units
Office	2.0 spaces per 10,000 square feet gross floor area
Retail	2.0 spaces per 10,000 square feet gross floor area

G. Design standards. All SGD projects shall comply with the following design standards, unless the Planning Board finds, through site plan review, any standard to be inappropriate for the proposed use.

(1) Building design.

- (a) New buildings shall be designed to be compatible with SGD landmark buildings, as defined in Subsection G(2) herein, in terms of their massing, size, scale, and architectural features.
- (b) Exterior materials that are primarily associated with domestic residential buildings, such as wood clapboards and shingles, or that are relatively impermanent, such as exterior insulation and finish systems (EIFS), plywood, aluminum and vinyl, are discouraged.
- (c) Building facades shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
- (d) Building facades facing public streets or Stone Place, or within 30 feet of main entrances, shall reflect a high level of detail refinement.
- (e) Building facades more than 50 feet in length shall be divided into shorter segments by means of changes in materials, varying rooflines or other architectural treatments.
- (f) Rooftop building systems, such as mechanical and electrical equipment and antennas, shall be screened with appropriate architectural elements from all key observation points.
- (g) New buildings and renovations shall incorporate sustainable design and construction practices as governed by the Energy Star and WaterSense Programs to the extent reasonable, and developers are strongly encouraged to achieve United States Green Building Council LEED certification for their building or its reasonable equivalent.
- (h) For new buildings containing commercial uses, at least 60% of the street-facing building facade between two feet and eight feet in height shall be comprised of clear windows that allow views of indoor space or product display areas. This requirement shall not apply to buildings accessory to

residential uses and not open to the general public, such as clubhouses.

- (i) Buildings or building facades shall not be designed primarily according to themes or architectural styles defined by or associated with corporate chains or franchises. The Planning Board may prohibit designs that it finds to be inconsistent with this provision.

(2) Historic preservation.

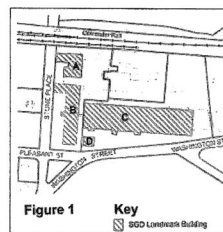
- (a) The following buildings or portions of buildings, identified in Figure 1, are designated "SGD landmark buildings":

A - 78 Stone Place

B - 111 Washington Street/72 Stone Place

C - 99 Washington Street

D - 99B Washington Street



- (b) No SGD landmark building shall be demolished.
- (c) Any alteration or addition to a SGD landmark building shall not modify its architectural features in such a way as to impair or detract from the building's historic character.
- (d) The Planning Board may prohibit alterations or additions to SGD landmark buildings that it finds to be materially inconsistent with this provision.

(3) Landscaping.

- (a) Landscape materials shall be sustainable, requiring minimal maintenance, irrigation or fertilizer, and shall be planted with species that are native to the area, tolerant of salt, and capable of withstanding extreme weather conditions.
- (b) Street trees shall be planted by the developer along all public streets and internal ways within and abutting the property.

[1] Trees shall be planted at intervals of no more than 40 feet along both sides of the roadway. If the Planning Board determines through site plan review that such spacing is not feasible, it may alter the spacing or determine that

up to the equivalent number of trees shall be planted elsewhere on the site.

[2] Trees shall be of a species common to the area, and shall be appropriate species to provide summer shade, winter light, and year-round visual interest.

[3] Trees shall be 2.5 inches caliper at four feet above grade and reach a height of at least 30 feet at maturity.

(c) All dumpsters and utility/service areas shall be screened with adequate plantings and/or landscape structures appropriate to the scale and character of the neighborhood.

(d) A landscaped buffer strip at least 10 feet in width shall be provided along any lot line that abuts a residential zoning district. The buffer strip shall contain a vegetative screen not less than three feet wide and six feet high relative to the lot line, designed and maintained to provide a dense screen year round. The screen shall be planted with trees or shrubs no more than three feet on center. At least 50% of the plantings shall consist of evergreens, distributed along the length of the buffer strip.

(4) General site design.

(a) Roadways, sidewalks and other infrastructure shall be designed in accordance with the City of Melrose's Subdivision Regulations, and with the additional standards set forth below.

(b) Sidewalks, crosswalks, walkways, or other pedestrian access shall be provided to allow for safe and convenient access to adjacent properties and between individual buildings, parking areas and other points of interest within a development. Sidewalks and walkways shall be constructed of cementitious concrete and shall be minimally broken by vehicular access.

(c) Pedestrian amenities such as benches, planters, trash receptacles, walkways and gardens, etc., shall be provided along the sidewalks of public streets and in open space plazas.

(d) All utilities servicing an SGD project shall be placed underground, unless prohibited by a utility company. All utilities on new internal roadways servicing an SGD project shall be placed underground. All utility and drainage requirements shall be approved as part of the site plan review process and not subject to any other sections of the Zoning Ordinance.

(e) Off-street parking and loading spaces, internal ways, and maneuvering areas shall be designed to provide for adequate

drainage, snow storage and removal, maneuverability and curb cuts.

- (f) Granite curbing shall be used along all roads and private internal ways. Cementitious concrete curbing may be substituted for granite curbing in all other locations.
 - (g) The number of driveway curb cuts along Washington and Pleasant Streets shall be kept to a minimum.
 - (h) Driveways shall be consolidated and aligned with existing intersections as feasible.
 - (i) Appropriate traffic control devices, including signage, shall be installed at driveways.
 - (j) Adequate sight distance shall be provided at driveways.
- (5) Parking.
- (a) Surface lots shall be screened along all public streets by a landscaped buffer not less than six feet in depth, or by walls or fencing at least three feet high and compatible with the adjacent architecture, and shall be designed to ensure that lights from cars within the surface lots do not spill into adjacent streets and properties. These provisions shall not apply to SGD projects that are limited to the rehabilitation of a building or buildings in existence at the time of the effective date of this § 235-71.1 and do not include the construction of new buildings.
 - (b) Parking structures and lots shall have well-designed and marked pedestrian walkways and connections to the sidewalk system.
 - (c) Parking structures shall be designed to be compatible with adjacent buildings and architecture. All structured parking shall be designed so that the only openings at street level are those to accommodate vehicle ingress and egress and pedestrian access to the building. All openings shall be designed so that vehicles are not visible from the sidewalk on a public street.
 - (d) Parking and loading areas shall be screened from view from public ways. They may be located at the side or rear of a lot or in concealed structures and shall be suitably screened both visually and acoustically from the street and abutters. Any views into parking structures shall be minimized through use of landscaping or architectural treatment.
- (6) Site lighting.
- (a) Broad area lighting shall be avoided.

- (b) Parking lot pole lighting shall not exceed a height of 18 feet.
 - (c) Lighting shall be installed along roadways, driveways, pedestrian walkways and sidewalks.
 - (d) Lighting shall not create overspill onto adjacent properties or into the night sky and shall meet the following requirements:
 - [1] Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens (and any flood or spot luminaires of more than 900 lumens) shall be of fully shielded (cutoff) design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light-emitting luminaire.
 - [2] Luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any abutting lot or parcel and to eliminate glare perceptible to persons on abutting land.
 - [3] Building facades may be illuminated with soft lighting of low intensity that does not draw attention to the building. The light source for the building facade illumination shall be concealed. Building entrances may be illuminated using recessed lighting in overhangs and soffits or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.
 - [4] A flood or spot luminaire with a lamp or lamps rated at 900 lumens or less may be used without restriction to light distribution, provided that it is aimed, directed, or focused so as not to cause direct light from the luminaire to be directed toward buildings on adjacent or nearby land or to create glare perceptible to persons operating motor vehicles on public ways.
 - (e) Lamp type shall be selected to provide a natural uniform quality of light, rather than a strong color such as yellow or blue.
 - (f) The style of light poles and fixtures shall be compatible with the character of the area and any existing City standards.
 - (g) Parking and pedestrian light fixtures shall be compatible with the building lighting to provide for a consistent appearance of the project.
- (7) Infrastructure.

- (a) Smart Growth District projects shall demonstrate that adequate water supply and pressure are available, adequate sewerage capacity is available, adequate stormwater management is provided, traffic circulation on site is safe and convenient and the traffic flow and circulation at nearby intersections is preserved, pursuant to the criteria stipulated in § 235-16.1. Analysis and documentation of compliance with these standards shall be prepared by registered engineers and/or other appropriate professionals. When the size and complexity of a proposal for an SGD project warrants an independent review of the impacts, the applicant will be responsible for funding such independent peer review.
 - (b) In cases where a specific SGD project would not otherwise meet the above criteria, the developer shall implement mitigation measures, including but not limited to improvements to public infrastructure, to adequately address any deficiency.
- (8) Signs.
 - (a) An SGD project shall comply with the provisions of this section, which supersede the provisions of §§ 235-27 through 235-30 for SGD projects only.
 - (b) An SGD project may have up to two standing signs complying with the following standards:
 - [1] Maximum height above the sidewalk: six feet.
 - [2] Maximum sign area: 40 square feet per sign face.
 - [3] Minimum setback from front lot line: 10 feet.
 - [4] Minimum setback from side lot line: 30 feet.
 - [5] Minimum distance between two standing signs on the same lot: 300 feet.
 - (c) Within an SGD project, each business that has an exterior public entrance may have one wall sign, attached and parallel to the facade containing said entrance, as follows:
 - [1] Maximum sign area: 50 square feet or 10% of the area of the facade occupied by the business, whichever is less.
 - [2] Maximum projection from building wall: six inches.
 - [3] No sign shall be mounted above the first floor of a building.
 - (d) Within an SGD project, each business that has an exterior public entrance may have one projecting (blade) sign, attached and perpendicular to the facade containing said entrance, as follows:

- [1] Maximum height above grade: 15 feet.
 - [2] Minimum clearance above grade: eight feet.
 - [3] Maximum sign area: six square feet per side.
 - [4] Maximum projection from building wall: four feet.
- (e) Signs in display windows may be permitted provided that such signage shall not cover more than 10% of the display window area and shall be lighted only by building illumination (stationary white light).
- (f) Signs may be illuminated only by an external source of steady, stationary white light, of reasonable intensity, shielded and directed solely at the sign, and not casting direct or reflected light off the premises. No sign shall be illuminated internally or from behind a translucent sign face. All light fixtures shall either be decorative (such as goose-neck lights) or camouflaged. Wiring should be concealed within building molding and lines.
- (g) The following additional signs are permitted in an SGD project:
- [1] Any traffic or directional sign owned and installed by a governmental agency.
 - [2] One unlighted temporary sign offering premises for sale or lease for each parcel in one ownership, provided that it shall not exceed six square feet in surface area and it shall be set back at least 10 feet from the street lot line.
 - [3] One unlighted temporary sign of an architect, engineer or contractor erected during the period such person is performing work on the premises on which such sign is erected, provided that it shall not exceed four square feet in surface area and it shall be set back at least 10 feet from the street lot line.
- (h) Additional sign regulations.
- [1] The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors, whether in a vehicle or on foot, of any business, industry or residence. Such signs shall not carry the name of any business or product.
 - [2] The supporting members for any sign shall be in acceptable proportion to the size of the sign.
 - [3] Any sign attached to a building shall not extend above the height of the roof of the building.

- [4] No sign shall be erected so as to obstruct any door, window or fire escape on a building.
- [5] Signage should employ colors and type faces that complement the primary architectural style of the building.
- [6] Signs should be made of durable materials compatible with the materials of the building served.
- [7] Signage shall be integrated into the architecture. Signage that covers or obscures significant architectural details of the building shall be avoided.
- [8] In a multiple storefront building, the signage should be of a size, location, material and color that relates harmoniously between bays.
- [9] Neon signs, reader boards, LED lights, or other similar signs shall not be permitted.

H. Affordable housing.

- (1) An SGD project shall be subject to the affordable housing incentive program under § 235-73.1, as modified by Subsection H(2) through (5) below.
- (2) In an SGD project, the affordable units (as defined in § 235-73.1A) shall qualify for inclusion on the Massachusetts Department of Housing and Community Development's Chapter 40B Subsidized Housing Inventory (SHI) or any successor inventory. Failure to maintain compliance with the criteria for inclusion on the SHI, or removal of an affordable unit from the SHI for any reason, shall be deemed to be noncompliance with this § 235-71.1.
- (3) Unless otherwise required for inclusion on the SHI, the rent price, including utilities, of an affordable unit in an SGD project shall be established using the income of households making 80% of the median household income in the Metropolitan Area Boston-Cambridge-Quincy HMFA Standard Metropolitan Statistical Area, adjusted for family size, and shall not exceed 30% of the income of said median household.
- (4) Unless otherwise required for inclusion on the SHI, the sale price of an affordable unit in an SGD project shall be established using the income of households making 80% of the median household income in the Metropolitan Area Boston-Cambridge-Quincy HMFA Standard Metropolitan Statistical Area, adjusted for family size. The mortgage payment, assuming 5% down payment and including hazard insurance, real estate taxes, condominium fees and, where applicable, private mortgage insurance, shall not exceed 30% of the income of said median household.

- (5) Regardless of the rent or sales price limitations in the previous subsections, the developer of an SGD project may choose to reduce the rent or sales price of the affordable unit/s.

I. Ownership and maintenance of common facilities.

- (1) All internal streets, ways, and parking areas shall be privately owned. The maintenance of all such private streets, ways and parking areas, including but not limited to snowplowing, patching and repaving, shall remain the responsibility of the owner. All deeds conveying any portion of the land containing private streets, ways, or parking areas shall note this private responsibility of maintenance.
- (2) In order to ensure that any proposed common open space and common facilities within the development will be properly maintained, any SGD project in which dwelling units shall be offered for sale shall have a residents' association, which shall be in the form of a corporation, nonprofit organization or trust established in accordance with appropriate state law by a suitable legal instrument or instruments recorded at the Registry of Deeds or Registry District of the Land Court. As part of the site plan review, the applicant shall supply to the Planning Board copies of such proposed instrument.

J. Development phasing.

- (1) An SGD project may be developed in phases and may be developed under one or more building permits and occupancy permits. Phasing of the development and associated infrastructure shall be specified in the site plan approval.
- (2) Lot area coverage, open space, affordable housing, off-street parking and required mitigation shall correspond with the sequence of development implemented in the SGD project, so that at all times such requirements shall be met as applied only to those portions of the SGD project for which building permits have been issued. Such requirements shall be met prior to the issuance of certificates of occupancy for such buildings.

§ 235-71.2. Rail Corridor Overlay District. [Added 7-21-2014 by Ord. No. 2014-146; amended 4-6-2015 by Ord. No. 2015-90]

A. Purpose. The purposes of the Rail Corridor Overlay District are:

- (1) To promote economic development and neighborhood revitalization through the redevelopment of underutilized structures and sites;
- (2) To provide housing options which are sufficient to meet the needs of households at varying income levels and different stages of life;

- (3) To promote high-quality, sustainable design that reinforces and enhances neighborhood identity and minimizes negative impacts on the environment;
- (4) To create a pedestrian-friendly environment that promotes walking, bicycling, and transit use and encourages reduced vehicle ownership; and
- (5) To promote a mix of compatible uses.

B. Definition and applicability.

- (1) A "Rail Corridor Overlay District project" ("RCOD project") is a development that complies with all the provisions of this § 235-71.2, including provisions relating to uses, density, site and building dimensions, off-street parking, building design, lighting, and signs.
- (2) This § 235-71.2 includes use, dimensional and other regulations that may modify the requirements of the underlying district(s) for an RCOD project. Any requirement of the Zoning Ordinance that is not specifically modified by this § 235-71.2 shall remain in effect for an RCOD project.
- (3) The provisions of this § 235-71.2 shall apply only to an RCOD project. Any building, structure or use of land that is not part of an RCOD project shall conform to the regulations and requirements applicable to the underlying districts without modification by this § 235-71.2.
- (4) An RCOD project shall be subject to site plan review under § 235-16.1. Site plan review approval for an RCOD project is contingent upon the Planning Board, acting as the Site Plan Review Committee, finding that the requirements of this § 235-71.2 are met in addition to the site plan review criteria described in § 235-16.1.

C. Establishment of Rail Corridor Overlay District.

- (1) The Rail Corridor Overlay District (RCOD) is established as an overlay district that may be applied to land in the Extensive Business (BB-1) District as described herein, which is referred to herein as the "underlying district." When a parcel is placed within the RCOD, it also remains in the underlying district and must comply with the regulations of the underlying district except as specifically modified by this § 235-71.2.
- (2) The Rail Corridor Overlay District includes the following parcels, identified by Assessors' Map and lot numbers as of March 1, 2014. This list of parcels is intended to include all properties shown on the Melrose Zoning Map in the Extensive Business (BB-1) Districts located on Tremont Street and Essex Street.

Map	Lots
B9	105, 1067A8 (106, 107A, 108), and 109
B10	64, 65-66+, 67, 68, 69, 70, 71, 72, and 73-74
B11	70, 71, 72, 74, 75, and 76
C7	55 and 56
C8	1, 2-3, 4, 5, 6, 7, 8, 9, 10+, 12, 14, 40, and 48
C11	1-1A, 2, 126 and 127

D. Permitted uses.

- (1) An RCOD project may include, and shall be limited to, the following permitted uses, alone or in combination:
 - (a) Multifamily residential, including townhouses and apartment buildings and including accessory uses thereto;
 - (b) Retail establishments selling convenience goods such as food, drugs and proprietary goods, or general merchandise such as dry goods, apparel and accessories, hardware, home furnishings, and similar items, provided that no individual establishment shall exceed 10,000 square feet of gross floor area;
 - (c) Personal and consumer services establishments, including beauty and barber shops, clothing rental, dry cleaning pickup shops, garment repair, tailors, and similar businesses providing frequent or recurrent services related to personal needs, and including accessory retail sales of products related to the services offered at such consumer services establishments;
 - (d) Professional and business offices, including but not limited to medical, legal, insurance, architects, engineers, and real estate offices. This does not include banks and financial institutions or substance abuse treatment centers;
 - (e) Veterinary hospitals, provided that no individual establishment shall exceed 10,000 square feet of gross floor area;
 - (f) Restaurants, coffee shops, and similar establishments selling prepared food to be consumed on or off site;
 - (g) Studios of artists or artisans, including persons engaged in the application, teaching, or performance of fine arts such as but not limited to drawing or painting, sculpture, vocal or instrumental music, or writing, and including the accessory sale of art produced on the premises; and
 - (h) Assisted living facilities.

- (2) An RCOD project may include more than one principal structure on a single lot, provided that the Planning Board finds through the site plan review process that safe and convenient access will be provided to all structures.
- (3) An RCOD project shall not include any use which consists of drive-through service, whereby a product or service is provided to a person who remains in a vehicle.

E. Dimensional and density regulations.

- (1) Lot area and frontage. An RCOD project shall have a minimum lot area of 10,000 square feet and a minimum frontage on a public way of at least 50 feet.
- (2) Lot depth. An RCOD project shall have a minimum lot depth of 90 feet.
- (3) Yards.
 - (a) Minimum yards. Each lot within the RCOD project shall comply with the following requirements:
 - [1] Minimum front yard: 10 feet from the lot line.
 - [2] Minimum side yard: five feet from the lot line.
 - [a] Abutting a UR-B Zoning District: 12 feet from the lot line.
 - [3] Minimum rear yard: 10 feet from the lot line.
 - [a] Abutting a UR-B Zoning District: 15 feet from the lot line.
 - [4] Corner lots shall have a minimum rear yard setback of five feet.
 - (b) Maximum front yard.
 - [1] In order to define a consistent building line along the street, new buildings shall not be set back more than 15 feet from the front property line.
 - [2] The maximum front yard may be increased to 25 feet, provided that the additional yard area incorporates a courtyard or sitting area at least 1,500 square feet in area and at least 20 feet deep that adjoins and is open on one or more sides to the public sidewalk; is open to the public; contains pedestrian amenities such as seating; and is landscaped to create a separation from the street, to provide shade, to reduce noise, and to mitigate fumes.

- [3] At least 60% of the front side of a lot facing a public street, measured in percentage of linear feet of the frontage, shall be occupied by buildings or open space.
- (c) The Planning Board may require, on the basis of site plan review, an accessway to improve pedestrian circulation and for public safety access.
- (4) Building separation. Buildings on a single lot shall be at least 18 feet apart to provide adequate separation for emergency access.
- (5) Development intensity.
 - (a) The maximum residential density of an RCOD project shall be 35 dwelling units per acre, except for assisted living facility projects which shall be permitted up to 60 dwelling units per acre.
 - (b) The maximum floor area ratio (FAR) of an RCOD project shall be 1.5.
- (6) Open space and streetscape enhancements.
 - (a) An RCOD project shall include open space at least equal to 10% of the total lot area.
 - (b) The open space requirement shall apply to the RCOD project as a whole, regardless of whether the RCOD project consists of a single lot or multiple lots.
 - (c) In recognition of the need for streetscape improvements that will result from new development, an RCOD project shall also contribute to the City's Streetscape Improvement Fund as follows: upon receiving a building permit for any residential or commercial space in an RCOD project, the applicant shall make a contribution to the City's Streetscape Improvement Fund in the amount of \$1,100 per dwelling unit and \$1 per gross square foot for all other uses.
- (7) Building and structure height.
 - (a) The maximum permitted height for buildings and structures in an RCOD project shall be four stories and 50 feet, except as follows:
 - [1] Buildings may be permitted up to five stories and 62 feet in height at the Planning Board's discretion, when appropriate, given site constraints and/or unusual site characteristics and provided that all portions of the building above 50 feet are set back at least 20 feet from all property boundaries and shall be stepped back a minimum of 10 feet from each facade of the floor below, except for

those facades which face the commuter rail right-of-way where no upper level step back is required.

[2] Rail Corridor Overlay District projects that exceed four stories and 50 feet in height shall provide additional public amenities in excess of the minimum 10% open space requirement for the RCOD. In the additional public amenity area, projects shall incorporate a courtyard or sitting area that adjoins and is open on one or more sides to the public sidewalk; is open to the public; contains pedestrian amenities such as seating; and is landscaped/hardscaped to create a separation from the street, to provide shade, to reduce noise, and to mitigate fumes.

(b) The height of a building or structure in the RCOD shall be defined as the vertical distance from the average grade of Tremont Street or Essex Street (whichever the property has frontage on), along the frontage of the lot/s of the RCOD project at the time of the site plan review application, to the top of the structure of the highest roof beams of a flat roof, the deck of a mansard roof or the mean level of the highest gable or slope of a hip roof. This shall supersede the definition of "height" in § 235-5 for an RCOD project.

(c) A roof appurtenance enclosing mechanical equipment may exceed the applicable maximum building height established by Subsection E(7)(a) above provided that:

[1] It is no more than 10 feet above the roof surface;

[2] It is no less than 10 feet from the exterior wall of the building; and

[3] The total horizontal area of all such appurtenances does not exceed 20% of the building footprint.

(8) Building coverage. There shall be no maximum permitted coverage for buildings in an RCOD.

F. Off-street parking.

(1) Off-street parking spaces shall be provided as follows:

Use	Spaces Required
Residential	1.0 space per dwelling unit. 1.0 visitor space per 10 residential units
Office, retail, and other uses	1.0 space per 500 square feet gross floor area
Assisted living facility	1.0 space per 4 dwelling units plus 1 space per employee on largest shift

- (2) On-street parking on public streets and internal ways may be permitted within the Rail Corridor Overlay District provided all necessary approvals are obtained, but on-street parking on public streets shall not be used to meet the minimum requirements for off-street parking.
- (3) The Planning Board may allow shared or reduced parking requirements for uses having different peak times of parking demand requirements or if a use needs a lesser number of parking spaces than is required. Evidence which supports these shared or reduced parking requirements shall be produced in a report from a traffic engineer engaged by the applicant and approved by the Planning Board as part of site plan review. Where shared parking is to serve uses on separate lots, documentation shall be provided establishing the permanent legal right for such shared use. Factors that the Planning Board may consider include but are not limited to:
 - (a) Proximity to available public parking with demonstrated availability to support the project.
 - (b) Characteristics of the occupants that create less parking demand, such as age or household income.
 - (c) Provision of a mix of uses on site with offset peak parking demand times.
 - (d) A shared parking agreement with proximate properties with offset parking demand times.
 - (e) Dedication of spaces for car-sharing services (e.g., Zipcar).
 - (f) Employers who provide transit incentives for their employees.
- (4) Parking setbacks.
 - (a) Surface parking areas shall conform to the following minimum setback requirements:
 - [1] From a public street: 20 feet.
 - [2] From an internal way (not to include parking lot drive aisles): five feet.
 - [3] From a structure: five feet.
 - [4] From a side or rear lot line where the abutting property is within the RC Overlay District notwithstanding any other setback provision within this Subsection F(4)(a): five feet.
 - [5] From a lot line abutting the railroad right-of-way: five feet.
 - [6] From any other side or rear lot line: 10 feet.

- (b) No surface parking area or parking structure shall be closer to a public street than the closest principal building.
- (5) Bicycle parking facilities or storage shall be provided as follows, assuming one space accommodates one bicycle. Except for assisted living facilities, RCOD projects with 20 or more residential units shall provide covered bicycle parking facilities or storage with protection from the elements for at least 1/2 of the required number of bicycle parking spaces.

Use	Bicycle Parking Required
Residential	1.0 space per 5 dwelling units
Assisted living facility	1.0 space per 5 vehicle parking spaces
All other uses	1.0 space per 1,000 square feet gross floor area

- G. Design standards. All RCOD projects shall comply with the following design standards, unless the Planning Board finds, through site plan review, any standard to be inappropriate for the proposed use.

- (1) Building design.

- (a) Exterior materials that are primarily associated with domestic residential buildings, such as wood clapboards and shingles, or that are relatively impermanent, such as exterior insulation and finish systems (EIFS), plywood, aluminum, and vinyl, are strongly discouraged.
- (b) Building facades shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
- (c) Building facades facing public streets or within 30 feet of main entrances shall reflect a high level of detail refinement.
- (d) Building facades more than 50 feet in length shall be divided into shorter segments by means of changes in materials, varying rooflines or other architectural treatments.
- (e) Rooftop building systems, such as mechanical and electrical equipment and antennas, shall be screened with appropriate architectural elements from all key observation points.
- (f) New buildings and renovations shall incorporate sustainable design and construction practices as governed by the Energy Star and WaterSense Programs to the extent reasonable, and developers are strongly encouraged to achieve United States Green Building Council LEED certification for their building or its reasonable equivalent.
- (g) For new buildings containing commercial uses, at least 60% of the street-facing building facade between two feet and eight

feet in height shall be comprised of clear windows that allow views of indoor space or product display areas. This requirement shall not apply to buildings accessory to residential uses and not open to the general public, such as clubhouses.

- (h) Buildings or building facades shall not be designed primarily according to themes or architectural styles defined by or associated with corporate chains or franchises. The Planning Board may prohibit designs that it finds to be inconsistent with this provision.

(2) Landscaping.

- (a) Landscape materials shall be sustainable, requiring minimal maintenance, irrigation or fertilizer, and shall be planted with species that are native to the area, tolerant of salt, and capable of withstanding extreme weather conditions.
- (b) Street trees shall be planted by the developer along all public streets and internal ways within and abutting the property.
 - [1] Trees shall be planted at intervals of no more than 30 feet along both sides of the roadway. If the Planning Board determines through site plan review that such spacing is not feasible, it may alter the spacing or determine that up to the equivalent number of trees shall be planted elsewhere on the site.
 - [2] Trees shall be of a species common to the area, and shall be appropriate species to provide summer shade, winter light, and year-round visual interest.
 - [3] Trees shall be 2.5 inches caliper at four feet above grade and reach a height of at least 30 feet at maturity.
- (c) All dumpsters and utility/service areas shall be screened with adequate plantings and/or landscape structures appropriate to the scale and character of the neighborhood.
- (d) A landscaped buffer strip at least 10 feet in width shall be provided along any lot line that abuts a residential zoning district. The buffer strip shall contain a vegetative screen not less than three feet wide and six feet high relative to the lot line, designed and maintained to provide a dense screen year round. The screen shall be planted with trees or shrubs no more than three feet on center. At least 50% of the plantings shall consist of evergreens, distributed along the length of the buffer strip.

(3) General site design.

- (a) Roadways, sidewalks and other infrastructure shall be designed in accordance with the City of Melrose's Subdivision Regulations and with the additional standards set forth below.
 - (b) Sidewalks, crosswalks, walkways, or other pedestrian access shall be provided to allow for safe and convenient access to adjacent properties and between individual buildings, parking areas and other points of interest within a development. Sidewalks and walkways shall be constructed of cementitious concrete and shall be minimally broken by vehicular access.
 - (c) Pedestrian amenities such as benches, planters, trash receptacles, walkways and gardens, etc., shall be provided along the sidewalks of public streets and in open space plazas.
 - (d) All utilities servicing an RCOD project shall be placed underground, unless prohibited by a utility company. All utilities on new internal roadways servicing an RCOD project shall be placed underground. All utility and drainage requirements shall be approved as part of the site plan review process and not subject to any other sections of the Zoning Ordinance.
 - (e) Off-street parking and loading spaces, internal ways, and maneuvering areas shall be designed to provide for adequate drainage, snow storage and removal, maneuverability and curb cuts.
 - (f) Granite curbing shall be used along all roads and private internal ways. Cementitious concrete curbing may be substituted for granite curbing in all other locations.
 - (g) The number of driveway curb cuts along Tremont and Essex Streets shall be kept to a minimum.
 - (h) Driveways shall be consolidated and aligned with existing intersections as feasible.
 - (i) Appropriate traffic control devices, including signage, shall be installed at driveways.
 - (j) Adequate sight distance shall be provided at driveways.
- (4) Parking.
- (a) Surface lots shall be screened along all public streets by a landscaped buffer not less than six feet in depth, or by walls or fencing at least three feet high and compatible with the adjacent architecture, and shall be designed to ensure that lights from cars within the surface lots do not spill into adjacent streets and properties.

- (b) Parking structures and lots shall have well-designed and marked pedestrian walkways and connections to the sidewalk system.
 - (c) Parking structures shall be designed to be compatible with adjacent buildings and architecture. All structured parking shall be designed so that the only openings at street level are those to accommodate vehicle ingress and egress and pedestrian access to the building. All openings shall be designed so that vehicles are not visible from the sidewalk on a public street.
 - (d) Parking and loading areas shall be screened from view from public ways. They may be located at the side or rear of a lot or in concealed structures and shall be suitably screened both visually and acoustically from the street and abutters. Any views into parking structures shall be minimized through use of landscaping or architectural treatment.
- (5) Site lighting.
- (a) Broad area lighting shall be avoided.
 - (b) Parking lot pole lighting shall not exceed a height of 18 feet.
 - (c) Lighting shall be installed along roadways, driveways, pedestrian walkways and sidewalks.
 - (d) Lighting shall not create overspill onto adjacent properties or into the night sky and shall meet the following requirements:
 - [1] Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens (and any flood or spot luminaires of more than 900 lumens) shall be of fully shielded (cutoff) design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light-emitting luminaire.
 - [2] Luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any abutting lot or parcel and to eliminate glare perceptible to persons on abutting land.
 - [3] Building facades may be illuminated with soft lighting of low intensity that does not draw attention to the building. The light source for the building facade illumination shall be concealed. Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct

lighting of limited exterior building areas is permitted when necessary for security purposes.

[4] A flood or spot luminaire with a lamp or lamps rated at 900 lumens or less may be used without restriction to light distribution, provided that it is aimed, directed, or focused so as not to cause direct light from the luminaire to be directed toward buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways.

- (e) Lamp type shall be selected to provide a natural uniform quality of light, rather than a strong color such as yellow or blue.
- (f) The style of light poles and fixtures shall be compatible with the character of the area and any existing City standards.
- (g) Parking and pedestrian light fixtures shall be compatible with the building lighting to provide for a consistent appearance of the project.

(6) Infrastructure.

- (a) Rail Corridor Overlay District projects shall demonstrate that adequate water supply and pressure are available, adequate sewerage capacity is available, adequate stormwater management is provided, traffic circulation on site is safe and convenient and the traffic flow and circulation at nearby intersections is preserved, pursuant to the criteria stipulated in § 235-16.1. Analysis and documentation of compliance with these standards shall be prepared by registered engineers and/or other appropriate professionals. When the size and complexity of a proposal for an RCOD project warrants an independent review of the impacts, the applicant will be responsible for funding such independent peer review.
- (b) In cases where a specific RCOD project would not otherwise meet the above criteria, the developer shall implement mitigation measures, including but not limited to improvements to public infrastructure, to adequately address any deficiency.

(7) Signs.

- (a) An RCOD project shall comply with the provisions of this section, which supersede the provisions of Article VII, Signs, for RCOD projects only.
- (b) An RCOD project may have one standing sign complying with the following standards:

[1] Maximum height above the sidewalk: six feet.

- [2] Maximum sign area: 40 square feet per sign face.
- [3] Minimum setback from front lot line: 10 feet.
- [4] Minimum setback from side lot line: 15 feet.
- (c) Within an RCOD project, each business that has an exterior public entrance may have one wall sign, attached and parallel to the facade containing said entrance, as follows:
 - [1] Maximum sign area: 50 square feet or 10% of the area of the facade occupied by the business, whichever is less.
 - [2] Maximum projection from building wall: six inches.
 - [3] No sign shall be mounted above the first floor of a building.
- (d) Within an RCOD project, each business that has an exterior public entrance may have one projecting (blade) sign, attached and perpendicular to the facade containing said entrance, as follows:
 - [1] Maximum height above grade: 15 feet.
 - [2] Minimum clearance above grade: eight feet.
 - [3] Maximum sign area: six square feet per side.
 - [4] Maximum projection from building wall: four feet.
- (e) Signs in display windows may be permitted provided that such signage shall not cover more than 10% of the display window area and shall be lighted only by building illumination (stationary white light).
- (f) Signs may be illuminated only by an external source of steady, stationary white light, of reasonable intensity, shielded and directed solely at the sign, and not casting direct or reflected light off the premises. No sign shall be illuminated internally or from behind a translucent sign face. All light fixtures shall either be decorative (such as goose-neck lights) or camouflaged. Wiring should be concealed within building molding and lines.
- (g) The following additional signs are permitted in an RCOD project:
 - [1] Any traffic or directional sign owned and installed by a governmental agency.
 - [2] One unlighted temporary sign offering premises for sale or lease for each parcel in one ownership, provided that it shall not exceed six square feet in surface area and it shall be set back at least 10 feet from the street lot line.

- [3] One unlighted temporary sign of an architect, engineer, or contractor erected during the period such person is performing work on the premises on which such sign is erected, provided that it shall not exceed four square feet in surface area and it shall be set back at least 10 feet from the street lot line.

(h) Additional sign regulations.

- [1] The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the name of any business or product.
- [2] The supporting members for any sign shall be in acceptable proportion to the size of the sign.
- [3] Any sign attached to a building shall not extend above the height of the roof of the building.
- [4] No sign shall be erected so as to obstruct any door, window or fire escape on a building.
- [5] Signage should employ colors and type faces that complement the primary architectural style of the building.
- [6] Signs should be made of durable materials compatible with the materials of the building served.
- [7] Signage shall be integrated into the architecture. Signage that covers or obscures significant architectural details of the building shall be avoided.
- [8] In a multiple storefront building, the signage should be of a size, location, material and color that relates harmoniously between bays.
- [9] Neon signs, reader boards, LED lights, or other similar signs shall not be permitted.

H. Affordable housing.

- (1) An RCOD project shall be subject to the affordable housing incentive program under § 235-73.1, as modified by Subsection H(2) through (5) below.
- (2) In an RCOD project, the affordable units (as defined in § 235-73.1A) shall qualify for inclusion on the Massachusetts Department of Housing and Community Development's Chapter 40B Subsidized Housing Inventory (SHI) or any successor inventory. Failure to

maintain compliance with the criteria for inclusion on the SHI, or removal of an affordable unit from the SHI for any reason, shall be deemed to be noncompliance with this § 235-71.2.

- (3) Unless otherwise required for inclusion on the SHI, the rent price, including utilities, of an affordable unit in an RCOD project shall be established using the income of households making 80% of the median household income in the Metropolitan Area Boston-Cambridge-Quincy HMFA Standard Metropolitan Statistical Area, adjusted for family size, and shall not exceed 30% of the income of said median household.
- (4) Unless otherwise required for inclusion on the SHI, the sale price of an affordable unit in an RCOD project shall be established using the income of households making 80% of the median household income in the Metropolitan Area Boston-Cambridge-Quincy HMFA Standard Metropolitan Statistical Area, adjusted for family size. The mortgage payment, assuming 5% down payment and including hazard insurance, real estate taxes, condominium fees and, where applicable, private mortgage insurance, shall not exceed 30% of the income of said median household.
- (5) Regardless of the rent or sales price limitations in the previous subsections, the developer of an RCOD project may choose to reduce the rent or sales price of the affordable unit/s.

I. Ownership and maintenance of common facilities.

- (1) All internal streets, ways, and parking areas shall be privately owned. The maintenance of all such private streets, ways and parking areas, including but not limited to snowplowing, patching and repaving, shall remain the responsibility of the owner. All deeds conveying any portion of the land containing private streets, ways, or parking areas shall note this private responsibility of maintenance.
- (2) In order to ensure that any proposed common open space and common facilities within the development will be properly maintained, any RCOD project in which dwelling units shall be offered for sale shall have a residents' association, which shall be in the form of a corporation, nonprofit organization or trust established in accordance with appropriate state law by a suitable legal instrument or instruments recorded at the Registry of Deeds or Registry District of the Land Court. As part of the site plan review, the applicant shall supply to the Planning Board copies of such proposed instrument.

J. Development phasing.

- (1) An RCOD project may be developed in phases and may be developed under one or more building permits and occupancy

permits. Phasing of the development and associated infrastructure shall be specified in the site plan approval.

- (2) Lot area coverage, open space, affordable housing, off-street parking and required mitigation shall correspond with the sequence of development implemented in the RCOD project, so that at all times such requirements shall be met as applied only to those portions of the RCOD project for which building permits have been issued. Such requirements shall be met prior to the issuance of certificates of occupancy for such buildings.

§ 235-72. Adult uses. [Added 12-16-1996 by Ord. No. 97-38]

For adult use consisting of adult bookstore, adult club, adult motion-picture theater, adult paraphernalia store or adult video store, the following conditions shall apply:

- A. Adult uses shall be permitted only when located outside the area circumscribed by a circle which has a radius consisting of the following distances from the specified use or zoning district:
 - (1) Three hundred feet from any residential district (SR, SR-A, SR-B, UR-A, UR-B, UR-C and UR-D).
 - (2) Three hundred feet from any school, park or playground.
 - (3) Three hundred feet from any place of religious worship or assembly.
- B. The radius distance shall be measured by following a straight line, without regard to intervening buildings or structures, from the nearest point of the property parcel upon which the proposed use is to be located to the nearest point of the parcel of property for the land use district boundary line from which the proposed adult use is to be separated.
- C. Adult uses shall be permitted only when located 300 feet from any other adult use.
- D. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City ordinance or statute of the Commonwealth of Massachusetts regarding public nuisances, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

§ 235-73. Wireless communications service facilities.⁷⁹ [Added 1-4-1999 by Ord. No. 99-021]

For a wireless communications service facility (WCSF), in addition to the applicable conditions contained in this chapter and conditions specifically imposed by the Board of Appeals, the following conditions shall apply:

- A. An applicant proposing a WCSF must demonstrate that there are no other adequate WCSF reasonably available to accommodate the new or additional WCSF equipment. To the extent feasible, all service providers shall co-locate on a single facility. The intent of this requirement is to reduce the number of facilities that will be required within the community.
- B. The only freestanding WCSF allowed is a monopole.
- C. No freestanding facility shall exceed more than 80 feet in height above grade.
- D. Facilities mounted on buildings may not extend more than 10 feet above the height of the building or more than 12 inches beyond the face of walls or exterior surfaces in the case of structures that do not have walls. For purposes of this subsection, height of a building shall mean "height" as defined in Article II of this chapter.
- E. Roof-mounted facilities must be stepped back from the front facade to limit the impact on building silhouette and, where possible, concealed from public view.
- F. Trees and vegetation shall be used as a buffer zone for freestanding WCSF. Such buffer zone shall measure at least five feet in height and shall be maintained in healthy condition. It is not intended to interfere with the operation of the facility. In cases where vegetation already exists efforts will be made to preserve such vegetation or replace with similar vegetation. In areas where buffer zones of trees and vegetation must be implanted, the Planning Board shall review and recommend what trees and vegetation shall be implanted on the property.
- G. The color of the facilities shall be painted a neutral color or such color that will blend and minimize the facility's appearance.
- H. Fencing shall be used to control access and shall be aesthetically compatible with the area. Razor wire, barbed wire or a similar wire shall not be allowed.
- I. Night and other lighting shall be prohibited except as required by the FAA. Any emergency or repair lighting shall be shielded from abutting properties and only used for a reasonable time as necessary for such emergency or repair.

79. Editor's Note: See also Art. XVI, Wireless Communications Service Facilities.

- J. There shall be no advertising permitted on or in the vicinity of the facilities, except for no trespassing signs. An unlighted sign no more than one square foot in surface area shall be displayed with a name and telephone number of a contact person to call for twenty-four-hour maintenance.
- K. Traffic associated with the facility and accessory facilities and structures shall not adversely affect abutting ways.
- L. Certification by a licensed structural professional engineer of the integrity of the facility and, when installed on an existing building or facility, certification as to the capability of the structure to accept the added load being installed.
- M. Stormwater runoff shall be contained on site or discharged to the City stormwater system.
- N. A wireless communications service facility shall not generate noise in excess of the levels permitted under the Chapter 164, Noise, of this Code or in excess of 50 decibels, whichever is less.
- O. A freestanding facility shall not be erected nearer to any property line than a distance equal to the vertical height of the facility measured at the mean finished grade of the facility plus five feet.
- P. All facilities shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use.
- Q. Structures are to be aesthetically consistent with the area in which they are located.
- R. An applicant proposing a WCSF in a residential zoning district shall demonstrate that the facility must be located at the proposed site due to technical, topographical or other unique circumstances.
- S. Special permits under this section shall be for a term of five years from the date of the decision approving the special permit. An applicant for a special permit may reapply at any time after the fourth anniversary of the date of the decision approving the special permit. In the event a renewal of a special permit is granted, it shall run for a period of five years commencing on the date of expiration of the prior special permit.

§ 235-73.1. Affordable housing incentive program. [Added 8-9-2004 by Ord. No. 04-184A]

- A. Purposes. The purposes of this section are to promote the public health, safety and welfare by encouraging the expansion and upgrading of the City's housing stock; to provide for a full range of housing choices throughout the City for households of all incomes, ages and sizes in order to meet the City's goal of preserving diversity; to increase the production of affordable housing units to meet existing and anticipated housing and employment needs within the City; to provide a mechanism

by which residential development can contribute in a direct way to increasing the supply of affordable housing; and to establish standards and guidelines for the use of such contributions.

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

AFFORDABLE UNIT — Any dwelling unit for which the rent (including utilities) does not exceed 30% of the income of the renting household or for which the mortgage payment, including insurance, real estate taxes and condominium fees, does not exceed 30% of the income of the purchasing household.

DEVELOPER — Any individual, corporation, business trust, real estate trust, partnership or association, or any other entity or combination thereof.

ELIGIBLE HOUSEHOLD — Any household whose total income is between 50% and 80% of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size.

MEDIAN INCOME — The income set forth in or calculated from regulations promulgated by the United States Department of Housing and Urban Development, pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974.

MIXED-USE DEVELOPMENT — A development that contains a combination of at least 2,500 square feet of commercial gross floor area plus five or more residential units.

PERIOD OF AFFORDABILITY — Shall be in perpetuity (99 years).

PROPERTY, PHASED — Any residential or mixed-use development or developments at one or more adjoining sites in common ownership or under common control within a period of two years from the first date of application for any special or building permit for construction on the lot or lots.

RESIDENTIAL DEVELOPMENT — Single-, two-family and multifamily homes, townhouse development, elderly-oriented congregate housing and lodging and rooming house dwellings.

- C. Applicability and requirements.

- (1) The provisions of this section shall apply to any residential or mixed-use development containing five or more dwelling units, including phased projects. These provisions shall apply with respect to developments in all zoning districts of the City, provided that the provisions of this section shall not apply to any residential or mixed-use development which has previously received a special permit or variance from the relevant permit granting authority containing conditions requiring the inclusion of affordable housing in such residential or mixed-use development, nor to any such residential or mixed-use development which is subsequently

modified in accordance with the provisions of this section, provided that such affordable housing inclusion conditions remain substantially unchanged as a result of any such modification. Developments required to obtain a special permit in accordance with this section shall not be required to obtain a special permit for more than four accessory parking spaces under the Table of Use and Parking Regulations, accessory use No. 18.

- (2) A developer of a residential or mixed-use development subject to these provisions shall provide 10% of the total number of dwelling units up to the maximum allowed as of right as affordable units. Where the application of that formula results in a fraction, a fraction of 1/2 or more shall be rounded up to the next whole number and a fraction of less than 1/2 shall be rounded down. Each affordable unit shall meet the standards established in Subsection E below.
 - (3) In special circumstances, the developer shall be required to make a monetary contribution to the Melrose Affordable Housing Trust in lieu of providing affordable dwelling units. The Melrose Affordable Housing Trust will use the funds exclusively to help finance the development of affordable units. The Planning Board shall allow this monetary contribution if it finds that there are special circumstances relating to the property that indicate that it is in the best interest of the City not to allow the developer an additional unit for every affordable unit required. Special circumstances shall include, but not be limited to, topography, infrastructure, drainage, traffic and parking. The monetary contribution shall be determined by the Planning Board, with input from the developer, the Building Commissioner and the City Assessors, and shall be equal to 2% of the total sale or market value of all the units in the development. At the discretion of the Planning Board, on the basis of special circumstances as described above, a developer may be required to contribute a combination of affordable units and money.
- D. Incentives. To facilitate the objectives of this section, the following modifications to the dimensional requirements in any zoning district shall be permitted by special permit by the Planning Board for a development that provides affordable housing units in accordance with Subsection C above:
- (1) For every affordable unit required by Subsection C above, the developer may build one additional unit in the development, regardless of the minimum lot area required for the additional unit or units and the parking requirements for the development. Except for the minimum lot area requirement and parking regulations, all other dimensional and density regulations shall apply to the development. The parking requirement for the development shall be determined by the Planning Board as part of the special permit process herein, but shall not be less than 1.5 spaces per unit.

- (2) Affordable units required by Subsection C shall be provided on site unless comparable units are provided off site with the approval of the Planning Board.

E. Standards for construction and occupancy of affordable units.

- (1) Affordable units shall be dispersed throughout the development and shall be comparable in size, number of bedrooms, materials and parking to dwelling units in the neighborhood and in the development in which they are located. Exteriors of affordable units shall be consistent with and indistinguishable from the exteriors of other units in the project.
- (2) Affordable units shall serve eligible households of diverse sizes whose incomes are between 50% and 80% of the median income of households in the Boston Standard Metropolitan Statistical Area.
- (3) The number of persons occupying the affordable units shall be consistent with HUD regulations regarding occupancy.
- (4) Unless otherwise prohibited by law, affordable units shall be offered initially to Melrose residents or persons employed within the City of Melrose as follows: 70% of the units shall be offered initially to current residents or persons employed in Melrose. Persons that both reside and work in Melrose shall be counted as residents only.
- (5) The rental or ownership of affordable units shall mirror the project as a whole. For example, affordable units should be sold, not rented, where a majority of units will be offered for sale.

F. Administration and enforcement.

- (1) The affordable units shall be subject to proper deed restrictions consistent with Massachusetts General Law, provided that the unit should be maintained as an affordable unit in perpetuity (99 years).
- (2) They shall be occupied by eligible households that are appropriately housed as defined by HUD.
- (3) Eligibility for affordable units shall be determined by the Melrose Housing Authority, using marketing and selection guidelines customarily employed by the Department of Housing and Community Development in selecting tenant and homeowner households under other City, state, or federal housing assistance programs. The Melrose Affordable Housing Trust shall create and administer rules determining how affordable units are awarded to eligible households and shall be responsible for any administrative costs.
- (4) An affordable housing agreement shall be signed by the developer, its chief operating officer and the Melrose Affordable Housing Trust and a copy of the agreement shall be kept on file with the

Building Commissioner in the Inspectional Services Department. The agreement shall, at a minimum, identify and describe the affordable dwelling units in the development, an inventory of the units, condition of the units and terms of their sale or lease.

§ 235-73.2. Slope protection. [Added 12-19-2005 by Ord. No. 06-017; amended 6-5-2006 by Ord. No. 06-224; 5-19-2008 by Ord. No. 06-224A]

A. Purpose.

- (1) The purposes of this section shall be:
 - (a) To preserve and enhance the landscape by encouraging the maximum retention of natural topographic features, such as drainage swales, streams, slopes, ridge lines, rock outcroppings, vistas, natural plant formations and trees;
 - (b) To minimize the effects of grading to ensure that the natural character of steep slopes is retained;
 - (c) To minimize water runoff and soil erosion problems incurred in grading of steep slopes; and
 - (d) To encourage innovative architectural, landscaping, circulation and site design.
- (2) For the purposes of this section, the term "natural" shall be defined as the condition of the ground surface as it exists on the date this section is adopted. No land may be regraded or filled in such manner as to circumvent this section.

B. Applicability.

- (1) The provisions of this section shall be applicable to all zoning districts in the City of Melrose. Exempted from this section shall be:
 - (a) Alterations, extensions, and additions to existing single- and two-family dwellings and buildings accessory thereto that do not expand the building footprint by more than 500 square feet.
 - (b) Site improvements to existing single- and two-family dwellings that do not exceed 500 square feet.
- (2) The provisions of this section shall not apply to a development which has received a street opening permit from the Engineering Division and has substantially completed construction at the time the notice of this amendment was published.

C. Use and dimensional regulations. The slope of land at any point, stated as a percentage, shall be defined as the change in elevation over a

horizontal distance multiplied by 100: slope = (change in elevation \pm horizontal distance measured perpendicular to horizon) x 100.

- (1) All areas with natural slopes exceeding 25% over a horizontal distance of 30 feet on a tract or parcel of land intended or proposed for subdivision or development, or on a lot intended for building purposes, shall be excluded from the calculation of the minimum lot area required for the applicable zoning district.
 - (2) All natural slopes exceeding 25% over a horizontal distance of 30 feet are protected and shall remain in their natural state.
- D. Special permit. The Planning Board may grant a special permit to utilize areas with natural slopes exceeding 25%, as prohibited in Subsection C(1) and (2), if the Board finds that the proposal satisfies the purposes set forth in Subsection A(1)(a) through (d) above as well as the findings in § 235-63 of this chapter.

(1) Applications.

(a) Applications for a special permit shall include the following:

- [1] An executive summary and site plan generally describing the nature and location of the project and how it fulfills the purpose of this section and meets the requirements for issuance of a special permit under Article XI;
- [2] Parcel lot lines for the proposed project and surrounding parcels;
- [3] Location of existing and proposed buildings on the project site;
- [4] Foundation lines of the proposed buildings, gross floor area, and building height;
- [5] Existing and proposed topography and the location of all natural features such as wetlands, streams, water bodies, and exposed bedrock to be removed, if any;
- [6] Areas subject to a one-hundred-year flood, if any;
- [7] Provisions for the protection of abutting properties during construction, and site excavation, demolition, blasting, and site reclamation plans if appropriate;
- [8] Proposed landscaping, including all screening and buffering of adjacent residential areas;
- [9] An erosion prevention plan prepared by a registered/licensed professional, which includes calculations and measures to prevent erosion and undermining of the subject property and abutting properties. Include how

slope protection will be achieved and details of all retaining walls if applicable;

[10] Drainage calculations prepared by a registered/licensed engineer demonstrating that following the proposed removal, the amount of runoff shall not exceed the amount of runoff prior to the removal;

[11] A stormwater management plan and installation of underground and surface drainage facilities in accordance with best management practices (BMPs) to prevent surface erosion, undermining, and post-development runoff that exceeds pre-development runoff; and

[12] Any other information requested by the Planning Board that will allow fair and full consideration of the special permit request.

(b) Any of the requirements of a slope protection special permit application may be waived by a majority vote of the SPGA. Waiver requests must be in writing.

(2) The Office of Planning and Community Development (OPCD) will distribute a set of the application materials to the City Engineer and Building Inspector for review. The Office of Planning and Community Development will provide notice of receipt of an application to the Board of Health, Fire Chief, Police Chief, Conservation Commission, City Solicitor, and Mayor. All departments shall report their comments, conditions, remedial measures and recommendations, in writing, to the Planning Board within 30 days.

(3) If an applicant receives a special permit pursuant to this section to utilize slopes exceeding 25%, then a variance from this chapter will not be necessary from the Board of Appeals for insufficient lot area, unless the entire lot area, including the area of slope exceeding 25%, is insufficient for building purposes under this chapter.

E. Special permit granting authority. For slope protection special permits the Planning Board is the special permit granting authority.

F. Relationship to site plan review. For the convenience of the applicant, site plan review and request for a special permit pursuant to this section may be acted upon concurrently to the degree feasible. The applicant will be responsible for submitting a request which meets all submission requirements, concurrently, in order to streamline notice and hearing requirements.

§ 235-73.3. Registered marijuana dispensaries. [Added 8-21-2017 by Ord. No. 2017-129]

A. Purpose.

- (1) To allow for the establishment of registered marijuana dispensaries (RMDs) as they are authorized pursuant to state regulations set forth at 105 CMR 725.000, Implementation of an Act for the Humanitarian Medical Use of Marijuana.
- (2) To minimize the adverse impacts of RMDs on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said facilities.
- (3) To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of RMDs.

B. Applicability.

- (1) The provisions of this section shall be applicable to all RMDs, unless it meets the requirements for an agricultural exemption under MGL c. 40A, § 3.
- (2) Nothing in this section shall be construed to supersede any state or federal laws or regulations governing the sale and distribution of narcotic drugs.

C. General requirements and conditions for all registered marijuana dispensaries.

(1) Location and operation.

- (a) An RMD shall be located in, and conduct all operations within, an enclosed, permanent building.
- (b) An RMD shall be limited to 5,000 square feet of gross floor area.
- (c) All publicly accessible entrances shall be visible from a public way.
- (d) Drive-through windows and/or any interactions or sales to customers within vehicles are prohibited.
- (e) Registered marijuana dispensaries shall not be located inside a building containing residential dwelling units, including transient housing, group housing, hotels, motels, lodging houses, and/or dormitories.
- (f) An RMD shall not be sited within a radius of 500 feet from a school, day-care center, or any facility in which children commonly congregate. The five-hundred-foot distance shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the RMD.
- (g) Hours of operation of RMDs shall be set by the special permit granting authority, but in no event shall an RMD be open to

the public, performing deliveries, and/or otherwise operating between the hours of 8:00 p.m. and 8:00 a.m.

- (h) There shall be no smoking, burning, or consumption of any product containing marijuana or marijuana-related products on the premises, including all buildings, accessory structures, parking lots or parking areas, walks and/or immediate surroundings located on the same lot/parcel as the RMD.
 - (i) All RMDs shall be ventilated in such a manner that no pesticides, insecticides or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere, and so that no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the RMD or at any adjoining use or property.
- (2) Signage.
- (a) All signs associated with RMDs shall comply with 105 CMR 725.000 and Article VII, Signs, of this Zoning Ordinance.
 - (b) Signs shall only identify the establishment by its registered name.
 - (c) Signs shall not utilize graphics related to marijuana or paraphernalia on the exterior of the building in which the RMD is located.
 - (d) At every publicly accessible entrance, there shall be at least one sign that includes the language "Registration card issued by the MA Department of Public Health required." The required text shall be a minimum of two inches in height.
 - (e) Signs shall not be illuminated after closing. Neon and flashing signage is prohibited.
- (3) Security.
- (a) Registered marijuana dispensaries shall provide the Melrose Police Department and Building Commissioner with the names, phone numbers, and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is any change in management staff or key holders.
 - (b) Solid waste dumpsters or other waste containers shall be locked and enclosed by a screening enclosure so as not to be accessible to the public.
 - (c) Landscaping elements must be non-obtrusive. The placement of landscaping elements for the RMD must ensure landscaping

elements, including trees, bushes, and other foliage, do not allow for a person or persons to conceal themselves at night.

- (d) The exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times during business hours.

D. Special permit. For RMD special permits, the Planning Board is the special permit granting authority. The Planning Board may grant a special permit for an RMD in the BB and I Zoning Districts if the Board finds that the proposal satisfies the purposes set forth in Subsection A(1) through (3) above, the general requirements and conditions for all RMDs in Subsection C above, the findings in § 235-63 of the Zoning Ordinance, and the following statements, regulations, requirements, conditions, and limitations.

(1) Applications. Applications for a special permit shall include the following:

- (a) The name and address of each owner of the establishment and property owner.
- (b) Evidence of the applicant's right or intended right to use the site for the establishment, such as an executed or draft deed or lease.
- (c) If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, trustees or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals.
- (d) A narrative describing the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of marijuana or marijuana-infused products, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities.
- (e) A floor plan of the proposed RMD that identifies square footage available and describes the functional areas of the RMD, including areas for any preparation of marijuana-infused products.
- (f) A site plan depicting the proposed development on the property, including the dimensions of the building, the layout of parking, the location of pedestrian and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and any landscape design.

- (g) Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used.
 - (h) Proposed security measures for the RMD, including lighting, fencing, video monitoring, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.
 - (i) Traffic impact analysis including modeling the expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site.
 - (j) Copies of registration materials for all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the RMD.
 - (k) Letters from the Police Department and Board of Health indicating that the application materials were reviewed and safety and security measures of the RMD are adequate.
 - (l) Any other information requested by the Planning Board that will allow fair and full consideration of the special permit request.
- (2) The Office of Planning and Community Development (OPCD) will distribute a set of the application materials to the Police Chief, Health Director, and Building Commissioner for review. The Office of Planning and Community Development will provide notice of receipt of an application to the City Engineer, Fire Chief, Conservation Commission, City Solicitor, Board of Aldermen, and Mayor. All departments shall report their comments, conditions, remedial measures and recommendations, in writing, to the Planning Board within 30 days.
- (3) Findings. In addition to the findings required by § 235-63, the Planning Board shall not issue a special permit for an RMD unless it finds that:
- (a) The RMD meets a demonstrated local and regional need based on the proximity of other RMDs serving the City's qualifying patients;
 - (b) The RMD is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
 - (c) The RMD meets all other applicable requirements of the Zoning Ordinance and the permitting requirements of all applicable agencies of the Commonwealth of Massachusetts and the City of Melrose, and will otherwise comply with all applicable state and local laws and regulations;
 - (d) The RMD provides a secure indoor waiting area for patients;

- (e) The RMD is designed to provide convenient, safe, and secure access and egress for clients and employees;
 - (f) The RMD addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the RMD; and
 - (g) The RMD provides adequate security measures to ensure that no individual participants will pose a threat to the health or safety of other individuals, and that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities.
 - (4) Conditions. The Planning Board may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, and air quality and preserve the character of the surrounding area and otherwise serve the purpose of this section.
- E. Annual reporting. Each RMD permitted shall as a condition of its special permit file an annual report to the special permit granting authority, the Board of Health, the Building Commissioner, the Police Department, and the City Clerk no later than January 31, providing a copy of all current applicable state licenses for the RMD and/or demonstrate continued compliance with 105 CMR 725.000 as well as the conditions of the special permit.
- F. Abandonment or discontinuance of use.
 - (1) A special permit granted under this section shall have a term limited to the duration of the applicant's operation of the premises as an RMD.
 - (2) An RMD shall be required to remove all material, plants, equipment, and other paraphernalia:
 - (a) If any required permit or license is revoked or suspended by the issuing authority;
 - (b) Prior to surrendering its state licenses or permits; or
 - (c) Within six months of ceasing operations, whichever comes first.

ARTICLE XII
Removal and Filling

§ 235-74. Removal of sand, gravel, quarry or other earth materials.

For the removal of sand, gravel, quarry, loam, sod or other earth materials other than that which is incidental to and in connection with the construction of a building for which a permit has been issued in accordance with Article X and for processing and treating raw materials, the following conditions shall govern:

- A. Removal and processing operations shall not be conducted closer than 50 feet to a public street or to any property line.
- B. All equipment, except mobile equipment for sorting, washing, crushing, grading, drying, processing and treating, or other operation machinery shall not be used closer than 100 feet to any public street or to any adjoining property line.
- C. Off-street parking shall be provided as required in the Table of Off-Street Parking Regulations.⁸⁰
- D. Any access to excavated areas or areas in the process of excavation shall be adequately posted with "Keep Out - Danger" signs.
- E. Any work or bank that slopes more than 30° downward shall be adequately fenced at the top.
- F. Adequate provision is to be made for drainage during and after the completion of operations.
- G. Lateral support shall be maintained for all adjacent properties.
- H. The use of explosives shall be done in accordance with the regulations for storage or handling of explosives as published by the Commonwealth of Massachusetts.
- I. All operations shall be conducted in such a manner so as to comply with the laws of the Commonwealth of Massachusetts regulating water pollution and air pollution.
- J. Provision shall be made for the adequate control of dust during the operation.
- K. Required site plan. Site plans shall be filed with the Building Commissioner for any land which is used or intended to be used for the extraction of sand, gravel, rock, loam, sod and associated earth materials. Site plans for the removal areas shall be prepared by a registered professional engineer and a registered land surveyor at a scale of 200 feet to the inch and shall be in accordance with and indicate the following:

80. Editor's Note: See § 235-32.

- (1) Property lines.
 - (2) Adjacent public streets.
 - (3) Water supply and sanitary sewerage systems and temporary and permanent drainage systems for the site.
 - (4) Topographic mapping showing contours at intervals of not more than 10 feet.
 - (5) Replacement of at least four inches of topsoil over all excavated, filled or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
 - (6) Submission of plan for lighting if night operation is contemplated.
 - (7) Proper provision for vehicular traffic, service roads and control of entrances and exits to highways.
 - (8) The relocations of existing and future buildings and operations machinery to the removal areas.
 - (9) Delineation of the existing removal areas and the proposed area for removal in the immediate future.
 - (10) Provision for a substantial fence enclosing the excavation or quarry where any excavation or quarry will extend under original ground level or will have a depth of 10 feet or more and create a slope.
- L. Required reuse plan. It is recognized that land reuse of a removal site is in the public interest. Therefore, a land reuse plan(s) must be submitted to and approved by the Building Commissioner, following review by the Planning Board, subject to the regulations set forth in the following subsections:
- (1) The Building Commissioner may require that up to three approved alternative future land reuse plans be submitted for such land as is used for the extraction of sand, gravel, rock, loam, sod and associated earth materials. A land reuse plan is also required where an existing extraction operation is extended below the grade of adjacent ground.
 - (2) Said land reuse plan and its implementation applies to the conversion of the abandoned site and its planned reuse, including landscaping and erosion control. It is, therefore, required that any land reuse plan correspond to a situation which could reasonably occur in the immediate future (zero to five years) and be revised as necessary as the existing physical character of the removal area changes.
 - (3) The land reuse plan or any part thereof which reasonably applies to an area which has been abandoned from removal use shall be put

into effect within one year of the abandonment of said operation. "Abandonment" for the purposes of this subsection shall be defined as the visible or otherwise apparent intention of the owner or user of the land to abandon the use of the land.

§ 235-75. Filling of water bodies or wet areas.

For the filling of any pond, lake, swamp or other existing body of water or wet area and the filling in of any swale, valley or other area or depression, where such filling in requires an amount of fill equivalent to 500 cubic yards or more or where the area to be filled in exceeds 10,000 square feet and where such filling has received prior approval of the appropriate state officials under the applicable provisions of state law on inland wetlands, the following conditions apply:

- A. A location plan at a scale of one inch equals 650 feet showing the area to be filled in, property lines within which the filling is proposed and tie-in to the nearest road intersection shall be submitted.
- B. A site plan shall be submitted to a scale of one inch equals 40 feet of the premises and surrounding area within 100 feet showing, in addition to Subsection A above, existing and proposed contour lines at intervals of not more than two feet resulting from the proposed filling in, in relation to the topography of the premises, said plan to be prepared by a registered professional engineer or registered land surveyor.
- C. Provision shall be made for temporary and permanent drainage of the site.
- D. Fills shall be limited to terrace fills which are not to exceed 10 feet at any one time nor be within 10 feet of an adjacent property line or any cut.
- E. Regrading of all or parts of the slopes resulting from such fill shall be carried out.
- F. At least four inches of topsoil shall be replaced over all filled or otherwise disturbed surfaces with seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
- G. A plan for lighting, if night operation is contemplated, shall be submitted.
- H. Where any fill will have a depth of 10 feet or more and create a slope of more than one in two, there shall be a substantial fence enclosing the fill at least six feet in height with suitable gates. Such fence shall be located 10 feet or more from the edge of the fill.
- I. The planned filling in shall be consistent with any recreation, conservation and open space plan as prepared by the Planning Board.

- J. Documentation shall be submitted as to the effect of such filling in on drainage both within the immediate area and sufficiently far downstream as required by the Building Commissioner.

§ 235-76. Filling of any lot.

For the filling of any lot or placement of fill on a lot where such fill exceeds 10 cubic yards, a building permit shall be required prior to the commencement of the operation in accordance with Article X of this chapter and shall be subject to the following conditions:

- A. Unless waived by the Building Commissioner, information, including a site plan, pursuant to § 235-74K, area to be filled, volume of fill, proposed changes in grade or other information shall be submitted to and approved by the Building Commissioner prior to commencement of operations.
- B. No fill shall be deposited within the minimum front, rear or side yards as defined by the zoning district within which such lot is located except by written approval of the Building Commissioner.
- C. Operations, including truck access, temporary or permanent grade, slope, fencing and protection from wind and water erosion, shall be conducted in a manner agreeable to the Building Commissioner so as to protect the public health, safety and general welfare.
- D. Operations shall assume to be completed at the end of a twenty-eight-day period from the date of the initial commencement unless extended by written approval of the Building Commissioner.
- E. At the conclusion of operation, the filled area or fill materials shall be left in a manner approved by the Building Commissioner to assure soil surface stabilization and proper drainage of the site, including provision of topsoil and seeding or reseeded so as to support a perennial cover crop.
- F. The filling shall be consistent with other provisions of this chapter and Building Code of the City of Melrose, as approved by the Building Commissioner, and shall be consistent with any recreation, conservation, open space and environmental plans, regulations or statutes of the commonwealth or the City of Melrose.

ARTICLE XIII
Home Occupation

§ 235-77. Conditions. [Amended 5-1-1995 by Ord. No. 95-189; 5-7-2007 by Ord. No. 07-132]

Home occupations shall be permitted in a dwelling in any "R" and "B" district subject to the following conditions:

- A. No person other than the residential occupant(s) shall be employed therein.
- B. The use is carried on strictly within the principal building.
- C. No more than 40% of the existing gross floor area not to exceed 600 square feet is devoted to such use, including storage of goods, materials and equipment related to the home occupation.
- D. There shall be no display of goods or wares visible from the street, and equipment or materials used in the home occupation shall be stored entirely inside the dwelling.
- E. The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, traffic, emission of odor, gas, smoke, dust, noise, electrical disturbance or any other safety hazard or nuisance. In a multifamily dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multifamily structure.
- F. The building or premises occupied shall not include any external design feature or appearance not customary in residential buildings.
- G. No home occupation shall generate traffic, including pickup and deliveries, and/or parking that exceeds that normally expected in the residential neighborhood.
- H. Not more than one commercial vehicle in connection with such home occupation shall be stored on the premises. An accepted off-street parking space shall be provided for any such commercial vehicle.
- I. A special permit acted on by the Board of Appeals is required if a home occupation results in more than 10 patron or client visits to the premises per week or if it involves one or two, but not more than two, employees who reside outside of the residence.
- J. There shall be no advertising and no signs on the premises except pursuant to § 235-31 of this chapter. **[Amended 12-5-2011 by Ord. No. 12-10]**

ARTICLE XIV

Amendments, Severability and When Effective**§ 235-78. Amendments.**

This chapter may be amended from time to time in accordance with Section 5 of the Zoning Act.⁸¹ During the amendment procedure, subdivision plans in process of review by the Planning Board under the Subdivision Control Law⁸² shall be subject to the provisions of the Zoning Act; provided, however, that a preliminary plan has been filed and written notice of said filing has been submitted to the City Clerk for the City of Melrose.

§ 235-79. Severability.

The invalidity, unconstitutionality or illegality of any provision of this chapter or boundary shown on the Zoning Map shall not have any effect upon the validity, constitutionality or legality of any other provision or boundary.

§ 235-80. When effective.

This chapter shall take effect upon passage.

81.Editor's Note: See MGL c. 40A, § 5.

82.Editor's Note: See MGL c. 41, § 81K et seq.

ARTICLE XV

Floodplain District

[Added 5-4-1987 by Ord. No. 1453A; amended 5-17-2010 by Ord. No. 10-148]

§ 235-81. Establishment.

The Floodplain District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The Floodplain District includes all special flood hazard areas designated as Zones A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the City of Melrose are panel numbers 25017C0427E, 25017C0429E, 25017C0431E, 25017C0433E and 25017C0434E dated June 4, 2010. The exact boundaries of the district may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk, Building Commissioner, Planning Board, Public Works Engineering Division and Board of Health.

§ 235-81.1. Reference to existing regulations.

- A. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, § 40, and with the following:
 - (1) Section of the Massachusetts State Building Code which addresses floodplain and coastal high-hazard areas (currently 780 CMR 120.G, Flood Resistant Construction and Construction in Coastal Dunes);
 - (2) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 - (3) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and
 - (4) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).
- B. Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

§ 235-82. Development regulations.

- A. Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Planning Board and the Building Commissioner for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code.
- B. Within Zones A and AE, no new construction, substantial improvements to existing structures, filling or other land development shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood elevation.
- C. Floodway data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- D. In Zone AE, along watercourses that have a regulatory floodway designation within the City of Melrose on the Middlesex FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- E. Base flood elevation data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones.

§ 235-82.1. Notification of watercourse alteration.

In a riverine situation, the City Engineer shall notify the following of any alteration or relocation of a watercourse: adjacent communities, the NFIP State Coordinator (Massachusetts Department of Conservation and Recreation), and the NFIP Program Specialist (Federal Emergency Management Agency, Region 1).

§ 235-83. Subdivisions and new development.

All subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Floodplain District established under this article, it shall be reviewed to assure that:

- A. The proposal is designed consistent with the need to minimize flood damage;
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed to minimize or eliminate flood damage; and

- C. Adequate drainage systems shall be provided to reduce exposure to flood hazards.

§ 235-84. Health regulations.

The Board of Health and/or the Public Works Department, in reviewing all proposed water and sewer facilities to be located in the Floodplain District established under this article, shall require that:

- A. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system; and
- B. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges of exfiltration from the system into floodwaters.

§ 235-85. Authority.

This article is established pursuant to the City of Melrose's compliance with Title 44, Chapter 1, Part 67, Code of Federal Regulations, establishing eligibility in the National Flood Insurance Program (NFIP). Copies of the National Flood Insurance Program and related regulations are on file with the City Clerk.

ARTICLE XVI

**Wireless Communications Service Facilities
[Added 1-4-1999 by Ord. No. 99-021]****§ 235-86. Purpose.**

This article provides for the regulation and restriction of the construction, erection, installation, placement and/or use of wireless communications service facilities (WCSF) and the protection of the general public from the impact associated with WCSF. It is the purpose of this article to:

- A. Minimize the adverse impacts of WCSF on adjacent properties and residential neighborhoods.
- B. Limit the City-wide overall number and height of WCSF to what is essential.
- C. Encourage the most appropriate use of the land and maintain the residential character of the City.
- D. Promote shared use of existing WCSF to reduce the need for new facilities.
- E. Guide sound development while promoting the health, safety and general welfare of the City consistent with applicable federal law.

§ 235-87. Existing facilities; discontinuance; applicability.

Wireless communications service facilities lawfully in existence before the effective date of this article shall be maintained and shall be kept in good condition. The City of Melrose Building Commissioner shall receive at least 30 days' notice of the intent to discontinue use of any WCSF. A WCSF that is unused or abandoned for a period of 90 days must be removed by the property owner and the property restored to its natural condition. Any construction shall be governed by this chapter.⁸³ This article does not apply to the construction or use of facilities by a conforming federally licensed amateur radio⁸⁴ used in accordance with said license as protected by MGL c. 40A, § 3, or television antennas, including satellite dishes which are accessory to a residential use and protected by federal law.

83. Editor's Note: See § 235-73, Wireless communications service facilities.

84. Editor's Note: So in original. See MGL c. 40A, § 3, which refers to an "amateur radio operator."

Chapter A250**ACCEPTANCES OF GENERAL LAWS, SPECIAL ACTS AND REGULATIONS****§ A250-1. Special acts and general laws.**

The following is a list of the general laws of the commonwealth specifically adopted or accepted by the City of Melrose and special acts which specifically affect the City of Melrose:

Alcoholic Beverages Generally

Sale of alcoholic beverages by on-premises licensees on Sundays and certain legal holidays; sales between 10:00 a.m. and 12:00 noon. MGL c. 138, § 33B. (Accepted by Aldermen September 19, 2011, Order No. 12-12.)

Alcoholic Beverages for Certain Clubs

Sale of alcoholic beverages at certain restaurants. Chapter 465, Acts of 1977. (Accepted by voters November 8, 1977.)

Sale of alcoholic beverages at certain clubs in City of Melrose, granting of licenses for. Chapter 641, Acts of 1973. (Accepted by voters November 6, 1973.)

Issuance to Melrose Post 90 American Legion of license to sell. Chapter 164, Acts of 1975.

Aldermen, Board of

Membership of, reducing. Amendment to City Charter. Chapter 407, Acts of 1924. (Accepted by voters November 4, 1924.)

Salaries, authorizing payment to members of. Chapter 130, Acts of 1930. (Defeated by voters at municipal election 1930.)

Term of, increased to two years. Amendment to City Charter. Chapter 431, Section 2, Acts of 1922. (Accepted by voters November 7, 1922.)

Vacancies in, filling. Amendment to City Charter. Chapter 235, Acts of 1902.

Vacancies in, filling, Amendment to City Charter. Chapter 431, Section 4, Acts of 1922. (Accepted by voters November 7, 1922.)

Vacancies in, an act making temporary provision for filling. Chapter 85, Acts of 1939.

Ambulances

Authorizing city to charge persons for transportation. Chapter 211, Acts of 1979. (Accepted by Aldermen 1979, Order No. 20336.)

Establish enterprise fund for ambulance service. MGL c. 44, § 53F 1/2. (Accepted by Aldermen April 19, 2011, Order No. 11-130, effective fiscal year 2012.)

Appeal, Board of

Relative to use of real estate, establishment of. Chapter 22, Acts of 1924. (Accepted by Aldermen March 3, 1924.)

Abolishing establishment of, under Chapter 22, Acts of 1924, and establishing new Board of Appeals under provisions of general laws. Chapter 598, Acts of 1971.

Armory

Allowance for. Chapter 23, Resolves of 1875.

Allowance for. Chapter 54, Resolves of 1877.

Erection of, in Melrose:

Investigation by Armory Commissioners relative to. Chapter 5, Resolves of 1932.

Investigation by Armory Commissioners relative to. Chapter 34, Resolves of 1937.

Investigation, further, by Armory Commissioners relative to. Chapter 31, Resolves of 1938.

Investigation, further, by Armory Commissioners relative to. Chapter 4, Resolves of 1941.

Investigation by Armory Commission relative to. Chapter 31, Resolves of 1946.

Investigation by Armory Commission relative to. Chapter 49, Resolves of 1947.

Land for, authorizing City of Melrose to acquire and convey to commonwealth certain land in said city. Chapter 382, Acts of 1936.

Assessors

Relating to qualifications. Chapter 797, Acts of 1979. (Accepted by Aldermen 1981, Order No. 21111.)

Bills, Certain Unpaid

Authorizing City of Melrose to appropriate money for payment of and to pay. Chapter 406, Acts of 1964.

Authorizing City of Melrose to appropriate money for certain students' fees. Chapter 472, Acts of 1976. (Accepted by Aldermen 1976, Order No. 19321A.)

Boards, Commissions and Committees, Municipal

Regulating meetings of municipal boards. Chapter 79, Acts of 2006. (Accepted by Aldermen August 21, 2006, Order No. 06-251.)

Bond Issues

Authorizing city to expend certain funds previously raised. Chapter 481, Acts of 1977.

Referendum on. Amendment to City Charter, Section 48. Chapter 75, Acts of 1925. (Defeated by Aldermen May 4, 1926.)

Referendum on petition of 10% of voters. Amendment to City Charter. Chapter 294, Section 3, Acts of 1929. (Accepted by Aldermen June 18, 1929.)

Referendum on. Chapter 355, Acts of 1977.

Bonds, Notes, etc.

Facsimile countersignatures upon, permitting use of in certain cities. MGL c. 44, § 16A. (Accepted by Aldermen March 16, 1964, Order No. 14696.)

Boundary Lines

Stoneham and Melrose, defining line between. Chapter 182, Acts of 1895.

Wakefield and Melrose, changing. Chapter 376, Acts of 1906.

Boxing Commission, State

Establishing. Chapter 619, Acts of 1920. (Accepted by voters December 14, 1920.)

Budget

State budget. Chapter 194, Section 288 of the Acts of 1998 (FY99 State Budget). (Accepted by Aldermen May 3, 1999, Order No. 99-189.)

State budget. Chapter 127, Section 51 of the Acts of 1999 (FY00 State Budget), allowing the Retirement Board to pay an annual cost (COLA) increase to retirees and beneficiaries. (Accepted by Aldermen December 20, 1999, Order No. 00-138.)

Buildings

Consolidation of maintenance functions; transfer of maintenance responsibilities for School Department buildings to Department of Public Works. MGL c. 71, § 37M. (Accepted by Aldermen May 21, 2012, Order No. 2012-175.)

Building laws. Chapter 104, Revised Laws, and acts in amendment thereof and in addition thereto (see Chapters 655 and 786, Acts of 1913). (Accepted by Aldermen June 16, 1913.)

Building lines, establishment of. Chapter 48, Section 103, Revised Laws, as amended by Chapter 572, Acts of 1913. (Accepted by Aldermen December 18, 1916.)

Burnt or dangerous and other nuisances, providing for condemnation of. Chapter 101, Sections 1 to 5, Revised Laws. (Accepted by Aldermen November 6, 1911.)

Buildings

Burnt or dangerous, disposal of. MGL c. 139, §§ 1, 2 and 3. (Accepted by Aldermen October 2, 1933.)

School buildings, reports of sanitary conditions and safety. Amendment to Charter. Chapter 142, Acts of 1954. (Accepted by Aldermen March 19, 1954.)

**Buses
(see
Motor
Vehicles)****Cemeteries**

Removal of remains of dead from old burying ground, authorizing. Chapter 95, Acts of 1896.

Charter, City

Chapter 162, Acts of 1899. (Accepted by voters May 8, 1899.)

Amendments:

Aldermen, Board of, reducing membership of. Chapter 407, Acts of 1924. (Accepted by voters November 4, 1924.)

Aldermen, Board of, authorizing payment of salaries to members of. Chapter 130, Acts of 1930. (Defeated by voters at municipal election 1930.)

Aldermen, term of, increased to two years. Chapter 431, Section 2, Acts of 1922. (Accepted by voters November 7, 1922.)

Aldermen, Board of, filling vacancies in. Chapter 235, Acts of 1902.

Aldermen, Board of, filling vacancies in. Chapter 431, Section 4, Acts of 1922. (Accepted by voters November 7, 1922.)

Bond issues, referendum on. Chapter 75, Acts of 1926. (Defeated by Aldermen May 4, 1926.)

Bond issues, referendum on petition of 10% of voters. Chapter 294, Section 3, Acts of 1929. (Accepted by Aldermen June 18, 1929.)

Elections, biennial, in even-numbered years. Chapter 431, Section 1, Acts of 1922. (Accepted by voters November 7, 1922.)

Elections, biennial, in odd-numbered years. Chapter 266, Acts of 1937. (Accepted by voters November 8, 1937.)

Elections, biennial, changing time for holding, Chapter 5, Acts of 1947, (Approved January 29, 1947.)

Executive departments, making certain changes in section relating to. Chapter 294, Section 2, Acts of 1929. (Accepted by Aldermen June 18, 1929.)

Executive officers, appointment of, Chapter 409, Acts of 2004. (Accepted by Aldermen April 7, 2004, Order No. 04-182.)

Charter, City

Financial year, changing, Chapter 155, Acts of 1906.

Mayor, term of, increased to two years. Chapter 431, Section 2, Acts of 1922. (Accepted by voters November 7, 1922.)

Mayor, vacancy in office of, filling, Chapter 431, Section 4, Acts of 1922. (Accepted by voters November 7, 1922.)

Memorial Building, Department of, established. Chapter 144, Acts of 1920. (Accepted by voters December 14, 1920.)

Memorial building, under Board of Trustees instead of Advisory Board. Chapter 78, Acts of 1926. (Accepted by Aldermen April 5, 1926.)

Particular account, repealing requirement for publishing. Chapter 184, Acts of 1933.

Police Department, under Captain instead of Chief. Chapter 78, Acts of 1926. (Accepted by Aldermen April 5, 1926.)

Police Department, under Chief instead of Captain. Chapter 39, Acts of 1962. (Accepted by Aldermen February 19, 1962, Order No. 13957.)

School buildings, reports of sanitary conditions and safety. Chapter 142, Acts of 1954. (Accepted by Aldermen March 15, 1954.)

School Committee, term of, increased to four years. Chapter 431, Section 3, Acts of 1922. (Accepted by voters November 7, 1922.)

School Committee, vacancies in, election to fill unexpired term when. Chapter 294, Section 1, Acts of 1929. (Accepted by Aldermen June 18, 1929.)

Circumferential Highway

Authorizing Metropolitan District Commission to lay out and construct certain section of route of. Chapter 394, Acts of 1926.

Investigation by Department of Public Works of cost and expediency of construction of certain sections of. Chapter 311, Acts of 1927.

Laying out and construction of certain sections of proposed. Chapter 334, Acts of 1929.

City Auditor

Three-year term. Chapter 373, Acts of 1905. (Accepted by voters at municipal election 1905.)

City Clerk

Three-year term. Chapter 332, Acts of 1901. (Accepted by voters at municipal election 1901.)

Compensation, additional, for service as Clerk of the Board of Aldermen. MGL c. 41, § 19F, inserted by Chapter 386, Acts of 1962. (Accepted by Aldermen February 4, 1963, Order No. 14172-A.)

City Clerk

Compensation, increasing, for serving as Clerk of the Board of Aldermen. MGL c. 41, § 19F. (Accepted by Aldermen January 5, 1998, Order No. 98-156.)

Fee schedule. MGL c. 262, § 34. (Accepted by Aldermen 1981, Order No. 20718.)

City Hall

Authorizing indebtedness not to exceed \$300,000 for purpose of erecting, as memorial to soldiers and sailors of World War. Chapter 422, Acts of 1922. (Defeated by voters at municipal election 1922.)

Civil Service

Labor service, pertinent provisions of MGL c. 31. (Accepted by Aldermen June 17, 1968, Order No. 16118.)

Coffee Room and Tearoom

MGL c. 140, § 47. (Accepted by Aldermen June 16, 1930.)

Compensation

Increasing for administration. MGL c. 32, § 20C 1/2. (Accepted by Aldermen 1981, Order No. 21020.)

Conservation Commission

Establishing, etc. MGL c. 40, § 8C. (Accepted by Aldermen December 6, 1965, Order No. 15290.)

Constable

Appointment and removal. MGL c. 41, § 91. (Accepted by Aldermen March 5, 2007, Order No. 07-134)

Contracts

Entered into on behalf of City of Melrose. Chapter 20, Acts of 1956. (Accepted by Aldermen December 15, 1969, Order No. 16764.)

Contributions

To community chests or united funds by city employees, authorizing payroll deductions on account of. MGL c. 180, § 17B, inserted by Chapter 489, Acts of 1956. (Accepted by Aldermen July 29, 1957, Order No. 12352.)

Dogs

City to withdraw from Middlesex County relative to the regulation of dogs, effective September 15, 1991. MGL c. 140, § 147A. (Accepted by Aldermen July 15, 1991, Order No. 92-14.)

Election Commission

Board of Election Commissioners, establishing, etc. MGL c. 51, § 16A. (Accepted by Aldermen August 18, 1969, Order No. 16639.)

Rescinding of Order No. 16639 establishing an Election Commission. MGL c. 51, § 16A. (Action of Board of Aldermen 1981, Order No. 20907.)

Election Officers

Deputy, abolishing, Chapter 835, Section 226, Acts of 1913. (Accepted by Aldermen December 15, 1913.)

Vacancies in number of, at opening of polls, authorizing City Clerk to fill. MGL c. 54, § 16A, inserted by Chapter 411, Section 6, Acts of 1943. (Accepted by Aldermen August 9, 1943.)

Elections, Municipal

Absentee voting at regular. MGL c. 54, § 103A. (Accepted by Aldermen June 2, 1941.)

Biennial, in even numbered years. Amendment to City Charter. Chapter 431, Section 1, Acts of 1922. (Accepted by voters November 7, 1922.)

Biennial, in odd-numbered years, and establishing date of said election. Chapter 266, Acts of 1937. (Accepted by voters November 8, 1938.)

Biennial, changing time for holding, Chapter 5, Acts of 1947. (Approved January 29, 1947.)

Names of candidates placed on ballot. Chapter 177, Acts of 1977.

Nomination papers for use in city or town primaries, regulating issuance of and limiting number obtainable, MGL c. 53, § 9A, inserted by Chapter 249, Acts of 1962. (Accepted by Aldermen December 17, 1962. Order No. 14208.)

Town election, March 1865, legalized, Chapter 178. Acts of 1865.

Ell Pond

An act relative to control of. Chapter 259, Acts of 1937.

Pollution of:

Investigation by Department of Public Health relative to. Chapter 118. Resolves of 1965.

Investigation by Department of Public Health relative to, Chapter 16. Resolves of 1972.

Investigation, continuation, by Department of Public Health, extended, Chapter 17, Resolves of 1966.

Prohibiting fishing, letting of boats or cutting of ice in, except on license of Park Commissioners. Chapter 82. Acts of 1920.

Shores of and land adjacent to, an act to authorize City of Melrose to borrow money for the purpose of protecting (including athletic field development). Chapter 425, Acts of 1941.

**Ell
Pond
Brook
(see
Surface
Drainage)**

Employee Leave

Leave of absence to serve as organ donor. MGL c. 149, § 33E. (Accepted by Aldermen December 5, 2011, Order No. 12-58.)

Enhanced 911 Service

Chapter 291 of the Acts of 1990. (Accepted by Aldermen October 7, 1991, Order No. 92-36.)

Executive Departments

Making certain changes in Section 36 of City Charter relating to. Chapter 294. Section 2, Acts of 1929. (Accepted by Aldermen June 18, 1929.)

Finance

Appropriations offset by estimated receipts from fees. MGL c. 44. § 53F. (Accepted by Aldermen August 21, 1991, Order No. 91-199.)

Chapter 57, Acts of 2013. An Act Authorizing Increased Fees for Special Details Performed by Public Employees in the City of Melrose.

Financial Year

Changing. Amendment to City Charter, Chapter 155, Acts of 1906.

Fire Department

Call men in, promotion of, Chapter 487, Acts of 1913. (Accepted by voters December 9, 1913.)

Chief, tenure of office of. Chapter 291, Acts of 1916, as amended by Chapter 140. Acts of 1917. (Accepted by voters December 11, 1917.)

Days off, one in five, Chapter 546, Acts of 1912. (Accepted by voters December 10, 1912.)

Department established. Chapter 12, Acts of 1851.

Forty-eight-hour week. MGL c. 48, § 58B. (Accepted by voters at state election November 6, 1962.)

Forty-two-hour week. MGL c. 48, § 58D. (Accepted by voters at city election November 7, 1967.)

Funeral and burial expenses, providing for payment of, to fire fighters under certain additional conditions. MGL c. 41. § 100G. (Accepted by Aldermen April 16, 1974. Order No. 18360.)

Fire Department

Funeral and burial expenses, providing for payment of an amount not exceeding \$5,000, to fire fighters killed in performance of duties and under certain additional conditions. MGL c. 41, § 100G1/4. (Accepted by Aldermen November 8, 2007, Order No. 08-068)

Reserve forces in fire departments of cities, providing for establishment of. MGL c. 48, § 59B. (Accepted by Aldermen December 2, 1963, Order No. 14323-B.)

Reserve forces in fire departments of cities, providing for establishment of. MGL c. 48, §§ 59B, 59C, 59D and 59E. (Accepted by Aldermen June 21, 1965, Order No. 15154.)

Residence, fire fighters and applicants to live within 10 miles of city limits. MGL c. 48, § 58E. (Accepted by Aldermen September 24, 1973, Order No. 18161.)

Seventy-hour week. MGL c. 48, § 58A. (Accepted by Aldermen March 17, 1947.)

Two-platoon system. MGL c. 48, § 59. (Accepted by voters November 4, 1924.)

Vacations, making law providing for vacations for members of police and fire forces in towns applicable to cities. MGL c. 41, § 111A, as amended by Chapter 107, Acts of 1934. (Accepted by Aldermen October 4, 1937.)

Fire Marshal, State

Delegation of power regarding garage licenses to Board of Aldermen. (Accepted by Aldermen July 27, 1923.)

Fire Prevention

Uniform system of, in place of MGL c. 148. Chapter 399, Acts of 1930. (Accepted by Aldermen June 16, 1930.)

MGL c. 148. §§ 26 to 261, (Accepted by Aldermen December 18, 1995.)

Fitch Home, Inc.

Incorporation of. Chapter 107, Acts of 1920.

Historical Commission

Historical commissions, establishing, etc. MGL c. 40, § 8D, as amended by Chapter 517, Acts of 1971. (Accepted by Aldermen April 17, 1973, Order No. 17809.)

Hours of Labor

Eight-hour day, establishing for city laborers, etc. Chapter 514, Section 42, Acts of 1909, as affected by Chapter 494, Acts of 1911. (Accepted by voters December 9, 1913.)

Public employees and persons employed on public works. Chapter 240, Section 1, Acts of 1916. (Accepted by Aldermen November 7, 1921.)

Indemnification of Employees for Damages, etc.

Generally. MGL c. 258, § 13. (Accepted by Aldermen 1984, Order No. 648.)

While driving publicly owned motor vehicles, authorizing. MGL c. 41, § 100A. (Accepted by Aldermen November 16, 1936.)

Insurance

Group or blanket, contributory, for persons in service of counties, cities, towns and districts, and their dependents, providing for, MGL c. 32B. (Accepted by Aldermen September 6, 1960, to take effect February 1, 1961, Order No. 13250.)

Group health policy. MGL c. 32B, § 16. (Accepted by Aldermen 1983, Order No. 280.)

Group hospital, surgical and medical, contributory, extending to elderly persons retired from the service of the city and to their dependents. MGL c. 32B, § 11A. (Accepted by Aldermen September 10, 1962, Order No. 14102.)

Health insurance, certain premiums, city pays half cost, for surviving spouse of insured active or retired employees. MGL c. 32B, § 9D. (Accepted by Aldermen April 1, 1968, Order No. 16081.)

Group life for public employees. MGL c. 705. (Accepted by Aldermen November 30, 1987, Order No. 1837.)

Group life, increased amounts for persons in service of counties, cities, towns and districts on optional basis without premium contributions by political subdivisions of commonwealth. (Accepted by Aldermen October 2, 1961, Order No. 13801.)

Retired employees, authorizing city to contribute 1/2 of cost of premiums. MGL c. 32B, § 9A. (Accepted by Aldermen September 10, 1962, Order No. 14102.)

Group life insurance benefits, increasing of to retired city employees. MGL c. 32B, § 9F, as inserted by Chapter 763, Acts of 1972. (Accepted by Aldermen January 2, 1973, Order No. 17830.)

Group insurance, contribution and withholding for premiums; subsidiary or additional rate; payment in lieu of withholding; acceptance of section. MGL c. 32B, § 7A. (Accepted by Aldermen June 29, 1992, Order No. 92-370.)

Acceptance of MGL c. 32B, § 19, in accordance with and subject to the terms and conditions of an agreement reached with the City's unions concerning health insurance. Section 19 of Chapter 32B will only take effect if special legislation concerning retiree benefits is approved by the Board of Aldermen and the General Court, within the time frame stated in the agreement, and if and when the agreement is approved by the legally required percentage of unions. (Accepted by Aldermen November 15, 2004, Order No. 05-086; March 7, 2005, Order No. 05-86A.)

Health insurance of active and retired employees of the City of Melrose. Chapter 46 of the Acts of 2005.

Licenses and Permits

Denial, revocation or suspension for failure to pay municipal taxes or charges. MGL c. 40, § 57. (Accepted by Aldermen November 7, 1996, Order No. 97-88.)

Lord's Day Licenses

Authorizing sale of certain articles on the Lord's Day. MGL c. 136, § 7. (Accepted by Aldermen January 17, 1944.)

Malden

250th anniversary of, authorizing appropriation of money for celebrating. Chapter 294, Acts of 1899.

Massachusetts Bay Transportation Authority

Establishing, etc. Chapter 563, Acts of 1964.

Mayor

Term of office increased to two years. Amendment to City Charter. Chapter 431, Section 2, Acts of 1922. (Accepted by voters November 7, 1922.)

Vacancy in, filling. Amendment to City Charter. Chapter 431, Section 4, Acts of 1922. (Accepted by voters November 7, 1922.)

Vacancy in, an act making temporary provision for filling. Chapter 85, Acts of 1939.

Melrose

City, incorporated as. Chapter 162, Acts of 1899.

Town, incorporated as, Chapter 309, Acts of 1850.

Melrose Hospital

Confirming acts in appropriating money in support of, Chapter 432, Acts of 1899.

Memorial Building

Department established. Amendment to City Charter. Chapter 144, Acts of 1920. (Accepted by voters December 14, 1920.)

Trustees, Board of, to be under, instead of Advisory Board. Chapter 78, Acts of 1926. (Accepted by Aldermen April 5, 1926.)

Motor Vehicles

Carrying passengers for hire, authorizing licensing of. Chapter 293, Acts of 1916. (See Chapter 371, Acts of 1917; Chapter 266, Acts of 1918; and MGL c. 159, §§ 45 to 49.) (Accepted by Aldermen December 30, 1918.)

Exemption of excise tax for former prisoners of war. Chapter 597, Acts of 1982. (Accepted by Aldermen 1983, Order No. 465.)

Municipal Charges

Payment and deferral of. Chapter 42, Acts of 1988, and MGL c. 40, § 42J (for water charges). (Accepted by Aldermen March 1, 1993, Order No. 93-245.)

Payment and deferral of. Chapter 42, Acts of 1988, and MGL c. 83, § 16G (for sewer charges). (Accepted by Aldermen March 1, 1991. Order No. 93-245-A.)

Municipal Relief

MGL c. 59, § 5, clauses 56 and 57, as amended by § 42 of Chapter 188 of the Acts of 2010. (Extension of acceptance passed by Aldermen December 3, 2012, Order No. 11-65A.)

Parking Spaces

Open air, licensing of. MGL c. 148, § 56. (Accepted by Aldermen October 16, 1950.)

Parks and Playgrounds

Athletic field, enclosed, authorizing Park Commissioners to set apart park lands for. Chapter 687, Acts of 1912. (Accepted by voters December 10, 1912.)

Athletic field at junction of Lynn Fells Parkway and Tremont Street, an act relative to the holding, management and control of. Chapter 222, Acts of 1939. (Accepted by Aldermen June 5, 1939; approved by Mayor June 7, 1939; accepted by Park Commission June 7, 1939.)

Athletic field, development of, protecting shores of Ell Pond and land adjacent thereto, an act authorizing City of Melrose to borrow money for the purpose of. Chapter 425, Acts of 1941.

Land, authorizing sale by city to Smyly Buick, Inc. Chapter 613, Acts of 1981.

Land, authorizing transfer to School Department for recreation, certain areas on Lynn Fells Parkway. Chapter 670, Acts of 1972.

Land, authorizing sale by city to Robert M. and Beverly A. Druyetis. Chapter 574, Acts of 1980.

Land, authorizing use of for school purposes. Chapter 334, Acts of 1931.

Land, authorizing sale of Lloyd Memorial Pool to the city. Chapter 484, Acts of 1985.

Land located on Lynn Fells Parkway and Tremont Street, authorizing city to improve and adapt certain. Chapter 264, Acts of 1923. (Accepted by Aldermen July 27, 1923.)

Land, authorizing sale of to American Red Cross, Chapter 361, Acts of 1953.

Parks and Playgrounds

Mt. Hood Memorial Park and Golf Course, establishing municipal golf course and recreation center at, and providing for disposition of fees in conjunction therewith. Chapter 124, Acts of 1936. (Accepted by Aldermen April 6, 1936.)

Mt. Hood Memorial, skating rink or arena, authorizing construction of. Chapter 693, Acts of 1973.

Mt. Hood Memorial, authorizing city to lease certain park land. Chapter 150, Acts of 1984.

Park Commission, establishing. Chapter 28, Sections 1 to 14. Revised Laws. (Accepted by voters December 14, 1909.)

Parks, public, authorizing cities and towns to lay out within their limits. Chapter 154. Acts of 1882.

Pine Banks Park, incorporation of, and authorizing appropriations for maintenance thereof. Chapter 393, Acts of 1905.

Pine Banks Park, authorizing appropriations for maintenance of. Chapter 162, Acts of 1906.

Pine Banks Park, memorial groves in Cities of Malden and Melrose, authorizing. Chapter 450, Acts of 1922.

Playground, public, requiring. Chapter 513, Acts of 1908. (Accepted by voters December 8, 1908.)

Self-supporting funds. MGL c. 44, § 53D. (Accepted by Aldermen 1979, Order No. 20199.)

Enterprise Fund 6200 for Mount Hood Memorial Park and Golf Course. MGL c. 44, § 53F 1/2. (Accepted by Aldermen June 26, 2002, Order No. 02-360)

Particular Account

Repealing requirement for publishing. Amendment to City Charter. Chapter 184, Acts of 1933.

Pay Raises, Retroactive.

Pay raises, retroactive, to certain city employees, except members of the Fire Department and police force and School Department, authorizing City of Melrose to grant. Chapter 119, Acts of 1972.

Pay raises, retroactive, to certain city employees, authorizing City of Melrose to grant. Chapter 217, Acts of 1973.

Payroll Deductions for Union Dues, etc.

Payroll deductions on account of union dues, etc. MGL c. 180, § 17A. (Accepted by Aldermen November 17, 1969, Order No. 16732.)

Pedestrian Regulations

Rules regulating use of ways by, permitting certain cities; noncriminal disposition of violations. MGL c. 90, § 18A. (Accepted by Aldermen December 4, 1967, Order No. 15866.)

Pensions

Annuity Savings Fund. MGL c. 32, § 22(1)(b 1/2). (Accepted by Aldermen December 27, 1990, to take effect January 1, 1992, Order No. 2411.)

Contributory retirement system for municipal employees. Chapter 318, Acts of 1936. (Accepted by voters November 3, 1936.)

Cost of living adjustment for noncontributory retirees and their beneficiaries. Chapter 456, Section 3, Acts of 1998, which adds MGL c. 32, § 103, paragraph (h). (Accepted by Aldermen June 7, 1999, Order No. 99-283.)

Cost of living increase. Chapter 17, Acts of 1997. (Accepted by Aldermen June 15, 1998, Order No. 98-358.)

Firemen, providing for. Chapter 32, Sections 81 and 82, Revised Laws. (Accepted by voters December 12, 1911.)

Firemen killed in action, dependent fathers and mothers of, compensation for. MGL c. 32, § 89. (Accepted by Aldermen March 17, 1930.)

Firemen, noncontributory, increasing amounts of and lowering retirement age of those subject to. MGL c. 32, §§ 81A and 81B, inserted by Chapter 576, Section 2, Acts of 1946. (Accepted by Aldermen May 5, 1947.)

Foremen, mechanics, inspectors, etc. MGL c. 32, § 77, Subsection (c), inserted by Chapter 290, Section 2, Acts of 1936. (Accepted by Aldermen December 17, 1945.)

Increases in amounts of pensions and retirement allowances payable to certain former public employees who have been retired. Chapter 559, Acts of 1946. (Accepted by Aldermen November 4, 1946.)

Increases in amounts of, further, payable to certain former city employees who have been retired, and to beneficiaries of such employees. Chapter 615, Acts of 1947. (Accepted by Aldermen October 20, 1947.)

Increases in amounts of, further, payable to certain former public employees who have been retired and to beneficiaries of certain retired public employees. Chapter 588, Acts of 1948. (Accepted by Aldermen November 1, 1948.)

Increases in amounts of, further, payable to certain former city employees who have been retired and to beneficiaries of certain retired city employees. Chapter 820, Acts of 1950. (Accepted by Aldermen January 2, 1951.)

Increases in amounts of pensions and retirement allowances payable to certain former city employees who have been retired. Chapter 781, Acts of 1951. (Accepted by Aldermen February 18, 1952.)

Pensions

Increases in amounts of pensions and retirement allowances payable to certain former city employees who have been retired. Chapter 624, Acts of 1952. (Accepted by Aldermen October 20, 1952, effective November 1, 1952.)

Increases in amounts of pensions, and retirement allowances and annuities payable to certain former employees. Chapter 670, Acts of 1955. (Accepted by Aldermen March 19, 1956.)

Increases in amounts of pensions and retirement allowances payable to certain former city employees who have been retired. Chapter 647, Acts of 1960. (Accepted by Aldermen March 20, 1961, Order No. 13639.)

Increases in amounts of pensions and retirement allowances payable to certain former city employees who have been retired. Chapter 478, Acts of 1963. (Accepted by Aldermen November 18, 1963, Order No. 14547.)

Increases in amounts of pensions and retirement allowances payable to certain former public employees. Chapter 486, Acts of 1964. (Accepted by Aldermen May 17, 1965, Order No. 15114.)

Individual:

Dragan, John, authorizing payment to. Chapter 3, Acts of 1921. (Accepted by Aldermen April 4, 1921.)

Edwards, Joseph, authorizing payment to. Chapter 415, Acts of 1922. (Accepted by Aldermen June 29, 1922.)

Hawkes, Thomas J., widow of, authorizing payment of annuity to. Chapter 273, Acts of 1914.

Lavender, William R., authorizing payment to. Chapter 4, Acts of 1925. (Accepted by Aldermen March 21, 1925.)

McCullough, John J., authorizing payment to. Chapter 205, Acts of 1925. (Accepted by Aldermen.)

Merrill, Charles E., authorizing payment to. Chapter 36, Acts of 1919. (Accepted by Aldermen March 3, 1919.)

Murray, James W., authorizing payment to. Chapter 284, Acts of 1922. (Accepted by Aldermen May 15, 1922.)

Wing, Charles J., authorizing payment to. Chapter 270, Acts of 1924. (Accepted by Aldermen May 19, 1924.)

Worthen, Carrie M., authorizing payment to. Chapter 2, Acts of 1921. (Accepted by Aldermen April 4, 1921.)

Young, Fred A., Plumbing Inspector, authorizing City of Melrose to retire and pension. Chapter 754, Acts of 1951. (Accepted by Aldermen November 19, 1951.)

Janitors, school. MGL c. 32, §§ 44 and 45. (Accepted by Aldermen April 12, 1923.)

Pensions

Janitors, school, increased retirement allowances for certain. MGL c. 32, § 45A, inserted by Chapter 708, Section 1, Acts of 1945. (Accepted by Aldermen December 3, 1945, and approved by Mayor December 5, 1945, Order No. 6641.)

Laborers, providing for. Chapter 503, Acts of 1912. (Accepted by voters November 5, 1912.)

Laborers, increasing noncontributory pensions of certain. MGL c. 32, § 77B, inserted by Chapter 239, Section 2, Acts of 1960. (Accepted by Aldermen April 3, 1961, Order No. 13379.)

Police, providing for. Chapter 188, Acts of 1909. (Accepted by Aldermen April 20, 1909.)

Police killed in action, dependent fathers and mothers of, compensation for. MGL c. 32, § 89. (Accepted by Aldermen March 17, 1930.)

Police, noncontributory, increasing amount of and lowering retirement age of those subject to. MGL c. 32, § 83A, as appearing in Chapter 576, Section 3, Acts of 1946. (Accepted by Aldermen May 5, 1947, and approved by Mayor May 10, 1947, Order No. 7438.)

Policemen and fire fighters, noncontributory, widows of, providing pensions for. MGL c. 32, § 85J, inserted by Chapter 374, Acts of 1956. (Accepted by Aldermen May 18, 1959, Order No. 12852.)

School janitors, noncontributory, granting pension equal to 72% of annual rate of compensation, etc. MGL c. 32, § 44A, inserted by Chapter 330, Section 1, Acts of 1967. (Accepted by Aldermen February 18, 1969, Order No. 16225.)

School janitors, granting payment options on pensions for certain widows, etc. MGL c. 32, § 44B, inserted by Chapter 227, Acts of 1967. (Accepted by Aldermen November 10, 1969, Order No. 16225-A.)

School janitors, increasing noncontributory pensions of certain. MGL c. 32, § 45C, inserted by Chapter 239, Section 1, Acts of 1960. (Accepted by Aldermen January 16, 1961, and approved by Mayor January 8, 1961, Order No. 13380.)

Veterans of Spanish War and World War I, retirement of certain city employees who are. MGL c. 32.

Sections 56 to 59, General Laws. (Accepted by Mayor March 19, 1945.)

Widows of deceased members of retirement systems and of certain employees killed in performance of duties, establishing minimum benefits for. Chapter 552, Acts of 1961. (Accepted by Aldermen March 19, 1962. Order No. 13950.)

Widows or children of employees retired under any noncontributory retirement laws, annuities for. MGL c. 32, § 95A. (Accepted by Aldermen February 4, 1963; reconsidered and accepted notwithstanding objections of Mayor, November 4, 1963, Order No. 14227.)

Planning Board

Establishment of. Chapter 494, Acts of 1913. (Accepted by Aldermen January 19, 1914.)

Police Department

Captain, instead of Chief, to be under. Amendment to City Charter. Chapter 78, Acts of 1926. (Accepted by Aldermen April 5, 1926.)

Career incentive pay program, MGL c. 41, § 1081., (Accepted by Aldermen June 26, 1972, Order No. 17714.)

Chief of. Superintendent and City Marshal, placing under civil service. Chapter 468, Acts of 1911. (Accepted by voters November 7, 1911.)

Chief, instead of Captain, to be under. Amendment to City Charter. Chapter 39, Acts of 1962. (Accepted by Aldermen February 19, 1962, Order No. 13957.)

Days off, one in 15. Chapter 210, Acts of 1911. (Accepted by Aldermen July 1, 1912.)

Days off, one in eight. Chapter 166, Acts of 1920. (Accepted by voters November 2, 1920.)

Days off, one in seven. Chapter 85, Acts of 1937. (Accepted by Aldermen December 20, 1937.)

Days off, one in six. MGL c. 147, § 16B, inserted by Chapter 426, Acts of 1938. (Accepted by Aldermen May 19, 1941.)

Fund, revolving, for payment of police officers for off-duty work details. MGL c. 44, § 53C, as inserted by Chapter 344, Section 1, Acts of 1970. (Accepted by Aldermen November 13, 1972, Order No. 17790.)

Funeral and burial expenses, providing for payment of, to police officers under certain additional conditions. MGL c. 41, § 100G. (Accepted by Aldermen April 16, 1974. Order No. 18360.)

Funeral and burial expenses, providing for payment of an amount not exceeding \$5,000, to police officers killed in performance of duties and under certain additional conditions. MGL c. 41, § 100G1/4. (Accepted by Aldermen November 8, 2007, Order No. 08-068)

Mutual police aid programs. MGL c. 40. § 8G. (Accepted by Aldermen April 22, 2003, Order No. 03-159.)

Overtime pay for police officers. MGL c. 41, § 111H. (Accepted by Aldermen October 19, 1970. Order No. 17069.)

Pay raises, retroactive, to Chief of Police, authorizing City of Melrose to grant. Chapter 198, Acts of 1971.

Pay raises, retroactive, to certain members, authorizing City of Melrose to grant. Chapter 7, Acts of 1971.

Police Department

Reserve police forces in cities, authorizing by acceptance of Chapter 233, Acts of 1973. City of Melrose to revoke its acceptance of provisions of Chapter 108. Sections 26 to 28, inclusive, Revised Laws of 1902. (Accepted by Aldermen December 3, 1973, Order No. 17901-A.)

Retired Melrose police officers, appointment as special police officers. Chapter 459, Acts of 2004. (Accepted by Aldermen May 17, 2004. Order No. 04-234.)

Special police officers, additional administrative fee. MGL c. 44, § 53C. (Accepted by Aldermen 1981, Order No. 21020.)

Vacations, making law providing for vacations for members of police and fire forces in towns applicable to cities. MGL c. 41, § 111A, as amended by Chapter 107, Acts of 1934. (Accepted by Aldermen October 4, 1937.)

Private Ways

Repairs, temporary, on certain, authorizing City of Melrose to make without obtaining indemnification agreements. Chapter 104, Acts of 1959.

Resurfacing, temporary, on certain ways open to public use, authorizing cities and towns to provide upon payment of 1/2 the cost by certain abutting owners. MGL c. 40. § 6G. inserted by Chapter 195. Acts of 1958. (Accepted by Aldermen April 21, 1959, Order No. 12703.)

Public Welfare, Board of

Change to, from Board of Overseers of Poor. MGL c. 41. § 34A. (Accepted by Aldermen July 21, 1924.)

Rent Control

Federal, extension of, from December 31, 1950, to June 30. 1951. Chapter 752, Acts of 1950. (Approved by voters November 7, 1950.)

Federal, extension of, from September 30, 1952, to April 30, 1953. Chapter 620. Acts of 1952. (Approved by voters September 16, 1952.)

Retirement

MGL c. 32. § 90G 3/4, Employees age 70 or over; continuation of retirement benefits; retirement system board and local legislative body approval. (Accepted by Aldermen July 20, 1992, Order No. 92 349A.)

MGL c. 32, § 90J, Employees age 70 or over; payment of annual physical and mental examination costs; retirement system board and local legislative body approval. (Accepted by Aldermen July 20, 1992, Order No. 92-349B.)

Retirement Board members, compensation of. MGL c. 32. § 20(6). (Accepted by Aldermen December 21, 1998, Order No. 99-080.)

Retirement

MGL c. 32, § 90C, for the sole purpose of allowing the Board of Aldermen to review and accept an annual increase in the retirement allowance, under the provisions of said law, for former city employee the Honorable James E. Milano. (Accepted by Aldermen April 3, 2000, Order No. 00-131.)

An act providing for local government workforce reduction through an early retirement incentive program for certain employees. Chapter 116, Acts of 2002. Parameters: The number of employees allowed to avail themselves of the early retirement package will be limited to 40; notice of the intent to retire under this program must be received by the city no later than June 17, 2002; the actual retirement must occur on or before September 15, 2002. (Accepted by Aldermen June 17, 2002, Order No. 02-338; parameters established by Order No. 02-338A, adopted June 17, 2002.)

Early retirement incentive for City of Melrose (Chapter 46 of the Acts of 2003, § 116), with the following amendments: limit the total number of employees eligible for retirement to 12; delete acceptance of "Chapter 116 of the Acts of 2003," and insert in place thereof "Section 116 of Chapter 46 of the Acts of 2003"; delete the date "September 15, 2003" to submit his/her application for retirement benefits to the Melrose Contributory Retirement System, and insert in place thereof "September 30, 2003." (Accepted by Aldermen September 15, 2003, Order No. 04-022)

Disability retirement benefits for veterans. Chapter 157, §§ 1 and 2, Acts of 2005. (Accepted by Aldermen August 21, 2006, Order No. 07-009.)

Increasing accidental death benefit payable to surviving children. Chapter 55, § 3, Acts of 2006; Chapter 64, Acts of 2006. (Accepted by Aldermen October 16, 2006, Order No. 07-025.)

Rubbish

Disposal of. MGL c. 270, § 16. (Accepted by Aldermen 1984, Order No. 785.)

Schools

Agriculture and horticulture, schools of, authorizing cities to maintain. Chapter 185, Acts of 1916. (Accepted by voters November 7, 1916.)

Buildings, loan \$200,000, authorizing. Chapter 362, Acts of 1921.

Buildings, loan \$200,000, authorizing. Chapter 157, Acts of 1925.

Buildings, loan \$600,000, authorizing. Chapter 202, Acts of 1926. (Defeated by voters May 10, 1927.)

Buildings, loan \$200,000, authorizing. Chapter 270, Acts of 1928. (Accepted by Aldermen May 21, 1928.)

Buildings, loan \$650,000, authorizing. Chapter 282, Acts of 1929. (Accepted by voters September 28, 1931.)

Buildings, bonds or notes for school construction purposes, act relative to issuance of by City of Melrose. Chapter 85, Acts of 1964.

Schools

Buildings, reports of sanitary conditions and safety. Amendment to Charter. Chapter 142, Acts of 1954. (Accepted by Aldermen March 15, 1954.)

Continuation, and courses of instruction for employed minors, authorizing establishment and maintenance of. Chapter 311, Acts of 1919. (Accepted by voters November 4, 1919.)

Funds expended for the upkeep and maintenance of any facility under the control of the School Department. Chapter 151, Section 28, Acts of 1993, which amends MGL c. 40, § 3. (Accepted by Aldermen June 6, 1994, Order No. 94-282.)

Northeast Metropolitan Regional Vocational School District, establishing. Chapter 703, Acts of 1962, as amended by Chapter 682, Acts of 1963, and as affected by Chapter 605, Acts of 1964. (Accepted by voters November 3, 1964.)

Park land, authorizing use of certain, for school purposes. Chapter 334, Acts of 1931.

Professional development grant program. Chapter 188, Sections 13 and 17. (Accepted by Aldermen 1986, Order Nos. 1259 and 1259-A.)

School Committee:

Term of, decreased to two years. Chapter 363, Acts of 1977. (Accepted by voters November 8, 1977.)

Term of, increased to four years. Amendment to City Charter. Chapter 431, Section 3, Acts of 1922. (Accepted by voters November 7, 1922.)

Vacancies in, election to fill unexpired term when. Amendment to City Charter. Chapter 294, Section 1, Acts of 1929. (Accepted by Aldermen June 18, 1929.)

Expenditures for adult education. MGL c. 71, § 71E. (Accepted by Aldermen 1985, Order No. 951.)

School halls, use of for other than school purposes. Chapter 320, Acts of 1912. (Accepted by Aldermen December 2, 1912.)

Teachers, men and women, equal pay for, MGL c. 71, § 40, as amended by Chapter 727, Acts of 1945. (Accepted by voters November 4, 1947.)

Teachers' pay in accordance with Section 228-231 of the State Budget Act, amending MGL c. 71, § 40. (Accepted by Aldermen August 21, 1991, Order No. 92-19.)

Sewers

Assessments. Chapter 445, Acts of 1898.

Assessments, apportionment of. Chapter 49, Section 15, Revised Laws. (Accepted by Aldermen July 6, 1915.)

Easterly section of Melrose, construction of certain main and particular sewers in. Chapter 226, Acts of 1939. (Accepted by Aldermen July 10, 1939.)

Sewers

Easterly section of Melrose, construction of certain main and particular sewers in. Chapter 471, Acts of 1945. (Accepted by Aldermen November 5, 1945.)

Easterly section of Melrose, construction of certain main and particular sewers in. Chapter 535, Acts of 1947. (Accepted by Aldermen June 17, 1947.)

Loan, authorizing. Chapter 323, Acts of 1894.

Loan, authorizing. Chapter 274, Acts of 1895.

Loan, authorizing, additional. Chapter 103, Acts of 1896.

Loan, authorizing. Chapter 127, Acts of 1897.

Loan, authorizing, to construct system of sewerage. Chapter 174, Acts of 1905.

Loan \$100,000, authorizing. Chapter 84, Acts of 1924. (Accepted by Aldermen.)

Liens for nonpayment of sewer bills. MGL c. 83, §§ 16A to 16F. (Accepted by Aldermen September 26, 1994, Order No. 95-22.)

Northeast section of Melrose, construction of certain main and particular sewers in. Chapter 522, Acts of 1950. (Accepted by Aldermen June 12, 1950.)

Sewer enterprise fund. MGL c. 44, § 53F 1/2. (Accepted by Aldermen February 22, 1994, Order No. 94-125, effective fiscal year 1995.)

Southeasterly section of Melrose, construction of certain main and particular sewers in. Chapter 58, Acts of 1937. (Accepted by Aldermen April 5, 1937.)

Southeast section of Melrose, construction of certain main and particular sewers in. Chapter 522, Acts of 1968.

Smoke

Chapter 710, Acts of 1975.

Smoke Detectors

Required in residential buildings. MGL c. 148, § 20A 1/2. (Accepted by Aldermen 1980, Order No. 20576.)

Smoke Emission

Enlarging district to which certain laws relative to emission of smoke shall apply. Chapter 301, Acts of 1928.

Smoke or Heat Detectors, Automatic

Requiring installation in hotels, boardinghouses or lodging houses or family hotels. MGL c. 148, § 26C. (Accepted by Aldermen February 2, 1976, Order No. 19063; Chapter 710, Acts of 1975.)

Snow and Ice

Removal of, from certain private ways open to public use, an act providing that cities and towns may appropriate money for. MGL c. 40, § 6C, inserted by Chapter 225, Acts of 1943. (Accepted by voters November 9, 1943.)

Soldiers and Sailors

Public employees serving in the Armed Forces of the United States. Chapter 137 of the Acts of 2003, amended by Section 131 of Chapter 68 of the Acts of 2011. (Accepted by Aldermen December 5, 2011, Order No. 12-48.)

Creditable retirement service time for certain public employees for active service in the armed forces. Chapter 71 of the Acts of 1996. (Accepted by Aldermen October 21, 1996, Order No. 96-367.)

Military and municipal compensation, authorizing payment to city employees of difference between. Chapter 254, Acts of 1917. (Accepted by Aldermen September 24, 1921.)

Military and municipal compensation, authorizing payment to World War veterans of difference between. Chapter 235, Acts of 1920. (Accepted by Aldermen October 18, 1920.)

Veterans of Civil War, authorizing payments to certain, in town. Chapter 117, Acts of 1896.

Spot Pond Brook (see Surface Drainage)**Stoneham**

Part of annexed to Melrose. Chapter 45, Acts of 1853.

Surface Drainage

Cranberry Brook, in Town of Saugus and City of Melrose, resolve providing for investigation and study of cause of flooding. Chapter 75, Resolves of 1955.

Chapter 618, Acts of 1974.

Chapter 293, Acts of 1975.

Drainage and flood-control facilities in Stoneham, Wakefield, Melrose, Malden, Everett, Revere and Saugus, providing for construction of Chapter 595, Acts of 1963.

Drainage and flood-control facilities in Melrose, Malden, Everett, Revere, Saugus, Stoneham and Wakefield, providing for construction of Chapter 293, Acts of 1975.

Ell Pond Brook. An act relative to drainage in Towns of Malden and Melrose. Chapter 378, Acts of 1869.

Ell Pond Brook. An act in addition to an act relative to drainage in Towns of Malden and Melrose. Chapter 228, Acts of 1870.

Surface Drainage

Flood-control facilities in Melrose, Malden, Everett, Revere, Saugus, Stoneham and Wakefield, providing for construction of. Chapter 671, Acts of 1970.

Flood-control facilities in Melrose, Malden, Everett, Revere, Saugus, Stoneham and Wakefield, providing for construction of and increasing amount to be expended. Chapter 648, Acts of 1972.

Loan, authorizing. Chapter 445, Acts of 1902.

Loan, authorizing additional. Chapter 338, Acts of 1909. (Accepted by Aldermen November 29, 1909.)

Spot Pond Brook. An act relative to drainage in Towns of Malden and Melrose. Chapter 378, Acts of 1869.

Spot Pond Brook. An act in addition to an act relative to drainage in Towns of Malden and Melrose. Chapter 228, Acts of 1870.

Spot Pond Brook, providing for improvement of, and apportioning expense thereof. Chapter 406, Acts of 1904.

Spot Pond Brook, creating commission for investigation of. Chapter 10, Resolves of 1912.

Spot Pond Brook, creating commission for investigation of condition of. Chapter 100, Resolves of 1913.

Spot Pond Brook, in Town of Stoneham and Cities of Malden and Melrose, providing for investigation relative to. Chapter 15, Resolves of 1933.

Spot Pond Brook. An act authorizing the construction of certain drainage and flood-control facilities in Stoneham, Wakefield, Melrose, Malden, Everett and Revere. Chapter 574, Acts of 1955.

Spot Pond Brook. An act further providing for the construction of certain drainage and flood-control facilities in Stoneham, Wakefield, Melrose, Malden, Everett, Revere and Saugus. Chapter 519, Acts of 1961.

Spot Pond Brook. An act directing the Metropolitan District Commission to convey certain parcels of land in the Cities of Malden and Melrose to the Massachusetts Bay Transportation Authority and to grant permanent easements for drainage purposes and a temporary easement for construction purposes in said cities. Chapter 618, Acts of 1974.

Survey, Board of

Authorizing cities to establish. Chapter 190, Acts of 1916. (Accepted by Aldermen November 5, 1917.)

Swimming Pool

Swimming pool, construction of, by Metropolitan District Commission, authorizing transfer of certain park land for. Chapter 1016, Acts of 1971.

Swimming pool, named for former Mayor Lawrence W. Lloyd, on Tremont Street operated by Metropolitan District Commission. Chapter 902, Acts of 1973.

Taxation

Allocation of tax levy among the different property class. Chapter 797. (Accepted by Aldermen 1982, Order No. 225-A.)

Buildings and other things erected on or affixed to land during the period beginning on January 2 and ending on June 30 of the fiscal year preceding that to which the tax relates to be deemed part of such real property as of January 1. MGL c. 59, § 2A, third sentence. (Accepted by Aldermen May 15, 2006, Order No. 06-210)

Certificate of liens; fee schedule. MGL c. 60, § 23B. (Accepted by Aldermen June 20, 1994, Order No. 94-312.)

Compliance of property tax classification. Chapter 369, Acts of 1982. (Accepted by Aldermen in 1984, 1985 and 1986, Order Nos. 838, 1110 and 1461.)

Local room occupancy excise tax from hotels, motels or lodging houses within the city. MGL c. 64G, § 3A, at the rate of 6%. (Accepted by Aldermen March 17, 1997, Order No. 97-217; August 17, 2009, Order No. 10-002.)

Local meals excise. MGL c. 64L, § 2(a) (Accepted by Alderman August 17, 2009, Order No. 10-003.)

Property tax exemption for older citizens. MGL c. 59, § 5, cl. 41C. (Accepted by Aldermen March 15, 1993, Order No. 93-269; accepted with adjusted eligibility factors December 1, 2003, Order No. 04-050.)

Real estate exemptions, general qualifications for. MGL c. 59, § 5, cl. 17D. (Accepted by Aldermen January 17, 1995, Order No. 93-344.)

Quarterly real estate property tax bills. MGL c. 59, § 57C. (Accepted by Aldermen December 3, 1990, Order No. 90-241.)

Quarterly taxes. An act of the Legislature relative to MGL c. 59, § 57C, Preliminary tax for real estate and personal property; notice; installment payments. (Accepted by Aldermen November 18, 1991, Order No. 92-93.)

Property tax liability reduced in exchange for volunteer services; persons over age 60. MGL c. 59, § 5K. (Accepted by Aldermen September 25, 2000, Order No. 01-029.)

Senior citizen tax deferral. MGL c. 59, § 5, cl. 41A, with maximum income limit of up to \$40,000; interest on deferral reduced from 8% to 4.5% (simple interest). (Accepted by Aldermen December 1, 2003, Order No. 04-051; February 2, 2009, Order No. 09-110.)

Military enhanced relief individual tax (merit) plan —

Deferral of taxes while on active duty outside commonwealth. MGL c. 59, § 5L. (Accepted by Aldermen November 13, 2006, Order No. 07-062.)

Deferral of excise tax on registered motor vehicles for Massachusetts National Guard members or reservists while on active duty outside commonwealth. MGL c. 60A, as amended by § 17 of Chapter 182, Acts of 2008. (Accepted by Aldermen October 20, 2008, Order No. 09-042.)

Taxation

Excise tax on registered motor vehicles. MGL c. 60A, § 1, as amended by §§ 16 and 117 of Chapter 182, Acts of 2008, as amended by § 17 of Chapter 182, Acts of 2008. (Accepted by Aldermen October 20, 2008, Order No. 09-043.)

Grant of real and personal property tax abatement by Board of Assessors to Massachusetts National Guard members and reservists on active duty in foreign countries. MGL c. 59, § 5, cl. 56 and cl. 57, as amended by Chapter 188, Section 42, of the Acts of 2010. (Accepted by Aldermen December 6, 2010, Order No. 11-065.)

Veterans volunteer work tax abatement program. MGL c. 59, § 5N, as amended by § 8A of Chapter 108 of the Acts of 2012. (Accepted by Aldermen November 1, 2012, Order No. 2013-54.)

Tax title collection revolving fund. MGL c. 60, § 15B, as amended by Chapter 390 of the Acts of 2014. (Accepted by Aldermen June 20, 2016, Order No. 2016-176.)

To place on the property tax bills or motor vehicle excise tax bills a checkoff for taxpayers to donate to a veterans assistance fund. MGL c. 60, § 3F. (Accepted by Aldermen November 14, 2016, Order No. 2017-32.)

Teachers

Men and women, equal pay for. MGL c. 71, § 40, as amended by Chapter 727, Acts of 1945. (Accepted by voters November 4, 1947.)

Teachers' pay in accordance with Section 228-231 of the State Budget Act, amending MGL c. 71, § 40. (Accepted by Aldermen August 21, 1991, Order No. 92-19.)

Town Hall

Bonds, authorizing refund of portion of. Chapter 219, Acts of 1892.

Town Meetings

Records of meeting held March 27, 1865, authority to make. Chapter 260, Acts of 1865.

Proceedings of annual legalizing. Chapter 295, Acts of 1897.

Traffic Commission

Act establishing. Chapter 76, Acts of 1998. (Accepted by Aldermen June 15, 1998, Order No. 97-30A.)

Establish traffic safety zones. MGL c. 85, § 2. (Accepted by Traffic Commission January 20, 2010, Order No. TC 10-004.)

To reduce prima facie speed limit in Melrose to 25 miles per hour. MGL c. 90, § 17C, as amended by Chapter 218 of the Acts of 2016. (Accepted by Aldermen November 14, 2016, Order No. 2017-31)

Trust Funds

Refunding. Chapter 634, Acts of 1913.

MGL c. 32B, § 20, to establish Other Post Employment Benefits (OPEB) Liability Trust Fund. (Accepted by Aldermen December 2, 2013, Order No. 2014-46)

Vacations

City laborers. Chapter 217, Acts of 1914, as affected by Chapter 60, Acts of 1915, and Chapter 16, Acts of 1917. (Accepted by voters November 6, 1917.)

Employees returning to service of certain counties, cities and towns after serving in the Armed Forces of the United States during World War II. Chapter 447, Acts of 1945. (Accepted by Aldermen August 20, 1945.)

Vacation pay, advances of, to officers and employees of certain cities and towns. MGL c. 44, § 65, as amended by Chapter 635, Section 3, Acts of 1945. (Accepted by Aldermen November 19, 1945.)

MGL c. 33, § 59, Effect of military service on salary or vacation allowance of public employees. (Accepted by Aldermen April 18, 2000, Order No. 00-309.)

Visible Tag System.

So-called visible tag system. MGL c. 90, § 20C. (Accepted by Aldermen May 4, 1970, Order No. 16806-A.)

Wards

New division of city into. An act relative to use of certain election districts in City of Melrose. Chapter 87, Acts of 1938.

Redivision of wards and precincts. Chapter 10, Acts of 1975. (Accepted by Aldermen 1985, Order Nos. 948-A and 948-B)

Water and Water Supply

Assessments, special, authorizing levy of, to meet cost of laying water pipes in public and private ways. MGL c. 40, §§ 42G, 42H and 42I, inserted by Chapter 332, Acts of 1955. (Accepted by Aldermen December 15, 1958, Order No. 12677.)

Loan, authority to issue additional water bonds. Chapter 238, Acts of 1872.

Loan, sinking fund. Chapter 57, Acts of 1878.

Loan, authorizing additional. Chapter 336, Acts of 1885.

Loan, authorizing additional. Chapter 126, Acts of 1887.

Loan, authorizing additional. Chapter 417, Acts of 1891.

Loan, authorizing refund of portion of water bonds. Chapter 225, Acts of 1892.

Loan, authorizing additional. Chapter 433, Acts of 1893.

Loan, authorizing additional. Chapter 331, Acts of 1895.

Water and Water Supply

Loan, authorizing additional. Chapter 415, Acts of 1902.

Loan, amending Act of 1902. Chapter 171, Acts of 1907.

Loan, authorizing additional. Chapter 150, Acts of 1909. (Accepted by Aldermen March 15, 1909.)

Loan, \$100,000. Chapter 102, Acts of 1915.

Metropolitan Water Board (including authority to take lands and property belonging to Town of Melrose and used for water supply.) Chapter 488, Acts of 1895.

Rates to be lien on real estate. MGL c. 40, §§ 42A to 42F, inclusive. (Accepted by Aldermen December 21, 1931.)

Saugus, authorizing City of Melrose to supply water to. Chapter 304, Acts of 1926. (Accepted by Aldermen May 4, 1926.)

Spot Pond Water Company, Incorporated. Chapter 208, Acts of 1867.

Supply of, acts legalized. Chapter 160, Acts of 1870.

Supply, purity of, act to preserve. Chapter 278, Acts of 1892.

Supply, additional, authorizing. Chapter 309, Acts of 1893.

Water enterprise fund. MGL c. 44, § 53F 1/2. (Accepted by Aldermen February 22, 1994, Order No. 94-124, effective fiscal year 1995.)

Workers' Compensation

Providing for compensation to laborers, workmen and mechanics injured in course of city employment. Chapter 807, Acts of 1913. (Accepted by voters December 9, 1913.)

Insurance funds, to pay, authorizing cities and towns to establish. MGL c. 40, § 13A. (Accepted by Aldermen April 3, 1961, Order No. 13649.)

Workers' Compensation Claims Reserve Fund. MGL c. 40, § 13C. (Accepted by Aldermen June 6, 1994, Order No. 94-291.)

Youth Commission

Youth Commission, establishing, etc. MGL c. 40, § 8E, inserted by Chapter 391, Acts of 1969. (Accepted by Aldermen February 2, 1970, Order No. 16801.)

Zoning Ordinance

Authorizing enactment of. MGL c. 40, § 25. (Accepted by Aldermen March 10, 1924.)

§ A250-2. Code of Massachusetts Regulations.

The following is a list of portions of the Code of Massachusetts Regulations (CMR) specifically adopted or accepted by the City of Melrose:

Energy Efficiency

Massachusetts Stretch Energy Code, 780 CMR Appendix 120AA (effective July 1, 2010). (Accepted by Aldermen May 3, 2010, Order No. 10-122.)

Chapter DT**DERIVATION TABLE****§ DT-1. Derivation Table of 1990 Code to 2003/2017 Code**

Chapter/Article From 1990 Code	Location in 2003/2017 Code
Ch. 1, General Provisions	
Secs. 1-1, 1-4 and 1-5	Superseded by Ord. No. 02-060A; see Ch. 1, Art. I
Secs. 1-2, 1-3, 1-6, 1-11 and 1-12	Ch. 1, Art. II
Secs. 1-7, 1-8, 1-9 and 1-10	Ch. 67
Ch. 2, Administration	
Art. I, In General	Ch. 4
Art. II, Officers and Employees	
Div. 1, Generally	Repealed by Ord. No. 2018-4
Div. 2, Mayor	Ch. 48
Div. 3, Board of Aldermen	Ch. 48
Div. 4, City Clerk	Ch. 56, Art. I
Div. 5, City Solicitor	Repealed by Ord. No. 2018-4
Div. 6, City Treasurer and Collector	Ch. 56, Art. II
Div. 7, City Auditor	Ch. 56, Art. III
Div. 8, City Physician	Repealed by Ord. No. 2018-4
Div. 9, Fence Viewers	Ch. 56, Art. IV
Art. III, Public Library Department	Ch. 24, Art. IV
Art. IV, Board of Appeals	Ch. 15, Art. I
Art. V, Conservation Commission	Repealed by Ord. No. 2018-4
Art. VI, Council on Aging	Ch. 6
Art. VII, Liquor Licensing Board	Repealed by Ord. No. 2018-4
Art. VIII, Planning Board	Ch. 15, Art. II

Chapter/Article From 1990 Code	Location in 2003/2017 Code
Art. IX, Soldiers' and Sailors' Memorial Building	Repealed by Ord. No. 2018-4
Art. X, Assessors	Ch. 15, Art. III
Art. XI, Board of Annuities	Repealed by Ord. No. 2018-4
Art. XII, Historical Commission	Repealed by Ord. No. 2018-4
Art. XIII, Historic District	Ch. 131
Art. XIV, Industrial Development Financing Authority	Repealed by Ord. No. 2018-4
Ch. 3, Animals	Superseded by Ord. No. 98-090; see Ch. 93
Ch. 4, Buildings and Building Regulations	
Art. I, In General	
Sec. 4-1	Ch. 24, Art. III
Secs. 4-2 and 4-3	Ch. 119
Sec. 4-4	Ch. 205
Art. II, Poles and Wires	Ch. 182
Ch. 5, Cemetery	Ch. 102
Ch. 6, Civil Defense	Ch. 30
Ch. 7, Fire Prevention and Protection	
Art. I, In General	Ch. 119
Art. II, Fire Department	Ch. 24, Art. II
Art. III, Inflammables and Explosives	Ch. 137
Ch. 8, Health and Sanitation	
Art. I, In General	Ch. 198, Art. II
Art. II, Board of Health	Ch. 15, Art. IV
Art. III, Sewage	Ch. 194
Ch. 9, Licenses and Permits	
Art. I, In General	Ch. 152
Art. II, Specific Licenses	Ch. 152
Art. III, Hawkers, Peddlers and Transient Vendors	Ch. 127
Art. IV, Junk and Secondhand Dealers	Ch. 143, Art. I
Ch. 10, Motor Vehicles and Traffic	Ch. 220 (separate volume)
Ch. 11, Offenses and Miscellaneous Provisions	Ch. 177

Chapter/Article From 1990 Code	Location in 2003/2017 Code
Ch. 12, Parks and Playgrounds	Ch. 173
Ch. 13, Police Department	Ch. 24, Art. I
Ch. 14, Property	
Art. I, In General (Reserved)	-
Art. II, Valuation Board	Ch. 15, Art. V
Ch. 15, Public Works	
Art. I, In General (Reserved)	-
Art. II, Engineer and Superintendent of Public Works	
Secs. 15-21 to 15-25 and 15-28	Ch. 56, Art. V
Secs. 15-26 and 15-27	Ch. 198, Art. II
Art. III, Services to Property Owners	Ch. 202, Art. II
Art. IV, Assessment of Betterments	Ch. 9
Art. V, Streets and Sidewalks	
Div. 1, Generally	Ch. 202, Art. I
Div. 2, Streets	Ch. 202, Art. III
Div. 3, Sidewalks	Ch. 202, Art. IV
Div. 4, Names, Boundaries, Numbering	Ch. 202, Art. V
Ch. 16, Utilities	Ch. 228
Ch. 17, Vehicles for Hire	Ch. 222
Ch. 18, Veterans' Benefits and Services	Repealed by Ord. No. 2018-4
Ch. 19, Weights and Measures	
Art. I, In General	Ch. 106
Art. II, Sealer of Weights and Measures	Ch. 56, Art. VI
Appendix A, Zoning Ordinance	Ch. 235

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

Order No.	Adoption Date	Subject	Disposition
01-029A	8-19-2003	Council on Aging amendment	Ch. 6
03-159	4-22-2003	Accept MGL c. 40, § 8G	Ch. A250

Order No.	Adoption Date	Subject	Disposition
03-271	6-26-2003	Classification Schedule amendment	NCM
03-289	6-26-2003	Water and sewers amendment	See Ch. 228
03-290	6-26-2003	Water and sewers amendment	See Ch. 228
03-292	6-26-2003	Solid waste collection and disposal amendment	See Ch. 198, Art. II
03-298	1-20-2004	Administration of government amendment	Ch. 4
04-003	8-19-2003	Historical Commission amendment	Repealed by Ord. No. 2018-4
04-022	9-15-2003	Accept § 116 of Chapter 46, Acts of 2003	Ch. A250
04-023	8-19-2003	Classification Schedule amendment	NCM
04-050	12-1-2003	Accept MGL c. 59, § 5, cl. 41C	Ch. A250
04-051	12-1-2003	Accept MGL c. 59, § 5, cl. 41A	Ch. A250
04-061	1-20-2004	Tobacco sales amendment	Repealed by Ord. No. 2013-74
04-116	12-15-2003	Transfer station fees	Ch. 198, Art. IV
04-129	2-2-2004	Classification Schedule amendment	NCM
04-129A	2-2-2004	Classification and compensation amendment	Repealed by Ord. No. 2018-4
04-143	3-8-2004	Fire Department amendment	Ch. 24, Art. II
04-160	3-8-2004	Classification and compensation amendment	Repealed by Ord. No. 2018-4
04-161	3-8-2004	Nonunion Salary Schedule amendment	NCM
04-182	4-7-2004	Accept Chapter 409, Acts of 2004	Ch. A250
04-184A	8-9-2004	Zoning amendment	Ch. 235
04-234	5-17-2004	Accept Chapter 459, Acts of 2004	Ch. A250
04-239	6-21-2004	Inspectional Services Department amendment; zoning amendment	Ch. 24, Art. III; Ch. 235
04-264A	6-7-2004	Solid waste collection and disposal amendment	See Ch. 198, Art. II

Order No.	Adoption Date	Subject	Disposition
04-264B	6-7-2004	Solid waste collection and disposal amendment	See Ch. 198, Art. II
04-264C	6-7-2004	Solid waste collection and disposal amendment	See Ch. 198, Art. II
04-264D	6-21-2004	Solid waste collection and disposal amendment	See Ch. 198, Art. II
04-265A	6-21-2004	Classification Schedule amendment	NCM
04-266	6-21-2004	Administration of government amendment	Ch. 4
04-268	6-21-2004	Water and sewers amendment	See Ch. 228
04-269	6-21-2004	Water and sewers amendment	See Ch. 228
05-003	12-13-2004	Zoning amendment	Ch. 235
05-035	11-8-2004	Streets and sidewalks amendment	Ch. 202
05-083	11-15-2004	Fire prevention amendment	Ch. 119
05-084	11-15-2004	Inflammables and explosives amendment	Ch. 137
05-086	11-15-2004	Accept MGL c. 32B, § 19	Ch. A250
05-086A	3-7-2005	Accept MGL c. 32B, § 19	Ch. A250
05-103	1-18-2005	Classification Schedule amendment	NCM
05-114	1-18-2005	Inspectional Services Department amendment	Ch. 24, Art III
05-126	2-7-2005	Conservation Commission amendment	Repealed by Ord. No. 2018-4
05-171	3-21-2005	Zoning amendment	Ch. 235
05-171-A	5-19-2008	Zoning amendment	Ch. 235
05-194	5-16-2005	Classification Schedule amendment	NCM
05-213	5-16-2005	Inflammables and explosives amendment	Ch. 137
05-235	6-6-2005	Classification Schedule amendment	NCM
05-236	6-6-2005	Inspectional Services Department amendment	Ch. 24, Art. III
05-243	6-23-2005	Solid waste collection and disposal amendment	See Ch. 198, Art II

Order No.	Adoption Date	Subject	Disposition
05-246	6-20-2005	Classification Schedule amendment	NCM
05-247	6-30-2005	Water and sewers amendment	See Ch. 228
05-248	6-30-2005	Water and sewers amendment	See Ch. 228
05-257A	6-23-2005	Animals amendment	Ch. 93
05-300	9-19-2005	Human Rights Commission amendment	Repealed by Ord. No. 2018-4
06-017	12-19-2005	Zoning amendment	Ch. 235
06-050	12-5-2005	Zoning amendment	Ch. 235
06-051	10-17-2005	Vehicles for hire amendment	Ch. 222
06-053	11-14-2005	Treasurer and Collector amendment	Ch. 56, Art. II
06-071	12-5-2005	Classification Schedule amendment	NCM
06-082	12-5-2005	Classification Schedule amendment	NCM
06-083	12-5-2005	Classification Schedule amendment	NCM
06-172	6-5-2006	Solid waste collection and disposal amendment; dumpsters amendment	See Ch. 198, Art. II; Ch. 198, Art. III
06-210	5-15-2006	Accept MGL c. 59, § 2A, third sentence	Ch. A250
06-218A	7-17-2006	Water Enterprise Operating Budget amendment	NCM
06-219A	7-17-2006	Sewer Enterprise Operating Budget amendment	NCM
06-222	6-19-2006	Classification Schedule amendment	NCM
06-223	7-17-2006	Classification Schedule amendment	NCM
06-224	6-5-2006	Zoning amendment	Ch. 235
06-224-A	5-19-2008	Zoning amendment	Ch. 235
06-225A	6-19-2006	Board of Appeals amendment	Ch. 15, Art. I
06-231	6-5-2006	Tobacco products amendment	Repealed by Ord. No. 2013-74
06-248	6-26-2006	Water and sewers amendment	See Ch. 228
06-248A	7-17-2006	Water and sewers amendment	See Ch. 228

Order No.	Adoption Date	Subject	Disposition
06-249	6-26-2006	Water and sewers amendment	See Ch. 228
06-249A	7-17-2006	Water and sewers amendment	See Ch. 228
06-251	8-21-2006	Accept Chapter 79, Acts of 2006	Ch. A250
07-008	5-7-2007	Wetlands protection	Ch. 231
07-009	8-21-2006	Accept Chapter 157, §§ 1 and 2, Acts of 2005	Ch. A250
07-011	7-17-2006	Classification Schedule amendment	NCM
07-025	10-16-2006	Accept Chapter 55, § 3, Acts of 2006; Chapter 64, Acts of 2006	Ch. A250
07-027	2-20-2007	Zoning Map amendment	NCM
07-027A	3-19-2007	Zoning amendment	See Ch. 235, Table of Dimensional and Density Regulations
07-027B	3-19-2007	Zoning Map amendment	NCM
07-044A	8-23-2007	Zoning amendment	Ch. 235
07-062	11-13-2006	Accept MGL c. 59, § 5L	Ch. A250
07-068	11-20-2006	Mayor and Aldermen amendment	Ch. 48
07-102	1-16-2007	Nonunion Salary Schedule amendment	NCM
07-107A	2-20-2007	Compost areas amendment; solid waste collection and disposal amendment	Ch. 198, Art. I; Ch. 198, Art. II
07-107B	2-20-2007	Solid waste collection and disposal amendment	Ch. 198, Art. II
07-107C	9-17-2007	Solid waste collection and disposal amendment; dumpsters amendment; transfer stations amendment	Ch. 198, Art. II; Ch. 198, Art. III; Ch. 198, Art. IV
07-132	5-7-2007	Zoning amendment	Ch. 235
07-134	3-5-2007	Accept MGL c. 41, § 91	Ch. A250
07-145	3-19-2007	Constables	Ch. 56, Art. VIII
07-156	4-17-2007	Police Department amendment	Ch. 24, Art. I

Order No.	Adoption Date	Subject	Disposition
07-160	9-17-2007	Alarm devices amendment	Ch. 89
07-179	7-16-2007	Water and sewers amendment	See Ch. 228
07-180	7-16-2007	Water and sewers amendment	See Ch. 228
07-188A	5-7-2007	Classification Schedule amendment	NCM
07-188B	5-7-2007	Classification Schedule amendment	NCM
07-205	6-18-2007	Classification Schedule amendment	NCM
07-206	6-18-2007	Classification Schedule amendment	NCM
07-207	6-18-2007	Classification Schedule amendment	NCM
07-208	6-18-2007	Classification Schedule amendment	NCM
08-028	10-1-2007	Administration of government amendment	Ch. 4
08-35A	6-26-2008	Peace and good order amendment	Ch. 177
08-068	11-8-2007	Accept MGL c. 41, § 100G1/4	Ch. A250
08-103	1-22-2008	Peace and good order amendment	Ch. 177
08-127	2-25-2008	Constables amendment	Ch. 56, Art. VIII
08-128	4-7-2008	Zoning amendment	Ch. 235
08-128A	4-7-2008	Zoning amendment	Ch. 235
08-129	4-7-2008	Water and sewers amendment	Ch. 228
	3-17-2008	Administrative Code	Administrative Code
08-130	3-17-2008	Classification Schedule amendment	NCM
08-131	3-17-2008	Classification Schedule amendment	NCM
08-182	3-17-2008	Alarm devices amendment	Ch. 89
08-198	4-7-2008	Inspectional Services Department amendment; Sealer of Weights and Measures amendment	Ch. 24, Art. III; Ch. 56, Art. VI
08-215	4-22-2008	Vehicles for hire amendment	Ch. 222
08-225	5-19-2008	Water and sewers amendment	See Ch. 228

Order No.	Adoption Date	Subject	Disposition
08-226	5-19-2008	Water and sewers amendment	See Ch. 228
08-238	5-19-2008	Planning Board amendment	Ch. 15, Art. II
08-269	10-20-2008	Water and sewers amendment	See Ch. 228
09-016	9-22-2008	Council on Aging amendment	Ch. 6
09-042	10-20-2008	Accept MGL c. 60A	Ch. A250
09-043	10-20-2008	Accept MGL c. 60A, § 1	Ch. A250
09-060	2-17-2009	Zoning amendment	Ch. 235
09-061	2-17-2009	Zoning amendment	See Ch. 235, Table of Dimensional and Density Regulations
09-064	1-20-2009	Licenses and permits amendment	Ch. 152
09-097	6-1-2009	Streets and sidewalks amendment	Ch. 202
09-099	1-20-2009	Use and construction of Code amendment	Ch. 1, Art. II
09-109	2-2-2009	Collection and disposal of solid waste amendment	See Ch. 198, Art. II
09-110	2-2-2009	Accept MGL c. 59, § 5, cl. 41A	Ch. A250
09-125	4-21-2009	Licenses and permits amendment	Ch. 152
09-176	5-18-2009	Administrative Code amendment	Administrative Code
09-177	5-18-2009	Fire Department amendment; Inspectional Services Department amendment; poles and wires amendment	Ch. 24, Art. II; Ch. 24, Art. III; Ch. 182
09-178	4-21-2009	Inspectional Services Department amendment	Ch. 24, Art. III
09-202	6-15-2009	Water and sewers amendment	See Ch. 228
09-203	6-15-2009	Water and sewers amendment	See Ch. 228
09-226	6-1-2009	Police Department amendment	Ch. 24, Art. I
10-002	8-17-2009	Accept MGL c. 64G, § 3A	Ch. A250
10-003	8-17-2009	Accept MGL c. 64L, § 2(a)	Ch. A250

Order No.	Adoption Date	Subject	Disposition
TC 10-004	1-20-2010	Accept MGL c. 85, § 2 (accepted by Traffic Commission)	Ch. A250
10-122	5-3-2010	Accept Stretch Energy Code	Ch. A250
10-125	5-3-2010	Zoning amendment	Ch. 235
10-148	5-17-2010	Zoning amendment	Ch. 235
10-160	5-17-2010	Water and sewers amendment	See Ch. 228
10-161	5-17-2010	Water and sewers amendment	See Ch. 228
11-058	12-6-2010	Mayor and Aldermen amendment	Ch. 48
11-065	12-6-2010	Accept MGL c. 59, § 5, cl. 56 and cl. 57	Ch. A250
11-65A	12-3-2012	Accept MGL c. 59, § 5, cl. 56 and cl. 57 (extended)	Ch. A250
11-130	4-19-2011	Accept MGL c. 44, § 53F1/2	Ch. A250
11-154B	12-5-2011	Administration of government amendment	Ch. 4
11-162	5-16-2011	Fire Department amendment	Ch. 24, Art. II
11-170	6-20-2011	Water and sewers amendment	See Ch. 228
11-171	6-20-2011	Water and sewers amendment	See Ch. 228
11-187	6-20-2011	Veterans services amendment	Ch. 79
12-04	8-15-2011	Licenses and permits amendment	Ch. 152
12-10	12-5-2011	Zoning amendment	Ch. 235
12-12	9-19-2011	Accept MGL c. 138, § 33B	Ch. A250
12-28	10-3-2011	Vehicles for hire amendment	Ch. 222
12-39	11-21-2011	Police Department amendment	Ch. 24, Art. I
12-48	12-5-2011	Accept Chapter 137 of the Acts of 2003	Ch. A250
12-58	12-5-2011	Accept MGL c. 149, § 33E	Ch. A250
12-59	11-21-2011	Precious metals dealers	Ch. 143, Art. II

Order No.	Adoption Date	Subject	Disposition
2012-158	5-21-2012	Director of Public Works and City Engineer	Ch. 1, Art. II; Ch. 9; Ch. 24, Art. I; Ch. 24, Art. II; Ch. 56, Art. II; Ch. 56, Art. V; Ch. 152; Ch. 177; Ch. 182; Ch. 194; Ch. 198, Art. II; Ch. 198, Art. III; Ch. 202; Ch. 222; Ch. 228
2012-173	6-4-2012	Use and construction of Code amendment	Ch. 1, Art. II
2012-174	6-18-2012	Fire Department amendment	Ch. 24, Art. II
2012-175	5-21-2012	Accept MGL c. 71, § 37M	Ch. A250
2012-179	6-4-2012	Parks and playgrounds amendment	Ch. 173
2012-180	6-4-2012	Animals amendment	Ch. 93
2012-188	6-18-2012	Water and sewers amendment	See Ch. 228
2012-189	6-18-2012	Water and sewers amendment	See Ch. 228
2013-3	8-20-2012	Water and sewers amendment	See Ch. 228
2013-4	8-20-2012	Water and sewers amendment	See Ch. 228
2013-44	1-22-2013	Zoning amendment	Ch. 235
2013-54	11-1-2012	Accept MGL c. 59, § 5N	Ch. A250
2013-69	12-17-2012	Animals amendment	Ch. 93
2013-74	2-4-2013	Repeal Chapter 212, Tobacco Products	Repealer only
2013-118	3-4-2013	Water and sewers amendment	See Ch. 228
2013-154	5-20-2013	Classification Schedule amendment	NCM
2013-156	6-3-2013	Alarm devices amendment	Ch. 89
2013-173	6-3-2013	Inspectional Services Department amendment; Sealer of Weights and Measures amendment	Ch. 24, Art. III; Ch. 56, Art. VI
2013-198	9-16-2013	Zoning amendment	Ch. 235
2013-199	9-16-2013	Zoning amendment	Ch. 235
2013-200	9-16-2013	Zoning amendment	Ch. 235
2013-204	6-27-2013	Water and sewers amendment	Ch. 228

Order No.	Adoption Date	Subject	Disposition
2013-205	6-27-2013	Water and sewers amendment	Ch. 228
2014-46	12-2-2013	Accept MGL c. 32B, § 20	Ch. A250
2014-56	12-16-2013	Fire prevention amendment	Ch. 119
2014-95	5-5-2014	Zoning Map amendment	NCM
2014-108	6-16-2014	Vehicles for hire amendment	Ch. 222
2014-117	5-19-2014	Water and sewers amendment	Ch. 228
2014-118	5-19-2014	Water and sewers amendment	Ch. 228
2014-122	5-19-2014	Fire Department amendment	Ch. 24, Art. II
2014-146	7-21-2014	Zoning amendment	Ch. 235
2015-72	12-15-2014	Human Rights Commission amendment	Repealed by Ord. No. 2018-4
2015-90	4-6-2015	Zoning amendment	Ch. 235
2015-143	6-15-2015	Water and sewer amendment	Ch. 228
2015-144	6-15-2015	Water and sewer amendment	Ch. 228
2015-158	6-1-2015	Fire Department amendment	Ch. 24, Art. II
2015-168	6-25-2015	Solid waste amendment	Ch. 198
2016-7	8-17-2015	Council on Aging amendment	Ch. 6
2016-77	2-16-2016	Administrative Code amendment	Administrative Code
2016-138	4-19-2016	Streets and sidewalks amendment	Ch. 202
2016-139	4-19-2016	Peace and good order amendment	Ch. 177
2016-163	6-16-2016	Water and sewers amendment	Ch. 228
2016-164	6-16-2016	Water and sewers amendment	Ch. 228
2016-165	6-6-2016	Fire Department amendment	Ch. 24, Art. II
2016-166	6-16-2016	Water and sewers amendment	Ch. 228
2016-176	6-20-2016	Accept MGL c. 60, § 15B	Ch. A250
2016-200	6-16-2016	Water and sewers amendment	Ch. 228
2017-31	11-14-2016	Accept MGL c. 90, § 17C	Ch. A250
2017-32	11-14-2016	Accept MGL c. 60, § 3F	Ch. A250
2017-128	6-19-2017	Administrative Code amendment	Administrative Code
2017-129	8-21-2017	Zoning amendment	Ch. 235
2017-130	8-21-2017	Zoning amendment	Ch. 235
2017-136	5-15-2017	Water and sewers amendment	Ch. 228

Order No.	Adoption Date	Subject	Disposition
2017-146	6-19-2017	Water and sewers amendment	Ch. 228
2017-147	6-19-2017	Water and sewers amendment	Ch. 228
2017-148	6-19-2017	Water and sewers amendment	Ch. 228
2018-4	8-21-2017	Adoption of 2017 Code revisions	Ch. 1, Art. III