

**TOWN OF WATERTOWN, MASSACHUSETTS
CODE OF ORDINANCES**

2014 S-4 Supplement contains:
Local legislation passed through 6-30-2014,
including Ordinance O-2014-26, passed 4-22-2014

Published by:
American Legal Publishing Corporation
432 Walnut Street, 12th Floor
Cincinnati, Ohio 45202
Tel: (800) 445-5588
Fax: (513) 763-3562
Internet: www.amlegal.com

**OFFICIALS
WATERTOWN, MASSACHUSETTS**

TOWN COUNCIL

Mark Sideris	Town Council President
Vincent J. Piccirilli, Jr.	Town Council Vice President
Michael F. Dattoli	Town Councillor
Aaron P. Dushku	Town Councillor
Susan G. Falkoff	Town Councillor
Lisa J. Feltner	Town Councillor
Angeline B. Kounelis	Town Councillor
Anthony Palomba	Town Councillor
Kenneth M. Woodland	Town Councillor

MUNICIPAL OFFICIALS

Michael J. Driscoll	Town Manager
Kopelman and Paige, P.C.	Town Attorney
John E. Flynn	Town Clerk

WATERTOWN HOME RULE CHARTER

ARTICLE 1: INCORPORATION; SHORT TITLE; POWERS; DEFINITIONS

- Section 1-1. Incorporation
- Section 1-2. Short Title
- Section 1-3. Distribution of Power
- Section 1-4. Powers of the Town
- Section 1-5. Construction
- Section 1-6. Intergovernmental Relations
- Section 1-7. Definitions

ARTICLE 2: LEGISLATIVE BRANCH

- Section 2-1. Composition, Term of Office
- Section 2-2. Council President
- Section 2-3. Compensation
- Section 2-4. General Powers
- Section 2-5. Exercise of Powers; Quorum; Rules
- Section 2-6. Access to Information
- Section 2-7. Officers Appointed by the Council or Council President
- Section 2-8. Ordinances and Other Measures
- Section 2-9. Filling of Vacancies

ARTICLE 3: TOWN MANAGER

- Section 3-1. Appointment; Term of Office; Qualifications
- Section 3-2. Powers and Duties
- Section 3-3. Compensation
- Section 3-4. Removal
- Section 3-5. Acting Town Manager
- Section 3-6. Evaluation of Town Manager

ARTICLE 4: OTHER ELECTED OFFICERS

- Section 4-1. School Committee
- Section 4-2. Library Trustees

ARTICLE 5: FINANCIAL PROCEDURES

- Section 5-1. Budget Hearing and Goal Setting
- Section 5-2. Submission of Budget; Message
- Section 5-3. Action on the Budget
- Section 5-4. Independent Audit
- Section 5-5. Capital Outlay Program

ARTICLE 6: ADMINISTRATIVE ORGANIZATION

- Section 6-1. Reorganization Plans by Ordinance

Section 6-2. Reorganization Plans by Administrative Code

Section 6-3. Publication of Reorganization Plans

ARTICLE 7: NOMINATIONS, ELECTIONS, INITIATIVE AND REFERENDUM

Section 7-1. Board of Election Commissioners

Section 7-2. Town Elections: General; Preliminary

Section 7-3. Partisan Elections

Section 7-4. Preliminary Elections

Section 7-5. Ballot Position, Regular Town Election

Section 7-6. Districts

Section 7-7. Application of State General Laws

Section 7-8. Citizen Petitions to Council or School Committee

Section 7-9. Citizen Initiative Measures

Section 7-10. Citizen Referendum Procedures

Section 7-11. Ineligible Measures

Section 7-12. Submission of Other Matters to Voters

Section 7-13. Conflicting Provisions

ARTICLE 8: GENERAL PROVISIONS

Section 8-1. Charter Changes

Section 8-2. Severability

Section 8-3. Specific Provisions to Prevail

Section 8-4. Rules and regulations

Section 8-5. Codification of Ordinances

Section 8-6. Uniform Procedures Applicable to Multiple Member Bodies

Section 8-7. Number

Section 8-8. References to General Laws

Section 8-9. Certificate of Election or Appointment

Section 8-10. Notice of Vacancies

Section 8-11. Penalties for Elected Officials Convicted of a Felony

ARTICLE 9: TRANSITIONAL PROVISIONS

Section 9-1. Continuation of Existing Laws, Etc.

Section 9-2. Continuation of Government and Administration

Section 9-3. Transfer of Records and Property

Section 9-4. Continuation of Personnel

Section 9-5. Effect on Obligations, Taxes, Etc.

Section 9-6. Temporary Administrative Code

Editor's note:

This Home Rule Charter is as Amended through Chapter 98 of the Acts of 2001 and Acceptance by the voters, November 6, 2001; Further Amended by Town Council Proposal and accepted by the voters on November 8, 2011.

ARTICLE 1
INCORPORATION; SHORT TITLE; POWERS; DEFINITIONS

SECTION 1-1 INCORPORATION

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

SECTION 1-2 SHORT TITLE

This instrument shall be known and may be cited as the Watertown Home Rule Charter.

SECTION 1-3 DISTRIBUTION OF POWERS

The administration of the fiscal, prudential and municipal affairs of Watertown, with the government thereof, shall be vested in an administrative branch headed by a town manager, and a legislative branch to consist of a town council. The legislative branch shall never exercise any administrative power and the administrative branch shall never exercise any legislative power.

SECTION 1-4 POWERS OF THE TOWN

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 Watertown 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.

For the purposes of classifying Watertown in those instances where laws of the Commonwealth may distinguish between municipalities classified as "towns" and other municipalities classified as "cities," it is intended that this charter shall be construed as providing a city form of government.

SECTION 1-5 CONSTRUCTION

The powers of Watertown under this charter are to be construed liberally in its favor, and the specific mention of any particular power is not intended to limit the general powers 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, Watertown 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 agency or political subdivision thereof, or with the United States government or any agency thereof.

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:

- (a) **Charter** - The word "charter" shall mean this charter and any amendment to it hereafter adopted.
- (b) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.
- (c) **Full Council, Full Multiple-Member Body** - The words "full council" or "full multiple-member body" shall mean the entire authorized complement of the town council, school committee or other multiple-member body notwithstanding any vacancy which might exist.
- (d) **general laws** - The words "general laws" (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and towns, to all cities, to all towns, or to a class of two or more cities and or towns of which Watertown is a member
- (e) **General Laws** - The words "General Laws" (initial letter of each word in upper case letters) shall mean 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.
- (f) **Initiative Measure** - The words "initiative measure" shall mean a measure proposed by the voters through the initiative process provided under this charter
- (g) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of general circulation within Watertown, with either a weekly or daily circulation. Any information required to be published in a local newspaper shall also be posted on the town website.
- (h) **Majority Vote** - The words "majority vote" shall mean a majority of those present and voting, unless another provision is made by ordinance, by law, or by its own rules.
- (i) **Measure** - The word "measure" shall mean any ordinance, order, resolution, or other vote or proceeding adopted, or which might be adopted by the town council or the school committee.
- (j) **Multiple-member Body** - The words "multiple-member body" shall mean any board, commission, committee, sub committee, or other body consisting of two or more members whether elected, appointed or otherwise constituted, but not including the town council, the school committee, and the trustees of the public library.
- (k) **Referendum Measure** - The words "referendum measure" shall mean a measure adopted by the town council or by the school committee which is protested by the referendum procedures provided under this chapter.
- (l) **Town** - The word "town" shall mean the town of Watertown.
- (m) **Town Bulletin Board** - The words "town bulletin board" shall mean the bulletin board in the administration building on which the town clerk posts official notices of meetings and upon which other official town notices are posted, and the bulletin boards at any other locations as may be designated town bulletin boards by the town council. Any information required to be posted on the town bulletin board shall also be posted on the town website.
- (n) **Town Agency** - The words "town agency" shall mean any multiple-member body. any department, division, or office of the town of Watertown.
- (o) **Town Officer** - The words "town officer" when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of his or her powers or duties exercises some portion of the sovereign power of the town.
- (p) **Town Website**- The words "town website" shall mean the official website maintained by the Town of Watertown.
- (q) **Vacancy**- The word "vacancy" shall mean an office that becomes open prior to the end of a person's elected or appointed term due to the death, resignation, or removal of that person, or as a result of a failure to elect.
- (r) **Voters** - The word "voters" shall mean registered voters of the town of Watertown.

ARTICLE 2

LEGISLATIVE BRANCH

SECTION 2-1 COMPOSITION, TERM OF OFFICE

(a) Composition -There shall be a town council of nine members which shall exercise the legislative powers of the town. Four of these members, to be known as councillors-at-large, shall be nominated and elected by and from the voters at large. Four of these members, to be known as district councillors, shall be nominated and elected by and from the voters of each district, one such district councillor to be elected from each of the four council districts into which the town is divided, in accordance with section 7-6. The ninth member of the town council shall be a council president, elected as provided in section 2-2.

(b) Term of Office -The terms of town councillors shall be for two years each, beginning on the first business day of January in the year following their election, until their successors have been qualified.

(c) Eligibility -Any voter shall be eligible to hold the office of councillor-at-large. A district councillor shall at the time of election be a voter of the district from which the councillor is elected, provided, however if any such district councillor shall during the term for which the councillor was elected remove to another district in the town, or be so removed by a revision of district lines, such councillor may continue to serve for the balance of the term for which the councillor was elected.

SECTION 2-2 COUNCIL PRESIDENT

(a) Election and Term -A council president shall be nominated and elected by and from the voters at large at each biennial election to serve for a term of two years, beginning on the first business day of January following the election and until a successor is qualified.

(b) Powers and Duties - The council president shall be recognized as the official head of the town for all ceremonial purposes and shall be recognized by the courts for the purposes of serving civil process.

The council president shall be the presiding officer of the town council. The council president shall have no power of veto but shall have the same powers as any other member of the town council to vote upon all measures coming before it. The council president shall perform such other duties consistent with the office as may be provided by charter, by ordinance, or by vote of the town council.

The council president shall also serve as a member of the school committee. The officer provided for in this section shall be referred to as "council president", but ballots used in electing the said office shall contain the words "council president and member of school committee."

(c) Council Vice President -As soon as practicable after the councillors elect have been qualified following each biennial election, the town council shall elect from among its members a vice president who shall act as president during the absence or disability of the council president

SECTION 2-3 COMPENSATION, EXPENSES

(a) Salary - The town council may, by ordinance, provide an annual salary for its members. No ordinance increasing such salary shall be effective, however, unless it shall have been adopted during the first eighteen months of the term for which town councillors are elected, and it provides that such salary is to take effect with the organization of the town government following the next biennial election.

(b) Expenses - Subject to appropriation, the council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

SECTION 2-4 GENERAL POWERS

Except as otherwise provided by general law or by this charter, all powers of the town shall be vested in the town council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the town by law. The town may enter into contracts for the exercise of its corporate powers on such terms and conditions as are authorized by the town council by ordinance.

SECTION 2-5 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 town council may be exercised in a manner determined by it.

(b) Quorum - The presence of five 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 five members shall be required to adopt any ordinance or appropriation order.

(c) Rules of Procedure - The town council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:

(i) Regular meetings of the town council shall be held at a time and place fixed by ordinance.

(ii) Special meetings of the town council shall be held at the call of the council president, or, on the call of any three or more members, by written notice delivered to each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the council president shall be judge, such notice shall be posted upon the town bulletin board at least forty-eight week-day hours excluding Saturdays, Sundays and legal holidays in advance of the time set for such meeting.

(iii) All sessions of the town council and of every committee or sub committee thereof, shall at all times be open to the public and to the press, unless another provision is made by law.

(iv) A full, accurate, up-to-date account of the proceedings of the town council shall be kept, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting.

SECTION 2-6 ACCESS TO INFORMATION

(a) In General - The town council may make investigations into the affairs of the town and into the conduct and performance of any town agency and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.

(b) Town Officers, Members of Town Agencies, Employees - The town council may require any town officer, member of a town agency or town employee to appear before it to give such information as the town council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of such person.

(c) Town Manager - The town council may require the town manager to appear before it at any time to provide specific information on the conduct of any aspect of the business of the town which is within his or her control by or under this charter or by or under any statute or law.

The town manager may on any such occasion bring any assistant, department head or other town officer or employee or other resources to assist the manager in responding to questions which may be posed to the manager.

(d) Notice - Except in cases of emergency the town council shall give not less than five days notice in writing to any person it may request to appear before it under the provisions of this section. The notice shall include specific questions on which the town council seeks information, and no person called to appear before the town council under this section shall be required to respond to any question not relevant or related to those presented to the person in advance and in writing. Notice shall be by delivery in hand, or by electronic mail (with notification of receipt requested), by registered or certified mail to the last known place of residence of any such person.

SECTION 2-7 OFFICERS APPOINTED BY THE COUNCIL OR COUNCIL PRESIDENT

(a) Town Auditor - The town council, by the affirmative vote of at least five members, shall appoint a Town Auditor for an indefinite term of office.

The Town Auditor shall be appointed solely on the basis of his or her professional qualifications and experience.

The town auditor shall keep and have charge of the accounts of the town and shall from time to time audit the books and accounts of all town agencies. The town auditor shall have such other powers and duties as provided for auditors and accountants by general laws and such additional powers and duties as may be provided by the charter, by ordinance or by other vote of the town council.

(b) Clerk of the Council - The town council shall appoint, and may remove at its discretion a person nominated by the council president, who may be the town clerk, to serve as clerk for a term of three years and until his or her successor is chosen and qualified.

The clerk of the council shall give notice of its meetings to its members and to the public, keep the journal of its proceedings and perform such other duties as may be provided by ordinance or by other vote of the town council.

(c) Salaries -The officers appointed under Section 2-7 shall receive such salaries as may from time to time be provided for such office by ordinance.

(d) Supervision- The council president shall be responsible for day-to-day supervision of the town auditor and clerk of the council, including but not limited to discipline of same up to and including an unpaid suspension of not more than five days; provided, however, that the council president may, at the council president's sole discretion, bring to the town council any personnel matter involving the town auditor or clerk of the council for appropriate action, and provided further that a vote of the town council would be needed to remove the town auditor or clerk of the council.

SECTION 2-8 ORDINANCES AND OTHER MEASURES

(a) Emergency Ordinances - No ordinance shall be passed finally on the date it is introduced, except in case of special 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 such ordinance, separately voted upon and receiving the affirmative vote of six members of the town council.

No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege of any kind or nature shall be passed as an emergency measure, and except as provided in sections seventy and seventy-one of chapter one-hundred sixty-four and in chapter one-hundred sixty-six of the General Laws, no such grant, renewal or extension shall be made otherwise than by ordinance.

Emergency ordinances shall stand repealed on the sixty-first day following their adoption, unless an earlier expiration date is specified in the emergency ordinance, or unless a measure passed in conformity with the procedures for measures generally has been passed extending it.

(b) Measures, In General - Excepting only proposed ordinances, appropriation orders and loan authorizations, the town council may pass any other measure through all of its stages at any one meeting, provided that no member of the town council shall object; but, if any single member objects, a vote on the measure shall be postponed to the next meeting of the town council.

On the first occasion that the question of adopting any measure is put to the town council, 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 meeting of the town council regular or special. If when the matter is next taken up for a vote, four or more members object to the taking of the vote, the matter shall be further postponed for not less than an additional five days. This procedure shall not be used more than once for any measure, notwithstanding any amendment made to the original measure.

(c) Publication - Every proposed ordinance, appropriation order or loan authorization [except emergency ordinances as provided in section 2-9(a)], shall be published once in full in a local newspaper, and in any additional manner as may be provided by ordinance, at least five days before its final passage. After final passage it shall be posted on the town bulletin board and otherwise published as may be required by ordinance. Provided, however, that whenever a proposed ordinance or codification of ordinances or other measure would exceed in length ten column inches, then in lieu of publication in a local newspaper, the same may be published and made available at the office of the town clerk in booklet or pamphlet form and posted on the town website, and if so published and available at least ten days before its final passage shall be deemed sufficient notice. Whenever the town council provides for publication in a booklet or pamphlet form in lieu of the newspaper publication, it shall, at least five days before final passage publish in a local newspaper a general summary of the proposed ordinance, or ordinances, and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained or reviewed by the public.

SECTION 2-9 FILLING OF VACANCIES

(a) If a vacancy shall occur in the office of council president, councillor-at-large or district councillor during the first twelve months of the term for which councillors are elected, the vacancy shall be filled by special election forthwith and no earlier than 64 days from the date election is called; provided however, by vote of not less than 6 councillors, the town council may instead vote to fill the vacancy from among the voters by appointment.

(b) If a vacancy shall occur in the office of council president, councilor-at-large or district councillor during the second twelve

months of the term for which councillors are elected, appointment by vote of not less than 6 councillors from among the voters; provided, however that if approved by a vote of not less than 6 councillors, a special election to fill the vacancy may instead be held forthwith on a date at least 64 days from the date the election is called.

(c) If an acting town councillor appointed under paragraphs (a) or (b) is not elected to the office at the next town election, or if the position remains vacant, the person certified by the election commission as a successful candidate to the office shall forthwith be sworn and shall serve the remainder of the vacant term in addition to the term for which the person was elected.

(d) An acting town councilor appointed by the town council under paragraphs (a) or (b) shall not be entitled to have the words "candidate for reelection" printed against that person's name on the ballot at the next election.

ARTICLE 3 TOWN MANAGER

SECTION 3-1 APPOINTMENT, TERM OF OFFICE; QUALIFICATIONS

(a) **Appointment, Term of Office** - The town council, by the affirmative vote of at least five members, shall appoint a town manager to serve for an indefinite term of office.

(b) **Qualifications** - The town manager shall be appointed solely on the basis of his or her executive and administrative qualifications. The town manager shall be a person especially fitted by education, training and previous experience in municipal administration directly related to the profession of municipal management to perform the duties of the office.

The town manager need not be a resident of Watertown at the time of his or her appointment, nor of the Commonwealth, but the town manager shall establish residence in Watertown within twelve months following his or her appointment unless excused from such requirement by the town council.

The town manager shall devote his or her full time to the office and shall not hold any other public office, elected or appointed, nor shall the person serving as town manager engage in any other business, occupation or profession unless such action is approved, in advance, by the town council.

The town council may, by ordinance, establish other qualifications for the office of town manager.

SECTION 3-2 POWERS AND DUTIES

The town manager shall be the chief administrative officer of the town and shall be responsible to the town council for the proper administration of all town affairs placed under his or her charge by or under the charter. The powers and duties of the town manager shall include, but are not intended to be limited to, the following:

1) Supervise, direct and be responsible for the efficient administration of all town activities placed under his or her control by the charter, by ordinance, or otherwise, including all officers appointed by the manager and their respective agencies.

2) Be responsible for the coordination of the activities of all agencies under his or her control with the activities of all other town agencies, including those elected by the voters of Watertown and those appointed by other elected officials.

3) Appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, all officers, subordinates and employees for whom no other method of selection is provided by the charter, by ordinance, by administrative code, or otherwise. Appointments made by the town manager shall be subject to confirmation of the town council, as provided by ordinance.

4) Administer personnel related matters, including bargaining with municipal employees, and shall fix the compensation of all municipal employees appointed by the manager within the limits established by appropriation and any ordinance or collective bargaining agreement.

5) Assure that all of the provisions of the General Laws, the town charter, town ordinances, and other votes of the town council which require enforcement by him or her, or by officers or employees subject to his or her supervision, are faithfully carried out and enforced.

- 6) Prepare and submit an annual operating budget and a capital outlay program as provided in Article 5.
- 7) Assure that a full and complete record of the financial and administrative activities of the town is kept and shall render a complete written report to the town council at the end of each fiscal year and at such times as the town council may reasonably require.
 - 7A) Execute contracts, subject to such prior town council approval as may be prescribed by ordinance.
- 8) Have full jurisdiction over the rental and use of all town facilities, except school and library buildings and grounds. The Town Manager shall be responsible for the maintenance and repair of all town-owned property, including, if authorized by an ordinance establishing a central town maintenance department, school and library buildings and grounds.
- 9) Inquire at any time into the conduct of office of any officer, employee, or department under his or her supervision.
- 10) Assure that a full and complete inventory of all property owned by the town, both real and personal, is kept.
- 11) Make such recommendations, from time to time, to the town council, which, in the manager's judgment, are deemed necessary or desirable
- 12) Authorize any subordinate officer or employee to exercise any power or perform any function which the town manager is authorized to exercise or perform, provided, however, all acts performed under any such delegation shall be deemed to be the acts of the town manager.
- 13A) Determine the existence of a public emergency or danger and shall assume responsibility for the maintenance of public safety, public order and enforcement of laws. The manager shall notify the council president as soon as practical, but within 24 hours, of such a public emergency or danger and of the actions taken. Should the public emergency continue more than 24 hours, the town council may meet to review, ratify, or terminate said public emergency.
- 13B) Execute all deeds conveying town real property, but that any such conveyance shall have been previously authorized by the vote of the town council pursuant to the applicable provisions of the General Laws.
- 13C) Publish an annual report comprising the complete statistical record of the operations of every town department, commission and committee for the preceding year, and it shall be published annually and made available for distribution to the public not later than four months after the end of the period on which the report is based.
- 14) Perform such other functions as may from time to time be assigned to the office of town manager by ordinance or other vote of the town council, or otherwise.

SECTION 3-3 COMPENSATION

The town manager shall receive such compensation as may from time to time be established for the office of town manager, by ordinance.

SECTION 3-4 REMOVAL

Before the town manager may be removed, if the manager so demands, the manager shall be given a written statement of the reasons alleged for the manager's removal, and shall have a right to be heard thereon at a meeting of the town council prior to the final vote on the question of removal, but pending and during such hearing the town council may suspend the manager from office. The action of the town council in suspending or removing the town manager shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal in the town council. The town manager shall continue to receive the manager's salary until the effective date of a final vote of removal. The town council may, by ordinance, establish a procedure governing the removal from office of a town manager in such detail as it may deem necessary or desirable.

SECTION 3-5 ACTING TOWN MANAGER

(a) Temporary Absence -The town manager shall, by letter filed with the town council and a copy filed with the town clerk, designate a qualified town officer or administrative employee to exercise the powers and perform the duties of the office during temporary absence. During the first ten working days of a temporary absence of the town manager, the town council may revoke such

designation by a two-thirds vote and, after the expiration of ten working days, by a majority vote, whereupon it may appoint another qualified town officer or employee to serve as acting town manager until the town manager shall return and resume the manager's duties.

(b) Vacancy -Any vacancy in the office of town manager shall be filled as soon as possible by the town council but pending such appointment the town council shall designate a qualified town officer or administrative employee to exercise the powers and perform the duties of the town manager on an acting basis. The appointment of an acting town manager shall be for a term not to exceed four months; provided, however, one renewal, not to exceed a second four months, may be permitted.

(c) Powers and Duties -The powers of a temporary or acting town manager shall be limited to matters not admitting of delay; provided, however, no temporary town manager under (a) above shall have authority to make any permanent appointment to, or removal from, any office or position under the town.

SECTION 3-6 EVALUATION OF TOWN MANAGER

(a) There shall be an annual review of the town manager's job performance conducted by town council.

ARTICLE 4 OTHER ELECTED OFFICES

SECTION 4-1 SCHOOL COMMITTEE

(a) Composition -There shall be a school committee of seven members, six of whom shall be nominated and elected by and from the voters at large, and the seventh member shall be the person elected as the council president and school committee member as provided in Section 2-2(b).

(b) Terms of Office -At each biennial election, three school committee members shall be elected at large and shall serve for a four year term. The terms of school committee members shall begin on the first business day of January following their election, and shall continue until their successors are qualified.

(c) Eligibility - Any voter shall be eligible to hold the office of school committee member .

(d) 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. Its powers and duties shall include, but are not intended to be limited to the following:

1) To appoint a superintendent of the schools and other employees consistent with the General Laws. The superintendent shall be charged with the day-to-day administration of the school system, subject to policy directives adopted by the school committee;

2) To fix the salaries of those officers and employees as authorized by the General Laws, subject to appropriation and collective bargaining agreements, and to establish educational goals and policies consistent with the requirements of the General Laws and statewide goals and standards, including policies and procedures pursuant to a collective bargaining agreement; and

3) 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.

The school committee shall furnish all school buildings with proper fixtures, furniture and equipment and shall provide ordinary maintenance of all school buildings and grounds; provided, however, the town council may, by ordinance, provide for the establishment of a central municipal maintenance department which may include maintenance of school buildings and grounds.

4) **Salary** - The school committee may provide an annual salary for its members within the annual school department appropriation. No increase in such salary shall be effective, however, unless it shall have been adopted during the first eighteen months after the biennial election of members, and it provides that such salary is to take effect with the organization of the town government following the next biennial election.

5) **Expenses** - Subject to the school department appropriation, the members of the school committee shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

Filling of Vacancies - (1) If a vacancy shall occur on the school committee during the first 24 months of the term for which school committee members are elected, the vacancy shall be filled by special election held forthwith and no earlier than 64 days from the date the election is called; provided, however, that town council, by vote of not less than 6 councillors, may instead vote to have the vacancy filled by appointment by the remaining members of the school committee from among the voters. **(2)** If a vacancy shall occur on the school committee during the second 24 months of the term for which the school committee members are elected, the vacancy shall be filled forthwith by appointment by vote of the remaining members of the school committee from among the voters; provided, however, that if approved by not less than six town councilors within 14 days of the date the town council is notified of the vacancy, a special election to fill the vacancy may instead be held forthwith on a date at least 64 days from the date the election is called. The school committee may provide the town council with a non-binding recommendation concerning the manner of selection to be used to fill the vacancy. **(3)** If an acting school committee member appointed under paragraphs (1) or (2) is not elected to the office at the next town election, or if the position remains vacant, the person certified by the election commission as a successful candidate to the office shall forthwith be sworn and shall serve remainder of the vacant term in addition to the term for which the person is elected. **(4)** An acting school committee member appointed under paragraphs (1) or (2) shall not be entitled to have the words "candidate for reelection" printed against that person's name on the ballot at the next election.

(f) Council President -The council president shall have the same power as any other member to vote on every matter coming before the school committee.

SECTION 4-2 LIBRARY TRUSTEES

(a) Composition, Term of Office - There shall be a board of trustees of the public library which shall consist of six persons elected for terms of four years each, so arranged that three such terms shall expire at each biennial town election.

(b) Powers and Duties - The board of trustees of the public library shall have the custody and management of the library and reading rooms and of all property of the town devoted to library purposes. All funds raised or appropriated by the town for the support and maintenance of the library shall be expended under the direction of the said board. All funds or property which the town may receive by gift or bequest, or otherwise, for library purposes shall be administered by the said board in accordance with the terms of such gift, bequest or otherwise.

The board of trustees of the public library shall, subject to appropriation, have the following specific powers and duties:

To appoint a director of the library and to set the director's salary within the salary range set by the town manager.

1) The director shall be charged with the day-to-day administration of the library system including appointment, supervision and removal of all other employees connected with the library system, fixing their salaries, defining their duties, and making rules concerning their tenure of office, subject to policy directives adopted by the library trustees and the provisions of any applicable collective bargaining agreement.

2) To make all reasonable rules and regulations for the operation and management of the library system and for the conduct of their own business and affairs as may be deemed necessary or desirable.

The board of trustees of the public library shall in all matters of general municipal policy and procedures be subject to policy directives designed to achieve uniformity and better administrative control as may from time to time be issued by the town manager. Responsibility for the ordinary maintenance of library buildings and grounds may be transferred to a central municipal maintenance department by ordinance adopted by the town council. The board of trustees of the public library shall have all of the other powers and duties as may be provided by general law, by charter, by ordinance or otherwise.

(c) Filling of Vacancies -

(1) If a vacancy shall occur on the board of library trustees during the first 24 months of the term for which library trustees are elected, the vacancy shall be filled by special election held forthwith and no earlier than 64 days from the date the election is called; provided however, that the town council, by a vote of not less than 6 councillors, may instead vote to have the vacancy filled by appointment by the remaining members of the board of library trustees and the council president from among the voters.

(2) If a vacancy shall occur on the board of library trustees during the second 24 months of the term for which library trustees are elected, the vacancy shall be filled forthwith by appointment by vote of the remaining members of the board of library trustees and the council president from among the voters; provided, however, that if approved by not less than six town councilors within 14 days of the date the town council is notified of the vacancy, a special election to fill the vacancy may instead be held forthwith on a date at least 64 days from the date the election is called.

(3) If an acting library trustee appointed under paragraphs (1) or (2) is not elected to the office at the next town election, or if the position remains vacant, the person certified by the election commission as a successful candidate to the office shall forthwith be sworn and shall serve the remainder of the vacant term for which the person was elected.

(4) An acting library trustee appointed under paragraphs (1) or (2) shall not be entitled to have the words "candidate for reelection" printed against the person's name on the ballot at the next election.

(d) Salary - The board of trustees may request an ordinance to provide an annual salary for its members. No ordinance increasing such salary shall be effective, however, unless it shall have been adopted during the first eighteen months after the biennial election of members, and it provides that such salary is to take effect with the organization of the town government following the next biennial election.

(e) Expenses - Subject to appropriation, the members of the board of trustees shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

ARTICLE 5 FINANCIAL PROCEDURES

SECTION 5-1 BUDGET HEARING AND GOAL SETTING

The president of the town council shall call a meeting of the town council prior to the commencement of the budget process, but not later than October 30, to review the financial condition of the town, revenue and expenditure forecasts, and other information relevant to the budget process. The president also shall invite the town's state legislative delegation and representatives of the school committee and library board of trustees to attend this meeting. Subsequent to this meeting, the town council shall meet to set policy goals with input from the town manager and the community. Based on these goals, the town manager will develop budgetary goals and the town budget.

SECTION 5-2 SUBMISSION OF BUDGET, MESSAGE

The town manager shall, within 14 days after the receipt of departmental budget proposals, but in no event later than January 31, prepare and submit to the town council a synopsis of all proposed budget initiatives and requests for additional funding for its review and prioritization. The synopsis shall include a summary of each initiative, its justification and its estimated costs. Councillors may also propose budget initiatives for review and prioritization. Any such proposal must include a summary, justification and estimate of costs. The town manager shall provide an estimate of projected revenues.

By the first regularly scheduled town council meeting in April, or a later date if approved by a vote of the town council, the town manager shall submit to the town council a proposed operating budget for the ensuing fiscal year, which shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year, an accompanying budget message, and supporting documents.

The message of the town manager shall explain the proposed budget for all town agencies, in fiscal terms, in terms of work programs, and as to how the budget incorporates the policy goals established by the council. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current fiscal year in terms of financial policies, expenditures or revenues, together with the reasons for such changes, show the amount budgeted and actually expended for the current fiscal year, summarize the town's debt position, and include such other material as the town manager deems desirable or the town council may reasonably require.

SECTION 5-3 ACTION ON THE BUDGET

(a) Public Hearing - The town council shall, within 14 days following its receipt of the proposed budget, publish in one or more local newspapers the general summary of the proposed budget as submitted by the town manager and a notice stating: (1) the times and places where complete copies of the proposed budget and supporting documents are available for examination by the public and (2) the date, time and place, not less than ten days after such publication, when the town council, or a standing committee of the town council, will hold a public hearing on the proposed budget as submitted by the town manager.

(b) Adoption - The town council shall adopt the budget, with or without amendments, within sixty days following the day the proposed budget is received by it, or such other period as may be provided by general law. In amending the budget the town council may delete or decrease any programs or amounts, except expenditures required by law, or for debt service. If the town council fails to take any action with respect to any item in the proposed budget within sixty days following the date of its receipt of the proposed budget, or such other period as may be provided by general law, such amount shall, without any action by the town council, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified.

The town council may add budget items or increase funding for existing budget items as generally described in sections 32 and 33 of chapter 44 of the General Laws for items not funded or insufficiently funded in the town manager's proposed budget.

SECTION 5-4 INDEPENDENT AUDIT

The Town Council shall provide for an audit to be completed by a certified public accountant, or firm of such accountants not later than December 31st following the close of each fiscal year.

SECTION 5-5 CAPITAL OUTLAY PROGRAM

(a) Submission - The town manager shall prepare and submit to the town council a five year capital outlay program at least three months prior to the final date for submission of a proposed annual operating budget.

(b) Contents - The capital outlay program in the form submitted shall include:

- 1) A clear general summary of its contents,
- 2) A listing of all capital expenditures which are proposed to be made during the five fiscal years next ensuing, with appropriate financial and other details concerning each such expenditure,
- 3) Cost estimates, proposed methods of financing, and a time schedule for each such expenditure,
- 4) The estimated annual cost of operating or maintaining any facilities to be acquired or constructed.

The above information shall be revised and extended, annually.

ARTICLE 6 ADMINISTRATIVE ORGANIZATION

SECTION 6-1 REORGANIZATION PLANS BY ORDINANCE

Except as otherwise prohibited by general law or by the charter, the town council may, by ordinance, reorganize, consolidate, or abolish any existing town agency in whole or in part, establish new town agencies, and prescribe the functions of any town agency. All town agencies under the direction and supervision of the town manager shall be headed and administered by officers appointed by the manager.

SECTION 6-2 REORGANIZATION PLANS BY ADMINISTRATIVE CODE

(a) Submission - The town manager may from time to time prepare and submit to the town council reorganization plans which may, unless prohibited by general law or the charter, reorganize, consolidate, or abolish any existing town agency in whole or in part, establish new town agencies, and prescribe the functions of any town agency. Each such reorganization plan shall be accompanied by an explanatory message when submitted to the town council.

(b) Council Action - Every such reorganization plan shall, upon receipt by the town council, be referred to an appropriate standing committee of the town council for study and report. Within thirty days following its referral to a committee a public hearing shall be held concerning the proposal, either before the standing committee, or before the full town council. Within fourteen days following the conclusion of the public hearing the standing committee to which such matter was referred shall file a report stating either that it

approves of the reorganization plan or that it disapproves of it. A reorganization plan shall become effective on the ninetieth day following the date of its receipt by the town council, unless a later date is specified in the reorganization plan, or unless the town council has within said period voted to disapprove of it. A reorganization plan submitted by the town manager under this section may not be amended by the town council but shall either be approved or disapproved in the form as submitted.

SECTION 6-3 PUBLICATION OF REORGANIZATION PLANS

An up-to-date record of reorganization plans under section 6-2(b) shall be kept on file in the office of the town clerk and copies of all such plans shall be published as an appendix to any publication of the ordinances of the town.

ARTICLE 7

NOMINATIONS, ELECTIONS, INITIATIVE AND REFERENDUM

SECTION 7-1 BOARD OF ELECTION COMMISSIONERS

(a) Composition - The board of election commissioners shall consist of four persons, of whom two shall always represent each one of the two leading political parties, as defined in section one of chapter fifty of the General Laws.

(b) Appointment, Term of Office - The town manager, subject to approval by the town council, shall appoint the members of the board of election commissioners for terms of four years each, so arranged that one such term of office shall expire on April first of each year. Every such appointment shall be made from a list to be submitted by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the town, selected by a majority vote at a duly called meeting at which a quorum is present, of such committee; provided, however, if the chair of the town committee has not submitted such a list to the town manager within forty five days after a notification to the said chair by certified mail, the town manager shall make such appointment without reference to such a list. Members shall serve until the qualification of their successor. In case of a vacancy it shall be filled in the same manner as aforesaid, except it shall be for the balance of the unexpired term.

(c) Organization - The board of election commissioners shall organize annually in the month of April by choosing a chair and a secretary. In case the members are unable to agree upon a chair and a secretary, such officers shall be designated by the town manager. The secretary shall keep a full and accurate record of the proceedings of the board and shall perform such other duties as the board may require.

(d) Powers and Duties - All the powers, rights, privileges, liabilities and duties relating to caucuses, primaries, preliminary elections and elections by law vested in and imposed upon mayors, managers, boards of aldermen, selectmen, city or town clerks and board of registrars of voters, except the power and duty of giving notice of elections and fixing the days and hours of holding the same shall be vested in and performed by the board of election commissioners. The board may appoint such assistant commissioners and such assistants as it deems necessary, who shall at all times equally represent the two leading political parties as defined aforesaid. Said assistant commissioners shall have such powers and perform such duties as are prescribed by general law for assistant registrars of voters, and shall perform such other duties as the board may require. Persons appointed to serve temporarily as assistant commissioners shall not be subject to chapter 31 of the General Laws. The board shall have such other powers and duties as may be provided to such boards of election commissioners under section sixteen A of chapter fifty-one of the General Laws, or otherwise.

(e) Compensation - The members of the board of election commissioners shall receive such compensation for their services as the town manager and town council may from time to time determine.

SECTION 7-2 TOWN ELECTIONS: GENERAL; PRELIMINARY

The regular general town election shall be held on the first Tuesday following the first Monday in November in each odd numbered year.

On the seventh Tuesday preceding every regular general town election there shall be a preliminary election for the purpose of nominating candidates.

SECTION 7-3 PARTISAN ELECTIONS

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

SECTION 7-4 PRELIMINARY ELECTION

(a) Signature Requirements - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of council president and member of the school committee, councillor-at-large, school committee member, or library trustee, not less than one-hundred such signatures, not more than fifty of which shall be from any one district; for the office of district councillor not less than one hundred such signatures from the district from which the nomination is sought.

(b) Ballot Position - 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 board of election commissioners, which shall be open to the public.

(c) Determination of Candidates - The two persons receiving at a preliminary election the highest number of votes for nomination for any office shall be the sole candidates for that office whose names shall be printed on the official ballots to be used at the regular general town election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity. If two or more persons are to be elected to the same office at such regular election, the several persons, in number equal to twice the number so to be elected, receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names shall be printed on the official ballots. If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have his or her name printed on the official ballots for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there be printed on such ballots the names of candidates exceeding twice the number to be elected.

(d) Condition Making Preliminary Unnecessary - If at the expiration of time for filing statements of candidates to be voted upon at any preliminary election not more than twice as many such statements have been filed with the election commission for an office as candidates are to be elected to such office, the candidates whose statements have been filed with the election commission shall be deemed to have been nominated to such office, and their names shall be voted upon for such office at the succeeding general election, and the board of election commissioners shall not print their names on the ballots to be used at said preliminary election and no other nomination to such office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballots to be used in any particular district or districts of the town, no preliminary election shall be held in such district or districts.

SECTION 7-5 BALLOT POSITION, REGULAR TOWN 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 board of election commissioners which shall be open to the public.

SECTION 7-6 DISTRICTS

The territory of the town shall be divided into four districts so established as to consist of compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits. Each such district shall be composed of voting precincts otherwise established in accordance with general laws. The town council shall from time to time review such districts to insure their uniformity in number of inhabitants.

SECTION 7-7 APPLICATION OF STATE GENERAL LAWS

Except as expressly provided in this charter and authorized by law, all town 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.

SECTION 7-8 CITIZEN PETITIONS TO COUNCIL OR SCHOOL COMMITTEE

The town council or the school committee shall hold a public hearing and act with respect to every citizen petition which is addressed to it, which petition shall not be required to take any particular form, and is signed by one-hundred-fifty voters, or more, and which seeks the passage of a measure concerning matters other than action under section 8-11(c). The hearing shall be held by the town council or the school committee, or, in either case, by a committee or sub committee thereof, and the action by the town council or the school committee shall be taken not later than three months after the petition is filed with the clerk of the council or the secretary of the school committee, as may be appropriate. Hearings on two or more petitions filed under this section may be held at the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the ten persons whose names appear first on the petition at least forty-eight hours before the hearing. Notice, by publication, of all such hearings shall be at public expense.

SECTION 7-9 CITIZEN INITIATIVE MEASURES

(a) Commencement - Initiative procedures shall be started by the filing of an initiative petition with the clerk of the council or the secretary of the school committee, as the case may be. The petition shall be addressed to the town council 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 ten percent of the total number of voters as of the date of the most recent town election. Signatures to an initiative petition need not all be on one paper, but all such papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon 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 ten days following the filing of the petition the board of election commissioners 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 town election. The board of election commissioners shall attach its' certificate to the petition to the clerk of the council or the secretary of the school committee according to how the petition is addressed. A copy of the certificate shall also be mailed to the person designated upon such petition as having filed the same.

(b) Referral to Town Attorney - If the board of election commissioners determines that a petition has been signed by a sufficient number of voters, the clerk of the council or the secretary of the school committee, as the case may be, shall forthwith following receipt of such certificate deliver a copy of the petition to the town attorney. Within fifteen days following the date a copy of the petition is delivered to the town attorney, the town attorney shall, in writing, advise the town council or the school committee, as may be appropriate, 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 town council or by the school committee. If the opinion of the town attorney is that the measure is not in proper form, the town attorney shall state the reasons in full in the reply. A copy of the opinion of the town attorney shall also be mailed to the person designated on the petition as having filed the same.

(c) Action on Petitions - Within thirty days following the date a petition has been returned to the clerk of the council or to the secretary of the school committee by the town attorney, and after publication in accordance with the provisions of section 2-8(c), the town council 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 an initiative measure, or by rejecting it. The passage of a measure which is in lieu of the initiative measure shall be deemed to be a rejection of the initiative measure. If, at the expiration of the said thirty days the town council or the school committee has not voted on such petition, no other business of said council or committee shall be in order or lawfully acted upon until a vote to approve of the measure, to disapprove of the measure, or to adopt some other measure in lieu thereof, has been taken.

(d) Supplementary Petitions - Within forty-five days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the clerk of the council or the secretary of the school committee. The supplemental initiative petition shall be signed by a number of additional voters which is equal to five percent of the total number of voters as of the date of the most recent town election. If the number of signatures to such supplemental petition is found to be sufficient by the board of election commissioners, the town council shall call a special election to be held on a date fixed by it not less than thirty nor more than forty-five days following the date of the certificate of the board of election commissioners 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; provided, however, if any other town election is to be held within one-hundred-twenty days following the date of the said certificate, the town council may omit the calling of such special election and cause said question to appear on the election ballot at such approaching election for determination by the voters.

(e) Publication - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not

less than seven nor more than fourteen days preceding the date of the election at which such 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 board of election commissioners.

(f) 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 voters in an initiative petition take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary, as determined and prepared by the town attorney, in consultation with the town clerk.)

YES ___

NO ___

(g) 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 forthwith, unless a later date is specified in such measure; provided, however, that no such measure shall be deemed to be adopted if fewer than twenty percent of the total number of voters of the town, as of the date of the most recent town election, participate at such election.

SECTION 7-10 CITIZEN REFERENDUM PROCEDURES

(a) Petition, Effect on Final Vote - If, within twenty days following the date on which the town council or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to fifteen percent of the total number of voters as of the date of the most recent town election and addressed to the town council or to the school committee, as the case may be, against the measure or any part thereof is filed with the secretary of the school committee or clerk of the council, the effective date of such measure shall be temporarily suspended. The school committee or the town council shall forthwith reconsider its vote on such measure or part thereof, and, if such measure is not rescinded the town council 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 town election, but pending such submission and determination the effect of such 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 insofar as applicable, Section 7-9 (a), (b) and (c) shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" in said sections wherever it may occur and the word "referendum" shall be deemed to replace the word "initiative" wherever it may occur in said sections.

Form of Question-The question that shall appear on the ballot shall take the following form:

Shall the following measure enacted by the Town Council take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary of the measure, as determined and prepared by the town attorney in consultation with the town clerk)

YES ___

NO ___

SECTION 7-11 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 town council or of the school committee, (2) an emergency measure adopted in conformity with the charter, (3) the town budget or the school committee budget as a whole, (4) revenue loan orders, (5) any appropriation for the payment of the town's debt or debt service, (6) an appropriation of funds to implement a collective bargaining agreement, (7) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action, (8) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures, and (9) any proceedings providing for the submission or referral of any measure to the voters at an election.

SECTION 7-12 SUBMISSION OF OTHER MATTERS TO VOTERS

The town council 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 town 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 7-13 CONFLICTING PROVISIONS

If two 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 8 GENERAL PROVISIONS

SECTION 8-1 CHARTER CHANGES

(a) In General - 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.

(b) Periodic Review - The town council shall provide, in every year ending in a zero, for a complete review of the charter by the entire council and six additional voters to be appointed by the council president. The said committee shall file a report within the said year recommending any changes in the charter which it may deem to be necessary or desirable, unless an extension is authorized by vote of the town council.

SECTION 8-2 SEVERABILITY

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

SECTION 8-3 SPECIFIC PROVISION TO PREVAIL

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

SECTION 8-4 RULES AND REGULATIONS

A copy of all rules and regulations adopted by town agencies shall be placed on file in the office of the town clerk and posted on the town website and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any town agency shall become effective until five days following the date it is so filed.

SECTION 8-5 CODIFICATION OF ORDINANCES

The town council shall provide, in each year ending in two, for a complete review and recodification of all ordinances of the town for the purpose of determining if any amendments or revisions may be necessary or desirable and to ensure internal consistency. Such review shall be conducted under the supervision of the town attorney, or, if the town council so directs, by special counsel appointed for that purpose. A report, with recommendations, shall be submitted within the said year.

The town clerk shall annually review all ordinances adopted since the close of the previous fiscal year, insert them in their proper

place in the code of ordinances, and publish them on the town's website.

SECTION 8-6 UNIFORM PROCEDURES APPLICABLE TO MULTIPLE MEMBER BODIES

(a) Meetings - All multiple-member bodies of the town shall meet regularly at such times and places as they may, by their own rules, prescribe, unless some other provision is made by ordinance or by law. Special meetings of any multiple-member body shall be held on the call of the chair or by one third of the members thereof, by written which contains a list of the item or items to be acted upon. Except in case of an emergency such notice shall be posted on the town bulletin board at least forty-eight hours, excluding Saturdays, Sundays and legal holidays in advance of the time set for such meeting and delivered to members of such multi-member body, forthwith, after such posting.

(b) Rules and Journals - Each multiple-member body shall determine its own rules and order of business unless another provision is made by ordinance or by law, and shall provide for the keeping of a journal of its proceedings. These rules and journals shall be a public record, and certified copies shall be kept on file in the office of the town clerk, in the Watertown Free Public Library and posted on the town's website.

(c) Voting - If requested by any member, any vote of any multiple-member body shall be taken by a call of the roll and the vote of each member shall be recorded in the journal; provided, however, that if the vote is unanimous only that fact need be recorded.

(d) Quorum - A majority of the members of a multiple-member body shall constitute a quorum, but a smaller number may meet and adjourn from time to time.

(e) Conflict of Interest- Unless such service may otherwise be authorized by law, no member of an elected multiple-member body shall, while holding such office, hold any other town office or employment for which a salary or other emolument is payable from the town treasury. No member of an elected multiple-member body shall hold any compensated appointed town office or employment until six months following the date on which the person's elected service to the town is terminated. This provision shall not prevent a town officer or town employee who has taken a leave of absence from such office or employment from resuming the same office or employment following service as an elected member of a multiple member board.

Provided, however, that an elected member of the town council shall not be prohibited by the preceding paragraph from holding a position under the authority of the school committee; and further that if the council president shall hold such an office or position the town council shall, by vote, designate the vice president or some other member of the town council not so ineligible to serve as school committee member in the council president's place, and such councillor shall have all the powers and duties of the council president serving as a school committee member as set forth in section 4-1 of this charter.

SECTION 8-7 NUMBER

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

SECTION 8-8 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, recodification, or revision of such statutes enacted or adopted subsequent to the adoption of this charter.

SECTION 8-9 CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected, including those elected by the town council, or appointed to an office of the town shall receive a certificate of such election or appointment from the town clerk.

Except as otherwise provided by law, before performing any act under an appointment or election, all such persons shall take and subscribe to an oath of office and be sworn to the faithful performance of their duties.

SECTION 8-10 NOTICE OF VACANCIES

Whenever a vacancy shall occur in any town office or in the employment of the town, or, when by reason of a retirement, or resignation, or the expiration of a fixed term, or otherwise, a vacancy can be anticipated, the town manager or other appointing authority shall forthwith cause public notice of such vacancy or impending vacancy to be publicly posted on the town bulletin board for not less than ten days. Each such notice shall contain a brief description of the duties of the office or position and shall indicate a list of necessary or desirable qualifications for the office or position. Any person who desires to be considered for an appointment to fill such vacancy may, within ten days following the date the notice is posted, or such longer period as may be indicated in such announcement, file with the appointing authority a statement setting forth with reasonable clarity and specificity, the qualifications of such person for such appointment. No permanent appointment to fill any position shall be effective until at least fourteen days have elapsed following such posting to permit the reasonable consideration of all such applicants. This section shall not apply to positions covered under the civil service law and rules or if in conflict with the provisions of a collective bargaining agreement.

SECTION 8-11 PENALTIES FOR ELECTED OFFICIALS CONVICTED OF A FELONY

(a) Definition - For the purposes of this section of the charter, "conviction" means a finding of guilt resulting from a plea of guilty, the decision of a court or magistrate or the verdict of a jury, irrespective of the pronouncement of judgment or sentence or the suspension thereof.

(b) Criminal Actions Involving Discharge of Official Duties - Notwithstanding any general or special law or charter provision to the contrary, any person convicted of any criminal offense involving a violation of the person's official duties in any elective office at the time of conviction shall be deemed to have vacated said office at the time of conviction.

(c) Felony Conviction - Notwithstanding any general or special law or charter provision to the contrary, any person convicted of a felony in any jurisdiction of the United States, while holding elective office in the town of Watertown, who still holds such elective office at the time of conviction, may be subject to censure, permanent removal from any committee chairs held by virtue of the office, or expulsion by a two-thirds vote of the remaining members of the body of which the elected official is a member, and said body shall have authority to exclude said officer and to declare the office vacant.

(d) Reversal of Conviction or Pardon - If the conviction is reversed or vacated and the term of such person has not yet expired, the elected official shall be restored to office with all its rights. If pardoned, the official shall not by reason thereof be restored, unless it is so expressly ordered by the terms of the pardon or by majority vote of the members of the body. If an elected official is restored to office in accordance with this section after a conviction is reversed or vacated, any person previously chosen to fill the vacancy created as a result of such prior conviction shall be deemed to have vacated the office at the time the conviction is reversed or vacated.

ARTICLE 9 TRANSITIONAL PROVISIONS

SECTION 9-1 CONTINUATION OF EXISTING LAWS, ETC.

All general laws, special laws, town ordinances, and rules and regulations of or pertaining to the town that are in force when any amendments to this charter takes effect, and not specifically or by implication repealed hereby, shall continue in full force and effect until amended or repealed, or rescinded by due course of law, or until they expire by their own limitation.

SECTION 9-2 CONTINUATION OF GOVERNMENT AND ADMINISTRATION

Except as otherwise provided in this charter, following a charter amendment all town agencies shall continue to perform their duties until reselected, or until successors to their respective positions are duly appointed or elected and qualified, or until their duties have been transferred and assumed by another agency as so provided.

SECTION 9-3 TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of any town agency, or part thereof, the powers and duties of which are assigned in whole or in part to another town agency pursuant to a charter amendment, shall be transferred forthwith to such agency.

SECTION 9-4 CONTINUATION OF PERSONNEL

Following a charter amendment affecting a particular town office, position or employment, any person holding such town office or position in the administrative service of the town, or any person holding full time employment under the town, shall subject to appropriation and the continued existence of such office, position or employment, retain the same and continue to perform the duties thereof until provision shall have been made for the performance of those duties by another person or agency unless sooner removed in accordance with this charter, applicable collective bargaining agreement, employment contract or ordinance; provided, however, no person in the permanent full time service of the town shall forfeit the employee's pay grade, or time in service of the town. Subject to appropriation and in accord with the provisions of any applicable collective bargaining agreement, all such persons shall be retained in a capacity as similar to the capacity in which they were serving at the time this charter is amended as is practicable, and any reduction in the personnel needs of the town shall be accomplished through a policy of attrition, unless specific provision is otherwise made.

SECTION 9-5 EFFECT ON OBLIGATIONS, TAXES, ETC.

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

SECTION 9-6 TEMPORARY ADMINISTRATIVE CODE

(a) Until such time as another provision is made in accordance with the provisions of the charter, for a different organization of the administration of the government of the town, the following temporary provisions shall be in effect.

(i) The town manager shall appoint the following town officers who shall serve at his or her pleasure:

a town clerk, a town treasurer-collector, a personnel assistant, a superintendent of public works and an administrative assistant and other department heads or deputy town managers as may be authorized by the town council.

(ii) The town manager shall appoint the following officers, subject to the civil service law and rules: a fire chief, a police chief and a purchasing agent.

(iii) The town manager shall appoint the following town officers for a term of years:

constables, members of a council on aging and the staff of such council, an animal inspector and a veterans' services director.

Provided, however, that to the extent that any of these offices set forth in this section are no longer required, this section shall not be interpreted to require the town manager to make appointments thereto.

(iv) The town manager shall appoint the following town officers, subject to the approval of the town council; and in accordance with the provisions of applicable laws, provided, however, if the town council shall fail to take any action on a proposed appointment by the town manager within thirty days following the date notice of such appointment is filed by the town manager with the town council, such appointment shall be deemed to have been confirmed:

a town attorney, a licensing board, a board of assessors, a board of appeals, a planning board, a housing authority, a conservation commission, a board of health, and an election commission and other committees that may from time to time be authorized by the town council by ordinance..

With respect to the offices and multiple- member bodies identified in subsections 9-6(a)(iii) and 9-6(a)(iv), the town council may, by ordinance, set the term of office, and determine the size of any such multiple-member board; provided, however, that adoption of an ordinance hereunder shall not affect the term of any incumbent holding office at the time of the effective date of the ordinance.

Chapter

10. GENERAL PROVISIONS**CHAPTER 10: GENERAL PROVISIONS**

Section

- 10.01 Title of code
- 10.02 Interpretation
- 10.03 Application to future ordinances
- 10.04 Construction of ordinances; recordation, publication
- 10.05 Captions
- 10.06 Definitions
- 10.07 Rules of interpretation
- 10.08 Severability
- 10.09 Reference to other sections
- 10.10 Reference to offices
- 10.11 Errors and omissions
- 10.12 Official time
- 10.13 Reasonable time
- 10.14 Ordinances repealed
- 10.15 Ordinances unaffected
- 10.16 Effective date of ordinances
- 10.17 Repeal or modification of ordinance
- 10.18 Ordinances which amend or supplement code
- 10.19 Section histories; statutory references
- 10.99 General penalty

Cross-reference:

Code enforcement procedures, see Ch. 35

§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the City known as the Town of Watertown, Massachusetts shall be designated as the Code of Watertown and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CONSTRUCTION OF ORDINANCES; RECORDATION, PUBLICATION.

(A) All bylaws passed by the Town Council shall be termed "ordinances," and the enacting style shall be similar to: "Be it ordained by the Town Council of the City known as the Town of Watertown as follows."

(B) All the ordinances of the town shall be recorded by the Town Clerk, in a fair and legible hand or typewritten, without interlineation or erasure, in the order in which they are passed, in a book to be kept for that purpose, with proper margin and index, to be entitled "The Ordinances of the Inhabitants of the City known as the Town of Watertown," which book shall be preserved in the office of the Town Clerk, subject to the inspection of the citizens.

(C) All the ordinances of the town and such resolutions and orders as the Town Council may direct shall be published by causing the same to be inserted once in 1 or more newspapers printed and published in the town as the Town Council shall from time to time designate; but whenever the town shall make a general revision of all of its ordinances, no publication of such revised ordinances shall be required in any newspaper.

§ 10.05 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.06 DEFINITIONS.

(A) Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City known as the Town of Watertown, Massachusetts.

CODE, THIS CODE or **THIS CODE OF ORDINANCES.** This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COMPUTATION OF TIME. When time is to be reckoned from a day, date, act done, or the time of an act done, either by force of law, or by virtue of a contract made, such day, date, or the day when such act is done shall not be included in the computation.

CORPORATE OR TOWN LIMITS. The legal boundaries of the Town of Watertown, Massachusetts.

COUNTY. Middlesex County, Massachusetts.

DELEGATION OF AUTHORITY. Whenever a provision appears requiring the head of a department or some other town officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate, and authorize subordinates to perform the required act or perform the duty unless the terms of the provisions of the section specify otherwise.

JOINT AUTHORITY. All words purporting to give a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers, unless otherwise expressly declared.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICERS, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this municipality unless the context clearly requires otherwise.

OWNER or OCCUPANT. Any sole owner or occupant and any joint tenant and tenant in common of the whole or any part of a building or lot of land.

(1982 Code, Ch. I, § 5)

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PERSONAL PROPERTY. Includes every species of property except real property, as herein described.

PRECEDING or FOLLOWING. Next before or next after, respectively.

PUBLIC WAY. Any highway, townway, road, bridge, street, avenue, boulevard, roadway, parkway, lane, sidewalk or square.

(1982 Code, Ch. I, § 5)

REAL PROPERTY. Lands, tenements, and hereditaments.

REGISTERED MAIL. When used in connection with the requirement for notice by mail shall mean either registered mail or certified mail.

SHALL. The act referred to is mandatory.

SIGNATURE or SUBSCRIPTION. Includes a mark when the person cannot write.

STATE. The State of Massachusetts.

STREET. Includes streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public ways in the town, and shall include all areas thereof embraced between the property lines and dedicated to the public use.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

TENANT or OCCUPANT. Applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or part of such buildings or land, either alone or with others.

TOWN. The Town of Watertown, Massachusetts.

TOWN COUNCIL. The Town Council of Watertown, Massachusetts.

WHOLESALE, WHOLESALE or WHOLESALE DEALER. In all cases where the words **WHOLESALE, WHOLESALE** or **WHOLESALE DEALER** are used in this code, unless otherwise specifically defined, they shall be understood and held to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for purposes of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

§ 10.07 RULES OF INTERPRETATION.

The construction of all ordinances of this municipality shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(A) **AND** or **OR**. Either conjunction shall include the other as if written "and/or," if the sense requires it.

(B) *Acts by assistants*. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses*. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term*. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.08 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.09 REFERENCE TO OTHER SECTIONS.

Whenever in 1 section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.10 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.11 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.12 OFFICIAL TIME.

The official time, as established by applicable state/federal laws, shall be the official time within this municipality for the transaction of all municipal business.

§ 10.13 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the

last. If the last day be Sunday, it shall be excluded.

§ 10.14 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.15 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.16 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.17 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§ 10.18 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.19 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the amending ordinances, if any, are listed following the text of the code section.

Example: (Ord. passed 5-13-1960; Am. Ord. passed 1-1-1970; Am. Ord. passed 1-1-1980; Am. Ord. passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute.

Example: (Mass. Gen. Laws Ch. 35, § 10) (Ord. passed 1-17-1980; Am. Ord. passed 1-1-1985)

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

*For provisions concerning the inspection of public records, see*Mass. Gen. Laws Ch. 66, §§ 1 et seq.

(C) If a section of this code is derived from the previous code of ordinances of the town published in 1982 and subsequently amended, the 1982 code chapter and section number shall be indicated in the history by "(1982 Code, Ch. __, § __)."

§ 10.99 GENERAL PENALTY.

(A) Any person violating any provision of this code, or any rule or regulation of any Watertown officer, board or department (including without limitation any sanitary code or regulations of the Board of Health issued pursuant to Mass. Gen. Laws Ch. 111, §§ 31 and 31B, and any Fire Safety Code issued by the Fire Chief pursuant to Mass. Gen. Laws Ch. 148, § 28), provided that the issuance or adoption of any such code, rule or regulation was the subject of a public notice prior to the effective date and that on the date of the alleged violation a confirmed copy of the current version of that code, rule or regulation was available in the Town Clerk's office, including any mandate, requirement, prohibition, or proscription, shall be subject to the penalties set forth in division (B) of this section.

(B) Except as set for in § 35.05 of this code, and unless controlled by Massachusetts General Laws and unless other fine or penalty is expressly stated in this code, violators of any provision of this code, rules or regulations shall forfeit and pay a fine not to exceed \$300.

(C) A separate offense shall be deemed committed upon each day during which a violation occurs or continues and shall be subject to a separate penalty.

(1982 Code, Ch. I, § 6) (Am. Ord. 31, passed 3-26-1991)

Cross-reference:

Non-criminal disposition, see § 35.05

TITLE III: ADMINISTRATION

Chapter

- 30. TOWN OFFICIALS AND EMPLOYEES**
- 31. BOARDS, COMMISSIONS AND DEPARTMENTS**
- 32. FINANCES**
- 33. TAXATION**
- 34. PURCHASING PROCEDURES**
- 35. CODE ENFORCEMENT**

CHAPTER 30: TOWN OFFICIALS AND EMPLOYEES

Section

General Provisions

- 30.01 Tax Collector
- 30.02 Auditor
- 30.03 Administration Building hours of operation; closing

Personnel Regulations

- 30.15 Authorization
- 30.16 Definitions
- 30.17 Personnel Board
- 30.18 Classification plan
- 30.19 Compensation plan
- 30.20 Amendment of the plans
- 30.21 Position classes: salary, wage and miscellaneous compensation schedules
- 30.22 Part-time positions classified in the administrative and clerical group
- 30.23 Work week
- 30.24 Initial application of the compensation plan
- 30.25 Overtime compensation
- 30.26 Paid holidays
- 30.27 Vacation leave
- 30.28 Sick leave
- 30.29 Physical examination
- 30.30 Civil service
- 30.31 Residency requirement for police officers and fire fighters
- 30.32 Longevity payments

Cross-reference:

Duties of Superintendent of Public Works, see § 50.01

GENERAL PROVISIONS

§ 30.01 TAX COLLECTOR.

The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the town which are committed to him or her. The duties of the Collector of Taxes of the Town shall be performed by the Town Treasurer.

(1982 Code, Ch. III, § 1)

§ 30.02 AUDITOR.

(A) The Auditor shall have and perform for the town all powers and duties prescribed by the provisions of Massachusetts General

Laws governing municipal auditors and accountants.

(B) The town shall cause to be made annually, with the approval of the Town Council, an outside audit of the books and accounts of the town. The audits shall be conducted in accordance with generally accepted government auditing standards and shall be presented to the Town Council upon its completion.

(C) The outside audit shall be performed by an external auditor or public accountant who meets the independent standards set forth under the generally accepted government auditing standards. The outside auditor shall have an appropriate background and training in municipal account systems.

(1982 Code, Ch. III, § 2; Am. Ord. 35, passed 6-14-1994)

§ 30.03 ADMINISTRATION BUILDING HOURS OF OPERATION; CLOSING.

(A) All offices in the Administration Building shall be open to the public for the transaction of business from 8:30 a.m. to 5:00 p.m. daily, except Saturdays, Sundays and legal holidays.

(B) The Town Manager, after reasonable notice to the public, may by appropriate order direct that the Administration Building be closed on any day preceding or following a legal holiday or on any other day when, in his or her judgement, it is deemed expedient, necessary, or advisable.

(C) The Building Inspector's Office continued to be open for transaction of business beginning at 7:30 a.m. until 5:00 p.m., when all offices in the Administration building are open. This division (c) can be rescinded at the discretion of the Town Manager.

(1982 Code, Ch. I, §§ 10 and 11; Am. Ord. O-2013-15, passed 3-26-2013; Am. Ord. O-2014-26, passed 4-22-2014; Am. Ord. O-2015-15, passed 4-14-2015; Am. Ord. 2016-10, passed 3-22-2016; Am. Res. R-2016-66, passed 11-9-2016; Am. Res. R-2017-9, passed 3-28-2017)

PERSONNEL REGULATIONS

Editor's note:

These regulations were reprinted from Chapter 10 of the By-Laws, 1980-81. Voted by Action of Town Meeting March 16 and March 23, 1964 under Articles 8 and 51, respectively, with amendments through 1980 Annual Town Meeting.

§ 30.15 AUTHORIZATION.

Pursuant to the authority contained in Mass. Gen Laws Ch. 41, §§ 108A and 108C, there shall be established plans, which may be amended from time to time by vote of the town at an annual town meeting:

(A) Classifying positions in the service of the town other than those filled by popular election, those under the jurisdiction of the School Committee, those for which incumbents render contractual services which are not provided during regularly established working hours and those which are essentially seasonal with respect to the duties which the incumbents perform and which do not appear in Schedule A, referenced in § 30.21, into groups and classes doing substantially similar work or having substantially equal responsibilities;

(B) Authorizing a compensation plan for positions in the classification plan;

(C) Providing for the administration of the classification and compensation plans; and

(D) Establishing certain working conditions and fringe benefits for employees occupying positions in the classification plan.

§ 30.16 DEFINITIONS.

As used in this subchapter, the following words and phrases shall have the following meanings unless a different construction is clearly required by the context or by the laws of the commonwealth.

ADMINISTRATIVE AUTHORITY. The elected or appointed official or board, having jurisdiction over a function or activity.

BOARD. The Personnel Board as defined in § 30.17.

CLASS. A group of positions in the town service sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used to designate each position allocated to the class, that the same qualifications shall be required of the incumbents, that the same tests of fitness may be used to choose qualified employees and that the same scale of compensation can be made to apply with equity.

CLASSIFICATION PLAN. Class titles appearing in Schedule A, referenced in § 30.21 of this subchapter, plus class specifications which are on file with the Personnel Board and which are hereby incorporated by reference.

COMPENSATION GRADE. A range of salary or wage rates appearing in Schedules B, C, D or E, referenced in § 30.21.

COMPENSATION PLAN. Schedules B, C, D and E, referenced in § 30.21.

CONTINUOUS EMPLOYMENT. Employment (either full- or part-time) requiring a predetermined minimum work week and uninterrupted except for required military service and for authorized vacation or other leave of absence.

DEPARTMENT. Any department, board committee commission or other agency of the town subject to this subchapter.

EMPLOYEE. An employee of the town occupying a position in the classification plan.

FULL-TIME EMPLOYEE. An employee retained in full-time employment.

FULL-TIME EMPLOYMENT. Employment for not less than 7.5 hours per diem for five days a week for 52 weeks per annum, minus legal holidays and authorized vacation leave, sick leave and other leave of absence.

GROUP or **OCCUPATIONAL GROUP.** A group of classes designated by occupation as appearing in Schedule A, referenced in § 30.21.

INCREMENT. The dollar difference between step rates.

MAXIMUM RATE. The highest rate in a range which an employee normally is entitled to attain.

MINIMUM RATE. The rate in a range which is normally the hiring rate of a new employee.

PART-TIME EMPLOYEE. A person employed in a permanent status to a position in the several departments whose period of employment is less than the regular hours of work for the department to which he or she has been employed.

PART-TIME EMPLOYMENT. Employment on a regular basis with scheduled hours less than the regular scheduled hours of work for the department.

PERMANENT EMPLOYEE. An employee retained in continuous employment in a permanent position.

PERMANENT POSITION. A full-time or part-time position in the town service which has required or which is likely to require the services of an incumbent in continuous employment for a period of 52 calendar weeks.

PERSONAL RATE. A rate above the maximum rate applicable only to a designated employee.

POSITION. An office or post of employment in the town service with duties and responsibilities calling for the full-time, part-time or seasonal employment of one person in the performance and exercise thereof.

PROMOTION. A change from a position of lower class and compensation grade to a position with greater responsibilities in a higher class and compensation grade.

PROVISIONAL EMPLOYEE. An employee who is appointed to the employee force for regular full-time or part-time employment pending certification to permanent status, or to a permanent position in probationary or acting status pending certification to permanent status.

RANGE. The dollar difference between minimum and maximum rates.

RATE. A sum of money designated as compensation for personal services on an hourly, daily, weekly, monthly, annual or other basis.

REGULAR EMPLOYEE. An employee who has worked 30 weeks in the aggregate during the 12 consecutive months ending

May 31st of any calendar year.

STEP RATE. A rate in a range of a compensation grade.

SEASONAL EMPLOYMENT. Appointment to the employee force for a fixed period of time, and which appointment shall terminate at the conclusion of that period of time.

TEMPORARY EMPLOYEE. An employee retained in a temporary position as defined below, or an employee retained in a position the title of which contains the adjective temporary.

TEMPORARY POSITION. A position in the town's service which requires or is likely to require the services of one incumbent for a limited time and a special purpose, either full-time or on a part-time basis.

§ 30.17 PERSONNEL BOARD.

(A) There shall be a Personnel Board consisting of five members, responsible for the administration of the classification and compensation plans. One member shall be a member of the Finance Committee, and four shall be citizens at large of the town. Appointments to the Personnel Board shall be made by the Moderator.

(B) In making these appointments, the Moderator shall give consideration to the personal qualifications of those citizens who will best meet the responsibility of the Board to represent both town employees and taxpayers. If possible, the make-up of the Board shall consist of members professionally qualified who are familiar with the principles and experienced in the methods and practices of labor relations and personnel administration.

(C) The terms of office of members of the Board shall be as follows: The Member of the Finance Committee shall serve for a term of one year. One citizen for a term of one year, and one citizen shall be appointed for a term of two years, and two citizens shall be appointed for terms of three years. Upon expiration of the first terms of the citizen members, their successors shall be appointed for terms of three years.

(D) The Board shall administer the plans and shall establish such procedures as it deems necessary for the proper administration thereof.

(E) Forthwith after its appointment and annually, the Board shall meet and organize by electing a chairman and appointing a secretary who shall be a member of the Board. A majority of the Board shall constitute a quorum for the transaction of business. A majority of the Board shall determine the action the Board must take in all matters which it is authorized or required to pass under this subchapter.

(F) The Board may employ assistance and incur expenses as it deems necessary subject to the appropriation of funds therefor. It shall appoint a clerk.

(G) The clerk of the Board shall maintain adequate personnel records of all employees occupying positions subject to the classification and compensation plans.

(H) The Board from time to time, of its own motion, shall investigate the work features and rates of salaries or wages of any or all positions subject to the provisions of this subchapter. Reviews shall be made at intervals as the Board deems necessary and, to the extent which the Board considers practicable, shall include all occupational groups in the classification plan.

(I) The Board shall maintain written job descriptions or specifications of the classes in the classification plan, each consisting of a statement describing the essential nature of the work and the characteristics that distinguish the class from other classes. The description for any class shall be construed solely as a means of identification and not as prescribing what the duties or responsibilities of any position shall be, or as modifying, or in any way affecting, the power of any administrative authority, as otherwise existing, to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

(J) (1) Upon recommendation of a department head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Board, the Board may authorize an entrance rate higher than the minimum rate for a position, and/or such other variance in the compensation plan as it may deem necessary for the proper functioning of the services of the town. No variance shall become effective unless, or until, the necessary funds have been appropriated therefor.

(2) Initial employment in the library service in any of the professional positions or classifications included in § 30.21 may be at rates above the minimum rate shown when, in the judgment of the Trustees of the Free Public Library, prior experience and training justifies the rate, and the authorization of the Board in such cases shall not be required.

(K) (1) Whenever a vacancy occurs in any position subject to the compensation plan, the Personnel Board will be notified of the vacancy.

(2) In departments which come under the jurisdiction of the Civil Service Commission, the appropriate list of certified candidates shall be requested, if the position is to be filled.

(3) In the absence of such a list, appropriate Civil Service procedures shall be followed, if the position is to be filled.

(4) In departments which are exempt from Civil Service, the position(s) shall be advertised. if the position is to be filled.

(5) Applications shall be reviewed and a list of eligible candidates shall be prepared and sent to the appointing authority for final selection, except that the Library Department, under provisions of Mass. Gen. Laws Ch. 78, will reserve the right to receive applications from which the Trustees may make appointments.

(6) No employees shall commence work, receive wages or compensation unless these procedures shall have been followed.

(L) The Board shall make an annual report in writing to the Board of Selectmen and the Finance Committee not later than the fourth Monday prior to the first business meeting of the annual town meeting.

§ 30.18 CLASSIFICATION PLAN.

(A) All positions in the service of the town except those excluded by § 30.15 are hereby classified by titles appearing in Schedule A, referenced in § 30.21 which is made a part hereof. These classes of positions shall constitute the classification plan for paid town services.

(B) The title of each class, as established by the classification plan, shall be the official title of every position allocated to the class and the official title of each incumbent of a position so allocated, and shall be used to the exclusion of all others on payrolls, budget estimates and other official records and reports pertaining to the position.

(C) The title of a position which is held by an employee with a dual or a multiple Civil Service rating shall be that recommended by the employee's department head, or by the administrative authority having jurisdiction over the organization unit to which the employee is assigned.

(D) Whenever a new position is established, or the duties of an existing position are so changed that in effect a new position is created, upon presentation of substantiating data satisfactory to the Personnel Board, the Board shall allocate the new or changed position to its appropriate class.

(E) No position may be reclassified until the Personnel Board shall have determined the reclassification to be consistent with the classification plan.

§ 30.19 COMPENSATION PLAN.

(A) The compensation plan shall consist of Schedules B, C, D and E, referenced in § 30.21, which provide minimum and maximum salaries or wages for certain of the classes in the classification plan. The salary range of a class shall be the salary range of all positions allocated to the class.

(B) Each employee shall continue to be paid on the same basis as in effect at the time of adoption of this subchapter unless otherwise provided in the compensation plan.

(C) No administrative authority shall fix the salary of any employee in a position in the classification plan except in accordance with the compensation plan.

(D) No person shall be paid as an employee in any position subject to the provisions in the classification plan under any title other than those appearing in Schedule A, referenced in § 30.21.

(E) An employee in continuous employment in a class appearing on Schedules B, C, or certain grades of Schedule E, referenced in § 30.21 shall receive the increment between his or her present rate and the next higher step rate as follows:

(1) Beginning with the pay period following completion of 12 months service at the minimum or other rate if a rate other than the minimum is authorized as his or her hiring rate.

(2) Thereafter 12 months from the date of his or her previous increase until he or she attains the maximum rate of the range of the compensation grade to which his or her class is assigned.

(F) (1) An employee receiving a promotion to a vacant position or to a new position as defined in § 30.18(C) shall, upon assignment resulting from such promotion, receive the rate in the compensation grade of the vacant or new position next above his or her existing rate. If the resulting adjustment does not equal \$100 for a position class assigned to Schedule B or \$.05 for a position class assigned to Schedule D, the adjustment shall be to the second rate above the existing rate but within the compensation grade of the vacant or new position.

(2) Upon recommendation of a department head supported by evidence in writing, the Personnel Board may authorize a rate of pay above the minimum for an employee receiving a promotion to a vacant or new position as defined in § 30.18(C) but consistent with the classification plan and the appropriation voted therefor.

(G) The employee receiving a promotion and adjustment in rate pursuant to the provisions of the preceding division shall receive the next increment of his or her compensation grade following completion of 12 months at the rate resulting from the promotion.

(H) The employee who is transferred to a similarly rated or to a lower rated position for the convenience of the town shall enter the new position at his or her rate in the position from which he or she is transferred.

(I) Each administrative authority shall include in its estimates, required by the provisions of Mass. Gen. Laws Ch. 41, § 59, a pay adjustment section setting forth in detail the amounts which will be required for anticipated pay adjustments during the ensuing year and shall furnish a copy thereof to the Board.

§ 30.20 AMENDMENT OF THE PLANS.

(A) The classification plan and/or the compensation plan and/or other provisions of this subsection may be amended by vote of the town at an annual town meeting in the same manner as other by-laws of the town may be amended. However, no amendment shall be considered or voted on by town meeting unless the proposed amendment has first been considered by the Board and the Finance Committee.

(B) The recommendation of the Personnel Board as to a proposed amendment to this subchapter shall be made to the town meeting before a vote is taken thereon. A proposed amendment must be submitted to a town meeting substantially as presented to and as heard by the Personnel Board.

(C) Similarly, the Finance Committee shall report to the town meeting as a part of its estimates of town expenditures the impact of a proposed amendment which is approved by the Personnel Board together with a recommendation or recommendations as the Finance Committee deems expedient.

(D) The Board, of its own motion, may propose an amendment to the plans or other provisions of this subchapter based on its findings resulting from its investigations as provided in § 30.17(H).

§ 30.21 POSITION CLASSES: SALARY, WAGE AND MISCELLANEOUS COMPENSATION SCHEDULES.

The following schedules, together with class specifications previously incorporated by reference, are hereby adopted by reference as if fully attached hereto, and constitute the classification and compensation plans of the town as defined in § 30.16. Copies of the schedules are on file for examination and inspection in the office of the Town Clerk:

(A) *Schedule A.* Classification of positions by occupational groups and assignment to compensation grades.

(B) *Schedule B.* General annual salary schedule.

(C) *Schedule C.* Police and fire annual salary schedule.

(D) *Schedule D.* Hourly wage schedule.

(E) *Schedule E.* Miscellaneous salary schedule.

§ 30.22 PART-TIME POSITIONS CLASSIFIED IN THE ADMINISTRATIVE AND CLERICAL GROUP.

Employees occupying administrative or clerical positions in part-time employment which may be continuous employment or which may constitute intermittent or casual service shall be compensated at hourly rates appearing in a schedule located on file in the office of the Town Clerk and which is hereby incorporated in the compensation plan.

§ 30.23 WORK WEEK.

The work week for full-employment in each occupational group shall be as follows:

<i>Group</i>	<i>Work Week</i>
Administrative and Clerical Group	37.5 hours
Custodian Group	40 hours
Inspection Group	**As required
Professional Group	**As required
Mechanical and Construction Group	
Fire Alarm Signal Operator	42 hours
All others in this group	40 hours
Labor Group	40 hours
Library Group	40 hours
Public Safety Group	
Police Classes	*As required
Fire Classes	42 hours
Supervisory Group	**As required
* Each member of the Police Department shall work not more than an average of 40 hours per week over a period of six weeks, and not more than eight and one-quarter (8 1/4) hours a day on a regularly scheduled basis, each member to receive not less than 121 regular days off yearly, characteristic of the four-two-one work schedule, so-called, and not less than two consecutive days off weekly.	
** Which shall be not less than 40 hours per week and which may be computed over any 2 week cycle.	

§ 30.24 INITIAL APPLICATION OF THE COMPENSATION PLAN.

(A) Upon adoption of this subchapter at an annual town meeting, the rate of each eligible employee occupying a position in the classification plan shall become effective on July 1 of the year of adoption.

(B) The rate of each eligible employee shall be adjusted in the same corresponding step rate in his or her designated compensation grade of § 30.21 as the step rate which he or she occupied as of July 1 of the year of adoption. His or her corresponding step rate shall be determined by the same number of increments below maximum. (If more step rates are in his or her old than in his or her new compensation grade, the adjustment shall be at least to the minimum rate of the new compensation grade.)

(C) The adjustment of the rate of an individual employee as provided in the preceding paragraph shall, however, be subject to the following:

(1) If the amount of the increase is in excess of \$500, the first year adjustment shall be limited to \$500.

(2) The balance of the initial adjustment determined by division (B) of this section shall be paid to the eligible employee in the second year following adoption of the compensation plan in addition to any further increment for which the employee may be eligible during that year.

(D) If the minimum rate of an employee's old compensation grade is higher than the minimum rate of his or her new compensation grade and if his or her rate is at the old minimum at the time of adoption, his or her adjustment shall be to the step rate of the new compensation grade which is next above the old minimum rate.

(E) If an employee's rate at the time of adoption is above the maximum rate of his or her appropriate new compensation grade, his or her rate shall become a personal rate and as defined in § 30.16, shall apply to the subject employee and not to the position.

(F) Following adoption of this subchapter and application of rates in § 30.21 as provided in the preceding divisions, employees shall be eligible for subsequent pay adjustments on anniversary dates as set forth in § 30.19(E).

(G) Nothing in this section shall be construed as authorizing adjustment to any rate above the maximum rate in the range of the compensation grade.

§ 30.25 OVERTIME COMPENSATION.

(A) *Administrative and Clerical Group.* An employee occupying a position classified in this group shall receive overtime compensation for hours worked in excess of 40 hours per week at the rate of one and one half (1 1/2) times his or her regular rate. In lieu of overtime compensation, the employer may, allow compensatory time off.

(B) *Custodian Group.* An employee occupying a position classified in this group shall receive compensation for hours worked in excess of those constituting his or her established work week at time and one half determined by dividing his or her weekly rate by 40.

(C) *Inspection and Professional Group.* An employee occupying a position classified in one of these two groups is not entitled to overtime compensation as set forth in § 30.23.

(D) *Mechanical and Construction Group.*

(1) Employees occupying positions classified in this group are normally not eligible for compensation for hours worked in excess of those constituting the work week for this group as set forth in § 30.23. In the event of special circumstances which may require overtime services on the part of an employee, the Personnel Board may approve compensation to the employee at time and one half upon application of the department head setting forth the nature and extent of such services.

(2) The Personnel Board may also grant blanket approval upon application of a department head for the payment of overtime at time and one half to employees occupying positions in the Mechanical and Construction Group for services which may be required under emergency conditions.

(3) Payment of overtime compensation to an employee occupying a position in this group will not be made without Personnel Board approval either before or after the fact.

(E) *Labor Group.* An employee occupying a position in this group shall be compensated at one and one-half times his or her regular hourly rate for hours worked in excess of eight hours during a regularly assigned work day and for all hours worked on other than a regularly assigned work day provided that he or she has been credited with 40 hours pay at his or her regular rate for five consecutively-assigned work days prior to performing work on the non-assigned work day. Double time will be paid for all hours worked on Sunday, not part of the work week.

(F) *Public Safety Group.*

(1) If an employee whose position is in one of the police classifications is required, except for court appearances, to be on duty for any period in excess of his or her regular hours of duty as from time to time established, he or she may be given time off equal to the period of overtime duty or if time off cannot be given by reason of personnel shortage or other cause, he or she may be paid for the period of overtime duty at an hourly rate as may be determined by the authority in charge of the department, which rate shall in no event be less than one and one-half times the hourly rate of his or her regular compensation for his or her average weekly hours of

regular duty.

(2) If an employee whose position is in one of the fire classifications shall be required to be on duty for any period of time in excess of his or her regular hours of duty, as from time to time established, he or she may be given time off equal to the period of overtime duty, or if time off cannot be given by reason of a personnel shortage or other cause he or she may be paid for the period of overtime duty at hourly rate as may be determined by the authority in charge of the fire department, which rate shall in no event be less than one and one-half times the hourly rate of his or her regular compensation for his or her average weekly hours of regular duty.

(G) *Library Group.* A permanent full time employee occupying a position in this group shall be compensated at one and one-half times his or her regular hourly rate for all hours worked on Sunday, providing they shall have worked a minimum of 37 hours in the previous week. No employee shall be required to work on Sunday.

§ 30.26 PAID HOLIDAYS.

(A) The following days, proclaimed and recognized by the Commonwealth, shall be recognized as legal holidays within the meaning of this subchapter, on which days employees shall be excused from all duty not required to maintain essential town service:

New Year's Day
Martin Luther King Day
Washington's Birthday
Patriot's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day

(B) Every employee in full-time employment shall be entitled to these designated holidays on the following terms:

(1) If paid on an hourly basis he or she shall receive one day's pay at his or her regular rate based on the number of hours regularly worked on the day which the designated holiday occurs.

(2) If paid on a weekly, monthly or similar basis, he or she shall be granted each designated holiday without loss in pay.

(3) Permanent part-time employees whose hours of work follow a regular weekly schedule of an average of 20 hours or more, which average may be computed over the previous eight-week cycle, shall be paid in such proportion as their part-time service bears to full-time service. Temporary employees, or employees in a temporary employment status, hired on and after December 31, 1971 shall be granted time off without pay. Employees rendering essentially contractual services shall not be paid for time off on such holidays.

(4) Provisional employees shall be deemed to be permanent employees for purposes of holiday pay.

(C) Payment under the provisions of this section shall be made provided the eligible employee shall have worked on his or her last regularly scheduled working day prior to and his or her next regularly scheduled working day following the holiday, or was in full pay status on the preceding and following days in accordance with other provisions of this subchapter.

(D) An employee occupying a position classified in the Mechanical and Construction or Labor Groups who, because of a rotation

of shifts, works different days in successive weeks shall be granted, in each year in which the number of holidays falling on his or her regular days off is in excess of the number of holidays in that year falling on Saturday, additional days off equal to the excess.

(E) An employee occupying a position classified in the Custodian, Mechanical and Construction or Labor groups who performs work on one of the days or dates designated in division (A) shall be paid at his or her regular rate for the day or date in addition to the amount to which he or she is entitled under division (B) unless the work is performed during a tour of duty which began on the day preceding the holiday.

(F) An employee occupying a position classified in the Custodian or Mechanical and Construction groups shall be paid at his or her regular rate for work performed on Saturday of a week in which one of the days or dates designated in division (A) occurs, provided the work performed is that which was scheduled for the day of the holiday.

(G) An employee occupying a position classified in the Public Safety group in one of the police classifications shall be entitled to compensation in addition to that provided under division (B) in accordance with the provisions of Chapter 268, Section 17A of the Acts of 1952 accepted by the town on April 4, 1955.

(H) An employee occupying a position classified in the Public Safety group in one of the fire classifications shall be entitled to compensation in addition to that provided under division (B) in accordance with the provisions of Chapter 640 of the Acts of 1953, accepted by the town on April 4, 1955.

(I) Employees occupying positions classified in the Administrative and Clerical, Inspection, Professional and Supervisory groups shall not be entitled to additional compensation for work performed on one of the days or dates designated in division (A).

(J) Whenever one of the holidays set forth in division (A) falls on a Sunday, the following day shall be the legal holiday.

§ 30.27 VACATION LEAVE.

Eligible employees shall be entitled to vacation leave as provided elsewhere in the bylaws of the town.

§ 30.28 SICK LEAVE.

Eligible employees shall be entitled to sick leave as provided elsewhere in the bylaws of the town.

§ 30.29 PHYSICAL EXAMINATION.

Every person hereinafter employed by the town in a position included in the classification plan as well as School Custodians, School Clerical Employees and Cafeteria Personnel, except when performing casual service, shall undergo a physical examination satisfactory to the State Watertown Contributory Retirement Board. The examining physician shall be appointed by the Board of Selectmen or School Committee, as the case may be, and shall render a sealed report of his or her findings to the Personnel Board, or, in the case of a school employee, to the School Personnel Director, having the name of the applicant written on the envelope. After receipt of the report has been entered on the respective personnel records, the report shall be deposited with the State Watertown Contributory Retirement Board for safe keeping, the contents subject to future view only by a physician designated by the Selectmen, or the School Committee, as the case may be, otherwise the report shall be confidential.

§ 30.30 CIVIL SERVICE.

Nothing in this subchapter shall be construed to conflict with Mass. Gen. Laws Ch. 31.

§ 30.31 RESIDENCY REQUIREMENT FOR POLICE OFFICERS AND FIRE FIGHTERS.

(A) Every person appointed to the position of Police Officer or Fire Fighter subsequent to the adoption of this subchapter shall be a resident of the Town of Watertown.

(B) Any Police Officer or Fire Fighter appointed prior to August 1, 1978 who resides in a city or town located further than 15 miles

from the limits of the Town of Watertown and who changes his or her domicile after August 1, 1978 shall be required to reside within 15 miles of the limits of the Town of Watertown pursuant to Mass. Gen. Laws Ch. 41, § 99A.

§ 30.32 LONGEVITY PAYMENTS.

(A) Longevity payments shall be added to the annual compensation of each full time employee under this subchapter (except those in Police and Fire classifications) after completion of ten years of continuous employment in accordance with specific collective bargaining agreements.

(B) Permanent part-time employees who work 20 or more hours per week shall receive longevity payments on a pro-rated basis.

CHAPTER 31: BOARDS, COMMISSIONS AND DEPARTMENTS

Section

General Provisions

- 31.01 Meetings and records
- 31.02 Rules and regulations
- 31.03 Annual report and distribution
- 31.04 Correspondence
- 31.05 Statutory duties
- 31.06 Conflict of interest

Legal Services Department

- 31.15 Appointments and duties
- 31.16 Defense of suits
- 31.17 Settlement authority

Recycling Advisory Board

- 31.30 Board created
- 31.31 Members of Board
- 31.32 Compensation
- 31.33 Officers
- 31.34 Duties and responsibilities
- 31.35 Procedures

Timing and Process of Appointments

- 31.50 Expiration of terms
- 31.51 Timing of appointments
- 31.52 Appointment process
- 31.53 Effective date

Cross-reference:

Administration Building hours of operation, see § 30.03

Department of Community Development and Planning, see §§ 151.01 et seq.

Historic District Commission, see §§ 152.30 et seq.

GENERAL PROVISIONS

§ 31.01 MEETINGS AND RECORDS.

All boards, committees, commissions or trustees, shall hold a regular meeting at least once each month and shall keep records exactly and in detail of all motions made, votes passed and business transacted at each such meeting. All such records shall be kept in a bound book of standard form. The books in which records of meetings are currently made shall be kept in their respective places in the town offices of the board whose records they are, and shall not be removed therefrom. The books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under supervision of the officer, board, committee, commission or trustee having custody thereof. When any record book is completely filled and a new book of records begun, the completed volume shall within a reasonable time, at least within a year, be filed with the Town Clerk for safe keeping and permanent record.

(1982 Code, Ch. II, § 1)

§ 31.02 RULES AND REGULATIONS.

(A) All boards, officers, commissions, committees, boards of trustees or departments which adopt or promulgate rules or regulations or have heretofore adopted or promulgated the same, shall forthwith file a copy thereof with the Town Clerk for a permanent record.

(B) Whenever there are additions to or amendments of any rules and regulations, the board, officer, commissioner, committee, board of trustees or department responsible therefor shall file with the Town Clerk a new and complete copy of the rules and regulations in substitution for the copy already on file.

(1982 Code, Ch. II, § 2)

§ 31.03 ANNUAL REPORT AND DISTRIBUTION.

(A) On or before March 15 each year, all officers of the town and the boards, committees, commissions and trustees referred to in the preceding section and the Superintendent of the Department of Public Works including report of the Town Engineer, shall make a report to the town of the work done and business transacted in their respective department during the fiscal year of the town last preceding. The reports shall be made by filing the original thereof with the Town Manager prior to March 15 in the year which it is made and at the same time a copy thereof with the Town Clerk for a permanent record. All reports shall be made on paper 8-1/2 inches wide and 11 inches long.

(B) The annual printed reports of the officers of the town shall be made and published by the Town Manager. It shall include the Auditor's report showing in detail all moneys received into and paid out of the Town Treasury in the fiscal year last preceding and such other matters as are required by law to be contained therein, or as may be inserted by the Town Manager under the discretion granted him or her by law. The reports shall be completed and a copy, after being completed, be delivered via mailing or other expeditious means to all Town Council Members and department heads. Copies shall be made available at the Town Clerk's office.

(1982 Code, Ch. II, §§ 3-4)

§ 31.04 CORRESPONDENCE.

All correspondence between officers or departments of the town and all reports and other instruments to be filed for record shall be on paper 8-1/2 inches wide and 11 inches long.

(1982 Code, Ch. II, § 5)

§ 31.05 STATUTORY DUTIES.

In addition to the duties fixed in this code, all officers, boards, committees and commissions shall have the duties imposed upon them by law by virtue of their office.

(1982 Code, Ch. II, § 6)

§ 31.06 CONFLICT OF INTEREST.

No town officer or member of any board or committee chosen by the town, or any agent of any such officer, board or committee, shall have any pecuniary interest in any contract agreement, sale, bargain or the settlement of any claim by or against the town made or approved on behalf of the town by himself or herself or any board or committee of which he or she is a member or for which he or she may act as agent and no such officer, member or agent shall represent a claimant or defendant in any legal proceeding, civil or criminal, by or against the town or any of its officers or agents acting in their official capacities. No officer, member or agent shall represent a defendant in any criminal proceeding instituted by a member of the Police Department for the prosecution of a crime committed within the jurisdiction of such department or for any violation of this code.

(1982 Code, Ch. III, § 10) Penalty, see § 10.99

LEGAL SERVICES DEPARTMENT

§ 31.15 APPOINTMENTS AND DUTIES.

(A) There shall be a Legal Services Department established for the town under the supervision and control of the Town Manager. The Town Manager, with the approval of the Town Council, shall appoint a Town Attorney who, together with any Assistant Town Attorney, shall be a member in good standing of the Massachusetts bar. The Town Attorney shall direct the functions of the Legal Services Department and may employ, with the approval of the Town Manager, such employees or special employees as may be necessary to carry out the duties of the Department. The Town Attorney, for the purposes of this code, shall be an officer of the town.

(B) The Legal Services Department shall, in addition to any statutory requirements or specific assignments by the Town Manager, perform and be responsible for the following duties and services:

(1) To counsel and advise all executive officers, boards, committees and commissions of the town concerning all legal matters in which the town has an interest, and such executive officers, boards, committees or commissions shall, in the first instance, confer with or refer to said legal services department for its attention all such legal matters, except those carried on in the regular course of business.

(2) To represent the town in all legal proceedings by or against the town.

(3) All legal opinions given to any executive officer, board, committee or commission shall be in writing signed by the Town Attorney and the Legal Services Department shall be responsible for filing the original with the Town Clerk for a permanent record, for sending a duplicate of the original to such person, board, committee or commission requesting the opinion and for sending a copy thereof to the Town Manager.

(4) To discuss, assist in, supervise or conduct any and all legal matters for any officer, department head, board, committee or commission of the town.

(5) To pay all proper charges against the town for any and all legal services or expenses that are properly incurred by any Town Officer, department head, board, committee or commission except those that by statute are allowed to pay their own bills for legal services and expenses or who, by proper Town Council vote, have an appropriation for legal services and expenses in the budget of their own office, department, board, committee or commission.

(1982 Code, Ch. IV, § 1)

§ 31.16 DEFENSE OF SUITS.

The Town Manager shall have full authority as agent of the town to institute and prosecute suits in the name of the town or its officers in his or her official capacity and to appear and defend suits brought against its officers in their official capacity, unless otherwise ordered by a vote of the town, or provided by law.

(1982 Code, Ch. IV, § 2)

§ 31.17 SETTLEMENT AUTHORITY.

(A) The Town Manager may institute, prosecute, defend, compromise and settle claims, actions, suits or other proceedings brought by, on behalf of, or against the town.

(B) In no case shall a settlement be so made by a payment of more than \$2,500 without a vote of authority from the town.

(C) He or she may employ special counsel in suits by or against the town whenever he or she deems it necessary.

(1982 Code, Ch. IV, § 3)

RECYCLING ADVISORY BOARD

§ 31.30 BOARD CREATED.

There is hereby established a Watertown Recycling Advisory Board.

(Ord. 36, passed 9-8-1992)

§ 31.31 MEMBERS OF BOARD.

The Recycling Advisory Board shall be composed of 12 citizens at large, to be appointed by the Town Manager, in 3 groups of 4 persons, appointed for staggered 3-year terms, with 1 group to be initially appointed for 1 year, the second group to be initially appointed for 2 years, and the third group to be initially appointed for 3 years.

(Ord. 36, passed 9-8-1992)

§ 31.32 COMPENSATION.

The members of the Recycling Advisory Board shall receive no compensation for their services as Board members, but all expenses incurred that are reasonable and that were pre-approved by the Town Manager shall be paid by the town.

(Ord. 36, passed 9-8-1992)

§ 31.33 OFFICERS.

(A) *Chairperson.* The members of the Board shall from time to time appoint 1 of its members as Chairperson.

(B) *Secretary.* The Recycling Advisory Board shall designate 1 of its members as Secretary. The Secretary shall arrange meetings, supply records, obtain data, prepare reports and attend to such other duties as shall be decided by the Recycling Advisory Board.

(Ord. 36, passed 9-8-1992)

§ 31.34 DUTIES AND RESPONSIBILITIES.

The Recycling Advisory Board shall assist the Town Manager in developing a plan for the town to address the problems of the rising cost of solid waste disposal and impending state exclusion of many recyclable materials from incinerators and landfills. In addition, the Recycling Advisory Board shall advise the Town Manager on the operations of the Watertown Recycling Center. The Town Manager may from time to time assign further duties to the Board as the Town Manager deems suitable or appropriate.

(Ord. 36, passed 9-8-1992)

§ 31.35 PROCEDURES.

All reports, suggestions and advice relative to the establishment of a recycling program in the town and on the operations of the Watertown Recycling Center shall first be submitted through the Secretary of the Recycling Advisory Board to the Board for study and recommendations before being acted upon by the Town Manager, unless the Town Manager shall deem otherwise.

(Ord. 36, passed 9-8-1992)

TIMING AND PROCESS OF APPOINTMENTS

§ 31.50 EXPIRATION OF TERMS.

(A) The terms of appointments to town boards, commissions, and committees (hereafter "town boards") expire as follows:

- (1) Board of Health: First Monday in February;
- (2) Zoning Board of Appeals: February 15;
- (3) Planning Board: February 15;
- (4) Conservation Commission: February 15;
- (5) Licensing Board: February 15;
- (6) Bicycle and Pedestrian Committee: February 15;
- (7) Election Commission: April 1;
- (8) Traffic Commission: May 15;
- (9) Board of Assessors: May 15;
- (10) Watertown Housing Authority: May 15;
- (11) Council on Aging: May 15;
- (12) Cultural Council: May 15;
- (13) Cable Access Corporation: September 15;
- (14) Historical Commission: October 1;
- (15) Commission on Disability: November 1;
- (16) Environment and Energy Efficiency: November 15;
- (17) Historic District Commission: November 15;
- (18) Recycling Advisory Board: November 15; and
- (19) Stormwater Advisory Committee: July 15.

(B) All persons serving on a town board for a term of years at the time of enactment of this subchapter shall continue to serve on that town board until their terms would otherwise expire, and until their successors are qualified, unless otherwise terminated.

§ 31.51 TIMING OF APPOINTMENTS.

(A) Appointments upon expiration of term.

(1) At least 90 days before the expiration of a town board member's term, the Town Manager will notify the member in writing of the expiration date of his or her term and determine whether the member wishes, at the Town Manager's discretion, to serve another term.

(2) Within 7 business days of giving the notice required in division (A)(1), the Town Manager will post the position. If the Town Manager has determined that the current member wishes to serve another term, the posting will include that information.

(3) If the appointment requires confirmation by the Town Council, the Town Manager will transmit his or her appointment to the Town Council at least 30 days prior to the expiration of the term.

(4) If the appointment does not require confirmation by the Town Council, the Town Manager will transmit to the Town Council notice of his or her appointment prior to the expiration of the term.

(B) Appointments other than upon expiration of term.

(1) Vacancies on town boards occurring other than upon expiration of term, whether due to resignation, removal, or other cause, shall be filled by appointment by the Town Manager for the unexpired term.

(2) Upon learning of a vacancy occurring other than upon expiration of term, the Town Manager may either:

(a) Appoint a new member from among people who have previously applied and been interviewed for a position on a Town Board; or

(b) Post the position.

(3) Preferably within 60 days, but not more than 90 days, after learning of a vacancy, the Town Manager shall transmit to the Town Council his or her appointment (if Town Council confirmation is required) or notice of his or her appointment (if Town Council confirmation is not required).

(C) Failure to make timely appointments.

(1) If, for any reason, the Town Manager is unable to make an appointment within the time periods provided in this section, he or she will make a report to the Town Council explaining the reasons for the delay and indicating the date by which he or she expects to make the appointment.

(2) Members of town boards who are willing to continue to serve after the expiration of their terms will serve until they are reappointed and qualified or their successors are appointed and qualified.

(Ord. 46, passed 10-23-2007)

§ 31.52 APPOINTMENT PROCESS.

(A) *Annual listing.* Not later than January 15 of each year, the Town Clerk will prepare a list of all town board terms due to expire during that calendar year. The list will be transmitted to the Town Council and Town Manager, posted on the town bulletin board and town website, and published at least twice in the local newspaper.

(B) *Posting of positions.* All positions on town boards posted in accordance with this subchapter shall be posted for not less than 14 days on the town bulletin board and town website and published at least twice in the local newspaper. The posting shall contain a description of the position and duties and a list of necessary and desirable qualifications, and shall indicate whether the person currently holding the position wishes to serve another term. No appointment shall be made until at least 21 days have elapsed following the initial posting.

(C) *Interviews.* Except where the Town Manager appoints a prior applicant under § 31.51(B)(2)(a), the Town Manager or his or her designee shall interview no less than 3 candidates for each position on a town board. If there are fewer than 3 applicants, the Town Manager or his or her designee shall interview all of the applicants.

(D) *Confirmation by the Town Council.*

(1) For appointments requiring confirmation by the Town Council, the Town Council or a committee thereof must interview the appointee at a public meeting for which the posted agenda contains notice of the interview.

(2) A vote by the Town Council on confirmation of an appointment must take place at a meeting for which the posted agenda contains notice of the vote.

(3) If the Town Council fails to take any action on an appointment within 30 days following the date notice of the appointment is filed by the Town Manager with the Town Council, such appointment shall be deemed to have been confirmed.

(Ord. 46, passed 10-23-2007)

§ 31.53 EFFECTIVE DATE.

This subchapter shall apply to all appointments upon expiration of term and other vacancies occurring after January 1, 2008.

(Ord. 46, passed 10-23-2007)

CHAPTER 32: FINANCES

Section

- 32.01 Borrowing procedure
- 32.02 Deeds executed by Town Manager
- 32.03 Acceptance of gifts of land
- 32.04 Sale of property under tax title
- 32.05 Collection of fees
- 32.06 Town Clerk fee schedule
- 32.07 Payroll procedure
- 32.08 Revolving funds

§ 32.01 BORROWING PROCEDURE.

The Town Auditor, Town Treasurer, Town Manager and Town Council President shall be personally consulted by any board or committee appointed by or acting on behalf of the town whenever such board or committee proposes or plans any project or undertaking which involves in whole or in part the borrowing of money by the town.

(1982 Code, Ch. III, § 3)

§ 32.02 DEEDS EXECUTED BY TOWN MANAGER.

Whenever it shall be necessary to execute any deed conveying land or other instrument required to carry into effect any vote of the town, the same shall be executed by the Town Manager on behalf of the town, unless otherwise ordered by a vote of the Town Council.

(1982 Code, Ch. III, § 4)

§ 32.03 ACCEPTANCE OF GIFTS OF LAND.

The Town Manager may accept from time to time, in behalf of the town, gifts of land at the intersection of public ways with public or private ways, to be used for the purpose of rounding street corners provided such gift is made by a good and sufficient deed executed by the donor in proper form to be recorded in the Registry of Deeds.

(1982 Code, Ch. III, § 8)

§ 32.04 SALE OF PROPERTY UNDER TAX TITLE.

The Town Manager may sell at public auction and in a manner, upon the terms and for the consideration as in his or her judgment is for the best interest of the town, lands held from time to time by the town under tax titles the right of redemption from which has been foreclosed.

(1982 Code, Ch. III, § 9)

§ 32.05 COLLECTION OF FEES.

All town officers shall pay all fees received by them by virtue of their office into the town treasury and the aggregate annual compensation of all town officers or employees shall be limited to the amount of the annual appropriation therefor.

(1982 Code, Ch. III, § 11)

§ 32.06 TOWN CLERK FEE SCHEDULE.

The schedule of fees charged by the Town Clerk for certain services, certificates, documents and copies, as passed by the Town Council and amended from time to time, is hereby adopted by reference and incorporated herein as if set out in full. A copy of the specific fee schedule is on file in the office of the Town Clerk.

§ 32.07 PAYROLL PROCEDURE.

(A) Each town officer, head of department, chairperson of any board or committee or other person immediately responsible for the submission to the Auditor of a payroll to be included in a warrant for payment, shall certify under oath or under the penalties of perjury that the services listed thereon have been rendered, except as otherwise noted, and are properly chargeable against the appropriation designated.

(B) If the services listed thereon have not been rendered due to illness, day off, vacation time, or otherwise, the person responsible for the payroll shall state in his or her certification the reason for absence from work, the dates of absence, and such other explanatory statement as shall be required from time to time by the Town Manager. Bill warrants submitted, vouchers or statements of materials delivered or services rendered, other than the ordinary payroll for salary and wages, shall contain the certification under oath or under the penalties of perjury, as shall be requested from time to time by the Town Manager, as will in his or her judgment assure full delivery of materials in good condition and full and proper performance of services contracted for.

(1982 Code, Ch. III, § 12)

§ 32.08 REVOLVING FUNDS.

(A) There are hereby established in the Town of Watertown pursuant to the provisions of Mass. Gen. Laws Ch. 44, § 53E1/2, the following revolving funds, from which the specified department head, board, committee, or officer may incur liabilities against and spend monies from without appropriation in accordance with the limitations set forth in this section.

(B) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

(C) No liability shall be incurred in excess of the available balance of the fund.

(D) The total amount spent during a fiscal year shall not exceed the amount authorized by the Town Council or any increase therein as may later be authorized by the Town Manager and Town Council in accordance with the provisions of Mass. Gen. Laws

(E) Interest earned on monies credited to a revolving fund established by this section shall be credited to the general fund.

(F) Authorized revolving funds.

<i>Revolving fund program or purpose</i>	<i>Department receipts to be credited to fund</i>	<i>Representative or board entity authorized to spend</i>
Commander's mansion to pay costs associated with rental and use of the commander's mansion	Fees and receipts from rentals and use	Director of Community Development and Planning
Organized crime drug enforcement task force to pay costs associated with the operation and equipping of the crime task force	Fees and receipts for task force rental and operations	Town Manager
Senior center to pay costs associated with programs and activities provided at or by the senior center	Fees and receipts for program participation	Senior Center Director
Library copier to pay costs of copier maintenance, materials, and equipping	Fees from copier usage	Library Director
Faire on the square to pay costs associated with Faire activities	Fees and receipts received from faire participants	Town Clerk
Farmers' market to pay costs associated with the operation of the farmer's market	Fees and receipts from participation in farmers' market	Director of Community Development and Planning
Animal control to pay costs associated with the operation of the animal control program	Fees and receipts from the animal control program	Director of Public Health
Affordable housing development to pay costs associated with the creation and/or preservation of affordable housing	Fees and receipts received in connection with affordable housing development	Director of Community Development and Planning

(G) Procedures and reports. Except as provided in Mass. Gen. Laws Ch. 44, § 53E1/2 and this section, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this section.

(Ord. O-2017-47, passed 6-27-2017)

CHAPTER 33: TAXATION

Section

Failure to Pay Taxes or Charges

- 33.01 Purpose
- 33.02 Definitions
- 33.03 Duties of Tax Collector
- 33.04 Notice and hearing procedures
- 33.05 Conditions on reissuance of licenses
- 33.06 Deposit requirement for private work

FAILURE TO PAY TAXES OR CHARGES

§ 33.01 PURPOSE.

The purpose of this subchapter is to authorize the town, through its licensing authorities, to deny, revoke or suspend any local license or permit, of any party who has neglected or refused to pay any local fees, assessments, betterments or other municipal charges, or any license or permit with respect to which the licensed or permitted activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party who has neglected or refused to pay any local fees, assessment, betterments or other municipal charges.

(Ord. 711, passed 1-10-1989; Am. Ord. 40, passed 8-16-1994)

§ 33.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indites or requires a different meaning.

LICENSE or **PERMIT**. Any license or permit, including renewals and transfers, issued by any licensing authority in the town except those licenses specifically excepted by Mass. Gen. Laws Ch. 40, § 57.

LICENSING AUTHORITY. The Town Manager, the Town Clerk, and the Watertown Licensing Board or any other board, commission, department or division of the town responsible for the issuing of any license or permit.

PARTY. Any person, corporation or business enterprise.

(Ord. 711, passed 1-10-1989; Am. Ord. 40, passed 8-16-1994)

§ 33.03 DUTIES OF TAX COLLECTOR.

The Tax Collector shall annually furnish to each licensing authority a list of all parties that have failed to pay any local taxes, fees, assessments, betterment or other municipal charges for not less than a 12 month period, including, where applicable, identification of

the real estate which is the subject of such tax, fee, assessment, betterment or other municipal charge. The list shall not include the name of any party that has filed an application for an abatement of such tax or a petition with the appellate tax board.

(Ord. 711, passed 1-10-1989; Am. Ord. 40, passed 8-16-1994)

§ 33.04 NOTICE AND HEARING PROCEDURES.

The licensing authority may deny, revoke, suspend or refuse to renew or transfer any license or permit of any party named on the list furnished by the Tax Collector, or any license or permit with respect to which the licensed or permitted activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party named on the list, provided written notice is given to the party and the Tax Collector, and a hearing is held not earlier than 14 days after the notice. The Tax Collector may participate in any such hearing conducted by the licensed authority. Any findings made by the licensing authority with respect to a license denial, revocation or suspension shall be made only for the purpose of the proceeding and shall not be relevant to or introduced in any other proceeding, except for an appeal from such action.

(Ord. 711, passed 1-10-1989; Am. Ord. 40, passed 8-16-1994)

§ 33.05 CONDITIONS ON REISSUANCE OF LICENSES.

(A) Any license or permit that has been denied, suspended or revoked shall not be reissued or renewed until the licensing authority receives a certificate issued by the Tax Collector which states that the party is on good standing with respect to any and all taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as of the date of the issuance of the certificate.

(B) Any party shall be given the opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating the limitation to the license or permit. The validity of the license shall be conditioned upon the satisfactory compliance with the agreement. Failure to comply with the agreement shall be grounds for the suspension or revocation of the license or permit, after proper notice and hearing.

(Ord. 711, passed 1-10-1989; Am. Ord. 40, passed 8-16-1994)

§ 33.06 DEPOSIT REQUIREMENT FOR PRIVATE WORK.

No board, committee or officer having charge of any work, the payment for which is in any part to be contributed by private citizens, shall perform such work until a sum has been deposited with the town officer, upon estimate made by such board, committee or officer, sufficient to cover the payment of the portion of the work chargeable to such private citizens.

(1982 Code, Ch. III, § 7)

CHAPTER 34: PURCHASING PROCEDURES

Section

- 34.01 Designation of the Chief Procurement Officer
- 34.02 Contracts for supplies and services
- 34.03 Bonding requirements for contracts for supplies and services
- 34.04 Alternate procurement procedures
- 34.05 Contracts for design services
- 34.06 Contracts for public works construction projects
- 34.07 Contracts for building construction projects

34.08 Award of contracts

34.09 Execution of contracts

34.10 Town Council review of contracts

§ 34.01 DESIGNATION OF THE CHIEF PROCUREMENT OFFICER.

The provisions of Mass. Gen. Laws Ch. 30B (hereinafter "Chapter 30B") are incorporated by reference into this chapter. The Town Manager is hereby designated as the Chief Procurement Officer for all purposes pursuant to this chapter. The Purchasing Agent shall exercise general authority over the procurement process as set out in the General Laws and pursuant to this chapter and such additional responsibilities as may be delegated to him or her from time to time by the Town Manager. Any power, authority, judgment, determination, control, supervision, or discretion that may be exercised by the Purchasing Agent under this chapter, or any policies and procedures established from time to time by the Purchasing Agent with the approval of the Town Manager, may also be exercised by the Town Manager, at his or her election.

(Ord. 8, passed 3-9-2004)

§ 34.02 CONTRACTS FOR SUPPLIES AND SERVICES.

Every contract for goods, materials, supplies, equipment, furnishings (hereinafter referred to as "supplies" as such term is defined in Mass. Gen. Laws Ch. 30B) or for contractual services (hereinafter referred to as "services" as such term is defined in Mass. Gen. Laws Ch. 30B), or for the acquisition of interests in real property, and every contract for disposal of supplies or interests in real property by any department of the town shall be procured in accordance with this chapter and Mass. Gen. Laws Ch. 30B. All invitations for bids, requests for proposals or purchase orders to be issued by the town shall be approved in writing by the originating department head and shall be forwarded to the Purchasing Department for approval and issuance by the Purchasing Agent. In the case of a request for proposals for supplies or services, the originating department head shall provide a supporting memorandum setting out in full the reasons why the selection of the most advantageous offer for such supplies or services requires the comparative judgement of factors in addition to price. The Chief Procurement Officer shall determine in writing that the use of a request for proposals is appropriate prior to the issuance of any such solicitation by the Purchasing Agent.

(Ord. 8, passed 3-9-2004)

§ 34.03 BONDING REQUIREMENTS FOR CONTRACTS FOR SUPPLIES AND SERVICES.

The Chief Procurement Officer, in his or her discretion, may establish security requirements for contracts for supplies or services if he or she deems it in the best interests of the town, including but not limited to a bid bond, performance bond, labor and material payment bond or deposit of money or certified check, notwithstanding the absence of any such requirements in Chapter 30B.

(Ord. 8, passed 3-9-2004)

§ 34.04 ALTERNATE PROCUREMENT PROCEDURES.

The Purchasing Agent may, in his or her discretion, purchase supplies or services from a state bid list established through the Commonwealth's Operational Services Division or other list of approved vendors established by any state office or agency. The Purchasing Agent may also participate in a joint procurement or serve as lead community for a joint procurement with other municipalities pursuant to Mass. Gen. Laws Ch. 7, §§ 22A or 22B.

(Ord. 8, passed 3-9-2004)

§ 34.05 CONTRACTS FOR DESIGN SERVICES.

Contracts for design services in connection with the construction, reconstruction, installation, demolition, maintenance or repair of any building shall be procured in compliance with the applicable provisions of the Designer Selection Law, being Mass. Gen. Laws Ch.

7, §§ 38A1/2 to 38O, and the town's local designers selection procedures. All requests for proposals for such projects to be issued by the town shall be approved by the originating department head and shall be forwarded to the Purchasing Department for approval and issuance by the Purchasing Agent.

(Ord. 8, passed 3-9-2004)

§ 34.06 CONTRACTS FOR PUBLIC WORKS CONSTRUCTION PROJECTS.

Contracts for the construction, reconstruction, alteration, remodeling or repair of any public work, or for the purchase of materials therefor, and contracts for the construction, reconstruction, installation, demolition, maintenance or repair of any building estimated to cost less than \$25,000, or such other statutory limitation which may be enacted for this purpose from time to time, shall be procured in compliance with the applicable provisions of Mass. Gen. Laws Ch. 30, § 39M, and all related provisions of the General Laws. All invitations for bids for such projects to be issued by the town shall be approved by the Superintendent of Public Works or other originating department head and shall be forwarded to the Purchasing Department for approval and issuance by the Purchasing Agent.

(Ord. 8, passed 3-9-2004)

§ 34.07 CONTRACTS FOR BUILDING CONSTRUCTION PROJECTS.

Contracts for the construction, reconstruction, installation, demolition, maintenance or repair of any building shall be procured in compliance with the applicable provisions of Mass. Gen. Laws Ch. 149, §§ 44A through 44M, and all related provisions of the General Laws. All invitations for bids for such projects to be issued by the town shall be approved by the originating department head and shall be forwarded to the Purchasing Department for approval and issuance by the Purchasing Agent.

(Ord. 8, passed 3-9-2004)

§ 34.08 AWARD OF CONTRACTS.

The Purchasing Agent, with the assistance of such other town officers and employees as he or she deems advisable, shall review and evaluate all bids and proposals, shall determine the successful bidder or proposer, and shall issue a notice of award. Thereafter, it shall be the responsibility of the Purchasing Agent to obtain all necessary contract documents, including but not limited to certificates of insurance, performance bonds, material and payment bonds and other contractor certifications, prior to submitting the contract to the Town Manager for execution. In addition, the Town Auditor shall certify on the face of every contract that there is an appropriation available for the purpose and in the amount of the contract.

(Ord. 8, passed 3-9-2004)

§ 34.09 EXECUTION OF CONTRACTS.

Unless otherwise provided by a vote of the Town Council, the Town Manager is authorized to execute all contracts for the exercise of the town's corporate powers on such terms and conditions as he or she shall deem appropriate. No contract shall be executed by the Town Manager unless it includes on its face a certification by the Town Auditor of an available appropriation in the amount of the full contract price. Notwithstanding the foregoing, the Town Manager shall not contract for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law.

(Ord. 8, passed 3-9-2004)

§ 34.10 TOWN COUNCIL REVIEW OF CONTRACTS.

A summary of all contracts with a cost to the town of \$50,000 or greater shall be provided to the Town Council within 5 business days of the contract's execution by the Town Manager. The contract summary shall be in a format agreed upon by the Town Council and the Town Manager. The full contract shall be provided upon the request of an individual Council Member.

(Ord. 8, passed 3-9-2004)

Section

- 35.01 Prosecution of offenses
- 35.02 Time limit for prosecution
- 35.03 Power to license or permit
- 35.04 Application for criminal complaint
- 35.05 Non-criminal disposition

§ 35.01 PROSECUTION OF OFFENSES.

Except when otherwise provided by law, prosecutions for offenses under this code may be made by any police officer of the town.

(1982 Code, Ch. VIII, § 19)

§ 35.02 TIME LIMIT FOR PROSECUTION.

Prosecution for the breach of any of the provisions of this code shall be commenced within 1 year from such breach.

(1982 Code, Ch. I, § 8)

§ 35.03 POWER TO LICENSE OR PERMIT.

When anything in this code is prohibited from being done, without the license or permission of a certain officer, officers or board, such officer, officers or board shall have the power to license or permit such thing to be done.

(1982 Code, Ch. I, § 4)

§ 35.04 APPLICATION FOR CRIMINAL COMPLAINT.

The officer, department head, or employee responsible for enforcement of any code provision, rule or regulation, or any employee designated by the Town Manager, is hereby empowered to apply for a criminal complaint in the District Court and to seek the imposition of the penalty set forth in § 10.99.

(1982 Code, Ch. I, § 7(a)) (Am. Ord. 31, passed 3-26-1991)

§ 35.05 NON-CRIMINAL DISPOSITION.

(A) Any town officer, department head, or employee taking cognizance of a violation of any ordinance, code, rule or regulation that he or she is empowered to enforce and the violation of which ordinance, code, rule or regulation is subject to a specific penalty, may also, in his or her discretion, with or without applying for a criminal complaint, issue citations and notice to appear before the clerk of the District Court, pursuant to Mass. Gen. Laws Ch. 40, § 21D, to such person who violates any provision, including any mandate, requirement, prohibition or proscription, of such ordinances, code, rule or regulation.

(B) The provisions of division (A) of this section shall not apply to the enforcement of codes, rules and regulations unless the issuance or adoption of such code, rule or regulation was the subject of a public notice prior to the effective date and that on the date of the alleged violation a conformed copy of the current version of such code, rule or regulation was available in the Town Clerk's office.

(C) (1) Any person notified to appear before the clerk of the District Court as hereinbefore provided may so appear and confess

the offense charged either personally or through a duly authorized agent or by mailing to the Town Clerk together with the notice the specific sum set forth on the notice, which shall be the specific penalty set forth in the ordinance, code, rule or regulation, but in no case shall be more than:

- (a) \$25 for the first offense;
- (b) \$50 for the second offense; and
- (c) \$100 for the third and any subsequent offense, or as otherwise limited by Massachusetts General Laws.

(2) Notwithstanding the foregoing, the enforcing officer shall have the discretion to issue a warning in lieu of the citation for \$25 for the first offense.

(3) The Town Clerk shall forward such sums collected to the Treasurer-Collector. If the Treasurer-Collector, instead of the Town Clerk, receives directly from the payor any sums or payments as described above, then the Treasurer-Collector shall keep and deposit the sums or payments and shall also notify the Town Clerk of receipt of payment, so that the Town Clerk may deem payment to have been made on his or her records.

(D) Upon receipt of the notice, the Town Clerk shall forthwith notify the District Court clerk of payment, and the receipt by the District Court clerk of notification shall operate as a final disposition of the case.

(E) Nothing herein shall be construed to limit the authority of the enforcing officer to cancel or rescind a notice or citation previously issued, or to retrieve it from the District Court, if in the judgment of the enforcing officer circumstances warrant such action.

(1982 Code, Ch. I, § 7(b)) (Am. Ord. 31, passed 3-26-1991; Am. Ord. 32, passed 5-12-1992)

Cross-reference:

General penalty provisions, see § 10.99

TITLE V: PUBLIC WORKS

Chapter

- 50. GENERAL PROVISIONS
- 51. ELECTRICITY
- 52. GARBAGE
- 53. SEWERS
- 54. WATER
- 55. CURBS AND SIDEWALKS

CHAPTER 50: GENERAL PROVISIONS

Section

50.01 Duties of Superintendent of Public Works

§ 50.01 DUTIES OF SUPERINTENDENT OF PUBLIC WORKS.

(A) *Account of work performed.* The Superintendent of the Department of Public Works shall keep an accurate account of all money expended and all work done by the Department of Public Works and a daily record of the number of persons, teams and motor vehicles employed, the extent and nature of the work done, the amount expended and the time spent in doing the work.

(B) *Daily payroll account.* The Superintendent of the Department of Public Works shall keep a daily payroll account, including

the names of the employees of the Department of Public Works, the names of the owners of teams or motor vehicles employed by the Department of Public Works, and the rate of wages or charges against the town for each employee, team or motor vehicle. He or she shall also keep a daily record showing in detail the materials delivered to the Department of Public Works at any place whatsoever, including the names of the parties furnishing the same, the time when payment is to be made and the rate and amount of price or charge to the town therefor.

(1982 Code, Ch. VI, §§ 1-2)

CHAPTER 51: ELECTRICITY

Section

General Provisions

- 51.01 Appointments
- 51.02 Inspector of Wires
- 51.03 Rules and regulations
- 51.04 Duties of Assistant Superintendent of Wires
- 51.05 Supervision of all wires
- 51.06 Enforcement
- 51.07 Wires and poles on streets
- 51.08 Street lights
- 51.09 Access to property
- 51.10 Connection of systems
- 51.11 Permission needed to cover wiring system
- 51.12 Order of Installation
- 51.13 Records of inspections
- 51.14 Inspector's right to disconnect
- 51.15 Responsibility of party owning or controlling
- 51.16 Underground conduit systems
- 51.17 Re-inspection upon change of tenant
- 51.18 Placement of poles, wires and transformers

Permits

- 51.30 Permit requirements
- 51.31 Annual permits
- 51.32 Fees

GENERAL PROVISIONS

§ 51.01 APPOINTMENTS.

The Assistant Superintendent of Wires shall be appointed by the Town Manager, subject to the provisions of Mass. Gen. Laws Ch. 31, §§ 1 *et seq.*, and its rules and regulations.

(1982 Code, Ch. VI, § 10)

§ 51.02 INSPECTOR OF WIRES.

The Assistant Superintendent of Wires is hereby designated as Inspector of Wires, under the provisions of Section 36 of Mass. Gen. Laws Ch. 166 in amendment thereof. The Inspector of Wires shall have all the powers and be subject to all the duties conferred and required by law. The Assistant Superintendent of Wires is hereby authorized to delegate his or her authority to 1 or more assistants as the duties of the office may require.

(1982 Code, Ch. VI, § 11)

§ 51.03 RULES AND REGULATIONS.

The Assistant Superintendent of Wires shall make rules and regulations not inconsistent with this code to provide safe and proper installation of wiring systems, apparatus and materials both for outside and inside construction. A certified copy of all the rules and regulations shall be filed with the Town Clerk.

(1982 Code, Ch. VI, § 12)

§ 51.04 DUTIES OF ASSISTANT SUPERINTENDENT OF WIRES.

(A) The Assistant Superintendent of Wires shall have the supervision and management of:

- (1) The erection and maintenance of all wires owned by the town, including the fire alarm telegraph, police telegraph and electrical signal and telephone systems and traffic signal lights;
- (2) The apparatus, machinery and other property connected therewith; and
- (3) The posts and other supports erected or owned by the town.

(B) He or she shall supervise the erection of all wires, posts, supports, electrical equipment, machinery and other electrical equipment appliances required by the town in all departments and shall see that the same are maintained in good order and condition.

(1982 Code, Ch. VI, § 13)

§ 51.05 SUPERVISION OF ALL WIRES.

The Assistant Superintendent of Wires shall supervise every wire over and under streets, or buildings in the town, and every wire within a building which is designed to carry an electric current. He or she shall promptly notify the person owning or operating the wire whenever its attachment, insulation, supports, or appliances are unsuitable or unsafe or whenever the tags or marks thereon required by Mass. Gen. Laws Ch. 166, § 32 are insufficient or illegible.

(1982 Code, Ch. VI, § 14)

§ 51.06 ENFORCEMENT.

The Assistant Superintendent of Wires shall remove every wire, the use of which has been abandoned and every wire not tagged or marked as required by law, and shall see that all laws, ordinances and regulations relative to wires are strictly enforced, and shall perform the other duties as are or may hereafter be imposed upon him or her by law.

(1982 Code, Ch. VI, § 15)

§ 51.07 WIRES AND POLES ON STREETS.

The Assistant Superintendent of Wires shall supervise all poles carrying electric wires upon or over the streets and buildings within the town, and all supports of all wires when attached to buildings and ascertain if the poles and supports are kept in proper condition, and not weakened by decay or other causes. In case any person, firm or corporation owning, leasing, or operating wires shall neglect or refuse to maintain the supports in proper condition for safety, the Assistant Superintendent of Wires shall cause the fixtures and supports to be put in proper condition at the expense of the person, firm or corporation, owning or operating the same, after first giving notice in writing of his or her intended action. He or she may require the owner or user of the poles, supports, or fixtures, to furnish to him or her, at their expense, adequate assistance to enable him or her to make a thorough examination of the poles, supports, or fixtures.

(1982 Code, Ch. VI, § 16)

§ 51.08 STREET LIGHTS.

The Assistant Superintendent of Wires shall have the supervision of all street lamps installed by order of the Town Manager. He or she shall attend to all complaints arising from lack of service by any light, and shall see that continuous schedule service is maintained throughout the town, and shall report each month to the supplier of this service the number and style of all lights reported as not lighted during the previous month.

(1982 Code, Ch. VI, § 17)

§ 51.09 ACCESS TO PROPERTY.

All wires, cables, conduits, race-ways, fittings, appliances and apparatus in or on public or private property which are intended for the transmission of electricity, either for lighting, heating, or power or to be connected with an outside circuit, shall be made, placed and kept safe to the satisfaction of the Assistant Superintendent of Wires, and he or she may, at all proper and reasonable times, have access to the property for the purpose of inspecting the equipment and materials.

(1982 Code, Ch. VI, § 18)

§ 51.10 CONNECTION OF SYSTEMS.

No current of electricity shall be connected with a system of wiring or apparatus intended to be used for power, lighting or heating without permission being first obtained and a written permit granted by the Assistant Superintendent of Wires. The jurisdiction of the Assistant Superintendent of Wires shall include all public and private electrical systems.

(1982 Code, Ch. VI, § 19) Penalty, see § 10.99

§ 51.11 PERMISSION NEEDED TO COVER WIRING SYSTEM.

No person shall cover or cause to be covered in any building a system of wiring designed to carry light, heat or power current unless permission is given by the Assistant Superintendent of Wires to do so.

(1982 Code, Ch. VI, § 20) Penalty, see § 10.99

§ 51.12 ORDER OF INSTALLATION.

No wires shall be placed in that portion of any building in the process of alteration or construction where gas, water, heating, refrigerating, and ventilating pipes and ducts are planned to be installed until the same have been placed in proper position. The work of the electrician shall not at any time precede the installation of the above mentioned items unless it is shown that it is an emergency and permission is obtained from the Assistant Superintendent of Wires.

(1982 Code, Ch. VI, § 21) Penalty, see § 10.99

§ 51.13 RECORDS OF INSPECTIONS.

The Assistant Superintendent of Wires shall cause to be kept records of all inspections made and permits issued, and these records shall be open to inspection at all reasonable times by any interested parties.

(1982 Code, Ch. VI, § 22)

§ 51.14 INSPECTOR'S RIGHT TO DISCONNECT.

The Assistant Superintendent of Wires may in case of the violation of any provision of this chapter, or of any rule and regulation adopted, after due notice in writing to occupant or owner of the property where a violation exists, disconnect or order disconnected service from the wires of any outside circuit or isolated plant where the violation occurs. If in the opinion of the Assistant Superintendent of Wires a condition of emergency or hazard to life or property exists, he or she may disconnect or order disconnected the electric service immediately.

(1982 Code, Ch. VI, § 23)

§ 51.15 RESPONSIBILITY OF PARTY OWNING OR CONTROLLING.

This chapter shall not be construed to relieve or lessen the responsibility of any party owning, operating or controlling any electrical equipment, for damages to property or to anyone injured by reason of any defect therein, nor shall the town be held as assuming the liability by reason of the inspection authorized herein, or by permit given by its officers or agents exercising the rights or power given.

(1982 Code, Ch. VI, § 24)

§ 51.16 UNDERGROUND CONDUIT SYSTEMS.

In any underground conduit system, the sufficient space as shall be determined by the Town Manager shall be reserved free of expense for the use of the town, for municipal purposes. The town, by the Assistant Superintendent of Wires and other proper servants, shall be allowed access to the conduits at all times and the town shall be allowed equal facilities and privileges with others using the same conduits in putting in, taking out, and repairing wires.

(1982 Code, Ch. VI, § 25)

§ 51.17 RE-INSPECTION UPON CHANGE OF TENANT.

An inspection of all commercial and industrial occupancies shall be made when a change in tenancy occurs before a current of electricity can be connected for the new tenants. No permits shall be required for this service unless alterations, additions or changes are made to the existing wiring.

(1982 Code, Ch. VI, § 29)

§ 51.18 PLACEMENT OF POLES, WIRES AND TRANSFORMERS.

(A) No public utility, including without limitation electrical companies or telephone companies, shall add, relocate, or site poles on any street or way or public property in the town without first petitioning and obtaining the permission of the Town Council therefor, with due notification to abutters; provided, however, that the provisions of this section shall not apply to repair work done to existing poles.

(B) Except for temporary emergencies of durations not to exceed 3 days, a public utility seeking to add, replace, or increase the size of existing electrical wires, or to increase the electrical load carried by the existing wires, shall, before proceeding, notify the Inspector of Wires of the location, specification, and reason for the intended construction. If the Inspector approves the petition, within 7 days of notification of the petition the Inspector shall forward it to the Town Council, with due notification to abutters, for approval subject to the provisions of division (C) of this section.

(C) The Inspector shall forward to the Town Council utility petitions made under the provisions of division (B) of this section whenever 1 or more of the following conditions apply:

- (1) The petition concerns owners of any building, excluding 1 and 2-family residences, seeking to install or replace electrical service larger than 200 amperes or to increase their current supply of electricity provided by extant lines by more than 200 amperes.
- (2) The petition concerns wires or transformers used to supply bulk electricity, as defined by Mass. Gen. Laws Ch. 164, § 1.
- (3) The petition concerns increases in the current of electricity in a facility as defined by Mass. Gen. Laws Ch. 164, § 69G.

(Ord. 46, passed 6-11-1991; Am. Ord. 141, passed 12-19-1995)

PERMITS

§ 51.30 PERMIT REQUIREMENTS.

No wiring, devices, appliances and equipment for the transmission or distribution of electricity for any purpose shall be installed within or on any building or structure nor shall any alterations or addition be made on any existing wiring, devices, appliances or equipment without first securing a permit from the Assistant Superintendent of Wires.

(A) No permit shall be required for minor repair work, for the replacement of lamps or for the connection of portable devices to suitable receptacles which have been permanently installed. Any damage to wiring caused by fire, water, heat or explosion shall not be considered a minor repair.

(B) No permit shall be required for the installation, maintenance or alteration of electric wiring, devices, appliances and equipment to be installed by or for a public service corporation for the use of the corporation in the generation, transmission, distribution or metering of electric energy, or for the use of a corporation in the operation of signals or the transmission of intelligence, or the operation of electric railways except as is provided by the General Laws of the Commonwealth of Massachusetts.

(C) Application for permits, describing the work to be done shall be made by the person, firm or corporation installing the work on forms furnished by the Assistant Superintendent of Wires and the permit when issued shall be in the name of the applicant. The application shall be accompanied by the plans, specifications and schedules necessary to determine whether the installation complies with this chapter.

(D) The permit when issued shall be for the installation as is described in the application and no deviation therefrom shall be made without the approval of the Assistant Superintendent of Wires.

(E) No permit for the installation or alteration of any electric wiring, devices, appliances and equipment shall be issued to any person, firm or corporation unless the person, firm or corporation is the holder of a license, issued by the State Examiners of Electricians of the Commonwealth of Massachusetts, or is exempt from the provisions of Mass. Gen. Laws Ch. 141 and amendments thereof, entitling the person, firm or corporation to secure permits for and to execute work described in the application for the permit.

(1982 Code, Ch. VI, § 26) Penalty, see § 10.99

§ 51.31 ANNUAL PERMITS.

Upon application, an annual permit shall be issued to any person, firm or corporation regularly employing 1 or more electricians for the installation and maintenance of electric wiring devices, appliances and equipment on premises owned or occupied by the applicant for the permit. The application shall be made in writing to the Assistant Superintendent of Wires and shall contain a description of the premises within which the work is to be done under the permit. The person, firm or corporation to which an annual permit is issued shall keep a record of all electric wiring, devices, appliances and equipment installed under the permit and the Assistant Superintendent of Wires shall have access to the record. Each annual permit shall expire on December 31 of the year in which it was issued. Holders of annual permits shall be excepted from provisions of § 51.02 of this chapter.

(1982 Code, Ch. VI, § 27)

§ 51.32 FEES.

The fee schedule for permits to install wiring for electricity or electrical fixtures shall be established by the Town Manager and posted in the Wire Department office.

(1982 Code, Ch. VI, § 28)

CHAPTER 52: GARBAGE AND REFUSE

Section

- 52.01 Regulations for refuse collection
- 52.02 Separation of recyclables

§ 52.01 REGULATIONS FOR REFUSE COLLECTION.

The Town Manager shall make rules and regulations and establish regular periods for the collection of garbage, ashes, paper, refuse and waste from all dwellings and buildings in the town free of charge to the owners or occupants thereof, except that a charge as determined by the Town Manager per barrel or its equivalent shall be made by the town against the owner or occupant of any building used as a store, warehouse, restaurant, theater or as a factory or manufacturing establishment for the collection of any garbage, ashes, paper, refuse and waste from such premises or produced thereon.

(1982 Code, Ch. VI, § 3)

§ 52.02 SEPARATION OF RECYCLABLES.

- (A) Under this section, the term **RECYCLABLE** shall mean specified types of glass, paper, plastic, yard waste and metal, as well as any other material that the Town Manager may deem appropriate for recycling.
- (B) The Town Manager is hereby authorized to require all residential households authorized to use the town's curbside trash collection to separate recyclable materials from their solid waste and to prepare the materials to be collected for recycling.
- (C) The Town Manager is hereby authorized to determine which materials shall be acceptable for recycling pursuant to changing markets for recycled materials. The Town Manager shall have the authority to add, alter or delete items from the list of items separated for recycling purposes.

(Ord. 124, passed 9-26-1995)

Cross-reference:

Duties of the Recycling Advisory Board, see §§ 31.30 et seq.

CHAPTER 53: SEWERS

Section

- 53.01 Drain into common sewer
- 53.02 Obstruction in sewers
- 53.03 Emptying matter into drains

Cross-reference:

Stormwater regulations, see Ch. 97

§ 53.01 DRAIN INTO COMMON SEWER.

No person shall undertake to enter a particular drain into a common sewer without a permit in writing from the Manager or Superintendent of the Department of Public Works or without complying with the conditions and directions of the permit.

(1982 Code, Ch. VII, § 11) Penalty, see § 10.99

§ 53.02 OBSTRUCTION IN SEWERS.

No person shall deposit, place in or throw or suffer to fall into any common sewer in the town, or into any drain or inlet into any common sewer, any grease, fat, dead animals, stones, bricks, sticks, waste or other substances or matter likely to obstruct the flow of water.

(1982 Code, Ch. VII, § 12) Penalty, see § 10.99

§ 53.03 EMPTYING MATTER INTO DRAINS.

No person shall lead or cause to be led into any public way, or running stream, any drain or pipe from any house or other building whereby filthy water or other unclean matter may be emptied into or upon any public way or running stream, and whoever shall throw, lead or discharge or cause to be thrown, led or discharged, into any public way, or running stream, any noxious or poisonous matter or substance, or any matter of substance which shall because an offensive smell or odor, or which shall be destructive of, or injurious to animal life.

(1982 Code, Ch. VII, § 13) Penalty, see § 10.99

CHAPTER 54: WATER

Section

- 54.01 Supervision by Town Manager
- 54.02 Rules and regulations
- 54.03 Domestic water bill procedure
- 54.04 Location of private hydrants
- 54.05 Water charges for town departments
- 54.06 Bills committed to Town Collector

§ 54.01 SUPERVISION BY TOWN MANAGER.

The Water Department shall be under the charge and control of the Town Manager who shall have full power over and control of all matters relating to the public water supply of the town; provided, however, that all water service shall be metered, except water used by the Fire Department for fire fighting purposes.

(1982 Code, Ch. VI, § 4)

§ 54.02 RULES AND REGULATIONS.

The Town Manager shall make rules and regulations or orders for the introduction, use and government of the public water supply as they deem proper or expedient for the interests of the town. The water shall not be introduced or supplied to any building or premises except upon the written application to, and in the form prescribed by the Town Manager, by the owner thereof, or by a duly authorized

agent. The rules, regulations and orders as the Manager shall make shall be considered as a part of the contract with every person who takes the water and every person, by taking the water, shall be considered to have expressed his or her assent to be bound thereby. The principal water rates, rules, regulations and orders for the introduction, use, and government of the water supply shall be published by being printed upon the water bills of the Department.

(1982 Code, Ch. VI, § 5)

§ 54.03 DOMESTIC WATER BILL PROCEDURE.

Domestic water bills shall be billed and payable semi-annually. There shall be a fixed minimum rate charged for meter service. The rate for manufacturers and other large consumers shall be due and payable quarterly on the first day of March, June, September and December of each year. All water passing through the meter shall be charged for, whether used or wasted. If the meter is out of order or fails to register, the average consumption as shown by the meter when it was in order shall be charged. The service pipe from the sidewalk stopcock shall be laid by the section to the inside of the cellar wall or other place desired and the expense thereof shall be paid before the pipe is laid. The estate shall in all cases be chargeable with the expense of the service pipe inside of the sidewalk stopcock, and also with the water rates and with the payments and penalties for violation of any rules, regulations or orders relating to the water supply.

(1982 Code, Ch. VI, § 6)

§ 54.04 LOCATION OF PRIVATE HYDRANTS.

The construction and location of private hydrants, yard pipe and other fixtures designed for fire purposes shall be subject to the approval of the Water Department and no charge shall be made for water used from hydrants, automatic sprinkler or standpipes in or upon the premises of a manufacturing establishment for fire purposes exclusively, and no fire pipes shall be used for any other purpose.

(1982 Code, Ch. VI, § 7)

§ 54.05 WATER CHARGES FOR TOWN DEPARTMENTS.

Water used by the various town departments, excepting water for fire purposes, shall be charged to the respective appropriations of the departments.

(1982 Code, Ch. VI, § 8)

§ 54.06 BILLS COMMITTED TO TOWN COLLECTOR.

All bills for the use of water shall be committed by the Town Manager to the Town Collector for collection.

(1982 Code, Ch. VI, § 9)

CHAPTER 55: CURBS AND SIDEWALKS

Section

55.01 Curbing requirements

55.02 Sidewalk requirements

Cross-reference:

Streets and sidewalks, see Ch. 96

§ 55.01 CURBING REQUIREMENTS.

(A) *Curbing standards.* To provide a barrier between the roadway and pedestrian sidewalk and its adjacent planting strip, all materials for curb installation shall conform to the following standards. In areas where curbing is installed, parking on any portion of the sidewalk or planting strip will not be permitted.

(1) All curbing hereinafter installed for full depth reconstruction roadway projects shall consist of granite curbing, unless otherwise directed by the Superintendent of Public Works under § 55.01(D)(3).

(2) Curbing for roadway resurfacing projects not included in division (1) shall consist of asphalt "bread loaf" curb, with a vertical face and non-mountable, except that sections of the curb at intersections and adjacent to handicap ramps and sections of existing granite curb shall be granite, unless otherwise directed by the Superintendent of Public Works under § 55.01(D)(3).

(3) When roadway improvement projects extend for less than a full block, the installation of new curbing will be at the discretion of the Superintendent of Public Works under § 55.01(D)(3).

(B) *Roadway classification.* Curbing will be installed when adequate lane width is available for each roadway component, based on roadway classification. Roadway classification shall consist of the following:

ARTERIALS are roadways that "service statewide travel as well as major traffic movements within urbanized areas or between suburban centers" or "link cities and towns in rural areas and interconnect major arterials within urban areas".¹ **ARTERIALS** have high or moderate mobility and limited points of access.

COLLECTORS are roadways that "link arterial roadways and provide connections between cities and towns" or "connect local roads to major collectors and arterials".¹ **COLLECTORS** have moderate mobility and moderate to high access.

LOCAL STREETS are roadways with low speeds, a high degree of local circulation and access, and are not intended for regional connectivity.¹

The following table contains a partial listing of Watertown roadways and their functional classification. Roadways that are not listed are assumed to be local roads. For purposes of this chapter, the Mass Highway classification shall be used, except as noted. Changes to the listed classifications shall be considered, based upon the classification criteria, and will be brought before the DPW Subcommittee of the Council with a recommendation from the Superintendent of Public Works.

¹Mass Highway, *Project Development and Design Guide*, p. 3-8

TABLE 1: FUNCTIONAL CLASSIFICATION OF WATERTOWN STREETS

<i>Road</i>	<i>DPW Classification</i>	<i>AASHTO Classification*</i>	<i>Mass Highway Classification</i>
Arsenal Street	Arterial	Minor Arterial	Principal Arterial
Belmont Street	Arterial	Minor Arterial	Principal Arterial
Galen Street	Arterial	Principal Arterial	Principal Arterial
Greenough Blvd. - MDC	Arterial	Minor Arterial	Principal Arterial
Main Street	Arterial	Principal Arterial	Principal Arterial
Mount Auburn Street	Arterial	Principal Arterial	Principal Arterial
North Beacon Street	Arterial	Principal Arterial	Principal Arterial
Pleasant Street	Arterial	Collector	Principal Arterial
Watertown Street	Arterial	Principal Arterial	Principal Arterial
Arlington Street	Connector	Collector	Minor Arterial

Charles River Road - MDC	Connector	Collector	Minor Arterial
Common Street	Connector	Minor Arterial	Minor Arterial
Coolidge Avenue	Connector	Collector	Minor Arterial
Howard Street	Connector	Collector	Minor Arterial
Irving Street	Connector	Local	Minor Arterial
Lexington Street	Connector	Collector	Minor Arterial
Nonantum - MDC	Connector	Minor Arterial	Minor Arterial
School Street	Connector	Collector	Minor Arterial
Waverley Avenue	Connector	Collector	Minor Arterial
Acton Street	Primary	Local	Local
Bigelow Avenue	Primary	Local	Local
California Street	Primary	Collector	Collector
Church Street	Primary	Collector	Collector
Coolidge Hill Road	Primary	Local	Collector
Dexter Avenue	Primary	Collector	Collector
Grove Street	Primary	Local	Collector
Highland Avenue	Primary	Local	Collector

<i>Road</i>	<i>DPW Classification</i>	<i>AASHTO Classification*</i>	<i>Mass Highway Classification</i>
Nichols Avenue	Primary	Collector	Collector
Orchard Street	Primary	Minor Arterial	Collector
Spring Street	Primary	Local	Collector
Summer Street	Primary	Collector	Collector
Sycamore Street	Primary	Collector	Collector
Walnut Street	Primary	Collector	Collector
Waltham Street	Primary	Collector	Collector
Warren Street	Primary	Local	Collector
*Source: MassGIS Data			

(1) Adequate travel lane width is deemed to be 11 feet on principal and minor arterials, and ten feet on collectors and local roads. Adequate parking lane width is deemed to be seven feet in residential areas along all classes of roads, and eight feet within commercial areas.

(2) A principal or minor arterial, or a collector, with two-way traffic must have a minimum of two separate travel lanes.

(3) **LOCAL ROADS**, which are considered roads not having the DPW classification of arterial, connector or primary, may have a single shared travel lane for two-way traffic, provided there are periodic opportunities for passing.

(4) A minimum street width of 18 feet, curb to curb, shall be adequate for the following roadway configurations:

(a) A one-way street with one travel lane and with one side on-street parking.

(b) A two-way local street with one travel lane and one side of on-street parking, with provision for periodic spaces of restricted parking at least every 100 feet for vehicles to pull over to the side.

(c) A two-way collector or local road with two travel lanes and no on-street parking.

(5) The curb-to-curb pavement width will then determine if there is adequate room for on-street parking on one side or both sides of a street. Resulting parking issues shall be referred to the Traffic Commission for consideration.

(C) *Accommodating a defined curb.* In cases where curbing is proposed, but no curbing currently exists, and where the resulting street width is not great enough to allow both adequate travel lanes and parking shoulder widths per division (B), every effort should be made to accommodate a defined curb.

(D) *Curb installation requirements.*

(1) Whenever the owner of a parcel abutting a public way desires that curbing be installed abutting such parcel, the property owner may pay for and install granite curbing at their full expense, subject to the approval of the Superintendent of Public Works, and subject to the conditions as herein defined. Such installation shall also include appropriate transition to adjoining curbing and walkways, including handicapped ramps and access as required.

(2) Any new development project shall include the installation of granite curbing and concrete sidewalk with planting strip, across the entire project's public street frontage at the property owner's expense, subject to the approval of the Superintendent of Public Works, and subject to the conditions as herein defined, including the rules and regulations promulgated by the Superintendent of Public Works.

(a) Such installation shall also include appropriate transition to adjoining curbing and walkways, including handicapped ramps and access as required.

(b) As used in this section, **NEW DEVELOPMENT PROJECT** shall mean any project where there is a new building foundation, either because there was no preexisting building or the previous foundation has been removed.

(3) No curbing shall be installed under this section at those locations where the Superintendent of Public Works determines that the installation of curbing is not feasible due to public safety, site constraints, budget constraints, or conflicts with future plans for the area. In such cases, the Superintendent of Public Works shall receive the concurrence of the Town Manager and provide written notice to the Council.

(4) The Superintendent of Public Works is authorized to promulgate rules and regulations, consistent with the curb and sidewalks ordinance, which shall implement the provisions of this chapter.

(5) In addition to the provisions of this chapter, all curb installations shall comply with the rules and regulations of the Superintendent of Public Works.

(Ord. 2010-6, passed 2-9-2010)

§ 55.02 SIDEWALK REQUIREMENTS.

(A) All materials for sidewalk construction or repair shall consist of concrete unless exempted under divisions (B), (C) and (E) below.

(B) In accordance with DPW regulations, the material used at street tree locations may include asphalt in order to address tree root issues.

(C) The material used as a temporary utility repair, where deemed necessary by the Superintendent of Public Works, may include asphalt. In accordance with DPW regulations, temporary repairs shall be permanently replaced with concrete.

(D) Sidewalks constructed hereinafter may extend the full length of the public way at the discretion of the Superintendent of Public Works, and shall have a preferred clear walking surface of five feet, not including curbing with a minimum of four feet, and shall conform to Americans Disability Act (ADA) and Massachusetts Architectural Access Board (MAAB) guidelines, unless otherwise exempted under division (E).

(1) A minimum clearance of three feet shall be provided around obstructions in the sidewalk such as utility poles, street trees, and hydrants.

(2) In residential areas, the sidewalk width shall be a maximum of five feet.

(3) A minimum width of two feet shall be provided as a planting strip.

(4) Whenever the owner of a parcel abutting a public way desires that a sidewalk be installed abutting such parcel, the property owner may pay for and install concrete sidewalk at their full expense, subject to the approval of the Superintendent of Public Works, and subject to the conditions as herein defined and in compliance with other DPW regulations. Such installation shall also include appropriate transition to adjoining curbing and walkways, including handicapped ramps and access as required.

(E) No sidewalks shall be installed under this section at those locations where the Superintendent of Public Works determines that the installation of sidewalks is not feasible due to public safety, site constraints, budget constraints, or conflicts with future plans for the area. In such cases, the Superintendent of Public Works shall receive the concurrence of the Town Manager and provide written notice to the Council.

(F) Any new development project shall include the installation of granite curbing and concrete sidewalk with planting strip across the entire project's public street frontage at the property owner's expense, subject to the approval of the Superintendent of Public Works, and subject to the conditions as herein defined, including the rules and regulations promulgated by the Superintendent of Public Works.

(1) Such installation shall also include appropriate transition to adjoining curbing and walkways, including handicapped ramps and access as required.

(2) As used in this section, the term ***NEW DEVELOPMENT PROJECT*** shall mean any project where there is a new building foundation, either because there was no preexisting foundation or the previous foundation has been removed.

(G) The Superintendent of Public Works is authorized to promulgate rules and regulations, consistent with the curb and sidewalks ordinance, which shall implement the provisions of this chapter.

(H) In addition to the provisions of this chapter, all sidewalk installations shall comply with the rules and regulations of the Superintendent of Public Works.

(I) In the case of selective sidewalk repairs, where there is no curb to create a barrier, and addition of a curb is not planned and where there is currently no grass planting strip, the default treatment is to create a planting strip, however, the Superintendent of Public Works shall have discretion on whether to plant grass or restore asphalt (or other similar treatment) as the border between the sidewalk and the street.

(Ord. 2010-6, passed 2-9-2010; Am. Ord. 2016-58, passed 9-27-2016)

TITLE VII: TRAFFIC REGULATIONS

Chapter

70. TRAFFIC COMMISSION

71. PARKING AND STOPPING REGULATIONS

72. TRANSPORTATION DEMAND MANAGEMENT PROGRAMS

CHAPTER 70: TRAFFIC COMMISSION

Section

70.01 Established

70.02 Membership

70.03 Compensation

70.04 Officers

70.05 Duties and responsibilities

70.06 Procedures

70.07 Meetings

§ 70.01 ESTABLISHED.

A town Traffic Commission is hereby established.

(1982 Code, Ch. XI, § 1) (Am. Ord. 15, passed 3-13-2001)

§ 70.02 MEMBERSHIP.

The Traffic Commission shall be composed of members as follows:

(A) Chief of the Police Department.

(B) Chief of the Fire Department.

(C) Superintendent of Public Works.

(D) Town Engineer.

(E) Director of Community Development and Planning or his or her designee.

(F) Two citizens at large both of whom shall be residents of the town, and one a representative of town industry. These members are appointed by the Town Manager and approved by the Town Council for staggered terms of 2 years each.

(1982 Code, Ch. XI, § 2) (Am. Ord. 15, passed 3-13-2001; Am. Ord. O-2011-26, passed 5-24-2011)

§ 70.03 COMPENSATION.

The members of the Traffic Commission shall receive no compensation for their service as commissioners, but all expenses incurred shall be paid by the town out of an appropriation for those services.

(1982 Code, Ch. XI, § 3) (Am. Ord. 15, passed 3-13-2001)

§ 70.04 OFFICERS.

(A) *Chairperson.* The Chief of Police shall act as the Chairperson of the Traffic Commission.

(B) *Secretary.* The Traffic Commission shall designate a Secretary. The Secretary shall arrange meetings, supply records, obtain data, prepare reports and attend to the other duties as shall be decided by the Traffic Commission.

(1982 Code, Ch. XI, §§ 4-5) (Am. Ord. 15, passed 3-13-2001)

§ 70.05 DUTIES AND RESPONSIBILITIES.

The Traffic Commission shall suggest and advise the Town Manager in ways and means to regulate traffic in the town with a view towards reducing accidents, relieving traffic congestion and increasing safety for cars and alternative modes of transportation. The Commission shall study and make recommendations on road design projects and any proposed addition or deletion of crosswalks, stop signs, traffic signals, signage, parking meters, or parking spaces; and on any proposed traffic calming measures or traffic directional changes.

(1982 Code, Ch. XI, § 6) (Am. Ord. 15, passed 3-13-2001; Am. Ord. O-2011-26, passed 5-24-2011)

§ 70.06 PROCEDURES.

All traffic rules and orders, complaints or suggestions relative to traffic conditions in the town shall first be submitted through the Secretary of the Traffic Commission to that Commission for study and recommendations before being acted on by the Town Manager.

(1982 Code, Ch. XI, § 7) (Am. Ord. 15, passed 3-13-2001)

§ 70.07 MEETINGS.

The Traffic Commission shall meet periodically as needed. When an agenda item for a meeting of the Traffic Commission is brought forward by a town resident or directly concerns a town resident, the Traffic Commission shall make every effort to meet after 6:00 p.m. when it deems appropriate due to the nature of the issue or upon request by the petitioners or citizens.

(Am. Ord. 15, passed 3-13-2001)

CHAPTER 71: PARKING AND STOPPING REGULATIONS

Section

Handicapped Parking

- 71.01 Spaces required
- 71.02 Signs
- 71.03 Obstructing parking spaces or ramps
- 71.04 Registration plates
- 71.99 Penalty

Cross-reference:

Regulation of fire lanes, see § 92.06

Statutory reference:

For similar provisions, see Mass. Gen. Laws Ch. 40, §§ 21(23) and 21(24)

HANDICAPPED PARKING

§ 71.01 SPACES REQUIRED.

Any person or body who has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, including any other place where the public has a right of access as invites or licensees, shall reserve parking spaces in the off-street parking areas for any vehicle:

- (A) Owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing registration plate or placard authorized by Mass. Gen. Laws Ch. 90, § 2;
- (B) Transporting a handicapped person and displaying the special identification plate or placard authorized by Mass. Gen. Laws Ch. 90, § 2; or

(C) Bearing the official identification of a handicapped person issued by any other state, or any Canadian Province, according to the following formula:

<i>Number of Parking Spaces</i>	<i>Handicapped Spaces Required</i>
More than 15 but less than 25	1
More than 25 but less than 40	5% (but not less than 2)
More than 40 but less than 100	4% (but not less than 3)
More than 100 but less than 200	3% (but not less than 4)
More than 200 but less than 500	2% (but not less than 6)
More than 500 but less than 1,000	1-1/2% (but not less than 10)
More than 1,000 but less than 2,000	1% (but not less than 15)
More than 2,000 but less than 5,000	3/4% (but not less than 20)
More than 5,000	1/2% (but not less than 30)

(Ord. 15, passed 2-23-1999) Penalty, see § 71.99

§ 71.02 SIGNS.

Parking spaces designated as reserved under the provisions of this subchapter shall be:

- (A) Identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized vehicles may be removed at Owner's Expense";
- (B) As near as possible to a building entrance or walkway;
- (C) Adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and
- (D) Twelve feet wide or two 8-foot wide areas with 4 feet of cross hatch between them.

(Ord. 15, passed 2-23-1999) Penalty, see § 71.99

§ 71.03 OBSTRUCTING PARKING SPACES OR RAMPS.

No unauthorized person shall leave a vehicle within a parking space which is designated for use by disabled veterans or handicapped persons as set forth in this subchapter, or in a manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way.

(Ord. 15, passed 2-23-1999) Penalty, see § 71.99

§ 71.04 REGISTRATION PLATES.

Any vehicle which does not bear the distinguishing registration plate authorized by Mass. Gen. Laws Ch. 90, § 2 for a vehicle transporting a handicapped person and displaying the special identification plate authorized by Mass. Gen. Laws Ch. 90, § 2 or for a vehicle bearing the official identification of a handicapped person issued by any other state, or any Canadian Province, which is left within a parking space which is designated for use by disabled veterans or handicapped persons as set forth in this subchapter, or is left in a manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way, may be removed in accordance with the provisions of Mass. Gen. Laws Ch. 266, § 120D.

(Ord. 15, passed 2-23-1999) Penalty, see § 71.99

§ 71.99 PENALTY.

Parking violations of §§ 71.01 through 71.04 of this chapter may be enforced pursuant to the authority granted by Mass. Gen. Laws Ch. 90, §§ 20A, 20A1/2 20C, 20D and 20E as amended, or as set forth in § 36.05 of this code, except that a warning may not be issued for the first offense. Notwithstanding any provision of this section, the fine for each violation of the provisions of §§ 71.01 through 71.04 shall be \$50 or as may be prescribed from time to time by the Traffic Commission.

(Ord. 15, passed 2-23-1999)

CHAPTER 72: TRANSPORTATION DEMAND MANAGEMENT PROGRAMS

Section

General Provisions

- 72.01 Purpose
- 72.02 Applicability
- 72.03 Exceptions

Authority and Administration

- 72.15 Authority
- 72.16 Administration
- 72.17 Rules and regulations
- 72.18 Annual review
- 72.19 Appeals

Transportation Demand Management Program Regulations

- 72.30 Components of the transportation demand management program regulations

Enforcement

- 72.45 Enforcement
- 72.46 Notices and orders
- 72.47 Provision for action to remedy a violation
- 72.48 Fines

§ 72.01 PURPOSE.

(A) The purpose of this Transportation Demand Management (TDM) chapter is to encourage reduction in single occupant vehicle (SOV) trips, and thus reduce vehicle miles traveled and carbon emissions, alleviate congestion during peak periods, and improve air quality, all while making better use of existing transportation infrastructure.

(B) This chapter provides the framework for strategies that increase over-all system efficiency by encouraging a shift from SOV trips to non-SOV transportation modes and shifting SOV trips out of peak periods.

(C) The town's goal is to aid in the town-wide reduction of SOV trips by 20% over baseline data for residents and employees (U.S. Census Bureau, American Community Survey, 2006-2010), which identifies that Watertown residents currently have a SOV mode share of 68% and that Watertown workers have a mode share of 75%.

(D) This chapter also establishes the legal authority to ensure compliance with the provisions of this chapter through permitting, inspections, monitoring and enforcement.

(Ord. O-2017-31, passed 5-9-2017)

§ 72.02 APPLICABILITY.

The following projects shall be required to prepare and implement a transportation demand management program:

(A) New construction or an addition of 10,000 square feet or more, or ten or more dwelling units; or

(B) Any project that requires site plan review or special permit approval per the Watertown zoning ordinance (as amended) and will generate more than 150 average daily trips, or more than 15 peak hour trips above the pre-existing conditions using standards and methodologies promulgated by the institute of transportation engineers, the Urban Land Institute, or other appropriate source.

(Ord. O-2017-31, passed 5-9-2017)

§ 72.03 EXCEPTIONS.

The following are exempt from the requirements of this chapter:

(A) Land or structures for the primary, accessory or incidental purpose of operating a child care facility;

(B) Land or structures owned or leased by the Commonwealth of Massachusetts, its agencies, subdivisions or bodies politic; and

(C) Retail customer trips generated from buildings or structures used for retail purposes.

(Ord. O-2017-31, passed 5-9-2017)

AUTHORITY AND ADMINISTRATION

§ 72.15 AUTHORITY.

This chapter is adopted under authority granted by the home rule amendment of the Massachusetts Constitution, and the home rule statutes.

(Ord. O-2017-31, passed 5-9-2017)

§ 72.16 ADMINISTRATION.

The Watertown Department of Community Development and Planning (DCDP) shall administer, implement, and enforce this chapter. Any powers granted to or duties imposed upon the DCDP may be delegated to the Department's employees or agents.

(Ord. O-2017-31, passed 5-9-2017)

§ 72.17 RULES AND REGULATIONS.

(A) The Town Manager or his/her designee may adopt, and periodically amend, rules and regulations relating to the detailed requirements, procedures, and administration of this chapter, including application and inspection fees. Prior to adopting or amending rules and regulations, the Town Manager or his/her designee shall consult with the DCDP. Such rules and regulations shall be consistent with the criteria set forth in § 72.30 below.

(B) Failure by the Town Manager or their designee to promulgate such rules and regulations, or a declaration of their invalidity by a court of law, shall not have the effect of suspending or invalidating the provisions of this chapter or any permit issued hereunder.

(C) Such rules and regulations (or amendments thereto) shall become effective five days after being filed with the Town Clerk.

(D) Prior to amending the rules and regulations which implement this chapter, the Town Manager or their designee shall notify the Town Council of such proposed amendments.

(Ord. O-2017-31, passed 5-9-2017)

§ 72.18 ANNUAL REVIEW.

The Town Manager and/or their Designee shall report to the Town Council on an annual basis concerning the town's progress toward achieving the town-wide goal described in § 72.01 including the status of any ongoing TDM programs in town.

(Ord. O-2017-31, passed 5-9-2017)

§ 72.19 APPEALS.

A decision of the DCDP with respect to the rules and regulations promulgated under this chapter shall be final. A request for relief of a decision of the DCDP may be submitted to the permit granting authority, but in all cases shall be reviewable in a court of competent jurisdiction.

(Ord. O-2017-31, passed 5-9-2017)

TRANSPORTATION DEMAND MANAGEMENT PROGRAM REGULATIONS

§ 72.30 COMPONENTS OF THE TRANSPORTATION DEMAND MANAGEMENT PROGRAM REGULATIONS.

(A) No project which is subject to this chapter may be granted a special permit or site plan review unless that project provides the DCDP with a written Transportation Demand Management.

(B) Program that meets the criteria specified below, at a minimum, and as further specified in the rules and regulations promulgated as part of § 72.17, above.

(1) Includes program goals and target(s) for trip reduction based on the project's proposed new trips and baseline transportation impacts.

(2) Provides a comprehensive list of TDM measures that will be used to guide the project's TDM program and achieve the program goals and trip reductions target(s).

(3) Provides a description of post-occupancy TDM monitoring measures, to determine the project's effectiveness in implementing the TDM program and achieving the program's goals and trip reduction target(s).

(4) Provides a schedule for post-occupancy TDM monitoring and reporting to the DCDP.

(5) Provides a list of corrective measures, including but not limited to additional TDM measures, additional incentives, or potential

penalties to be applied by the Petitioner of the development/redevelopment to achieve the program goals and trip reduction target(s).
(Ord. O-2017-31, passed 5-9-2017)

ENFORCEMENT

§ 72.45 ENFORCEMENT.

The DCDP staff shall have the authority to enforce the TDM regulations, and shall issue orders, violation notices, and enforcement orders, and may pursue all available civil remedies for such violations.
(Ord. O-2017-31, passed 5-9-2017)

§ 72.46 NOTICES AND ORDERS.

The DCDP staff may issue a written order to enforce the provisions of the TDM regulations, which may include requirements to:

- (A) Take steps to implement and conform to the components of the TDM chapter.
- (B) Take steps to implement and conform to the rules and regulations which implement the TDM chapter.
- (C) Comply with the conditions of a special permit, approved site plan, building permit, and/or certificate of occupancy which include requirements to implement § 72.30 of the TDM chapter, or the rules and regulations which implement the TDM chapter.

(Ord. O-2017-31, passed 5-9-2017)

§ 72.47 PROVISION FOR ACTION TO REMEDY A VIOLATION.

If a person violates the provisions of the TDM chapter, regulations, permit, notice, or order issued thereunder, or fails to implement an approved TDM plan, the DCDP staff may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
(Ord. O-2017-31, passed 5-9-2017)

§ 72.48 FINES.

Pursuant to § 10.99 of the Town Code, any person, Petitioner or project that violates any provision of the TDM chapter, or order or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$300 per violation of an order to implement the TDM plan to address non-compliance. Each day or part thereof that such violation occurs or continues shall constitute a separate violation.
(Ord. O-2017-31, passed 5-9-2017)

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ABANDONED VEHICLES**
- 91. ANIMALS**
- 92. FIRE PREVENTION**
- 93. HEALTH AND SAFETY**
- 94. NEWSRACKS**

95. NOISE REGULATIONS

96. STREETS AND SIDEWALKS

97. STORMWATER REGULATIONS

98. STORMWATER MANAGEMENT AND EROSION CONTROL

CHAPTER 90: ABANDONED VEHICLES

Section

90.01 Definitions

90.02 Abandonment prohibited

90.03 Leaving wrecked non-operating vehicles on street

90.04 Disposition of wrecked or discarded vehicles

90.99 Penalty

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PROPERTY. Any real property within the town which is not a street or highway.

STREET or HIGHWAY. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

VEHICLE. A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation automobile, truck, trailer, motor cycle, tractor, buggy and wagon.

(1982 Code, Ch. VIII, § 25(1))

§ 90.02 ABANDONMENT PROHIBITED.

Except as to vehicles for which other provisions are made under the laws of the Commonwealth of Massachusetts, no person shall abandon any vehicle within the town and no person shall leave any vehicle at any place within the town for such time and under such circumstances as to cause the vehicle reasonably to appear to have been abandoned.

(1982 Code, Ch. VIII, § 25(2)) Penalty, see § 90.99

§ 90.03 LEAVING WRECKED NON- OPERATING VEHICLES ON STREET.

Except as to vehicles for which other provisions are made under the laws of the Commonwealth of Massachusetts, no person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the town.

(1982 Code, Ch. VIII, § 25(3)) Penalty, see § 90.99

§ 90.04 DISPOSITION OF WRECKED OR DISCARDED VEHICLES.

- (A) No person in charge or control of any property within the town whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, inoperative, wrecked, junked or discarded vehicle to remain on such property longer than ten days.
- (B) No person shall leave any such vehicle on any property within the town for a longer time than 10 days, except to:
- (1) A vehicle in an enclosed building;
 - (2) A vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or
 - (3) A vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.
- (C) This section shall not apply to Class 3 licensees under Mass. Gen. Laws Ch. 140, § 58.

(1982 Code, Ch. VIII, § 25(4)) Penalty, see § 90.99

§ 90.99 PENALTY.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$100. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(1982 Code, Ch. VIII, § 25(5))

CHAPTER 91: ANIMALS

Section

- 91.01 Introduction
- 91.02 Definitions
- 91.03 Dog licensing
- 91.04 Restraint of dogs
- 91.05 Restricted areas
- 91.06 Removal of dog waste
- 91.07 Impoundment
- 91.08 Cats
- 91.09 Miscellaneous
- 91.10 Enforcement of the animal control ordinance
- 91.11 Animal Control Fund

§ 91.01 INTRODUCTION.

Acting under Massachusetts General Law and pursuant to Mass. Gen. Laws Ch. 140, §§ 136A through 174E inclusive and under any other applicable laws and regulations, the City of Watertown, known as the Town of Watertown, hereby adopts this chapter in the interest of protecting the health and safety of its citizens, dogs, cats and wildlife.

(Ord. O-2017-2, passed 1-24-2017)

§ 91.02 DEFINITIONS.

The following definitions shall be defined as written unless context indicates or requires a different meaning:

ANIMAL CONTROL AGENT. Any duly authorized employee or agent of the Town of Watertown who may enforce the provisions of the Watertown Animal Control Ordinance.

ANIMAL CONTROL OFFICER. An appointed, duly authorized employee of the Town of Watertown whose primary responsibility is to enforce the provisions of the Watertown Animal Control Ordinance and Mass. Gen. Laws Ch. 140, §§ 136A through 174E inclusive.

ANIMALS. All mammals, fowl and reptiles, except human beings.

AT LARGE. Off the premises of the owner or keeper and not under the control of the owner or keeper either by leash, cord, chain or otherwise.

DANGEROUS CAT. A cat that either:

- (1) Without justification, attacks a person or domestic animal causing physical injury or death; or
- (2) Behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

DANGEROUS DOG. A dog that either:

- (1) Without justification, attacks a person or domestic animal causing physical injury or death; or
- (2) Behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

DOMESTIC ANIMALS. An animal that has been domesticated by humans so as to live and breed in a tame condition and depends on humankind for survival; any animal listed in 321 Commonwealth of Massachusetts Regulations (CMR) 9.02(3), except as provided in 321 CMR 9.02(2)(d).

FERAL CAT. A domestic cat who has been born and raised without contact to humans, or a domestic cat who has not had contact with humans for a significant period of time and has become un-socialized to humans; a feral cat is fearful of humans, may depend on humans for survival by means of a caretaker who provides food and a shelter, and is not likely to ever become an indoor cat.

IMPOUND. Take into the custody of the animal control officer or animal control agent.

INDOOR CAT. A domestic cat that lives in a dwelling or home, has a litter box, food, shelter, etc. provided by the keeper or owners and is never allowed outdoors; an indoor cat is dependent on humans for survival.

KEEPER or OWNER. Any person owning, possessing, controlling, harboring or having custody of an animal.

LEASH. A restraint which shall be of an appropriate length and made of a sturdy, unfrayed material suitable to allow the dog owner or keeper to maintain control over the dog. A leash is used to restrain the dog when upon the streets, sidewalk or any public areas or to restrain the dog from entering these said areas.

NUISANCE DOG. A dog that:

- (1) By excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity;
- (2) By excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or
- (3) Has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

OUTDOOR CAT. A domestic cat that lives in a dwelling or home, has a litter box, food, shelter, etc. provided by the keeper or owner, but is also allowed outdoors for any length of time during the day; an outdoor cat is dependent on humans for survival.

SERVICE ANIMAL. In accordance with the Americans with Disabilities Act (ADA) 28 C.F.R. Part 36.104, any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Service animals must be harnessed, leashed or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must

maintain control of the animal through voice, signal, or other effective controls. Service animals are allowed to accompany people with disabilities in all areas where public is allowed to go. Other species of animals, whether wild or domestic animals, trained or untrained, are not service animals for the purpose of this definition. Dogs whose sole function is to provide comfort, emotional support, well-being or companionship do not qualify as service animals under the ADA.

STRAY CAT. A domestic cat who is socialized to humans who has lived as a pet in a domestic home but has been abandoned, lost, or has left its domestic home; a stray cat is dependent on humans for survival.

TOWN. The city known as the Town of Watertown, Massachusetts.

UNCONFINED. Not securely confined indoors, or in a securely enclosed and locked pen or dog run area on the premises of the owner or keeper.

WATERTOWN POLICE OFFICER. Any duly authorized employee of the Watertown Police Department who may enforce the provisions of the Watertown Animal Control Ordinance.

WILD ANIMAL. Any animal not kept as a domesticated animal and is indigenous to this area of the state, including but not limited to coyotes, raccoons, beavers, wild turkey, skunks, opossums, fishers, squirrels, chipmunks, rodents, and more.

(Ord. O-2017-2, passed 1-24-2017)

§ 91.03 DOG LICENSING.

(A) *Annual dog licensing fee.* No person shall own or keep a dog, six months of age or older, within the town unless an annual license for such dog is obtained from the Town Clerk. The fee for such a license shall be \$10 for each dog. The licensing period shall be from January 1 through December 31. The license fee for each dog owned or kept by persons who are aged 60 or older shall be \$5. The provisions of this chapter shall not apply to veterinary establishments that are subject to kennel licensing. Pursuant to Mass. Gen. Laws, Ch. 140, § 139(C), no licensing fee shall be charged for a service animal.

(B) *Rabies vaccination.* No dog shall be licensed unless a valid rabies vaccination certificate is presented to the Town Clerk at the time of licensing. All dogs shall be vaccinated against rabies in accordance with Mass. Gen. Laws, Ch. 140, § 145B.

(C) *Additional requirements.* No dog six months of age or older shall be licensed unless there is presented to the Town Clerk at the time of licensing either:

- (1) Proof that the dog has been spayed or neutered;
- (2) A statement signed by a veterinarian stating a reason why spaying or neutering has been delayed;
- (3) A statement signed by the owner or keeper of the dog that a decision has been made not to spay or neuter the dog; or
- (4) A statement signed by a veterinarian or the animal control officer that the animal appears to have been spayed or neutered in the past.

(D) *Breeder's license.* An annual breeder's license shall be obtained for any dog with respect to which a statement is presented that a decision has been made not to spay or neuter. The fee for such a breeder's license shall be \$25 for each dog and such fee shall be in addition to the fee imposed pursuant to this chapter, § 91.03(A).

(E) *Number of licensed dogs.* Not more than three dogs over six months of age shall be kept in a household. Any variance to this number of licensed animals must first be approved by the Board of Health.

(F) *License tags.* All dogs shall display a dog license on their collar. The dog owner and/or keeper shall present the dog license tag when request is made by the animal control officer, animal control agent, or police officer. Dogs not displaying dog licenses are subject to impoundment until licensure is attained.

(Ord. O-2017-2, passed 1-24-2017)

§ 91.04 RESTRAINT OF DOGS.

Any person owning or keeping a dog shall not suffer or allow it to run at large in any of the streets or public ways, or places in the

town, or upon the premises of anyone other than the owner or keeper, unless the owner or occupant of such premises grants permission. Under no circumstances shall a dog, even on a leash, be allowed on private property, unless specific permission has been granted. No dog shall be permitted in any public place or street within the Town of Watertown unless it is effectively restrained by a chain or leash, except at a town designated dog park pursuant to § 91.09(E) of this chapter.

(Ord. O-2017-2, passed 1-24-2017)

§ 91.05 RESTRICTED AREAS.

(A) No dog shall be allowed on school property, in cemeteries, or in public parks maintained by the town. Service animals are exempt from this provision.

(B) Notwithstanding the provisions of division (A) above, dogs on leashes shall be permitted on marked or paved walking paths on Whitney Hill Park, Saltonstall Park, Arsenal Park, Linear Park, Filippello Park, Howe Park and the park behind 552 Main Street, exclusive of athletic tracks and tot lot surfaces.

(C) Notwithstanding the provisions of division (A) and (B), dogs shall be permitted inside town designated dog parks pursuant to § 91.09(E) of this chapter.

(Ord. O-2017-2, passed 1-24-2017)

§ 91.06 REMOVAL OF DOG WASTE.

(A) *Removal of dog waste from public and private property.* Each person who owns or keeps a dog within the town, shall immediately remove and dispose of any feces left by such dog on any sidewalk, planting strip, street, park or other public area, or on any private property which is not owned or occupied by such person. Any such dog is to be accompanied by a person carrying a device which is suitable for picking up and containing feces, unexposed to such person and to the general public.

(B) *Method of dog waste disposal.* Dog waste or feces may only be disposed of in a sanitary manner. Dog waste shall not be disposed of in catch basins.

(C) *Exemptions to the removal of dog wastes.* Divisions (A) and (B) shall not apply to a service animal accompanying any individual with a disability, who, by reason of a disability, is physically unable to comply with the requirements of said sections.

(Ord. O-2017-2, passed 1-24-2017)

§ 91.07 IMPOUNDMENT.

(A) *Notice of impoundment.*

(1) It shall be the duty of any animal control officer or his/her designee to apprehend any dog found running at large and/or any unlicensed dog in any street or public place within the town and to impound such dog in the place provided therefore.

(2) The owner or keeper of any dog so impounded may reclaim such dog within seven days and upon payment of the license fee, if unpaid, all outstanding citations, boarding fees for each day the dog was held, all veterinary costs, and all other associated costs as applicable.

(B) *Unclaimed dogs.* The animal control officer shall make reasonable efforts to determine the identity of the owner or keeper of any dog. If any dog is impounded pursuant to this chapter and its owner and/or keeper cannot be identified within seven days, the dog may be put up for adoption or humanely euthanized, provided that the Animal Control Officer determines that all reasonable efforts have been made to locate the owner and/or keeper and there are no reasonable alternatives to such action.

(Ord. O-2017-2, passed 1-24-2017)

§ 91.08 CATS.

(A) *Cat licensing fee.* No person shall own or keep a cat, six months of age or older, within the town unless an annual license for

such cat is obtained from the Town Clerk. The fee for such a license shall be \$10 for each cat. The licensing fee for each cat owned or kept by persons who are aged 60 or older shall be \$5.

(B) *Number of licensed cats.* Not more than five cats over six months of age shall be kept in a household. Any variance to this number of licensed animals must first be approved by the Board of Health. The provisions of this chapter shall not apply to veterinary establishments that are subject to kennel licensing.

(C) *Rabies vaccination.* No cat shall be licensed unless a valid rabies vaccination certificate is presented to the Town Clerk at the time of licensing. All cats shall be vaccinated against rabies in accordance with Mass. Gen. Laws, Ch. 140, § 145B.

(D) *Outdoor cat requirements.*

(1) All cats allowed or found outdoors for any length of time shall be outfitted with a microchip. All cats allowed outdoors shall be spayed or neutered. Any cat found at large that cannot be immediately identified shall be deemed a stray.

(2) *Exemptions.* This section shall not apply to a cat with a high likelihood of suffering serious bodily harm or death if spayed, neutered, or microchipped, due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a Massachusetts licensed veterinarian. If the cat is able to be safely spayed, neutered, or microchipped at a later date, that date must be stated in the written confirmation.

(E) *Stray cats.* Any rescue group, humane society or other person or organization picking up stray cats shall notify the Animal Control Officer with all relevant information of each cat and the location found.

(F) *Feral cats.* Any person or organization that traps and releases feral cats shall report such activity to the animal control officer including information of description and numbers of cats trapped and name of caretaker. The caretaker is expected to take full responsibility for the duration of the cat's life. All feral cats shall be ear tipped. All feral cats shall be spayed or neutered.

(G) *Dangerous cats.* The animal control officer may at any time issue an order of confinement for any cat deemed a dangerous cat.

(Ord. O-2017-2, passed 1-24-2017)

§ 91.09 MISCELLANEOUS.

(A) *Animal bite procedure.* All bites by dogs, cats or other domestic animals or wild or exotic animals shall be reported to the Health Department and the animal control officer as soon as possible by the person bitten or by the owner or keeper of the animal, or both.

(B) *Motor vehicle operator responsibility.* The operator of a motor vehicle that strikes, injures, or kills any animal within the town shall report such incident to the pet's owner or keeper, custodian or to a Watertown Police Officer.

(C) *Feeding of wild animals.* No person within the town shall feed any wild animals, including without limitation, ducks, geese and raccoons, or any homeless dogs or cats, except birds fed within the confines of his /her private property, provided that no threat to public health or safety is thereby created. Persons feeding their own domestic animals shall do so only in a sheltered space inaccessible to wild or roaming animals. This division (C), shall not apply to the feeding of homeless dogs or cats if done in a sheltered place inaccessible to wild or roaming animals with the express purpose of befriending the dog or cat in order to have it vaccinated, spayed, neutered and ultimately adopted.

(D) *Wild and exotic animals.* No person within the town shall possess, maintain, propagate, cultivate or deal with wild or exotic animals within the meaning of Mass. Gen. Laws Ch. 131, § 23, unless notice thereof has been filed with the Board of Health and all permits required by said Mass. Gen. Laws Ch. 131, § 23 or otherwise have been obtained.

(E) *Town dog parks.*

(1) Owners and/or keepers using a town dog park must adhere to posted dog park rules referenced on town website and posted at each town dog park.

(2) Dog park rules are enforced under the provisions of this chapter. Any change in dog park rules shall be communicated to the Town Council.

(F) *Nuisance and dangerous dogs.* In accordance with the provisions of Mass. Gen. Laws Ch. 140, § 157, any person may file written complaint to the Board of Health that a dog owned or kept in the Town is a nuisance or a dangerous dog. The Board of Health

who has been appointed as the hearing authority shall process the complaint, hold a public hearing and make decision on the written complaint.

(G) *General prohibition.* No person shall own or keep in the town any dog, cat or other household pet which by biting, barking, howling, scratching or crying, or in any other manner, disturbs the peace and quiet of any neighborhood, destroys private property or endangers the safety of any person.

(Ord. O-2017-2, passed 1-24-2017)

§ 91.10 ENFORCEMENT OF THE ANIMAL CONTROL ORDINANCE.

(A) *Criminal complaint.* Any person who violates any provision of this chapter may be penalized by indictment or on complaint brought in district court. Each day on which any violation or offense continues shall be deemed to be a separate violation or offense.

(B) *Noncriminal disposition.*

(1) Whoever violates any provision of this chapter, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method

of disposition as provided in Mass. Gen. Laws, Ch. 40, § 21D. Each day on which any violation exists shall be deemed to be a separate offense.

(2) Penalty:

First offense	\$50
Second offense	\$100
Third offense and thereafter	\$200

(C) *Enforcing persons.*

(1) Animal control officer, animal control agent or any Watertown police officer.

(2) Any violations of this chapter that occur within town parks or recreation areas are also enforceable by the Director of Parks and Recreation and/or his/her designee.

(D) *Other.* Any person who violates any provision of this chapter is also subject, at the discretion of the animal control officer, animal control agent or Watertown police officer to any other legal or equitable enforcement remedy available.

(Ord. O-2017-2, passed 1-24-2017)

§ 91.11 ANIMAL CONTROL FUND.

All monies collected under the provisions of this chapter, other than monies collected as penalties referenced in § 91.10(B), shall be deposited in a revolving fund to be known as the animal control fund, established pursuant to the provisions of Mass. Gen. Law Ch. 44, § 53E1/2. This revolving fund shall be accounted for separately from all other monies in the town, and expenditures may be made from the revolving fund without further appropriation. The Director of Public Health with the approval of the Town Manager shall be authorized to expend money

from the animal control fund, with such expenditures to be used only for programs and activities within the jurisdiction and authority of the animal control program. The animal control fund shall be established not later than the beginning of the fiscal year in which the fund shall begin. The limit on the total amount that may be expended from the animal control fund shall be determined by Town Council on or before July 1 of each year.

(Ord. O-2017-2, passed 1-24-2017)

Section

- 92.01 Noxious odors
- 92.02 Fee schedule for the keeping or storing of hazardous materials
- 92.03 Permit, inspection and report fees
- 92.04 Gasoline pumps
- 92.05 Smoke detectors
- 92.06 Regulation of fire lanes
- 92.07 Testing of underground storage tanks
- 92.99 Penalty

§ 92.01 NOXIOUS ODORS.

No person shall burn anything so as to emit noxious odors to the discomfort of the neighborhood.

(1982 Code, Ch. IX, § 1) Penalty, see § 92.99

§ 92.02 FEE SCHEDULE FOR THE KEEPING OR STORING OF HAZARDOUS MATERIALS.

(A) The annual fees to be charged for licenses for the storage of motor vehicles in any building or structure shall be in accordance with the following schedule:

- (1) At least 5 motor vehicles but not more than 10 motor vehicles: \$55.
- (2) Eleven motor vehicles but not more than 20 motor vehicles: \$110.
- (3) More than 20 motor vehicles: \$220.

(B) The annual fees to be charged for permits (pursuant to 527 C.M.R. 14.03 - Storage) for the keeping or storing of hazardous materials, including crude petroleum or any of its products in any building or structure or in any underground or above ground tank for business or commercial purposes, shall be in accordance with the following schedule and issued by the head of the Fire Department:

- (1) One gallon to 500 gallons: \$25.
- (2) 501 gallons to 1,000 gallons: \$40.
- (3) 1,001 gallons to 1,500 gallons: \$50.
- (4) 1,501 gallons to 5,000 gallons: \$75.
- (5) 5,001 gallons to 10,000 gallons: \$100.

(C) The annual fees to be charged for licenses for the keeping or storing of hazardous materials, including crude petroleum or any of its products in building or structure or in any underground or above ground tank for business or commercial purposes shall be in accordance with the following schedule and granted by the Licensing Board and issued by the Town Clerk:

- (1) 10,001 gallons to 20,000 gallons: \$200.
- (2) 20,001 gallons to 30,000 gallons: \$250.
- (3) 30,001 gallons to 40,000 gallons: \$300.
- (4) 40,001 gallons to 50,000 gallons: \$350.

- (5) 50,001 gallons to 60,000 gallons: \$400.
- (6) 60,001 gallons to 70,000 gallons: \$450.
- (7) 70,001 gallons to 80,000 gallons: \$500.
- (8) 80,001 gallons to 90,000 gallons: \$550.
- (9) 90,001 gallons to 100,000 gallons: \$600.
- (10) 100,001 gallons to 200,000 gallons: \$800.
- (11) 200,001 gallons and over: \$2,000.
- (12) Hearing fee: \$80.
- (13) Renewal fee: \$25.

(1982 Code, Ch. IX, § 2) (Am. Ord. R-94-28, passed 5-10-1994; Am. Ord. 43, passed 7-15-2003)

§ 92.03 PERMIT, INSPECTION AND REPORT FEES.

(A) Permits.

- (1) Oil burners (all types): \$40 per unit.
- (2) Tanks and containers (installation/removal): \$120 per tank.
- (3) Smoke detector inspections: \$40 per dwelling unit.
- (4) Smoke detector re-inspections: \$40 per dwelling unit.
- (5) Tar kettle and flame or heat producing devices: \$55 per unit.
- (6) Blasting permit: \$70 for 30 days.
- (7) Propane gas heater/construction site: \$40 per heater.
- (8) Propane gas cylinder/100 lbs. or more: \$30 per 100 lbs.
- (9) Gun powder/smokeless/black: \$40.
- (10) Acetylene torch: \$35 per unit.
- (11) Tenting: \$45 per job.
- (12) Welding and cutting: \$45 per job.
- (13) Hoods and ducts: \$45 per job.
- (14) Suppression systems: \$45 per job.
- (15) Modification of storage facility: \$70 per job.
- (16) Display of automobiles in covered building: \$40 per job.
- (17) Fire protection equip-systems/alarms, sprinklers: \$45 per job.

(B) Inspections.

- (1) Nursing/convalescent homes (under 25 beds): \$45 per inspection.
- (2) Nursing/convalescent homes (26-100 beds): \$70 per inspection.
- (3) Motels/hotels: \$70 per inspection.
- (4) Master box - commercial, industrial, private buildings: \$220 per year.

(5) Tank truck: \$40 per inspection.

(6) Plan review: \$25 per 1,000 square feet.

(C) Reports.

(1) Incident reports (5 page): \$5.

(2) Additional pages: \$.50 per page.

(1982 Code, Ch. IX, § 2) (Am. Ord. R-94-28, passed 5-10-1994; Am. Ord. 43, passed 7-15-2003)

§ 92.04 GASOLINE PUMPS.

No gasoline pump or any equipment connected therewith situated in any retail gasoline station located in the town shall be operated or handled by any person except the owner of such station or the duly authorized agent or employee when gasoline is being dispensed into the tank of a motor vehicle or other approved container provided however, that this section shall not apply to any person or persons engaged in the business of installing or repairing such gasoline station equipment.

(1982 Code, Ch. IX, § 3) Penalty, see § 92.99

§ 92.05 SMOKE DETECTORS.

An approved smoke detector shall be installed outside the sleeping areas in each dwelling unit. All smoke detectors should be ceiling mounted with additional detectors located on each habitable level, including the basement.

(A) In 1-, 2-, and 3-family dwelling homes these smoke detectors may be battery operated and single station type.

(B) In 4- and 5-family dwelling homes the smoke detectors within the dwelling units may be single station type. Upon the sale or transfer of such property, the smoke detectors that are required on all hallway levels or suitable locations and in the basement shall be permanently wired and shall be interconnected, so that when one sounds all sound. It shall be the responsibility of the property owner to install and to maintain these systems and they shall be tested annually by a competent person who shall notify the Fire Department in writing of such test. Plans for these systems shall be approved by the Head of the Watertown Inspector of Buildings before installation.

(1982 Code, Ch. IX, § 4) Penalty, see § 92.99

§ 92.06 REGULATION OF FIRE LANES.

(A) It shall be unlawful to obstruct or block a private way with a motor vehicle or other object so as to prevent access by fire apparatus or equipment to any building.

(B) It shall be unlawful to part a motor vehicle under the cantilever of fire escapes or in such a manner as to block exits or passageways to the street or sidewalks, or so as to interfere with the means of egress from buildings.

(C) It shall be unlawful to obstruct or park any vehicle in any fire lane, such fire lane to be designated on private property or ways by the Chief of the Fire Department and the Traffic Commission, and marked as such by the owner. The fire lane shall be at a minimum distance of 12 feet from the curbing at a sidewalk for a mall, shopping center, hotel, home for the elderly, hospital, nursing home, theater, school, or bowling alley. Where there are no sidewalks with curbing, said fire land shall be at a minimum distance of 18 feet from the building.

(D) The building owner of record shall provide, install and maintain signs and striping as provided in divisions (B) and (C) of this section. Such signage and striping shall meet with the approval of the Traffic Commission.

(E) This section shall be enforced by the town in accordance with Mass. Gen. Laws Ch. 90, § 20A-1/2.

(F) If, in the opinion of the Chief of the Fire Department, or such person to whom he delegates his authority, a motor vehicle is parked in such a manner as to violate this section, he may notify the Police Department to take necessary steps to remove such motor vehicle at the vehicle owner's expense.

(Ord. 7, passed 9-11-1984) Penalty, see § 92.99

§ 92.07 TESTING OF UNDERGROUND STORAGE TANKS.

(A) Any person who has lawful control of an underground storage tank, with a capacity of 500 gallons or more, containing gasoline, waste oil, toxic chemicals or any hazardous material defined under regulations issued by the U.S. Environmental Protection Agency, shall be required to have periodic testing performed on said tank to determine the fitness and condition for such storage.

(B) Excluded from the requirement for such testing will be storage tanks containing non-toxic chemicals, No. 1 oil (kerosene), No. 2 oil, diesel, No. 4, No. 5 and No. 6 heating oil.

(C) The test shall be performed using any U.S. Environmental Protection Agency or Fire Department approved testing process. A representative of the Fire Department may be present at the time the test is conducted.

(D) The initial testing period will be from January 1, 1985 through January 1, 1986. All underground storage tanks covered by this section must be tested during that period. After the initial test is completed, the tank must be tested once every 5 years thereafter.

(E) In the event that, after testing, an underground storage tank covered by this section is found to be defective, the Fire Department shall issue an appropriate order pursuant to the authority under Massachusetts General Laws, Massachusetts Fire Prevention Regulations and town Fire Prevention Regulations.

(F) If the product stored in the tanks is different than the product for which the inflammable storage permit was issued, then a permit or license covering the existing requirement shall be applied for.

(Ord. 9, passed 11-13-1984) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) The penalty for violation of § 92.06 shall be \$15 for the first offense, \$25 for the second offense, and \$25 for each subsequent offense.

(Ord. 7, passed 9-11-1984)

(B) The penalty for violation of § 92.07 shall be \$200. Each day of such violation shall constitute a separate offense.

(Ord. 9, passed 11-13-1984)

(C) Violation of any other provisions of this chapter shall be punished according to § 10.99 of this code.

CHAPTER 93: HEALTH AND SAFETY

Section

- 93.01 Accumulation of refuse and rubbish
- 93.02 Smoking prohibited in public buildings
- 93.99 Penalty

§ 93.01 ACCUMULATION OF REFUSE AND RUBBISH.

No person shall place or suffer to accumulate on his premises any refuse, animal or vegetable matter, rubbish, or filth, whereby any offensive or noxious stench or effluvia shall be created to endanger the health or comfort of the neighborhood.

(1982 Code, Ch. VIII, § 15) Penalty, see § 93.99

§ 93.02 SMOKING PROHIBITED IN PUBLIC BUILDINGS.

- (A) *Smoking prohibited in public buildings.*
- (1) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- PUBLIC BUILDINGS.** Buildings owned and occupied by the town, its employees or agents, including any portions of such buildings and rooms within such buildings.
- SMOKING.** The smoking or carrying of any lighted cigar, pipe, cigarette, or other tobacco product.
- (2) *Smoking prohibited.* No person shall smoke in public buildings.
- (B) *Businesses.* Each business with premises located in the town is hereby required to establish a smoking policy. Business premises shall include retail space and office space.
- (Ord. 531, passed 5-12-1987; Am. Ord. 85, passed 4-25-1995) Penalty, see § 92.99

§ 93.99 PENALTY.

- (A) Any person who knowingly violates § 93.02 of this chapter by smoking in any public building shall be fined in an amount not to exceed \$100.
- (Ord. 531, passed 5-12-1987; Am. Ord. 85, passed 4-25-1995)
- (B) Any other violation of this chapter shall be punishable according to § 10.99 of this code.

CHAPTER 94: NEWSRACKS

Section

- 94.01 Definitions
- 94.02 Permits and compliance stickers
- 94.03 Standards for placement of newsracks
- 94.04 Notice of violation
- 94.05 Removal of newsracks
- 94.99 Penalty

§ 94.01 DEFINITIONS.

- For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- COMPLIANCE STICKER.** A sequentially numbered sticker issued by the Superintendent for placement on individual newsracks in accordance with the provisions of this chapter.
- CROSSWALK.** That portion of a roadway ordinarily included within the prolongation or connection of curblines and property lines at intersections, or at any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.
- CROSSWALK CURB RETURN.** The point at which the crosswalk pavement markings meet the sidewalk.
- FIRE LANE.** That portion of a public or private parking lot, private driveway or private road which is designed to provide access

for fire trucks.

NEWSRACK. Any unstaffed container, box, bin, vending machine, display, stand, rack or other device used for the purpose of dispensing printed matter with or without cost to the consumer.

PARKING METER. Any mechanical device placed or erected on any public way or municipal off-street parking area within the town for the regulation of parking.

PERSON. Any individual, corporation, society, association, partnership, organization or other entity circulating printed matter.

PRINTED MATTER. Any newspaper, directory, handbill, advertising matter, magazine, circular, flyer, book, pamphlet, catalogue or other publication.

PUBLIC WAY. The entire width between property lines of every street or highway that is open to the public for purposes of travel.

ROADWAY. That portion of a public way that is intended for the use of motor vehicles.

SIDEWALK. That portion of a public way that is set aside for pedestrian travel.

SUPERINTENDENT. The Superintendent of Public Works of the Town of Watertown or their designee.

TAXI STAND. An area in the roadway in which certain taxicabs are authorized and required to park while waiting to be engaged.

TRAFFIC-CONTROL SIGNAL. Any device using colored lights which conforms to the standards as prescribed by the Commonwealth of Massachusetts, whether manually, electrically or mechanically operated, by which traffic may be alternately directed to stop and to proceed.

(Ord. 71, passed 10-27-1998; Am. Ord. 73, passed 10-9-2001)

§ 94.02 PERMITS AND COMPLIANCE STICKERS.

(A) Any person who placed a newsrack or caused a newsrack to be placed upon any sidewalk or public way in the town prior to the effective date of this chapter and who wishes to maintain said newsrack on and after said date shall, within 60 days after said date, apply for a permit from the Superintendent in accordance with the provisions of this chapter.

(B) Any person who, on or after the effective date of this chapter, intends to place a newsrack or cause a newsrack to be placed on a sidewalk or public way in the town, shall apply for a permit from the Superintendent in accordance with the provisions of this chapter prior to installing the newsrack.

(C) The Superintendent shall provide a permit application form which shall be completed by every person who places or maintains a newsrack on a public way in the town. The form shall require the applicant to provide the following information:

(1) A description and sketch sufficient to show the precise address and location of each newsrack; the height, width and depth of each newsrack; and the manner in which each newsrack will be held in place;

(2) The name, address and telephone number of the owner of each newsrack and the name, address and telephone number of a person responsible for the maintenance and operation of the newsrack who may be contacted in an emergency; and

(3) A statement that the specified location and the newsrack comply with the provisions of this chapter.

(D) Each applicant for a permit or renewal of a permit shall prepare a single application form upon which all newsracks owned by that person and located on a public way or sidewalk in the town shall be listed, together with the information required pursuant to division (C) of this section.

(E) Permits shall be valid for a period of 1 year from the date of issue and, upon application, may be renewed by the Superintendent on an annual basis.

(F) Any person granted a permit or renewal seeking to alter the terms of the permit shall provide an amended application prior to making alterations.

(G) All permit applications, amendment applications, and renewal applications shall be accompanied by a check or money order made out to the Town of Watertown in the amount of the fee specified from time to time by the Town Manager for the permit, amendment application, or permit renewal.

(H) The Town Manager is authorized to establish reasonable fees for original permit applications, annual renewal applications, amendment applications, compliance stickers, and reinspection fees provided that such fees do not exceed the actual cost of administering this chapter.

(I) Within 14 days after receipt of an application for a permit or renewal of a permit under this chapter, the Superintendent shall either issue or renew the permit or deny the application by giving written notice and a statement of reasons to the applicant. A denial shall be based upon the failure of the applicant to satisfy the requirements set forth in this chapter. Proposed locations shall be approved on a first-come, first-served basis by the Superintendent. No preference shall be given to applicants who might have had newsracks in a particular location prior to the effective date of this chapter.

(J) If the Superintendent has not acted on a permit application within 14 days of receipt thereof, pursuant to division (I) of this section, the permit will be deemed issued or renewed subject, however, to all other applicable provisions of this chapter.

(K) Within 30 days of issuing a permit, the Superintendent shall determine the compliance of the newsrack(s) with all provisions of this chapter. Based upon such determination, the Superintendent shall issue or decline to issue a compliance sticker for each newsrack. Compliance stickers shall be issued annually for each approved newsrack, which shall forthwith be affixed by the Superintendent to each newsrack.

(L) If the Superintendent denies an application, in whole or in part, or denies a compliance sticker, the applicant may appeal the Superintendent's decision to the Town Manager by giving written notice to the Manager within ten days after receipt of notice of the Superintendent's decision.

(M) The Town Manager or designee shall hold a public hearing on the appeal no later than 30 days after receipt of said notice by the Manager and shall, within 14 days after a public hearing, issue an order affirming, reversing or modifying the Superintendent's decision. If an order has not been issued by the Town Manager within 14 days after hearing, the Superintendent's decision shall be deemed affirmed.

(N) During the pendency of an appeal, the newsrack(s) may remain in place subject to the removal provisions of § 94.05.

(O) To be in compliance with this chapter, a newsrack must have an approved permit and a compliance sticker affixed to it.

(Ord. 71, passed 10-27-1998; Am. Ord. 73, passed 10-9-2001) Penalty, see § 94.99

§ 94.03 STANDARDS FOR PLACEMENT OF NEWSRACKS.

(A) No persons shall place, cause to be placed or maintain a newsrack on any public way or sidewalk:

(1) Within 10 feet of a handicapped access ramp;

(2) Within or overhanging the roadway;

(3) Within 6 inches of a curb;

(4) Within 15 feet of the curb return or any marked crosswalk;

(5) Within 5 feet of any fire hydrant or fire hose connection;

(6) Within 5 feet of any manhole, service gate, valve cover, sewer grate or other access panel or cover located in a public way or sidewalk;

(7) Within 5 feet of a driveway;

(8) Immediately adjacent to a designated loading zone, a handicapped parking space, a zone reserved for emergency vehicles;

(9) So as to reduce the width of a sidewalk to less than 4 feet for the passage of travelers unless the width of the sidewalk is otherwise reduced to less than 4 feet, as determined by the Superintendent, in which case the newsrack may be installed so as to avoid further reducing the width of the sidewalk;

(10) So as to impede ingress to and egress from legally parked motor vehicles, buses or other modes of transportation;

(11) So as to impede the operation of standard sidewalk snow plows in use by the Town of Watertown except where said sidewalk snow plows would be otherwise impeded, as determined by the Superintendent;

- (12) Within a rectangular area 10 feet in front of any door of any building and 3 feet to either side of the door;
- (13) So as to create an imminent danger of harm to persons or property as demonstrated by specific facts;
- (14) Directly abutting a public flower bed, tree pit, memorial or sculpture, or on or within a memorial traffic island, circle or square designated on a list to be maintained and available during regular business hours at the Department of Public Works;
- (15) So that it is attached to town-owned property, including a town-owned tree, traffic control signal device, police or fire call box, fire hydrant, sign or parking meter;
- (16) Directly in front of and on the same side of the street as any parcel zoned solely for residential use as defined in the town zoning code, except at designated bus stops, MBTA crossings and parking lots. This restriction shall not apply to parcels zoned for a mixed residential and business use;
- (17) In a manner that violates any provision of state or federal law.

(B) In addition to the restrictions listed in division (A) of this section, all newsracks shall meet the following standards:

- (1) Newsracks may be secured to one another provided that they are no more than 6 inches apart and provided that the newsracks are aligned in a row that is parallel to the nearest curb line and no longer than 10 feet in length. Individual newsracks shall be installed parallel to the nearest curb line. Newsracks may not be clustered back-to-back to form two rows as the open area between them can become a repository of rubbish. Newsracks must be placed side by side parallel to and not less than 6 inches from the edge of the curb. Newsracks so placed shall face the sidewalk, not the street. Newsracks placed near the wall of a building or other structure must be placed parallel to and not more than 6 inches away from the wall.
- (2) Newsracks shall not exceed the dimensional requirements of a height of 4-1/2 feet from the ground, width of 2 feet, and a length of 2 feet. Newsracks shall be constructed and maintained so that they do not constitute a hazard or safety problem for travelers and others using the sidewalks and public ways. They shall be maintained in good repair and clean and safe condition and shall be removed if their use is discontinued for a period of 20 days or longer.
- (3) No newsrack shall bear any advertising other than that directly relating to the printed matter dispensed by the newsrack. A newsrack may dispense more than 1 publication (printed matter) if it is published by the owner of the newsrack or an affiliate thereof and the newsrack may bear advertising directly related to each publication dispensed by the newsrack.
- (4) Each newsrack shall clearly display the name, address and telephone number of the owner of the machine and the person to contact in connection with the maintenance and operation thereof.

(Ord. 71, passed 10-27-1998; Am. Ord. 73, passed 10-9-2001) Penalty, see § 94.99

§ 94.04 NOTICE OF VIOLATION.

(A) No person shall place, cause to be placed or maintain a newsrack upon any sidewalk or public way in the town in violation of the provisions of this chapter.

(B) In the event that a newsrack is determined to be in violation of any of the provisions of this chapter, including the failure to pay in a timely manner when due any fee imposed in connection with the location and maintenance of such newsracks, the Superintendent shall provide written notice to the owner or the owner's agent that the newsrack is in violation of this chapter. Such notice shall state the substance of the violation, shall set a date for compliance which shall not be less than 10 business days after the date notice is issued, shall state that the owner is subject to a penalty as specified in § 94.99 of this chapter, and shall state the right of the Superintendent to initiate removal proceedings pursuant to § 94.05.

(C) If the Superintendent determines that the violation has not been corrected on or after the date for compliance, the Superintendent may initiate removal proceedings in accordance with the provisions of § 94.05 and may assess a penalty in accordance with the provisions of § 94.99.

(Ord. 71, passed 10-27-1998; Am. Ord. 73, passed 10-9-2001) Penalty, see § 94.99

§ 94.05 REMOVAL OF NEWSRACKS.

(A) Except as provided in divisions (C) and (D) of this section, the Superintendent may remove and store at the owner's expense

any newsrack that remains in violation for more than 30 days after the date for compliance specified in § 94.04 provided that the Superintendent shall give written notice of removal to the owner stating the date the newsrack was removed, the reasons for removal, the storage location, and the procedure for claiming the machine. Newsracks removed pursuant to this chapter may be retrieved by the owner at any time within 30 days of its removal upon payment of a removal fee and storage fee as set by the Town Manager.

(B) Except as provided in division (C) and (D) of this section, the owner of any newsrack may avoid removal of the newsrack by:

(1) Correcting the violation and so information the Superintendent; or

(2) By making a written request for a hearing on the violation before the Superintendent prior to the date set for compliance in which case the newsrack may remain in place pending the Superintendent's decision on the matter. Said hearing shall be held no later than 10 days after receipt of a written request for a hearing and a decision shall be rendered within 10 days thereafter.

(C) Notwithstanding any other provisions of this chapter, if the Superintendent or a public safety official determines that a newsrack constitutes an imminent danger of harm to persons or property, the Superintendent or a public safety official may remove the newsrack provided that the owner of the newsrack shall be notified of such removal and provided that the newsrack shall be stored for a reasonable period of time so that the owner can retrieve it.

(D) If maintenance, repair, or construction of a public way, sidewalk or public or private property in or adjacent to the public way cannot be safely accomplished, in the opinion of the Superintendent, without the removal of a newsrack, the Superintendent shall give written and/or telephone notice to the newsracks's owner ordering the removal of the newsrack provided that said notice shall specify the reason for the removal and the date for compliance which shall not be less than 10 days after the date of notice. If the Superintendent determines that delay would cause an unreasonable risk of harm to persons or property or would cause a delay in the maintenance, repair or construction work, the Superintendent may remove the newsrack, provided that the owner of the newsrack shall be notified of the removal; that the newsrack shall be stored for a reasonable period of time so that the owner can retrieve it and further provided that the owner may replace the newsrack when said maintenance, repair or construction is completed.

(E) The Superintendent, with the approval of the Town Manager, is authorized to establish fees for the removal and storage of newsracks that are removed at the direction of the Superintendent or public safety officials in accordance with the provisions of this chapter provided that said fees do not exceed the actual cost of removal and storage.

(F) If a newsrack remains unclaimed for more than 60 days after notice of removal is sent to the owner or for more than 60 days after the newsrack is removed if the owner is unknown, then possession of the newsrack shall be transferred to the Watertown Police Department and the newsrack shall be disposed of as unclaimed property in accordance with law.

(Ord. 71, passed 10-27-1998; Am. Ord. 73, passed 10-9-2001)

§ 94.99 PENALTY.

In the event that a newsrack is not in compliance with any of the provisions of this chapter as of the date set for compliance under § 94.04(B) of this chapter, then the owner of the newsrack shall be subject to a fine of \$25 per day for each day of non-compliance until the date the violations are corrected or the newsrack is removed.

(Ord. 71, passed 10-27-1998; Am. Ord. 73, passed 10-9-2001)

CHAPTER 95: NOISE REGULATIONS

Section

- 95.01 Prohibition of noise emissions
- 95.02 Definitions and measurements of noise
- 95.03 Duties and responsibilities of town departments
- 95.04 Exceptions
- 95.05 Enforcement

§ 95.01 PROHIBITION OF NOISE EMISSIONS.

(A) No person owning, leasing or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow or permit unnecessary emissions from said source of sound that may cause noise.

(B) Division (A) of this section shall pertain to, but shall not be limited to, prolonged unattended sounding of burglar alarms, construction and demolition equipment which characteristically emit sound but which may be fitted and accommodated with equipment such as enclosures to suppress sound or may be operated in a manner so as to suppress sound, suppressible and preventable industrial and commercial sources of sound, and other man-made sounds that cause noise.

(C) All devices employed in construction or demolition shall be prohibited from use during the hours of:

- (1) 7:00 p.m. to 7:00 a.m. from Monday through Friday;
- (2) 7:00 p.m. on Fridays through 8:00 a.m. on Saturdays; and
- (3) 7:00 p.m. on Saturdays through 8:00 a.m. on Sundays.

(Ord. 6, passed 9-13-1983; Am. Ord. 14, passed 3-12-1996) Penalty, see § 95.99

§ 95.02 DEFINITIONS AND MEASUREMENTS OF NOISE.

(A) The town hereby incorporates into and makes a part of this chapter the provisions of Chapter 310 Code of Massachusetts Regulations, Section 7.00 entitled Air Pollution Control Regulations.

(B) These regulations shall govern the definitions, measurement and restriction of sources of noise emission.

(C) For the purposes of this chapter, a **CONDITION OF NOISE POLLUTION** shall be a noise source which increases noise levels 10 dB or more above the background noise level. If the noise level is judged by ear to have a tonal sound, an increase of 5 dB above background noise level is sufficient to cause noise pollution.

(Ord. 6, passed 9-13-1983)

§ 95.03 DUTIES AND RESPONSIBILITIES OF TOWN DEPARTMENTS.

(A) All town departments and agencies shall, to the fullest extent consistent with other laws, carry out their programs in such a manner as to further the policy of this chapter.

(B) All town departments and agencies shall comply with Federal and State laws and regulations and the provisions and intent of this ordinance respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations.

(Ord. 6, passed 9-13-1983)

§ 95.04 EXCEPTIONS.

This chapter shall apply to the control of all sound originating within the limits of the Town of Watertown except the following:

(A) The emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work or in training exercises related to emergency activities.

(B) Noncommercial public speaking and public assembly activities as guaranteed by state and federal constitutions.

(C) Domestic equipment such as lawn mowers and power saws between the hours of 7:00 a.m. and 9:00 p.m.

(Ord. 6, passed 9-13-1983)

§ 95.05 ENFORCEMENT.

The Board of Health shall be the primary enforcement agency of the terms of this chapter. In addition, any Police Department or Fire Department official or building inspector or their designee, acting within their jurisdictional area, is authorized to enforce this chapter.

(Ord. 6, passed 9-13-1983)

§ 95.99 PENALTY.

(A) Any person who violates any provision of this chapter, if convicted, shall be fined no less than \$50 nor more than \$100 for the first offense and not less than \$200 nor more than \$500 for each succeeding offense.

(B) Each subsequent day or part thereof of violation of this chapter, whether the violation be continuous or intermittent, shall be construed as a separate and succeeding offense.

(Ord. 6, passed 9-13-1983)

CHAPTER 96: STREETS AND SIDEWALKS

Section

General Provisions

- 96.01 Moving buildings
- 96.02 Placing articles on public way or sidewalk
- 96.03 Use of way to place building materials
- 96.04 Reimbursement for unauthorized use of way
- 96.05 Placing of ashes and dirt upon public way
- 96.06 Opening or obstruction of public way
- 96.07 Use of public ways for vehicles
- 96.08 Obstruction of public way by vehicles
- 96.09 Coasting upon any public way
- 96.10 Vehicle removal
- 96.11 Obstruction of passage on sidewalks
- 96.12 Parades and processions
- 96.13 Transportation of liquids or other materials
- 96.14 Numbering of houses and buildings
- 96.15 Temporary repairs of private ways
- 96.16 Erecting barriers during excavations

Snow and Ice Removal

- 96.25 Snow and ice on public way
- 96.26 Removal of snow and ice by private persons in the business district

96.27 Enforcement of snow and ice removal

96.99 Penalty

Cross-reference:

Curbs and sidewalks, see Ch. 55

Placement of newsracks near streets or public ways, see Ch. 94

GENERAL PROVISIONS

§ 96.01 MOVING BUILDINGS.

No person shall move or assist in moving any building, over any way which the town is obliged to keep in repair, without the written permit of the Town Manager being first obtained; nor, having obtained such permit, without complying with the restrictions and provisions thereof.

(1982 Code, Ch. VII, § 1) Penalty, see § 96.99

§ 96.02 PLACING ARTICLES ON PUBLIC WAY OR SIDEWALK.

(A) No person shall place or cause to be placed upon any public way or sidewalk, any lumber, iron, wood, coal, trunk, bale, box, crate, cask, barrel, package or other thing, and allow the same to remain for more than 1 hour, or more than 10 minutes after being notified by a police officer; provided that the provisions of this section shall not apply to the placing of ashes refuse or garbage in proper receptacles for collection under public authority and provided further that all store waste shall at all times be kept in suitable covered, metal containers on the store premises and the same shall not be placed on the street or sidewalk for collection until the day specified in each week by the Manager or the Superintendent of Highways for the regular collection of the same in the locality where the store is situated.

(B) No person shall transport or cause to be transported into the town for the purpose of dumping or depositing the same in any place in the town any ashes, paper, dirt, waste, garbage, refuse, rubbish or filth of any kind or any animal or vegetable substance or any abandoned or discarded material of any name or nature without the written permission of the Manager. Such permission shall not be granted by the Manager until satisfied that such waste or material shall be carried in such a manner and in such vehicles and shall be deposited in such a place and in such a manner that the same shall not be likely to become littered or scattered about the streets or in any private property to cause a nuisance and such permission may be revoked at any time by the power granting the same.

(1982 Code, Ch. VII, § 2) Penalty, see § 96.99

§ 96.03 USE OF WAY TO PLACE BUILDING MATERIALS.

Any person who intends to erect, repair, take down or do any work on or in connection with any building or structure on land abutting on any way which this town is obliged to keep in repair, and desires to make use of any portion of said way for the purpose of placing thereon building materials, equipment or rubbish shall give notice thereof to the Town Manager. And thereupon the Town Manager may grant a permit in writing to occupy such portion of said way to be used for such purpose as in his judgment the necessity of the case demands and the security of the public allows; such permit in no case to be in force longer than 90 days, and to be on such conditions as the Manager may require; and especially in every case, upon condition that during the whole of every night, from twilight in the evening until sunrise in the morning, lighted lanterns shall be placed as effectually to secure all travelers from liability to come in contact with such building materials or rubbish.

(1982 Code, Ch. VII, § 3) Penalty, see § 96.99

§ 96.04 REIMBURSEMENT FOR UNAUTHORIZED USE OF WAY.

No person shall use any portion of any way which the town is obliged to keep in repair for the purposes named in this chapter

without the permit, in writing, of the Town Manager as therein provided, nor having obtained such permit, shall fail to comply with the conditions thereof. In addition to any penalty to which he or she may be subjected under this chapter for such failures, he or she shall reimburse the town for all expenses and damages which the town may be compelled to pay by reason of such unauthorized use, or for any failure to comply with said conditions.

(1982 Code, Ch. VII, § 4) Penalty, see § 96.99

§ 96.05 PLACING OF ASHES AND DIRT UPON PUBLIC WAY.

No person shall, without the written permission of the Town Manager, place or cause to be placed in or upon any public way, or sidewalk, any ashes, dirt, rubbish or filth of any kind, or any animal or vegetable substance.

(1982 Code, Ch. VII, § 6) Penalty, see § 96.99

§ 96.06 OPENING OR OBSTRUCTION OF PUBLIC WAY.

(A) No public utility regulated pursuant to Mass. Gen. Laws Ch. 164 shall open the surface, dig up or otherwise obstruct any portion of any street, sidewalk or way which the town is obligated to keep in repair without first obtaining a written permit for such activity from the Superintendent of Public Works, who shall require a nonrefundable permit fee of \$25 to cover the town's administrative cost of the issuance of such permit.

(B) Except as provided in division (C) of this section, no person shall open the surface, dig up or otherwise obstruct any portion of any street, sidewalk or way which the town is obligated to keep in repair without first obtaining a written permit for such activity from the Superintendent of Public Works, who shall require a nonrefundable permit fee of not less than \$100.

(C) Notwithstanding division (B) of this section, any permit issued for the construction, reconstruction or repair of a driveway shall be issued only to the contractor performing the work, and shall require a nonrefundable permit fee of \$25.

(D) A person obtaining a permit under divisions (B) or (C) of this section, prior to the issuance of the permit, shall post a bond of not less than \$10,000 as prescribed by the Superintendent of Public Works, to be held by the Town Treasurer for a duration of not less than two years past the estimated completion date for any project for which such permit is granted.

(E) The Superintendent of Public Works shall establish, enforce and perpetually maintain engineering specifications, permit forms and procedures, fees, performance standards, inspection and remedial regulations and penalties which shall detail the exact requirements for the application, performance and acceptance of public way openings and repairs.

(F) Any person failing to comply with these conditions, in addition to any penalty prescribed by the Superintendent of Public Works as provided above, shall reimburse the town for all expenses and damages which the town may be compelled to pay by reason of such violation of this section. The Superintendent of Public Works shall not, under penalty of personal liability, waive any permit, fee or bond for any person notwithstanding work performed under the Superintendent's direction by employees of the Department of Public Works.

(G) For purposes of this section, the word **PERSON** shall include any natural person, business, partnership, corporation, association, trust, committee, club or other organization, entity or group of individuals, regardless of the manner in which they are organized or named, but shall not include a public utility subject to Mass. Gen. Laws Ch. 164.

(1982 Code, Ch. VII, § 7) (Am. Ord. 135, passed 6-22-1993; Am. Ord. 25, passed 5-12-1998) Penalty, see § 96.99

§ 96.07 USE OF PUBLIC WAYS FOR VEHICLES.

No person shall ride or drive any beast of burden, carriage or draught, or shall drive or propel or cause to be driven or propelled any bicycle, tricycle, motor vehicle or any vehicle whatsoever, in or over any crossing in any public way at such a rate of speed as to endanger the lives and safety of the public.

(1982 Code, Ch. VII, § 8) Penalty, see § 96.99

§ 96.08 OBSTRUCTION OF PUBLIC WAY BY VEHICLES.

No person shall permit any vehicle under his or her care or control to stand across any public way in such a manner as to obstruct the travel over the same for an unnecessary length of time; no person shall stop with any vehicle in any public way so near to another vehicle as to obstruct public travel; and no person shall stop with any vehicle upon or across any crossing in any public way.

(1982 Code, Ch. VII, § 9) Penalty, see § 96.99

§ 96.09 COASTING UPON ANY PUBLIC WAY.

No person shall coast upon ice or snow upon any public way, except one on which the Town Manager or Chief of Police shall by public notice permit such coasting, and no person shall ride any animal or drive, wheel or draw any automobile, coach, cart, wheelbarrow, hand cart, velocipede, bicycle, or any vehicle, except children's carriages, or coast upon any sidewalk in the town.

(1982 Code, Ch. VII, § 10) Penalty, see § 96.99

§ 96.10 VEHICLE REMOVAL.

(A) The Superintendent of Public Works for the purpose of removing or plowing snow, or removing ice, from any way, may remove or cause to be removed to some convenient place, including a public garage, any vehicle interfering with such work. He shall keep or cause to be kept records of the registration number of each vehicle so removed and the place to which it is removed, and shall within 48 hours after the removal of any such vehicle send notice by mail to the owner of such vehicle, at his address as recorded at the Registry of Motor Vehicles, of the place to which such vehicle has been removed. If the owner of the motor vehicle be unknown or be not on record at the Registry of Motor Vehicles for this Commonwealth, the Superintendent of Public Works shall on the business day following the day of removal publish, at least once in a newspaper published and having a general circulation in Watertown or Boston, notice of the removal, the registration number, if any, the type of vehicle and the place to which the same was removed.

(B) Before the owner or his or her agent shall be permitted to remove a vehicle which has been removed as aforesaid to a public garage or other convenient place, he shall:

(1) Furnish satisfactory evidence to the owner or person in charge of the public garage or to the Superintendent of Public Works of his or her identity and ownership or right to possession of the vehicle.

(2) To pay for the cost of publishing or sending any notice required hereunder in such amount as shall be determined by the Superintendent of Public Works of the town and to pay the cost of removing the vehicle and all storage charges as authorized by Mass. Gen. Laws Ch. 40, § 22D as provided in the "Town of Watertown Traffic Rules and Orders, as amended."

(1982 Code, Ch. VII, § 14) Penalty, see § 96.99

§ 96.11 OBSTRUCTION OF PASSAGE ON SIDEWALKS.

No person shall stand on any sidewalk or in any public place in such a manner as to obstruct a free passage for foot passengers, after having been requested by a police officer to move on.

(1982 Code, Ch. VIII, § 1) Penalty, see § 96.99

§ 96.12 PARADES AND PROCESSIONS.

No person or persons shall play or perform on any musical instruments or sing, parade, march or congregate in any public way or public place, except in connection with a funeral, without the written permit of the Town Manager.

(1982 Code, Ch. VIII, § 3) Penalty, see § 96.99

§ 96.13 TRANSPORTATION OF LIQUIDS OR OTHER MATERIALS.

No person shall transport any liquid, substance or material of any kind in any vehicle on the street within the town in a manner that the liquid, substance or material leaks, overflows or falls from the vehicle onto the street.

(1982 Code, Ch. VIII, § 9) Penalty, see § 96.99

§ 96.14 NUMBERING OF HOUSES AND BUILDINGS.

The Town Manager may order numbers to be affixed to or painted on the building on any street in their discretion. The Town Manager, in his or her discretion, may order owners of both residential or business property to remove and change the numbers on the buildings on any street. The owner of every house or building shall comply with the order within 30 days.

(1982 Code, Ch. VIII, § 18) Penalty, see § 96.99

§ 96.15 TEMPORARY REPAIRS OF PRIVATE WAYS.

(A) The town may make temporary repairs on private ways that have been previously constructed and open to public use for a period of 5 years or more, provided the repairs are for the protection of the health and safety of the persons using such roads, in the opinion of the Town Manager upon the advice of the Superintendent of Public Works, and provided the repairs are required by public necessity.

(B) The repairs shall include the filling of holes in the subsurface of such ways and repairs to the surfaces materials thereof. Materials for such repairs, where practical, should be the same as, or similar to, those used for the existing base or surfaces of such ways, in the judgment of the Superintendent of Public Works. The repairs may upon the petition of a reasonably substantial proportion of the abutters in the judgment of the Town Manager include surfacing or resurfacing the ways with bituminous materials, including but not limited to bituminous concrete. However, no betterments or other charges are to be charged or assessed against the owners of the private way for such repairs done under this section.

(C) Drainage repairs or construction, as determined by the Superintendent of Public Works, to be necessary as a result of repairs made pursuant to division (B) of this section may also be done.

(D) The town shall not be liable on account of any property damage or death or personal injury whatsoever caused by such repairs, and Mass. Gen. Laws Ch. 84, §§ 24 and 25 shall not apply. Nothing in this section shall be construed to create an obligation of the town to repair or maintain any private way, or way open or dedicated to the public but not a public way, to which any repairs are made.

(E) The town may, without petition or the formalities of division (B) of this section, make temporary minor repairs to private ways not exceeding \$500 in total value at the time made, provided the private way has been open to public use for a period of 5 years or more. The repair shall be limited to minor work such as filling, patching, grading or scraping. Mass. Gen. Laws Ch. 84, §§ 24 and 25 shall not apply.

(F) No actions by the town under this section shall be construed to either open or dedicate any way in Watertown to public use.

(Ord. 893, passed 6-26-1990)

§ 96.16 ERECTING BARRIERS DURING EXCAVATIONS.

Owners of land which has been excavated are required to erect barriers or take other suitable measures within five days after such owners have been notified in writing by the Town Manager that in his or her opinion such excavation constitute a hazard to public safety.

(1982 Code, Ch. VIII, § 24) Penalty, see § 96.99

SNOW AND ICE REMOVAL

§ 96.25 SNOW AND ICE ON PUBLIC WAY.

No person or entity, regardless of its ownership, tenancy, or other status or relationship to any real property, nor any agent, employee, contractor, or servant of any such person or entity, shall place, throw, plow or in any way move, any snow or ice onto any portion of the town's streets and ways. Without limiting the generality of the foregoing, streets and ways shall include the vehicular pavement, sidewalks, ramps, islands, and medians, whether or not used by vehicles or pedestrians. Notwithstanding the foregoing, however, this section shall not be construed to prohibit owners or lawful occupants of residential premises from placing snow and ice on the sidewalks immediately adjacent to the driveway opening as long as a minimum 36 inches wide pathway along the sidewalk is provided for passage within 24 hours of snow fall.

(1982 Code, Ch. VII, § 5) (Am. Ord. 90, passed 12-10-1991; Am. Ord. 4, passed 1-28-1992; Am. Ord. 38, passed 5-13-1997; Am. Ord. 13, passed 3-11-2003) Penalty, see § 96.99(B)

§ 96.26 REMOVAL OF SNOW AND ICE BY PRIVATE PERSONS IN THE BUSINESS DISTRICT.

(A) *Definitions.* For this purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS DAY. Any day that an establishment is open for business.

BUSINESS DISTRICT. Every parcel of land which the town zoning ordinance has classified as a business district, including Neighborhood Business, Limited Business, and Central Business Districts, or any additional district hereafter established under the zoning ordinance.

BUSINESS HOURS. The hours during which an establishment is open for business.

PRIVATE PERSON. Every person, partnership, corporation, joint-stock company, or other entity, whether as owner, tenant, occupant, lessee, or other agent.

SIDEWALK. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(B) *Snow and ice to be removed from sidewalks by private persons.*

(1) (a) Every person in charge or control of any building or lot of land within a business district and used for business purposes in the city fronting on or abutting a paved sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path of at least 36 inches in width from that portion of the sidewalk which abuts any side of the building or lot of land. The cleared path shall extend to the traveled way of the street at each corner of an intersection of 2 or more streets and at each intermediate curb cut so as to provide access from the street to the sidewalk.

(b) Except as provided in division (2) of this division (B), snow and ice shall be removed from sidewalks in all business districts by 2 hours after the cessation of any fall of snow, sleet, or freezing rain during business hours or by the beginning of business hours of the next business day following such fall.

(2) In the event that snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person or entity charged with its removal shall, within the time mentioned in this section, cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe, and thereafter, as soon as weather permits, shall cause a path in said sidewalk of at least 36 inches in width to be cleared of such snow and ice.

(3) In the event that snow and ice is not removed from a sidewalk as provided herein, an initial warning may be issued to the responsible private person. If, thereafter, the sidewalk location that was the subject of the initial warning remains covered with snow and ice 2 hours after the said warning, a notice of violation may be issued and the appropriate penalty assessed to said responsible private person. No more than 1 penalty shall be assessed with respect to any 1 snowfall within a 24-hour period.

(4) In the event of the declaration of a State of Emergency by the Governor, applicable to an area of the Commonwealth which includes the Town of Watertown, as a result of snow, sleet or freezing rain, the provisions of this section shall be suspended for a period of 24 hours after the cessation of the fall of such snow, sleet or freezing rain or until the end of the State of Emergency, whichever is the latest to occur.

(Ord. 39, passed 5-13-1997) Penalty, see § 96.99

§ 96.27 ENFORCEMENT OF SNOW AND ICE REMOVAL.

(A) The Town Manager, the Superintendent of Public Works, the Deputy Superintendent of Public Works, all Watertown police officers, and any other town employees from time to time designated by the Town Manager are empowered and authorized to enforce § 96.25.

(1982 Code, Ch. VII, § 5(C)) (Am. Ord. 90, passed 12-10-1991; Am. Ord. 4, passed 1-28-1992)

(B) Any member of the Watertown Police Department, parking enforcement officer, or any designee of the Town Manager shall be authorized to enforce § 96.26.

(Ord. 39, Sec. C(2), passed 5-13-1997; Am. Ord. O-2016-47, passed 8-9-2016)

§ 96.99 PENALTY.

(A) The penalty for violation of § 96.16 shall be \$200.

(1982 Code, Ch. VIII, § 24)

(B) Anyone violating the prohibitions of § 96.25 of this chapter shall be subject to a specific penalty of a fine in an amount up to \$300 for each offense. The fine structure is as follows:

(1) All first violations: Documented warning.

(2) Subsequent violations:

(a) Residential (less than 6 dwelling units):

1. Manual snow shoveling:

a. Second violation: \$25 fine.

b. Third or more violations: \$50 fine.

2. Mechanized snow shoveling:

a. Second violation: \$25 fine.

b. Third violation: \$100 fine.

c. Fourth or more violations: \$300 fine.

(b) Commercial and 6 or more dwelling units residential:

1. Manual snow shoveling:

a. Second violation: \$50 fine.

b. Third or more violations: \$300 fine.

2. Mechanized snow shoveling:

a. Second violation: \$150 fine.

b. Third or more violations: \$300 fine.

(1982 Code, Sec. 5(B)) (Am. Ord. 90, passed 12-10-1991; Am. Ord. 4, passed 1-28-1992)

(C) Anyone violating § 96.26 of this chapter shall be fined as follows:

(1) A fine of \$100 shall be imposed for the first violation for any given snowfall.

- (2) A fine of \$200 shall be imposed for a second violation during that same winter season.
 - (3) A fine of \$300 shall be imposed for a third and subsequent violation during that same winter season.
 - (4) These penalties may be enforced by non-criminal disposition procedures pursuant to Mass. Gen. Laws Ch. 40, § 21D and § 36.05 of this code.
- (D) Any person violating any other provision of this chapter shall be punished according to § 10.99 of this code.
- (1982 Code, Sec. 5(b)) (Ord. 39, passed 5-13-1997; Am. Ord. 90, passed 12-10-1991; Am. Ord. 4, passed 1-28-1992; Am. Ord. O-2016-47, passed 8-9-2016)

CHAPTER 97: STORMWATER REGULATIONS

Section

- 97.01 Purpose and intent
- 97.02 Definitions
- 97.03 Applicability
- 97.04 Authority
- 97.05 Responsibility for administration
- 97.06 Ultimate responsibility
- 97.07 Discharge prohibitions
- 97.08 Suspension of MS4 access
- 97.09 Industrial or construction activity discharges
- 97.10 Monitoring of discharges
- 97.11 Watercourse protection
- 97.12 Notification of spills
- 97.13 Enforcement
- 97.14 Regulations

- 97.99 Penalty

§ 97.01 PURPOSE AND INTENT.

(A) The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the town through the regulation of all discharges to the storm drainage system. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

(B) The objectives of this chapter are:

- (1) To prevent the contribution of pollutants to the MS4 by stormwater discharges by any user;
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system;
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to

ensure compliance with this chapter;

(4) To require the removal of all such illicit connections; and

(5) To comply with state and federal statutes and regulations relating to stormwater discharges.

(Ord. O-2011-23, passed 5-11-2011)

§ 97.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED ENFORCEMENT AGENCY. The town Department of Public Works and its employees and agents designated to enforce this chapter.

BEST MANAGEMENT PRACTICES (BMPs). Any measure that reduces the quantity or improves the quality of stormwater runoff including, but not limited to: schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. **BMPs** also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. The federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq.*), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY. Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTIONS. Either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including, but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency before the effective date of this chapter; or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE. Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in § 97.07 of this code.

INDUSTRIAL ACTIVITY. Activities subject to NPDES industrial permits as defined in 40 C.F.R. § 122.26(b)(14).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM. Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures that together comprise the storm drainage system owned or operated by the town.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT. A permit issued by EPA (or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORMWATER DISCHARGE. Any discharge to the storm drain system that is not composed entirely of stormwater.

PERSON. An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT. Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, in whatever form and whether originating at a point or major non-point source, which is or may be discharged, drained or otherwise introduced into any sewerage system, treatment works, or waters of the Commonwealth.

POLLUTION. The presence in the environment of pollutants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout such areas as may be affected thereby.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

STORMWATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER POLLUTION PREVENTION PLAN. A document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

WASTEWATER. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

WATERCOURSE. A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH. All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

(Ord. O-2011-23, passed 5-11-2011)

§ 97.03 APPLICABILITY.

This chapter shall apply to flows entering the municipally owned storm drainage system, a watercourse, and any waters of the Commonwealth located within the boundaries of the town.

(Ord. O-2011-23, passed 5-11-2011)

§ 97.04 AUTHORITY.

This chapter is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 C.F.R. § 122.34.

(Ord. O-2011-23, passed 5-11-2011)

§ 97.05 RESPONSIBILITY FOR ADMINISTRATION.

The town Department of Public Works shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed in compliance with this chapter may be delegated in writing by the Superintendent of Public Works to persons or entities acting in the beneficial interest of or as the authorized agent of the Department of Public Works.

(Ord. O-2011-23, passed 5-11-2011)

§ 97.06 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore compliance with the requirements of this chapter or regulations promulgated thereunder shall not relieve a person from being subject to such enforcement actions as may be required to correct contamination, pollution, and/or unauthorized discharge of pollutants.

(Ord. O-2011-23, passed 5-11-2011)

§ 97.07 DISCHARGE PROHIBITIONS.

(A) Prohibition of illicit discharges.

(1) No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

(2) The commencement, conduct or continuance of any illicit discharge to the storm drain system is prohibited. Discharges or flow resulting from fire fighting activities are exempt. The following discharges are also exempt provided they are not significant sources of pollution:

(a) Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (provided the water is left untreated for 1 week prior to draining), and any other water source not containing pollutants.

(b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety or the environment.

(c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(d) Street sweeping activities that use water spray to suppress dust.

(e) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(B) Prohibition of illicit connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the storm drainage system, or allows such a connection to continue.

(Ord. O-2011-23, passed 5-11-2011) Penalty, see § 97.99

§ 97.08 SUSPENSION OF MS4 ACCESS.

(A) *Suspension due to illicit discharges in emergency situations.* The town Department of Public Works may, without prior notice, suspend access to the MS4 when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent danger to the environment, the health or welfare of persons, the MS4 or waters of the Commonwealth. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the Commonwealth, or to minimize danger to persons or the environment.

(B) *Suspension or termination due to the detection of illicit discharge.*

(1) Any person discharging to the MS4 in violation of this chapter may have their MS4 access suspended or terminated if such action would abate or reduce an illicit discharge.

(2) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency.

(Ord. O-2011-23, passed 5-11-2011) Penalty, see § 97.99

§ 97.09 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the town Department of Public Works prior to the allowing of discharges to the MS4.

(Ord. O-2011-23, passed 5-11-2011)

§ 97.10 MONITORING OF DISCHARGES.

(A) *Applicability.* This section applies to industrial facilities that are regulated and are required to have a permit to discharge under the EPA multi-sector general permit (MSGP) and have stormwater discharges impacting or suspected of impacting on the town MS4. It also applies to any person subject to obtaining a NPDES permit for construction activities.

(B) *Access to facilities.*

(1) To the extent permitted by state law and if probable cause exists, or if authorized by the owner or other party in control of the property, the town Department of Public Works shall be permitted to enter and inspect facilities subject to regulation under this chapter for the purpose of performing their duties under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Under the conditions for access stated in division (B)(1) above, facility operators shall allow the town Department of Public Works ready access to all parts of the premises for the purposes of inspection, sampling and examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The town Department of Public Works shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The town Department of Public Works has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the town Department of Public Works and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the town Department of Public Works access to a permitted facility is a violation of this chapter. The operator of a facility required to have a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the town reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.

(7) If the town Department of Public Works has been refused access to any part of the premises from which stormwater is discharged, and he or she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. O-2011-23, passed 5-11-2011) Penalty, see § 97.99

§ 97.11 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. O-2011-23, passed 5-11-2011) Penalty, see § 97.99

§ 97.12 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the storm drain system, or waters of the Commonwealth said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of oil or hazardous materials said person shall immediately notify the town Fire Department and the Massachusetts Department of Environmental Protection of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the town Department of Public Works in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the town Department of Public Works within 3 business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 3 years.

(Ord. O-2011-23, passed 5-11-2011) Penalty, see § 97.99

§ 97.13 ENFORCEMENT.

(A) *Authority.* The town Department of Public Works or an authorized agent of the Department shall enforce the provisions of this chapter and any regulations promulgated hereunder and may issue and prosecute violation notices and enforcement orders and may pursue all civil and criminal remedies for such violations.

(B) *Civil relief.* The Department of Public Works may seek injunctive relief in a court of competent jurisdiction to restrain a person from continued violations of the provisions of this chapter or the regulations promulgated hereunder, or any notices, orders or written approvals or to compel said person to abate or remediate the violations hereunder.

(C) *Orders.*

(1) The Department of Public Works or an authorized agent of the Department may issue a written order to enforce the provisions of this chapter and the regulations promulgated hereunder, which may include:

- (a) Elimination of illicit connections or discharges to the MS4;
- (b) Performance of monitoring, analysis, and reporting;
- (c) That unlawful discharges, practices, or operations shall cease and desist;
- (d) Remediation of contamination in connection therewith;
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) Implementation of source control or treatment BMPs.

(2) If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town Department of Public Works may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

(D) *Appeals.* The decisions or orders of the Superintendent of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.

(E) *Remedies not exclusive.* The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

(Ord. O-2011-23, passed 5-11-2011) Penalty, see § 97.99

§ 97.14 REGULATIONS.

The town Department of Public Works may promulgate rules and regulations to effectuate the purposes of this chapter. Failure to promulgate such rules and regulations shall not have the effect of suspending or invalidating this chapter.

(Ord. O-2011-23, passed 5-11-2011)

§ 97.99 PENALTY.

(A) *Criminal penalty.* Any person who violates any provision of this chapter, the regulations promulgated hereunder, or an order or written approval issued hereunder shall be subject to a fine after an order or notice of violation is given, up to \$300 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

(B) *Non-criminal disposition.* As an alternative to criminal prosecution or civil action, the town may elect to utilize the non-criminal disposition procedure set forth in Mass. Gen. Laws Ch. 40, § 21D and in § 35.05 of this code.

(Ord. O-2011-23, passed 5-11-2011)

CHAPTER 98: STORMWATER MANAGEMENT AND EROSION CONTROL

Section

- 98.01 General provisions
- 98.02 Definitions
- 98.03 Authority and administration
- 98.04 Permit procedures
- 98.05 Performance standards
- 98.06 Enforcement

§ 98.01 GENERAL PROVISIONS.

(A) *Purpose.*

(1) The purpose of this chapter is to control stormwater runoff into the Town of Watertown's Municipal Separate Storm Sewer System (MS4) and local water bodies to minimize stormwater runoff and prevent pollution. Specifically, the objectives are:

- (a) To protect, maintain, and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to reduce the adverse impacts of soil erosion and sedimentation and manage stormwater runoff;
- (b) To control and prevent soil erosion and sedimentation resulting from construction site stormwater runoff;
- (c) To promote infiltration and the recharge of groundwater in order to minimize flooding;
- (d) To prevent pollutants from entering the town's MS4 and to minimize discharge of pollutants from the MS4;
- (e) To ensure that stormwater management techniques, including best management practices, are incorporated into the land disturbance, development, and redevelopment planning and design process in order to control soil erosion and sedimentation and stormwater runoff;

(f) To ensure that the adequate long-term operation and maintenance of best management practices (BMPs) is incorporated into the land disturbance, development, and redevelopment process and implemented in the future so that they work as designed; and

(g) To comply with state and Federal statutes and regulations relating to stormwater runoff discharges.

(2) This chapter establishes the town's legal authority to ensure compliance with the provisions of this chapter through permitting, inspection, maintenance, and enforcement.

(B) *Applicability.* A stormwater management and erosion control permit shall be required prior to undertaking any alteration or land disturbance activity that:

(1) Will result in land disturbances of 5,000 square feet of total area or more, or smaller activities that are part of a larger common development plan that will disturb 5,000 square feet or more;

(2) Will cause a net increase in site impervious surface area by more than 500 square feet;

(3) Proposes to create or modify a direct connection to the MS4; or

(4) In the opinion of the Department of Public Works, may result in an adverse impact on the MS4 or water resources of the Town of Watertown.

(C) *Exemptions.* The following activities are exempt from the requirements of this chapter, provided that such work must utilize the best practical measures to avoid any negative impacts on stormwater quality or runoff rate or volume:

(1) Repairs to any stormwater treatment practice that are deemed necessary by the Department of Public Works.

(2) Normal maintenance and improvement of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, or the use, expansion, or reconstruction of existing structures for the primary purpose of agriculture, horticulture, floriculture, or viticulture, to the extent protected under the Zoning Act, Mass. Gen. Law Ch. 40A, § 3.

(3) Normal maintenance of landscaping, gardens, or lawn areas.

(4) Reclamation and replacement of lawfully located, existing pavement at single-family or two-family residences, as well as reclamation and replacement of lawfully located, existing pavement at any parking lot containing fewer than ten spaces.

(5) Overlaying of existing pavement, with no increase in impervious area.

(6) Construction of a fence or wall that does not alter the existing terrain or drainage patterns.

(7) Emergency activities necessary for the protection of the health and safety of the public, provided that:

(a) The work is to be performed by or has been ordered by an agency of the Commonwealth of Massachusetts or a political subdivision thereof;

(b) Advance notice, oral or written, has been given to the Department of Public Works prior to commencement of work or within 24 hours after commencement;

(c) The Department of Public Works or its duly authorized designee certifies the work as an emergency activity; and

(d) The work is performed only for the time and place certified by the Department of Public Works for the limited purposes necessary to abate the emergency.

(8) Maintenance, repair or replacement of an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that:

(a) There is no alteration in the terrain, ground cover or drainage patterns; and

(b) Written notice has been given to the Department of Public Works prior to commencement of work.

(9) Maintenance, repair or replacement of existing drainage infrastructure, provided that:

(a) There is no alteration of the existing terrain or drainage patterns;

(b) There is no increase in the size or capacity of the pipe;

(c) There is no change in the drainage area contributing to the pipe; and

(d) Best practical measures are utilized to avoid any negative impacts on stormwater quality or runoff rate or volume.

(10) Operation and maintenance of stormwater best management practices, in accordance with an approved operations and maintenance plan.

(11) Normal maintenance of town-owned public land, right-of-ways, public utilities, and appurtenances, including roadway reconstruction.

(D) *Simplified permit.*

(1) The Department of Public Works shall have the authority to develop a simplified permit for specific types of projects.

(a) The purpose of the simplified permit is to streamline the permitting process under this chapter by waiving certain submission requirements, provided a set of predetermined design standards are met.

(b) The predetermined design standards shall be outlined in the rules and regulations authorized in accordance with § 95.03(C) of this chapter.

(c) By meeting the predetermined requirements and performance standards, the proposed project will be presumed to meet the requirements and intent of this chapter.

(E) *Compatibility with other permit and ordinance requirements.* This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law in whole or in part. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, statute or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(Ord. O-2016-7, passed 2-23-2016)

§ 98.02 DEFINITIONS.

The following definitions shall apply to this chapter as written unless context indicates or requires a different meaning:

ALTER or ALTERATION. Any activity, which will change the ability of a ground surface to absorb water or will change existing surface drainage patterns. Alter may also be referred to as "alteration of drainage characteristics," and "conducting land disturbance activities."

APPLICANT. Any person, as defined in this chapter, who has filed an application for a stormwater management and erosion control permit.

BEST MANAGEMENT PRACTICE (BMP). A structural or nonstructural technique for managing stormwater to prevent or reduce nonpoint source pollutants from entering surface waters or ground waters. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, filter, or other stormwater treatment practice or measure either alone or in combination, including without limitation any overflow pipe, conduit, weir control structure that:

(1) Is not naturally occurring;

(2) Is not designed as a wetland replication area; and

(3) Has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging, or treating stormwater. Nonstructural stormwater best management practices include source control and pollution prevention measures.

CONVEYANCE. Any structure or device, including pipes, drains, culverts, curb breaks, paved swales and man-made swales, natural and man-made channels, and ditches designed or utilized to move or direct stormwater runoff or existing water flow; any impervious surface/sheet flow utilized to remove rainfall (for example, a parking lot) which drains directly onto a vegetated surface or public road without any curbing or drainage system to intercept the flow.

EROSION CONTROL. The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff.

IMPERVIOUS SURFACE OR AREA. Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, driveways, etc.), rooftops, swimming pools, and patios, as well as paved, gravel, and compacted dirt surfaced roads.

INFILTRATION. Percolation of water into the subsurface. Also referred to as "Recharge."

LAND DISTURBANCE ACTIVITY. Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LOW IMPACT DEVELOPMENT (LID). A site design strategy for managing stormwater by maintaining or replicating the predevelopment hydrologic functions through the use of design techniques to create a functionally equivalent hydrologic landscape.

MAINTENANCE. Maintenance of a stormwater management system means the work necessary to keep a stormwater management system functional and in good repair so that it may continue to operate as originally designed. Maintenance of a stormwater management system does not include work that:

- (1) Reduces the capacity of the system to treat stormwater, provide recharge, or attenuate peak flow;
- (2) Increases the total or peak rate or volume of the stormwater managed by the system;
- (3) Directs additional stormwater discharges to the system; or
- (4) Results in reduced use of above ground stormwater best management practices.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS. The standards issued by the Massachusetts Department of Environmental Protection (DEP), codified in regulations at 310 CMR 10.05(6)(k)-(q) and further defined and specified in the Massachusetts Stormwater Handbook, Volumes 1 through 3, issued by the DEP. The standards address stormwater impacts through implementation of performance standards that reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structures that together comprise the storm drainage system owned or operated by the Town of Watertown.

OPERATION AND MAINTENANCE PLAN. A plan setting up the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OVERLAY OF PAVEMENT. The placement of pavement on top of an existing impervious surface. The underlying surface is sometimes milled (partially ground down in thickness) before the overlay is placed.

OWNER. A person with a legal or equitable interest in land, structures, or equipment.

PERMITTEE. The person who is issued a permit by the Watertown Department of Public Works pursuant to this chapter.

PERSON. An individual, partnership, association, firm, company, trust, corporation, agency, authority, department, or political subdivision of the Commonwealth or the Federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT. Any substance, either man-made or man-induced, that alters the chemical, physical, biological, or radiological integrity of water.

RECLAMATION OF PAVEMENT. A procedure whereby existing pavement is broken and pounded into small fragments.

REDEVELOPMENT. Development, replacement, rehabilitation, expansion, demolition, or phased projects that disturb the ground surface on previously developed sites.

SEDIMENT. Mineral or organic soil material that is transported by wind or water from its origin to another location; the product of erosion processes.

SEDIMENTATION. The process or act of depositing sediment.

SIMPLIFIED PERMIT. A permit issued for an application that meets a set of predetermined standards adopted by the Department of Public Works in accordance with § 98.01(B) of this chapter.

STORMWATER MANAGEMENT AND EROSION CONTROL PERMIT. A permit issued by the Department of Public Works, after review of an application, plans, calculations, and other supporting documents, in accordance with the provisions of this chapter.

STORMWATER MANAGEMENT PLAN. A plan submitted as part of an application for a stormwater management and erosion control permit, as required by § 98.04(A) of this chapter.

STORMWATER MANAGEMENT SYSTEM. The collective system for conveying, collecting, storing, discharging, recharging, or treating stormwater on-site, including stormwater best management practices and any pipes and outlets intended to transport and discharge stormwater to the groundwater, a surface water, or a municipal separate storm sewer system. Also referred to as "drainage."

STORMWATER RUNOFF. Flow over the ground surface resulting from precipitation or snow and ice melt or through a drainage system.

(Ord. O-2016-7, passed 2-23-2016)

§ 98.03 AUTHORITY AND ADMINISTRATION.

(A) *Authority.* This chapter is adopted under authority granted by the home rule amendment of the Massachusetts Constitution, and the home rule statutes and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

(B) *Administration.* The Watertown Department of Public Works shall administer, implement, and enforce this chapter. Any powers granted to or duties imposed upon the Department of Public Works may be delegated to the Department's employees or agents.

(C) *Rules and regulations.* The Town Manager may adopt, and periodically amend, rules and regulations relating to the detailed requirements, procedures, and administration of this chapter, including application and inspection fees. Failure by the Town Manager to promulgate such rules and regulations, or a declaration of their invalidity by a court of law, shall not have the effect of suspending or invalidating the provisions of this chapter or any permit issued hereunder. Such rules and regulations (or amendments thereto) shall become effective five days after being filed with the Town Clerk.

(D) *Appeals.* A decision of the Department of Public Works shall be final. A request for relief of a decision of the Department of Public Works shall be reviewable in the Superior Court in an action filed within 60 days thereof.

(Ord. O-2016-7, passed 2-23-2016)

§ 98.04 PERMIT PROCEDURES.

(A) *Permit required.* No land disturbance activity that meets the criteria specified in § 98.01(B) may commence prior to issuance of a stormwater management and erosion control permit subject to this chapter.

(B) *Procedures and requirements.* Permit procedures and requirements including but not limited to application, fee schedules, actions, right-of-entry, stormwater management plan contents, technical requirements, inspections, and project closeout-shall be included as part of the rules and regulations promulgated under § 98.03(C) of this chapter.

(Ord. O-2016-7, passed 2-23-2016)

§ 98.05 PERFORMANCE STANDARDS.

Criteria for stormwater management and erosion control performance standards shall be defined and included as part of the rules and regulations promulgated under § 93.03(C) of this chapter.

(Ord. O-2016-7, passed 2-23-2016)

§ 98.06 ENFORCEMENT.

The Department of Public Works shall have authority to enforce this chapter and resulting rules and regulations, and shall issue orders, violation notices, and enforcement orders, and may pursue all available civil and criminal remedies for such violations.

(A) *Notices and orders.*

(1) The Department of Public Works may issue a written order to enforce the provisions of the stormwater management and erosion control ordinance or the rules and regulations, which may include requirements to:

(a) Cease and desist from construction or land disturbance activity until there is compliance with the stormwater management and erosion control ordinance and the stormwater management and erosion control permit;

(b) Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the approved operation and maintenance plan;

(c) Perform monitoring, analyses, and reporting; and/or

(d) Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management system.

(2) If the Department of Public Works determines that abatement or remediation of adverse impacts is required, the order shall set forth a deadline by which such abatement or remediation must be completed.

(3) If a person violates the provisions of this chapter, regulations, permit, notice, or order issued thereunder, the Department of Public Works may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(B) *Penalties.* Pursuant to § 10.99 of the Town Code, any person who violates any provision of the stormwater management and erosion control ordinance, or order or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$300 per violation, excluding the cost of damages. Each day or part thereof that such violation occurs or continues shall constitute a separate violation.

(C) *Non-criminal disposition.*

(1) As an alternative to criminal prosecution, the Department of Public Works may elect to utilize the non-criminal disposition procedure set forth in Mass. Gen. Laws Ch. 40, § 21D, which has been adopted by the town in § 35.05 of the Town

Code, for which purpose the Director of the Department of Public Works and the Department's employees shall be enforcing persons. The specific penalties under this provision shall be:

(a) Twenty five dollars for the first offense;

(b) Fifty dollars for the second offense; and

(c) One hundred dollars for the third and any subsequent offense.

(2) Notwithstanding the foregoing, the enforcing person shall have the discretion to issue a warning in lieu of the citation for \$25 for the first offense.

(D) *Appeals.* The decisions or orders of the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.

(E) *Remedies not exclusive.* The remedies listed in this chapter are not exclusive of any other remedies available under any applicable Federal, state, or local law.

(Ord. O-2016-7, passed 2-23-2016)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. GENERAL PROVISIONS

111. JUNK AND SECOND-HAND DEALERS

112. PEDDLERS AND SOLICITORS

113. RETAIL FOOD STORES

114. SERVICE STATIONS

115. SINGLE-USE PLASTIC BAG REDUCTION

CHAPTER 110: GENERAL PROVISIONS

Section

- 110.01 Hackney carriages
- 110.02 Peddlers and hawkers
- 110.03 Motor vehicles for hire
- 110.04 Motor vehicle repair license
- 110.05 Outdoor vendors
- 110.06 Licensing fees
- 110.99 Penalty

Cross-reference:

Duty of businesses to establish a smoking policy, see § 93.02

§ 110.01 HACKNEY CARRIAGES.

(A) The Licensing Board may license hackney carriages or motor vehicles for the conveyance of persons for hire from place to place within the town and they may license or issue permits to persons who operate the licensed carriages or motor vehicles and they may revoke the licenses at their discretion. A record of all licenses so granted or revoked shall be kept by the Licensing Board on file in the office of the Town Clerk. No person shall set up, use or drive in the town any hackney carriage or motor vehicle for the conveyance of passengers for hire from place to place within the town or operate in the town a carriage or motor vehicle without first obtaining from the Licensing Board the license or licenses required under this section. All licenses under this section shall expire on April 30 next after the date thereof and shall not be transferred without the consent of the Licensing Board endorsed thereon.

(B) The license fee for each carriage or motor vehicle shall be \$25 and for each operator the fee shall be \$10. These fees shall be paid to the Chief of Police for the use of the town. The license granted under this section shall become void if the applicant neglects or refuses to take out and pay for his or her license within 10 days after notice that it has been granted.

(C) The Licensing Board may grant to the owner of a carriage or motor vehicle licensed under this section a license to use a certain portion of a public way as a carriage or taxi stand for the solicitation of passengers for hire. No person shall use any portion of a public way for this purpose without a license. The fee for a licensed carriage or taxi cab stand shall be \$15 and the same shall be paid to the Chief of Police for the use of the town. All licenses shall expire on April 30 next after the date thereof.

(1982 Code, Ch. VIII, § 8) Penalty, see § 110.99

§ 110.02 PEDDLERS AND HAWKERS.

No peddler, hawker, or solicitor, whether licensed or unlicensed, in carrying on the occupation or going from place to place in the town in the pursuit of the occupation, shall permit or suffer any motor vehicle or other vehicle used by him or her in connection therewith, to stand or remain in any 1 place, or within 500 feet thereof, longer than 10 consecutive minutes or more than 10 minutes out of any 60 consecutive minutes, or in front of any premises for the purpose, for any time, if the owner, lessee or occupant objects.

(1982 Code, Ch. VIII, § 21) Penalty, see § 110.99

§ 110.03 MOTOR VEHICLES FOR HIRE.

(A) No person shall engage in the town in the business of conducting or maintaining an establishment for letting out motor vehicles for hire, however computed or determined, without a license granted by the Licensing Board of the town, hereinafter called the Board.

(B) The license shall in either case specify all the premises to be occupied by the licensee for the purpose of conducting the licensed business. The fee for each license shall be the amount as may be established by the Board, and the Board may reasonably classify the licenses and fees. Licenses granted hereunder shall expire on January 1 following the date of issue or on the date as may be specified therein and may be suspended or revoked by the Board.

(C) Licenses granted hereunder shall not be granted until after a hearing, notice of which shall be sent by the applicant by certified mail to all owners of abutting property.

(1982 Code, Ch. VIII, § 29) Penalty, see § 110.99

§ 110.04 MOTOR VEHICLE REPAIR LICENSE.

(A) No person shall engage in the town in the business of conducting or maintaining an establishment for the repairing of motor vehicles, including, but not limited to, the installation of motor vehicle radios, alarms, telephones and other equipment commonly referred to as "after-market merchandise," without a license granted by the Licensing Board of the town, hereinafter called the Board, approved in all cases by the head of the Fire Department.

(B) The licenses shall in either case specify the premises to be occupied by the licensee for the purpose of conducting the licensed business, the maximum storage of motor vehicles for repair and the days and hours of operation of the business.

(C) The fee for each license shall be the amount as may be established by the Board and the Board may reasonably classify the licenses and fees.

(D) Licenses granted shall expire on June 1 following the date of issue or on the date as may be specified therein and may be suspended or revoked, after hearing, by the Board.

(E) Licenses granted shall not be granted until after a hearing, notice of which shall be sent by the applicant by certified mail to all owners of abutting property.

(1982 Code, Ch. VIII, § 30) (Am. Ord. 896, passed 7-10-1990) Penalty, see § 110.99

§ 110.05 OUTDOOR VENDORS.

(A) Every person, whether principal or agent, who sells from a fixed location outdoors and is not otherwise required to be licensed under the definition in Mass. Gen. Laws Ch. 101 as a transient vendor or hawker and peddler, or is not specifically exempted thereby, must first obtain a license from the Licensing Board for the sale of goods, wares or merchandise otherwise permitted to be sold under the provisions of Mass. Gen. Laws Ch. 101.

(B) The Licensing Board shall conduct a public hearing on each application and may grant a license upon the terms and conditions which are in the best interest of the town.

(C) The fee for each license shall be the amount as may be established by the Board.

(D) Licenses granted shall expire on the date as may be specified therein and may be suspended or revoked, after hearing, by the Board.

(E) This section may be enforced by non-criminal disposition pursuant to Mass. Gen. Laws Ch. 40, § 21D, and § 110.99(B) of this chapter.

(Ord. 33, passed 5-12-1992) Penalty, see § 110.99

§ 110.06 LICENSING FEES.

The following license fees are in effect in the town:

(A) Automatic amusement device: \$50.

(B) Common victualer: \$50.

(C) Innholder: \$50.

(D) Liquor license/druggist: \$500.

(E) Music box: \$50.

(F) Fortune teller charging for services: \$25.

(1982 Code, Ch. VIII, § 31) (Am. Ord. 5, passed 5-10-1983)

§ 110.99 PENALTY.

(A) Whoever, not being licensed, engages in the town in a business required to be licensed by this chapter, or, being licensed, engages in a business in any other place than that designated in his or her license or after notice to him or her that his or her license has been suspended or revoked, shall be punished by a fine of not more than \$100.

(1982 Code, Ch. VIII, §§ 29 and 30)

(B) Any person who violates § 110.05 shall, in the case of non-criminal disposition, be subject to the specific penalty of a fine in the amount of \$25 for the first offense, \$50 for the second offense, and \$100 for the third and any subsequent offense. Any person who violates § 110.05 shall, in the case of application for criminal complaint, be subject to a fine of up to \$300.

(Ord. 33, passed 5-12-1992)

CHAPTER 111: JUNK AND SECOND-HAND DEALERS

Section

111.01 Licensing

111.02 Record of purchases

§ 111.01 LICENSING.

(A) The Licensing Board may license suitable persons to be dealers in and keepers of shops for the purchase, sale, or barter of junk, old metals, or second-hand articles in the town. They may also license suitable persons as junk collectors, to collect, by purchase or otherwise, junk, old metals, and second-hand articles from place to place in the town, and they may provide that collectors shall display badges upon their persons, or upon their vehicles, or upon both, when engaged in collecting, transporting, or dealing in junk, old metals, or second-hand articles, and may prescribe the design thereof.

(B) They may also provide that shops and all articles of merchandise therein, and any place, vehicle or receptacle used for the collection or keeping of the articles aforesaid, may be examined at all times by the Licensing Board or by any person by them authorized so to do. The aforesaid licenses may be revoked at pleasure, and shall be subject to the provisions of law.

(1982 Code, Ch. VIII, § 16)

§ 111.02 RECORD OF PURCHASES.

(A) Every keeper of a shop for the purchase, sale or barter of junk, old metals or second-hand articles, within the limits of the town, shall keep a book in which shall be written, at the time of every purchase of any articles, a description thereof, the name, age and residence of the person from whom and the day and hour when the purchase was made. The book shall at all times be open to the inspection of the Licensing Board and of any person by them authorized to make the inspection.

(B) Every keeper of a shop shall put in a suitable and conspicuous place in his or her shop a sign having his or her name and occupation legibly inscribed thereon in large letters. The shop and all articles of merchandise therein may at all times be examined by

the Licensing Board or by an person by them authorized to make the examination. No keeper of a shop and no junk collector shall, directly or indirectly, either purchase or receive by way of barter or exchange any of the articles aforesaid of a minor or apprentice, knowing or having reason to believe him or her to be such. No articles purchased or received by a shop keeper shall be sold until at least 1 week from the date of purchase or receipt has elapsed.

(1982 Code, Ch. VIII, § 17) Penalty, see § 10.99

CHAPTER 112: PEDDLERS AND SOLICITORS

Section

General Provisions

- 112.01 Pasting handbills and advertisements
- 112.02 Distribution from hand to hand
- 112.03 Distribution of papers and circulars

Door-to-Door Solicitation

- 112.20 Purpose
- 112.21 Definitions
- 112.22 Registration required
- 112.23 Registration process
- 112.24 Registration fee
- 112.25 Registration cards
- 112.26 Exceptions
- 112.27 Notice regulating solicitation
- 112.28 Duties of solicitors
- 112.29 Restrictions on methods of solicitation
- 112.30 Enforcement; revocation of registration
- 112.31 Appeals
- 112.99 Penalty

GENERAL PROVISIONS

§ 112.01 PASTING HANDBILLS AND ADVERTISEMENTS.

It is unlawful to affix by paste or otherwise, any handbill, placard, notice or advertisement, or paint, draw or stamp the same, or any marks or figures to or upon any sign board of the town, or to or upon any building, fence, pole, wall, tree or structure, without the permission of the owner of the building, fence, pole, wall, tree or structure.

(1982 Code, Ch. VIII, § 6) Penalty, see § 112.99

§ 112.02 DISTRIBUTION FROM HAND TO HAND.

No person shall, without a permit from the Town Manager or the Chief of Police, distribute free from hand to hand on any street, square, way or other public place, any card, paper, placard, flyer, hand bill or any other printed or written matter, except to advertise articles for sale, to promote trade, to promote or prevent the nomination or election of candidates for public office, or to disseminate information concerning matters to be voted upon by referendum.

(1982 Code, Ch. VIII, § 7) Penalty, see § 112.99

§ 112.03 DISTRIBUTION OF PAPERS AND CIRCULARS.

No person shall distribute papers, circulars or advertisements through the town or any portion thereof in a manner as to make litter or otherwise cause public annoyance.

(1982 Code, Ch. VIII, § 10) Penalty, see § 112.99

DOOR-TO-DOOR SOLICITATION

§ 112.20 PURPOSE.

This subchapter, adopted pursuant to Mass. Gen. Laws Ch. 43B, § 13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operation requirements for all persons or organizations intending to engage in door-to-door canvassing or solicitation in the town, in order to:

(A) Protect the town's citizenry from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and

(B) To allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

(Ord. 27, passed 4-26-1994)

§ 112.21 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CANVASSING. Any 1 or more of the following activities:

- (1) Person-to-person distribution of literature, periodicals or other printed materials, but shall not include placing or dropping off printed materials on the premises;
- (2) Circulation of petitions;
- (3) Seeking to enlist membership in any organization;
- (4) Seeking to present, in person, organizational information or doctrine.

REGISTERED SOLICITOR. Any person who has obtained a valid certificate of registration from the town as required under this subchapter for the purpose of engaging in soliciting or canvassing activities.

RESIDENCE. Every individual dwelling unit occupied for residential purposes by 1 or more persons.

SOLICITING. Any 1 or more of the following door-to-door activities:

- (1) Selling or seeking to obtain orders for the purchase of goods or services for any kind of consideration whatever;
- (2) Selling or seeking to obtain prospective customers for application or purchase of insurance of any kind;
- (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers or any other type of publication;

(4) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project;

(5) Seeking to obtain information on the background, occupation, economic status, political or religious affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using the data, wholly or in part, for commercial purposes.

(Ord. 27, passed 4-26-1994)

§ 112.22 REGISTRATION REQUIRED.

Except as may be expressly provided herein, it shall be unlawful for any person or organization to engage in soliciting or canvassing, as those activities are defined in § 112.21 of this chapter, within the limits of the town without first registering with the Police Department in accordance with this subchapter. The registration requirement of this subchapter shall be in addition to any requirements for registration imposed by Mass. Gen. Laws Ch. 101, § 34.

(Ord. 27, passed 4-26-1994) Penalty, see § 112.99

§ 112.23 REGISTRATION PROCESS.

Every person or organization intending to engage in soliciting or canvassing door-to-door in the town must register with the Police Department at least 3 days in advance by filing a registration application form with the Chief of Police.

(A) Organization application forms shall include the following information:

(1) The name and address of the organization applying for registration, and the names and addresses of the organization's principal officers;

(2) The name, title and telephone number of the person filing the application form;

(3) The names and addresses of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the town;

(4) A list of the names, addresses, dates of birth and Social Security numbers of all individuals who will be employed in solicitation or canvassing by the applicant;

(5) Period of time for which certificate of registration is needed (no certificate may be granted for longer than a 90-day period);

(6) Names of the last 3 communities (if any) in which the organization has conducted a solicitation or canvassing operation.

(B) Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under division (A) of this section. Individual registration forms shall contain the following information:

(1) Name and address of present place of residence and length of residence at that address; if less than 3 years residence at present address, the address of residence(s) during the past 3 years;

(2) Date of birth;

(3) Name, address and telephone number of the person or organization whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization;

(4) Name and address of employer during the past 3 years if other than listed in division (B)(3);

(5) Period of time for which certificate of registration is needed (no certificate may be granted for longer than a 90-day period);

(6) Names of the last 3 communities (if any) in which the applicant has solicited or canvassed door-to-door;

(7) Social Security number;

(8) Recent passport sized photograph of applicant to be affixed to registration card;

(9) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

(Ord. 27, passed 4-26-1994) Penalty, see § 112.99

§ 112.24 REGISTRATION FEE.

Each individual applicant for registration or re-registration shall pay a fee of \$10, payable to the town.

(Ord. 27, passed 4-26-1994)

§ 112.25 REGISTRATION CARDS.

(A) Within 48 hours of the filing of a registration application form, the Police Chief shall furnish each person registered to engage in solicitation or canvassing with the registration card which shall contain the following information:

- (1) The name of the person;
- (2) A recent photograph of the person;
- (3) The name of the organization (if any) which the person represents;

(4) A statement that the individual has been registered with the Police Department but that registration is not an endorsement of any individual or organization;

- (5) Specific dates or period of time covered by the registration.

(B) Persons engaged in solicitation or canvassing must carry the registration card at all times and present the card to any person solicited, or upon request of any police officer.

(C) Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days.

(D) The Police Chief shall refuse to register an organization or individual:

- (1) Who refuses to provide any of the information required under § 112.23 of this subchapter;
- (2) Who has been convicted of a felony;
- (3) Who has been determined by the Police Chief to be a fugitive from justice; or
- (4) Whose registration has been revoked for violation of this subchapter within the previous 2-year period.

(Ord. 27, passed 4-26-1994)

§ 112.26 EXCEPTIONS.

The registration provisions of this subchapter shall not apply to:

(A) Officers or employees of the town, county, state or federal governments when on official business;

(B) Candidates for public office, representatives of political parties recognized by the Commonwealth of Massachusetts, or persons disseminating information or obtaining signatures for matters to be voted upon by the referendum or initiative process;

(C) Individual representatives of non-profit charitable organizations upon registration by the president or treasurer of the organization with the Chief of Police, on a form to be furnished by the Chief; or

(D) Minors under the age of 18, except in connection with commercial activity.

(Ord. 27, passed 4-26-1994)

§ 112.27 NOTICE REGULATING SOLICITATION.

(A) Every occupant of a residence desiring to secure additional protection under this subchapter shall exhibit upon or near the main entrance door to the residence, a weatherproofed card, approximately 3 inches by 5 inches in size, indicating the determination by the occupant as to whether or not solicitors or canvassers are invited to the residence by the following applicable words:

"No Solicitors or Canvassers Invited"

or

"No Solicitors or Canvassers Invited Before the Hour of ____ A.M. or After the Hour of ____ P.M."

(B) For the purpose of uniformity, these cards shall be provided, at cost, by the Police Department to persons so requesting.

(Ord. 27, passed 4-26-1994)

§ 112.28 DUTIES OF SOLICITORS.

(A) It shall be the duty of every solicitor or canvasser, upon going onto any residential premises in the town, to first examine the notice provided for in § 112.27, if any is exhibited. If the notice states "No Solicitors or Canvassers Invited", then the solicitor or canvasser shall immediately and peacefully depart from the premises. If, the notice limits the hours of solicitation, the solicitor or canvasser shall comply with the limits noted.

(B) Any solicitor or canvasser who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(C) Immediately upon gaining entrance to any residence, each solicitor or canvasser must do the following:

(1) Present his or her registration card for inspection by the occupant;

(2) Request that the occupant read the registration card; and

(3) Inform the occupant in clear language of the nature and purpose of his or her business and, if he or she is representing an organization, the name and nature of that organization.

(D) It shall be the duty of every organization employing solicitors or canvassers to notify the Police Department daily as to what area(s) of the town they will be operating in.

(Ord. 27, passed 4-26-1994) Penalty, see § 112.99

§ 112.29 RESTRICTIONS ON METHODS OF SOLICITATION.

It shall be unlawful for a solicitor or canvasser to do any of the following:

(A) Falsely represent, directly or by implication, that the solicitation or canvassing is being done on behalf of a governmental organization.

(B) Solicit or canvass at any residence where there is a posted sign stating "No Solicitors Invited", without express prior permission of an occupant.

(C) Go upon any residential premises and ring the doorbell or rap or knock upon the door of the residence or create any sound in any manner calculated to attract the attention of the occupant of the residence for the purpose of soliciting or canvassing in defiance of a notice exhibited at the residence in accordance with § 112.27.

(Ord. 27, passed 4-26-1994) Penalty, see § 112.99

§ 112.30 ENFORCEMENT; REVOCATION OF REGISTRATION.

(A) This subchapter shall be enforced by any police officer of the town in accordance with the provisions contained in § 10.99 and Chapter 35 of this code of ordinances.

(B) Any person or organization who is convicted of any crime or misdemeanor involving moral turpitude, any person who violates

any provision of §§ 112.28 and 112.29 of this chapter or who knowingly provides false information on the registration application, or any person who is determined by the Police Chief to be a fugitive from justice, shall have his or her or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

(Ord. 27, passed 4-26-1994)

§ 112.31 APPEALS.

Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with the Town Manager. The appeal must be filed within 20 days after receipt of the notice of denial or revocation. The Town Manager shall hear and determine the appeal within 30 days after the filing of the written notice of appeal.

(Ord. 27, passed 4-26-1994)

§ 112.99 PENALTY.

(A) Whoever violates § 112.01 of this chapter shall pay a sum of \$50 for each offense. If a handbill, placard, notice, advertisement, mark, or figure is deemed obscene or indecent, the penalty shall be \$100.

(1982 Code, Ch. VIII, § 6)

(B) Any person or organization violating any of the provisions of §§ 112.20*et seq.* of this chapter shall be subject to a fine of \$300 for each offense.

(Ord. 27, passed 4-26-1994)

CHAPTER 113: RETAIL FOOD STORES

Section

- 113.01 Definitions
- 113.02 Hours of operation
- 113.03 Exceptions
- 113.04 Special permit
- 113.99 Penalty

§ 113.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FOOD. Any article or commodity, however stored or packaged, intended for human consumption, and shall include alcoholic beverages to be consumed off the premises at which they are sold, unless any other law or permit or license granted to the seller of the beverages shall otherwise provide.

(1982 Code, Ch. VIII, § 27(3))

§ 113.02 HOURS OF OPERATION.

(A) No person shall sell any food at retail between the hours of 1:00 a.m. and 5:00 a.m.

(B) No store or place of business engaged in the retail sale of food shall be open for transaction of retail business between the hours of 1:00 a.m. and 5:00 a.m.

(1982 Code, Ch. VIII, § 27(1-2)) Penalty, see § 113.99

§ 113.03 EXCEPTIONS.

This chapter shall not apply to the sale of food or alcoholic beverages when the sale is by a common victualer or innholder licensed under Mass. Gen. Laws Ch. 140, primarily engaged in the sale of food to be consumed on the premises where sold.

(1982 Code, Ch. VIII, § 27(4))

§ 113.04 SPECIAL PERMIT.

In cases where in their opinion, the public good requires it, the Licensing Board may issue a special permit allowing a store to remain open for the transaction of business to an hour, specified in the permit, later than 1:00 a.m., or to remain open 24 hours a day. Special permits shall remain in effect for a period of 1 year. Application for special permits shall be made on forms supplied by the Licensing Board. The fee for this license shall be \$50.

(1982 Code, Ch. VIII, § 27(6))

§ 113.99 PENALTY.

Anyone violating any provisions of this chapter shall be subject to a fine of \$50 for each violation. For purposes of this chapter, every calendar day on which a store shall remain open past the appointed hour shall be deemed a separate offense, and each separate sale of food shall be deemed a separate offense. In the event of a sale of several items at 1 time to 1 customer, only 1 sale shall be deemed to have taken place.

(1982 Code, Ch. VIII, § 27(5))

CHAPTER 114: SERVICE STATIONS

Section

- 114.01 Definition
- 114.02 Hours of operation
- 114.03 Special permit

- 114.99 Penalty

§ 114.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PETROLEUM PRODUCT. Any article or commodity, however stored or packaged, which is intended for use in a motor vehicle.

(1982 Code, Ch. VIII, § 28(3))

§ 114.02 HOURS OF OPERATION.

- (A) No person shall sell any petroleum product intended for use in a motor vehicle at retail between the hours of 1:00 a.m. and 5:00 a.m.
- (B) No service station engaged in the retail sale of petroleum products shall be open for transaction of retail business between the hours of 1:00 a.m. and 5:00 a.m.

(1982 Code, Ch. VIII, § 28(1-2)) Penalty, see § 114.99

§ 114.03 SPECIAL PERMIT.

In cases where, in their opinion, the public good requires it, the Licensing Board may issue a special permit allowing a service station engaged in the retail sale of petroleum products to remain open for the transaction of business to an hour specified in the permit, later than 1:00 a.m., or to remain open 24 hours a day. The special permits shall remain in effect for a period of 1 year. Application for the special permits shall be made on forms supplied by the Licensing Board. The fee for this license shall be \$50.

(1982 Code, Ch. VIII, § 28(5))

§ 114.99 PENALTY.

Violations of this chapter shall be subject to a fine of \$50 for each violation. For purposes of this chapter, every calendar day on which a service station shall remain open beyond the appointed closing time shall be deemed a separate offense, and each separate sale of a petroleum product shall be deemed a separate offense. In the event of sale of several items at 1 time to 1 customer, only 1 sale shall be deemed to have taken place.

(1982 Code, Ch. VIII, § 28(4))

CHAPTER 115: SINGLE-USE PLASTIC BAG REDUCTION

Section

- 115.01 Intent and purpose
- 115.02 Definitions
- 115.03 Requirements
- 115.04 Exemption
- 115.05 Enforcement

§ 115.01 INTENT AND PURPOSE.

- (A) The purpose of this section is to reduce the commercial use of single-use plastic bags in Watertown.
- (B) The Town Council hereby finds that the reduction in the use of single-use plastic bags by commercial entities is a public purpose that protects the land and marine environment, advances solid waste reduction, and protects waterways. Further, single-use plastic bags clog storm drainage systems, create a burden to solid waste collection and recycling, and require the use of millions of barrels of crude oil nationally for their manufacture. This section seeks to reduce the number of single-use plastic bags that are being used, discarded and littered, and to promote the use of reusable checkout bags by retail stores located in Watertown.
- (C) The Town Council notes that several neighboring communities and the State of Massachusetts have enacted or are considering enacting similar measures. Furthermore, at the time of enactment of this section, the Council is aware that 20 million Americans live in communities where bag bans are in place, including the entire states of Hawaii and California, along with several major countries including India, China and Italy.
- (Ord. 31, passed 6-7-2016)

§ 115.02 DEFINITIONS.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

DEGRADABLE PLASTIC BAGS. Plastic bags that are comprised of a material that is capable of being rapidly decomposed by bacteria or other living organisms (biodegradable), light (photodegradable) under marine conditions (marine-degradable) as defined by ASTM or ISO standards.

DEPARTMENT. The enforcing town department from time to time as designated by the Town Manager.

DIRECTOR. The head of that department.

RECYCLABLE PAPER BAG. A paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays the words "recyclable" and "made from 40% post-consumer recycled content" in a visible manner on the outside of the bag.

RETAIL ESTABLISHMENT. Any commercial enterprise selling goods, articles, food or personal services to the public, including but not limited to markets, restaurants, bars, take-out food purveyors, merchandise retailers, florists and galleries.

REUSABLE BAG. A bag with handles that is specifically designed and manufactured for multiple use and is at least four mils in thickness.

SINGLE-USE PLASTIC BAG. A plastic bag made of plastic, including but not limited to bags made of high-density polyethylene, low-density polyethylene, "biodegradable," "compostable" or "oxo-biodegradable" materials, that are intended for the purpose of transporting food or merchandise out of a retail establishment. For the purposes of this section, **SINGLE-USE PLASTIC BAGS** shall not include:

- (1) Bags, whether plastic or not, in which loose or bulk candy, produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a retail establishment;
- (2) Bags used to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a point-of-sale bag;
- (3) Laundry or dry-cleaner bags;
- (4) Bags holding prescription medication dispensed from a pharmacy;
- (5) Newspaper bags; or
- (6) Plastic bags four mil or more thick.

(Ord. 31, passed 6-7-2016)

§ 115.03 REQUIREMENTS.

(A) Beginning July 1, 2017, no single-use plastic bag shall be distributed, either with or without charge, to a customer at any retail establishment located in the town, except for degradable plastic bags as noted in division (B) below.

(B) Retail establishments may provide or sell to customers recyclable paper bags, degradable plastic bags, or reusable bags. Public information advising customers to wash reusable bags to prevent food-borne illness must be prominently displayed or communicated at the point of provision or sale.

(C) Public information advising customers on the proper care and maintenance of reusable bags shall be available through the Public Health Department.

(D) The Department shall have the authority to promulgate regulations to accomplish any of the provisions of this section.

(Ord. 31, passed 6-7-2016)

§ 115.04 EXEMPTION.

(A) The Director may exempt a retail establishment from the requirements of this section for a period of up to six additional months, upon a finding by the Director that the requirements of this section would cause undue hardship to the retail establishment. An "undue hardship" shall only be found in circumstances where the retail establishment requires additional time in order to draw down an existing inventory of single-use plastic bags or paper bags which do not meet the definition of recyclable paper bags. Any retail establishment receiving an exemption shall file with the Director monthly reports on inventory reduction and remaining stocks.

(B) Any retail establishment may apply for an exemption to the Director using forms provided by the Department, and shall allow the Director, or his or her designee, access to all information supporting its application.

(C) The Director may approve the exemption request, in whole or in part, with or without conditions.

(Ord. 31, passed 6-7-2016)

§ 115.05 ENFORCEMENT.

(A) Town employees from time to time as designated by the Town Manager are empowered and authorized to enforce this section.

(B) This section may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to Mass. Gen. Law Ch. 40, § 21D the town's ordinances. If non-criminal disposition is elected, then any retail establishment which violates any provision of this section shall be subject to the following penalties:

(1) First offense: \$100 fine.

(2) Second offense: \$200 fine.

(3) Third and subsequent offenses: \$300 fine each.

(C) Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

(Ord. 31, passed 6-7-2016)

CHAPTER 116: BRING YOUR OWN BOTTLE REGULATIONS

Section

116.01 Intent and purpose

116.02 Definitions

116.03 General rules

116.04 Requirements

116.05 Enforcement

§ 116.01 INTENT AND PURPOSE.

The purpose of this chapter is to allow restaurants in Watertown that do not have an alcohol license to apply for a "Bring Your Own Bottle" permit, and thereby allow patrons and customers to consume their own alcoholic beverages at the restaurant's premises.

(Ord. O-2015-57, passed 9-22-2015)

§ 116.02 DEFINITIONS.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

ESTABLISHMENT. Any full service commercial enterprise licensed to sell food to the public.

FULL SERVICE. A commercial enterprise whose operations include a full wait staff, sit down and eat-in dining services for the vast majority of patrons, and any other criteria the License Board deems necessary or appropriate to be in compliance with this chapter.

(Ord. O-2015-57, passed 9-22-2015)

§ 116.03 GENERAL RULES.

(A) No common victualler shall permit alcoholic beverages to be consumed in an establishment which is owned, operated, leased, maintained, or otherwise controlled by the common victualler except pursuant to a valid license issued under the provisions of Mass. Gen. Law Ch. 138 or pursuant to this chapter.

(B) "Bring Your Own Bottle" permits may be issued to an establishment that has held a common victualler license in good standing for at least six months prior to application for the permit.

(C) No "Bring Your Own Bottle" permit shall be issued to any establishment with an alcohol license issued under the provisions of Mass. Gen. Law Ch. 138.

(D) No "Bring Your Own Bottle" permit shall be issued to any establishment that, under the provisions of Mass. Gen. Law Ch. 138, has had an alcohol license suspended or revoked, or to any person, firm, corporation, association, or other combination of persons affiliated, directly or indirectly, with such license through any agent, employee, stockholder, officer, or other person, or any subsidiary whatsoever.

(E) No "Bring Your Own Bottle" permit shall be issued to a fast food restaurant, defined herein as a restaurant with seating but without full service.

(F) An establishment holding a "Bring Your Own Bottle" permit must comply with all conditions of the permit and applicable laws with respect to hours and days during which alcoholic beverages may be sold for on-premises consumption.

(G) The "Bring Your Own Bottle" permit is not transferrable.

(H) The "Bring Your Own Bottle" permit must be renewed annually.

(I) The cost of the permit will be \$1,000, payable as a condition of issuance and for each renewal.

(Ord. O-2015-57, passed 9-22-2015)

§ 116.04 REQUIREMENTS.

(A) The issuance of a "Bring Your Own Bottle" (BYOB) permit is subject to and at the sole discretion of the Watertown Licensing Board, which shall be the issuing authority, and which may adopt such regulations as it deems reasonable or necessary for administration of this chapter.

(B) A condition of the issuance of the permit is compliance with this chapter, and the Licensing Board may impose such other conditions on a permit as it deems necessary or appropriate.

(C) The alcoholic beverages may only be consumed inside the premises of the establishment and may not be consumed in any outdoor space. Alcoholic beverages as permitted by BYOB shall only be consumed by a patron of the establishment that has been served a food item from the menu. i.e. appetizers, sides and or entrees as they appear on the menu.

(D) Only beer and wine may be consumed pursuant to a BYOB permit.

(E) No person under the age of 21 may consume alcoholic beverages pursuant to a BYOB permit, sale or delivery of alcohol to such a person being in violation of Mass. Gen. Law Ch. 138, § 34. It is the responsibility of the establishment to ensure that patrons who consume alcohol are at least 21 years of age. The establishment shall verify age under ABCC guidelines which allows for six valid forms of identification to be accepted for the purchase and consumption of alcohol, i.e. a valid MA License, Valid MA Liquor ID, Valid MA ID, US Passport OR Passport from a country formally recognized by the US, Passport ID Card, or Valid Military ID.

(F) It is the responsibility of the establishment to not permit alcoholic beverages to be consumed by an intoxicated person.

(G) The employees of the establishment who will have responsibility for the use and exercise of the BYOB permit must obtain alcohol service training from a third-party training provider, and submit certification of such training to the Licensing Board.

(H) "Corkage" fees or other similar charges are made at the discretion of the establishment.

(I) All alcohol shall be consumed from glasses provided by the establishment. No alcohol shall be consumed out of original containers. It is the responsibility of the establishment staff to physically pour all alcoholic beverages and to dispose of all empty bottles at their own expense.

(J) A patron who wishes to remove a partially consumed bottle of wine from the establishment must have the establishment securely reseal the bottle or risk violation of the Massachusetts open container laws. No partially consumed beer bottles may be removed from the establishment. The establishment must also post the Massachusetts open container laws in a visible location on premise.

(K) All alcoholic beverages must be removed by the same person who brought them in.

(L) The establishment must provide evidence of alcohol liability insurance as a condition of issuance of the BYOB permit.

(M) An establishment holding a "Bring Your Own Bottle" permit shall post a sign at the entry area indicating that it is a "Bring Your Own Bottle" establishment and is subject to all applicable town and state laws and regulations.

(Ord. O-2015-57, passed 9-22-2015)

§ 116.05 ENFORCEMENT.

(A) This section may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition under Mass. Gen. Law Ch. 40, § 21D pursuant to the town's ordinances. If non-criminal disposition is elected, then any establishment which violates any provision of this chapter shall be subject to the following penalties:

(1) First offense: \$100.

(2) Second offense: \$200.

(3) Third and subsequent offenses: \$300 each.

(B) Additionally, any offense may result in a temporary or complete revocation of the "Bring Your Own Bottle" permit, based on the sole discretion of the Watertown Licensing Board.

(C) Each day or portion thereof that a violation exists shall constitute a separate offense. If more than one condition of a permit is violated, each violation shall constitute a separate offense.

(Ord. O-2015-57, passed 9-22-2015)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

130.01 Disorderly behavior

130.02 Loitering

130.03 Throwing objects

130.04 Discharge of guns, fireworks, and the like

130.05 Defacing public playgrounds

130.06 Peeping tom

130.07 Public intoxication

130.08 Trespass; delivery personnel to use walkways

130.99 Penalty

§ 130.01 DISORDERLY BEHAVIOR.

No person shall behave in an indecent or disorderly manner, or use profane, indecent, or insulting language in or upon any sidewalk, public way, or other public place, to the annoyance or disturbance of any other person there being or passing in a peaceable manner.

(1982 Code, Ch. VIII, § 2) Penalty, see § 130.99

§ 130.02 LOITERING.

No person shall be or remain on any doorstep, portico, or other projection from any house or building or upon any wall or fence on or near any public way or public place, after being requested by the occupant of the premises or by any police officer to move.

(1982 Code, Ch. VIII, § 4) Penalty, see § 130.99

§ 130.03 THROWING OBJECTS.

No person shall throw stones, snowballs, sticks, or other missiles, or kick a football or play at any game in which a ball is used, or fly any kites or balloons in any public way.

(1982 Code, Ch. VIII, § 5) Penalty, see § 130.99

§ 130.04 DISCHARGE OF GUNS, FIREWORKS, AND THE LIKE.

No person shall fire, discharge, explode or set off any gun, firearm, torpedo, firecracker or fireworks in a manner as to disturb the peace or quiet of any neighborhood.

(1982 Code, Ch. VIII, § 11) Penalty, see § 130.99

§ 130.05 DEFACING PUBLIC PLAYGROUNDS.

No person shall willfully deface or injure any public playground, planting space, flower bed, tree, shrub, or grass border.

(1982 Code, Ch. VIII, § 12) Penalty, see § 130.99

§ 130.06 PEEPING TOM.

No person shall enter upon the premises of another with the intention of peeping into the windows of a house or spying upon any person or persons therein; provided, however, that officers of the law may enter the premises in the performance of their duties.

(1982 Code, Ch. VIII, § 20) Penalty, see § 130.99

§ 130.07 PUBLIC INTOXICATION.

- (A) No person shall drink any alcoholic beverages as defined in Mass. Gen. Laws Ch. 138, § 1, while on, in or upon any public way or upon any way to which members of the public have a right of access, or any place to which members of the public have access as invitees or licensees, park or playground or private land or place without consent of the owner or person in control thereof.
- (B) 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 or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.
- (C) This section shall be enforced on behalf of the town by the Police Department which shall have the right to arrest any and all persons in violation of this section.

(1982 Code, Ch. VIII, § 26) Penalty, see § 130.99

§ 130.08 TRESPASS; DELIVERY PERSONNEL TO USE WALKWAYS.

- (A) No person without lawful authority or without the express or implied consent of the owner or his or her agent:
- (1) Shall enter any building or enter on any enclosed or improved real estate, lot or parcel of land in the town;
 - (2) Being upon the land of another, shall fail, or refuse to leave the same when requested to do so by the person lawfully in possession thereof, his or her agent or representative; or
 - (3) Shall deposit on the premises of another, or remove therefrom any material, substance, earth, dirt, ashes, refuse, turf or other article or thing whatsoever.
- (B) All delivery personnel, including letter carriers, whether employed by a private firm or governmental agency or government-supported corporation, shall use sidewalks and accepted and approved walkways and shall refrain from traversing lawns or other private property not normally used as a walkway by the general public in order to effect delivery.

(Ord. 32, passed 6-13-2000) Penalty, see § 130.99

§ 130.99 PENALTY.

- (A) Any person violating § 130.07 of this chapter shall be fined not less than \$100 nor more than \$200.
- (1982 Code, Ch. VIII, § 26)
- (B) All other violations of this chapter shall be punished according to § 10.99 of this code.

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS**
- 151. PLANNING AND DEVELOPMENT**
- 152. HISTORIC DISTRICTS**
- 153. DEMOLITION OF HISTORIC BUILDINGS**
- 154. WETLANDS**
- 155. ZONING CODE**
- 156. HISTORIC LANDMARKS**

Section

150.01 Building permits required

150.02 Stretch Energy Code

150.99 Penalty

§ 150.01 BUILDING PERMITS REQUIRED.

When a building permit is required by the State Building Code, it shall be unlawful to construct, reconstruct, alter, repair, remove or demolish a structure, or to change the use or occupancy of a building or structure, or to install or alter any equipment for which provision is made or the installation of which is regulated by the State Building Code, without first filing a written application with the Building Inspector and obtaining the required permit therefor.

(Ord. 30, passed 3-26-1991) Penalty, see § 150.99

§ 150.02 STRETCH ENERGY CODE.

(A) When a building permit is required by the State Building Code, it shall also be subject to the provisions of the Massachusetts Building Code 780 CMR Appendix 120 AA, entitled "Stretch Energy Code," including amendments or modifications thereto, for the purpose of regulating the design and construction of buildings for the effective use of energy.

(B) This section shall take effect on January 1, 2011, and shall operate concurrently with the current building code requirements until July 1, 2011.

(Ord. O-2010-78, passed 11-9-2010)

§ 150.99 PENALTY.

Anyone who violates § 150.01 of this chapter shall be subject to a fine of \$300.

(Ord. 30, passed 3-26-1991)

CHAPTER 151: PLANNING AND DEVELOPMENT

Section

Department of Community Development and Planning

151.01 Purpose

151.02 Powers and duties

151.03 Transfer of planning; facilities inspection functions

151.04 Composition

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

§ 151.01 PURPOSE.

The Department of Community Development and Planning (hereinafter called the Department) is hereby created with the general intent and purpose of providing a coordinating/centralizing function for matters relating to the planning and development of the community environs, physical plant and socio-economic features. This is to be accomplished through the application of technical skills, the exercise of regulatory controls, the implementation of program initiatives and the providing of coordinating services to the various municipal agencies, boards, and authorities which impact upon the community's growth and development.

(1982 Code, Ch. XIII, § 1)

§ 151.02 POWERS AND DUTIES.

(A) The Department of Community Development and Planning shall have all the powers and duties imposed and conferred by the Massachusetts General Laws, town ordinances and any special legislative act, upon city planners, community development block grant administrators, program coordinators, municipal code enforcement inspectors, building inspectors, plumbing inspectors, wire/electrical inspectors, gas inspectors, housing code inspectors and sealers of weights and measures. It shall be responsible for:

- (1) Federal and state fund coordination;
- (2) Community development block grant administration;
- (3) Capital improvement planning;
- (4) Land use planning;
- (5) Zoning code research and enforcement;
- (6) Environmental and long range physical planning and financing;
- (7) Transportation systems planning; and
- (8) Municipal code enforcement pertinent to building, plumbing, wire, gas, weight/measure and housing code inspection.

(B) It shall function to provide direct advisory technical services and coordinating services to the Planning Board, Zoning Board of Appeals, Conservation Commission, and Industrial Development Finance Agency. In all cases, except where specifically noted herein or contained in subsequent amendment hereto by ordinance and/or special act, the Planning Board, Zoning Board of Appeals and Conservation Commission shall retain all enabling powers and duties as presently conferred.

(C) In so much as these or other bodies may be assisted through the reorganization of agency support personnel and/or activities budget, within the Department of Community Development and Planning, the Town Manager shall undertake the administrative actions as noted herein or as subsequently determined and approved by Town Council. Advisory, technical, and coordinating services shall also be provided by this Department, as required to the Town Council, Town Manager, and any and all other town department, board or commission.

(1982 Code, Ch. XIII, § 2)

§ 151.03 TRANSFER OF PLANNING; FACILITIES INSPECTION FUNCTIONS.

The positions and functions as conferred by existing ordinance or agreement of the town planner(s), Building Inspector(s), Plumbing Inspector(s), Wire Inspector(s), sealer of weights and measure and all ancillary/support positions(s) to the above personnel categories shall be and are hereby transferred to and made employees of the Department. All existing ordinances in whole or in part, which serve to define and/or limit those functions noted above as transferred to the Department shall be assumed incorporated within this subchapter.

(1982 Code, Ch. XIII, § 3)

§ 151.04 COMPOSITION.

(A) General.

- (1) The Department shall be constituted as a municipal department of the general town government under the supervision and

control of the Town Manager. For the purpose of Mass. Gen. Laws Ch. 68A, the Department shall be considered a municipal agency, without limiting the power of the Town Manager, to classify additional special municipal employees pursuant to this chapter, and any person who performs professional or personal services for the department on a part-time, intermittent, or consultant basis, such as those of architect, attorney, engineer, planner, or real estate or traffic expert, shall be considered a special municipal employee.

(2) The Town Manager, in consultation with the director, shall appoint officers, employees and special employees as may be determined necessary to carry out the work of the office, each of whom may have functions, rights and powers as may be delegated to them by the director. Specific administrative support inclusive of personnel and activities budget will, to the extent determined by the Town Manager, be vested within the Department's jurisdiction for the Planning Board, Zoning Board of Appeals, Conservation Commission, and Industrial Development Finance Agency.

(3) The town may annually appropriate money sufficient to fund expenses incurred by the Department in exercising powers and performing duties under this subchapter.

(B) Department head.

(1) An officer to be known as the director of the Department who shall be executive and administrative head of the Department, who shall serve at the pleasure of the Town Manager. Qualifications for appointment as director shall be at minimum, a bachelor's degree and 5 years of increasing responsibility in areas of community development administration, capital improvement and programming, land use, zoning, environmental analysis, public administration, and facilities planning/construction. At least 4 years of experience shall be related to the operation of municipal government or equivalent qualifications.

(2) Subject to the powers exclusively, vested in the Town Council, Town Manager and/or any other town department, board or commission by the Town Charter and the statutes of the Commonwealth, the director shall have cognizance and exercise supervision of:

- (a) Federal funds coordination;
- (b) Community development block grant administration;
- (c) Capital improvement planning;
- (d) Land use;
- (e) Zoning;
- (f) Environmental and long range planning;
- (g) Rehabilitation, residential, industrial, and commercial development planning and financing;
- (h) Transportation planning;
- (i) Municipal code enforcement pertinent to building, plumbing, wire, gas and weights and measures, and housing code inspection.

(3) The director shall be charged with internal organization of staff, exercising supervision over staff wherein the director shall delegate to members of the Department, from time to time, his or her powers and duties as he or she may consider expedient and proper so as to accomplish the greatest efficiency of the Department.

(1982 Code, Ch. XIII, §§ 4-5)

CHAPTER 152: HISTORIC DISTRICTS

Section

General Provisions

- 152.01 Title
- 152.02 Purpose
- 152.03 Definitions

152.04 Historic District established

152.05 Certification to construct or alter

Application Process

152.15 Application hearings

152.16 Evaluation of applications

152.17 Appeals

Historic District Commission

152.30 Established

152.31 Meetings

152.32 Limitations on authority

152.99 Penalty

Cross-reference:

Demolition of historic buildings, see Ch. 154

Historic landmarks, see Ch. 156

GENERAL PROVISIONS

§ 152.01 TITLE.

This chapter shall be known as the Watertown Historic District Ordinance and is adopted pursuant to Mass. Gen. Laws Ch. 40C, as amended.

(Ord. 16, passed 4-23-2002)

§ 152.02 PURPOSE.

The purpose of this chapter is to:

(A) Safeguard the educational, cultural, economic and general welfare of the public through the preservation and protection of distinctive characteristics of buildings of historic or architectural significance and to encourage growth, development or improvements to be compatible therewith; and

(B) Affect and accomplish the protection, enhancement and perpetuation of the improvements and features and of districts which represent or reflect elements of the town's unique cultural, social, economic, political and architectural history.

(Ord. 16, passed 4-23-2002)

§ 152.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERED. Includes the words "rebuilt", "reconstructed", "restored", "removed" and "demolished", and the phrase "changed in exterior color".

BUILDING. A combination of materials forming a shelter for persons, animals or property.

COMMISSION. The Commission acting as the Historic District Commission (HDC).

CONSTRUCTED. Includes the words "built", "erected", "installed", "enlarged", and "moved".

EXTERIOR ARCHITECTURAL FEATURE. The portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, color and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED. The applicant, an owner of adjoining property, an owner of property within the same historic district as property within 100 feet of the property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts.

STRUCTURE. A combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.

(Ord. 16, passed 4-23-2002)

§ 152.04 HISTORIC DISTRICT ESTABLISHED.

(A) There is hereby established under the provision of Mass. Gen. Laws Ch. 40C, a historic district to be known as the Mount Auburn Street Historic District, which is described on a plan known as "Proposed Mount Auburn Street Area, Watertown Historic District", dated March 1, 2000, filed with the Town Clerk and the South Middlesex Registry of Deeds.

(B) Ordinances protecting the safety of the public or the users of a building shall be fully in force and applicable. Where the safety ordinances conflict with the historic ordinances, the safety ordinances shall prevail.

(Ord. 16, passed 4-23-2002)

§ 152.05 CERTIFICATION TO CONSTRUCT OR ALTER.

(A) No building or structure within the historic district shall be constructed or altered in any way that affects exterior architectural features unless the HDC shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to the construction or alteration.

(B) Any person who desires to obtain a certificate from the HDC shall file with the Commission an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, in the form as the HDC may reasonably determine, together with the plans, elevations, specifications, material and other information as may reasonably deemed necessary by the HDC to enable it to make an informed determination on the application.

(C) No building permit for construction of a building or alteration of an exterior architectural feature within the historic district shall be issued by the town or any department thereof until the certificate required by this section has been issued by the HDC.

(Ord. 16, passed 4-23-2002) Penalty, see § 152.99

APPLICATION PROCESS

§ 152.15 APPLICATION HEARINGS.

(A) The Commission shall determine promptly, and in all events within 14 days after the filing of an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the Commission. If the Commission determines that the application involves any features which are subject to approval by the Commission, the Commission shall hold a public hearing on the application unless the hearing is dispensed with as hereinafter provided.

(B) The Commission shall fix a reasonable time for the hearing on any application and shall give public notice of the time, place and

purposes thereof at least 14 days before the hearing in the manner as it may determine, and by mailing, postage prepaid, a copy of the notice to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board of the town, to any person filing written request for notice of hearings, the request to be renewed yearly in December, and to any other persons as the Commission shall deem entitled to notice.

(C) As soon as convenient after the public hearing but in any event within 60 days after the filing of the application, or within further time as the applicant may allow in writing, the Commission shall make a determination on the application. If the Commission shall fail to make a determination within the period of time, the Commission shall thereupon issue a certificate of hardship.

(D) A public hearing on an application need not be held if the hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the Commission if the Commission determines that the exterior architectural feature involved or its category or color, as the case may be, is so insubstantial in its effect on the historic district that it may be reviewed by the Commission without public hearing on the application; provided, however, that if the Commission dispenses with a public hearing on an application, notice of the application shall be given to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as above provided and 10 days shall elapse after the mailing of the notice before the Commission may act upon the application.

(Ord. 16, passed 4-23-2002)

§ 152.16 EVALUATION OF APPLICATIONS.

(A) When evaluating an application for a certificate, the HDC shall determine whether:

(1) The proposed work would change, destroy or affect any exterior architectural feature; or

(2) In the case of construction of a new improvement, whether the construction would affect or not be in harmony with the historic district.

(B) In appraising the effects and relationship, the HDC shall consider, in addition to any other pertinent matters, the factors of aesthetic, historic, and architectural values and significance, design, arrangement, texture, material and color.

(C) In the case of a disapproval of an application for a certificate, the HDC shall place upon its records the reasons for the determination and shall cause a notice of its determination, accompanied by a copy of the reasons therefor to be issued to the applicant. The HDC may make recommendations of changes which, if made, would make the application acceptable to the HDC.

(Ord. 16, passed 4-23-2002)

§ 152.17 APPEALS.

(A) Persons aggrieved by a decision of the HDC, may, within 20 days after the filing of the notice of the determination with the Town Clerk, file a written request with the Commission for a review by a person or persons of competence and experience in these matters, designated by the Metropolitan Area Planning Council or its successor agency. If the town is not a member of a regional planning agency, the Department of Planning and Community Development shall select the appropriate regional planning agency.

(B) The finding of the person or persons making the review shall be filed with the Town Clerk within 45 days after the request, and shall be binding on the applicant and the Commission, unless a further appeal is sought in the Superior Court as provided in Mass. Gen. Laws Ch. 40C, § 12A.

(Ord. 16, passed 4-23-2002)

HISTORIC DISTRICT COMMISSION

§ 152.30 ESTABLISHED.

(A) There is hereby established a Watertown Historic District Commission (HDC), consisting of 7 members and vested with all the

authority and responsibility under Mass. Gen. Laws Ch. 40C. The HDC shall be appointed by the Town Manager, approved by the Town Council and shall include 1 member from 2 nominees submitted by the local Historical Society or, in the absence thereof, by the Society for the Preservation of New England Antiquities, 1 member from 2 nominees submitted by the chapter of the American Institute of Architects covering the area and 1 member from 2 nominees of the Board of Realtors, if any, covering the area, and 1 or more members sought through public solicitation of residents and/or owners of property in an historic district to be administered by the Commission.

(B) If within 30 days after submission of a written request for nominees to any of the organizations herein named no nominations have been made, the appointing body may proceed to appoint the HDC without nominations by the organization.

(C) The initial appointments as Commissioners shall be 2 members for a term of 1 year, 2 members for a term of 2 years, and 3 members for a term of 3 years. Successive appointments shall be for 3 years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. Each member shall continue in office after the expiration of his or her term until his or her successor is duly appointed and qualified. All members shall serve without compensation. The commission shall elect annually a Chairperson and Vice-Chairperson from its own number and a Secretary from within its number.

(Ord. 16, passed 4-23-2002)

§ 152.31 MEETINGS.

Meetings of the Commission shall be held at the call of the Chairperson or shall be called at the request of 2 members of the Commission or in any other manner as the Commission shall determine in its rules. All regularly scheduled meetings shall be held on weekday evenings. A majority of the members of a Commission shall constitute a quorum. The concurring vote of a majority of the members of the Commission shall be necessary to issue a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship.

(Ord. 16, passed 4-23-2002)

§ 152.32 LIMITATIONS ON AUTHORITY.

(A) Notwithstanding any provision contained in this chapter to the contrary, the authority of the HDC shall not extend to the review of the following categories, structures or architectural features:

- (1) Terraces, walks, sidewalks, driveways, street lighting and traffic lighting provided that any structure is substantially at grade level;
- (2) Storm doors and windows, screens, and window air conditioners;
- (3) The color of paint;
- (4) The color of materials used on roofs;
- (5) 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 the reconstruction is begun within 1 year thereafter and carried forward with due diligence;
- (6) The ordinary maintenance, repair or replacement of any exterior architectural feature which does not involve a change in design, material, or the outward appearance thereof or landscaping with plants, trees or shrubs.

(B) Nothing in this chapter shall be construed to prevent meeting the requirements certified by a duly authorized public officer to be necessary for the public safety, nor construed to prevent any construction or alteration under a permit issued prior to the effective date of this chapter.

(Ord. 16, passed 4-23-2002)

§ 152.99 PENALTY.

Any person, firm or corporation violating any of the provisions of §§ 152.01 through 152.17 of this chapter shall be fined not less

than \$10 or more than \$100 for each day during which violation occurs or continues. Any person charged with a violation may petition the HDC to withdraw or lessen the fine based on whether the violation is a substantial violation of this chapter. Starting work without a permit is a violation of this chapter.

(Ord. 16, passed 4-23-2002)

CHAPTER 153: DEMOLITION OF HISTORIC BUILDINGS

Section

- 153.01 Purpose
- 153.02 Definitions
- 153.03 Permit application
- 153.04 Enforcement
- 153.05 Emergency demolition

- 153.99 Penalty

Cross-reference:

Historic districts, see Ch. 152

Historic landmarks, see Ch. 156

§ 153.01 PURPOSE.

This chapter is enacted for the purpose of preserving and protecting significant buildings within the town which are outside designated local Historic Districts and to encourage owners of the buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore the buildings rather than demolish them. To achieve these purposes, the Watertown Historical Commission (the "Commission") is empowered to advise the Inspector of Buildings with respect to the issuance of permits for demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided in this chapter.

(Ord. 97, passed 10-28-1997)

§ 153.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING. Any combination of materials forming a shelter for persons, animals or property.

COMMISSION. The Watertown Historical Commission.

DEMOLITION. Any act of pulling down, destroying, removing or razing a building, or commencing the work of total or substantial destruction with the intent of completing the same.

SIGNIFICANT BUILDING.

- (1) Any building or portion thereof not within an Historic District but which:
 - (a) Is listed on, or is within an area listed on, the National Register of Historic Places, or is the subject of a pending application for listing on the National Register;

(b) Is included in an inventory prepared by the Commission, including those buildings listed for which complete surveys may be pending; or

(c) Has been determined by vote of the Commission to be historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect or builder, or is importantly associated with 1 or more historic persons or events, or is within the broad architectural, cultural, political, economic, or social history of the town or the commonwealth; or

(d) Which is 50 years old or older, and found to be historically significant; or

(e) Is located within 150 feet of a federal, state or local historic district or, is listed within the state, national, or local historical register.

(2) Except that, notwithstanding the foregoing, that portion of the Watertown Middle School formerly known as the Marshall-Spring School shall not be considered a significant building subject to this chapter.

(Ord. 97, passed 10-28-1997)

§ 153.03 PERMIT APPLICATION.

(A) (1) For any application for a demolition permit of a significant building, the Inspector of Buildings shall forward a copy thereof to the Commission within 5 business days of receipt. No demolition permit shall be issued at that time.

(2) Every application for a demolition permit for a building shall contain the following information:

(a) The applicant's name, address and interest in the property;

(b) The owner's name and address if different than the applicants;

(c) The address or location of the building to be demolished;

(d) A brief description of the type of building and the condition requiring issuance of a permit; and

(e) A brief description of the proposed reuse, reconstruction or replacement of the premises upon which the building is located.

(B) The Commission shall within 45 days of receipt hold a hearing on any demolition permit application forwarded to it and shall give public notice thereof by publishing notice of the time, place, and purpose of the hearing in a local newspaper at least 14 days before the hearing and also, within 7 days of the hearing, mail a copy of the notice to the applicant, to the owners of all property deemed by the Commission to be affected thereby as they appear on the most recent local tax list, and to the other persons as the Commission shall deem entitled to notice.

(C) If, after the hearing, the Commission determines that the demolition of the significant building would not be detrimental to the historical or architectural heritage or resources of the town, the Commission shall so notify the Inspector of Buildings within 10 business days of the hearing. Upon receipt of the notification, or after the expiration of 35 days from the date of the hearing if he or she has not received notification from the Commission, the Inspector of Buildings may, subject to the requirements of the State Building Code and any other applicable laws, by-laws, rules and regulations, issue the demolition permit.

(D) If the Commission determines that the demolition of the significant building would be detrimental to the historical architectural heritage or resources of the town, the building shall be considered a preferably-preserved significant building.

(E) Upon a determination by the Commission that the significant building, which is the subject of the application for a demolition permit, is a preferably-preserved significant building, the Commission shall, within 30 days of the hearing, so advise the applicant and the Inspector of Buildings by written notice, and no demolition permit may be issued until at least 12 months after the date of the determination by the Commission.

(F) Notwithstanding the preceding division (E), the Inspector of Buildings may issue a demolition permit for a preferably-preserved significant building at any time after receipt of written advice from the Commission to the effect that either:

(1) The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore the building; or

(2) The Commission is satisfied that for at least 6 months the owner has made continuing bona fide and reasonable efforts to

locate a purchaser to preserve, rehabilitate and restore the subject building, and that the efforts have been unsuccessful.

(Ord. 97, passed 10-28-1997; Am. Ord. 57, passed 9-12-2006) Penalty, see § 152.99

§ 153.04 ENFORCEMENT.

(A) The Commission and the Inspector of Buildings are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this chapter, or to prevent a violation thereof, or to require restoration of the premises to their condition prior to the violation.

(B) No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this chapter for a period of 2 years after the date of the completion of the demolition. As used herein, **PREMISES** includes the parcel of land upon which the demolished significant building was located.

(C) Upon a determination by the Commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building, to the satisfaction of the Inspector of Buildings. Should the owner fail to secure the building, the loss of the building through fire or other cause shall be considered voluntary demolition for the purposes of division (B) of this section.

(Ord. 97, passed 10-28-1997)

§ 153.05 EMERGENCY DEMOLITION.

Nothing in this chapter shall be construed to derogate the authority of the Inspector of Buildings derived from Mass. Gen. Laws Ch. 143. However, before acting pursuant to this chapter, the Inspector of Buildings shall make every reasonable effort to inform the Chairperson of the Historical Commission of his or her intentions to cause demolition before he or she initiates the same.

(Ord. 97, passed 10-28-1997)

§ 153.99 PENALTY.

Anyone who demolishes a significant building without first obtaining and complying fully with the provisions of a demolition permit in accordance with this chapter will be subject to a fine of \$300 for each day that the violation continues, in addition to any fine that may be imposed for failure to comply with the State Building Code.

(Ord. 97, passed 10-28-1997)

CHAPTER 154: WETLANDS

Section

- 154.01 Purpose
- 154.02 Definitions
- 154.03 Prohibited activities
- 154.04 Exceptions
- 154.05 Application for permits and requests for determination
- 154.06 Filing fee schedule
- 154.07 Notice and hearings
- 154.08 Burden of proof for a permit

154.09 Coordination with other boards and offices

154.10 Permits, determinations and conditions

154.11 Amendments to permits

154.12 Rules and regulations

154.13 Performance guarantee

154.14 Enforcement

154.15 Relation to the Wetlands Protection Act

154.99 Penalty

§ 154.01 PURPOSE.

(A) The purpose of this chapter is to protect the wetlands, water bodies, adjoining land areas and related resources of the City known as the Town of Watertown by regulating activities deemed by the Watertown Conservation Commission to have a significant or cumulative effect upon their values and interests, including, but not limited to, the following:

- (1) Public or private water supply;
- (2) Groundwater;
- (3) Flood control;
- (4) Erosion and sedimentation control;
- (5) Storm damage prevention;
- (6) Water quality;
- (7) Water pollution control;
- (8) Fisheries and wildlife habitat; and
- (9) Recreational, aesthetic, agricultural, historical, archeological or educational values.

(B) These values and interests are collectively known herein as the ***INTERESTS*** protected by this chapter.

(C) This chapter is intended to utilize the town's Home Rule authority to protect additional resource areas for additional interests with additional standards and procedures that are more stringent than those of the Massachusetts Wetlands Protection Act, being Mass. Gen. Laws Ch. 131, § 40, and the regulations promulgated thereunder.

(Ord. 493, passed 2-26-1987; Am. Ord. 67, passed 9-9-2008)

§ 154.02 DEFINITIONS.

(A) (1) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(2) Except as otherwise provided in this chapter or in associated regulations of the Conservation Commission, the definitions of terms and the procedures in this chapter shall be as set forth in the Wetlands Protection Act (Mass. Gen. Laws Ch. 131, § 40) and regulations (310 C.M.R. 10.00).

ALTER. Includes, without limitations, the following actions when undertaken to, within, or affecting resource areas protected by this chapter:

- (1) Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;

- (2) Changing of existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- (3) Drainage or other disturbance of water level or water table;
- (4) Dumping, discharging or filling with any material that may degrade water quality;
- (5) Placing of fill, or removal of material, that would alter elevation;
- (f) Driving of piles or erection of buildings or structures of any kind;
- (7) Placing of obstructions or objects in water;
- (8) Destruction of or significant injury to vegetation, including cutting or trimming of trees and shrubs;
- (9) Changing water temperatures, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- (10) Any activities, changes or work that may cause or contribute to pollution of any body of water or groundwater;
- (11) Application of pesticides or herbicides;
- (12) Destruction or alteration of wildlife habitat; and
- (13) Incremental activities that have, or may have, a cumulative adverse impact on the interests protected by this chapter.

BANK. Includes the land area which normally abuts and confines a water body; the lower boundary being the mean annual flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

PARTIES OF INTEREST. All abutters as determined from the most recent records of the Assessors, all owners of land directly across a body of water including those persons in other municipalities, and all abutters to abutters within 300 feet of the property line.

PERSON. Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town ordinances, administrative agency, public or quasi-public corporation or body, the Town of Watertown, and any other legal entity and its legal representatives, agents, or assigns.

POND. Shall follow the definition contained in 310 C.M.R. 10.04, except that the size threshold of 10,000 square feet shall not apply.

VERNAL POOL. Includes, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of 2 continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.

(Ord. 493, passed 2-26-1987; Am. Ord. 67, passed 9-9-2008)

§ 154.03 PROHIBITED ACTIVITIES.

(A) Except as permitted by the Conservation Commission and as provided by this chapter, no person shall remove, fill, dredge, alter or build upon, degrade or discharge into any of the following resource areas:

- (1) Any river (including perennial streams), lake or pond;
- (2) Any wetland, marsh, wet meadow, bog, swamp or vernal pool;
- (3) Any bank;
- (4) Any lands bordering on any lake, pond, intermittent stream, spring, brook or creek;
- (5) Any land under said waters;

(6) Any land subject to flooding or inundation by groundwater or surface water that substantially promotes the purposes of this chapter;

(7) Any land in the 100 year floodplain as delineated pursuant to the regulations of the Commission;

(8) Any land within 200 feet of any river (including perennial streams) (known as the **RIVERFRONT AREA**); or

(9) Any land within 150 feet of any wetland, marsh, wet meadow, bog, swamp, bank, lake, pond or non-perennial stream (known as the **BUFFER ZONE**).

(B) The **BUFFER ZONE** resource areas shall be protected regardless of whether they border surface waters. The 150-foot buffer zone set forth in this chapter is necessary because land is a limited resource in Watertown. The vast majority of Watertown's land has been previously developed. Because of this level of development, a natural riparian buffer is absent. There is a high percentage of impervious surfaces, which causes a greater amount of runoff, and there is less opportunity for natural recharge and natural processes to attenuate pollutants in the runoff. Thus, this buffer zone is needed to help further mitigate activities that may be detrimental to the resource areas.

(C) Without limiting the foregoing, and as an additional local requirement, no person shall build or enlarge any structure, parking lot or impervious surface upon or within 50 feet of:

(1) Any wetland, marsh, meadow, bog or swamp;

(2) Any bank;

(3) Any lake, river, pond, stream, spring, brook or creek; or

(4) Any land under said waters.

(D) The 50-foot no-build zone is in place to protect the habitat of riverine or wetland biota that are identified as protected interests under this chapter. This 50-foot no-build prohibition applies to the redevelopment of an existing development, unless the redevelopment significantly improves the existing conditions of the developed site so as to substantially promote the interests of this chapter.

(Ord. 493, passed 2-26-1987; Am. Ord. 67, passed 9-9-2008) Penalty, see § 154.99

§ 154.04 EXCEPTIONS.

(A) The permit, variance and application required by this chapter shall not be required for maintaining, repairing or replacing an existing and lawfully located structure, facility or right-of-way used in the service of the public to provide electric, gas, water, telephone, transportation or other telecommunication services, provided that:

(1) The structure or facility is not substantially changed, enlarged or altered;

(2) Written notice has been given to the Conservation Commission prior to commencement of work; and

(3) The work conforms to performance standards detailed in the Massachusetts Wetlands Protection Act, being Mass. Gen. Laws Ch. 131, § 40, the regulations promulgated thereunder, and design specifications acceptable to the Commission.

(B) The application and permit required by this chapter shall not be required for work performed for normal maintenance or improvement of land in agricultural use as defined by the Wetlands Protection Act regulations at 310 C.M.R. 10.04(4).

(C) (1) The permit and application required by this chapter shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that:

(a) The work is to be performed by or has been ordered by an agency of the Commonwealth of Massachusetts or a political subdivision thereof;

(b) Advance notice, oral or written, has been given to the Commission prior to the commencement of work or within 24 hours after the commencement;

(c) The Commission's duly authorized designee certifies the work as an emergency project; and

(d) The work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency.

(2) Within 21 days of the commencement of an emergency project, a permit application for the work shall be filed with the Commission for review as provided in this chapter. Upon failure to meet these and other requirements of the Commission, or upon the Commission's decision not to certify the work as an emergency project, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures, as appropriate.

(D) Other than as stated in this section, the exceptions provided in the Wetlands Protection Act, and the regulations promulgated thereunder shall not apply.

(Ord. 493, passed 2-26-1987; Am. Ord. 182, passed 11-23-1993; Am. Ord. 67, passed 9-9-2008)

§ 154.05 APPLICATION FOR PERMITS AND REQUESTS FOR DETERMINATION.

(A) Any person wishing to perform work regulated by this chapter shall file a written application for a permit with the Commission. The application shall include the data and plans as are deemed necessary by the Commission to describe proposed activities and their effects on resource areas and interests protected by this chapter. The Commission is hereby authorized to request information from an applicant after the initial application is filed, including, but not limited to, resource area delineations and flood-plain delineations based on current, site specific, data. The Commission may, in its discretion, continue the hearing to a date certain, to be announced at the hearing, pending the receipt of information requested by the Commission, or it may deny an application due to incomplete information. The Commission is authorized to continue the hearing without the consent of the applicant for the purpose of requesting further information; for purposes of § 154.07, no application shall be deemed complete until all information requested by the Commission has been submitted. No work shall commence until a permit has been issued by the Commission or the Commission has issued a finding pursuant to this chapter that a permit is not required.

(B) A denial of an application "with prejudice" shall be the Commission's final decision. If the Commission denies an application with prejudice, the applicant may not submit a new application for the same property for 1 year.

(C) The Commission may, at its discretion, accept as the application and plans under this chapter the Notice of Intent and plans filed under the Wetlands Protection Act, Mass. Gen. Laws Ch.131, § 40.

(D) Any person desiring to know whether or not proposed work or an area is subject to this chapter may, in writing, request a determination of applicability of this chapter (hereinafter "request for determination") from the Commission. The request for determination shall include the data and plans as are deemed necessary by the Commission.

(E) Any resource area delineation set forth in either a request for determination or an application shall expire 3 years after the date that the Commission takes action on the request for determination or application.

(F) Any person filing an application or request for determination shall, at the time of filing, pay a filing fee in accordance with the filing fee schedule contained in the current regulations promulgated by the Commission in addition to the fee required by the Wetlands Protection Act.

(G) The Commission may waive the filing fee for an application or request for determination filed by a government agency, for a request for determination filed by a person having no financial connection with the subject property, for any projects whose sole effect is to substantially enhance a resource area, or for other reasonable grounds as determined by the Commission at its discretion.

(H) (1) Pursuant to Mass. Gen. Laws Ch. 44, § 53G, the Commission may, upon receipt of an application or request for determination, or at any point during the hearing process, impose reasonable fees upon applicants for the purpose of securing outside consultants, including engineers, wetlands scientists, wildlife biologists or other experts, in order to aid in the Commission's review of proposed projects. Such funds shall be deposited with the Watertown Treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be imposed where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

(2) The consultant fees collected for the Commission's review of a specific application or request for determination may be used only for consulting work done in connection with that application or request for determination, and expenditures may be made at the sole discretion of the Commission.

(3) Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or hand-delivered. The applicant may withdraw the application or request for determination within 5 days of the date notice is given without incurring any costs or expenses.

(4) The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within 10 business days of the request for payment shall be cause for the Commission to declare the application or request for determination administratively incomplete and to deny the permit, except in the case of an appeal. The Commission shall inform the applicant and the Massachusetts Department of Environmental Protection of such a decision in writing.

(5) The applicant may appeal the selection of an outside consultant to the Town Council, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or 3 or more years of practice in the field at issue or a closely-related field. The applicant shall make his or her appeal in writing, which must be received within 10 days of the date that request for consultant fees was made by the Commission. The appeal shall extend the applicable time limits for action upon the application or request for determination.

(Ord. 493, passed 2-26-1987; Am. Ord. 121, passed 4-13-1993; Am. Ord. 67, passed 9-9-2008) Penalty, see § 154.99

§ 154.06 FILING FEE SCHEDULE.

<i>Project Size</i>	<i>Fee</i>
Less than 1,000 sq. ft.	\$50
1,000 to less than 2,000 sq. ft.	\$100
2,000 to less than 3,000 sq. ft.	\$150
3,000 to less than 4,000 sq. ft.	\$200
4,000 to less than 5,000 sq. ft.	\$250
5,000 to less than 6,000 sq. ft.	\$300
6,000 to less than 10,000 sq. ft.	\$400
10,000 to less than 15,000 sq. ft.	\$500
15,000 to less than 20,000 sq. ft.	\$650
20,000 to less than 30,000 sq. ft.	\$750
30,000 to less than 50,000 sq. ft.	\$850
50,000 sq. ft. or greater	\$1,000

(Ord. 493, passed 2-26-1987; Am. Ord. 67, passed 9-9-2008)

§ 154.07 NOTICE AND HEARINGS.

(A) (1) Any person filing an application or request for determination with the Commission shall give written notice thereof, at the same time, by certified mail, returned receipt requested, or hand delivery, to all parties in interest.

(2) For purposes of this section, ***PARTIES IN INTEREST*** shall include all abutters as determined from the most recent records of the Town Assessors, all owners of land directly across a body of water, including those persons in another municipality, and all abutters to abutters or other persons within 300 feet of the property line.

(B) The notice shall be on a form supplied by the Commission and shall state where copies of the application or request for determination may be examined and obtained by abutters. An affidavit of the person providing notice, with a copy of the notice, mailed or delivered, shall be filed with the Commission, prior to or at the first public hearing held by the Commission. When a person filing a request for determination is other than the owner, that person shall ensure that the request for determination, the notice of the hearing and the determination itself shall be sent to the owner as well as to the person filing the request for determination.

(C) The Commission shall commence a public hearing and issue a decision on any application or request for determination within 21

days of its receipt of the completed application or request for determination, unless an extension is authorized in writing by the applicant. Notice of the time and date of the hearing shall be given by the Commission, at the expense of the person filing the application or request for determination, by publication in a newspaper of general circulation in Watertown not less than 5 working days prior to the hearing, and by posting it in the office of the Town Clerk for not less than 5 working days prior to the hearing.

(D) The Commission at its discretion may combine its hearing under this chapter with the hearing conducted under the Wetlands Protection Act, Mass. Gen. Laws Ch. 131, § 40, and may combine the public notices thereof.

(E) (1) For reasons announced by the Commission at the hearing, the Commission shall have authority to continue the hearing to a certain date to be announced at the hearing. The reasons may include the receipt of additional information offered by the applicant or others, or information or plans required from the applicant or others, deemed necessary by the Commission at its discretion, or comments and recommendations of boards and officials listed in § 154.09. In the event that the applicant objects to a continuance, the Commission may, in its discretion, close the hearing and take action on the information as is available. The Commission may also continue the hearing without the consent of the applicant pending the submission of requested information, or a date, announced at the hearing, within 21 days of receipt of a completed notice of intent.

(2) The Commission may continue the public hearings with the consent of the applicant, which may be given in writing or orally at the hearing, as follows:

(a) To an agreed-upon date, which shall be announced at the hearing; or

(b) For a period not to exceed 21 days after the submission of a specified piece of information or the occurrence of a specified action.

(c) The date, time and place of the continued hearing shall be publicized in accordance with Mass. Gen. Laws Ch. 131, § 40, and notice shall be sent to any person at the hearing who so requests in writing.

(3) A notice of intent shall be presumed to have expired 2 years after the date of filing unless the applicant submits information showing that:

(a) Good cause exists for the delay of proceedings under 310 C.M.R. 10.00; and

(b) The applicant has continued to pursue the project diligently in other forums in the intervening period; provided, however, that unfavorable financial circumstances shall not constitute good cause for delay.

(Ord. 493, passed 2-26-1987; Am. Ord. 67, passed 9-9-2008) Penalty, see § 154.99

§ 154.08 BURDEN OF PROOF FOR A PERMIT.

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have a significant or cumulative effect on the interests protected by this chapter. Failure to provide adequate evidence to the Commission supporting that burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

(Ord. 493, passed 2-26-1987; Am. Ord. 67, passed 9-9-2008)

§ 154.09 COORDINATION WITH OTHER BOARDS AND OFFICES.

(A) Any person filing an application for permit or request for determination with the Commission shall provide a notice to departments form at the same time, by certified mail or hand delivery, to the offices of the Town Council, Town Planning Board and Board of Appeals, Town Board of Health, Town Building Inspector, Town Manager, Town Department of Public Works and the Conservation Commissions of any adjoining municipalities of projects proposed along the borders or within 300 feet of those municipalities.

(B) The Commission shall not take final action until those boards and officials have had 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. Any written comments and recommendations that are not privileged will be provided to the applicant and owner when they are filed with the Commission. The applicant and owner shall have the right to respond to the written comments and recommendations at a hearing of the Commission prior to final action.

§ 154.10 PERMITS, DETERMINATIONS AND CONDITIONS.

(A) If the Commission, after a public hearing, determines that the area and activity that are the subject of an application or the water or land uses which will result therefrom are likely to have a significant individual or cumulative effect on the interests protected by this chapter, it shall issue or deny a permit for the work requested within 21 days of the close of the hearing. If the Commission issues a permit, it may impose conditions which it deems necessary or desirable to protect the interests of this chapter, and all activities shall be done in accordance with those conditions. The conditions may include, but are not limited to, a condition that portions of the land shall not be altered or built upon. The Commission shall take into account the cumulative, adverse effects of loss, degradation, isolation and replication of protected resource areas throughout the community and watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

(B) The Commission shall give due consideration to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that:

(1) The Commission finds in writing after a public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with the regulations;

(2) That avoidance, minimization and mitigation have been employed to the maximum extent feasible; and

(3) That the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation. This provision will not authorize a variance that would conflict with the Wetlands Protection Act.

(C) The Commission is authorized to deny a permit for failure to meet the requirements of this chapter or its regulations; for failure to submit all necessary information or plans requested by the Commission; for submission of substantially inaccurate or false information; for failure to avoid or prevent significant cumulative impacts upon the interests protected by this chapter; or where no conditions can be imposed that would adequately protect the interests protected by this chapter.

(D) In reviewing activities within the buffer zone, the Commission shall presume the buffer zone is important to the protection of other resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission may establish, in its regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such lands, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the interests protected by this chapter.

(E) In reviewing activities within the riverfront area, the Commission shall presume the riverfront area is important to all the resource area interests unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this chapter, has proved by a preponderance of the evidence that:

(1) There is no practicable alternative to the proposed project with less adverse effects; and

(2) That such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or interests protected by this chapter. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

(F) To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication.

(G) The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife corridors in the area, or actual or possible presence of rare plant or animal species in the

area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act regulations (310 C.M.R. 10.60).

(H) The Commission shall presume that all areas meeting the definition of vernal pools under § 154.02 of this chapter, including the adjacent area, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations.

(I) If in its consideration of an application or request for determination, the Commission determines in its discretion that the area is deemed not likely to be significant to the interests protected by this chapter, the Commission shall inform the applicant in writing that the work does not require a permit.

(J) In acting on a request for determination, the Commission may impose conditions on its determination, and the determination shall be contingent on compliance with those conditions.

(K) Permits shall expire on the date specified by the Commission, not later than 3 years from the date of issuance. Any permit may be extended for 1 year at the Commission's discretion, provided that a request for an extension is received in writing by the Commission 30 days prior to expiration of the original form. 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 present and future owners of the land.

(L) For good cause the Commission may revoke or modify any permit, determination of applicability, or order of resource area delineation (ORAD) or any other order, determination or other decision issued under this chapter after notice to the holder, the public, abutters, and town boards, pursuant to §§ 154.07 and 154.09, and after a public hearing.

(M) No work proposed in any application shall be undertaken until the applicant has recorded the permit, or ORAD issued by the Commission with respect to such work 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. If the applicant fails to perform the recording, the Commission may record the documents itself and require the applicant to furnish the recording fee therefore, either at the time of recording or as a condition precedent to the issuance of a certificate of compliance.

(N) The Commission may, at its discretion, combine the permit or determination or other action on an application or request for determination under this chapter with the order of conditions or determination or other action issued under the Massachusetts Wetlands Protection Act.

(Ord. 493, passed 2-26-1987; Am. Ord. 67, passed 9-9-2008)

§ 154.11 AMENDMENTS TO PERMITS.

(A) The Commission may amend the conditions contained in the permit issued under the provisions of § 154.10 of this chapter. Amendments that may be approved by the Commission shall be limited to the following:

- (1) Perfecting amendments, including, but not limited to, the correction of typographical errors and errors of reference; and/or
- (2) Other amendments approved following notice and public hearing.

(B) The Commission shall not approve any amendments to permit conditions for work that has been completed in accordance with the provisions contained in the original permit.

(C) The Commission may revoke or modify a permit issued under this chapter if the applicant and/or his or her successor(s) fail(s) to comply with the terms of the permit.

(D) No revocation or substantial modification shall be voted until after the Commission has conducted a public hearing on the matter with notice to the permit holder and any other entity entitled to notice under the original permit application.

(Ord. 67, passed 9-9-2008)

§ 154.12 RULES AND REGULATIONS.

(A) After public notice and hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this chapter. The regulations will be effective when voted by the Commission and filed with the Watertown Clerk. Failure of the Commission to promulgate rules and regulations or a legal declaration of their invalidity by a court of law may not suspend or invalidate the effects of this chapter. Any regulations in effect as of the date of the enactment of this chapter may remain in effect until new regulations are issued, except that any existing regulations that are inconsistent with this chapter may be superseded by this chapter.

(B) Public notice of any public hearing on rules and regulations may be given at least 3 weeks prior to the hearing by publication in a newspaper of general circulation in Watertown and by posting in the office of the Town Clerk.

(C) At a minimum, these regulations may define key terms in this chapter not inconsistent with the chapter and procedures governing the amount and filing of fees. If the regulations do not contain a definition for a term used in this chapter, the definition of the term contained in 310 C.M.R. 10.00 may apply.

(Ord. 67, passed 9-9-2008)

§ 154.13 PERFORMANCE GUARANTEE.

As part of a permit issued under this chapter, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by 1 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;

(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 the town, 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.

(Ord. 493, passed 2-26-1987; Am. Ord. 67, passed 9-9-2008) Penalty, see § 154.99

§ 154.14 ENFORCEMENT.

(A) No person shall remove, fill, dredge, build upon, degrade or otherwise alter resource areas protected by this chapter, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this chapter.

(B) The Commission and its agents, officers and employees shall have authority to enter upon privately owned land at reasonable times to the extent consistent with constitutional authority for the purpose of performing their duties under this chapter, and may make or cause to be made examinations, surveys or sampling as the Commission deems necessary.

(C) The Commission shall have authority to enforce this chapter, its regulations, and permits issued thereunder by violation notices, administrative and civil and criminal court actions. The Commission may order any person who violates provisions of this chapter to restore the property to its original condition and take other action deemed necessary by the Commission to remedy the violations, including, but not limited to, delineating the resource area boundary as it existed prior to the alteration, or may be fined, or both. Municipal boards and officials, including any police officer or other officer having police powers, shall have authority to assist the Commission in the enforcement of this chapter.

(D) Upon request of the Commission, the Town Manager and the Town Attorney shall take legal action for enforcement under the civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.

(E) In the alternative to criminal prosecution, the Commission may elect to utilize the non-criminal disposition procedure set forth in Mass. Gen. Laws Ch. 40, § 21D, which has been adopted by the town in § 35.05.

(Ord. 493, passed 2-26-1987; Am. Ord. 67, passed 9-9-2008)

§ 154.15 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, Mass. Gen. Laws Ch. 131, § 40, and regulation thereunder. This chapter is intended to provide a greater degree of protection to the listed resource areas, values and interests than the Wetlands Protection Act or regulations thereunder.

(Ord. 493, passed 2-26-1987; Am. Ord. 67, passed 9-9-2008)

§ 154.99 PENALTY.

Any person who violates any provision of this chapter, regulations promulgated thereunder, or any permit or finding issued thereunder, shall be punished by a fine of not more than \$300 for each offense. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the chapter, regulations, or permit or findings violated, shall constitute a separate offense.

(Ord. 493, passed 2-26-1987; Am. Ord. 67, passed 9-9-2008)

CHAPTER 155: ZONING CODE

Section

155.01 Adoption by reference

§ 155.01 ADOPTION BY REFERENCE.

The Watertown Zoning Code is hereby adopted by reference and incorporated herein as if set out in full. A copy of the zoning code may be obtained from the Watertown Planning Department.

CHAPTER 156: HISTORIC LANDMARKS

Section

- 156.01 Purpose
- 156.02 Recommendation of the designation of historic landmarks by the Historical Commission
- 156.03 Designation
- 156.04 Review of proposed alteration, construction or demolition of a designated landmark
- 156.05 Historical Commission certificates
- 156.06 Applicability
- 156.07 Additional functions of the Historical Commission

- 156.99 Penalty

Cross-reference:

Demolition of historic buildings, see Ch. 154
Historic districts, see Ch. 152

§ 156.01 PURPOSE.

This chapter is enacted under § 6 of the Home Rule Amendment of the Massachusetts Constitution, in order to preserve the heritage of the city known as the Town of Watertown (hereinafter "town") by identifying and protecting sites and structures that constitute or reflect important elements of the architectural, cultural, aesthetic, political, economic or social history of the town; to encourage and assist property owners to protect and maintain such sites and structures; to foster public awareness and appreciation of the town's long and distinguished history; and by furthering these purposes to promote the public welfare by making the town a better place in which to live and work.

(Ord. 2, Sec. 1, passed 1-12-2010)

§ 156.02 RECOMMENDATION OF THE DESIGNATION OF HISTORIC LANDMARKS BY THE HISTORICAL COMMISSION.

(A) To be recommended for designation as a Watertown historic landmark ("landmark"), a property must constitute or contain a place or structure that is either:

(1) Importantly associated with one or more historic persons or events, or with the broad architectural, cultural, aesthetic, political, economic or social history of the town or commonwealth; or

(2) Historically or architecturally significant in terms of period, style, methods of construction, or association with a famous architect or builder.

(B) For purposes of this chapter, a **STRUCTURE** is defined as a combination of materials, including but not limited to, a building, wall, bridge, statue or monument.

(C) To initiate designation of a landmark, a petition shall be submitted to the Watertown Historical Commission ("Historical Commission") by the property owner. If the property owner withdraws the petition at any time prior to the Town Council's vote under § 156.03(A), the designation process shall not continue.

(D) Within 120 days after receiving such a petition, the Historical Commission shall hold a public hearing on the proposed designation.

(1) The Historical Commission shall not reconsider a proposed designation that was rejected within the previous year, unless two-thirds of all its members vote to do so, based on new, significant information.

(2) The Commission shall give public notice of the hearing at least 14 days before the hearing date, by publishing the time, place and purpose of the hearing in a local newspaper, and by mailing a copy of the notice to the owner of record of the proposed landmark, and to the abutting owners at the addresses listed on the most recent local tax list, and to such other persons as the Historical Commission shall deem entitled to notice.

(E) Prior to the public hearing, the Historical Commission shall investigate and prepare a report on the proposed landmark's historical, architectural and other relevant significance, in addition to any information provided by the petitioner. If the report recommends designation, the report shall recommend the proposed boundaries of the landmark for incorporation into the order of the Town Council designating the landmark.

(F) At least 14 days prior to the public hearing, the Commission shall also transmit copies of the report to the Planning Board and the Zoning Enforcement Officer for their comments, which shall be advisory only.

(G) Following the close of the public hearing, the Historical Commission may, by majority vote, recommend designation of the proposed landmark.

(H) In deciding whether to recommend designation of a landmark, in addition to the standards in § 156.02(A), the Historical Commission shall consider:

(1) Whether the historically or architecturally significant characteristics or associations of the proposed landmark are, for the most part, original and capable of preservation or restoration; and

(2) Whether the location and current or expected use of the proposed landmark are compatible with its preservation.

(I) If the Historical Commission votes to recommend the proposed landmark, its recommendation shall be transmitted to the Town

Council, with a copy of the report and a statement of the reasons for designation pursuant to the standards in § 156.02(A) and (H), and § 156.03(B).

(Ord. 2, Sec. 2, passed 1-12-2010)

§ 156.03 DESIGNATION.

(A) Designation of a landmark shall be by order of the Town Council.

(B) Unless specifically provided in the order designating a landmark, based on a finding of its historic or architectural significance, the authority of the Historical Commission under this chapter shall not extend to the following categories of features of the landmark, in which event alteration, construction or demolition of the features so excluded may be carried out without the need to apply to the Historical Commission for a certificate:

(1) Garages, sheds, walls, fences and other accessory structures;

(2) Storm doors and windows, screens, shutters, trelliswork, lighting fixtures, signs, antennae and air conditioners;

(3) Terraces, walkways and driveways;

(4) Temporary structures, lawn statuary, and recreational equipment, subject to such conditions as to duration of use, dimension, location, and similar matters as the Commission may reasonably specify;

(5) Exterior wall materials that do not involve alteration of any cornice, fascia, soffit, bay, porch, hood, window, door casing or other protruding decorative element;

(6) Exterior paint color;

(7) Roofing materials and color.

(C) Amendments to the terms, or rescission, of a previously designated landmark shall follow the same procedures governing designation. In addition, the Historical Commission may, on its own, initiate rescission of a previously designated landmark, or amendment of the terms of a prior designation that reduces the scope of its reviewing authority.

(D) No designation or amendment of a landmark shall be effective until a map setting forth the boundaries of the landmark has been recorded with the Registry of Deeds for the South District of Middlesex County, or, in the case of a rescission, a copy of the rescission order has been recorded.

(E) Starting from the date the Historical Commission receives a valid petition to designate a landmark, and continuing until the earliest of: (1) the property owner withdraws the petition; (2) the Historical Commission votes against recommending designation; (3) the Town Council votes against the proposed designation; or (4) one year has elapsed, no application for a permit for alteration, construction or demolition of the proposed landmark shall be granted until reviewed by the Commission as though the property were designated a landmark.

(F) If any landmark is within the bounds of a municipal historic district, proposed alterations shall not be reviewed under this chapter but under the relevant historic district ordinance. The property shall nonetheless be a Watertown landmark, but shall not be subject to review by the Historical Commission.

(Ord. 2, Sec. 3, passed 1-12-2010)

§ 156.04 REVIEW OF PROPOSED ALTERATION, CONSTRUCTION OR DEMOLITION OF A DESIGNATED LANDMARK.

(A) Except as this chapter or the order designating a landmark may otherwise provide, no structure or exterior architectural feature of a landmark shall be altered or demolished, nor any permit be issued for construction, alteration or demolition on a property designated as a landmark, unless the Historical Commission shall first have issued a certificate of appropriateness or certificate of hardship. For purposes of this chapter, **EXTERIOR ARCHITECTURAL FEATURE** is defined as such portion of the exterior of a structure as is open to view from a public street, way, park or body of water.

(B) Any person wishing to obtain a certificate from the Historical Commission shall file an application for a certificate of

appropriateness or a certificate of hardship, as the case may be, in such form as the Historical Commission may reasonably determine, together with such plans, elevations, specifications, material and other information as may be reasonably deemed necessary by the Historical Commission to enable it to make a determination on the application.

(C) Within 45 days after the Historical Commission deems that an application is complete, the Historical Commission shall hold a public hearing. The Historical Commission shall give public notice of the hearing at least 14 days before the hearing date, by publishing the time, place and purpose of the hearing in a local newspaper, and mailing a copy of the notice to the applicant, to the owners of all property deemed by the Historical Commission to be affected thereby, as they appear on the most recent local tax list, and to such other persons deemed entitled to notice.

(D) In reviewing an application for a certificate, the Historical Commission shall not make any recommendations or requirements except for the purpose of preserving the historically or architecturally significant characteristics of a landmark. Factors the Historical Commission shall consider include:

- (1) The historical and architectural significance of the landmark in general, and of the particular structure or exterior architectural feature involved in the application;
- (2) The general design, arrangement, texture, material and color of the structure or exterior architectural feature involved;
- (3) The relation of such structure or exterior architectural feature to properties in the surrounding area;
- (4) Whether preservation or restoration is structurally, technologically and economically feasible;
- (5) In the case of new construction, the appropriateness of the size, shape and location of the new structure or exterior architectural feature, in relation both to the existing structures and features of the landmark, and to properties in the surrounding area.

(Ord. 2, Sec. 4, passed 1-12-2010) Penalty, see § 156.99

§ 156.05 HISTORICAL COMMISSION CERTIFICATES.

(A) In issuing certificates, the Historical Commission may, in appropriate cases, impose dimensional and setback requirements in addition to those required by applicable provisions of the zoning ordinance.

(B) The Historical Commission shall issue a certificate of appropriateness to the applicant if:

- (1) It determines that the alteration, construction or demolition for which an application has been filed will be appropriate for, or compatible with, the preservation or protection of the landmark; or
- (2) The applicant agrees to modify the application to address any concerns of the Commission, including recommendations as to appropriateness of design, arrangement, texture, material and similar characteristics that would make the application acceptable to the Commission, and, within 14 days of the Commission action, the applicant files a written modification of the application in conformity with the changes.

(C) If a certificate of hardship has been applied for, or if a certificate of appropriateness has been applied for and the Historical Commission determines not to issue it, the Historical Commission shall issue a certificate of hardship to the applicant if all of the following are satisfied:

- (1) Owing to conditions especially affecting the structure or exterior architectural features involved, but not affecting the landmark's general historic qualities, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant;
- (2) The hardship is not due to the owner's avoidable failure to maintain the landmark or other circumstances within the owner's control;
- (3) Such application may be approved without substantial derogation from the intent and purpose of this chapter; and
- (4) The application may be approved without substantial detriment to the public welfare.

(D) In making its determination on an application for a certificate, the Historical Commission shall provide a written statement of its reasons, referencing the factors in § 156.04(D) and the standards in § 156.055(B) or (C), as the case may be.

(E) If the Historical Commission fails to make a determination on an application within 45 days after the public hearing specified in

§ 156.04(C), it will be deemed to have issued a certificate of appropriateness.

(Ord. 2, Sec. 5, passed 1-12-2010)

§ 156.06 APPLICABILITY.

(A) Nothing in this chapter shall be construed to prevent:

- (1) The ordinary maintenance, repair or replacement of any structure or exterior architectural feature of a landmark that does not involve a change in its exterior design, material or outward appearance;
- (2) The meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition;
- (3) The reconstruction, substantially similar in exterior design and materials, of a structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

(Ord. 2, Sec. 6, passed 1-12-2010)

§ 156.07 ADDITIONAL FUNCTIONS OF THE HISTORICAL COMMISSION.

- (A) The Historical Commission shall promote public awareness and appreciation of landmarks by maintaining a publicly available list of landmarks, producing and distributing materials explaining their significance, and, with the agreement of the property owner, providing identifying signs and explanatory materials.
- (B) The Historical Commission shall assist owners of landmarks by providing preservation guides and other information regarding maintenance, restoration and rehabilitation.
- (C) The Historical Commission shall assist owners of landmarks by providing information about obtaining available tax benefits, grants and listing on the National Register of Historic Places and similar registers.

(Ord. 2, Sec. 7, passed 1-12-2010)

§ 156.99 PENALTY.

- (A) Any alteration, construction or demolition on a property designated a landmark, without first obtaining and complying fully with the provisions of this chapter, will be subject to a fine of \$300 for each day that the violation continues, in addition to any fine that may be imposed for failure to comply with the State Building Code.
- (B) In addition to the foregoing, no building permit shall be issued with respect to any property designated a landmark, on which structures or exterior architectural features have been voluntarily altered, constructed or demolished other than pursuant to a certificate granted under the provisions of this chapter, for a period of two years after the date of such alteration, construction or demolition.

(Ord. 2, Sec. 8, passed 1-12-2010)

TABLE OF SPECIAL ORDINANCES

Table

- I. ACCEPTANCE OF STATE LAW PROVISIONS
- II. ZONING MAP CHANGES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
472	- -	Accepting Mass. Gen. Laws Ch. 59, § 5, Clause 37A, allowing for tax exemptions for the blind.
97(1)	6-8-1982	Accepting Mass. Gen. Laws Ch. 44, § 53E, authorizing the use of anticipated receipts to offset ordinary expenses.
235	6-28-1983	Accepting Mass. Gen. Laws Ch. 32, § 20, subsection C½, allowing for the compensation of the Town Auditor.
345	1-8-1985	Accepting Mass. Gen. Laws Ch. 40, § 8D, allowing for the establishment of a historical commission.
402	7-9-1985	Accepting Mass. Gen. Laws Ch. 32, § 99, allowing for retirement advance payments.
471	8-12-1986	Accepting Mass. Gen. Laws Ch. 40, § 8G, allowing local communities to enter into mutual aid agreements in the area of police services.
481	11-12-1986	Accepting Mass. Gen. Laws Ch. 44, § 64, permitting the payment of bills incurred in excess of appropriations from a previous fiscal year.
566	8-11-1987	Accepting Mass. Gen. Laws Ch. 32B, § 9F, as amended by Ch. 705 of the Acts of 1986, allowing the town to provide for its retired employees group life insurance.
567	9-8-1987	Accepting Mass. Gen. Laws Ch. 32B, § 9D, providing for retiree health care benefits.
582	11-10-1987	Accepting Mass. Gen. Laws Ch. 41, § 108L, providing for a career incentive program.
710	1-10-1989	Accepting Mass. Gen. Laws Ch. 40, § 57, relating to the granting or renewal of certain licenses and permits.
		Accepting Ch. 73 of the Acts of 1986, as amended by Ch. 126 of the Acts of

796	8-8-1989	1988, setting the optional additional tax exemptions for fiscal year 1990.
857	3-13-1990	Accepting Mass. Gen. Laws Ch. 59, § 57C, relating to quarterly tax payments.
865	3-27-1990	Accepting Mass. Gen. Laws Ch. 148, §§ 26G, 26H, and 26I, relating to automatic suppressant or sprinkler systems.
871	4-24-1990	Accepting Mass. Gen. Laws Ch. 360, regulating the rights of certain firefighters and police officers who were laid-off in the years 1981 and 1982.
888	6-12-1990	Accepting Mass. Gen. Laws Ch. 653, § 40, concerning assessment of real property.
917	11-27-1990	Accepting Ch. 73 of the Acts of 1986, amended by Ch. 126 of the Acts of 1988, setting the optional additional tax exemptions for fiscal year 1991.
Res. 13	1-8-1991	Accepting Mass. Gen. Laws Ch. 32, allowing the town to lift the cap on employee earnings used to calculate pension benefits.
29	3-26-1991	Accepting Mass. Gen. Laws Ch. 40, § 42J, allowing certain owners of real property to defer charges for water supplied to that property.
36	4-9-1991	Accepting Ch. 291 of the Acts of 1990, allowing the town to receive enhanced 911 service.
79	11-12-1991	Accepting Ch. 73 of the Acts of 1986, as amended by Ch. 126 of the Acts of 1988, setting the optional additional tax exemptions for fiscal year 1992.
12	1-28-1992	Accepting Mass. Gen. Laws Ch. 32, § 90G ³ / ₄ , allowing town employees who work past the age of 70 to earn credit toward their retirement for such services.
84	11-10-1992	Accepting Mass. Gen. Laws Ch. 133, § 48, providing for an early retirement incentive.
		Accepting Ch. 336 of the Acts of 1991,

92	12-16-1992	relative to the deferral of certain teachers' compensation in fiscal year 1993.
187	12-7-1993	Accepting Ch. 73 of the Acts of 1986, as amended by Ch. 126 of the Acts of 1988, setting the additional tax exemption for fiscal year 1994.
5	1-25-1994	Accepting Mass. Gen. Laws Ch. 40, § 8J, allowing for the creation of a town commission on disability.
4	1-25-1994	Accepting Mass. Gen. Laws Ch. 40, § 22G, allowing for the creation of a disability access fund.
11	3-8-1994	Accepting Ch. 14, § 2 of the Acts of 1993, allowing for the issuance of bonds.
41	8-16-1994	Accepting Mass. Gen. Laws Ch. 60, § 23B, setting out a certificate of lien fee schedule.
57	11-22-1994	Accepting Mass. Gen. Laws Ch. 32B, § 16, relative to health care service organizations.
57	11-22-1994	Accepting Mass. Gen. Laws Ch. 40, § 39J, relative to a water service pricing system and costs.
57	11-22-1994	Accepting Mass. Gen. Laws Ch. 40, § 42A, relative to method of collection for water charges and liens for delinquent charges.
57	11-22-1994	Accepting Mass. Gen. Laws Ch. 40, § 42B, relative to the effective date of liens and termination and enforcement.
57	11-22-1994	Accepting Mass. Gen. Laws Ch. 40, § 42D, relative to unpaid charges and collection as a part of property taxes.
57	11-22-1994	Accepting Mass. Gen. Laws Ch. 40, § 42E, relative to abatement of water charges and appeals therefrom.
57	11-22-1994	Accepting Mass. Gen. Laws Ch. 44, § 42F, relative to the recovery of delinquent charges from tenants.
		Accepting Mass. Gen. Laws Ch. 44, §

57	11-22-1994	65, relative to advances of vacation pay for town employees.
57	11-22-1994	Accepting Mass. Gen. Laws Ch. 83, § 16A, relative to certificates of acceptance for sewer charges and the effect and recordation thereof.
57	11-22-1994	Accepting Mass. Gen. Laws Ch. 83, § 16B, relative to the effective date of sewer charge liens.
57	11-22-1994	Accepting Mass. Gen. Laws Ch. 83, § 16C, relative to certification of rates and charges to assessors and commitment of a tax.
57	11-22-1994	Accepting Mass. Gen. Laws Ch. 83, § 16D, relative to application of other law and the power of the tax collector.
57	11-22-1994	Accepting Mass. Gen. Laws Ch. 83, 16E, relative to remedies of aggrieved real estate owners.
57	11-22-1994	Accepting Mass. Gen. Laws Ch. 83, § 16F, relative to the recovery of real estate.
57	11-22-1994	Accepting Mass. Gen. Laws Ch. 83, § 16G, relative to deferral of charges.
86	4-25-1995	Accepting Mass. Gen. Laws Ch. 140, § 147A, relative to the regulation of dogs.
136	11-28-1995	Accepting Mass. Gen. Laws Ch. 32, § 20, compensation retirement board members.
Res. 83	11-12-1996	Accepting Ch. 71 of the Acts of 1996, authorizing certain public employees creditable retirement service time for service in the armed forces.
Res. 40	5-13-1997	Accepting Mass. Gen. Laws Ch. 40C, § 3, relating to historic districts.
Res. 10	2-24-1998	Accepting Ch. 17 of the Acts of 1997, relative to a annual cost of living increases for retirees.
Res. 30	4-27-1999	Accepting Mass. Gen. Laws Ch. 456, relative to cost of living increases for non-contributory retirees.
		Accepting Ch. 127, § 51 of the Acts of 1999, allowing the retirement board to

Res. 11	2-22-2000	elect increased cost of living adjustments.
Res. 86	11-27-2001	Accepting Mass. Gen. Laws Ch. 32, § 9I, allowing for the continuance of benefits to reservists.
19	5-14-2002	Accepting Mass. Gen. Laws Ch. 268A, § 1(n), classifying special municipal employees.
6	2-28-2006	Accepting Mass. Gen. Laws Ch. 32B, § 19, regarding coalition bargaining.
Res. 33	6-13-2006	Accepting Mass. Gen. Laws Ch. 59, § 5, allowing for the exemption for taxation of specified property and establishing \$5,000 as the minimum value of personal property subject to taxation.
Res. 70	11-28-2006	Accepting Mass. Gen. Laws Ch. 137 of the Acts of 2003, as amended by Ch. 77 of the Acts of 2005, on wages for municipal employees granted military leaves of absence.
Res. 005	2-13-2007	Accepting Mass. Gen. Laws Ch. 59, § 5 cl. 41A, maintaining the interest rate on deferred taxes for seniors 65 years of age or older at 8%.
Res. 006	2-13-2007	Accepting Mass. Gen. Laws Ch. 59, § 5L, allowing for the deferment of taxes for a member of the Massachusetts National Guard or reservist and his or her dependents during a period of active service and for 180 days thereafter.
Res. 47	5-13-2008	Accepting Mass. Gen. Laws Ch. 32, § 9(2)(d)(ii), allowing for the increase to death benefits for surviving children of members of the Watertown Contributory Retirement System whose death resulted from injuries sustained while in the performance of the member's duties.
91	11-25-2008	Accepting:
		(1) The provisions of Ch. 73 of the Acts of 1986, as amended by Ch. 126 of the Acts of 1988, for 2009 fiscal year for all those property owners in Watertown who are otherwise eligible

		for exemptions under Mass. Gen. Laws Ch. 59, § 5, cls. 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A and 41C, shall also be eligible for an additional 100% of the exemption amounts under the clauses of § 5 enumerated above for which such owner would otherwise be eligible; and
		(2) The provisions of Ch. 184, § 51, of the Acts of 2002 (amending Mass. Gen. Laws Ch. 59, § 5, cl. 41C).
O-2010-17	3-9-2010	(1) Accepting the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and setting the additional tax exemptions for fiscal year 2010; and
		(2) Accepting the provisions of Chapter 184, Section 51 of the Acts of 2002 (Amending G.L. Ch. 59 Sec. 5 Clause 41C).
Order O-2010-84	12-7-2010	(1) Accepting the provisions of Ch. 73 of the Acts of 1986, as amended by Ch. 126 of the Acts of 1988, and setting the additional tax exemptions for fiscal year 2011; and
		(2) Accepting the provisions of Ch. 184, Section 51 of the Acts of 2002 (Amending G.L. Ch. 59 Sec. 5 Clause 41C).
Order O-2011-53	11-22-2011	(1) Accepting the provisions of Ch. 73 of the Acts of 1986, as amended by Ch. 126 of the Acts of 1988, and setting the additional tax exemptions for fiscal year 2012; and
		(2) Accepting the provisions of Ch. 184, Section 51 of the Acts of 2002 (Amending G.L. Ch. 59 Sec. 5 Clause 41C).
Order O-2012-6B	11-27-2012	(1) Accepting the provisions of Ch. 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and setting the additional tax exemptions for fiscal year 2013; and
		(2) Accepting the provisions of Ch.

		184, Section 51 of the Acts of 2002 (Amending G.L. Ch. 59 Sec. 5 Clause 41C).
Order O-2013-73	11-26-2013	(1) Accepting the provisions of Ch. 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and setting the additional tax exemptions for fiscal year 2014; and
		(2) Accepting the provisions of Ch. 184, Section 51 of the Acts of 2002 (Amending G.L. Ch. 59 Sec. 5 Clause 41C).
O-2016-66	11-24-2015	(1) Accepting the provisions of Ch. 73, of the Acts of 1986, as amended by Ch. 126 of the Acts of 1988, and setting the additional tax exemptions for fiscal year 2016; and
		(2) Accepting the provisions of Ch. 184, Section 51 of the Acts of 2002 (Amending G.L. Ch. 59, Sec. 5 Clause 41C).
O-2016-65	11-9-2016	(1) An order accepting the provisions of Chapter 73, of the Acts of 1986, as amended by Ch. 126 of the Acts of 1988, and setting the additional tax exemptions for fiscal year 2017; and
		(2) Accepting the provisions of Ch. 184, Section 51 of the Acts of 2002 (amending G.L. Ch. 59 Sec. 5 Clause 41C).
Res. R-2017-33	5-9-2017	A resolution adopting the provisions of G.L. Ch. 41, § 100G1/4 related to payment of funeral and burial expenses of firefighters and police officers.

TABLE II: ZONING MAP CHANGES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
		Rezoning from LB to SC parcels

7	1-28-1992	of land on Chester Street, Parker Street, and Phillips Street.
109	2-23-1993	Rezoning from LB to I-2 a parcel of land known as 123 Water Street.
130	5-25-1993	Placing the Revitalization Overlay District on the property known as 700 Pleasant Street.
15	3-22-1994	Extending the S-6 zoning district east to include the properties located on the eastern side of Hillside Road, from Mt. Auburn Street to Maplewood Street.
67	2-14-1995	Rezoning from T to LB the parcel of land at 75 Galen Street.
68	2-14-1995	Rezoning from T to CB the parcel of land at 55-57 Pleasant Street.
69	2-14-1995	Rezoning from R.75 to CB the parcel of land known as Parcel B.
71	2-14-1995	Rezoning from T to LB the parcel of land known as 7 and 9 Irma Avenue.
3	1-9-1996	Rezoning from T to S-6 the parcel of land located at 43 Waltham Street.
5	1-28-1997	Rezoning from R.75 to CB the parcel of land known as St. Patrick's property on Church Hill Street.

PARALLEL REFERENCES

References to Massachusetts General Laws

References to 1982 Code

Reference to Ordinances

References to Resolutions

REFERENCES TO MASSACHUSETTS GENERAL LAWS

<i>Mass. Gen. Laws Cite</i>	<i>Code Section</i>
-----------------------------	---------------------

Ch. 7, § 22A	34.04
Ch. 7, § 22B	34.04
Ch. 7, §§ 38A1/2 - 38O	34.05
Ch. 30, § 39M	34.06
Ch. 30B	Charter Section 7-1, 34.01, 34.02
Ch. 31	30.30, 51.01
Ch. 40, § 21(23)	Ch. 71
Ch. 40, § 21(24)	Ch. 71
Ch. 40, § 21D	35.05, 91.10, 96.99, 98.06, 110.05, 115.05, 116.04, 154.14
Ch. 40, § 22D	96.10
Ch. 40, § 57	33.02
Ch. 40A, § 3	98.01
Ch. 40C	152.01, 152.04, 152.17
Ch. 40C, § 12A	152.17
Ch. 41, § 59	30.19
Ch. 41, § 99A	30.31
Ch. 41, § 108A	30.15
Ch. 41, § 108C	30.15
Ch. 43B, § 13	112.20
Ch. 44, §§ 32 and 33	Charter Section 5-3
Ch. 44, § 53E1/2	32.08, 91.11
Ch. 44, § 53G	154.05
Ch. 40, § 21D	97.99
Ch. 50, § 1	Charter Section 7-1
Ch. 51, § 16A	Charter Section 7-1
Ch. 59, § 5(41C)	T.S.O. Table I
Ch. 68A	151.04
Ch. 78	30.17
Ch. 84, § 24	96.15
Ch. 84, § 25	96.15
Ch. 90, § 2	71.01, 71.04
Ch. 90, § 20A-1/2	92.06
Ch. 90, §§ 20A - 20C	71.99
Ch. 90, § 20D	71.99

Ch. 90, § 20E	71.99
Ch. 101	110.05
Ch. 101, § 34	112.22
Ch. 111, § 31	10.99
Ch. 111, § 31B	10.99
Ch. 131, § 23	91.09
Ch. 131, § 40	154.01, 154.02, 154.04, 154.05, 154.07, 154.15
Ch. 138	116.03
Ch. 138, § 1	130.07
Ch. 138, § 34	116.04
Ch. 140	113.03
Ch. 140, § 58	90.04
Ch. 140, §§ 136A - 174E	91.01
Ch. 140, § 139(C)	91.03
Ch. 140, § 145B	91.03, 91.08
Ch. 140, § 157	91.09
Ch. 141	51.30
Ch. 143	153.05
Ch. 149, §§ 44A - 44M	34.07
Ch. 164	96.06
Ch. 164, § 1	51.18
Ch. 164, § 69G	51.18
Ch. 164, §§ 70 and 71	Charter Section 2-8
Ch. 166	Charter Section 2-8, 51.02
Ch. 166, § 32	51.05
Ch. 266, § 120D	71.04

REFERENCES TO 1982 CODE

<i>1982 Code Section</i>	<i>2004 Code Section</i>
Sec. 5(B)	96.99
Ch. I, § 4	35.03
Ch. I, § 6	10.99

Ch. I, § 7(a)	35.04
Ch. I, § 7(b)	35.05
Ch. I, § 8	35.02
Ch. I, §§ 10 and 11	30.03
Ch. II, § 1	31.01
Ch. II, § 2	31.02
Ch. II, §§ 3-4	31.03
Ch. II, § 5	31.04
Ch. II, § 6	31.05
Ch. III, § 1	30.01
Ch. III, § 2	30.02
Ch. III, § 3	32.01
Ch. III, § 4	32.02
Ch. III, § 8	32.03
Ch. III, § 9	32.04
Ch. III, § 11	32.05
Ch. III, § 12	32.07
Ch. IV, § 1	31.15
Ch. IV, § 2	31.16
Ch. IV, § 3	31.17
Ch. VI, §§ 1-2	50.01
Ch. VI, § 3	52.01
Ch. VI, § 4	54.01
Ch. VI, § 5	54.02
Ch. VI, § 6	54.03
Ch. VI, § 7	54.04
Ch. VI, § 8	54.05
Ch. VI, § 9	54.06
Ch. VI, § 10	51.01
Ch. VI, § 11	51.02
Ch. VI, § 12	51.03
Ch. VI, § 13	51.04
Ch. VI, § 14	51.05
Ch. VI, § 15	51.06
Ch. VI, § 16	51.07
Ch. VI, § 17	51.08
Ch. VI, § 18	51.09

Ch. VI, § 18	51.11
Ch. VI, § 20	51.11
Ch. VI, § 21	51.12
Ch. VI, § 22	51.13
Ch. VI, § 23	51.14
Ch. VI, § 24	51.15
Ch. VI, § 25	51.16
Ch. VI, § 26	51.30
Ch. VI, § 27	51.31
Ch. VI, § 28	51.32
Ch. VI, § 29	51.17
Ch. VII, § 1	96.01
Ch. VII, § 2	96.02
Ch. VII, § 3	96.03
Ch. VII, § 4	96.04
Ch. VII, § 5	96.25
Ch. VII, § 5(C)	96.27
Ch. VII, § 6	96.05
Ch. VII, § 7	96.06
Ch. VII, § 8	96.07
Ch. VII, § 9	96.07
Ch. VII, § 10	96.09
Ch. VII, § 11	53.01
Ch. VII, § 12	53.02
Ch. VII, § 13	53.03
Ch. VII, § 14	96.10
Ch. VIII, § 1	96.11
Ch. VIII, § 2	130.01
Ch. VIII, § 3	96.12
Ch. VIII, § 4	130.02
Ch. VIII, § 5	130.03
Ch. VIII, § 6	112.01
Ch. VIII, § 6	112.99
Ch. VIII, § 7	112.02
Ch. VIII, § 8	110.01
Ch. VIII, § 9	96.13
Ch. VIII, § 10	112.03
Ch. VIII, § 11	130.04

Ch. VIII, § 12	130.05
Ch. VIII, § 15	93.01
Ch. VIII, § 16	111.01
Ch. VIII, § 17	111.02
Ch. VIII, § 18	96.14
Ch. VIII, § 19	35.01
Ch. VIII, § 20	130.06
Ch. VIII, § 21	110.02
Ch. VIII, § 24	96.16, 96.99
Ch. VIII, § 25(1)	90.01
Ch. VIII, § 25(2)	90.02
Ch. VIII, § 25(3)	90.03
Ch. VIII, § 25(4)	90.04
Ch. VIII, § 25(5)	90.99
Ch. VIII, § 26	130.07, 130.99
Ch. VIII, § 27	113.01 - 113.04, 113.99
Ch. VIII, § 28	114.01 - 114.03, 114.99
Ch. VIII, § 29	110.03
Ch. VIII, §§ 29 and 30	110.99
Ch. VIII, § 30	110.04
Ch. VIII, § 31	110.06
Ch. IX, § 1	92.01
Ch. IX, § 2	92.02
Ch. IX, § 2	92.03
Ch. IX, § 3	92.04
Ch. IX, § 4	92.05
Ch. XI, § 1	70.01
Ch. XI, § 2	70.02
Ch. XI, § 3	70.03
Ch. XI, §§ 4-5	70.04
Ch. XI, § 6	70.05
Ch. XI, § 7	70.06
Ch. XIII, § 1	151.01
Ch. XIII, § 2	151.02
Ch. XIII, § 3	151.03
Ch. XIII, §§ 4-5	151.04

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
472	- -	T.S.O. Table I
97(1)	6-8-1982	T.S.O. Table I
5	5-10-1983	110.06
235	6-28-1983	T.S.O. Table I
6	9-13-1983	95.01 - 95.05, 95.99
7	9-11-1984	92.06, 92.99
9	11-13-1984	92.07, 92.99
345	1-8-1985	T.S.O. Table I
402	7-9-1985	T.S.O. Table I
471	8-12-1986	T.S.O. Table I
481	11-12-1986	T.S.O. Table I
493	2-26-1987	154.01 - 154.10, 154.13 - 154.15, 154.99
531	5-12-1987	93.02, 93.99
566	8-11-1987	T.S.O. Table I
567	9-8-1987	T.S.O. Table I
582	11-10-1987	T.S.O. Table I
710	1-10-1989	T.S.O. Table I
711	1-10-1989	33.01 - 33.05
796	8-8-1989	T.S.O. Table I
857	3-13-1990	T.S.O. Table I
865	3-27-1990	T.S.O. Table I
871	4-24-1990	T.S.O. Table I
888	6-12-1990	T.S.O. Table I
893	6-26-1990	96.15
896	7-10-1990	110.04
917	11-27-1990	T.S.O. Table I
29	3-26-1991	T.S.O. Table I
30	3-26-1991	150.01, 150.99
31	3-26-1991	10.99, 35.04, 35.05
36	4-9-1991	T.S.O. Table I
46	6-11-1991	51.18
79	11-12-1991	T.S.O. Table I

90	12-10-1991	96.25, 96.27, 96.99
4	1-28-1992	
7	1-28-1992	T.S.O. Table II
12	1-28-1992	T.S.O. Table I
32	5-12-1992	35.05
33	5-12-1992	110.05, 110.99
36	9-8-1992	31.30 - 31.35
84	11-10-1992	T.S.O. Table I
92	12-16-1992	T.S.O. Table I
109	2-23-1993	T.S.O. Table II
121	4-13-1993	154.05
130	5-25-1993	T.S.O. Table II
135	6-22-1993	96.06
182	11-23-1993	154.04
187	12-7-1993	T.S.O. Table I
4	1-25-1994	T.S.O. Table I
5	1-25-1994	T.S.O. Table I
11	3-8-1994	T.S.O. Table I
15	3-22-1994	T.S.O. Table II
27	4-26-1994	112.20 - 112.31, 112.99
35	6-14-1994	30.02
40	8-16-1994	33.01 - 33.05
41	8-16-1994	T.S.O. Table I
57	11-22-1994	T.S.O. Table I
67	2-14-1995	T.S.O. Table II
68	2-14-1995	T.S.O. Table II
69	2-14-1995	T.S.O. Table II
71	2-14-1995	T.S.O. Table II
85	4-25-1995	93.02, 93.99
86	4-25-1995	T.S.O. Table I
124	9-26-1995	52.01
136	11-28-1995	T.S.O. Table I
141	12-19-1995	51.18
3	1-9-1996	T.S.O. Table II
14	3-12-1996	95.01
5	1-28-1997	T.S.O. Table II
38	5-13-1997	96.25
39	5-13-1997	96.26, 96.99

39, Sec. C(2)	5-13-1997	96.27
97	10-28-1997	153.01 - 153.05, 153.99
25	5-12-1998	96.06
71	10-27-1998	94.01 - 94.05, 94.99
15	2-23-1999	71.01 - 71.04, 71.99
32	6-13-2000	130.08
15	3-13-2001	70.01 - 70.07
73	10-9-2001	94.01 - 94.05, 94.99
16	4-23-2002	152.01 - 152.05, 152.15 - 152.17, 152.31, 152.32, 152.99
19	5-14-2002	T.S.O. Table I
13	3-11-2003	96.25
43	7-15-2003	92.02, 92.03
8	3-9-2004	34.01 - 34.10
57	9-12-2006	153.03
46	10-23-2007	31.50 - 31.53
67	9-9-2008	154.01 - 154.15, 154.99
91	11-25-2008	T.S.O. Table I
2	1-12-2010	156.01 - 156.07, 156.99
2010-6	2-9-2010	55.01, 55.02
O-2010-17	3-9-2010	T.S.O. Table I
O-2010-78	11-9-2010	150.02
Order O-2010-84	12-7-2010	T.S.O. Table I
O-2011-23	5-11-2011	97.01 - 97.14, 97.99
O-2011-26	5-24-2011	70.02, 70.05
Order O-2011-53	11-22-2011	T.S.O. Table I
Order O-2012-68	11-27-2012	T.S.O. Table I
O-2013-6	1-22-2013	31.50
O-2013-15	3-26-2013	30.03
Order O-2013-73	11-26-2013	T.S.O. Table I
O-2014-26	4-22-2014	30.03
O-2015-15	4-14-2015	30.02
O-2015-57	9-22-2015	116.01 - 116.05
O-2015-66	11-24-2015	T.S.O. Table I

O-2016-7	2-23-2016	98.01 - 98.06
2016-10	3-22-2016	30.03
31	6-7-2016	115.01 - 115.05
O-2016-47	8-9-2016	96.27, 96.99
2016-58	9-27-2016	55.02
O-2016-65	11-9-2016	T.S.O. Table I
O-2017-2	1-24-2017	91.01 - 91.11
O-2017-31	5-9-2017	72.01 - 72.03, 72.15 - 72.19, 72.30, 72.45 - 72.48
O-2017-47	6-27-2017	32.08

REFERENCES TO RESOLUTIONS

<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
13	1-8-1991	T.S.O. Table I
94-28	5-10-1994	92.02, 92.03
83	11-12-1996	T.S.O. Table I
40	5-13-1997	T.S.O. Table I
10	2-24-1998	T.S.O. Table I
30	4-27-1999	T.S.O. Table I
11	2-22-2000	T.S.O. Table I
86	11-27-2001	T.S.O. Table I
33	6-13-2006	T.S.O. Table I
70	11-28-2006	T.S.O. Table I
005	2-13-2007	T.S.O. Table I
006	2-13-2007	T.S.O. Table I
47	5-13-2008	T.S.O. Table I
R-2016-66	11-9-2016	30.03
R-2017-9	3-28-2017	30.03
R-2017-33	5-9-2017	T.S.O. Table I