

Code Of Ordinances  
TOWN OF WEYMOUTH  
CHAPTER 1

**CHAPTER 1**

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***SECTION 1-100***

***GENERAL PROVISIONS***

***SECTION 1-101      How Code Designated and Cited***

The Ordinance embraced in this and the following Chapters and Sections shall constitute and be designated as the "*Code of Ordinances, Town of Weymouth, Massachusetts*" and may be so cited.

***SECTION 1-102      Definitions and Rules of Construction***

In the construction of this Code, and of all Ordinances, the following rules shall be observed and the following definitions shall apply unless such construction would be inconsistent with the manifest intent of the Town Council when enacting the measure:

*Generally* - The provisions of this Code shall be liberally construed to affect the purposes expressed therein or implied from what is expressed. Words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated. Technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

*Charter* - The terms "charter" or "Charter" shall mean the Weymouth Home Rule Charter and any amendments to it that may hereafter be adopted.

*Chief Executive* - The words "Chief Executive" shall mean the Mayor of the Town of Weymouth, Massachusetts.

*Code* - The word "code" shall mean the Code of Ordinances, Town of Weymouth, Massachusetts as designated in Section 1-101 of the code.

*Commonwealth* - The word "Commonwealth" shall mean the Commonwealth of Massachusetts.

*Computation of Time* - In computing the time within which an act is to be done as provided in any Ordinance or in any order issued pursuant to any Ordinance, when expressed in days, the day of the act or event after which the designated period of time begins to run shall not be included. The last

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day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday.

*County* - The words "county" or "this county" shall mean the County of Norfolk.

*Days* - When the period of time designated is less than seven (7) days, the word "days" shall refer to business days, not including intermediate Saturdays, Sundays and legal holidays, when the period of time designated is seven (7) days or more, every day shall be counted.

*Emergency* - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.

*Fiscal Year* - The financial year used by the Town, to wit: July 1 through June 30.

*Following* - The word "following" shall mean next after.

*Gender* - Words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

*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, or to a class of two or more cities and or cities and towns of which Weymouth is a member.

*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.

*Heretofore, hereafter* - Whenever the word "heretofore" occurs in any Ordinance it shall be construed to mean any time previous to the day when such Ordinance shall take effect; and whenever the word "hereafter" occurs it shall be construed to mean the time after the Ordinance containing such word shall take effect.

*Highway* - The term "highway" shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass and causeway in the Town, dedicated or devoted to public use.

*Joint Authority* - All words purporting to give joint authority to three (3) or more town officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

*Local Newspaper* - The words "local newspaper" shall mean a newspaper of general circulation in the Town of Weymouth, with either a weekly or daily circulation.

*Majority Vote* - The words "majority vote" shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless a higher number is required by law, by Home Rule Charter or by Ordinance.

*May* - The word "may" is to be construed as being permissive.

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*May not* - The phrase "may not" or phrases of like import have a mandatory negative effect and state a prohibition.

*MGL* - The Massachusetts General Laws.

*Month* - The word "month" shall mean a calendar month.

*Multiple Member Body* - The words "multiple member body" shall mean any board, commission, committee, sub-committee or other body consisting of two or more persons whether elected, appointed or otherwise constituted, but not including the Town Council or the School Committee.

*Must* - The word "must" shall be construed as being mandatory.

*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; words used in the singular include the plural and the plural include the singular number.

*Oath* - The word "oath" shall be construed to include 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."

*Owner* - The word "owner," applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such property.

*Person* - The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to natural persons.

*Personal Property* - The words "personal property" shall include all tangible and intangible property other than real property.

*Preceding* - The word "preceding" shall mean next before.

*Property* - The word "property" shall include real and personal property.

*Quorum* - The word "quorum", unless otherwise required by law or the Home Rule Charter, shall mean a majority of the members of a multiple member body then in office, not including any vacancies that might then exist.

*Real property* - The words "real property" shall include all inherent natural resources and any man-made improvements thereon.

*Reasonable Time* - In all cases where any Ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

*Roadway* - The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

*Shall* - The word "shall" is to be construed as being mandatory.

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*Sidewalk* - The word "sidewalk" shall mean that portion of a street between the curb line and the adjacent property intended for the use of pedestrians.

*State* - The words "the state" or "this state" shall be construed to mean the Commonwealth of Massachusetts.

*Street* - The term "street" shall include any highway, alley, street, avenue or public place or square, bridge, viaduct, underpass, overpass, tunnel and causeway in the Town, dedicated or devoted to public use and includes any way to which the public has a right of access.

*Tenant, occupant* - The words "tenant" and "occupant," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

*Tenses* - The use of any verb in the present tense shall include the future when applicable.

*Town* - The terms "the Town " or "this Town," shall mean the Town of Weymouth, Massachusetts.

*Town Agency* - The words "Town agency" shall mean any multiple member body, any department, division, or office of the Town of Weymouth.

*Town Bulletin Boards* - The words "Town bulletin boards" shall mean the bulletin board in the Town Hall 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.

*Town Officers and Departments* - Whenever reference is made to an officer or a department, the same shall be construed as if followed by the words "of the Town of Weymouth, Massachusetts." The words "Town Officers" 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 the powers or duties of such position exercises some portion of the sovereign power of the Town.

*Week* - The word "week" shall be construed to mean seven (7) days; but publication in a newspaper of any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one (1) insertion in each week, unless specifically stated to be for each day of the week or for more than one (1) day in each week; and all publications heretofore made in accordance with the terms of this subsection are hereby validated.

*Written or In Writing* - The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

*Year* - The word "year" shall mean a calendar year.

***SECTION 1-103                      When These Rules of Construction Shall Not Apply***

The rules of construction set forth in this Ordinance shall not be applied to any Ordinance which shall contain any express provision excluding such construction, or when the subject matter or context of such Ordinance may be repugnant thereto.

***SECTION 1-104                      References to Titles, Chapters, or Sections***

All references to titles, chapters, or sections are to the titles, chapters and sections of these Ordinances unless otherwise specified.

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**SECTION 1-105      *Conflicting Provisions***

(a) If the provisions of different chapters of these Ordinances conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

(b) If conflicting provisions are found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail.

(c) To the extent that any provision of this Code expressed in general terms shall conflict with any provision expressed in specific terms, the specific provision shall prevail.

(d) In all cases in which provisions of this code conflict with one another the provision enacted most recently in time shall be deemed to prevail over any older provision.

**SECTION 1-106      *When Ordinances and Other Votes Take Effect***

All Ordinances and other votes passed by the Town Council which are excluded from the referendum provisions of the Home Rule Charter (Section 7-9), shall take effect and be in force from and after their passage by the Town Council and the approval of the Mayor, if required. All Ordinances and other votes passed by the Town Council which are subject to the referendum provisions of the Town Charter, shall take effect and be in force from and after the twenty-second (22<sup>nd</sup>) day following their passage by the Town Council and the approval of the Mayor, if required, unless a referendum petition has been filed against said measure in which case the effective date shall be further suspended pending a resolution of the referendum question.

**SECTION 1-107      *Code Adoption Not to Affect Prior Offenses, Rights, etc.***

(a) Nothing in this Code or the Ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing any use or the continuance of any use of a structure or premises in violation of any Ordinance or Ordinance of the Town in effect on the date of adoption of this Code, except as otherwise provided.

**SECTION 1-108      *Effect of Repeal of Ordinance***

(a) The repeal of an Ordinance shall not revive any Ordinance (or by-law) in force before or at the time the Ordinance repealed took effect.

(b) The repeal of an Ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the Ordinance repealed.

**SECTION 1-109      *Violations and Penalty - Municipal Infractions***

(a) Any Ordinance of the Town of Weymouth or any rule or regulation of its officers, boards or departments, the violation of which is subject to a specific penalty, may, in the discretion of the Town Official who is the appropriate enforcing person, be enforced in the method provided in MGL C. 40, s. 21D. The noncriminal fine for each such violation, if not otherwise specified, shall be fifty dollars (\$50).

(b) "Enforcing person", as used in this section, shall mean any Police Officer of the Town of Weymouth, with respect to any offense, the Inspector of Buildings, a person designated by the

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Conservation Commission, the Director of Public Health, the Director of Public Works, the Animal Control Officer and such other officials as the Mayor may from time to time designate, each with respect to violation of Ordinances and rules and regulations within their respective jurisdictions. Each such person as is here designated an 'enforcing person' may, with the approval of the Mayor, appoint a deputy enforcing person to serve in his or her absence or disability. The names of each enforcing person and of each deputy enforcing person shall be kept on file in the office of the Mayor and at the Weymouth Police Station. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto. Police Officers shall in all cases be considered enforcing persons for the purpose of this provision.

(c) Unless otherwise provided, each day a violation continues shall constitute a separate and repeat violation once notice of the violation has been given.

***SECTION 1-110                      Violations and Penalty - Criminal Complaint***

Any Ordinance of the Town of Weymouth or any Rule or Regulation of its Officers, Boards or Departments may, in accordance with the provisions of MGL C. 40, s. 21, also be enforced by criminal complaint in the district court. Except as otherwise provided by law, any person found guilty of violating any provision of this code in a criminal proceeding in the district court shall be subject to a fine within the limits otherwise prescribed by law. Each day a violation continues shall constitute a separate and repeat violation once notice of the violation has been given.

***SECTION 1-111                      Severability***

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and words of this Code are severable, and if any word, clause, sentence, paragraph or section of this code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this Code, because the same would have been enacted by the Town Council without the incorporation in this code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

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**TOWN ELECTIONS AND ELECTED TOWN OFFICERS**

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***Officers to be Elected***

The offices to be filled by the voters shall be a Mayor, a Town Council and a School Committee.

***SECTION 2-102***

***Eligibility for Elective Office***

Subject to the provisions of Charter Sections 2-1, 2-3, 3-1, 4-1 and 4-3 any voter shall be eligible to hold any elective Town Office.

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**SECTION 2-103      *Date of Town Election***

The biennial election for the election of Town Officers and for the determination of all other matters to be referred to voters shall be held on the first Tuesday after the first Monday in November in each odd numbered year.

**SECTION 2-104      *Hours Polls Are to Be Open***

The polls shall be opened for all elections at seven o'clock (7:00 AM) in the morning and shall remain open until eight o'clock (8:00 PM) in the evening.

**SECTION 2-105      *Terms of Office***

The term of office for all members of the Town Council shall be for two (2) years beginning on the first (1<sup>st</sup>) business day in January following the election and continuing until their successors are qualified. The term of office of the Mayor shall be for four (4) years beginning on the first (1<sup>st</sup>) business day in January following the election and continuing until his or her successor is qualified. The term of office for the School Committee members shall be for four (4) years each beginning on the first (1<sup>st</sup>) business day of January in the year following their election, and until their successors have been qualified. The terms of office shall be so arranged that three (3) such terms are to be filled at each biennial election.

**SECTION 2-106      *Annual Reports***

All Department Heads and Division Directors of the Town of Weymouth shall prepare annual reports of their activities and shall submit these reports to the Mayor for inclusion in the annual report of the Town, on or before such date as the Mayor may annually establish for the filing of such reports.

**SECTION 2-200**

**MAYOR**

**SECTION 2-201      *Powers, In General***

The Mayor shall be the Chief Executive and Chief Administrative Officer of the Town of Weymouth and shall have all of the power and authority that is conferred upon the Mayor by the Weymouth Home Rule Charter.

The Mayor shall be considered to be the lawful successor to the Board of Selectmen and shall have every power, duty, authority and responsibility which was previously exercised by the Board of Selectmen, unless some other provision is made in the Weymouth Home Rule Charter or this Code.

The Mayor shall receive an annual salary of \$110,000.

**SECTION 2-202      *Control of Activities Not Otherwise Delegated***

(a) The Mayor shall have control of all Town property which is not actually occupied by a Town Official, Department or activity and shall enforce the conditions and covenants of any lease or tenancy thereof.

(b) In addition to such other powers and duties as are conferred upon the office by Home Rule Charter, by these Ordinances, by custom or by any other vote of the Town, the Mayor shall have power to do any acts on behalf of the Town which are not by law, these Ordinances or some vote of the Town delegated to some other board, committee or official, or reserved to the voters of the Town.



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(c) The Mayor shall appoint all Town Officers whose election by the voters or appointment by some other Town Board or Official is not required by law or by these Ordinances.

**SECTION 2- 203      *Authority Over Legal Affairs, in General***

The Mayor, after consultation with the Town Solicitor, may bring on behalf of the Town any proceedings before any court, legislative committee, administrative agency or other public official or agency and may answer and defend any such proceedings brought against the Town and may cause the Town Solicitor to appear on behalf of the Town in any such proceedings instituted by others in which the Town has an interest. The Mayor, after consultation with the Town Solicitor, may prosecute such suits to final judgment, or may compromise any claims by and against the Town on such terms as seem to the Mayor and Town Solicitor to be in the best interests of the Town, whether or not such claims are in litigation.

The Mayor shall have authority in the name of the Town and through the Town Solicitor to prosecute, defend or compromise any and all claims or suits to which the Town is a party and in relation to claims and suits whenever in the judgment of the Mayor it is reasonably necessary, except actions otherwise provided for by statute or by Ordinance.

**SECTION 2-204      *Authority to Settle Workmen's Compensation Matters***

All payments by the Town for workmen's compensation shall, on the approval of the Mayor, be charged to the Workmen's Compensation Claims Fund, or the damages and claims account as shall in each such case be deemed to be most appropriate.

**SECTION 2-205      *Authority to Accept Deeds and to be in Charge of Property***

The Mayor shall be authorized to accept deeds conveying an interest in real estate to the Town. The Mayor shall notify the Town Council whenever such acceptance occurs. All land owned by the Town which is not by vote of the Town specifically assigned to some particular Town Agency shall be deemed to be under the authority of the Mayor. The Mayor shall have general direction or management of the property and affairs of the Town in all matters not otherwise provided for unless otherwise provided by law.

**SECTION 2-206      *Authority to Manage Town Property and Affairs***

The Mayor shall have authority to sell or otherwise dispose of personal property and any real estate of which the Town has possession or title by following the procedures established in MGL C. 30B.

Whenever a Town Agency to which any land, easement, or other right or interest in land has been assigned determines that the land, easement, or other right or interest in land is no longer required by the agency, it shall notify the Mayor forthwith of such determination and shall identify, with specificity, the land, easement, or other right or interest in land which it has deemed to be no longer needed by the Town agency.

The Mayor upon receipt of any such determination shall forthwith refer the matter to the Department of Planning and Community Development for a report and recommendation. The Department of Planning and Community Development shall, after study and analysis, file a report containing its recommendations and the reasons for such recommendations with the Mayor.

Whenever any owned land, easement, or other right or interest in land is to be sold, the Mayor shall file a request to authorize such sale with the Town Council. The Town Council may, by a two thirds (2/3's) vote, authorize the conveyance of such land, or a portion thereof, or the

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abandonment of an easement or other right or interest in the land. The Town Council may specify a minimum sum to be paid to the Town for such conveyance or abandonment.

The Mayor shall advertise and otherwise give notice of the offer to convey or abandon the land, easement, or other right or interest in land in accordance with the provisions of MGL C. 30B and any other provisions of law as may be applicable. If the Town Council has specified a minimum amount, the Mayor may, for such amount or any larger amount and on such other terms and conditions as the Mayor may deem to be proper, convey said land, or part thereof, by deed, or declare such easement, or right, or other interest, or part thereof, be abandoned.

**SECTION 2-207      *Policy Formulation for Departments***

The Mayor, acting through the Department Heads, shall be responsible for the overall supervision of the Departments of the Town Government and for the establishment of priorities and policies to govern the operation of the Town Departments and Agencies.

**SECTION 2-208      *Chief of Staff***

(a)      *Appointment; term* - The Chief of Staff may be appointed by the Mayor and shall serve at the pleasure of the Mayor.

(b)      *Duties and Functions* - The Chief of Staff shall in every matter be deemed to be acting in the place of and for the Mayor, unless it is specifically stated otherwise.

The Chief of Staff, acting only on the direction of the Mayor, shall have the following duties:

1. Represent the Mayor as liaison with the Town Council;
2. Represent the Mayor at meetings of regional, State and Federal agencies, community groups, business interests and local trade and fraternal organizations, for purposes of gathering information and/or articulating the Mayor's point of view;
3. Organize and summarize information and prepare it for the Mayor's review and action;
4. Meet with Department Heads regarding day-to-day business, expediting administrative interaction between the Mayor's office and Town Departments and Agencies;
5. Serve as a liaison officer between the Town Government and the Town's residents;
6. Be familiar with all aspects of the Town Government and with the functions of the activities of the various offices and employees of the Town;
7. Be familiar with the various services rendered by the Town to its residents, in order to inform citizens of the extent of these services and of the schedule for their performance;
8. Complete specified research assignments with close contact to the Massachusetts Municipal Association, the National League of Cities, the US Conference of Mayors and similar organizations comparing the Town's problems with problems and solutions of other communities in the state and the nation;
9. Meet with the Mayor, Boards and Commissions in normal business meetings to explain proposals or identify means to expedite action;
10. Work with the Clerk of the Council and the president of the Council in preparing orders and backup material for executive Department initiatives and with committees to expedite support for committee deliberations;
11. Serve as spokesperson for the Mayor in responding to inquiries made concerning operations conducted by or affecting the Town of Weymouth;
12. Perform other services so as to support the Mayor's role as Chief Executive of Weymouth.

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**SECTION 2-209      *Acting Mayor***

(a) *Temporary Absence* - Whenever, by reason of sickness, absence from the Town or other cause, the Mayor shall be unable to perform the duties of the office for a period of more than ten (10) successive working days, the president of the Town Council shall be the Acting Mayor. In the event of the absence or disability of the president of the Town Council, the vice-president of the Town Council shall serve as Acting Mayor.

The Mayor shall, by a letter filed with the Town Council and a copy filed with the Town Clerk, designate a qualified Town officer or Town employee to serve as Acting Mayor during the temporary absence of the Mayor for periods of ten (10) days or less and to serve only when the needs of the Town require and only to the extent necessary under the then circumstances.

(b) *Powers of Acting Mayor* - The Acting Mayor shall have only those powers of the Mayor as are indispensably essential to the conduct of the business of the Town in an orderly and efficient manner and on which action may not be delayed. The Acting Mayor shall have no authority to make any permanent appointment or removal from Town service unless the disability of the Mayor shall extend beyond sixty (60) days nor shall an Acting Mayor approve or disapprove of any measure adopted by the Town Council unless the time within which the Mayor must act would expire before the return of the Mayor. During any period in which any member of the Town Council is serving as Acting Mayor, such Councilor shall not vote as a member of the Town Council.

**SECTION 2-210      *Other Assistants to the Mayor***

The Mayor may appoint such other assistants as the needs of the office may require and as the appropriation made for such purposes may allow.

Every employee in the office of the Mayor shall be considered to be a confidential employee and shall not be subject to the ordinary provisions of the civil service law or the human resources provisions of these Ordinances.

**SECTION 2-211      *Mayor, Procedure to Suspend or Remove Certain Persons***

Whenever the Mayor desires to suspend or to remove any person from an office or position appointed by the Mayor, such removal shall be governed, insofar as appropriate, by the provisions of Section 3-4 of the Home Rule Charter and Chapter 10 of these Ordinances governing human resources matters.

**SECTION 2-300**

**TOWN COUNCIL**

**SECTION 2-301      *Powers, In General***

(a) *Powers* - The legislative powers of the Town are vested in the Town Council. The Town Council shall exercise its legislative powers in the manner determined by the Town Council, unless some other provision is made by a general law or by the Home Rule Charter.

The Town Council shall provide for the exercise of any power and for the performance of any duty or obligation which is imposed upon the Town by law and for which no provision is made by a general law, or by the Home Rule Charter.

The Town Council may adopt Ordinances which originate with the Mayor on any subject relating to the affairs of the Town. The Town Council may adopt Ordinances which originate with it, or are filed on petition of voters as provided in Section 7-7 of the Home Rule Charter, on any

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subject relating to the affairs of the Town except as provided in Section 5-1 of the Home Rule Charter. All Ordinances adopted by the Town Council shall be presented to the Mayor as provided in Section 3-7 of the Home Rule Charter.

In accordance with the provisions of Sections 2-10 and 3-3 of the Home Rule Charter, the Town Council shall review every appointment made by the Mayor to any Town office, as a Department Head, or as a member of a multiple member body, but not including any position which is subject to the Civil Service law. The Council may, by a two-thirds (2/3) vote of the full Town Council (eight (8) members so voting), reject any such appointment. A vote to reject must be taken within thirty (30) days following the date on which notice of the proposed appointment was filed with the Clerk of the Council.

The Town Council may approve, in whole or in part, or disapprove by rejecting, any appropriation order filed by the Mayor. The Town Council may approve, in whole or in part, or disapprove by rejecting, any loan authorization request filed by the Mayor.

The Town Council may adopt resolutions honoring distinguished persons or events, requesting the Mayor to take certain action or to cease certain actions currently being taken, to request certain other levels of government take certain action or to cease certain actions currently being taken, or for any other purpose as seems worthy of the attention of the Town Council. Resolutions adopted by the Town Council shall not require the consent of the Mayor.

The Town Council may take such other actions, by vote or otherwise, as may from time to time seem to be in the best interests of the Town.

In accordance with Section 2-7 of the Home Rule Charter, the Town Council when authorized by a majority vote, 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. The Town Council may require the Mayor, any Town Officers, agencies or Town employees to appear before it and to produce 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 or agency and which are also within the jurisdiction of the Town Council.

(b) *Composition* - The Town Council is comprised of eleven (11) members. Five (5) of the members, known as Councilors-at-Large, are nominated and elected by and from the voters at large. The six (6) remaining members, known as District Councilors are nominated and elected from the six (6) districts into which the Town is divided, in accordance with Section 7-5 of the Home Rule Charter.

(c) *Compensation* - The Town Council shall receive an annual salary as follows:

Councilors	\$7,500.00
Chair Budget/Management	\$8,500.00
Council President	\$9,500.00

**SECTION 2-302      *Meetings of the Town Council***

All meetings of the Town Council and of every Committee or Sub-Committee of the Town Council are subject to the so-called Open Meeting Law. All matters which come before the Town Council will be decided by a majority vote unless some other provision is made by general law, Ordinance or the Home Rule Charter.

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A journal shall be kept in which shall be recorded, for every meeting, the names of the Council Members present, the subject acted upon, and the votes and other official actions taken by the Town Council at each such meeting.

Regular meetings of the Council shall be held in the Council Chambers the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Monday evenings of each month, commencing at 7:30 PM and shall adjourn no later than 11:00 PM. The Clerk of the Council shall notify the Councilors of all meetings of the Council by notice delivered personally or by an officer or sent by mail. Whenever the first (1<sup>st</sup>) or third (3<sup>rd</sup>) Monday evening of the month is a holiday, the regular meeting shall be held on the first (1<sup>st</sup>) or third (1<sup>st</sup>) Tuesday evening of the month at 7:30 PM unless otherwise provided for by motion. During July and August, regular meetings shall be suspended by a majority vote of the Council. The Council may, by majority vote, dispense with any regular meeting, or change the day and hour of holding or adjournment of any regular meeting. No Town Council meeting shall be scheduled on the eve of a preliminary or final election in the Town of Weymouth. These meetings will be held on the first Monday following said election.

Executive session may be entered only after the Council has first convened in open session for which notice has been appropriately posted. The President shall cite the reason for going into executive session and indicate whether the Council shall leave executive session for the purpose of adjournment or return to open session. The President shall ask for a roll call vote of the Council. The vote of each member is entered into the minutes, with a majority necessary to initiate executive session.

**SECTION 2-303      *Town Auditor, Powers, In General***

(a)      *Election, Term of Office* - The Council shall choose a Town Auditor to serve for a term of three (3) years and until a successor is chosen and qualified.

(b)      *Powers and Duties* - The Town Auditor shall from time to time throughout the year examine, or cause to be examined, the books and accounts of all officers and agencies of the Town which are entrusted with the receipt, custody or expenditure of money, including original bills on which money has been or may be paid from the Town treasury, the documentation submitted by the agency requesting payment of any such bills supporting payment, warrants for the payment of bills and the canceled checks on file in the Office of the Treasurer. The Town Auditor shall, at least once in every fiscal year verify, or cause to be verified, the cash balance of each such officer and agency by the actual count of the cash on hand and by reconciliation of bank balances.

The Town Auditor shall keep the Town Council President fully informed as to the results of this activity and, not less frequently than quarterly, shall make a detailed report summarizing the results of this overview to the Budget/Management Committee of the Town Council. All reports to the full Council shall be made through the Budget/Management Committee of the Town Council.

The Town Auditor shall conduct, or cause to be conducted, financial and performance audits following government auditing standards as promulgated by the Comptroller General of the United States.

The Town Auditor shall make periodic reports to the Town Council in such detail and with such frequency as the Town Council shall, by Ordinance, by rule or by other vote, direct.

The Town Auditor shall review each request which is made to the Town Council by the Mayor for the transfer of funds or for a supplementary appropriation.

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When the proposed Capital Improvement Program is submitted to the Town Council by the Mayor, as required by Home Rule Charter Section 6-10, the Town Auditor shall review the proposed Capital Improvement Program.

The Town Auditor shall review the annual budget when the same is submitted to the Town Council by the Mayor, as required by Home Rule Charter Section 6-5.

The Town Auditor shall manage the day-to-day operations of the office staff under the jurisdiction of the Town Council except for the staff managed by the Town Clerk.

The Town Auditor shall attend all meetings of the Town Council unless excused by the President of the Town Council. The Town Auditor shall attend all meetings of the Town Council Budget/Management Committee unless excused by the Chair of such Committee. The Town Auditor shall attend other meetings of Committees as requested by the President of the Town Council.

(c) *Salary* - The salary of the Town Auditor shall be incorporated into the Town's classification system. The Town Auditor shall receive as additional compensation the same sick days, holidays, vacation days, personal days and other benefits as are afforded to other municipal employees generally.

**SECTION 2-304      *Town Clerk, Powers, In General***

(a) *Election, Term of Office* - The Town Council shall elect a Town Clerk to serve for a term of three (3) years and until a successor is chosen and qualified.

(b) *Powers and Duties* - The Town Clerk shall be the head of the agency known as the Office of the Town Clerk. The Town Clerk may also serve as the Clerk of the Council for a term of two (2) years and until a successor is chosen and qualified.

1. The office of the Town Clerk is the primary agency responsible for serving the public through the provisions of public records, vital statistics and general information taking great care in preserving and maintaining official records of the Town and making them readily accessible to the public.
2. The Office of the Town Clerk is the keeper of vital statistics of the Town and of ancient and public records.
3. The Town Clerk records and preserves original birth, marriage and death records, and is responsible for the maintenance, disposition and preservation of municipal archival records.
4. The Town Clerk is the Custodian of the Town Seal and the official records of the Town.
5. The Town Clerk administers the oath of office to elected and appointed officers, notifies the office of the Mayor whenever the resignation of any official appointed by the Mayor is received, and furnishes copies of the Open Meeting and Conflicts of Interest Laws to elected and appointed officers.
6. The Town Clerk, as Chair of the Board of Registrars of Voters, supervises the registration of voters and the maintenance of street lists and lists of voters.
7. The Town Clerk supervises the conduct of all elections held in the Town.
8. The Town Clerk serves as Chief Election Officer for all elections, prepares ballots, voting lists for all precincts (currently eighteen (18) voting precincts), hires and trains wardens and precinct workers for the polls and is responsible for the extra workers for morning deliveries of election materials to the polls and for extra workers for election nights.

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9. The Town Clerk serves as Chair of the Municipal Board of Licensing Commissioners.
10. The Town Clerk posts meeting notices for Agencies and Departments of the Town and other governmental bodies and notifies the Town Council of such meetings.
11. The Town Clerk is the custodian of books, reports, and laws received from the Commonwealth, and custodian of the rules, regulations and minutes of multiple member bodies.
12. Pursuant to MGL C. 40A, the Zoning Act, the Town Clerk receives copies of applications and petitions to the Planning Board and Zoning Board of Appeals.
13. The Town Clerk keeps the legislative record of the Town Council, and notifies the Director of Municipal Finance of the Town Council votes authorizing appropriations and assessments.
14. The Town Clerk issues such licenses, certificates and permits as may be provided by law, including those for marriage, birth, death, raffles, bazaars, businesses, and dogs.
15. The Town Clerk records state and federal tax liens, and uniform commercial code filings.

(c) *Salary* - The salary of the Town Clerk shall be incorporated into the Town's classification system. The Town Clerk shall receive as additional compensation the same sick days, holidays, vacation days, personal days and other benefits as are afforded to other municipal employees generally.

**SECTION 2-305      *Publication of Ordinances***

Every proposed ordinance, appropriation order or loan authorization (except emergency ordinances as provided in Section 2-9(a) of the Home Rule Charter), shall be published once in full in a local newspaper, and in any additional manner as may be provided by Ordinance, at least ten (10) 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 more than ten (10) column inches of ordinary newspaper notice print, 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 if so published and available at least ten (10) days before its final passage shall be deemed sufficient notice. Whenever the Town Council provides for publication in a booklet or pamphlet in lieu of the newspaper publication, it shall, at least ten (10) 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 by the public.

Every publication of a proposed Ordinance, appropriation order or loan authorization shall bear this disclaimer: "This publication is subject to the disclaimer set forth at length in Section 2-305 of the "Code of Ordinances."

Each time the statement "This publication is subject to the disclaimer set forth at length in Section 2-305 of the Code of Ordinances" appears in a publication, it shall be understood such reference is intended to give notice to the public that the following disclaimer is applicable:

*This document is published for the benefit of the public, solely for purposes of information and to make the public aware of the general nature of certain subject matter the Town Council may consider at a future meeting. This publication is not intended to suggest that the measure will be adopted in this precise form, that it will be adopted with amendments, or that it will be adopted at all. Notwithstanding any amendments which may be made to this proposal by the Town Council,*

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*it will not be published again before final enactment unless at least three (3) Councilors vote to require such publication before final enactment.*

**SECTION 2-400**

**SCHOOL COMMITTEE**

**SECTION 2-401      Powers, In General**

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 Home Rule Charter, by Ordinance, or otherwise and not inconsistent with said grant of powers conferred by general laws.

The powers and duties of the School Committee shall include the following:

1. To elect a Superintendent of the Schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the School Committee and, upon the recommendation of said Superintendent, to establish and appoint Assistant or Associate Superintendents as provided in MGL C. 71, s. 59.
2. To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the School Committee as may be deemed necessary or desirable.
3. To adopt and to oversee the administration of an annual operating budget for the School Department, subject to appropriation by the Town Council.
4. The Weymouth School Committee shall receive an annual salary as follows:

School Committee Members	\$3,000.00
Chair of the School Committee	\$4,000.00

The School Committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment.



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**OFFICES, OFFICIALS AND MULTIPLE MEMBER BODIES**

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Historical Commission  
Trustees of the Public Library, Board of  
Licensing Commissioners, Board of  
Memorial Committee  
Planning Board  
Recreation Commission  
Tree Board  
Voters, Registrars Of  
Waterfront Committee  
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Weymouth Redevelopment Authority  
Weymouth Youth Coalition  
Community Events Committee  
Scholarship Fund Committee  
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### ***SECTION 3-100***

### ***STANDARD PROVISIONS***

#### ***SECTION 3-101      Officers, Other Officials and Multiple Member Bodies***

*(a) Town Officers and Other Officials* - This Chapter (Chapter 3) describes all current standing Town Officers and other officials of the Town. The Weymouth Town Council may establish additional standing officers and other officials of the Town, upon the request of the Mayor, by the enactment of an Ordinance amending this Chapter and creating said offices or other positions. All Ordinances establishing standing offices and other positions shall specify their authorities and responsibilities.

*(b) Standing Multiple Member Bodies* - This Chapter (Chapter 3) describes all current standing multiple member bodies of the Town. The Weymouth Town Council may establish additional standing multiple member bodies of the Town, upon the request of the Mayor, by the enactment of an Ordinance amending this chapter and creating said standing multiple member body. All Ordinances establishing standing multiple member bodies shall specify the following: membership, term of office, authorities and responsibilities.

The Town Council may from time to time, by vote, establish advisory multiple member bodies to assist it in carrying out its legislative responsibilities. Whenever the Town Council

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establishes such a committee, it shall advise the Mayor in writing that it has done so; included in such notice shall be the names and residence addresses of the persons appointed. The Mayor may from time to time establish advisory multiple member bodies to assist the office of the Mayor in carrying out its executive and administrative responsibilities. Whenever the Mayor establishes such a committee, the office of the Mayor shall advise the Town Council in writing that it has done so; included in such notice shall be the names and residence addresses of the persons appointed for such action as the Town Council deems necessary or advisable in accordance with Home Rule Charter Section 2-10.

(c) *Town Residency Required* - Unless some other provision is made in a particular case, all members of multiple members bodies shall at all times be residents of the Town of Weymouth, provided however, non residents who hold a Town office or Town employment may serve as a member of a multiple member body as a representative of the Town office or Town employment held. Any person who, during the term of office as a member of a multiple member body, moves from the Town and becomes a resident of another municipality shall be deemed to have resigned as a member of the multiple member body.

(d) *To Have No Power to Direct Agency* - Unless some other provision is made in a particular case, no multiple member body shall have any power or authority over any of the day to day activities of the agency within which they serve but shall be advisory only.

(e) *Compensation* - Unless some other provision is made in a particular case, all members of multiple member bodies shall serve without compensation.

**SECTION 3-102        *Terms of Office***

(a) *Multiple Member Bodies* - The terms of office of multiple member bodies are arranged so that as nearly one third (1/3) of the terms as possible shall expire each year. A vacancy shall be filled by the appointing authority for the remainder of the unexpired term. The term for each office is three (3) years, except as noted. Appointments are effective on the first (1<sup>st</sup>) day of July, and expire on the thirtieth (30<sup>th</sup>) day of June, or when a successor has been appointed and qualified. The appointing authority shall annually evaluate all persons subject to reappointment. Persons may be reappointed to successive terms, but no member shall have a right to be reappointed. Members of multiple member bodies may be removed for cause, subject to an investigation and hearing by the appointing authority, pursuant to the Home Rule Charter Section 3-4. Whenever a new multiple member body is established, the initial appointments shall be to terms of office of such varying lengths as will serve to create the overlapping terms described in the first sentence of this paragraph.

(b) *Town Officers and Officials* - Except as may otherwise be required by the Civil Service Law, appointments made by the Mayor shall be for indefinite terms. All persons categorized as Department Heads shall, subject to the consent of the Mayor, appoint all assistants, subordinates and other employees of the agency for which such person is responsible.

**SECTION 3-103        *Council Review of Certain Appointments***

The Mayor shall submit to the Town Council the name of each person the Mayor desires to appoint to a Town office, as a Department Head, or as a member of a multiple member body, but not including any position which is subject to the Civil Service law. The Town Council shall refer each such name as is submitted to a standing committee of the Town Council which shall investigate each such candidate for appointment and may make a report, with recommendations, to the full Town Council. Said report shall be made not less than seven (7) nor more than twenty-one (21) days following such referral. The committee may require any person whose name has been referred to

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appear before the committee, or before the Town Council, to give such information relevant to such appointment as the committee, or the Town Council, may require.

Appointments made by the Mayor shall become effective on the thirtieth (30th) day following the date on which notice of the proposed appointment was filed with the Clerk of the Council, unless eight (8) members of the Town Council shall, within the said thirty (30) days, vote to reject such appointment, or unless the Town Council has sooner voted to affirm the appointment. Rejection by the Town Council shall require a two-thirds (2/3's) vote of the full Council (eight (8) members so voting). The question on rejection of any appointment made by the Mayor shall not be subject to the procedure of Charter objection provided in Home Rule Charter Section 2-9 (b).

Persons who are appointed to serve as members of a multiple member body by virtue of a Town office or Town employment, which they have otherwise acquired or attained, shall not be subject to Council review as provided in this Section.

***SECTION 3-104 Multiple Member Body Internal Organization***

Each multiple member body shall, at a minimum, annually elect from its membership, a Chair, Vice Chair and Clerk. Multiple member bodies may further elect a treasurer and such other officer or officers as are deemed necessary or as may be required by statute. The annual organization and election shall occur in July of each year, or immediately following the annual appointment of members by the appointing authority. Each multiple member body shall, forthwith following its annual organization and election of officers, file a report in the office of the Town Clerk on a form approved by the Town Clerk.

The Chair shall preside over all meetings of the multiple member body and shall be its official representative in all proceedings before the Town Council, with the Mayor, with other officials of the Town and with the public. The Vice Chair shall perform the chair's functions, in the absence of the Chair.

The Clerk shall be responsible for the certification of the minutes of the meetings of the multiple member body, observance of the public records law, and maintenance of other records of the multiple member body. In addition to the records required to be kept by MGL C. 66, s. 5A, the Clerk shall, quarterly, prepare a statistical summary of the attendance record of each member of the multiple member body, a copy of which shall be filed with the Town Clerk and a copy of which shall be filed with the Mayor.

***SECTION 3-105 Time and Place of Meetings***

The Clerk of each multiple member body shall be responsible for notifying the Town Clerk and the Mayor of the regularly scheduled meetings and all special meetings for the ensuing fiscal year. The notification shall also include the location where each meeting will be held. The Town Clerk shall ensure posting of all meeting schedules, consistent with the Open Meeting Law.

***SECTION 3-106 Authority to Establish Subcommittees***

Each multiple member body may, by a majority vote of its membership, establish subcommittees for the purpose of addressing a particular issue or issues. A report of the activities of any such subcommittee shall regularly be made to the full multiple member body. Each subcommittee so established shall observe laws relevant to the keeping of public records, the Open Meeting Law, and any other laws as prescribed by the Weymouth Town Charter, by Ordinance or by State law.

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**SECTION 3-107      *Meetings with Mayor***

The delivery of services to the public requires coordination and cooperation amongst the various departments, divisions and programs within the Town. At the administrative and operational branch level, managers shall seek to identify those areas of concern where it is believed that the various departments and divisions can assist each other in the accomplishment of their mission.

The Mayor shall strive to meet, as necessary, with each of the officers and employees listed in this Chapter to discuss their activities, seeking coordination of activities to mitigate duplication of services where possible. The Mayor, in meetings with the said officers and employees, shall develop action programs, evaluate program completion, review management, financial, personnel and legal issues.

The chair of each multiple member body shall annually, upon election, meet with the Mayor for the purpose of defining an appropriate reporting relationship during the ensuing fiscal year. The meeting should review the following minimum areas: frequency and method of reporting, official or officials responsible for reporting, transmittal of monthly and quarterly summaries of actions taken by the multiple member body and the role of the Mayor in development of policy of interest to the multiple member body.

**SECTION 3-108      *Filing of Minutes***

Certified copies of the minutes of all meetings of all multiple member bodies shall be filed with the Town Clerk within five (5) days following the meeting at which meeting said minutes shall have been approved. The minutes of all executive sessions of multiple member bodies shall be filed with the Town Clerk within five (5) days following the date the minutes of those meetings have been made public. This filing of minutes of meetings with the Town Clerk is for the convenience of the public. Such filing shall not be construed to be the official records of the multiple member body. The official records shall continue to be maintained in the custody of the person designated pursuant to MGL C. 66, s. 6.

**SECTION 3-109      *References to Statutes***

The references to state statutes which are contained in the sections of this Chapter which follow (describing the powers, duties and responsibilities of the Town Agencies) are provided for the purpose of describing the broad scope of the authority and responsibility which may be exercised by the Town of Weymouth with respect to each particular matter.

The references to statutes and the enumeration is not to be construed in any way as intended to impose a limitation on the ability of the Town, pursuant to Article 5 of the Home Rule Charter and MGL C 43 B, s. 20, to reassign powers, duties and responsibilities among and between Town Agencies generally. The actual operating entities for the performance of functions and the delivery of services by the Town shall be as defined and enumerated in Chapter 4 of these Ordinances; in the event of any conflict between the provisions of this Chapter and the provisions of Chapter 4, the provisions of Chapter 4 shall control.

**SECTION 3-200**

**MULTIPLE MEMBER BODIES**

**SECTION 3-201      *Zoning Appeals, Board of***

(a) *Establishment* - The Mayor shall appoint five (5) regular voting members and four (4) associate members to the Board of Zoning Appeals. The Mayor shall strive to appoint a balanced mix of professional experience or educational background from the following fields: architecture,

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civil/structural engineering, law, building/construction, real estate development, business or the environment. Two (2) members shall be citizens-at-large. In the case of an unfilled vacancy or inability to participate on the part of a member of the board, the chairman shall designate one of the associate members to take the place of such member.

(b) *Terms of Office* - the term of office shall be for two (2) years and shall expire consistent with Section 3-102(a).

(c) *Authorities and Responsibilities* - The Board of Zoning Appeals hears and decides individual cases brought by persons seeking land use relief; all as provided for in MGL C. 40A, s. 7, 9, 17, and the Zoning Ordinances of the Town.

(d) *Compensation* - The regular members of the Board of Zoning Appeals shall receive an annual salary of one thousand, five hundred dollars (\$1500) and the chair shall receive an additional sum of five hundred dollars (\$500) per year. Alternate members of the Board of Zoning Appeals shall receive the sum of thirty-five dollars (\$35) for every meeting at which they sit as a member of the Board up to a maximum of one thousand, five hundred dollars (\$1500) per year.

**SECTION 3-202      Assessors, Board of**

(a) *Establishment* - There shall be a Board of Assessors which shall consist of three (3) regular members and one (1) alternate member. The Mayor shall appoint the members of the Board of Assessors per MGL C. 41, s. 1 & s. 24.

(b) *Authorities and Responsibilities* - The Board of Assessors shall annually, and in accordance with the general laws and the recommendations of the state Department of Revenue, make a fair cash valuation of all of the estate, both real and personal, subject to taxation within the Town. The Board of Assessors shall annually provide to the Mayor and Town Council its recommendations regarding the percentage of the local tax levy to be borne by each class of property. The Board of Assessors shall annually determine the annual tax rate necessary to meet all sums voted by the Town. The Board of Assessors shall hear and decide all questions relating to the abatement of taxes levied. The Board of Assessors shall have all of the other powers, duties and responsibilities given to Boards of Assessors by MGL C.59, generally except as may be otherwise provided in Chapter 4 of these Ordinances.

(c) *Compensation* - The regular members of the Board of Assessors shall receive an annual salary of one thousand, five hundred dollars (\$1500) and the chair shall receive an additional sum of five hundred dollars (\$500) per year. Alternate members of the Board of Assessors shall receive the sum of thirty-five dollars (\$35) for every meeting at which they sit as a member of the Board up to a maximum of one thousand, five hundred dollars (\$1500) per year.

**SECTION 3-203      Construction Steering Committee**

(a) *Establishment* - There shall be a Construction Steering Committee which shall consist of seven (7) members, including: the Mayor, the Director of Public Works, the Director of Planning and Community Development, the Director of Municipal Licenses and Inspections, the Maintenance Director of the School Department, or their designees. Members shall serve by virtue of their office, and two (2) persons shall be appointed by the Mayor for terms of three (3) years each, arranged so that the terms of office expire in different years. One (1) member of the School Committee or a designee shall replace the Director of Planning and Community Development whenever there is planning or construction of new, remodeled or renovated school buildings.

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(b) *Authority and Responsibility* - Whenever any construction, reconstruction or remodeling of any municipal or school building or other Town of Weymouth facility is proposed to be undertaken, the proposed project shall be referred to the Construction Steering Committee. The Construction Steering Committee shall evaluate the proposal and shall file a report, including its recommendations, with the Mayor. The Construction Steering Committee shall be responsible for any construction, reconstruction or remodeling work which is authorized to be undertaken including site acquisition, site preparation, designer selection, schematic design, preliminary design, bid preparation, bid award, and supervision of construction.

The Construction Steering Committee may, in appropriate circumstances, establish an advisory committee to represent the ultimate user of the building or other facility to assist the Construction Steering Committee in making decisions which will best reflect the needs of the ultimate user. Members of any such committee as may be established shall be appointed by the Mayor.

The Construction Steering Committee shall make a continuing review of all plans and proposals for capital improvements to municipal buildings and other facilities, including all proposals made by or on behalf of the School Committee, and shall evaluate and assign priorities to each such proposed project.

Nothing in this Ordinance shall be construed or interpreted to mean that by establishing this committee the executive powers of the Mayor have in any manner been diminished, specifically, reserved to the Mayor is the authority to award all contracts and to approve all payments, subject only to the appropriation of funds by the Town Council.

**SECTION 3-204      *Capital Planning Committee***

(a) *Establishment* - The Planning Board as established by Section 3-217 of these Ordinances shall also be the Capital Planning Committee. The Director of Municipal Finance or a designee of the Director of Municipal Finance shall serve as an advisory member of the committee without the right to vote.

(b) *Authority and Responsibility* - The Capital Planning Committee shall study proposed capital outlays involving any individual piece of equipment, complete systems consisting of a number of pieces of equipment and related items, extraordinary maintenance and repairs of a single structure, piece of equipment or land use with an aggregate cost of a minimum of twenty five thousand dollars (\$25,000) and a useful life of three (3) years or more. All Officers, Boards and Committees, including the School Committee, shall, by October 1 of each year, give to such committee, on forms prepared by the Department of Municipal Finance, information concerning all capital projects anticipated by them as needing Town Council action during the ensuing six (6) years. The Committee shall consider the relative need, timing and cost of these expenditures and the effect each will have on the financial needs of the Town.

The Capital Planning Committee shall prepare an annual report containing a capital budget of proposed outlays for the following five (5) years, with explanations of each item contained therein.

**SECTION 3-205      *Cemetery Commission***

(a) *Establishment* - There shall be a Cemetery Commission consisting of five (5) members which shall, in conjunction with the Director of Public Works, exercise the powers provided in MGL C. 114, s. 22-27. The Cemetery Commission shall consist of the Veterans' Agent, one (1) member of the Historical Commission and three (3) Town residents.

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(b) *Authority and Responsibility* - The Cemetery Commission shall serve in an advisory capacity to the Director of Public Works. The Cemetery Commission shall have the authority, in conjunction with the Director of Public Works, to adopt regulations affecting the operation and conduct of the Town cemeteries as provided in MGL C. 114.

**SECTION 3-206      *Conservation Commission***

(a) *Establishment* - There shall be a Conservation Commission consisting of five (5) members which shall exercise the powers provided in MGL C. 40, s. 8C.

(b) *Authority and Responsibility* - The Conservation Commission is established to protect, promote and enhance the quantity and quality of the natural resources within the Town, especially wetlands, wildlife and water resources, through planning, acquisition, land management, regulation, scientific research and public education. The Conservation Commission may conduct researches into its local land areas and shall seek to coordinate the activities of unofficial bodies organized for similar purposes.

The Conservation Commission may receive gifts, bequests or devises of personal property or interests in real property in the name of the Town, subject to approval of the Mayor. The Conservation Commission may receive monetary gifts for development of a conservation fund, and expend the same, subject to the General Laws and the approval of the Mayor.

The Conservation Commission is responsible for the implementation of the provisions of MGL C. 131, s. 40 in protecting flood plains, water bodies and other wetlands within the Town, and the Wetlands Protection Ordinance and other Ordinances and Regulations as directed.

The Conservation Commission may adopt policies and promulgate land management plans for properties of the Town held for conservation purposes. Such land management plans shall attempt to integrate certain active and passive public uses while protecting natural resources. The Conservation Commission, as a division of the Department of Planning and Community Development, shall receive staff support from the Department and coordinate activities with the Director of Planning and Community Development per MGL C. 40, s. 8C and C. 131, s. 40.

(c) *Compensation* - The regular members of the Conservation Commission shall receive an annual salary of one thousand, five hundred dollars (\$1500) and the chair shall receive an additional sum of five hundred dollars (\$500) per year.

**SECTION 3-207      *Contributory Retirement Board***

(a) *Establishment* - There shall be a Contributory Retirement Board which shall consist of five (5) members. The Director of Municipal Finance (or a designee of the Director) shall serve, by virtue of office, as a member of the board; one (1) member shall be appointed by the Mayor; two (2) members shall be elected by the members in or retired from service of such system from among their number; and the fifth (5<sup>th</sup>) member, who shall not be an employee or retiree or official of the Town of Weymouth shall be chosen by the other members. The terms of all members shall be for three (3) years.

(b) *Authority and Responsibility* - The Contributory Retirement Board shall have the powers and duties provided in MGL C. 32, s. 20(5) and shall be responsible for the management of the retirement system for the Town of Weymouth subject to the requirements of MGL C. 32 and to the oversight of the Commissioner of Public Employee Retirement as provided in MGL C. 32, s. 21 and otherwise.



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**SECTION 3-208      *Cultural Council***

(a)      *Establishment* - There shall be a local Cultural Council which shall consist of seven (7) members appointed by the Mayor for terms of two (2) years each. No member shall be appointed so as to serve more than three (3) consecutive terms per MGL C. 10, s. 35C.

(b)      *Authority and Responsibility* - A Local Cultural Council may decide the distribution of arts lottery funds or other funds that may be available to them and may also conduct other activities to promote and encourage the arts per MGL C. 10, s. 35C.

**SECTION 3-209      *Disabilities, Commission on***

(a)      *Establishment* - There shall be a Commission on Disabilities consisting of nine (9) members per MGL C. 40, s. 8J. The members of the Commission shall be appointed by the Mayor. A majority of the persons appointed shall consist of persons with disabilities, one (1) member shall be a member of the immediate family of a person with a disability, and one (1) member shall be either an elected or appointed official of the Town. The members of the Commission may appoint two (2) alternates.

(b)      *Authorities and Responsibilities* - The Commission on Disabilities seeks to research local problems of people with disabilities as well as to advise and assist municipal officials and employees in ensuring compliance with State and Federal laws and regulations that affect people with disabilities. The Commission shall: coordinate or carry out programs designed to address the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disabilities; review and make recommendations about policies, procedures, services, activities and facilities of departments and boards of the Town as they affect people with disabilities; provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; and coordinate the activities of other local groups organized for similar purposes. The Commission may draft rules and regulations concerning disabled persons' needs and issues for consideration by the Mayor.

**SECTION 3-210      *Elder Services, Board of***

(a)      *Establishment* - There shall be a Board of Elder Services to consist of seven (7) members appointed by the Mayor.

(b)      *Authorities and Responsibilities* - The Board of Elder Services shall advocate for the needs of the elderly people residing in the Town of Weymouth. The Board of Elder Services shall make continuing surveys of the elderly population to better determine their needs, problems and concerns. It shall perform a needs assessment in order to develop criteria for program and supportive services and participate in programs offered by the Commonwealth's Department of Elder Affairs per MGL C. 40, s. 8B.

**SECTION 3-212      *Health, Board of***

(a)      *Establishment* - The Mayor shall appoint a Board of Health which shall consist of five (5) members.

(b)      *Authority and Responsibility* - The Board of Health shall have the authority, on the recommendation of the Director of Public Health, to adopt regulations affecting the public health in the manner provided in MGL C. 111 s. 31.

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(c) *Compensation* - The regular members of the Board of Health shall receive an annual salary of one thousand five hundred dollars (\$1500) and the chair shall receive an additional sum of five hundred dollars (\$500) per year.

**SECTION 3-213      *Historical Commission***

(a) *Establishment* - The Mayor shall appoint a Historical Commission which shall consist of seven (7) members per MGL C. 40, s. 8D.

(b) *Authority and Responsibility* - The Historical Commission shall act for the preservation, promotion and development of the historical assets of the Town. The Commission shall have such additional powers, duties and responsibilities as are given Historical Commissions by MGL C. 40, s. 8D.

**SECTION 3-214      *Trustees of the Public Library, Board of***

(a) *Establishment* - The Mayor shall appoint a Board of Trustees of the Public Library consisting of seven (7) members.

(b) *Authority and Responsibility* - The Board of Trustees of the Public Library shall represent the interests, issues, and concerns of the library to the Mayor and other agencies of the Town Government and to the public. The Board of Trustees of the Public Library shall establish a written policy for the selection of library materials and the use of materials and facilities in accordance with the standards adopted by the American Library Association.

**SECTION 3-215      *Licensing Commissioners, Board of***

(a) *Establishment* - There shall be a Board of Licensing Commissioners consisting of five (5) members, as follows: the Town Clerk, the Inspector of Buildings, the Director of Public Health, the Fire Chief and the Police Chief (or persons performing similar duties under any other title) shall serve by virtue of their offices, and without additional compensation as the members of the Board of Licensing Commissioners. The Town Clerk shall serve as chair of the Board of Licensing Commissioners.

(b) *Authority and Responsibility* - The Board of Licensing Commissioners shall have the power to issue licenses for innholders and common victuallers; the powers of a Board of Licensing Commissioners appointed under MGL C. 138, s. 4, shall be the licensing authority for the purposes of MGL C. 138 and C. 140 and which shall have all of the other powers with respect to licenses which prior to the adoption of the Home Rule Charter were exercised by the Board of Selectmen. The Board of Licensing Commissioners may grant licenses relating to alcoholic beverages under MGL C. 138 and those licenses under MGL C. 140 which are not, by the provisions of said chapter, placed within the jurisdiction of another municipal officer or agency, and it shall have all the powers and duties of a licensing authority under said Chapters.

**SECTION 3-216      *Memorial Committee***

(a) *Establishment* - There shall be a Memorial Committee which shall consist of nine (9) members, including: the Mayor, one (1) member of the School Committee (designated annually), one (1) member of the Town Council (designated annually) the Director of Public Works, the Chair of the Historical Commission, and four (4) other persons appointed by the Mayor.

(b) *Authority and Responsibility* - The Memorial Committee may recommend to the Mayor, or Town Council, or other appropriate authority whenever any school or other public building, portion

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of a building, public way, intersection, bridge, traffic circle or other open space or parts thereof, are to be named, or renamed.

**SECTION 3-217      *Planning Board***

(a)      *Establishment* - There shall be a Planning Board, which shall consist of five (5) members, who shall serve for terms of five (5) years.

(b)      *Authorities and Responsibilities* - The Planning Board shall exercise the powers provided in MGL C. 41, s. 70 - 72 & s. 81A - 81JJ, as amended.

The Planning Board shall make careful studies of the resources, possibilities and needs of the Town and shall make plans for the development of the Town. The Planning Board shall make, and may from time to time amend and perfect a comprehensive or master plan, setting forth in graphic and textual form policies to govern future growth and development in the Town. The Planning Board shall monitor and report on progress made by the Town implementing the recommendations of the master plan and other plans and studies prepared by the board.

The Planning Board shall have the power to regulate the subdivision of land within the Town by the adoption of rules and regulations governing such development and the administration of such rules and regulations upon the application of landowners for the subdivision of land in Weymouth. The Planning Board shall have the authority to delegate the approval of plans submitted under MGL C. 41, s. 81P to the Director of Planning and Community Development.

The Planning Board shall be responsible for surveying the growth and other needs for the Town and the physical conditions and adequacy of all public buildings and facilities. The Planning Board shall from time to time meet with representatives of Town agencies to learn and understand the capital needs of each such agency.

The Planning Board shall consider the relative need, the timing, the estimated cost, and the proposed method of financing each capital expenditure proposed. The Planning Board shall prepare and annually revise, update and extend a five (5) year capital outlay program which forecasts the projected capital expenditure needs for the five (5) fiscal years next ensuing, in accordance with Section 6-10 of the Home Rule Charter. The capital improvement plan shall annually be submitted to the Mayor for assistance in the Mayor's preparation of the Capital Improvement Program.

The Planning Board shall make an annual report, giving information regarding the condition of the Town and any plans or proposals for its development and estimates of their costs. The Planning Board shall have all of the other powers and duties Planning Boards are given by general law, by the Charter, by Ordinance or otherwise.

(c)      *Compensation* - The regular members of the Planning Board shall receive an annual salary of one thousand five hundred dollars (\$1500) and the chair shall receive an additional sum of five hundred dollars (\$500) per year.

**SECTION 3-218      *Recreation Commission***

(a)      *Establishment* - There shall be a Recreation Commission to consist of five (5) members in accordance with MGL C. 45, s. 2.

(b)      *Authority and Responsibility* - The Recreation Commission shall serve in an advisory capacity concerning the operation of public parks and recreation programs but it shall have no authority over

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the day to day operations of the Recreation Division. The specific powers of a Park Commission as provided in MGL C. 45, s. 5 et seq shall be vested in the Mayor and may be assigned by the Mayor to any other Town agencies.

**SECTION 3-219        *Tree Board***

(a)        *Establishment* - There is hereby created and established a Tree Board which will consist of three (3) members: the Director of Public Works, the Administrative Assistant to the Director of Public Works, and the Town Arborist.

(b)        *Authority and Responsibility* - It shall be the responsibility of the Tree Board to study, investigate, counsel, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, removal or deposition of trees and shrubs in parks, along streets, and in other public areas. Such a plan will be presented semi-annually to the Mayor.

**SECTION 3-220        *Voters, Registrars Of***

(a)        *Appointment, Term of Office* - The Mayor shall appoint a Board of Registrars of Voters to consist of three (3) persons, appointed for terms of three (3) years each. The Town Clerk shall serve ex officio in accordance with MGL C. 51, s. 15.

(b)        *Authority and Responsibility* - The Board of Registrars of Voters shall supervise the qualification of persons to vote, certify the signatures on nomination papers and petitions, and shall hold hearings and decide disputes with regard to any of the foregoing matters in accordance with MGL C. 51 - 55, generally.

**SECTION 3-221        *Waterfront Committee***

(a)        *Establishment* - The Waterfront Committee shall consist of nine (9) members. The Harbormaster shall serve by virtue of office as a member of the committee. In making other appointments to the Committee, the Mayor shall, to the fullest extent possible, appoint persons who demonstrate a keen interest in the Weymouth waterfront and shall seek representation from the following waterfront interest groups: commercial fishing, recreational boating, environmental advocacy and waterfront residential neighborhoods and shall, specifically, assure liaison with the Back River Committee by designating one (1) member of it to serve as a member of the Waterfront Committee. The Committee may also wish to designate a representative from the State Coastal Zone Management Office as a nonvoting ex officio member.

(b)        *Authority and Responsibility* - The Waterfront Committee is established to:

1. Promote, preserve and protect the interests of the Weymouth waterfront;
2. Review and update the policies and recommendations contained in the Weymouth Waterfront Plan;
3. Educate the public to the intrinsic value and natural beauty of the Weymouth waterfront.

The Waterfront Committee shall review activities within the coastal and tidal waters of the Town to include the Fore and Back Rivers and bounded by the projection boundary lines of neighboring towns, provided, however its review of coastal and tidal land shall be limited to comment on those land activities which directly impact the use of said waters. The review of activities shall be coordinated through the Department of Planning and Community Development.

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Specific duties and responsibilities of the Committee shall include:

1. Review and update the policies and recommendations contained in the Weymouth Waterfront Plan;
2. Recommend appropriate Ordinances, rules, policies, guidelines and regulations consistent with the Waterfront Plan;
3. Assist in the orderly placement or arrangement of existing and future moorings in cooperation with the Harbormaster;
4. Assist in the coordination of all public and private agencies, committees, commissions, boards, etc., and any private entities which have interest or jurisdiction in the waterfront area;
5. Review and comment on land and water use activities proposed to take place within coastal and tidal area Town Agencies shall send copies of relevant applications/proposals to the Waterfront Committee;
6. Work in association with other Town agencies and the Mayor in making applications for, receiving and administering grants or subsidized funding from any governmental or private entity;
7. Investigate all accepted financial options for raising revenues for the planning, construction or financing of any waterfront project;
8. Recommend the expenditure of funds to the Mayor from the Town Waterways Fund;
9. Prepare an annual report for the Mayor for publication.

**SECTION 3-222      *Weymouth Housing Authority***

(a) *Composition* - The Housing Authority shall be managed, controlled and governed by five (5) members, appointed as provided in this Section, of whom three (3) shall constitute a quorum. Membership on the Weymouth Housing Authority shall be restricted to residents of the Town.

Four (4) members of the Weymouth Housing Authority shall be appointed by the Mayor for terms of five (5) years each such that the terms of each member will expire in a different year.

One (1) member of the Weymouth Housing Authority shall be appointed by the Department of Housing and Community Development (of the Commonwealth) for a term of five (5) years which expires in a different year than any member appointed by the Mayor.

One (1) of the four (4) members of the Weymouth Housing Authority appointed by the Mayor shall be a resident of the Town and shall be a representative of organized labor who shall be appointed by the Mayor from a list of not less than two (2) nor more than five (5) names, representing different Unions submitted by the Central Labor Council, AFL-CIO and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America of the Town or of the district within which the Town is included. If no such list of names is submitted within sixty (60) days after a vacancy occurs, the Mayor may appoint any representative of organized labor to the authority.

One (1) of the four (4) members of the Weymouth Housing Authority appointed by the Mayor shall be a tenant in a building owned and operated by or on behalf of the local Weymouth Housing Authority who shall be appointed by the Mayor from lists of names submitted by each duly recognized Town-wide and project-wide tenants' organization in the Town. A tenants' organization may submit a list which contains not less than two (2) nor more than five (5) names to the Mayor who shall make the selection from among the names so submitted; provided that, where no public housing units are owned and operated by the Weymouth Housing Authority and no such units are owned and operated on behalf of the Weymouth Housing Authority, the Mayor shall appoint any

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tenant of the Weymouth Housing Authority from lists submitted in accordance with this section. If no list of names is submitted within sixty (60) days after a vacancy occurs, the Mayor shall appoint any tenant to the authority. The Mayor shall notify in writing tenant organizations as specified herein not less than ninety (90) days prior to the expiration of the term of a tenant member. Whenever a vacancy occurs in the term of a tenant member for any reason other than the expiration of a term, the Mayor shall notify in writing the tenant organizations specified herein within ten (10) working days after the vacancy occurs. The Mayor shall make an appointment within a reasonable time after the expiration of sixty (60) days after said notice.

Vacancies, other than by reason of expiration of terms, shall be filled for the balance of the unexpired term, in the same manner as the original appointment. Every member, unless sooner removed, shall serve until the qualification of his successor.

(b) *Authorities and Responsibilities* - The Weymouth Housing Authority shall make careful studies of the housing needs within the Town and shall provide such programs to make available housing for families of low income and for elderly persons of low income as it deems to be necessary or desirable and it may make studies and investigations relative to community development, including desirable patterns for land use and community growth. The Housing Authority shall have all of the powers, duties, authorities and responsibilities as are afforded to such entities under MGL C. 121B.

**SECTION 3-223      Weymouth Redevelopment Authority**

(a) *Composition* - The Weymouth Redevelopment Authority shall be managed, controlled and governed by a Board consisting of five (5) members.

Four (4) members of the Weymouth Redevelopment Authority shall be appointed by the Mayor for terms of five (5) years each such that the terms of each member will expire in a different year.

One (1) member of the Weymouth Redevelopment Authority shall be appointed by the Department of Housing and Community Development (of the Commonwealth) for a term of five (5) years which expires in a different year than any member appointed by the Mayor.

(b) *Authorities and Responsibilities* - The Weymouth Redevelopment Authority shall make careful studies surveys and plans relative to community development including desirable patterns for land use and community growth and to determine what areas within the Town constitute decadent, substandard or blighted areas. The Redevelopment Authority shall have all of the powers, duties, authorities and responsibilities as are afforded to such entities under MGL C. 121B.

**SECTION 3-224      Weymouth Youth Coalition**

(a) *Establishment* - There shall be a seven (7) member Youth Coalition, which shall consist of: the Mayor, the Superintendent of Schools, the Chief of Police, the Director of Health, the Division of Youth and Family Services, or their designees, and two community members appointed by the Mayor. In addition, the Committee may, by majority vote, solicit stakeholders in youth activities, such as parents of school-aged children, concerned citizens, members of the clergy and other agencies dedicated to youth concerns, to participate as nonvoting members of the coalition.

(b) *Authority and Responsibility* - The Coalition shall meet to address youth concerns in a community based manner, with particular focus on the prevention of substance abuse, violence and other high-risk behavior. The membership of the Coalition shall make every effort to include input and representation from the widest possible range of citizenry of the Town.

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**SECTION 3-225      *Community Events Committee***

(a) *Establishment* - There shall be a nine (9) member Community Events Committee which shall consist of the Mayor, the Director of Administrative Community Services or their designees and seven (7) members of the community.

(b) *Authority and Responsibility* - The Community Events Community shall be charged with planning and conducting annual and special Town events as assigned by the Mayor.

**SECTION 3-226      *Scholarship Fund Committee***

(a) *Establishment* - There shall be a Scholarship Fund Committee that consists of nine (9) members. The Superintendent of Schools or his or her designee and eight citizens which shall exercise the powers provided in MGL C. 60, s 3C.

(b) *Authority and Responsibility* - The Scholarship Fund Committee shall select worthy recipients of and amounts of financial aid from the scholarship fund to be distributed. The Scholarship Fund Committee shall establish a procedure for determining, at least on an annual basis, the amounts or percentages of the funds that shall be authorized for distribution.

(c) *Miscellaneous*

1. All funds collected pursuant to this ordinance shall be under the jurisdiction of the Mayor; the Town Treasurer shall be the custodian of said special fund and interest earned upon the Scholarship Fund shall remain therewith and shall be used for the purpose of said fund.
2. The Committee may recommend an Annual Operating Budget to the Mayor for his consideration as part of the Mayor's Annual Budget preparation.
3. The Scholarship Committee is authorized to expend, with the approval of the Mayor, its budget as is appropriated in the Annual Budget of the Town of Weymouth.
4. The Scholarship Committee may distribute financial aid from both interest and principal of the special fund without further appropriation.

(d) *Placement on Tax Bills* - The Tax Collector may designate a place on the Town's municipal tax bills and/or motor vehicle excise tax bills whereby a taxpayer may donate an amount to the Scholarship Fund.

**SECTION 3-227      *Community Preservation Committee***

(a) *Establishment* - There shall be a Community Preservation Committee, in accordance with Chapter 267 of the Acts of 2000, Massachusetts Community Preservation Act, which shall consist of nine (9) members: one (1) member of the Conservation Commission as designated by the Commission; one (1) member of the Planning Board as designated by the Board; one (1) member of the Historical Commission as designated by the Commission; one (1) member of the Housing Authority, established under MGL C. 121B, as designated by the Authority; one (1) member of the Recreation Commission as designated by the Commission; one (1) member of the Town Council as designated by the Town Council President; and three (3) citizens not currently holding elected or appointed office appointed by the Mayor. Any vacancy shall be filled by the respective Board, Commission, Housing Authority, Town Council President or Mayor for the remainder of the unexpired term.

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(b) *Terms of office* - The term of office shall be for two (2) years. In the event that a designee of a multiple member body no longer serves on the board they represent on the Community Preservation Committee, that position shall be vacant and filled by the appropriate multiple member body.

(c) *Authority and Responsibility* - The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with the Mayor, Town Council, and existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Commission and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall annually hold one (1) or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two (2) weeks preceding a hearing in a newspaper of general circulation in the Town.

By October 1<sup>st</sup> of each year, the Community Preservation Committee shall give to the Capital Planning Committee information on all capital projects anticipated by them as needing Town Council action during the ensuing six (6) years. Such submittal should include all recommendations for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

Twenty-one (21) days before the date the Mayor is required to submit a proposed Town Budget to the Town Council, the Community Preservation Committee shall submit its budget to the Mayor. The budget may include a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

For each fiscal year, at least ten percent (10%) of the estimated annual fund revenues must be appropriated or reserved for acquisitions and initiatives in each of the following categories:

1. Open space not including land for recreational purposes,
2. Community housing,
3. Historic resources.

Annual appropriations for the administrative and operating expenses of the Community Preservation Committee may not exceed five percent (5%) of the year's estimated annual Community Preservation Fund revenues.

**SECTION 3-300**

**APPOINTED TOWN OFFICERS**

**SECTION 3-301      Accountant, Town**

(a) *Establishment* - There shall be a Town Accountant, appointed by the Director of Municipal Finance as authorized by MGL C. 41, s. 55.



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(b) *Powers and Duties* - The Town Accountant shall examine the books and accounts of all Officers and Committees entrusted with the custody or expenditure of money. The Town Accountant shall have all of the other powers, duties and responsibilities which are given to Town Accountants by general laws except the powers of the office which are associated with auditing, including those described in MGL C. 41, s. 50,51,53,54 which powers shall be assigned to the Office of Town Auditor established by Home Rule Charter, Section 2-8(a).

**SECTION 3-302      *Animal Control Officer***

(a) *Establishment* - The Chief of Police shall, annually, appoint an Animal Control Officer.

(b) *Powers and Duties* - The Animal Control Officer shall be responsible for the enforcement of all laws relating to dogs, including but not limited to MGL C. 140, s. 136A - 175 and all Ordinances of the Town further regulating animals. The Animal Control Officer shall, in addition, have all of the powers of a Field Driver and Pound Keeper, as provided in MGL C. 49, s. 22 to 42, the authority to take up stray beasts as provided in MGL C. 134 and every other enabling authority as may be. In addition, the Animal Control Officer shall be responsible for the taking up, confinement and disposition of wild animals which are disturbing the public peace or providing a threat to public safety. The Animal Control Officer shall coordinate and cooperate, as necessary, with the various humane societies that are active in Weymouth and the surrounding area.

**SECTION 3-303      *Animals, Inspector of***

(a) *Establishment* - The Mayor shall, annually, appoint an Animal Inspector in accordance with MGL C. 129, s. 15.

(b) *Powers and Duties* - The Animal Inspector shall make regular and thorough inspections of all neat cattle, sheep, swine and other domesticated animals within the limits of the Town, and, if he knows or has reason to suspect any are infected with or have been exposed to any contagious disease, he may order their quarantine. The Animal Inspector shall have all of the other powers, duties and responsibilities given to Animal Inspectors by MGL C. 129, s. 15 – 25.

**SECTION 3-304      *Assessor, Principal***

(a) *Establishment* - The Director of Municipal Finance shall appoint a Principal Assessor.

(b) *Powers and Duties* - The Principal Assessor shall appraise real and personal property in the Town; perform field measurements and inspections of residential and commercial buildings, including new buildings, additions, major alterations, demolition and partial construction; inspect land and land changes resulting from map changes, deed transfers and subdivision changes; using appropriate appraisal techniques, make estimate of market value of properties; keep apprised of all deed transfers and check deeds for ownership.

The Principal Assessor maintains a record file system on permanent properties including collected data and calculated cost with depreciation, current market and assessed valuation considered. The Principal Assessor performs other related duties, as required.

**SECTION 3-305      *Buildings, Inspector of***

(a) *Establishment* - The Inspector of Buildings shall be appointed by the Mayor.

(b) *Powers and Duties* - The Inspector of Buildings shall appoint such number of officers, technical assistants, inspectors, clerks and other employees as shall be necessary to conduct the business of said division and as authorized by the Mayor.

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The Inspector of Buildings shall keep a record of the business of said division, submit to the Mayor a yearly report of such business, ascertain all facts and make all returns which shall be required by law or other matters connected with his Department and enter upon the premises wherein any fire has occurred, if necessary in accordance with MGL C. 143, s. 3 & C. 40A, s. 7.

**SECTION 3-306      *Burial Agent***

(a) *Establishment* - The Veteran's Services Director shall also be the Burial Agent as provided in MGL C. 115, s. 7.

(b) *Powers and Duties* - The Burial Agent shall cause to be interred the body of any Veteran or adult dependent of a Veteran who dies without sufficient means of defraying funeral expenses and the body of any dependent child of a Veteran if the Veteran and his wife, or the Veteran's widow are without sufficient means to defray the expense in accordance with MGL C. 115, s. 7, 8.

**SECTION 3-307      *Civil Defense/Emergency Management Director***

(a) *Establishment* - The Director of Administrative and Community Services shall appoint a Civil Defense/Emergency Management Director in accordance with C. 639, s. 13, Acts of 1950 and Federal and State Emergency Management Guidelines.

(b) *Powers and Duties* - There shall be an Emergency Management Division under the supervision of an Emergency Management Director.

The Emergency Management Division seeks to maximize survival of persons and preservation of property in the Town in the event of a natural or man-made disaster by effective planning and by making use of all manpower, equipment, available shelter protection and other resources during an actual emergency.

The Emergency Management Division provides planning, resources, communications and recovery services in support of emergencies in the Town, adjacent communities, and the Commonwealth. The Division functions as the Emergency Preparedness Department consistent with the C. 639 of the Acts of 1950 and is responsible for coordinating and planning all disaster emergency functions and services within the Town amongst all municipal and non-municipal agencies and departments. The Department updates and exercises a plan of pre-emergency actions known as the Comprehensive Emergency Management Plan and the Superfund Amendment and Reauthorization Act of 1980, Title III Plan; mitigates emergencies; assists in responses to hazardous materials incidents and administers cost recovery and other reimbursement programs.

**SECTION 3-308      *Constables***

(a) *Establishment* - The Mayor may from time to time appoint, for terms not exceeding three (3) years, as many constables as is deemed to be necessary in accordance with MGL C. 41, s. 91A.

(b) *Powers and Duties* - Constables may serve writs, warrants and processes in civil and criminal matters as authorized by law. They shall have the power of sheriffs to require aid in the execution of their duties. They shall serve all warrants and other processes directed to them by the Mayor for notifying of meetings or for other purposes in accordance with MGL C. 41, s. 94.

**SECTION 3-309      *Fence Viewers***

(a) *Establishment* - The Mayor shall, annually, appoint two (2) or more Fence Viewers in accordance with MGL C.49, s. 1.

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(b) *Powers and Duties* - The Fence Viewers shall be responsible for the enforcement of MGL C. 49, s. 1-21 and may determine when a partition fence is required. They shall have all of the other powers, duties and responsibilities which are given Fence Viewers by general laws.

**SECTION 3-310      *Field Driver and Pound Keeper***

(a) *Establishment* - The Chief of Police may appoint a Pound Keeper for each pound and one or more Field Drivers for the Town in accordance with MGL C. 49, s. 22.

(b) *Powers and Duties* - Every Field Driver shall take up horses, mules, asses, neat cattle, sheep, goats or swine going at large in the public ways, or on common and unimproved land and not under the care of a Pound Keeper. Beasts so taken up by a Field Driver shall forthwith be impounded and while so impounded shall be furnished with suitable food and water in accordance with MGL C.49, s. 22-41.

**SECTION 3-311      *Fire Chief and Fire Department***

(a) *Establishment* - The Mayor shall, subject to the Civil Service law and rules, appoint a Fire Chief who shall be the appointing authority for the Department in accordance with MGL C. 48, s. 42.

(b) *Powers and Duties* - The Fire Chief shall have full charge of extinguishing fires, shall be in immediate control of all Town property used by the department, and of the Officers and Firefighters, who shall obey his orders. According to MGL C. 48, s. 42A-55, the Fire Chief has other extensive authority relative to fire prevention, pursuant to the provisions of MGL C. 148, and CMR 527.

**SECTION 3-312      *Harbormaster and Assistants***

(a) *Establishment* - The Chief of Police, with the approval of the Mayor, shall appoint a Harbormaster and such number of Assistant Harbormasters as may be deemed necessary in accordance with MGL C. 102, s. 19.

(b) *Powers and Duties* - The Harbormaster shall be responsible for the operation of all vessels in the harbor in conformity with MGL C. 102, s. 17-28 and all Town Ordinances adopted in relation to the harbor.

**SECTION 3-313      *Public Health, Director of***

(a) *Establishment* - The Mayor shall appoint a Director of Public Health.

(b) *Powers and Duties* - The Director of Public Health shall be responsible for the performance of all public health related functions and activities of the Town and shall coordinate the local public health program with programs conducted by the Commonwealth and with others. The Director of Public Health shall be responsible for the enforcement within the Town of all local Ordinances and rules and regulations affecting the public health and of all state statutes and state rules and regulations (CMR) affecting the public health. The Director of Public Health shall have all of the other powers, duties and responsibilities which are given to Boards of Health by general laws (see MGL C. 111, s. 26-32, and C. 111-114, generally) (except the power to promulgate health regulations) and shall have such additional powers, duties, authority and responsibility as may be provided in the Town Ordinances.

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**SECTION 3-314      *Human Resources, Director of***

(a)      *Establishment* - The Department of Human Resources shall be headed by a Director of Human Resources who shall be appointed by and who shall be responsible to the Mayor.

(b)      *Powers and Duties* - The Director of Human Resources shall be responsible for the supervision and coordination of all activities of the Department of Human Resources in accordance with State Statutes, Town Ordinances, and Rules and Regulations (Home Rule Charter, Section 5-6).

**SECTION 3-315      *Gas Piping and Gas Appliances, Inspector of***

(a)      *Establishment* - The Inspector of Buildings shall appoint an Inspector of Gas Piping and Gas Appliances who shall be a licensed plumber or a licensed gas fitter in accordance with MGL C.143, s. 30.

(b)      *Powers and Duties* - The Inspector of Gas Piping and Appliances shall be responsible for the enforcement of the rules and regulations adopted by the Gas Regulatory Board under MGL C. 25, s. 12H. The Inspector of Gas Piping and Appliances shall have all of the other powers, duties and responsibilities as are given such inspectors by MGL C.143, s. 30.

**SECTION 3-316      *Library Services, Director of***

(a)      *Establishment* - The Director of Library Services shall be appointed by and be responsible to the Mayor.

(b)      *Powers and Duties* - The Director of Library Services shall be in full charge of the Public Library and any of its branches as may from time to time be established. The Director shall be in full charge of all personnel assigned to the library and shall oversee the purchase or other acquisition of all books, periodicals, art objects and every other item or thing contained in the library collection. The Director shall be responsible for the care and custody of all library facilities and shall procure all equipment for the library operations. The Director shall prepare and monitor budgets for the Public Libraries.

**SECTION 3-317      *Lock Up, Keeper of the***

(a)      *Establishment* - The Chief of Police shall annually appoint a Keeper of the Lock Up in accordance with MGL C.40, s. 35.

(b)      *Powers and Duties* - The Keeper of the Lock Up shall have the care and custody of the Town Lock Up and of all persons who are committed to the Lock Up in accordance with MGL C.40, s. 34-37 inclusive.

**SECTION 3-318      *Wood and Bark, Measurers of***

(a)      *Establishment* - The Mayor shall, annually, appoint one (1) or more Measurers of Wood and Bark in accordance with MGL C. 94, s. 296.

(b)      *Powers and Duties* - The Measurers of Wood and Bark shall be responsible for the enforcement of the laws relating to the sale of wood and bark within the Town in accordance with MGL C. 94, s. 296-303, inclusive.

**SECTION 3-319      *Municipal Finance, Director of***

(a)      *Establishment* - The Department of Municipal Finance shall be under the direct control and supervision of a Director of Municipal Finance who shall be appointed by and who shall be responsible to the Mayor.

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(b) *Powers and Duties* - The Director of Municipal Finance shall be responsible for the supervision and coordination of all activities of the Department of Municipal Finance in accordance with State Statutes, Town Ordinances, Administrative Code, Rules and Regulations. The Director of Municipal Finance shall serve, ex officio, as the Mayor may from time to time specify, as the Town Treasurer, Collector, or Treasurer-Collector (see Home Rule Charter Section 5-5).

**SECTION 3-320      *Municipal Licenses and Inspections, Director of***

(a) *Establishment* - The Department of Municipal Licenses and Inspections shall be under the direct control and supervision of a Director of Municipal Licenses and Inspections who shall be appointed by and who shall be responsible to the Mayor. The Director of Municipal Licenses and Inspections shall serve for an indefinite term. The Director of Municipal Licenses and Inspections shall be a person especially fitted by education, experience and training to perform the duties of the office.

(b) *Powers and Duties* - The Director of Municipal Licenses and Inspections shall be responsible for the supervision and coordination of all activities of the Department of Municipal Licenses and Inspections in accordance with State Statutes, Town Ordinances, Rules and Regulations. The Director of Municipal Licenses and Inspections shall also perform the duties of Inspector of Buildings or of any other position within the Department as the Mayor may from time to time specify (see Home Rule Charter, Section 5-7).

**SECTION 3-321      *Parking Clerk***

(a) *Establishment* - The Director of Municipal Finance shall designate or appoint a Parking Clerk in accordance with MGL C. 90, s. 20 ½.

(b) *Powers and Duties* - The Parking Clerk shall supervise and coordinate the processing of parking notices in the Town in accordance with MGL C. 90, s. 20A-E.

**SECTION 3-322      *Planning and Community Development, Director of***

(a) *Establishment* - The Department of Planning and Community Development shall be under the direct control and supervision of a Director of Planning and Community Development who shall be appointed by and who shall be responsible to the Mayor. The Director of Planning and Community Development shall serve for an indefinite term. The Director of Planning and Community Development shall be a person especially fitted by education, experience and training to perform the duties of the office.

(b) *Powers and Duties* - The Director of Planning and Community Development shall be responsible for the supervision and coordination of all activities of the Department of Planning and Community Development in accordance with State Statutes, Town Ordinances, Rules and Regulations (see Home Rule Charter, Section 5-6).

**SECTION 3-323      *Plumbing, Inspector of***

(a) *Establishment* - An Inspector of Plumbing shall be appointed by the Inspector of Buildings in accordance with MGL C. 142, s. 11.

(b) *Powers and Duties* - The Plumbing Inspector shall be responsible for the enforcement of all rules and regulations regarding the installation, alteration and repair of all plumbing in the Town in accordance with MGL C. 142, s. 11-13; C. 142, generally.

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**SECTION 3-324      *Police Chief and Police Department***

(a)      *Establishment* - The Mayor shall, subject to the Civil Service law and rules, appoint a Police Chief who shall be the appointing authority for the Police Department.

(b)      *Powers and Duties* - The Chief of Police shall be in immediate control of all Town property used by the Department, and of the Police Officers, who shall obey his orders. The Police Department shall have full charge of keeping the peace and the enforcement of all laws in accordance with MGL C. 41, s. 97 & 98.

**SECTION 3-325      *Public Works, Director of***

(a)      *Establishment* - The Department of Public Works shall be under the direct control and supervision of a Director of Public Works who shall be appointed by and who shall be responsible to the Mayor. The Director of Public Works shall serve for an indefinite term. The Director of Public Works shall be a person especially fitted by education, training and previous, experience and training to perform the duties of the office.

(b)      *Powers and Duties* - The Director of Public Works shall be responsible for the supervision and coordination of all activities of the Department of Public Works in accordance with State Statutes, Town Ordinances, Administrative Code, Rules and Regulations (see Home Rule Charter, Section 5-3).

**SECTION 3-326      *Purchasing Agent***

(a)      *Establishment* - The Director of Municipal Finance shall appoint a Purchasing Agent in accordance with MGL C. 41, s. 103.

(b)      *Power and Duties* - The Purchasing Agent shall purchase all supplies for the Town and for every Department thereof except in the case of an emergency. All purchases or contracts for purchases shall be based on competition as required by MGL Cs. 30B, 149 & 7.

**SECTION 3-327      *Weights and Measures, Sealer of***

(a)      *Establishment* - The Director of Municipal Licenses and Inspections shall appoint one (1) or more Sealers of Weights and Measures in accordance with MGL C.98, s. 34.

(b)      *Powers and Duties* - The Sealer of Weights and Measures shall test, adjust and seal all devices used for the weighing and measuring of commodities and shall be responsible for the enforcement of all laws relating to weights and measures in accordance with MGL C. 98, s. 34-56C.

**SECTION 3-328      *Shade Tree Management and Pest Control, Superintendent of***

(a)      *Appointment* - The Director of Public Works shall appoint a Superintendent of Shade Tree Management and Pest Control in accordance with MGL C. 132, s. 13.

(b)      *Powers and Duties* - The Superintendent of Shade Tree Management and Pest Control shall be responsible for the suppression of the public nuisances named in MGL C. 132, s. 11.

**SECTION 3-329      *Shellfish Constable, Deputy Shellfish Constables***

(a)      *Appointment* - The Mayor shall appoint for terms of three (3) years, a person or persons, qualified by training and experience in the field of shellfishery management, as Shellfish Constables or Deputy Shellfish Constables. The Mayor shall notify the Director of the Division of Marine Fisheries and the Director of the Division of Law Enforcement forthwith of the appointment of a Shellfish Constable or Deputy Shellfish Constable in accordance with MGL C. 130, s. 98.

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(b) *Powers and Duties* - Shellfish Constables and Deputy Shellfish Constables shall, subject to the appointing authority, initiate, promote and manage shellfisheries and shall make or cause to be made such studies as may be necessary to enhance the value of such shellfisheries and shall enforce all Statutes, Ordinances, By-Laws, Rules and Regulations relative to shellfish in Weymouth. Shellfish Constables and Deputy Shellfish Constables shall, for the enforcement of MGL C. 130, s. 31, 37, 41, 43 and 44, have the authority granted to Natural Resource Officers, subject to written Rules and Regulations of the Commissioner of the Department of Fisheries, Wildlife and Environmental Law enforcement. In the performance of their duties, a Shellfish Constable or a Deputy Shellfish Constable may request any person such Constable or Deputy Constable has cause to believe is engaged in unlawful shell fishing, is in unlawful possession of shellfish, or is in possession of shellfish unlawfully taken, to display forthwith for inspection all shellfish in his or her possession, and such Constable or Deputy Constable may arrest without a warrant any person refusing or failing to comply with such request.

**SECTION 3-330      *Town Solicitor***

(a) *Appointment* - The Mayor shall appoint a Town Solicitor who shall serve an indefinite term of office.

(b) *Powers and duties* - The Town Solicitor shall be responsible for all legal affairs of the Town and shall personally provide, or shall personally supervise the provision by others, of all legal services necessary for the proper and efficient conduct of the Town's affairs. Further, the Town Solicitor shall:

1. Supervise the drawing, revision and/or approve all contracts, deeds, bonds and other legal instruments relating to the Town;
2. Prosecute and defend all suits to which the Town or any of its officers or any administrative personnel in their official capacity are a party, or wherein any right, privilege, property, estate, act or franchise of the Town may be affected or brought into question, before any court, Board of Commissioners, or Committee of the General Court of this Commonwealth;
3. Under the direction of the Mayor, represent the Town before any committee of the Legislature, administrative board or other public official in any matter wherein the Town has an interest;
4. Furnish all legal advice to the Mayor, Town Council, and all elected or appointed Town Officers, Departments, Boards and Committees pertaining to the discharge of their official duties. All requests for legal opinions, other than routine day to day questions, shall be made in writing to the Town Solicitor and routed through the Mayor's office for purposes of administrative control;
5. The Town Solicitor shall have charge of and perform, under the direction of the Mayor, any and all other legal business of the Town except as otherwise provided, including:
  - a. *Prosecution of Cases* - The Mayor, as provided in Home Rule Charter, Section 2-203, may instruct the Town Solicitor to prosecute any case of violation of Town Ordinances or to defend any proceeding brought against any officer, employee, board or committees of the Town for acts done in the discharge of his/her/its official duties.
  - b. *Employment of Assistants* - The Town Solicitor, in the discharge of legal duties, may employ assistants and outside counsel, but, except as otherwise expressly authorized by the Mayor, the Town Solicitor shall be responsible for the acts of any assistants and outside counsel so employed, and such assistants shall be paid by the Town Solicitor.

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- c. *Representation of all Town Departments* - The Town Solicitor shall represent all Town Departments, Boards and Committees in the conduct of their official duties, and the salary therefore shall cover all work performed, except that for the School Department, the examination of titles to real estate, all legal work in the preparation or conduct of litigation and hearings, either before administrative committees, boards, courts or other tribunals, and except work done in connection with the laying out, establishment, construction and maintenance of sewerage, water, drainage or road systems.
- d. *Settlement of Claims* - The Mayor, as provided in Home Rule Charter, Section 2-203, shall have full authority as agent of the Town, with the advice and consent of the Town Solicitor, to prosecute, defend, to compromise and settle all claims and suits pending to which the Town is a party and in relation to claims and suits.
- e. *Assignment of Police* - The Chief of Police, at the request of the Town Solicitor and by order of the Mayor, shall assign a competent police officer to the legal department to act under the Town Solicitor in the investigation of all claims against the Town and to assist the Town Solicitor in the preparation for trial and in the trial of any hearings or litigation to which the Town is a party.
- f. *Approval of Legal Bills* - The Town Solicitor shall approve all bills or charges against the legal department before final presentation for approval and payment.
- g. *Appointment of Special Counsel* - No Town Officer or Agency, unless specifically authorized to do so by the Mayor, shall employ, advise with or consult any attorney or counselor at law, other than the Town Solicitor, or his designee, with regard to its duties, or to any Town business. Whenever it is determined that the services of a legal specialist are necessary or desirable, the Town Solicitor shall select such counsel after consultation with the Mayor and the office or agency involved.

**SECTION 3-331      Treasurer-Collector**

- (a) *Establishment* - There shall be a Treasurer-Collector appointed by the Director of Municipal Finance.
- (b) *Powers and Duties* - The Treasurer-Collector so appointed shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred or imposed by law on Town Treasurers and Collectors.

**SECTION 3-332      Tree Warden**

- (a) *Establishment* - There shall be a Tree Warden appointed by the Director of Public Works.
- (b) *Powers and Duties* - The Tree Warden shall have the care and control of all public shade trees, shrubs and growths in the Town, except those within a State highway. The Tree Warden shall enforce all provisions of law relative to the protection and preservation of shade trees in accordance with MGL C. 87.

**SECTION 3-333      Veterans' Graves Officer**

- (a) *Establishment* - The Mayor shall appoint a resident of the Town of Weymouth who shall be a veteran as defined in Clause 43 of Section 7 of Chapter 4, as a Veterans' Graves Officer for a term of five (5) years.
- (b) *Powers and Duties* - The Veterans' Graves Officer shall be responsible to see that every Veteran's grave is suitably kept and cared for in accordance with MGL C. 115, s. 9.



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**SECTION 3-334        Veterans' Services Director**

(a)        *Establishment* - The Director of Administrative and Community Services shall appoint a Veterans' Services Director in accordance with MGL C. 115, s. 10.

(b)        *Powers and Duties* - The Veterans' Services Director shall furnish information, advice and assistance to Veterans relative to employment, education, medical care, pensions and other benefits to which they are or may be entitled in accordance with MGL C. 115, s. 10-14. The Veterans' Services Director shall also serve as the Burial Agent and Veterans' Graves Officer as otherwise provided in these Ordinances.

**SECTION 3-335        Wire Inspector**

(a)        *Establishment* - The Inspector of Buildings shall appoint a Wire Inspector in accordance with MGL C. 166, s. 32.

(b)        *Powers and Duties* - The Wire Inspector shall supervise every wire over, under or in streets or buildings and every wire within a building which is designed to carry electricity in accordance with MGL C. 166, s. 32.

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***SECTION 4-100***

***ADMINISTRATIVE ORGANIZATION***

***SECTION 4-101***

***Mayor to be Chief Executive and Administrative Officer***

The Mayor shall be the Chief Executive and Administrative Officer of the Town Government.

***SECTION 4-102***

***Departmental Organization***

(a) *Departments Established* - The administrative service of the Town shall be divided into the following departments:

Municipal Finance Department

Administrative Services (including) Department of Human Resources

Community Services Department

Department of Municipal Licenses and Inspections

Planning and Community Development Department

Public Works Department

Health Department

Police Department

Fire Department

Department of Information Technology

Department of Libraries

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(b) *Purpose* - It is the intention of this provision to assemble similar and related activities and functions of the Town into consolidated departments in order to attain the efficiencies and economies of scale; to reduce or eliminate duplication and overlapping of services, responsibilities and functions; and to improve the communication and coordination between and among the various offices and agencies of the Town. It is the further intention of this provision that the director of each department shall be authorized to assign responsibilities and functions between and among personnel within the department from time to time without regard to the lines of responsibilities which have previously been associated with the agencies herein consolidated.

**SECTION 4-103      *Standard Provisions***

The following standard provisions shall apply to all Town Agencies whether established by this Charter, by Ordinance, or by Administrative Rule or Regulation arising out of the authority of this Charter:

(a) *Titles* - The Head of each Department of the Town Government shall be termed "Director".

(b) *Appointments* - The Director of each Department of the Town Government shall be appointed by the Mayor for an indefinite term of office. The appointment of Directors (Department Heads) by the Mayor shall be subject to review by the Town Council as provided in Home Rule Charter, Section 2-10.

A Department Director shall be a person especially qualified by education, training and previous experience to perform the duties of the office.

Division Heads shall be appointed by the Directors of Departments, with the consent of the Mayor.

The Director of a Department may serve as the head of one division within the Department. The Director may appoint the head of a division within the department to serve simultaneously as the head of another division within the Department. Such person so appointed, or so serving, shall possess all of the qualifications for the position which may be prescribed by law, by Charter, by Ordinance, by Rule, or otherwise.

Directors of Departments shall, subject to the consent of the Mayor, appoint all assistants and subordinates and other employees of the agency for which such person is responsible.

(c) *Temporary Director of Department* - The Mayor may, as provided in Home Rule Charter, Section 3-5, designate the head of one of the divisions within the department, or some other Town Officer or employee, or any other person to serve as temporary head of a department for periods not to exceed ninety (90) days. If at the expiration of ninety (90) days following the date a Director of a Department position has become vacant and the Mayor has not appointed a standing Director of the Department, the Mayor may grant one thirty (30) day extension of the temporary appointment. If at the expiration of ninety (90) days following the date a Director of a Department position has become vacant the Mayor has not appointed a standing Director of the Department, the Mayor shall designate one of the division heads to be the Director of the Department.

(d) *Removal* - The Mayor may, by following the removal procedure established in Home Rule Charter, Section 3-4 (a), remove a Director of a Department from office.

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A Director of a Department may, for cause, by following the removal procedure established in Home Rule Charter, Section 3-4 (b) and in Chapter 10 of these Ordinances, remove a Division Head from office.

A Division Head may, for cause, remove a subordinate by following the removal procedure established in Home Rule Charter, Section 3-4 (b) and in Chapter 10 of these Ordinances.

**SECTION 4-104      *Duties of Directors of Departments, Division Heads, and Officers of the Town***

(a)      *In General* - Every Director of a Department, Division Head, Town Officer and Town Employee shall perform all duties required of the position by State Law, by the Charter and Ordinances of the Town, and such other duties as may be required by the Mayor and persons appointed by the Mayor.

(b)      *Department Directors are Responsible to the Mayor* - All Division Heads and Town Officers shall report to the Mayor through their respective Director of Department. The Directors of Departments shall be immediately responsible to the Mayor for the effective administration of their respective Departments and all activities assigned to their Departments.

(c)      *Inaugurate Sound Practices* - The Directors of Departments, Town Officers and the Heads of Divisions shall keep themselves informed as to the latest practices in their particular fields and shall inaugurate, with the approval of the Mayor, such new practices as appear would be of benefit and service to the citizens and taxpayers of Weymouth.

(d)      *Reports to Mayor* - The Directors of Departments shall submit reports of the activities of their departments to the Mayor with such frequency and in such form as may be required by the Mayor. The Directors of Departments shall render an annual report of the activities and operations of the department for which each is responsible to the Mayor on or before August 1<sup>st</sup> of each calendar year. Town Officers and Division Heads shall assist their respective Department Directors by preparing and filing such reports with them as may be requested or required of them to enable the Director of a Department to so report.

(e)      *Maintain Records* - The Directors of Departments shall establish and maintain systems of filing and indexing records and reports in sufficient detail to furnish all information necessary for the proper control of departmental activities and to form a basis for the periodic reports to the Mayor.

(f)      *Maintain Equipment* - The Directors of Departments, Town Officers and the Heads of Divisions shall be responsible for the proper maintenance of all Town property and equipment used in their Departments, Offices and Divisions.

(g)      *Cooperation with Town Auditor* - The Directors of Departments, Town Officers and the Heads of Divisions and every other employee of the Town shall cooperate fully with the Town Auditor whenever the Auditor makes any request for any information relevant to the duties of such person.

**SECTION 4-105      *Duties of Directors of Departments***

The Director of each Department shall have the following specific powers and duties:

(a)      Provide coordination and direction to the divisions within the Department to insure consistent administration and the efficient delivery of services to citizens and taxpayers;

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- (b) Meet with the Mayor to develop goals and objectives for each of the divisions within the Department and to measure and evaluate the performance of functions by each constituent agency within the Department;
- (c) Meet with the Division Heads and other subordinate officers and employees of the Department to explain the goals and objectives set by the Mayor for each such division and agency and to arrive at methods by which such goals and objectives might be achieved;
- (d) Monitor the level of services provided in other communities to ensure the Town of Weymouth provides the highest and best level of service possible to its citizens and taxpayers consistent with the needs of the Town and its ability to pay;
- (e) Assist Division Heads in the development of annual operating budgets and capital outlay requests;
- (f) Prepare and submit to the Mayor within the guidelines provided by the Mayor and within the time schedule established by the Mayor, a proposed annual operating budget and capital outlay request covering all divisions and offices within the department for which the Director is responsible.

**SECTION 4-106      *Submission of Reorganization Plans By Mayor***

Any plan presented by the Mayor to the Town Council which purports to be a reorganization plan under Home Rule Charter, Section 5-1 which does not contain a proposed Ordinance in which are incorporated amendments, revisions or repeals of this article and any other articles or provisions of this code of Town Ordinances as will accomplish the desired reorganization, shall not be deemed to be a reorganization plan within the meaning of said Section 5-1.

Each proposed reorganization plan when filed by the Mayor with the Town Council shall bear an identifying number and shall be accompanied by a detailed statement of the Mayor in explanation of the reasons underlying the submission of the proposed plan and the goals and objectives expected to result from the implementation of the plan.

Forthwith upon its receipt of a proposed reorganization plan from the Mayor, the Town Council shall provide for a notice to be prepared for publication in a local newspaper which shall describe the scope of the proposal and the time and place, not less than seven (7) nor more than fourteen (14) days following such publication, the Town Council will hold a public hearing concerning the proposed reorganization plan.

A reorganization plan shall become effective on the sixty-first (61<sup>st</sup>) day following the day it was submitted to the Town Council unless the Council has voted to disapprove the plan.

**SECTION 4-200**

**DEPARTMENTS**

**SECTION 4-201      *Municipal Finance, Department of***

(a) *Establishment* - There shall be a Department of Municipal Finance which shall be responsible for the management of the fiscal and financial affairs of the Town and for the supervision and coordination of all activities of all Town Agencies in relation to any fiscal or financial matter.

(b) *Scope of Department Activities* - The Department of Municipal Finance shall be responsible for and shall include the following functions:

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1. Coordination of all financial services and activities of the Town Government;
2. Maintenance of all accounting records and other financial statements for all offices and agencies of the Town Government;
3. The payment of all financial obligations on behalf of the Town;
4. The receipt of all funds due to the Town from any source;
5. Maintenance of all property valuation records and systems;
6. The rendering of advice, assistance and guidance to all other Town Offices and agencies in any matter relating to financial or fiscal affairs;
7. The monitoring throughout the fiscal year of the expenditure of funds by Town Offices and agencies, including the periodic reporting on the status of all accounts with recommendations concerning fiscal and financial policies to be implemented by such offices and agencies;
8. Coordination of all financial transactions associated with the procurement of all goods, supplies and materials by Town Offices and agencies with the central procurement procedures established pursuant to MGL C. 30B.

(c) *Director of Municipal Finance* - The Department of Municipal Finance shall be headed by a Director of Municipal Finance who may also be referred to as the Chief Financial Officer (or CFO).

The Director of Municipal Finance shall appoint, subject to the consent of the Mayor, a Treasurer, a Collector, a Town Accountant, a Purchasing Agent and a Principal Assessor. The Mayor shall appoint the members of the Board of Assessors.

Said Treasurer, Collector, Town Accountant, Purchasing Agent and Principal Assessor shall have such powers and duties as may be vested in those offices expressly by general or special law, but shall otherwise report to and be under the direction and supervision of the Director of Municipal Finance.

The powers and duties of said Director of Municipal Finance shall include the following: coordination, administration, and supervision of all financial services and activities; assistance in all matters related to municipal financial affairs; implementation and maintenance of uniform systems, controls, and procedures for all financial activities in all Departments, including the School Department, and including but not limited to: maintenance of all financial and accounting data and records; implementation and maintenance of uniform budget guidelines and procedures; assistance in development and preparation of all department budgets and spending plans; review of all contracts and obligations; monitoring of the expenditure of all funds, including periodic reporting to appropriate agencies of the status of accounts; establishment of a spending plan for each department; and the allotment of funds on a periodic basis as provided in Home Rule Charter, Section 6-8. In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the Director of Municipal Finance to promote, secure, and preserve the financial interests of the Town.

The Director of Municipal Finance shall from time to time, subject to the approval of the Mayor, promulgate rules and regulations governing any subject within the jurisdiction of the Department of Municipal Finance as are necessary to implement the provisions of this Ordinance.

(d) *Operating Divisions* - The Department of Municipal Finance shall consist of the following divisions:

1. *Division of Collections and Treasury Management* - The Division of Collections and Treasury Management, headed by a Town Treasurer-Collector, shall receive and take charge of all

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money belonging to the Town, pay all bills and warrants (including payroll) properly executed by the Town Officials and it shall collect all accounts due to the Town from any source. Upon receipt of a tax list and warrant from the Board of Assessors, it shall collect the taxes and make a return thereon to the Board of Assessors. The Town Treasurer-Collector shall, according to the order of the authorized officers of the Town, pay out and make all disbursements of funds on behalf of the Town. Except as otherwise provided, the Town Treasurer-Collector shall have all of the other powers, duties and responsibilities which are given to Town Collectors and to Town Treasurers by general law.

2. *Division of Accounting* - The Division of Accounting, headed by a Town Accountant, shall be responsible for the following:
  - a. Maintenance of accounts for all financial transactions of the Town;
  - b. Pre-audit of all purchase orders, receipts and disbursements;
  - c. Preparation of payrolls;
  - d. Preparation of warrants for the payment of all bills of the Town;
  - e. Preparation of periodic reports on the status of departmental receipts and expenditures;
  - f. Maintenance of central grant and contract files.

The Division of Accounting shall assist all Town Agencies in keeping the books and accounts of all offices and agencies entrusted with the custody or expenditure of money. The Division of Accounting shall provide the Town Auditor, appointed by the Town Council, free access to all of its books, accounts, bills, vouchers and other records of financial transactions as may be necessary for the performance of the auditing and oversight functions of the Town Council. The Division of Accounting shall, at least once in each fiscal year, verify the cash balances of all Town Offices and agencies by actual count of the cash and by reconciliation of bank balances. The Division of Accounting shall prepare all warrants for the expenditure of Town funds before any payment is made by the Division of Collections and Treasury Management. Except as otherwise provided, the Town Comptroller shall have all of the other powers, duties and responsibilities which are given to Town Accountants and Town Auditors by general law, including the authorization to report matters of fraud, waste, improper or illegal activity to the Mayor.

3. *Division of Assessing* - The Assessing Division shall be under the charge of an officer known as the Principal Assessor.

The Principal Assessor shall have all the powers, and perform the duties of assessors in cities and towns in accordance and in compliance with the general laws, except as paragraph (c) above shall otherwise provide. Said Principal Assessor shall review every application for exemption or abatement of taxes and shall report his or her findings to the Board of Assessors.

There shall be in the Assessing Division, a Board of Assessors, consisting of three (3) regular members and one (1) alternate member appointed by the Mayor. The members of said Board of Assessors shall serve for terms of three (3) years each so arranged that the term of one (1) regular member shall expire each year.

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It shall be the duty of said Board of Assessors to review the findings of the Principal Assessor on applications for exemptions or abatements of taxes, and to grant or deny all such applications after such hearing as said Board of Assessors deems proper.

The Division of Assessing shall be responsible for the following:

- a. Establish the valuation of all real and personal property;
- b. Maintain records substantiating all assessments made;
- c. Prepare and issue commitments for the collection of property taxes and motor vehicle excise taxes by the office of the collector;
- d. Acting on abatement and exemption applications filed with it and representing the Town in proceedings before the Appellate Tax Board.

4. *Division of Procurement and Purchasing* - The Division of Procurement and Purchasing shall be under the management and control of a Town Purchasing Agent.

The Division of Procurement and Purchasing shall be responsible for purchasing all supplies, material and equipment for all offices and agencies of the Town to the extent provided in MGL C. 41, s. 103, and for the purposes of MGL C. 30B, the Town Purchasing Agent shall be the Chief procurement officer of the Town. The Town Purchasing Agent may delegate any of the powers and duties of the Office of Chief Procurement Officer to one or more Procurement Officers to serve specific Town Offices or agencies in the manner provided in MGL C. 30B, s. 19.

**SECTION 4-202      *Administrative Services, Department of***

(a) *Establishment* - There shall be a Department of Administrative Services which shall be responsible for the coordination and management of all of the administrative services related activities of the Town.

(b) *Scope of Department Activities* - The Department of Administrative Services shall be responsible for and shall include the following administrative functions:

1. Emergency Management services
2. Maintenance of certain Town buildings and property
3. Human Resources
4. The Solicitor's Office
5. Information Technology

(c) *Director of Administrative Services* - The Department of Administrative Services shall be headed by a Director of Administrative Services.

The Director of Administrative Services shall have the following powers and duties:

1. Shall be deemed to be deputy to the Mayor and shall be the coordinator of all matters under the jurisdiction of the Mayor that are not specifically assigned to some other person or office;
2. Ensure compliance with all guidelines and policies issued or promulgated by the office of the Mayor and participate in the development of such guidelines and policies;
3. Provide control over certain Town Offices and agencies and serve in the capacity of a Department Head for such departments, divisions, offices and agencies as the Mayor may from time to time direct within the Department of Administrative Services;
4. Prepare and monitor budgets for offices and agencies assigned by the Mayor;



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5. Maintenance and care of Town buildings under the jurisdiction of the divisions and agencies within the department.

(d) *Operating Divisions* - The Department of Administrative Services shall consist of the following divisions:

1. *Emergency Management/Civil Defense* - The Emergency Management/Civil Defense Division shall be headed by a Director of Emergency Management/Civil Defense as required by MGL, Acts of 1950, C. 639, s. 13. The Emergency Management/Civil Defense Division shall provide the resources, manpower, coordination and management required for the mitigation, response and recovery phases of Emergency Management.
2. *Maintenance of Town Buildings* - The Director of Administrative Services shall be responsible for the care and maintenance of Weymouth Town Hall, McCulloch Building, Weymouth Teen Center, Civil Defense Building and Recreation Department out-buildings. The Director shall also be responsible for the implementation of short-term and long-term improvements for the proper protection and preservation of public properties and for the coordination of grounds and landscaping improvements.
3. *Human Resources* - There shall be a Department of Human Resources that is responsible to the Mayor as set forth in the Home Rule Charter, Section 5-6 and shall report through the Director of Administrative Services as described in Section 4-204 of these Ordinances.
4. *Town Solicitor* - The Town Solicitor's Office shall report through the Director of Administrative Services with all the powers and duties as set forth in Section 3-330 of these Ordinances.
5. *Information Technology* - The Department of Information Technology shall report through the Director of Administrative Services with the duties and responsibilities set forth in Section 4-211 of these Ordinances.

**SECTION 4-203      Community Services, Department of**

(a) *Establishment* - There shall be a Department of Community Services which shall be responsible for the coordination and management of all community service related activities of the Town including, but not limited to programs or services provided to specific groups of persons, including senior citizens, youth, veterans, the disabled and others, services provided to the public generally including educational, recreational or cultural programs.

(b) *Scope of Department Activities* - The Department of Community Services shall be responsible for and shall include the following community service functions:

1. Commission on Disabilities
2. Elder services
3. Recreation
4. Veterans' services
5. Youth and family services
6. Community events

(c) *Director of Community Services* - The Department of Community Services shall be headed by a Director of Community Services.

The Director of Community Services shall have the following powers and duties:

1. Provide control over certain Town Offices and agencies and serve in the capacity of a Department Head for such departments, divisions, offices and agencies as the Mayor may from time to time direct within the Department of Community Services;

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2. Prepare and monitor budgets for offices and agencies assigned by the Mayor.

(d) *Operating Divisions* - The Department of Community Services shall consist of the following divisions:

1. *Commission on Disabilities* - The nine (9) member Commission on Disabilities shall advocate and provide referral services for the disabled community and coordinate municipal programs for the community.
2. *Elder Services* - The Elder Services Division shall be headed by a Director of Elder Services and shall include a Board of Elder Services as provided in Section 3-210 of these Ordinances. The Director shall be appointed by and responsible to the Director of Community Services. The Elder Services Division shall plan and coordinate social, educational, financial advisory and wellness programs and services to senior citizens.
3. *Recreation* - The Recreation Division shall include a five (5) member Recreation Commission as provided in Section 3-218 of these Ordinances. The Recreation Division shall offer programs and services that encourage participation in recreation and cultural activities, promote the safe utilization and general conservation of the open space, water, conservation and recreational resources, land and facilities available in the community.
4. *Veterans' Services* - The Veterans' Services Division shall be headed by a Director of Veterans' Services who shall, except as otherwise provided in these Ordinances, have all of the powers given by MGL C. 115 to a Veterans' Agent, a Veterans' Burial Officer, and a Veterans' Graves Officer in addition to those of a Director of Veterans' Services. The Veterans' Services Division shall be responsible for the delivery of every service to which a Veteran is or may be entitled under the provisions of Federal and State law. The Director of Veteran's Services shall assist Veterans and their survivors in researching information and shall assist in the development and completion assistance of appropriate applications to secure benefits to which they are or may be entitled under Federal and State law.
5. *Youth and Families* - The Division of Youth and Family Services shall plan and provide social service programs to the youth of Weymouth and their families and shall be responsible for the operation and coordination of activities and programs conducted at the Weymouth Teen Center. There shall be a Youth Coalition as provided in Section 3-224 of these Ordinances.
6. *Community Events* - The Community Events Division shall be headed by the Director of Community Services. There shall be a Community Events Committee as provided in Section 3-225 of these Ordinances and a local Cultural Council as provided in Section 3-208. The Community Events Division shall be responsible for the implementation and oversight of annual and special municipal events held in the Town of Weymouth, as assigned by the Mayor. The Cultural Council shall be responsible for the disbursement of annual grant awards.

**SECTION 4-204      *Human Resources, Department of***

(a) *Establishment* - All Town Departments and all positions in the Town service, except for elected officials and employees appointed by the School Committee, shall be subject to the provisions of this Ordinance, in pursuance of the provisions of MGL C. 41, s. 108A & 108C. To the extent that any provision of an approved collective bargaining agreement conflicts with any provisions of this Ordinance with respect to employees covered under such labor agreement, the provisions of the approved collective bargaining agreement shall prevail.

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The general purpose of this section is to establish a system of public personnel management based on merit that meets the social, economic and program needs of Town government. It is the intent of the Ordinance to provide a means to recruit, select and develop and maintain a responsive work force. All personnel actions in the Town service shall be made without regard to sex, race, religion, color, age, handicap, political affiliation or other non-job related factors, and shall be based solely on merit and fitness.

(b) *Scope of Department Activities* - The Department of Human Resources shall be responsible for and shall include the following functions:

1. Study, develop, establish and coordinate uniform personnel practices and procedures for Town Departments;
2. Provide advice and assistance to individual employees on all personnel matters;
3. Develop and administer a recruitment and placement program designed to fill vacant positions in the Town with the best-qualified persons;
4. Provide advice and assistance to the Mayor, department heads, supervisors and elected and appointed officials on all personnel matters, including position classifications, pay administration, recruitment and placement, employee relations, performance evaluation, disciplinary action, employee grievances and employee training;
5. Develop and maintain a position classification system for all non-union personnel, which shall include the assignment and utilization of personnel in all departments, and make recommendations to such departments for changes that may be necessary to effect the proper classification and assignment of personnel in such duties as will permit the Town to receive maximum benefits from the skills and capabilities of such personnel;
6. Administer the position classification program providing for the classification of all positions, other than those filled by popular elections into groups and classes doing substantially similar work or having substantially equal responsibilities so as to insure the payment of equitable compensation;
7. Provide advice and assistance to supervisory personnel of all levels in planning, developing and conducting training programs;
8. Standardize forms and records to be used in the Town's personnel administration program other than those forms and records whose format is regulated by statute or by State agency or agencies authorized by law to exercise oversight over specific elements of personnel management;
9. Provide guidance to appointing authorities on Civil Service law, furnish information regarding Civil Service examinations, render assistance to all departments in Civil Service matters, and perform liaison duties between Town departments and the Division of Personnel Administration of the Commonwealth;
10. Assist and participate (to the extent requested by the Mayor), in the negotiation, implementation, and administration of the Town's collective bargaining agreements;
11. Recommend to the Mayor and Town Council the enactment of such Ordinances as are considered necessary to implement and administer the Town's personnel administration program;
12. Maintain a centralized, secure location for the individual personnel records of all Town employees. Said record shall contain all the vital statistics and other pertinent data for each and every person employed by the Town. It shall be the duty of each Department Head and every other supervisory person, to provide to the Director of Human Resources such records and reports as the Director may require;
13. Study, develop, establish and coordinate an occupational safety program for the Town as required by State and Federal laws;

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14. In conjunction with the Town's Equal Employment Affirmative Action Office, coordinate an Affirmative Action and Equal Employment Opportunity Program for the Town;
15. Provide a central point for information, coordination and processing of all employee benefit programs, including group insurance, Weymouth retirement system, teacher's retirement system, 'tax shelter' plans, worker compensation claims, unemployment compensation, etc.

(c) *Director of Human Resources*

1. *Establishment* - The Human Resources Department shall be headed by a Director of Human Resources who shall coordinate its interface with the Mayor and other Administrative Agencies through the Director of Administrative Services.
2. *Powers and Duties* - The Director of Human Resources shall direct the administrative and technical activities of the Department and shall have the following specific powers and duties:
  - a. encourage and exercise leadership in the development of effective personnel management within the several departments in Town Government, and make the services and facilities of the department available to all Town departments;
  - b. Advise the Mayor in human resource planning and utilization;
  - c. Administer the personnel management system of Town Government under the Mayor;
  - d. Establish and maintain records of all employees in Town Service;
  - e. Apply and carry out the provisions of this Ordinance, the Personnel Policies and Procedures Manual and perform any lawful acts which may be necessary or desirable to carry out the purposes and provisions of applicable laws and regulations;
  - f. Provide advice and services to the Mayor in all matters pertaining to personnel management, to the extent of available resources.
3. *Personnel Code* - The Director of Human Resources, subject to the approval of the Mayor, is empowered and authorized by this section to establish a personnel code, consisting of personnel policies and regulations for the maintenance of a public personnel management system, based on merit.

(d) *Continuing Review* - The Department of Human Resources, in conjunction with the Office of the Mayor, shall initiate reviews and evaluations of the operation of the personnel system for conformance with the provisions of this section. Such reviews shall be scheduled as often as the Mayor believes it is necessary. Classification reviews shall be conducted as often as is necessary to reflect changes in the classification as established or to establish new classifications as warranted. Studies of compensation and fringe benefits in effect for comparable positions outside of the service of the Town shall be conducted at the direction of the Mayor.

The Mayor, following consultation with the Director of Human Resources, shall make recommendations to the Town Council for adjusting compensation and fringe benefits in conformance with such studies.

**SECTION 4-205      *Municipal Licenses and Inspections, Department of***

(a) *Establishment* - There shall be a Department of Municipal Licenses and Inspections which shall be responsible for the coordination and management of licensing and inspection related activities of the Town and for the coordination of all activities of all other Town Agencies in relation to any licensing or inspectional service. The Department of Municipal Licenses and Inspections shall

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coordinate its interface with the Mayor and other Administrative Agencies through the Director of Planning and Community Development.

(b) *Scope of Department Activities* - The Department of Municipal Licenses and Inspections shall be responsible for and shall include the following functions:

1. Issue all licenses as provided in MGL C. 138 & C. 140 and supervise the conduct of the operations so licensed and discipline any violations of laws, Ordinances, rules or regulations affecting the operations licensed;
2. Coordinate all inspectional functions carried out by any municipal agency, or by any officer or employee of the Town;
3. Maintain in a central place all records relating to inspections, having a common index;
4. Coordinate the enforcement of any provision of state statute, Code of Massachusetts Regulations, Town Ordinance, rule or regulation of the Town which is subject to enforcement by any officer or employee of the Town;
5. Develop a single application form to be used in the department which will indicate each and every review or inspection which might be necessary;
6. Render advice, assistance and guidance to all other Town Offices and agencies in any matter relating to Town inspectional services;
7. Render advice, assistance and guidance to all members of the public relating to Town licensing and inspectional services and develop 'user friendly' systems for the convenience of the public.

It is the intention of this provision that all inspections performed by or under the authority of the Inspector of Buildings, Health Department, Historic Districts Commission, Inspector of Gas Piping and Gas Appliances, Plumbing Inspector, Sealer of Weights and Measures, Wire Inspector, Zoning Enforcement Officer, Fire Chief and every other local inspection as may otherwise be authorized is to be coordinated through the Department of Municipal Licenses and Inspections.

(c) *Director of Municipal Licenses and Inspections* - The Department of Municipal Licenses and Inspections shall be headed by a Director of Municipal Licenses and Inspections who shall also be the Inspector of Buildings. The Director shall be a member of the Board of Licensing Commissioners.

The Director of Municipal Licenses and Inspections shall have the following specific powers and duties:

1. Assure the keeping of a full and complete inventory of all inspectional services performed by any officer or employee of the Town;
2. Establish common files, by property address, which will be accessible to all persons performing inspectional services for the Town and in which records of all inspections performed by any Town officer or employee shall be kept;
3. Provide common services for all inspectional personnel and 'one stop shopping' for consumers of Town inspectional services.

(d) *Operating Divisions* - The Department of Municipal Licenses and Inspections shall consist of the following divisions:

1. *Licensing Division* - The Licensing Division shall be headed by the Board of Licensing Commissioners established by Home Rule Charter, Section 5-7(3) and shall be the licensing authority for all licenses required or authorized to be issued by or under the authority of MGL C. 138 & C. 140 and such additional licenses as may be required or authorized by Town Ordinance.

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2. *Division of Building Inspections* - The Division of Building Inspections shall be responsible for the enforcement of the provisions of the Code of Massachusetts Regulations (CMR) pertaining to buildings and other structures (the State Building Code). For administrative purposes, Fence Viewers shall be considered to be within the Building Inspection Division. The Inspector of Buildings shall also be the Zoning Enforcement Officer.
3. *Division of Plumbing Inspection* - The Division of Plumbing Inspection shall be responsible for the enforcement of all provisions of the Code of Massachusetts Regulations (CMR) applicable to plumbing.
4. *Division of Gas Fittings and Gas Appliances Inspection* - The Division of Gas Fittings and Gas Appliances Inspection shall be responsible for the enforcement of all provisions of the Code of Massachusetts Regulations (CMR) applicable to gas fittings and gas appliances.
5. *Division of Electrical Inspection* - The Division of Electrical Inspections shall be responsible for the enforcement of the provisions of the Code of Massachusetts Regulations (CMR) applicable to electrical wires and electrical fixtures.

(e) *Affiliated Agencies* - The following offices shall coordinate the inspectional functions under their control through the Director of Municipal Licenses and Inspections and shall, in cooperation with such officer, arrange for the maintenance of such common records at a central facility as may be needed, necessary, reasonable or advisable. Nothing in this section shall be construed in any way as to authorize the Director of Municipal Licenses and Inspections to interfere in the conduct of any inspection being conducted by an affiliated agency which shall be solely responsible for the inspections conducted by and under the authority assigned to it. Conversely the affiliated agencies shall make a good faith effort to coordinate their inspectional functions utilizing the Director of Municipal Licenses and Inspections for such purposes to the maximum extent possible.

1. *Division of Health and Sanitation Inspection* - The Division of Health and Sanitation Inspection shall be responsible for the enforcement of all provisions of the Code of Massachusetts Regulations promulgated by the Department of Public Health of the Commonwealth (the so-called State Sanitary Code) which are subject to enforcement by local government officials and to adopt from time to time, subject to the approval of the Mayor, such additional regulations as are necessary or desirable to protect the public health of the citizens of Weymouth and to enforce all regulations so promulgated. A Sealer of Weights and Measures shall, for administrative purposes, be within the Division of Health and Sanitation.
2. *Division of Environmental Inspection* - The Division of Environmental Inspection shall be responsible for enforcement of all provisions of the Code of Massachusetts Regulations promulgated by the Department of Environmental Protection of the Commonwealth which are subject to enforcement by local government officials and the enforcement of provisions of Weymouth's Ordinances or any local rules or regulations relating to similar matters. The Conservation Commission, or other authority exercising substantially similar powers and duties, shall have authority to adopt and from time to time to revise or amend, subject to the approval of the Mayor, rules or regulations deemed necessary or desirable to protect the environment of Weymouth and to enforce all regulations so promulgated.
3. *Division of Fire and Fire Safety Inspection* - The Division of Fire and Fire Safety Inspection shall be responsible for the enforcement of all provisions of the Massachusetts General Laws and the Code of Massachusetts Regulations designed to protect the public from

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fire, explosion and similar dangers whether promulgated by federal, state or local authority but which are subject to enforcement by Fire Chiefs, other Fire Officers and by local Fire Departments.

**SECTION 4-206      *Planning and Community Development, Department of***

(a)      *Establishment* - There shall be a Department of Planning and Community Development which shall formulate, under the direction of the Mayor, a coordinated economic and community development policy for the Town of Weymouth. The Department shall provide a mechanism for the establishment of communication and for the coordination of efforts between and among official Town Agencies, other quasi-public agencies concerned with development in the Town, private developers and the office of the Mayor in order to provide the opportunity for timely governmental response to development issues, problems and opportunities.

(b)      *Scope of Department Activities* - The Planning and Community Development Department shall be responsible for the coordination of all planning and development related activities of the Town government.

(c)      *Director of Planning and Community Development* - The Planning and Community Development Department shall be headed by a Director of Planning and Community Development

1.      *Powers and Duties* - The Director of Planning and Community Development shall have the following specific powers and duties:
  - a.      Coordinate all planning and community development related activities of the Town;
  - b.      Administer the Town Agencies and functions assigned to this department;
  - c.      Coordinate all land acquisition and land management proposals and all economic development planning;
  - d.      Prepare and maintain a comprehensive or master plan which shall set forth in both graphic and textual forms policies to govern the future development of the Town;
  - e.      Maintain a central records library and storehouse for all data, reports, records, statistics and every other planning and development related materials as may be related to the Town whether written, printed or otherwise reproduced and whether on magnetic tape for audio or visual retrieval or stored in computer related form;
  - f.      Oversee the Community Development Office to insure applications made by the agency for funds are consistent and in conformance with the comprehensive or master plan and to monitor the administration of any grants received for compliance with the Town's plan and the grantor's requirements and conditions;
  - g.      Adopt and promulgate rules and regulations governing any subject within the jurisdiction of the Department of Planning and Community Development as are necessary to implement these provisions;
  - h.      Provide administrative oversight of the Department of Municipal Licenses and Inspections.

(d)      *Operating Divisions/Offices* - The Department of Planning and Community Development shall consist of the following divisions and offices:

1.      *Planning Division* - The Planning Division shall consist of a Planning Board, as provided in Section 3-217 of these Ordinances.

The Planning Division shall make careful studies of the resources, possibilities and needs of the Town and shall make careful plans for the development of the Town.

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The Planning Board shall have the power to regulate the development of land within the Town, as authorized by MGL C. 41, s. 81A-81J, by the adoption, administration and enforcement of subdivision rules and regulations.

The Planning Board shall report to the Town Council its recommendations for all amendments and revisions of the Zoning Ordinance as is provided in MGL C.40A, s. 5.

2. *Economic and Community Development Division* - The Economic and Community Development Division is responsible for creating a business environment which is conducive to improving investment and job creation within the community.

The Economic and Community Development Division shall be responsible for the development and improvement of the residential and commercial neighborhoods of the Town. It shall seek to create safe and affordable housing, stimulate economic development, provide public improvements, create opportunity for arts and culture and deliver public services for the benefit of those in need.

3. *Appeals Division* - The Appeals Division shall consist of a Board of Appeals as provided in Section 3-201 of these Ordinances and in the Zoning Ordinance.

The Board of Appeals shall hear and decide individual cases for variances and special permits, as provided for in MGL C. 40A, s. 7, 9, 12, 14, 15 and 17, and the Zoning Ordinance of the Town.

4. *Conservation Division* - The Conservation Division shall consist of a Conservation Commission as provided in Section 3-206 of these Ordinances.

The Conservation Commission is established to protect, promote and enhance the quantity and quality of the natural resources within the Town, especially wetlands, wildlife and water resources through planning, acquisition, land management, regulation, scientific research and public education.

The Conservation Commission may receive gifts, bequests or devises of personal property or interests in real property in the name of the Town, subject to approval of the Mayor. The Conservation Commission may receive monetary gifts for development of a Conservation Fund, and expend the same, subject to the General Laws and the approval of the Mayor.

The Conservation Commission is responsible for the implementation of the provisions of MGL C. 131, s. 40 & 40A.

The Conservation Commission may adopt policies and promulgate land management plans for properties of the Town reserved for conservation purposes.

5. *Other Multiple Member Bodies* - The Department shall provide administrative support to the Historical Commission, Fair Housing Commission, Waterfront Committee and such others as may from time to time be assigned to the Department by the Mayor.



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**SECTION 4-207      *Public Works, Department of***

(a)      *Establishment* - There shall be a Department of Public Works, headed by a Director of Public Works, which shall be responsible for the performance of all public works related activities of the Town.

(b)      *Scope of Department Activities* - The Department of Public Works shall assume all of the duties and responsibilities related to public works activities that prior to the adoption of the Home Rule Charter were performed by or under the Tree Warden, Board of Public Works, Director of Public Works, Playground and Recreation Commission, and Board of Selectmen.

The Department of Public Works shall be responsible for the maintenance and repair of all equipment and vehicles belonging to the Department and of all other city equipment and vehicles which are assigned to it for maintenance and repair.

The Department of Public Works shall be responsible for the planning, design and construction of all assigned public works improvement projects.

The Department of Public Works shall be responsible for all of the services of a Tree Warden as described in MGL C. 87 and for all of the services of a Superintendent of Shade Tree Management and Pest Control as described in MGL C. 132.

(c)      *Director of Public Works* - The Department of Public Works shall be headed by a Director of Public Works.

*Powers and Duties* - The Department of Public Works shall be under the direct control and supervision of a Director of Public Works. The Director of Public Works shall be responsible for the supervision and coordination of all activities of the Department of Public Works in accordance with state statutes, Town Ordinances, administrative codes, rules and regulations.

(d)      *Operating Divisions/ Offices* - The Department of Public Works shall consist of the following divisions and offices:

1.      *Highway Division* - There shall be a Highways Division which shall include maintenance and repair, sweeping, snow and ice removal and control of all public streets, roads, ways and sidewalks of the Town, including the storm drainage system included therein and the coordination, collection and disposal of rubbish and trash.
2.      *Water and Sewer Division* - There shall be a Water and Sewer Division which shall be responsible for the maintenance and repair of the water supply and distribution system of the Town and all appurtenances relating to the said system and for the maintenance and repair of the sanitary sewer system and for the water supply and distribution system of the Town and all appurtenances relating to the said system including its connection to the Massachusetts Water Resources Authority for treatment and disposal of sewage.
3.      *Cemetery Division* - There shall be a Cemetery Division that shall be responsible for the care and management of all public cemeteries and burying grounds in the Town of Weymouth. A Cemetery Commission, as provided in Section 3-205 of these ordinances shall assist the Director of Public Works in setting policies governing the operation of Town cemeteries.
4.      *Grounds, Fields and Parks Division* - There shall be a Grounds, Fields and Parks Division which shall be responsible for the care and maintenance of all grounds surrounding public buildings and other facilities, parks and recreation areas of the Town and such other landscaped areas as may from time to time be assigned to its care.

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5. *Forestry Division* - There shall be a Forestry Division which shall include the Tree Board, the Tree Warden and Superintendent of Shade Tree Management and Insect Pest Control services in accordance with MGL C. 132, s. 13.
6. *Motor Vehicle Maintenance Division* - There shall be a Motor Vehicle Maintenance Division which shall be responsible for the maintenance and ordinary repair of motor vehicles and equipment belonging to the Town.
7. *Engineering Division* - There shall be Engineering Division, headed by a Town Engineer which shall be responsible for performing all engineering services for all Town Offices and agencies. Such engineering services as may be required may be performed directly by employees of the Engineering Division or by consulting engineers under the supervision of the Division as may from time to time be needed and necessary.

**SECTION 4-208      *Health, Department of***

(a) *Establishment* - There shall be a Health Department that shall be responsible for the administration and implementation of all health related services conducted under existing Public Health Laws, Regulations or Town Ordinances.

(b) *Scope of Department Activities* - The Department of Health shall be responsible for the following duties:

1. In coordination with the Department of Municipal Licenses and Inspections, the Health Department shall be responsible for the issuance of Health Permits or Licenses required under state and local laws;
2. Preparation of draft Health Regulations for submission to the Board of Health and Mayor for promulgation as Rules and Regulations;
3. Documentation of investigations and mandatory municipal inspections and related inspections and for responding to complaints, inquiries and referrals from the public;
4. Coordination of vaccine related activities used in the prevention of pathogenic disease, review of immunization records of school children and review of school programs;
5. Coordination and implementation of various community health clinics for the public;
6. Implementation of services in the areas of septic management and tobacco control;
7. Oversight of the disease vector control program in cooperation with outside professionals such as exterminators, consultants, mosquito control and the Animal Inspector.

There shall be a Board of Health as established by Section 3-212 of these Ordinances.

(c) *Director of Public Health* - The Health Department shall be headed by a Director of Public Health. The Director shall be a member of the Board of Licensing Commissioners. The Director of Public Health shall, with the consent of the Mayor, appoint a physician or medical doctor who shall be Medical Advisor to the Department, to the Director and to the Mayor.

The Director of Public Health shall from time to time, subject to the consent of the Mayor, propose such rules and regulations regarding the public health deemed to be needed or desired to protect the public health.

**SECTION 4-209      *Police Department***

(a) *Scope of Authority* - There shall be a Police Department responsible for programs of crime prevention, crime detection and for traffic safety and enforcement of rules and regulations governing the operation of motor vehicles and the use of ways by pedestrians. The Police Department shall be responsible to maintain, keep and preserve the public peace and order.

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(b) *Scope of Department Activities* - The functions of the Police Department shall include but are not limited to those enumerated below:

1. *Crime Prevention* - Preserve the public peace, prevent crime, and detect and arrest offenders;
2. *Traffic Enforcement* - Administer and enforce laws regulating, directing, controlling and restricting the movement of vehicular and pedestrian traffic, and the general use of the streets by vehicles and the public;
3. *Training* - Operate a training program to maintain and improve the competency and efficiency of the members of the Department;
4. *Investigations* - Prepare reports on inquiries and investigations made by Officers of the Department to follow-up various crimes and other offenses against the public peace committed within the Town.

(c) The following services shall be contained within the Police Department and be subject to the general supervision and oversight of the Chief of Police:

1. *School Traffic Supervisors* - The Chief of Police may appoint School Traffic Supervisors to handle school traffic. The duties of the School Traffic Supervisors shall be to control the flow of traffic by stopping, starting and directing such traffic. Any operator of any motor vehicle not obeying the hand signals of the School Traffic Supervisors on active duty shall have their registration number taken and turned in to the Chief of Police, or Head of the Traffic Division within the Police Department.
2. *Harbor Division* - The Harbor Division shall be headed by a Harbormaster (see Section 3-312 of these Ordinances). The Harbor Division shall be responsible for the operation of all vessels in the harbor in conformity with MGL C. 102, s. 17-28 and all Town Ordinances adopted in relation to the harbor.
3. *Animal Control Division* - The Animal Control Division shall be headed by an Animal Control Officer as provided in Section 3-302 of these Ordinances. The Animal Control Division shall be responsible for the enforcement of all laws relating to dogs, including but not limited to MGL C. 140, s. 136A-175 and all Ordinances of the Town further regulating animals.

(d) *Chief of Police* - The Police Department shall be headed by a Police Chief who shall be responsible to maintain, keep and preserve the public peace and order. The Police Chief shall be appointed by the Mayor, in accordance with the provisions of Civil Service law. The Chief of Police shall be a member of the Board of Licensing Commissioners.

The Chief of Police shall be the Head of the Police Department under the direction of the Mayor. All members of the Police Department shall be under the immediate supervision, direction, and control of the Police Chief. It shall be the duty of the Police Chief, under the supervision of the Mayor, to preserve order and to see to the enforcement of the Ordinances and laws of the municipality and all statutes applicable therein. The Chief of Police shall have such other powers and perform such other duties as are now or may hereafter be prescribed.

1. *Powers and duties* - The Police Chief shall be accountable to the Mayor and shall have the following duties:
  - a. Administer the affairs of the Police Department;
  - b. Have general authority and control over all division staff and oversee the proper fulfillment of all tasks and duties assigned to the Department;
  - c. Prescribe such rules and regulations as he deems necessary or expedient for the proper operation of the Police Department and to that end keep himself informed of the latest administrative practices;

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- d. Take all personnel actions, including hiring, assigning and reassigning employees, including supervisory personnel, within the Police Department, and shall supervise the performance of all personnel assigned to the Department.

**SECTION 4-210      *Fire Department***

(a) *Scope of Authority* - The Fire Department shall be responsible for providing fire protection services in the Town including fire safety programs, fire suppression and extinguishing fires.

(b) *Scope of Department Activities* - The functions of the Fire Department shall include but are not limited to those enumerated below:

1. *Fire Extinguishment* - Take all necessary steps for the extinguishment of fires within the Town, including: utilization of all necessary personnel and equipment therefore, the destruction of any building or structure and the removal of any obstruction for the purpose of checking or extinguishing any such fire;
2. *Public Alarm Boxes* - Establish the location, relocation or removal of all public fire alarm boxes;
3. *Training* - Provide for and administer a program for the training of firefighters;
4. *Records* - Maintain a record of all fires which occur within the Town requiring the services of the Fire Department;
5. *Investigations* - Investigate the causes of all fires and provide for written reports of all suspected arsons;
6. *Inspections* - Inspect all buildings and structures as provided for by the so-called State Fire Code (MGL C. 148 & 527 CMR), and for the issuance and renewal of Certificates of Occupancy
7. *Other Services* - Provide rescue and emergency medical service.

(c) *Fire Chief* - The Fire Chief shall be appointed by the Mayor in accordance with the provisions of the Civil Service law. The Fire Chief shall be a member of the Board of Licensing Commissioners.

1. *Powers and Duties* - The Fire Chief shall be accountable to the Mayor and shall have the following duties:
  - a. Administer the affairs of the Fire Department;
  - b. Have general authority and control over all division staff and oversee the proper fulfillment of all tasks and duties assigned to the Fire Department;
  - c. Prescribe such rules and regulations as he deems necessary or expedient for the proper operation of the Fire Department and to that end keep informed of the latest administrative practices;
  - d. Take all personnel actions, including hiring, assigning and reassigning employees, including supervisory personnel, within his Department and shall supervise their performance;
  - e. Coordinate all emergency preparedness functions of the Town to be compatible with the functions of the Federal and State governments and adjacent political subdivisions;
  - f. Establish policies for effective use of work force resources and facilities to deal with any major natural disaster or nuclear incident;
  - g. Provide for emergency functions to prevent and minimize the effects of disasters on persons and provide for the emergency repair of damage to public facilities resulting from enemy attack, fire, flood, tornado, earthquake, or other natural causes.

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**SECTION 4-211      *Information Technology, Department of***

(a)      *Establishment* - There shall be a Department of Information Technology which shall be responsible for the development, enhancement and support of the Town's computing and telecommunications infrastructure, and software applications. The Department shall also provide the systems and services necessary for the Town's Departments and users to fulfill their stated goals and objectives.

(b)      *Scope of Activities* - The Department of Information Technology shall be responsible for the development, management and ongoing maintenance and support of all town computing and telecommunications activities including oversight responsibility over all town technical initiatives.

(c)      *Director of Information Technology* - The Department of Information Technology shall be headed by a Director of Information Technology who shall coordinate its interface with the Mayor and other Administrative Agencies through the Director of Administrative Services.

1.      *Powers and Duties* - The Director of Information Technology shall have the following specific powers and duties:
  - a.      Provide strategic direction, consulting and/or oversight for all computing and telecommunications initiatives;
  - b.      Provide administrative, management and technical direction to the Department's personnel;
  - c.      Provide the systems and services required by the Town according to priorities set by the Mayor.

**SECTION 4-212      *Public Libraries, Department of***

(a)      *Establishment* - There shall be a Department of Public Libraries which shall be responsible for the management of the Public Library System.

(b)      *Scope of Department Activities* - The Department of Public Libraries shall provide intellectual, cultural and recreational interests through the public libraries by offering print and non-print formats including up-to-date technology, programs and workshops.

(c)      *Director of Public Libraries* - The Department of Public Libraries shall be headed by a Library Director who shall be appointed by and be responsible to the Mayor. The Director of Libraries shall have the following powers and duties:

1.      Shall be in full charge of the Public Library system and of its branches as may from time to time be established;
2.      Shall be in full charge of all personnel assigned to the library;
3.      Shall oversee the purchase or acquisition of all books, periodicals, art objects and every item or thing contained in library collection

(d)      *Operating Divisions* - The Department of Public Libraries shall have the following divisions:

1.      *Division of Children and Youth Services* - Provides services for children from infancy through middle school by providing materials and programs for self-enrichment and for discovering the pleasures of reading and learning;
2.      *Division of Adult Services* - Provides current and high interest materials in a variety of formats for persons of all ages pursuing cultural, educational and recreational interests;
3.      *Division of Reference Services* - Provides timely, accurate and useful information through information services, research, interlibrary loan and cooperative reference services for those pursuing job-related, educational or independent learning objectives.

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- (e) The Department shall include a Board of Library Trustees as provided in Section 3-214 of these Ordinances. The seven (7) members of the Board of Trustees of the Public Library system serve in an advisory capacity and may provide library policy recommendations.

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**FINANCIAL REGULATIONS**

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***FINANCIAL REGULATIONS***

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SECTION 5-308

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Due Dates for Payments to Town, Interest on Unpaid Balances

Tax Title Agreements

Acceptance of Gifts, Grants, Bequests, etc.

***SECTION 5-100***

***FINANCIAL REGULATIONS***

***SECTION 5-101***

***Written Contracts Required***

Every Officer or Board in charge of a Department and every committee of the Town, when authorized to do any public work or to purchase any supplies, materials or property or erect, construct or repair any building, the estimated cost of which exceeds ten thousand dollars (\$10,000) shall make a written contract therefore which shall be filed with the Director of Municipal Finance.

***SECTION 5-102***

***Exceptions for Emergencies***

The Mayor may exempt a purchase or contract from any or all of the provisions of the preceding section when, in the opinion of the Mayor, an emergency exists requiring immediate action on such purchase or contract to protect the health or safety of persons or property, or when no reasonably suitable substitute can be obtained for the article or service to be purchased or contracted for. Evidence indicating that such an emergency exists or that no reasonable substitute for a purchase or service can be obtained shall be furnished to the Mayor and to the Director of Municipal Finance, in writing by the Officer, Board or Committee making such purchase or contract and shall be kept on file with other records of such transactions.

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**SECTION 5-103      *Written Contracts for Certain Unclassified Positions to be Filed With Director of Municipal Finance***

All contracts for services of employment to the Town of Weymouth (for positions not classified under the Human Resources Department, or under the direction of the School Department), shall be in writing and filed with the Director of Municipal Finance.

**SECTION 5-200      *APPROPRIATED MONIES***

**SECTION 5-201      *Exclusive Use of Appropriated Money***

No money appropriated for general or special purpose shall be applied to any other use unless by vote of the Town Council and pursuant to the provisions of the Home Rule Charter, these Ordinances and Law.

**SECTION 5-202      *Procedures Governing Procurement of Supplies and Services***

No Officer, Department Head or Committee authorized to expend money shall make purchase of supplies or materials or contract for services to be rendered to the Town without following the rules and regulations governing such matters as may be promulgated from time to time by the Director of Municipal Finance.

**SECTION 5-203      *Transportation Allowance***

The Mayor shall be empowered to establish for each fiscal year a mileage allowance for transportation expenses for all Town Employees.

**SECTION 5-300      *MISCELLANEOUS FINANCIAL PROVISIONS***

**SECTION 5-301      *Purchasing and Other Procurements***

All purchases and procurements shall be made in accordance with the procedures established in MGL C. 30B. Notwithstanding the establishment of any office or agency with a specific responsibility to purchase and procure goods and services for the Town of Weymouth it shall be understood that the Mayor shall retain authority over every purchase and procurement.

**SECTION 5-302      *Trust Funds***

The Town Treasurer shall be the custodian of all funds given or bequeathed to the Town for any purpose and shall manage and invest such sums in the same manner and with the same restrictions as apply to how other municipal funds are managed and invested. The Town Treasurer shall file a report annually to the office of the Mayor, a copy of which shall be printed in the Annual Town Report, which shows the beginning balance in each fund, the interest earned during the year just ended, the amount expended (and unless an account is given elsewhere, the purposes for which such funds were expended) and the ending balance in each such account.

**SECTION 5-303      *Employee Off-Duty Work Details***

All money received by the Town as compensation for work performed by one of its employees on an off-duty work detail shall be deposited in the Town Treasury and kept in a fund separate from other municipal funds. As provided in MGL C. 44, s. 53C, the funds in such account may be used, without further appropriation, to compensate Town employees for such services. A surcharge of ten percent (10%) shall be added to the fee charged by the municipal agency for the service which shall be paid by the person requesting the service. This fee shall be to cover the cost of administering the fund.



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**SECTION 5-304      *Disposal of Surplus Property***

(a) *Personal Property* - Subject to such regulations regarding the disposition of surplus property as may be promulgated by the Director of Municipal Finance, the disposal of surplus personal property shall be governed by the provisions of MGL C. 30B, s. 15.

(b) *Real Property* - Subject to such regulations regarding the disposition of real property as may be promulgated by the Director of Municipal Finance, the disposal of surplus real property shall be governed by the provisions of MGL C. 30B, s. 16.

**SECTION 5-305      *Fees and Charges by Municipal Agencies***

Any municipal agency which is otherwise authorized to issue a license, certificate or permit, or to render a service or to perform work for a person or class of persons, may from time to time fix a reasonable fee for the license, certificate, permit or for rendering the service or for performing the work in the manner provided in MGL C. 40, s. 22F.

No municipal agency shall establish a fee or charge pursuant to this section without the prior review and consent of the Mayor, or, if the agency is appointed by the School Committee, without the consent of the School Committee.

**SECTION 5-306      *Licenses and Permits of Delinquent Taxpayers***

The Town may deny any application for, or revoke or suspend a Building Permit or any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, including amounts assessed under the provisions of MGL C. 40, s. 21D, or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

(a) *Notice to Town Agencies of Tax Delinquency* - The Treasurer-Collector or other municipal officials responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Treasurer-Collector, shall annually furnish each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

(b) *Written Notice to be Given Before Suspension or Revocation Take Effect* - The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Treasurer-Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Treasurer-Collector; provided, however, that written notice is given to the party and the Treasurer-Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party.

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(c) *Hearing* - The Treasurer-Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceedings and shall not be relevant to or introduced in any proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Treasurer-Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the Town as of the date of issuance of said certificate.

(d) *Payment Agreement* - Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(e) *Waiver* - The Mayor may waive such denial, suspension or revocation if he or she finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL C. 268, s. 1, in the business or activity conducted in or on said property.

(f) *Exceptions* - This section shall not apply to the following licenses and permits granted under the Massachusetts General Laws: Open Burning - C. 48, s. 13; Bicycle Permits - C. 85, s. 11A; Sales of Articles for Charitable Purposes - C. 101, s. 33; Children's Work Permits - C. 149, s. 69; Clubs, Associations Dispensing Food or Beverages Licenses - C. 140, s. 21E; Dog Licenses - C. 140, s. 137; Fishing, Hunting, Trapping Licenses - C. 131, s. 12; Marriage Licenses - C. 207, s. 28; and Theatrical Events, Public Exhibition Permits - C. 140, s. 181.

**SECTION 5-307      *Due Dates for Payments to Town, Interest on Unpaid Balances***

Unless some other provision is made by law which permits a longer time for payment, all bills for the payment of any sum due to the Town of Weymouth, for whatever purpose, shall be due on the thirty-first (31<sup>st</sup>) day following the date such bill has been issued.

Interest shall be added to any balance which remains unpaid after such thirty-first (31<sup>st</sup>) day at the same rate as is provided in MGL C. 59, s. 57.

**SECTION 5-307(a)      *Tax Title Agreements***

(a) Pursuant to provisions of MGL C. 60 & 62A, the Treasurer of the Town of Weymouth ("Town") shall enter into a written payment agreement ("Agreement") with any person(s) entitled to redeem ownership of parcels of real estate ("Redeemer") which have been taken by the Town as a result of non-payment of real estate taxes.

(b) The provisions of this section of the Code shall expire on June 30, 2011.

**SECTION 5-308      *Acceptance of Gifts, Grants, Bequests, etc.***

Any Municipal Agency may accept grants, gifts, or bequests of funds from any other level or unit of government, from a charitable entity, from a private corporation, or from an individual or

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group of individuals when such funds are to be expended for purposes within the jurisdiction of the said Municipal Agency.

A Municipal Agency may expend up to five thousand dollars (\$5000) annually, in the aggregate, from the funds in any such account, with the approval of the Mayor, for the purposes as specified in the gift or grant or bequest. Sums in excess of five thousand dollars (\$5000) may be expended only with the approval of the Town Council.

The Treasurer/Collector shall maintain a list of all such funds as may be established pursuant to this section which listing shall be kept in a place convenient for public examination during regular office hours. A summary of the receipts and disbursements in each account so established shall be published annually in the Town Report.

This section is designed to implement and apply the provisions of MGL C. 44, s. 53A.

**CHAPTER 6**

**PRESERVATION OF PUBLIC PEACE AND ORDER**

***SECTION 6-100***

SECTION 6-101

SECTION 6-102

***ALCOHOLIC BEVERAGES***

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Public Consumption of Marihuana (Marijuana)

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SECTION 6-201

***SIGNAGE***

Posting of signs prohibited.

***SECTION 6-300***

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Numbering of Buildings

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SECTION 6-1210	Commonwealth of Massachusetts; - Registration or Licensing
SECTION 6-1211	Body Art Practitioner
SECTION 6-1213	Customers/Clients
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<b>SECTION 6-1300</b>	<b>SEX OFFENDER REGISTRY</b>
SECTION 6-1301	Sex Offender Residency Restrictions

**SECTION 6-100                      ALCOHOLIC BEVERAGES**

**SECTION 6-101                      Consumption of Alcoholic Beverages in Public**

(a) *Definitions* - The following words as used in this Ordinance, unless the context otherwise requires, shall have the following meanings:

*Beach* - Any beach under the care and control of the Town and beaches within the limits of the Town to which the public has a right of access;

*Park* - Any public park under the care and control of the Town of Weymouth;

*Playground*- Any playground under the care and control of the Town of Weymouth;

*Private Parking Areas* - Any private parking area throughout the Town to which the public has the general right of access;

*Public Parking Areas* - any public parking area under the care and control of the Town of Weymouth;

*Public Ways* - All ways to which the public has a right of access;

*Town Forrest* - Any Town forest under the care and control of the Town of Weymouth.

(b) *Consumption in public places without permission, prohibited* - No person shall drink or consume alcoholic beverages as defined in MGL C. 138, s. 1 while on, in or upon the public ways and places set forth in Section 6-101(a), above, or places to which members of the public have access as invitees or licensees, or a park, Town forest, public parking area or playground, or any beach under the care and control of the Town or on any beach within the limits of the Town to which the public has a right of access, or on private land or place without the consent of the owner or person in control thereof.

(c) *Evidence of violation* - Possession of an open can, bottle or other container, which upon analysis by the Police Department is determined to contain an alcoholic beverage as defined in MGL C. 138, s. 1 shall be prima facie evidence of drinking or consuming said alcoholic beverage. 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 summoned before the court.

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(d) *Arrest without warrant; penalty* - A police officer may arrest without a warrant anyone who violates this Ordinance. Whoever violates any provision of this Ordinance shall be liable to a penalty of one hundred dollars (\$100) for each violation.

**SECTION 6-102: Public Consumption of Marihuana (Marijuana),  
Tetrahydrocannabinol or Marihuana (Marijuana) Infused Products.**

(a) Prohibition – No person, whether in or upon a vehicle, motor vehicle, conveyance or in or upon any bus or other passenger conveyance operated by a common carrier, or on foot, shall burn, smoke, ingest, or otherwise use or consume marihuana (marijuana), tetrahydrocannabinol or marihuana (marijuana) infused products, as defined in M.G.L. c. 94c, s. 1, as amended, and 105 C.M.R. 725.004, while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town of Weymouth; or in any place accessible to the public, or on private land or place without the consent of the owner or person in control thereof.

(b) Enforcement – This ordinance may be enforced through any lawful means in law or in equity by the Mayor, or duly authorized agents, or any police officer of the Town of Weymouth, including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c. 40, s.21, or by non-criminal disposition pursuant to M.G.L. c. 40, s.21D. Whoever is found in violation of this ordinance shall, when requested by an official authorized to enforce this ordinance, state his true name and address to said official. The fine for a violation of this ordinance shall be three hundred dollars (\$300.00) for each offense. Any penalty imposed under this ordinance shall be in addition to any civil penalty imposed under M.G.L. c. 94C, S.32L.

(c) Seizure of Controlled Substances – All controlled substances being used in violation of this ordinance shall be seized, held, and disposed of in accordance with M.G.L. c.94C, s.47A.

(e) Severability – If any provision of this ordinance is determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law.”

**SECTION 6-200**

**SIGNAGE**

**SECTION 6-201      *Posting of signs prohibited***

(a) *Posting of signs prohibited* - No person, unless required by law so to do, shall make any marks, letters, figures of any kind or place any sign, advertisement or placard (political or otherwise) upon or against any wall, fence, utility pole, post, ledge, stone, tree, building or structure in the Town without the permission of the owner thereof, nor upon any sidewalk or in or upon any public way or upon any property of the Town without the consent of the Mayor or the designee of the Mayor.

(b) *Penalties* - Whoever violates any of the provisions of this Ordinance shall be punished by a fine of fifty dollars (\$50).

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**SECTION 6-300**

**NUMBERING OF BUILDINGS**

**SECTION 6-301      *Numbering of Buildings***

(a) *Determination of numbers by Town Engineer* - The Town Engineer shall determine and designate the numbering of all houses, buildings or structures within the Town of Weymouth.

(b) *Responsibility of owners* - It shall be the responsibility of each owner or occupant of each house, building or structure within the Town of Weymouth to place thereon the number designated by the Town Engineer. No person shall affix or suffer to remain on any house, building or structure a street number other than the one designated by the Town Engineer.

(c) *Size, color, location and visibility of said numbers:*

1. House numbers shall be a minimum of three (3) inches in height;
2. In order to be visible from the road, street or way, the number shall be of contrasting color and shall be reasonably visible to persons or vehicles approaching from either direction upon said road, street or way;
3. The number shall be affixed to the street-facing side of the house, building or structure;
4. If the numbers are unidentifiable from the road, street or way, or the house, building or structure is greater than one hundred feet (100') from the road, street or way, a post with the numbers affixed thereto shall be placed at the entrance of the driveway leading to the house, building or structure by the owner.

(d) *New buildings* - New buildings shall be identified in accordance with this section before a certificate of use and occupancy is issued therefore.

(e) *Numbering violation* - Any person found to be in violation of this Ordinance shall be served by the Fire Department, Police Department or Department of Public Works with a warning of violation and provided thirty (30) days for the satisfactory correction thereof. At the end of the thirty (30) day period, and for each thirty (30) day period thereafter where the violation continues, a notice of violation shall be issued.

(f) *Penalty* - The penalty for any violation of this section shall be fifty dollars (\$50). Upon notice of violation, an owner shall correct each violation within thirty (30) days. Each thirty (30) day period of noncompliance shall be deemed a separate offense.

**SECTION 6-400**

**FIREARMS AND EXPLOSIVES**

**SECTION 6-401      *Prohibition Concerning 'Fireworks' and Other Explosive Devices***

No person shall have in their possession, or use, or explode any combustible or explosive composition or substance or any other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. This prohibition is intended to include every item or device within the scope of the prohibition contained in MGL C. 148, s. 39. The penalty for violation of this section shall be one hundred dollars (\$100).

**SECTION 6-402      *Prohibition Concerning Firearms Including Guns and Cannons***

No person, except a police officer in the performance of his or her duties, shall discharge any gun, firearm or cannon in any street or way or any other place in the Town of Weymouth except in defense of life or property. The Town Council, with the consent of the Mayor, may provide for exceptions to this restriction for the purpose of celebrating a patriotic or historical occasion. The penalty for violation of this section shall be one hundred dollars (\$100).

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**SECTION 6- 403      *Restrictions on Hunting at Back River and Great Esker Park;  
Violations and Penalties***

Hunting, use of bow and arrow, employment of steel leg-hold traps and discharging of firearms, except by law enforcement officers in the performance of their duties, shall be prohibited on that portion of Town owned property consisting of approximately two hundred thirty seven (237) acres, commonly known as "Back River and Great Esker Park," as described by a deed between the United States of America and the Town of Weymouth, dated October 24, 1966, and recorded at Norfolk County Registry of Deeds in Book 4390, Page 670. Any person violating the provisions of this Ordinance shall be punished by a fine of one hundred dollars (\$100) for each violation.

**SECTION 6-500**

**BURGLAR ALARM SYSTEMS**

**SECTION 6-501      *Burglar Alarm Systems***

(a) *Definitions* - For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

*Burglar Alarm System* - An assembly of equipment and devices or a single device, such as a solid-state unit which plugs directly into a one hundred ten volt (110V) AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this Ordinance. The provisions of Subsection C of this Ordinance shall apply to all users.

*False Alarm* - The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his employees or agents; or any signal or oral communication transmitted to the Police Department when in fact there has been no unauthorized intrusion, robbery or burglary or attempt there at. For the purposes of this definition, activation of alarm systems by acts of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances, shall not be deemed to be a "false alarm."

(b) *Control and Curtailment of Signals Permitted by Alarm Systems:*

1. Every alarm user shall submit to the Police Chief the names and telephone numbers of at least two (2) other persons (a.k.a. key holders) who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed. It shall be incumbent upon the owner of said premises to immediately notify the Weymouth Police Department of any changes in the list of authorized employees so named in the business listing to respond to alarms.
2. All alarm systems which use an audible horn or bell shall be equipped with a device that will shut off such bell or horn within fifteen (15) minutes after activation of the alarm system. All alarm systems in the Town of Weymouth must have a shut-off device installed.
3. Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7:00 PM and 6:00 AM which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under Subsection (b)(1) of this section and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of



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inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user or members of the alarm user's family or those persons designated by the alarm user under Subsection (b)(1) of this section in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

4. No alarm system which is designed to transmit emergency messages or signals of intrusion to the Police Department will be tested until the Police Dispatcher has been notified.

*(c) Penalties:*

1. Upon receipt of three (3) or more false alarms within a calendar year, the Police Chief may order the user to discontinue the use of the alarm, or may disconnect any direct connections to the Police Department.
2. The user shall be assessed fifty dollars (\$50) as a false alarm service fee for each false alarm in excess of three (3) occurring within a calendar year. The Police Chief shall notify the alarm user either by certified mail or by service in hand by a police officer of such violation, and said user shall submit payment within fifteen (15) days of said notice to the Town Treasurer for deposit to the general fund.

**SECTION 6-600**

**FIRE ALARM SYSTEMS**

**SECTION 6-601      *Fire Alarm Signal Systems***

*(a) Permit required; responsibility for system; applicability; duration:*

1. Persons, organizations or other legal entities residing or having a place of business in the Town who seek to utilize or maintain private fire alarm signal systems directly to the fire Department shall apply for and obtain an annual permit for same from the Fire Department. Said permit shall be issued by the Fire Chief or his designee upon satisfactory inspection of the system;
2. The responsibility and cost for said system shall be that of the permit holder;
3. The permit holder shall maintain the system in proper working condition in order for said permit to remain valid and the system to remain connected to the Fire Department;
4. Said permits shall be issued on a fiscal year basis or for the balance thereof.

*(b) Fee schedule -* The Initial installation permit fee and the annual permit fee shall be established by the Fire Chief in accordance with Section 5-305.

*(c) Violations and penalties -* Anyone violating the provisions of this Ordinance shall be subject to a fine of fifty dollars (\$50) for each day that said violations exist.

**SECTION 6-700**

**NON-DOMESTICATED ANIMALS**

**SECTION 6-701      *Animals at Large***

No person shall suffer any horse, cattle, other grazing animals or fowl kept or controlled by him to run at large upon any of the streets or other places in the Town, either with or without a keeper.

**SECTION 6-702**

***Displaying Non-domesticated Animals for Entertainment***

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(a) No Living non-domesticated animals shall be displayed for public entertainment or amusement in circuses, carnivals or other similar entities on property owned by the Town of Weymouth, on Town-owned property under lease, or on private property. As used in this paragraph, "displayed" shall include, but is not limited to, animal acts or performances, animal rides and competitive animal races.

(b) This Ordinance shall not apply to domestic animals including, but not limited to, dogs, cats, horses and farm animals.

(c) This Ordinance shall not apply to exhibits deemed educational by the Massachusetts Society for the Prevention of Cruelty to Animals.

(d) Definitions:

*Animals* - Any mammal, bird, reptile, amphibian, or fish with the exception of human beings.

*Domesticated Animal* - Any animal occurring naturally or historically in the United States, that through long association with humans, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to the extent that makes it unique and different from wild animals of its kind. (aka not domesticated)

*Wild Animal* - Any animal occurring naturally and traditionally within the United States that is not domesticated.

*Exotic Animal* - Any animal not occurring naturally or historically in the United States. The phrase includes, but is not limited to, all manner of lions, tigers, leopards, jaguars, cheetahs, elephants, zebras, camels, giraffes, reptiles and any crossbreed of these animals other than fish or insects.

*Education* - Non-profit groups, institutions or individuals who engage in teaching and instructing with intent and the effect of imparting knowledge to others through oral presentations and/or written hand-outs (whose sole purpose is to teach without entertainment), or entity deemed educational by the MSPCA, the New England Wildlife Center, other reputable animal humane/welfare organizations or accredited by AZA.

*Entertainment* - Any organization which replicates the traditional wild animal circus in which wild animals are required to perform tricks or participate as accompaniments in performances for the amusement of an audience.

**SECTION 6-703      *Feeding of Wildlife***

No person within the town shall feed any wildlife where posted. The Animal Control Officer or Police Officer is hereby authorized to seek a complaint against the person who is found to have violated the provisions of this Ordinance. This section shall be subject to enforcement under the provisions of C. 40, s. 21D.

1. The penalty for the first violation shall be fifty dollars (\$50);
2. The penalty for the second violation shall be seventy-five (\$75) dollars;
3. The penalty for the third and each subsequent violation shall be one-hundred (\$100).

**SECTION 6-801      *Dogs and Cats***

(a) Leashing required; length of leash - No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash.

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The length of a leash shall not exceed six (6) feet when off the property of the owner or keeper. An owner or keeper may use a leash of a greater length to restrain a dog on the property of an owner or keeper, provided that the dog is securely confined to the premises of the owner or keeper.

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

(c) Restrictions – Defecation - An owner or keeper of a dog shall remove, and dispose of any feces left by such dog on any sidewalk, street, park or other public area or on any private property which is not owned or occupied by such owner. If a dog defecates on property other than that of the owner or keeper, the owner or keeper of the dog is responsible for the immediate removal of the feces.

Feces shall only be disposed of at a place suitable and regularly reserved for the disposal of human feces or otherwise designated by the Board of Health, to include an amount of feces that can be disposed of in the regular trash located upon the property owned or possessed by the person in control of the dog, provided it is contained in a plastic or paper bag. It shall be unlawful for any person to allow dog feces to accumulate in any yard, pen, building, structure or premises so as to cause an annoyance or discomfort to the public.

Section 6-801 (c) of this Chapter shall not apply to a person who, by reason of a physical disability, is unable to comply with requirements of such a section.

(d) Penalties - The Animal Control Officer is hereby authorized to seek a complaint against the owner or keeper of a dog who is found to have violated the provisions of this Ordinance. This section shall be subject to enforcement under the provisions of C. 40, s. 21D.

1. The penalty for the first violation shall be fifty dollars (\$50);
2. The penalty for the second violation shall be seventy-five (\$75) dollars;
3. The penalty for the third and each subsequent violation shall be one-hundred (\$100).

Any person who violates any provisions of Chapter 6-801 section A through P shall be subject to the penalties listed above.

(e) Order to restrain or muzzle; review of order by court - In addition to the foregoing penalties, the Animal Control Officer is also authorized and empowered to muzzle, restrain or order the owner or keeper of a dog to muzzle or restrain a dog pending a hearing before the Chief of Police as hereinafter provided, when the Animal Control Officer finds that a dog has bitten or threatened any person or domesticated farm animal; chased any vehicle upon any way open to public travel in the Town; or the owner had violated the provision of this Ordinance more than three (3) times. The owner or keeper of any dog that has been ordered to be restrained or muzzled under the provisions of this section may request the Animal Control Officer in writing to vacate such order. If such order is not vacated, the owner or keeper of such dog may bring a petition in District Court praying that the order of restraint may be reviewed by the court as provided in C. 140, s. 157.

(f) Additional remedies - In addition to any other statutory authority as may be, including but not limited to C. 140 the Animal Control Officer may, with the approval of the Chief of Police, enter a complaint before the said Chief for the purpose of obtaining an order with respect to the control of disposition of a dog found to be uncontrollable or whose owner or keeper is unresponsive to any other penalties contained in this Ordinance.

(g) Penalties in addition to license fee; dogs in heat - In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog which is not licensed on or before March 1<sup>st</sup> in any year shall be subject to a late fee penalty of twenty five dollars, (\$25), in addition to

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the license fee upon the complaint of the Animal Control Officer. The owner of any unspayed and unleashed female dog found by the Animal Control Officer roaming at large in season (heat) off the premises of the owner or keeper shall be subject to a penalty of twenty five dollars (\$25) and shall be deemed to warrant only the one (1) penalty.

(h) Duty of Animal Control Officer; registry required - It shall be the duty of the Animal Control Officer and every police officer to apprehend any dog found running around at large and to impound such dog in a facility approved by the Chief of Police. The Animal Control Officer upon receiving any dog shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed, the name and address of the owner and the number of the license tag shall be recorded.

(i) Notice of impoundment; reclamation; charges - Not later than three (3) days after the impounding of any dog, the owner shall be notified, or, if the owner of the dog is unknown, written notice shall be posted for three (3) days at one (1) or more conspicuous places in the Town describing the dog and the place and time of taking. The owner of any dog so impounded may reclaim such dog upon payment of the costs and charges incurred by the Town for impounding and maintenance of such dog. Charges shall be paid to the facility which the dog was held. The daily rate for keeping of a dog shall be set by the approved facility holding the dog. Any owner/keeper not paying the facility will be fined the amount owed to the facility and if not paid within 21 days a criminal complaint will be filed in the district court.

(j) Rabies vaccinations - Whoever is the owner or keeper of a dog or cat six (6) months of age or older shall cause such dog and cat to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Director of Public Health. Such owner or keeper shall procure a veterinarian's certification that such dog and cat has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or notarized letter from a veterinarian that a certificate was issued, and a metal rabies tag bearing an expiration date indicating that such certification is still in effect. Unvaccinated dogs and cats acquired or brought into the Town shall be vaccinated within thirty (30) days after acquisition or entry into the Town or upon reaching the age of six (6) months, whichever comes later. The rabies tag shall be worn on a dog in the same manner as a dog license.

(k) Dogs on public beach- No person shall allow a dog owned or kept by him on any public beach within the Town, whether leashed or unleashed. Service dogs under close control of their owners wearing a valid dog license and certified as aid dogs shall be excluded from the provisions of this Section.

(l) Displaying of tags - All dogs within the Town of Weymouth shall at all times display on a collar the Town/City license tag in which the dog is licensed and a current Rabies Vaccination Tag.

(m) Failure to identify to Animal Control Officer/Law Enforcement - All owners/keepers of dogs or cats shall not refuse to identify or provide false information regarding their name, DOB, address and animal information to the Animal Control Officer, Constable or Police Officer.

(n) Posted Town of Weymouth Property - No person shall allow a dog onto any town property posted No Dogs Allowed whether leashed or unleashed. Service dogs under close control of their owners wearing a valid dog license and certified as aid dogs shall be excluded from the provisions of this Section.

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(o) Animals left unattended in motor vehicle - No person shall allow any domesticated animal to be left unattended in a motor vehicle for more than five (5) minutes with the exception of a Police/Law Enforcement K9/Animal Control.

(p) Unattended Dogs - No person shall allow a dog to be unattended outside for more than two (2) hours unless the dog has access to food, water and enclosed shelter from the elements.

**SECTION 6-900**

**LITTERING**

**SECTION 6-901      Littering, Prohibited**

(a) *General Prohibition Against Littering* - It shall be unlawful for any person, firm or corporation, in person or by his agent, employee or servant, to cast, throw, sweep, sift or deposit in any manner in or upon any public way or other public place in the Town or any river, canal, public water, drain, sewer or receiving basin within the jurisdiction of the Town any kind of dirt, rubbish, waste article, thing or substance whatsoever, whether liquid or solid; nor shall any person, firm or corporation cast, throw, sweep, sift or deposit any of the aforementioned items anywhere within the jurisdiction of the Town in such manner that it may be carried or deposited in whole or in part by the action of the sun, wind, rain or snow, into any of the aforementioned places.

(b) *Exceptions* - This Ordinance shall not apply to the deposit of material under a permit authorized by any Ordinance of the Town or to goods, wares or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade, or to articles or things deposited in or conducted into the Town sewer system through lawful drains in accordance with the Ordinances of the Town relating thereto.

(c) *Penalties* - Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to a penalty of fifty dollars (\$50) for each offense.

**SECTION 6-1000**

**HANDBILLS AND CIRCULARS**

**SECTION 6-1001      Handbill and Circulars**

No person shall distribute circulars, papers or advertisements upon the public highway without first receiving a permit from the Mayor or his designee.

**SECTION 6-1100**

**YARD SALES**

**SECTION 6-1101      Yard Sales**

(a) *Definition* - Yard sales, garage sales, tag sales or like sales are defined as: a sale, or offering for sale, of personal tangible property from residential premises.

(b) *Terms and Conditions*

1. No more than three (3) yard sales, garage sales, tag sales or like sales shall be held at any one location or residence per calendar year. Each day shall constitute a separate sale.
2. An application for each sale shall be filed with the Town Clerk's Office with the required fee as recommended by the Town Council. A copy of the permit shall be forwarded forthwith to the Police Department.
3. No property, except personal property owned by the resident of the location of the sale, family members or neighbors shall be sold. The sale of merchandise by a business entity, new merchandise or merchandise in bulk is prohibited under this section.

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4. Property for sale will be displayed only on the day of the sale.
5. Hours of sale shall be restricted to daylight hours, to commence no earlier than 8:00 AM.
6. The Town of Weymouth Police Department shall enforce this ordinance pursuant to the provisions of M.G. L. C. 40, s. 21D, as amended, or by the institution of applicable civil or criminal proceedings.
7. Any person who violates this ordinance within a calendar year shall be liable for a written warning on a first offense, fined one hundred dollars (\$100) for a second offense, two hundred dollars (\$200) for a third offense and three hundred dollars (\$300) for each additional offense. Each day in which any such violation shall continue shall be deemed a separate offense.

**SECTION 6-1200**

**BODY ART**

**SECTION 6-1202      *Rationale***

Town of Weymouth is promulgating rules and regulations in the form of this Body Art Ordinance which provide minimum requirements to be met by any person performing body art activities for hire upon another individual and for any establishment wherein body art activities are to be performed. These requirements include, but are not limited to, requirements concerning the general sanitation of the establishment wherein body art activities are to be performed and the sterilization of instruments to be used in the conduct of body art. By enacting this Body Art Ordinance, the Town of Weymouth has determined that these rules and regulations are necessary to protect the public's health by preventing disease, including, but not limited to, the transmission of Hepatitis B and/or Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS).

In addition, this Body Art Ordinance establishes:

1. a requirement for registration and a procedure for the registration with the Health Department of the Town of Weymouth of all persons performing such body art activities;
2. a requirement for minimal training standards for such practitioners including requirements for the prevention of disease transmission and for knowledge of anatomy and physiology;
3. provisions for the regular inspection of establishments wherein body art activities are to be performed; and
4. for revocation of the registration of any person or establishment deemed in violation of the rules and regulations promulgated under this Body Art Ordinance, or for other means of enforcement of the provisions of this Body Art Ordinance.

This Body Art Ordinance provides for an annual fee to be paid by a person and establishment registered under this Body Art Ordinance. This fee is intended to help defray the cost to the Town of Weymouth of the administration of the requirements of this Body Art Ordinance.

**SECTION 6-1203      *Administration and Enforcement***

This Body Art Ordinance shall be administered and enforced by the Health Department of the Town of Weymouth.

**SECTION 6-1204      *Definitions***

The following terms used in this Chapter, unless the context otherwise requires, shall have the following meaning:

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*Aftercare Instructions* - written instructions, approved by the Department, given to a person upon whom one or more body art activities have been performed, specific to the body art procedure(s) rendered or performed, concerning the proper care to be given to the area of the body upon which the body art has been performed and concerning the surrounding area of the body.

*Antiseptic* - an agent that destroys disease-causing microorganisms on human skin or mucosa.

*Autoclave* - an apparatus for sterilization utilizing steam pressure at a specific temperature over a designated period of time.

*Autoclaving* - the process which results in the destruction of all forms of microbial life - including highly resistant bacterial spores - by the use of an Autoclave for a minimum of thirty (30) minutes at seventeen (17) pounds of pressure (PSI) at a temperature of two hundred fifty degrees (250°) Fahrenheit.

*Body Art* - the practice of physical body adornment, alteration or modification by means including, but not limited to, piercing, tattooing, branding, braiding, beading/implantation or scarring.

*Body Art Establishment* - any facility that has been inspected and approved by the Department for use in conducting body art activities and for which a current Permit is issued by the Department in accordance with this Body Art Ordinance.

*Body Art Ordinance* - Section 6-1200 of the Weymouth Code of Ordinances, as amended from time to time.

*Body Art Practitioner* - a person who has received a license to perform body art activities by the Department pursuant to this Body Art Ordinance.

*Body Art Practitioner Permit* - a Permit issued by the Weymouth Department of Health to a person qualified to engage in the practice of body art in accordance with this Body Art Ordinance.

*Body Piercing* - the form of body art requiring or consisting of the puncturing or penetration of the skin or of a membrane of a person, other than the lobe of the ear, for the purpose of the temporary or permanent placement or insertion of jewelry or other adornment or device therein.

*Braiding* - the form of body art requiring or consisting of the cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.

*Branding* - the form of body art consisting of or requiring the inducement of a burn and/or the resulting scarring of the skin of a person by means of the use of a heated instrument or object.

*Cleaning Area* - the area in a body art establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of body art.

*Contaminated or Contamination* - the presence of or a reasonable possibility of the presence of blood, bodily fluids, infectious or potentially infectious matter on an inanimate object.

*Contaminated Waste* - any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious

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material and which are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially infectious materials, as defined in Code of Federal Regulation 29 CFR 1910.1030, as defined in Code of Massachusetts Regulation 105 CMR 480.00 et seq, or in this Body Art Ordinance.

*Cosmetic Tattooing* - also known as permanent cosmetics, micro pigment implantation or dermal pigmentation; the form of body art requiring the implantation of permanent pigment around the eyes, lips and cheeks of the face and hair imitation.

*Customer or Client* - a person upon whom one or more body art activities is/are to be performed, and shall include a minor client.

*Customer Waiting Area* - the area in a body art establishment for use and occupation by persons and clients prior to and after the conduct of body art.

*Department* - the Weymouth Health Department, established in accordance with MGL C. 111.

*Disinfect* - the destruction of pathogenic microorganisms using a liquid chemical germicide.

*Disinfectant* - the same as liquid chemical germicide.

*Dermis* - the deeper, thicker portion on the skin lying beneath the epidermis, to include the subcutaneous layer.

*Ear Piercing* - the puncturing of the outer perimeter of the lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturer's instructions.

*Epidermis* - the outer layer of skin which is composed of four recognizable layers of cells usually a total of about 0.1 mm thick.

*Equipment* - all machinery, fixtures, containers, vessels, tools, devices, implements, furniture, display cases, storage units, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

*Exposure* - an event whereby there is an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with the blood or bodily fluids of another person or contact of an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with other potentially infectious matter.

*Exposure Control Plan* - a plan drafted by an Operator pursuant to the requirements of the U.S. Occupational Safety and Health Administration (OSHA) to eliminate or minimize the potential for an exposure.

*Exposure Incident Report* - a written report detailing the circumstances of an exposure.

*Germicide or Germicidal Solution* - the same as liquid chemical germicide.

*Hand Sink* - a sink supplied with hot and cold potable water under pressure which is used solely for washing hands, arms, or other portions of the body.

*Health Board* - the Department of Health of the Town of Weymouth established in accordance with MGL C. 111.



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*Hot Water* - water which is heated to attain and maintain a temperature of between one hundred ten degrees (110°) and one hundred thirty degrees (130°) Fahrenheit.

*Infectious Waste* - the same as contaminated waste.

*Instrument Storage Area* - the area in a body art establishment used for the storage of linens, equipment and instruments used for body art.

*Instrument or Instrument Used For Body Art* - those hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or possible exposure to bodily fluids during body art procedures.

*Invasive* - a procedure causing entry into the body either by incision or by the insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

*Jewelry* - any device or adornment inserted into a pierced or incised area or portion of the body.

*License* - a document issued by the Weymouth Board of Licensing Commissioners, pursuant to this Body Art Ordinance, authorizing a person to conduct body art procedures in the Town of Weymouth.

*Liquid Chemical Germicide* - a substance registered with the United States Environmental Protection Agency (EPA) for use in the destruction of pathogenic microorganisms or an approximate 1:100 dilution of household chlorine bleach in clean water mixed fresh daily.

*Minor or Minor Client* - a person of less than eighteen (18) years of age as of that person's last birth date.

*Mobile Body Art Establishment* - any trailer, truck, car, van, camper or other motorized or non-motorized vehicle, a shed, tent, movable structure, bar, home or other facility wherein, or concert, fair, party or other event whereat one desires to or actually does conduct body art procedures, excepting only a Licensed Body Art Establishment which has also obtained a Permit from the Department.

*Operator* - any person alone or jointly with other persons who owns, controls, operates or manages a body art establishment.

*Parenteral* - the invasion of the skin barrier or mucous membranes.

*Permit* - a document issued by the Department pursuant to this Body Art Ordinance authorizing the performance of body art activities or the use of a facility for the conducting of body art activities.

*Physician* - a person licensed by the Commonwealth of Massachusetts in accordance with MGL C. 112, s. 2.

*Procedure Surface* - any surface of an inanimate object that contacts an unclothed part of a person upon whom body art is to be performed.

*Prohibited Forms of Body Art* - those forms of body art prohibited under this Body Art Ordinance and set forth in Section 6-1218 hereof.

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*Sanitize* - the process of reducing the number of microorganisms on a surface to a safe level using a liquid chemical germicide.

*Sanitizer* - the same as liquid chemical germicide.

*Scarification* - that a form of body art that requires the use of an instrument to cut a design into the skin to produce a scar.

*Sharps* - any object (sterile or not) that may purposefully or accidentally cut or penetrate the skin or mucosa of a person including, but not limited to, needles, scalpel blades, razor blades and lancets.

*Sharps Container* - a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation or disposal and is labeled with the International Biohazard Symbol.

*Single Use* - products or items that are intended for one-time, one-person use and are to be disposed of after such use including, but not limited to: cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

*Sterilization Unit* - a unit designed to and which is effective at killing all microorganisms, including bacterial spores and which is approved by the Department for use for sterilization in a body art establishment.

*Sterilize* - to effectively kill all microorganisms, including bacterial spores.

*Tattoo* - the form of body art consisting of the injection of ink, dye or other medium to form or create an indelible mark, figure or decorative design in the subcutaneous portion of the skin.

*Tattooing* - the act or process of creating a tattoo.

*Tattoo Gun* - an electric, vertically vibrating tool used for tattooing.

*Tattoo Inks/Pigments/Dyes or Inks/Pigments/Dyes* - the metal or salt-based substance injected into the subcutaneous portion of the skin in the act or process of creating a tattoo.

*Temporary Body Art Establishment* - the same as mobile body art establishment.

*Three Dimensional "3D" Body Art or Beading or Implantation* - the form of body art consisting of or requiring the placement, injection or insertion of an object, device or other item made of matters such as steel, titanium, rubber, latex, plastic, glass or other inert materials, beneath the surface of the skin of a person. These terms do not include body piercing.

*Ultrasonic Cleaning Kit* - a unit approved by the Department and physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

*Universal Precautions or Standard Precautions* - the set of guidelines and controls, published by the Center for Disease Control as "guidelines for prevention of transmission of human immunodeficiency virus and Hepatitis B virus to health-care and public-safety workers" in Morbidity and Mortality Weekly Report by the Center for Disease Control (CDC) June 23, 1989, Vol.38, N0. S-6, and as "recommendations for preventing transmission of Human Immunodeficiency Virus and Hepatitis B Virus to patients during exposure-prone invasive procedures" in Morbidity and Mortality Weekly

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Report July 12, 1991, Vol. 40, No. RR-8, each as amended or updated. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

*Workstation* - an area within a body art facility designated for use in the conducting of body art activities.

***SECTION 6-1205 Severability***

If any provision or subpart thereof contained in this Body Art Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the validity of all remaining provisions or subpart thereof shall not be so affected but shall remain in full force and effect.

***SECTION 6-1206 The Practice of Body Art; Body Art Practitioner Permit Required***

No person shall conduct any form of body art activity unless such person holds a valid Body Art Practitioner Permit issued by the Department pursuant to this Body Art Ordinance.

***SECTION 6-1207 Body Art Facility; Body Art Establishment Permit Required***

No person shall establish a facility for the conduct of a business consisting of or including the performance of one or more body art activities upon the person of another without a valid Permit to operate such facility as a venue within which to conduct body art activities issued by the Department in accordance with this Body Art Ordinance.

***SECTION 6-1208 Exemptions***

Physicians who practice body art activities as a part of patient treatment are exempt from the provisions of this Body Art Ordinance so long as such body art activities are performed in a medically acceptable manner.

Individuals who pierce only the lobe of the ear with a pre-sterilized, single-use stud and clasp ear piercing system, without the use of a so-called piercing gun, are exempt from the provisions of this Body Art Ordinance.

***SECTION 6-1209 Town Clerk; Registration***

The requirements of this Body Art Ordinance to obtain a Body Art Practitioner Permit and a Body Art Facility Permit are separate from and in addition to the requirements of MGL C. 110, s. 5. An applicant for a Body Art Establishment Permit must comply with the requirements of MGL C. 110, s. 5. Prior to the issuance of a Body Art Establishment Permit, an applicant must demonstrate compliance therewith by way of presentment to the Department of the original Business Certificate issued by the Town Clerk under the provisions of MGL C. 110, s. 5.

***SECTION 6-1210 Commonwealth of Massachusetts; Registration or Licensing***

The requirements of this Body Art Ordinance to obtain a Body Art Practitioner Permit and/or a Body Art Facility Permit are separate from and in addition to any similar requirements that may be mandated by the Commonwealth of Massachusetts.

***SECTION 6-1211 Body Art Practitioner***

(a) *Application; Registration; Body Art Practitioner Permit* - Any person seeking registration under this Body Art Ordinance so as to obtain a Body Art Practitioner Permit shall secure a License from the Board of License Commissioners prior to any final action being taken upon the application for a Body Art Practitioners Permit to the Department. Any person seeking registration under this Body

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Art Ordinance so as to obtain a Body Art Practitioner Permit shall submit a completed application provided by the Department and shall pay to the Town of Weymouth a fee of two hundred dollars (\$200). A Body Art Practitioner Permit shall be valid for no more than one (1) year. The Department may renew a Body Art Practitioner Permit under this Body Art Ordinance and each applicant for such renewal shall pay to the Town of Weymouth a renewal fee of two hundred dollars (\$200). All Body Art Practitioner Permits shall expire on December 31<sup>st</sup> of the year of issuance.

(b) *Application; Body Art Practitioner Permit; Compliance With Body Art Ordinance requirements* - An applicant for a Body Art Practitioner Permit shall demonstrate to the Department his/her successful compliance with all training, disclosure, consent and educational requirements of this Body Art Ordinance relative to the form of body art activities for which such applicant seeks a Body Art Practitioner Permit prior to the issuance or renewal of a Body Art Practitioner Permit by the Department.

(c) *Hepatitis B Vaccination Status; Disclosure:*

1. A Hepatitis B vaccination is highly recommended.
2. An applicant for a Body Art Practitioner Permit shall provide to the Department, and shall provide to the owner of any body art establishment in which the applicant intends to perform or in which he does perform body art activity, valid documentation of his Hepatitis B Virus (HBV) vaccination status stating:
  - a. Certification of completed vaccination;
  - b. Laboratory evidence of immunity;
  - c. Documentation stating the vaccine is contraindicated for medical reasons. Contraindication requires a dated and signed licensed health care professional's statement specifying the name of the Body Art Practitioner Permit applicant employee and that the vaccine cannot be given;
  - d. Certificate of vaccination declination of HBV, i.e. for medical or religious reasons as provided in MGL C. 76, s.15.

(d) *Hygiene* - Every body art practitioner shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when conducting body art activity. If the clothes of a Body Art Practitioner are or become contaminated, clean clothing shall be donned prior to commencement of any further body art activity.

(e) *Minimal Training Requirements* - Every applicant for a Body Art Practitioner Permit or a renewal of a Body Art Practitioner License, in order to be qualified for such Permit, shall provide to the Department evidence of satisfaction of the following minimal training requirements:

1. Basic training in first aid and advanced CPR as well as proof of attendance at required renewal.
2. Documentation of attendance and completion of courses approved by the Department, or completion of an examination, on the following subjects: (i) anatomy, (ii) skin diseases, disorders, and conditions (including diabetes), (iii) infectious disease control, including waste disposal, hand washing techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques.
3. Proof of completion of a bloodborne pathogen training program (or equivalent), given or approved by the Department. Examples of courses approved by the Department include courses such as "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA) and must include the requirements of standards 29 CFR 19010.1030. Training courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Department for approval

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4. Evidence satisfactory to the Department of at least one (1) year actual experience in the practice of performing body art activities of the kind for which the applicant seeks a Body Art Practitioner Permit to perform, whether such experience was obtained within or outside of the Commonwealth
5. Evidence of a completed apprenticeship program as approved by the Commonwealth of Massachusetts or the Department, with instruction in the kind of body art for which the applicant seeks a Body Art Practitioner Permit to perform

(f) *Body Art Practitioner Permit; Consent to Comply With Body Art Ordinance* - An applicant for a Body Art Practitioner Permit shall sign a statement provided by the Department consenting to and agreeing to abide by all of the provisions of this Body Art Ordinance.

(g) *Body Art Practitioner Permit; Department Authorized to Issue* - If an applicant for a Body Art Practitioner Permit demonstrates compliance with Section 6-1211(e), the Department is hereby authorized to issue a Body Art Practitioner Permit pursuant to the provisions of this Body Art Ordinance, which authorizes the applicant to conduct body art activities consisting of body piercing and tattooing.

(h) *Body Art Practitioner Permit; Acting Within Scope of Permit* - A body art practitioner shall only perform those forms of body art for which he/she holds a Body Art Practitioner Permit issued by the Department.

(i) *Body Art Practitioner Permit; Posting Requirement* - A body art practitioner and/or Operator shall post in an area of the body art establishment accessible to the Department and to clients, the original of the current Body Art Practitioner Permit of the Body Art Practitioner.

(j) *Body Art Practitioner; Impairment by Drugs or Alcohol* - No body art practitioner shall conduct any form of body art activity while under the influence of alcohol or drugs.

(k) *Restriction of Certain Body Art Activities* - No body art practitioner shall:

1. Tattoo a minor client;
2. Brand a minor client;
3. Scar or perform scarification upon a minor client;
4. Pierce the genitalia of a minor client;
5. Pierce a client under fourteen (14) years of age - with the sole exception of ear piercing;
6. Perform or engage in any of the activities prohibited under Section 6-1218 of this Body Art Ordinance

(l) *Sterile Conditions* - A body art practitioner shall only conduct body art activities under sterile conditions.

(m) *Rash, Lesion or Visible Sign of Infection* - The skin of a body art practitioner shall be free of rash, any lesion or visible sign of infection. A body art practitioner shall not conduct any form of body art activity upon any area of a client that evidences the presence of any rash, lesion or visible sign of infection.

(n) *Use of Licensed Facility* - A body art practitioner shall only conduct body art activities within a facility with a current Body Art Establishment Permit, and which establishment is in compliance with all provisions of the Body Art Ordinance.

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(a) *Body Art Practitioner; Use of Mobile or Temporary Body Art Establishment; Prohibited* - No body art practitioner shall conduct any form of body art activity in a mobile or temporary body art establishment.

**SECTION 6-1213      *Customers/Clients***

(a) *Application and consent for body art activity; requirement* - Every client shall complete an application and consent form approved by the Department prior to having any body art activity performed upon or to their body.

(b) *Application and consent form for body art activity; content* - Every application and consent form, required by Section 6-1213A of this Body Art Ordinance, shall contain a minimum of the following:

1. General information regarding body art, including, at a minimum, the following statements:
  - a. Tattoos should be considered permanent;
  - b. The removal of tattoos and scars would require surgery or other medical procedure that may result in scarring or additional scarring of the skin.
2. Information as to the side effects of body art, including, but not limited to: hypertrophic scarring, possible adverse reaction to ink/dye/pigment, possible change in color of ink/dye/pigment over time, a decreased ability of physician to locate skin melanoma in regions concealed by tattoos, brands, scars and other forms of body art, possible nerve damage, febrile illness, tetanus, systemic infection, and keloid formation.
3. Client information, including:
  - a. Name;
  - b. Proof of age and valid identification;
  - c. In the case of a minor client, the parent's or legal guardian's name, proof of parentage or legal guardianship through a copy of a birth certificate or court order of guardianship respectively, or a notarized document signed by the parent or legal guardian attesting to the parent's or legal guardian's relationship to the minor client, and the consent to the conduct of the contemplated body art activity upon the minor client;
  - d. The type of the body art activity to be performed.
4. Instructions requiring the client to adhere to the Exposure Control Plan as such plan relates to the client's conduct in the body art establishment.
5. The address and telephone number of the Department and instructions for the client, or in the case of a minor client, the minor client and his/her parent or Legal guardian, to contact the Department with any questions or concerns regarding safety, sanitization or sterilization procedures.
6. The name of the body art practitioner who is to conduct the body art upon the client or minor client and that practitioner's department registration number.
7. The manufacturer codes, if any, the identity of the manufacturer, and lot numbers of any dye/ink or pigment to be used in the body art activity.
8. Signature of client.
9. In the case of a minor client, the signature of client's parent or legal guardian. The parent or legal guardian shall sign the consent form in the presence of the body art practitioner.
10. The signature of body art practitioner.
11. The date(s) of all signature(s).
12. The date(s) of the body art procedure, including a daily estimate of progress for the conduct of body art requiring multiple days to complete.

(c) *Disclosure of certain health related information:*

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1. A client shall inform the body art practitioner of any known chronic medical or communicable conditions, including, but not limited to the following:
  - a. Diabetes;
  - b. History of Hemophilia (bleeding);
  - c. History of skin disease, skin lesions or skin sensitivities to soap, disinfectants, etc.;
  - d. History of allergies or adverse reactions to pigments, dyes or other skin sensitivities;
  - e. History of epilepsy, seizures, fainting or narcolepsy;
  - f. The taking of medications such as aspirin or other anticoagulants, which thin the blood and or interfere with blood clotting;
  - g. History of or suspicion of adverse reaction to latex or products containing latex.
2. A client shall inform the body art practitioner of a known pregnancy or possibility of pregnancy.
3. The body art practitioner shall require the client to sign a release form confirming that the above information was obtained or attempted to be obtained and the client refused to disclose the same.

(d) *Impairment by drugs or alcohol* - No person shall receive any form of body art activity while under the influence of drugs or alcohol.

(e) *Aftercare instructions* - All clients shall obtain and read and follow the Department approved aftercare instructions appropriate for the form of body art conducted upon such person.

(f) *Aftercare instructions; minimum content* - Aftercare instructions shall be approved by the Department and shall include, at a minimum the following:

1. Responsibilities and proper care following the procedure;
2. Restrictions, if any, upon the client;
3. Signs and symptoms of infection; and
4. Instructions to contact a physician if possible signs of infection occur or if bleeding occurs that is not controlled by light pressure or if problems with urination or heavy vaginal bleeding occurs (for genital body piercing or tattooing).

(g) *Age requirements for certain body art activities:*

1. No minor client shall receive a tattoo;
2. No minor client shall be branded;
3. No minor client shall be scarred;
4. No minor client shall have his or her genitalia pierced;
5. No client under fourteen (14) years of age shall be pierced with the sole exception of ear piercing.

(h) *Rash, lesion or visible signs of infection* - The skin area or mucosa of a client to receive any form of body art activity shall be free of rash, any lesion or from any visible sign of infection.

(i) *Injury report* - A written report of any injury, infection complication or disease to a client as a result of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator or practitioner to the Department with a copy to the complainant or injured client within five (5) working days of its occurrence or knowledge thereof. The report shall include:

1. Name of the affected client;
2. Name and location of the body art establishment involved;
3. Nature of the injury, infection complication or disease;
4. Name and address of the affected client's health care provider, if any;
5. Other information considered relevant to the situation.

**SECTION 6-1214      *Body Art Establishments***

(a) *Application; Registration; Body Art Establishment Permit* - Any person seeking registration under this Body Art Ordinance so as to obtain a Body Art Establishment Permit shall secure a License from the Board of License Commissioners prior to any final action being taken upon the application for a Body Art Establishment Permit to the Department. A person seeking registration under this Body Art Ordinance so as to obtain a Body Art Establishment Permit shall submit a completed application provided by the Department and shall pay to the Town of Weymouth a fee of two hundred dollars (\$200). A Body Art Establishment Permit shall be valid for no more than one (1) year. The Department may renew a Body Art Establishment Permit under this Body Art Ordinance and each applicant for such renewal shall pay to the Town of Weymouth a renewal fee of two hundred dollars (\$200). All Body Art Establishment Permits shall expire on December 31<sup>st</sup> of the year of issuance. A Body Art Establishment Permit shall not be transferable from one place or person to another.

(b) *Business Activity* - The operation of a body art establishment and/or the conduct of any body art activity under a Body Art Practitioner Permit shall occur within the hours of operations set forth by the Board of Licensing Commissioners.

(c) *Plans* - Every operator or applicant for a Body Art Establishment Permit shall submit to the Department scaled plans and specifications of the proposed facility wherein any body art activity is intended to be conducted demonstrating the compliance of the facility with this Body Art Ordinance. The Department may require an on-sight inspection of the proposed facility to determine and/or ensure compliance with the requirements of this Body Art Ordinance prior to the issuance by the Department of a Body Art Establishment Permit pursuant to this Body Art Ordinance.

(d) *Workstation:*

1. Every workstation shall have minimum of forty-five (45) square feet.
2. Each body art establishment shall have at least one (1) workstation.
3. The area within each workstation shall be completely screened from view from any person outside such workstation.
4. A workstation shall be used for no purpose other than body art.
5. Each workstation shall be separated from any other area of the body art facility, including other workstations within such body art facility, by a wall or curtain or other solid barrier extending from the floor to a minimum height of eight feet (8').
6. A workstation shall be maintained in a clean and sterile condition.

(e) *Separate Areas:*

1. The cleaning area shall have an area for the placement and use of an autoclave or other sterilization unit located or positioned so as to be a minimum of thirty six inches (36") from a required ultrasonic cleaning unit.
2. Every body art establishment shall have therein an instrument storage area exclusive of the cleaning area. The instrument storage area shall be equipped with cabinets for the storage of all instruments and equipment. The required cabinets shall be located a sufficient distance from the cleaning area so as to prevent contamination of the instruments and equipment stored therein.
3. Every body art establishment shall have therein a customer waiting area exclusive of and separate from any workstation, instrument storage area or cleaning area.

(f) *Walls, Floors, Ceilings:*



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1. Every workstation, instrument storage area, toilet room, and cleaning area shall be constructed and maintained as follows so as to provide a durable, smooth, nonabsorbent and washable surface:
  - a. Floors - constructed of commercially rated continuous sheet vinyl, smooth sealed cement, ceramic tile with sealed grout, or other similar materials approved by the Department and shall be maintained in good repair free of any holes or cracks;
  - b. Walls - covered with a semi-gloss or gloss enamel paint, or constructed of fiberglass reinforced panel, ceramic tile with sealed grout or other similar materials approved by the Department and shall be maintained in good repair free of any holes or cracks;
  - c. Ceiling - covered with semi-gloss or gloss enamel paint, or approved commercially rated panels or tiles and maintained in good repair free of any holes, cracks or falling matter.
2. All such floors, walls and ceilings shall be light-colored. For purposes of this Body Art Ordinance, "light-colored" shall mean a light reflectance value of seventy percent (70%) or greater.

*(g) Electrical Wiring:*

1. All electrical wiring shall be installed and maintained in accordance with the State and Local wiring codes;
2. All electrical outlets in all workstations and cleaning areas shall be equipped with approved Ground Fault Circuit Interrupter (GFCI) protected receptacles.

*(h) Lighting and Ventilation:*

1. Every workstation shall be well ventilated and have a minimum light service maintained at all times during the conducting of body art activities at an equivalent of not less than twenty (20) foot-candles as measured thirty six inches (36") above the floor, except that a minimum of one hundred (100) foot-candles shall be provided on the area of the client's body subject to the conduct of body art, in any area where instruments or sharps are assembled, and all cleaning areas.
2. Every workstation, cleaning area and every area in a body art establishment where linens, instruments, sharps or other equipment exposed, sanitized or sterilized shall be equipped exclusively with readily cleanable light fixtures with light bulbs, lenses or globes of shatterproof material.

*(i) Plumbing:*

1. All plumbing and plumbing fixtures shall be installed in compliance with local plumbing codes.
2. To the extent permitted by applicable Federal, State and Local laws and ordinances, all liquid wastes shall be discharged through the plumbing system into the public sewerage system or into a Department-approved private sewage disposal system.
3. An adequate pressurized potable water supply shall be provided to every body art establishment.
4. The public water supply entering a body art establishment shall be protected by a testable, reduced pressure back flow preventer installed in accordance with 142 CMR 248, as amended from time to time.

*(j) Toilet Rooms:*

1. Every body art establishment shall provide toilet rooms with adequate lighting and ventilation to the outside for use by employees and clients, which shall be available to clients during business hours.

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2. The number and construction of toilet rooms shall be in accordance with local building and plumbing codes.
3. Every water closet or toilet stall shall be enclosed and have a well-fitting, self-closing door.
4. An adequate supply of toilet tissue shall be provided in a permanently installed dispenser in each water closet or toilet stall.
5. Toilet rooms shall not be used for the storage of instruments or other supplies used for body art activity.

(k) *Hand Washing Sinks:*

1. A hand washing sink shall be provided within or adjacent to any toilet room and there shall be at least one (1) hand washing sink for every three (3) workstations.
2. Every hand washing sink shall be equipped with an adequate supply of hot and cold water under pressure with fixtures to allow for washing of hands, liquid hand cleanser, single-use sanitary towels in devices for dispensing, and a waste container of washable construction.
3. A hand washing sink shall not be used as a janitorial sink.

(l) *Janitorial Sink* - At least one (1) janitorial sink shall be provided in every body art establishment for use in cleaning the body art establishment and proper disposal of liquid wastes in accordance with all applicable Federal, State and Local laws. For purposes of this Body Art Ordinance, a janitorial sink means a sink of adequate size equipped with hot and cold water under pressure so as to permit the cleaning of the body art establishment and any equipment used for cleaning.

(m) *Instrument Sink:*

1. Every cleaning area shall have a sink used exclusively for the cleaning of instruments.
2. Every instrument sink shall be of adequate size and equipped with hot and cold water under pressure so as to permit the cleaning of instruments.

(n) *Exposure Control Plan; Requirement* - Each operator shall create, update as needed, and comply with an Exposure Control Plan.

(o) *Exposure Control Plan; Submission:*

1. The Exposure Control Plan for a body art establishment shall be submitted by the operator to the Department for review so as to meet all of the requirements of OSHA Regulations, to include, but not limited to 29 CFR 1910.1030 *et seq*, as amended from time to time.
2. A copy of the Body Art Establishment's Exposure Control Plan shall be maintained at the body art establishment at all times and shall be made available to the Department upon request.

(p) *Telephone Access; Emergency Communication* - A body art establishment shall be required to have a telephone in good working order and easily accessible to all employees and clients during all hours of operation for the purpose of contacting police, fire or emergency medical assistance or ambulance services in the event of an emergency or perceived emergency. A legible sign shall be posted at or adjacent to the telephone indicating the correct emergency telephone numbers and the number of the Department.

(q) *Body art establishment; Other Activities; Restrictions* - No operator shall permit the use of a body art establishment:

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- (r) *Body art establishment; Permit; Posting Requirement* - The Operator of a body art establishment shall post in an area of the body art establishment accessible to the Department and to clients the original of the current Body Art Establishment Permit issued by the Department.

(t) *Health of Body Art Establishment Employees* - No person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of, or in any capacity in, a body art establishment which would create a likelihood that that person could contaminate equipment, instruments, supplies, procedure surfaces, workstations or other otherwise compromise or could reasonably be expected to compromise the sterility of the body art establishment with body substances or pathogenic organisms.

**SECTION 6-1215** *Instruments and Equipment*

(b) *Sanitizing and Sterilization units:*

- (c) *Waste Receptacles:*

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(d) *Linens* - Every body art establishment or body art practitioner shall maintain an adequate supply of reusable, launderable linens or single-use linens, such as drapes, lap cloths and aprons, to be used in conducting body art activities.

(e) *Rotary Pens* - If used in body art activity, rotary pens, also known as cosmetic machines, shall have detachable, disposable, sterile combo couplers and shall have detachable, disposable casings or casings designed and manufactured to be easily cleaned and sterilized.

(f) *Ink, Dye, Pigment:*

1. All inks, dyes, and pigments used to alter the color of skin in the conduct of body art shall be specifically manufactured for such purpose, approved, properly labeled as to its ingredients, manufacturer and lot number in accordance with applicable United States Food and Drug Administration (FDA) requirements, and shall not be contaminated or adulterated. The mixing of such inks, dyes or pigments or the dilution of the same with potable sterile water is acceptable, unless prohibited or not recommended by the product manufacturer.
2. Inks, dyes and pigments prepared by or at the direction of a body art practitioner for use in body art activity shall be made exclusively of non-toxic and non-contaminated ingredients approved by the Department or the FDA.

(g) *Inserted Objects; Jewelry:*

1. Jewelry shall be sterilized, free from polishing compounds, free from nicks, scratches, burrs or irregular surface conditions.
2. Jewelry of sixteen (16) gage girth or thicker shall not have raised external threads or threading.
3. Jewelry shall be in good condition, designed and manufactured for insertion into the intended body part of the client.
4. The use of previously worn jewelry or jewelry brought into the body art establishment by the client or another is prohibited.
5. Only jewelry manufactured of surgical implant stainless steel of American Society for Testing and Material Standards (ASTM) grade F138, surgical implant solid 14K or 18K white or yellow gold, niobium, surgical implant titanium of Ti6A4V ELI, ASTM F-136-98, platinum or other materials considered by the Department to be equally bio-compatible and capable of adequate cleaning and sterilization shall be inserted into a client.

(h) *Single Use Equipment and Instruments* - Equipment, instruments and supplies intended for single-use shall not be used more than one (1) time.

(i) *Prohibited Instruments and Materials* - No operator, body art practitioner or other person shall utilize or have available in a body art establishment any:

1. Instruments or materials, such as stypitic pencils or devices, alum, or any similar material, used to check the flow of blood;
2. Liquid sterilants for the attempted sterilization of any reusable instrument or component;
3. Rotary pens that are designed or manufactured with a sponge type material at the opening of the chamber for the purpose of prohibiting the backflow of pigment and body fluid into the machine;
4. Multiple-use instruments or components that are designed in such a manner that restrict or prevent proper washing, cleaning or sterilization;
5. Drugs, chemicals or agents that require a licensed medical practitioner's authorization for use, application or dispensation;

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6. Suturing kits or suturing devices, scalpels, cauterizing tools or devices, or other tools, devices or instruments used for or in conjunction with any prohibited body art activity, and not otherwise properly used for any allowed body art activity;
7. Piercing needles or piercing tapers for the sale or use by one not a body art practitioner;
8. Needles used in the practice of "play piercing," so-called.

**SECTION 6-1216**

***General Requirements***

*(a) Animals:*

1. No body art practitioner shall conduct any form of body art upon an animal.
2. No animal, except one actually serving as any guide animal, signal animal or service animal accompanied by a totally or partially blind person or deaf person or a person whose hearing is impaired or handicapped person, shall be allowed in a body art establishment.
3. Fish aquariums shall be allowed in the waiting area and non-procedural areas of a body art establishment.

*(b) Smoking, Eating and Drinking: Prohibited* - No person shall smoke, or otherwise use any form of tobacco, eat or drink at or in a workstation, instrument storage area or cleaning area. Only in the case of medical need may fluids be consumed by a client.

*(c) Disease Transmission* - Except as set forth in these regulations, no operator, body art practitioner or other person shall commit or permit any act that may expose any client or person to disease or illness or otherwise contaminate any instrument or area in a body art establishment.

*(d) Exposure Incident Report:*

1. An Exposure Incident Report shall be completed by the close of the business day during which an exposure has or might have taken place by the involved or knowledgeable body art practitioner for every exposure incident occurring in the conduct of any body art activity.
2. Each Exposure Incident Report shall contain:
  - a. A copy of the application and consent form for body art activity completed by any client or minor client involved in the exposure incident;
  - b. A full description of the exposure incident, including the portion of the body involved therein;
  - c. Instrument(s) or other equipment implicated;
  - d. A copy of the Body Art Practitioner Permit of the involved body art practitioner;
  - e. Date and time of exposure;
  - f. A copy of any medical history released to the body art establishment or body art practitioner; and
  - g. Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.

*(e) Record Maintenance:*

1. Every operator shall have and retain at the body art establishment for inspection by the Department the following information for the time period specified below, to be updated as needed to remain current:
  - a. Exposure Control Plan - one (1) copy of the exposure control plan for the body art establishment submitted to the Department;
  - b. Employee records for the previous three (3) years - indicating: name, home address, home phone number, identification photograph, state identification card number, physical description as detailed on state identification card, date of birth, type(s) of body art procedures conducted, dates of employment at the body art establishment,

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- body art practitioner registration number, Hepatitis B vaccination status or declination notification;
- c. Body art practitioner independent operator (non-employee of the body art establishment) records for the previous three (3) years - indicating: name, home address, phone number, state identification card number, physical description as detailed on state identification card, date of birth, type(s) of body art procedures conducted, dates operating at the body art establishment; body art practitioner registration number, Hepatitis B vaccination status or declination notification;
  - d. Client records for the previous two (2) years - copies of all application and consent forms for body art activity;
  - e. Waste hauler manifests for contaminated waste transport and disposal for the previous three (3) years;
  - f. Training records for the previous three (3) years - documentation to verify training of Exposure Control Plan to all employees and body art practitioner independent operator(s) conducting body art activity at such establishment;
  - g. Commercial biological monitoring (spore) system test results for the previous three (3) years;
  - h. Body Art Ordinance - one copy of the most current version of this Body Art Ordinance and any State Regulations concerning the practice of body art.
2. Every operator shall have and permanently retain at the body art establishment for inspection by the Department all Exposure Incident Reports. The disposal or destruction of these reports is prohibited.

(f) *Establishment Maintenance* - Every area of a body art establishment shall be kept in good repair, clean and free of all vermin and maintained so as to prevent contamination of clients and other persons.

(g) *Toilet Room and Plumbing Maintenance* - Every toilet room, all plumbing and all plumbing fixtures shall be kept clean, fully operative, and in good repair.

(h) *Equipment and Instrument Maintenance:*

1. All instruments, equipment and procedure surfaces used for body art activity, including, but not limited to, devices, containers, cabinets, storage compartments, chairs, tables, counters, and dispensers shall be maintained clean, fully operative, and in good repair and free from contamination.
2. All instruments manufactured for performing any specific body art activity shall be so designated, used and approved, and shall not be modified, adulterated, contaminated or improperly used. Instruments used for body piercing shall be constructed of stainless surgical-grade steel, and designed and manufactured for such use.

(i) *Contaminated Instruments:*

1. Every contaminated reusable instrument or component thereof, including, but not limited to, needles, needle bars, needle tubes, needle caps, body piercing tubes, rotary pens, and coil machines, shall be immersed in water or other approved liquid solution in the cleaning area until cleaned and sterilized.
2. Prior to sterilization, every such instrument shall be thoroughly washed by scrubbing with an appropriate disinfectant and hot water in accordance with manufacturer's instructions so as to remove contamination and foreign matter.
3. Upon completion of the washing process as set forth in Subsection (2) above, every such instrument shall be cleaned using an ultrasonic cleaning unit in accordance with manufacturer's instructions.

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4. Upon completion of the cleaning process as set forth in Subsection (3) above, every such instrument shall be packaged into procedure set-up packages with color change indicators designed to indicate complete sterilization thereof, initials of the person responsible for sterilizing the instruments and date of such sterilization. Instruments may be packaged individually or with other instruments to the extent permitted under the package manufacturer's instructions.
5. Upon completion of the packaging process as set forth in Subsection (4) above, every such instrument shall be properly sterilized by properly autoclaving in an approved autoclave or sterilized in another type of sterilization unit according to manufacturer's instructions.
6. If a package becomes wet, is opened or is otherwise compromised so as to allow the possible contamination of the contents of the package, any instrument therein shall be deemed contaminated and shall again be washed, cleaned, packaged and sterilized as indicated above prior to use.
7. Sterilized instruments shall be stored in a dry, clean cabinet or tightly covered container. Cabinets and containers designated for the storage of sterilized instruments shall be used for that purpose exclusively.
8. Every sterilized package shall be deemed expired six (6) months after the date of sterilization. Every instrument therein shall again be washed, cleaned, packaged and sterilized consistent with the provisions of this section prior to use.
9. Liquid sterilants shall not be used for the sterilization of any reusable instrument.

(j) *Instrument Storage* - All instruments must be stored in the instrument storage area in a manner so as to prevent contamination. Identical instruments shall be exclusively stored together, unless intermingled storage with different instruments does not represent a hazard as determined by the Department.

(k) *Use of Chemicals and Cleansers* - All germicides, disinfectants, chemicals, and cleansers must be used according to the manufacturer's requirements, used only for the purpose approved and intended by the manufacturer and properly labeled and stored so as to prevent contamination and hazard.

(l) *Labeling* - All storage containers, cabinets, shelves and other storage areas in the instrument storage area shall be properly labeled as to their contents, including, but not limited to, identification of contaminated or soiled contents as appropriate.

(m) *Linen Storage and Cleaning:*

1. Clean linen shall be stored in a manner so as to prevent contamination. Containers used for the storage of such linen shall be clearly labeled as to the contents and used for no other purpose. Linens that have become soiled or contaminated shall be disposed of, or not be used, until properly laundered. Contaminated linen shall be labeled, handled, stored, transported, and laundered or disposed of so as to prevent hazard in a manner approved by the Department.
2. Any other protective clothing, garment or cloth items worn during or used during in body art activity and intended for reuse shall be mechanically washed with detergent and dried after each use. The items shall be stored in a clean, dry manner and protected from contamination until used. Should such items become contaminated directly or indirectly with bodily fluids, the items shall be washed in accordance with standards applicable to hospitals and medical care facilities, at a temperature of one hundred sixty degrees (160°) Fahrenheit or a temperature of one hundred twenty degrees (120°) Fahrenheit with the use of chlorine disinfectant.

(n) *Cleaning and Testing of Ultrasonic cleaning units and Sterilization units:*

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1. Every ultrasonic cleaning unit and autoclave or sterilization unit shall be used and maintained according to manufacturer's specifications. Each ultrasonic cleaning unit, autoclave or other sterilization unit shall be emptied and thoroughly cleaned and disinfected at least once each day that the unit is used.
2. Every autoclave or sterilization unit shall be tested with a commercial biological monitoring (spore) system test in a manner and frequency consistent with the manufacturer's instructions, but no less than once every week, to monitor the efficacy of the eradication of all living organisms, including spores, by the autoclave or other sterilization unit.
3. Biological monitoring (spore) system testing of the autoclave or other sterilization unit shall be performed by an independent commercial testing laboratory contracted by the operator and/or body art practitioner. A provision shall be included in the contract between the operator and/or body art practitioner with the commercial testing laboratory requiring the commercial testing facility to notify the Department of any failure of the autoclave or other sterilization unit to eradicate all living organisms, including spores.

*(o) Waste Hauling:*

1. All waste shall be removed from the body art establishment on a daily basis and placed in an approved secured receptacle for pickup and removal.
2. All contaminated waste in solid form and sharps shall be disposed of through use of an approved waste hauler in accordance with all applicable State, Federal and Local laws and/or regulations. The frequency of disposal shall be determined by the Department, but shall be no less than every thirty (30) days.

**SECTION 6-1217      *Conduct of Body Art***

*(a) Workstation Sanitizing:*

1. All surfaces in a workstation which come in contact with a client or which become contaminated or which may reasonably have become contaminated shall be cleaned with water and soap or other appropriate cleaning compound immediately following the conduct of body art upon a client.
2. The workstation, including, but not limited to the client's chair, table, tray, procedure surface and similar surfaces shall be thoroughly sanitized with an approved disinfectant immediately before and immediately after the conduct of body art upon a client therein/thereon.

*(b) Hand Washing and Use of Gloves:*

1. A body art practitioner shall clean his/her hands and forearms thoroughly by washing with antibacterial soap and warm water and promptly dry the same with single-use paper towels or like material prior to conducting any body art activity.
2. A body art practitioner shall wear new, clean, single-use examination gloves while assembling all instruments and other supplies intended for use in the conduct of body art and during the conduct of body art upon a client. New, clean, single-use non-latex examination gloves shall be used during the preparation for and the conduct of any body art activity upon a client with a known or a suspected latex allergy.
3. If an examination glove is pierced, torn or contaminated through contact with any part of the client not subject to the conduct of body art or such other surface so as to present the possibility of contamination, any person other than the client, or otherwise exposed to an unsanitary or non-sterile surface, both gloves must be promptly removed and discarded into an appropriate waste receptacle. The body art practitioner shall don new gloves before proceeding with the conduct of body art.



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4. If the gloves of a body art practitioner are removed at any time during assembly of instruments or supplies, or the conduct of body art, the body art practitioner must clean his/her hands and don new gloves in accordance with this Section.
5. The use of single-use examination gloves does not preclude or substitute for the above hand washing requirement.

(c) *Instrument and Equipment Preparation:*

1. Every body art practitioner shall use linens, properly cleaned in accordance with these regulations, or new single-use drapes, lap cloths, and aprons for each element of body art conducted upon a client.
2. Every substance used in the conduct of body art shall be dispensed from containers so as to prevent contamination or the possibility of contamination of the unused portion. Immediately before tattooing a client, a sufficient quantity of the ink, dye or pigment to be used therefore shall be transferred from its original bottle or container into sterile, single-use disposable cups, caps or containers.
3. Upon sanitization of the workstation, the instrument tray shall be covered with an uncontaminated single-use paper towel, tray cover or similar material.
4. Every instrument required for the conduct of body art upon a client shall be placed and arranged on the instrument tray in a manner so as to prevent contamination of sterilized instruments. All sterilized instruments shall remain in sterile packages until opened in front of the client.
5. Sharps containers shall be easily accessible to the body art practitioner and located as close as is feasible to the immediate area where the sharps will be used.

(d) *Use of Workstation:*

1. The conduct of body art shall occur only upon a client or minor client in a workstation under sterile conditions.
2. Only the client, the parent or legal guardian of a minor client, the guide or service animal of a client, the body art practitioner conducting the body art and an assistant or apprentice to the body art practitioner, with the express permission of the client, shall be permitted in the workstation during the conduct of body art.

(e) *Use of Instruments, Supplies and Sharps:*

1. All instruments used in the conduct of body art shall be without contamination, and shall be properly cleaned, sanitized and sterilized in accordance with this Body Art Ordinance.
2. All instruments and other equipment or supplies used in the conduct of body art that are designed or intended for single-use shall only be used once.
3. All sharps shall be properly disposed of immediately following use in a sharps container.
4. All products applied to the skin, including body art stencils, shall be single-use and shall be used only once.
5. Products used in the application of body art stencils shall be dispensed and applied to the area of the client upon which the body art activity is to be performed with sterile gauze or other sterile applicator so as to prevent contamination of the container and contents of the product in use. The gauze or other applicator shall be used only once.
6. Only single-use disposable razors shall be used in the conduct of body art activities and such single-use disposable razors shall not be used more than one time.

(f) *Waste Disposal* - Disposable items such as gloves, wipes, cotton balls, Q-tips, water cups, rinse cups (used alone or in an ultrasonic cleaning unit), drapes, lap cloths, aprons and other single-

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use items that have come into contact with any person, client, workstation, instrument trays, counters, towels or linens used for the conduct of body art, or have otherwise become contaminated shall be promptly discarded during or upon completion of the conduct of body art into an appropriate waste receptacle in accordance with this Body Art Ordinance.

(g) *Multiple Body Art Activities* - The following shall be deemed to be multiple body art activities on a single client, each requiring proper washing, cleaning, sanitization and sterilization of instruments, workstations and other equipment and areas as set forth under these regulations:

1. Creating two (2) or more tattoos on different areas of the body of a single client;
2. The use of more than one (1) needle or scalpel during the conduct of body art upon a single client;
3. Creating one (1) tattoo and the use of one (1) needle or scalpel on a single client.

**SECTION 6-1218      *Prohibited Activities***

(a) *Piercing Gun* - The use of a piercing gun is prohibited at all times.

(b) *Cosmetic Tattooing; Micro-pigmentation, etc.* - Cosmetic tattooing, also known as permanent cosmetics, micro pigment implantation or dermal pigmentation, is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts or such other person that receives a license, permit or registration by the Commonwealth of Massachusetts specifically to perform such activities.

If a person obtains such a license, permit or registration from the Commonwealth, such person may conduct such Body art activity provided all requirements of this Body Art Ordinance are complied with, except Section 6-1206.

(c) *Particular Body Piercings; Prohibition/Restriction* - The following Body piercings are hereby prohibited:

1. Piercing of the uvula;
2. Piercing of the tracheal area;
3. Piercing of the neck;
4. Piercing of the ankle;
5. Piercing between the ribs or vertebrae;
6. Piercing of the web area of the hand or foot;
7. Piercing of the lingual frenum (tongue web);
8. Piercing of the clitoris;
9. Any form of chest or deep muscle piercings, excluding piercing the nipple;
10. Piercing of the anus;
11. Piercing of an eyelid, whether the top or bottom;
12. The form of body piercing known as "pocketing";
13. Piercing of the gums;
14. Piercing or skewering of a testicle;
15. So-called "deep" piercing of the penis, meaning piercing through the shaft of the penis, or "trans-penis" piercing in any area from the corona glandis to the pubic bone;
16. So-called "deep" piercing of the scrotum, meaning piercing through the scrotum, or "trans-scrotal" piercing;
17. So-called "deep" piercing of the vagina, to include, but not limited to so-called "triangles".

(d) *Tongue Splitting* - The cutting, splitting or other bifurcation of the tongue is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

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(e) *Braiding* - The braiding of the skin is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

(f) *Three Dimensional / Implantation* - Three dimensional body art, including "beading," and implantation is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

(g) *Tooth Filing / Fracturing / Removal* - The filing or shaping or the intentional fracturing or extraction of a tooth is hereby prohibited unless performed by a dentist licensed by the Commonwealth of Massachusetts.

(h) *Cartilage Modification* - The cutting, notching, sculpting or other modification of cartilage is hereby prohibited unless performed by a doctor licensed by the Commonwealth of Massachusetts.

(i) *Amputation* - The intentional amputation of any part of the body is hereby prohibited unless performed by a doctor licensed by the Commonwealth of Massachusetts.

(j) *Genital Modification* - Modification of the genitalia by means of sub-incision, bifurcation, castration, male or female nullification or other surgical means is hereby prohibited unless performed by a doctor licensed by the Commonwealth of Massachusetts.

(k) *Introduction of Saline or Other Liquids* - The introduction of saline solution or other liquid or semi-liquid substance into the body of another for the purposed of causing a modification of the body is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

(l) *Branding or Scarring* - Branding or scarring may not be performed under the permit and may only be performed by a licensed medical doctor.

**SECTION 6-1219      *Enforcement of Body Art Ordinance***

(a) *Violation by a Body Art Practitioner:*

1. Body Art Practitioner Permit shall be suspended by the Department immediately upon written notice of such suspension to the subject body art practitioner when, in the opinion of the Health Department nurse or inspector, the Health Department nurse or inspector has reason to believe that, due to a condition or practice of the subject body art practitioner, a threat to the public health exists.
2. When the condition or practice believed to cause such threat to the public health is abated or corrected to the satisfaction of the Health Department Personnel, the Health Department may terminate the suspension of the Body Art Practitioner Permit of the subject body art practitioner and reinstate the same upon written notice to the subject body art practitioner and the Body Art Practitioner Permit of such body art practitioner shall remain in full force and in effect until the expiration of the same or until the subsequent suspension, termination, revocation or modification thereof.
3. In all other instances of a violation of this Body Art Ordinance by a body art practitioner, the Department shall serve upon the subject body art practitioner written notice of violation detailing the condition, event or practice determined by the Department to be in violation of this Body Art Ordinance. Such written order to correct shall instruct the body art practitioner that he or she shall have a time period as determined by the nurse or inspector to abate or correct such condition, event or practice to the satisfaction of the Department.
4. Should a body art practitioner, subject to a notice of violation pursuant to Section 6-1219(a)3, fail so abate or correct the condition, event or practice which is the subject of

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a notice of violation, or to otherwise comply with a notice of violation, the Department may suspend, terminate, revoke or modify the permit held by such body art practitioner.

*(b) Violation by an Operator or in a Body Art Establishment:*

1. A Body Art Establishment Permit shall be suspended by the Department immediately upon written notice of such suspension to the subject operator when, in the opinion of the Health Department nurse or inspector, due to a condition of or practice in the body art establishment, the nurse or inspector of the Health Department has reason to believe that a threat to the public health exists.
2. When the condition or practice believed to cause such threat to the public health is abated or corrected to the satisfaction of the Health Department personnel, the Health Department may terminate the suspension of the Body Art Establishment Permit of the subject operator and reinstate the same upon written notice to the subject operator and the Body Art Establishment Permit of such body art establishment shall remain in full force and in effect until the expiration of the same or until the subsequent suspension, termination, revocation or modification thereof.
3. In all other instances of a violation of this Body Art Ordinance by an operator or in a body art establishment, the Department shall serve upon the subject operator written notice of violation detailing the condition, event or practice determined by the Department to be in violation of this Body Art Ordinance. Such order of notice shall instruct the operator that he or she shall have a time period as determined by the Nurse or Inspector to abate or correct such condition, event or practice to the satisfaction of the Department.
4. Should an operator, subject to an order of notice pursuant to Section 6-1220(b)3, fail to abate or correct the condition, event or practice which is the subject of a notice of violation, or to otherwise comply with a notice of violation, the Department may suspend, terminate, revoke or modify the Body Art Establishment Permit held by such operator.

*(c) Criminal Prosecution* - In accordance with Sections 1-109 and 1-110 of these Ordinances, as amended from time to time, at the discretion of the Department, whoever violates any provision of this Body Art Ordinance may be penalized by indictment or on a criminal complaint brought in the District Court.

*(d) Fine for Violation; Each Day a Separate Offense* - The fine for a violation of any provision of this Body Art Ordinance shall be no less than ten dollars (\$10) and no greater than one thousand dollars (\$1000) per day, per offense.

*(e) Non-Criminal Disposition* - In accordance with MGL C. 40, s. 21D, and Sections 1-109 and 1-110 of these Ordinances, as amended from time to time, at the discretion of the Department, whoever, in the opinion of the Department, violates any provision of this Body Art Ordinance, may be penalized by a non-criminal disposition as provided in MGL C. 40, s. 21D. The range of fines associated with this non-criminal disposition shall be not less than ten dollars (\$10) nor more than one thousand dollars (\$1000) per day, per offense.

*(f) Weymouth Department of Health Regulations* - The Weymouth Department of Health may from time to time promulgate and amend regulations pertaining to the requirements for all applicants for a Body Art Practitioner Permit and a Body Art Facility Permit. In addition to the Body Art Ordinance, body art practitioners and applicants for a Body Art Facility Permit are required to adhere to the requirements set forth in the Department of Health Regulations. In the event these regulations conflict with any section or subsection of the Body Art Ordinance, it is the Body Art Ordinance which shall take precedence.

**SECTION 6-1300**

**SEX OFFENDER RESIDENCY RESTRICTIONS**

**SECTION 6-1301 Definitions**

(a) Definitions: For the purpose of this article, the following terms shall have the respective meanings ascribed to them:

*Adult Criminal Level 3 Sex Offender* - A person convicted of a criminal sex offense and designated as a Level 3 Sex Offender by the Massachusetts Sex Offender Registry Board. The Board has determined that these individuals have a high risk to reoffend and that the degree of dangerousness posed to the public is such that a substantial public safety interest is served by active community notification.

*School* - A licensed or accredited public or private school or church school that offers instruction in pre-school, including a licensed daycare or other business permitted as a school by the Town of Weymouth, or any of grades Kindergarten through Grade 12. This definition shall not include private residences in which students are taught by parents or tutors.

*GIS* - Geographic Information System.

**SECTION 6-1302 Residency Restrictions**

It shall be unlawful for any Adult Criminal Level 3 Sex Offender to establish a residence or any other living accommodations within one thousand five hundred feet (1500') of the property on which any school, day care center, park, or recreational facility open to the public is located. The one thousand five hundred foot (1500') restriction shall be measured in a straight line from the nearest property line upon which the house, apartment complex, condominium complex, motel, hotel or other residence is located to the property line of the nearest school, day care center, park, or recreational facility. Distances will be taken from the town's GIS system and GIS services to the town shall be presumed accurate and shall be evidence of a violation.

**SECTION 6-1303 Established Residents**

Changes to property resulting in a school, day care center, park, or recreational facility within one thousand five hundred feet (1500') of an Adult Criminal Level 3 Sex Offender's registered address which occur after an Adult Criminal Level 3 Sex Offender establishes residency shall not form the basis for finding that a criminal sex offender is in violation of Section 6-1300 of these Ordinances.

**SECTION 6-1304 Notice to Move**

Level 3 Registered Sex Offenders who reside on a permanent or temporary basis within one thousand five hundred feet (1500') of any school, day care center, park, or recreational facility following passage of this ordinance, shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the Registered Sex Offender's noncompliance with this section, move from said location to a new location, but said new location may not be within one thousand five hundred feet (1500') of any school, day care center, park, or recreational facility. The first day following the thirty day (30) written notice shall be considered the first violation. Following the first violation, every day that the Registered Sex Offender continues to reside within one thousand five hundred feet (1500') of any school, day care center, park, or recreational facility shall be considered a separate violation.

**SECTION 6-1305 Penalties**

The following penalties will be imposed by the Weymouth Police Department:

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1. First Offense by Registered Sex Offender: Non-criminal fine of \$150.00
2. Subsequent Offense by Registered Sex Offender: Non-criminal fine of \$300.00 and notification to offender's parole officer and/or probation officer, and the Commonwealth's Sex Offender Registry Board that the Sex Offender has violated a municipal ordinance.

This Ordinance expressly does not repeal or otherwise affect any other provisions of the Code of Ordinances of the Town of Weymouth, Massachusetts.

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**CHAPTER 7**

**REGULATIONS AFFECTING USE OF PRIVATE PROPERTY**

***SECTION 7-100***

SECTION 7-101

***BUILDING CONSTRUCTION***

Building Construction

***SECTION 7-200***

SECTION 7-201

***DEMOLITION OF BUILDINGS***

Demolition of Buildings

***SECTION 7-300***

SECTION 7-301

***WETLANDS PROTECTION***

Wetlands Protection

***SECTION 7-400***

SECTION 7-401

***HAZARDOUS MATERIALS***

Hazardous Materials

***SECTION 7-500***

SECTION 7-501

***UNDERGROUND FUEL STORAGE***

Underground Fuel Storage

***SECTION 7-100***

***BUILDING CONSTRUCTION***

***SECTION 7-101***

***Building Construction***

(a) *Permit Required; Conditions of Issuance* - The Inspector of Buildings shall grant permits for the erection, alteration, removal or tearing down of buildings. No structure or foundation shall be built, altered or torn down without such a permit, but no permit shall be issued unless the street is on a plan duly filed and recorded, and before the permit shall be issued, such street shall have been suitably improved to the satisfaction of the Planning Board as adequate in respect to public health, safety and general welfare for the special circumstances of the particular street, and an affidavit filed by a registered engineer stating that plans and profiles of said street are in compliance. Until the Inspector has carefully examined the plans and specifications of the proposed building or alterations and ascertained that the building has sufficient strength, that means of ingress and egress are sufficient and the building conforms to the requirements of these Ordinances and the Regulations of MGL C. 143.

(b) *Plans for Public Buildings; Plan Requirements for Other Buildings:*

1. A copy of the plans and specifications of every public building shall be deposited in the Office of the Inspector of Buildings.
2. Plans may be required for construction of all buildings to show compliance to all applicable codes and Ordinances and other such plans or details as may be deemed necessary by the Inspector of Buildings.
3. Upon request for a building permit, the builder shall submit to the Inspector of Buildings a linen or Mylar and two (2) prints of the proposed plot plan. The plan shall show the entire building lot, a portion of the way or street on location (public or otherwise) and an accurate location of the proposed building. This plan shall be accomplished by a qualified registered land surveyor. It shall show the survey data required to distinguish the lot and building. The Inspector of Buildings shall also require that all plans and computations bear the name of the person designing the plans and the name of the owner of the proposed building.

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*(c) Inspections; Right of Entry; Reports of Violations; Institution of Proceedings:*

1. The Inspector of Buildings shall examine as often as practicable all buildings which are being erected, raised, enlarged, altered or repaired and for that purpose shall have the right of entry thereto.
2. In the case where a building is found to violate any provision of these Ordinances, the Inspector of Buildings shall direct such alterations as may be necessary to bring such structure into compliance. If the building's owner does not comply with such directions, the Inspector of Buildings shall make a written report of the facts to the Mayor, who shall institute such court proceedings, either civil or criminal, as the facts shall warrant.

*(d) Applicability to Alterations and Additions* - Any alterations or additions to any buildings already erected or hereafter to be built as herein defined shall, to the extent of such work, be subject to the provisions of this Ordinance.

*(e) Certificate of Occupancy* - No building hereafter erected, altered or in any way changed as to construction or use under a permit or otherwise shall be occupied or used without a certificate of occupancy, signed by the Inspector of Buildings; said certificate shall not be issued until the building and its uses and accessory uses comply in all respects with applicable laws and Town Ordinances.

*(f) Alterations and Additions to Comply* - No building erected or hereafter built shall be raised or built up or altered in such manner that, were such building wholly built or constructed after the passage of this Ordinance, it would be in violation of any provision of this Ordinance.

*(g) Moving of Buildings* - No building shall be moved to any location where its construction would be in violation of the provisions of this Ordinance.

*(h) Fees* - There shall be fees, payable to the Town of Weymouth, for building, electrical, plumbing and gas fitting permits for the erection, alteration, demolition or moving of structures or building systems. The fees shall be as set by the Inspector of Buildings in accordance with 780 CMR 114.3, 114.3.1 Massachusetts State Building Code and Section 5-305 of these Ordinances.

**SECTION 7-200**

**DEMOLITION OF BUILDINGS**

**SECTION 7-201      *Demolition of Buildings***

*(a) Purpose* - The purpose of this chapter is to protect the historically or architecturally significant buildings or markers in the Town and to encourage owners of such properties to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings and markers rather than demolish them.

*(b) Definitions* - The following words used in this Ordinance, unless the context otherwise requires, shall have the following meanings:

*Commission* - The Weymouth Historical Commission.

*Demolition* - Any act of pulling down, destroying, removing or razing a building or marker; or commencing the work of total or substantial destruction with the intent of completing the same.

*Historically Significant Building or Structure* - Any building or portion thereof which:



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1. In whole or in part was built one hundred (100) or more years prior to the date of the application for the demolition permit or is of unknown age;
2. Is importantly associated with one or more historic persons or events or with the architectural, cultural, political, economic or social history of the Town, the Commonwealth of Massachusetts or the United States of America;
3. Is historically or architecturally important by reason of period, style, method of building construction or association with a particular architect, either by itself or in the context of a group of buildings or structures.

*Properties* - Shall include buildings, structures, bridges, historical sites, etc.

(c) *Annual Reporting of Historical Properties or Significant Buildings:*

1. The Historical Commission shall compile and file with the Mayor, the Department of Community Planning and Development, Inspector of Buildings and Director of Public Works, on an annual basis, a current list of all known historical properties currently listed on the National Register of Historic Places or properties researched and found by the Commission to be historically or architecturally significant. Said list shall be disseminated to all new owners of historical properties or significant buildings on an annual basis.
2. The owner shall have thirty (30) days to appeal said determination by the Commission which shall hold a public hearing with fourteen (14) days advance written notice to the owner before a final determination is made.

(d) *Procedure:*

1. The Mayor, the Director of Planning and Community Development, the Inspector of Buildings and the Director of Public Works shall notify the Commission of any such projects which might result in the demolition of any property that is included on the list. Within seven (7) days after receipt of an application for demolition, the Inspector of Buildings shall notify in writing the Historical Commission of said application.
2. No demolition permit shall be issued except by the following procedure:
  - a. Within thirty (30) days following receipt of the application from the Inspector of Buildings, the Commission shall conduct a public hearing and shall give public notice thereof by publishing notice of the time, place and purpose of the hearing in a local newspaper at least fourteen (14) days before said hearing and mail by certified mail, with return receipt requested, a copy of said notice to the applicant.
  - b. If, after such 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 in writing the Inspector of Buildings within seven (7) days of such determination. Upon receipt of such notification or after the expiration of seven (7) days from the date of the conduct of the hearing, if he 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, Ordinances, Rules and Regulations, issue the demolition permit.
  - c. If the Commission determines that the demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a preferably preserved significant building.
  - d. Upon 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 so advise the applicant and the Inspector of Buildings in writing within seven (7) days of said hearing, and no demolition

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permit will be issued for six (6) months after the date of such determination by the Commission.

- e. Notwithstanding the preceding sentence, 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:
- (i) 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 such building;
  - (ii) The Commission is satisfied that for six (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 such efforts have been unsuccessful;
  - (iii) Notwithstanding any of the foregoing, the Inspector of Buildings shall issue the demolition permit upon expiration of one hundred and eighty three (183) days from the original date of application.

(e) *Emergency Demolition* - Nothing in this Ordinance shall restrict the Inspector of Buildings from ordering the demolition of any building in the event of an imminent danger to the safety of the public.

(f) *Enforcement:*

1. The Inspector of Buildings and the Commission are authorized to institute any and all actions and proceedings as they may deem necessary and appropriate to obtain compliance with the requirements of this section or to prevent a threatened violation thereof.
2. No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this Ordinance for a period of one (1) year after the date of such demolition. As used herein, "premises" includes the parcel of land upon which the demolished building was located.

**SECTION 7-300**

**WETLANDS PROTECTION**

**SECTION 7-301      WETLANDS PROTECTION**

(a) *Purpose* - The purpose of this ordinance is to protect the wetlands, related water resources and adjoining land areas in the Town of Weymouth by prior review and control of activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values deemed important to the community, including but not limited to the following: (collectively, the "resource area values" protected by this ordinance).

1. Public or private water supply
2. Groundwater
3. Flood control
4. Erosion and sedimentation control
5. Storm damage prevention, including coastal storm flowage
6. Water quality
7. Water pollution control
8. Fisheries
9. Shellfish
10. Wildlife habitat
11. Rare species habitat, including rare plant species
12. Aquaculture

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13. Recreation
14. Aesthetics
15. Historical and archaeological preservation

*Authority* - This ordinance is intended to utilize the Home Rule Authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act, MGL C. 131, s. 40, and Regulations, 310 CMR 10.00.

(b) *Jurisdiction* - Except as permitted by the Conservation Commission or as provided in this ordinance, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas (collectively, the "resource areas protected by this ordinance"):

1. Any freshwater or coastal wetland, riverine wetland, marsh, wet meadow, bog, swamp or kettle hole, whether bordering on surface waters or isolated, or whether annual or seasonal;
2. Any bank, beach or dune;
3. Any ocean, bay or estuary;
4. Any reservoir, lake, pond of any size, vernal pool, river, stream or creek, whether intermittent or continuous, natural or manmade;
5. Any land under aforesaid waters;
6. Any land subject to flooding or inundation by groundwater or surface water;
7. Any land subject to tidal action, coastal storm flowage or flooding at or below the one hundred year storm line;
8. Any land within one hundred feet (100') of any of the aforesaid resource areas (the "buffer zone");
9. Riverfront area.

(c) *Definitions* - The following definitions shall apply in the interpretation and implementation of this ordinance:

*Aesthetics* - The natural scenery and appearance of any area visually accessible to the public.

*Alter* - Includes, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this ordinance:

1. Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind;
2. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns or flood retention characteristics;
3. Drainage or other disturbance of water level or water table;
4. Dumping, discharging or filling with any material which may degrade water quality;
5. Placing of fill or removal of material which would alter elevation;
6. Driving of piles, erection or repair of buildings or structures of any kind;
7. Placing of obstructions or objects in water;
8. Destruction of plant life including cutting of trees;
9. Changing temperature, biochemical oxygen demand or other physical, biological or chemical characteristics of any waters;
10. Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater;
11. Application of pesticides or herbicides;
12. Incremental activities which have, or may have, a cumulative adverse impact on

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the resource areas protected by this ordinance.

*ANRAD* - Abbreviated Notice of Resource Area Delineation.

*Bank* - Includes the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

*Date of Issuance* - The date an Order of Conditions, modification or extension of an Order or any written decision of the Commission is mailed, as evidenced by a postmark, certified mail card or the date it is hand delivered.

*DOA* - Determination of Applicability.

*Land in Agricultural Use* - Land within resource areas presently and primarily used in producing or raising agricultural commodities for commercial purposes, including land used in a customary and necessary manner to produce such commodities, such as existing access roads and irrigation systems. Such land may lie inactive up to five (5) consecutive years unless it is under a contract with Federal or State agencies for a longer term.

*NOI* - Notice of Intent.

*ORAD* - Order of Resource Area Delineation.

*Pond* - The term “pond” shall follow the definition of 310 CMR 10.04 except that the size threshold of ten thousand square feet (10,000 sq ft) shall not apply.

*Person* - Includes any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town Ordinances, administrative agency, public or quasi-public corporation or body, this municipality and any other legal entity, its legal representatives, agents or assigns.

*Rare Species* - Includes, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

*RFD* - Request for Determination.

*Regulations* - Local regulations promulgated by the Weymouth Conservation Commission under section 7-301 (p) of the Code of Ordinances.

*Riverfront Area* - The area of land between a river’s mean annual high-water line and a parallel line located two hundred feet (200’) away (twenty five feet (25’) in areas specified in the Rivers Protection Act) measured horizontally outward from the river’s mean annual high-water line. There is no buffer zone to the riverfront area. The riverfront area may include or overlap other resource areas and/or their buffer zones.

*Vernal Pool* - Includes a confined basin depression which, at least in most years, holds water for a minimum of two (2) months during the spring and/or summer, and which is free of adult fish populations, as well as the area within one hundred feet (100’) of the mean annual boundary of such

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a depression, regardless of whether the site has been certified by the Massachusetts Division of Wildlife and Fisheries.

Except as otherwise provided in this ordinance or in regulations of the Commission, the definitions of terms in this ordinance shall be as set forth in the Wetlands Protection Act, MGL C. 131, s. 40, and Regulations, 310 CMR 10.00.

(d) *Conditional Exceptions:*

1. *Public Services* - The application and permit required by this ordinance shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.
2. *Agriculture* - The application and permit required by this ordinance shall not be required for work performed for normal maintenance or improvement of land which is lawfully in agricultural use at the time the work takes place, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.
3. *Emergency Projects:*
  - a. The application and permit required by this ordinance shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within twenty four (24) hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within twenty one (21) days of completion of an emergency project, a report is submitted to the Commission describing how the work was performed so as to contribute to the resource area values protected by this ordinance. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.
  - b. Other than stated in this section, the exceptions provided in the Wetlands Protection Act, MGL C. 131, s. 40, and Regulations, 310 CMR 10.00, shall not apply under this ordinance.

(e) *Request for Determination of Applicability:*

1. Any person desiring to know whether or not a proposed activity or an area is subject to this ordinance may, in writing, request a determination from the Commission. Such a Request for Determination (RFD) shall include such information and plans as are deemed necessary by the Commission or specified in the regulations of the Commission.
2. The Commission may accept as the RFD under this Ordinance the Request for Determination of Applicability Form used under the Wetlands Protection Act, MGL C. 131, s. 40, and Regulations, 310 CMR 10.00.

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3. At the time of the filing of an RFD, the applicant shall pay a filing fee specified in the regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act, MGL C. 131, s. 40, and Regulations, 310 CMR 10.00.
4. Upon receipt of an RFD, the Commission is authorized under Section 7-301(h) of this ordinance to require an applicant to pay a fee for the reasonable costs and expenses of any expert consultant deemed necessary by the Commission to review the RFD. The fee shall be specified in the regulations of the Commission.
5. The Commission may waive the filing fee and consultant fee for an RFD filed by a State or Federal agency. The Town is exempt from the filing fee and the Commission may waive the consultant fee.
6. Any person filing an RFD with the Commission at the same time shall give written notice thereof, by certified mail return receipt requested, or by hand delivery, to all abutters at their mailing addresses shown on the most recent applicable tax list of the Assessors, including owners of land directly opposite on any public or private street or way. The notice to abutters shall enclose a copy of the RFD or shall state where copies may be examined and obtained by the abutter. An affidavit of the person providing such notice with a copy of the notice shall be filed with the Commission. If the person making the request is not the owner of the area subject to the request, the RFD shall include a certification that the owner has been provided a copy of the RFD.
7. Notice of the time and place of the public hearing at which the determination will be made shall be given by the Commission at the expense of the person making the request, not less than five (5) days prior to such hearing, by publication in a newspaper of general circulation in the Town, and by mailing a notice to the person making the request, the owner of the area subject to the request and Town Boards and officials as prescribed in this ordinance.
8. Within twenty one (21) days after the date of receipt of the RFD, unless an extension is authorized in writing by the applicant, the Commission shall hold a public hearing on said request. Within twenty one (21) days of the close of the public hearing or any continuances thereof, the Commission shall issue a Determination of Applicability (DOA). The DOA shall be signed by a majority of the Commission, and copies shall be sent by the Commission to the person making the request and to the owner of the area subject to the DOA. The Commission may use as the DOA the form used under the Wetlands Protection Act, MGL C. 131, s. 40, and Regulations, 310 CMR 10.00.
9. A DOA shall be valid for three (3) years from the date of issuance.

*(f) Applications for Permits:*

1. A written application shall be filed with the Commission to perform activities regulated by this Ordinance affecting the resource areas protected by this Ordinance. No activities may commence without receiving and complying with a DOA, permit ("Order of Conditions") or Order of Resource Area Delineation (ORAD) issued pursuant to this ordinance.
2. The permit application ("Notice of Intent" or NOI) or Abbreviated Notice of Resource Area Delineation (ANRAD) may in part be the form filed pursuant to the Wetlands Protection Act, MGL C. 131, s. 40, and the Regulations, 310 CMR 10.00. The NOI or ANRAD shall include such information and plans as are deemed necessary by the Commission to describe the proposed activities and their effects on the resource areas protected by this Ordinance. The Commission shall establish the minimum submittal requirements for an NOI in its regulations.
3. At the time of filing an NOI, an ANRAD, or applying for an extension or modification of an Order of Conditions, or for a Certificate of Compliance for work completed under an Order of Conditions, the applicant shall pay a filing fee specified in the regulations of

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the Commission. The fee is in addition to that required by the Wetlands Protection Act, MGL C. 131, s. 40, and Regulations, 310 CMR 10.00.

4. Upon receipt of an NOI, an ANRAD, or a request for an extension or modification of an Order of Conditions, or for a Certificate of Compliance, the Commission is authorized pursuant to Section 3-305 of these Ordinances and Section (h) of this Ordinance, to require an applicant to pay a fee for the reasonable costs and expenses to be borne by the Commission for expert consultant services deemed necessary by the Commission to come to a final decision on the application or request.
5. The Commission may waive the filing fee and consultant fee for applications and requests filed by a State or Federal agency. The Town is exempt from the filing fee and the Commission may waive the consultant fee.

*(g) Notice and Hearings:*

1. Any person filing an NOI, an ANRAD, or request for an extension or modification of an Order of Conditions, shall provide written notice to abutters pursuant to the requirements of the Wetlands Protection Act, MGL C. 131, s. 40, and as implemented by the Department of Environmental Protection in guidance documents or its Regulations, 310 CMR 10.00.
2. Notice of the time and place of the public hearing shall be given by the Commission at the expense of the applicant not less than five (5) days prior to the hearing by publication in a newspaper of general circulation in the Town and by mailing a notice to the applicant and to the Town officials and Boards and adjoining municipalities specified in section (g) of this Ordinance.
3. The Commission shall commence the public hearing within twenty one (21) days from receipt of a completed application or request, unless an extension is authorized in writing by the applicant.
4. Whenever possible, the Commission shall combine its hearing under this Ordinance with the hearing conducted under the Wetlands Protection Act, MGL C. 131, s. 40, and Regulations, 310 CMR 10.00.
5. The Commission shall have the authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information from the applicant, or from others deemed necessary by the Commission in its discretion, or to obtain comments and recommendations of the Boards and officials listed in Section (g). If an agreed upon date cannot be announced at the public hearing, then the date, time and place of the continued public hearing shall be publicized in accordance with Section (f) 1 and 2.
6. The Commission shall issue its Order of Conditions, amended Order of Conditions or decision on an extension of an Order of Conditions or Order of Resource Area Delineation (ORAD), in writing within twenty one (21) days of the close of the public hearing, unless an extension of time is authorized in writing by the applicant.
7. The Order of Conditions, modification or extension of an Order of Conditions, or ORAD must be approved by a majority of the Commission eligible to vote on the application or request. To be eligible to vote, a Commission member must be present during the entire public hearing and at all continuances of the public hearing on the application or request.
8. The Order of Conditions, modification or extension of an Order or ORAD, shall be signed by a majority of the Commission and shall be mailed or hand delivered to the applicant, agent or attorney.

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*(h) Coordination with Other Boards:*

1. Any person filing an RFD, NOI, ANRAD, or request for an amendment of an Order of Conditions with the Commission shall submit a Project Submittal Form (available from the Weymouth Conservation Commission) no later than fourteen (14) days prior to the public hearing, by certified mail return receipt requested or by hand delivery, to the Mayor, Town Council, Department of Community Planning and Development, Board of Appeals, Health Department, Town Engineer and Inspector of Buildings. If so requested by a Weymouth office or Department herein listed, the applicant shall provide a full copy of their submittal. The Project Submittal Form shall inform the Boards and officials that under the provision of this ordinance they have fourteen (14) days in which to file advisory comments and recommendations with the Commission and the applicant.
2. Any person filing an RFD, NOI, ANRAD, or request for an amendment of an Order of Conditions with the Commission shall provide a copy thereof, along with the project submittal form, to the Conservation Commission of the adjoining municipality, if the RFD, NOI, ANRAD, or request pertains to property within three hundred feet (300') of that municipality.
3. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until the Boards and officials have had fourteen (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. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

*(i) Consultant Fees:*

1. Upon receipt of a RFD, NOI, ANRAD, request for an extension or modification of a permit, request for issuance of a Certificate of Compliance, or at any point during the hearing process, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses to be borne by the Commission for specific expert consultant services deemed necessary by the Commission to come to a final decision on the application or request. This fee is called a consultant fee.
2. The specific consultant service(s) may include, but are not limited to, survey and delineation, analysis of resource area functions, performing or verifying the accuracy of wildlife habitat evaluations, hydro-geologic and drainage analyses and environmental or land use law. The Commission may require the payment of a consultant fee at any point in its deliberations prior to a final decision. The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through consultants would be necessary for the making of an objective decision. The Commission shall consult with the Town Solicitor and shall retain no environmental law or land use law consultant except with the express approval of the Town Solicitor.
3. The applicant shall pay the fee to be put into a revolving fund, which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public meetings. The revolving fund must be authorized by a separate vote of the Town Council meeting in accordance with the State's revolving fund statute, MGL C. 44, s. 53E½.
4. The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of or size of the consultant fee or any act related thereto, may appeal in accordance with Section (n) of this ordinance



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5. Consultant fees - The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to the following schedule:

<u>Project Cost</u>	<u>Maximum Fee</u>
Up to \$100,000	\$2,500
\$100,001 to \$500,000	\$3,500
\$500,001 to \$1,000,000	\$5,000
\$1,000,001 to \$1,500,000	\$7,500
\$1,500,001 to \$2,000,000	\$10,000

NOTE: Each additional five hundred thousand dollars (\$500,000) project cost increment (over two million dollars (\$2,000,000)) shall be charged at an additional maximum fee of two thousand five hundred dollars (\$2500) per increment.

The project cost means the estimated entire cost of the project including, but not limited to, building construction, site preparation, landscaping and all site improvements. The applicant shall submit estimated project costs at the Commission's request, but the lack of such estimated project costs shall not avoid the payment of the consultant fee.

(j) *Burden of Proof* - The applicant for an Order of Conditions or modification of an Order of Conditions shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application or request will not have unacceptable significant or cumulative effect upon the resource area values protected by this ordinance. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

(k) *Permits and Conditions:*

1. If the Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result there from are likely to have a significant individual or cumulative effect upon the resource area values protected by this ordinance, the Commission, within twenty one (21) days of the close of the hearing, shall approve or deny a permit for the activities requested. If it approves a permit, the Commission shall impose conditions that the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.
2. The Commission is empowered to deny a permit for failure to meet the requirements of this Ordinance for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this ordinance; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.
3. To prevent wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and, where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with adequate security, professional design and monitoring to assure success, because of the high likelihood of failure of replication.

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4. A permit shall expire three (3) years from the date of issuance. Notwithstanding the above, the Commission, in its discretion, may issue a permit for a period up to five (5) years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed for one (1) or more periods of up to one (1) year each, provided that a request for a renewal is received in writing by the Commission thirty (30) days prior to the expiration date. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely or until standing protection is in place and shall apply to all current and subsequent owners of the land.
5. For good cause the Commission may revoke or modify a permit, determination, or order issued under this Ordinance after notice to the holder of the permit, determination, or order, notice to the public, abutters and Town Boards, pursuant to section (f) 1 and 2, and a public hearing.
6. The Commission may combine the permit issued under this ordinance with the Order of Conditions issued under the Wetlands Protection Act, MGL C. 131, s. 40, and Regulations, 310 CMR 10.00.
7. No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds, or if the land affected is registered land in the Land Court, and until the holder of the permit certifies in writing to the Commission that the permit has been recorded.

(l) *Security* - As part of a permit issued under this Ordinance, and in addition to any security required by any other municipal or State board, agency or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or more of the methods described below:

1. 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;
2. By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

(m) *Certificate of Compliance:*

1. Upon completion of work approved by an Order of Conditions, an applicant shall file a written request with the Commission for a Certificate of Compliance certifying that the work or portions thereof has been completed in compliance with the Order of Conditions. If a project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect or land surveyor, a written statement by such a professional person certifying substantial compliance with the plans and setting forth any deviation from the plans approved in the Order shall accompany the request for a Certificate of Compliance.
2. A Certificate of Compliance shall be issued by the Commission within twenty one (21) days of receipt of the request.
3. Prior to any decision on the request, the Commission shall conduct a site inspection in the presence of the applicant or the applicant's representative.

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4. If the Commission determines after review and inspection that the work has not been done in compliance with the Order of Conditions, it may refuse to issue a Certificate of Compliance. Such refusal shall be in writing and shall specify the reasons for denial. The Commission may issue a Partial Certificate of Compliance specifying what work has been completed in compliance with the Order of Conditions.
5. If the Order of Conditions contains requirements which continue past the completion of work, such as maintenance or monitoring, the Certificate of Compliance shall specify which conditions shall continue.
6. The Certificate of Compliance shall be recorded in the Registry of Deeds, or if the land affected is registered land, in the Land Court. Certification of recording shall be sent to the Commission. Upon failure of the applicant to record, the Commission may do so at the applicant's expense.

(n) *Enforcement:*

1. No person shall remove, fill, dredge, build upon, degrade or otherwise alter resource areas protected by this Ordinance, 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 Ordinance.
2. The Commission, its agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Ordinance and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary, subject to the Constitutions and laws of the United States and the Commonwealth of Massachusetts.
3. The Commission shall have authority to enforce this Ordinance, its regulations and permits issued there under by violation notices, Administrative Orders and civil and criminal court actions. Any person who violates provisions of this Ordinance may be ordered to restore the property to its original condition and take other actions deemed necessary to remedy such violations or may be fined, or both.
4. Upon request of the Commission, the Mayor and the Town Solicitor shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.
5. Municipal Boards and officers, including any Police Officer or other officer having police powers, shall have authority to assist the Commission in enforcement.
6. Any person who violates any provision of this Ordinance or Regulations, Permits or Administrative Orders issued there under shall be punished by a fine of three hundred dollars (\$300) per day or portion of a day. Each day or portion thereof during which a violation continues or unauthorized fill or other alteration remains in place shall constitute a separate offense, and each provision of the Ordinance, Regulations, Permits or Administrative Orders violated shall constitute a separate offense once the first notice of violation has been given.
7. As an alternative to criminal prosecution under Section 1-110 of these Ordinances the Conservation Commission and its agents may issue citations under the non-criminal disposition procedure set forth in M.G.L. c.40, s. 21 D, and Section 1-109 of these Ordinances.
8. If a civil fine for a violation is contemplated, the Commission shall hold a public hearing to discuss the alleged violation and to give the landowner and/or violator an opportunity to respond to the evidence and circumstances. The landowner and/or violator shall be given at least forty-eight (48) hours notice in writing of the date, time and place of the hearing, by certified mail or hand delivery. The fine is payable to the

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Town of Weymouth within twenty one (21) days and shall be placed in the consultant fee revolving fund for use by the Commission.

- (o) *Appeals* - A decision of the Commission shall be reviewable in the Superior Court in accordance with MGL c. 249, s. 4.
- (p) *Relation to the Wetlands Protection Act* - This Ordinance is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of the Wetlands Protection Act. MGL C. 131, s. 40, and Regulations, 310 CMR 10.00.
- (q) *Regulations* - After public notice and public hearing, the Commission shall promulgate regulations to effectuate the purposes of this ordinance. Failure by the Commission to promulgate such regulations, or a legal declaration of their invalidity by a court of law, shall not act to suspend or invalidate the effect of this Ordinance.
- (r) *Severability*  
The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

**SECTION 7-400**

**HAZARDOUS MATERIALS**

**SECTION 7-401      Hazardous Materials**

- (a) *Statutory Authority* - This Ordinance is adopted by the Town under its Home Rule Powers, its Police Powers to protect public health and welfare and its authorization under MGL C. 40, s. 21.
- (b) *Purpose* - The purpose of this Ordinance is to protect, preserve and maintain the environment and the public's health from contamination and exposure to hazardous materials. This includes maintaining the existing and potential groundwater supply, recharge areas and surface waters within the Town from contamination with hazardous materials. This Ordinance is not intended to supersede or replace those regulations set forth by the Department of Environmental Protection (DEP), Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA) or any other local, State or Federal regulation.
- (c) *Definitions* - The following definitions shall apply in the interpretation and implementation of this Ordinance:
- Discharge* - The disposal, deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into any waters, including ground waters.
- Facility* - A commercial or industrial establishment, including home businesses, that is registered in accordance with Section (d) of this Ordinance.
- Hazardous Materials* - A product, waste or combination of substances which, because of its quantity, concentration or physical, chemical, toxic, radioactive or infectious characteristics, poses, in the Director of Public Health's judgment, a substantial present or potential hazard to human health, safety or welfare or the environment when improperly treated, stored, transported, used, disposed of or otherwise managed. "Hazardous materials" include, without limitations, petroleum products, heavy metals, radioactive or infectious materials and all substances deemed as "toxic" or "hazardous"

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under MGL C. 21C and 21E using the Massachusetts Oil and Hazardous Substance List (as contained in 310 CMR 40.000).

*Reportable Discharge* - The discharge of a reportable quantity (RQ) of a material as defined under the Massachusetts Contingency Plan, 310 CMR 40.000; the threshold quantity above which a spill or release of oil or a hazardous material must be reported to the DEP.

(d) *Registration*

1. Every owner or operator of a commercial or industrial establishment, including home businesses, storing hazardous materials with a total quantity for all types equal to or exceeding fifty (50) gallons liquid volume or twenty five (25) pounds dry weight shall register with the Director of Public Health the types, quantities, locations and method of storage of said hazardous materials. Registration required by this provision shall be immediate and annually thereafter within thirty (30) days of November 1<sup>st</sup> of each year.
2. Information required:
  - a. Registration shall be on a form designated by the Director of Public Health and shall indicate at a minimum:
    - (i) Name of applicant;
    - (ii) Facility address;
    - (iii) Type of material by hazard class and maximum quantity stored at any point in time of each type of hazardous material stored during the period of registration;
    - (iv) A diagram and description of the general storage or processing location of each material type within the facility;
    - (v) The size, type, age and location of all underground containers and the type of hazardous material stored in each;
    - (vi) Person to contact in the event of an emergency and telephone numbers(s) where that person can be contacted. This person must be knowledgeable in the types of hazardous materials used at this establishment, proper storage and handling procedures and emergency response procedures and authorized to act upon such procedures;
    - (vii) Any alternate person(s) to contact if primary contact is not available and the telephone number of each;
  - b. Further information may be required by the Director of Public Health to complete registration.
3. Owners or operators of commercial or industrial establishments, who have not previously registered in accordance with Section (d)(1) shall, if they meet the registration requirement, register initially within thirty (30) days of meeting such requirements and thirty (30) days of November 1<sup>st</sup> each year.
4. In addition to registration, owners or operators of commercial or industrial establishments registered in accordance with Section (d)(1) shall maintain on the premises an inventory, reconciled on a monthly basis, of purchase use, sale and disposal of hazardous materials and/or waste. The purpose of this account is to detect any product loss and to provide an ongoing record of all quantities of hazardous materials within the Town over the registration threshold.
5. Upon the request of the Director of Public Health, owners or operators shall produce immediately the latest reconciled inventory.
6. Homeowners with underground storage tanks for home heating fuel (not within the confines of basement or other containment) shall register said tank(s) with the Director of Public Health. No other sections of this Ordinance shall apply to homeowners.
7. In the event that a facility closes, moves to a new location or changes ownership, the owner or operator of the facility shall notify the Director of Public Health of said

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changes at least thirty (30) days prior to those changes. For those facilities that close, a closure inspection will be performed by the Director of Public Health. For those facilities that move or undergo change of ownership, a new registration form must be completed by the new owner in accordance with Section (d) of this Ordinance. Existing registration is not transferable between past and future owners and/or operators. Provisions of this section shall not operate to prevent the transfer, sale or change of ownership of a piece of property.

8. Emergency information:
  - a. Each facility must keep on file, at a location known and accessible to all emergency response personnel, Material Safety Data Sheets (MSDS) on all hazardous materials stored or used at the facility. These data sheets must be available to the Director of Public Health and Fire Department during inspections, investigations or in the event of a hazardous materials emergency.
  - b. Each facility must keep on file an Emergency Response/Spill Contingency Plan at one (1) location known and accessible to all emergency response personnel. This plan must detail the procedures to be used for prevention and control of emergencies, the emergency equipment available on site, outside agencies and organizations which would be notified and/or may provide assistance in an emergency and an evacuation plan for personnel. Plans must be posted in a prominent location and be available for inspection by the Director of Public Health or the Fire Department. Plans must be updated every year.

*(e) Storage, Handling and Transportation*

1. All hazardous materials and/or waste shall be stored so as to minimize any discharge of said material to ensure maximum protection of the environment and the public health, safety and welfare.
2. All facilities shall provide adequate employee training programs to ensure the proper use, storage, transportation and handling of hazardous materials and/or waste.
3. All hazardous materials shall be removed by a licensed carrier and disposed in accordance with State and Federal laws and regulations.
4. All records pertaining to storage, removal and disposal of hazardous wastes shall be retained for no less than five (5) years and shall be made available for review by the agent or designated representative of the Director of Public Health upon request.

*(f) Aboveground Storage*

1. Hazardous materials and/or wastes shall be held on the premises in product tight, approved containers for said materials. All containers shall be stored appropriately according to chemical/toxicity characteristics as outlined by State and Federal regulations.
2. Hazardous waste accumulation areas must be posted with a sign that says "hazardous waste."
3. Labeling - All aboveground storage containers shall be labeled at a minimum with the following information:
  - a. Hazardous materials:
    - (i) Original manufacturer's label or equivalent
    - (ii) Type of material (chemical name)
    - (iii) Hazards associated with the material
    - (iv) Date placed on premises
    - (v) Any necessary warnings
  - b. Hazardous wastes:
    - (i) The words "hazardous waste"

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- (ii) Type of waste (chemical name)
  - (iii) Hazards associated with the waste
  - (iv) Accumulation start date
  - (v) Any necessary warnings
4. Aboveground containers of hazardous materials and/or waste shall be stored on a surface impervious to the materials and/or wastes being stored. The storage shall not be in a location that would allow spilled material to exit the building via door, drain, sump or otherwise. If these conditions are not met then secondary containment, as outlined below for outdoor storage, will be required. An outdoor storage area must have secondary containment, such as a berm or dike which will hold any spills or leaks in the following amount: either ten percent (10%) of the total volume of the containers or one hundred ten percent (110%) of the largest container, whichever is larger.
5. Owners or operators of delivery trucks or tank trailers containing liquid hazardous materials which are parked overnight on a regular basis must obtain an assignment from the Director of Public Health approving the storage location. The owner or operator must make provisions for detection and containment of spillage from the parked vehicle acceptable to the Director of Public Health.

(g) *Underground Storage* - The following provisions shall apply to all underground liquid hazardous material storage systems:

1. Owners shall file with the Director of Public Health the size, type, age and location of each tank, leak detection and containment devices and the type of hazardous material stored in each. Evidence of the date of purchase and installation, including the Fire Department permit, if any, shall be included along with a sketch map showing the exact location of such tanks on the property.
2. Testing/Removal:
  - a. All underground storage tanks must be tested according to state and federal regulations. The test methods used must be approved by the Fire Department.
  - b. Any steel, non-contained, underground storage system which is twenty (20) years or older must be tested on an annual basis or removed.
  - c. Owners of tanks for which evidence of installation is not available shall, at the order of the Director of Public Health, have such tank systems tested. If either the Director of Public Health or the Fire Chief determines that the tank is not product tight, it shall be disposed of under the direction of the Director of Public Health or the Fire Chief according to all State and Federal regulations. All leaking tanks must be emptied by the owner or operator within twelve (12) hours of leak detection and removed by the owner or operator in a time period to be determined by the Director of Public Health. Such notification must be immediate to the Fire Chief and Director of Public Health.
  - d. Certification of testing shall be submitted to the Director of Public Health and the Fire Chief within seven (7) days of testing.
  - e. All underground storage tanks removed must be cleaned and disposed of according to all local, State and Federal regulations. A copy of disposal receipt must be submitted to the Director of Public Health within seven (7) days of removal.
  - f. All abandoned tanks must be removed with all deliberate speed. An abandoned tank is one taken out of service and/or no longer usable with present business. Any tank which remains unused for six (6) months shall be considered abandoned.
3. New installations:
  - a. Newly installed tanks shall be protected from internal and external corrosion and shall be of a design approved by the Director of Public Health and the Fire Chief. These must meet all State and Federal standards.

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- b. Tank installation on lots not having a permit prior to adoption of this Ordinance are not permitted within four feet (4') of maximum high water table or within one hundred feet (100') of a surface water body or within four hundred feet (400') of Great Pond and all Town water supply wells.
- c. Any location which had a storage permit at the time this Ordinance was first adopted and which seeks an expansion of that pre-existing permit will require a variance of the provisions of this section for the expansion.

*(h) Enforcement:*

- 1. *Protection* - Other than that which is allowed by a permit issued by other Local, State and/or Federal laws, any discharge of hazardous materials within the Town is prohibited.
- 2. *Reporting of Discharges* - Any person having knowledge of a reportable discharge of hazardous materials shall immediately report the discharge to the Director of Public Health, Police and Fire Departments. A reportable discharge in the watershed protection district or involving the sanitary sewer requires immediate notification to the Director of Public Works. Acceptable immediate notification shall be a telephone call with a follow up report in writing within twenty four (24) hours.
- 3. *Written Notices of Violation* - Any violator of this Ordinance shall be notified in writing of said violations by the Director of Public Health. This written notice may specify corrective actions necessary, including containment and cleanup of discharged materials; preventative measures required to avoid future violations; requests for documentation; a compliance schedule and any other action deemed necessary by the Director of Public Health to meet the purpose of this Ordinance.
- 4. *Right of Entry* - The Director of Public Health and its agents may enter upon privately owned property for the purposes of performing their duties under this Ordinance.
- 5. *Penalty* - Any person who violates any provision of this Ordinance shall be punished by a fine of not more than two hundred dollars (\$200). Each day or portion thereof during which violation continues shall constitute a separate offense; if more than one (1), each condition violated shall constitute a separate offense. This Ordinance may be enforced pursuant to MGL C. 40, s. 21D by a Town Police Officer or other officer having police powers as well as the Director of Public Health. Upon request of the Director of Public Health or the Fire Chief, the Mayor and Town Solicitor may take legal action as may be necessary to enforce this Ordinance.

*(i) Fees:*

- 1. Any person registering storage of hazardous materials pursuant to this Ordinance shall pay to the Town of Weymouth an annual registration fee of thirty dollars (\$30). Such fee shall be due on the same date as the annual registration. Failure to pay the registration fee shall constitute a violation with respect to the penalties provided in Section (h)(5) of this Ordinance. No fee shall be charged for homeowner underground storage tanks for home heating fuels.
- 2. The Director of Public Health may charge for expenses incurred in the enforcement of this Ordinance or any emergency actions necessary.

*(j) Severability* - Each provision of this Ordinance shall be construed as separate, to the end that, if any provision or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force.



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(k) *Establishment of Rules and Regulations* - The Director of Public Health shall establish rules and regulations consistent with, and as may be necessary to promulgate a comprehensive code for the safe storage, use and handling of hazardous materials to meet the stated purpose of this Ordinance.

(f) *Variances* - The Director of Public Health may vary the application of any provision of this Ordinance, unless otherwise required by law, in any case when, in its opinion, the applicant has demonstrated that an equivalent degree of environmental protection required under this Ordinance will still be achieved. The applicant, at his own expense, must notify abutters by certified mail at least ten (10) days before the Board of Health meeting at which the variance request will be considered. The notification shall state the variance sought and the reasons therefore. Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial.

**SECTION 7-501** *Underground Fuel Storage*

(a) *Statutory Authority* - This Ordinance is adopted by the Town of Weymouth under its Home Rule Powers, its Police Powers to protect the public health and welfare and its authorization under the MGL C. 40, s. 21.

(b) *Purpose* - The purpose of this Ordinance is to control the installation and maintenance of underground gasoline or fuel storage tanks over one thousand (1000) gallons and to protect groundwater and surface water from contamination due to leakage. The provisions of this Ordinance are applicable only to underground tanks.

(c) *Definitions* - As used in this Ordinance, the following terms shall have the meanings indicated:

*Fire Chief* - The Chief of the Weymouth Fire Department.

*Noncorrosive Soil*- Soil that, when tested by a qualified professional, is shown to have a resistivity greater than ten thousand (10,000) ohm-centimeters and that does not exhibit corrosive characteristics in a soil-chemistry analysis.

*One Hundred Year Floodplain* - Includes all special flood hazard areas designated as Zones A, A2, A3, A8 and V3 as shown on maps titled "National Flood Insurance Program, FIRM, Flood Insurance Rate Map," Nos. 250257 0001 through 0009, Town of Weymouth, effective date September 30, 1980, and the floodway fringe as shown on National Flood Insurance Program Floodway, Flood Boundary and Floodway Map Nos. 250257 0001 through 0009, Town of Weymouth, effective date September 30, 1980, on file with the Town Clerk, Inspector of Buildings, the Director of Planning and Community Development, and the Director of Public Works.

**Underground Tank** - Any fuel storage containment system for naphtha, gasoline, kerosene and mixtures of gasoline and oils which have densities of less than eighty six hundredths (0.86) grams per cubic centimeter with a capacity in excess of one thousand (1000) gallons, the top of which is located below the ground

(d) *Registration of Existing Tanks; Notice; License Revocation; Abandonment:*

1. *Tank Registration* - Every operator of an underground tank must file with the Town Clerk the size, type, age, contents and location of its underground tanks.
2. *Notification of Fire Department* - The Town Clerk must forthwith give the Fire Chief a copy of the information filed for each tank that is registered according to Subsection (a) of this Section.

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3. *Revocation of Unexercised Licenses* - The Fire Chief may revoke unexercised licenses based under the provisions of MGL C. 148, s. 13. Licenses issued by the Fire Chief may be revoked if they are unexercised within six (6) months from the issuance of a new license.
4. *Removal of Hazardous Conditions upon Abandonment of Underground Tanks* - The Fire Chief may order the elimination of hazardous conditions associated with the cessation of use and abandonment of underground tanks if the license holder has failed to do so within six (6) months of the cessation of activities. Reimbursement for such expenses shall be based on MGL C. 148, s. 13.

(e) *Standards for Tank Design, Installation and Location:*

1. Tank design:
  - a. Unless proven otherwise by soil tests performed by qualified professionals, the soils in Massachusetts shall be assumed to be corrosive. Metallic tanks (except stainless steel) without cathodic protection or an underground secondary containment system will be prohibited. Also prohibited, is Schedule 40 steel pipe, galvanized or black iron, or approved nonmetallic (except fiberglass-reinforced plastic) pipe. If a qualified professional demonstrates that the soils in which the tank is to be placed are noncorrosive as described in the definition of "noncorrosive soil" in Section (c), above, a steel tank with interior coating and other approved piping may be installed.
  - b. In corrosive soils, underground tanks must be constructed of non-corrodible materials, such as fiberglass-reinforced plastic (FRP) or its equivalent; steel with external-bonded non-corrodible material (i.e., fiberglass-reinforced plastic); a steel system cathodically protected by an impressed-current cathodic system, sacrificial anodes or equivalent protection; or a double-walled tank. These requirements are in accordance with Massachusetts Board of Fire Prevention regulations.
  - c. In corrosive soils, piping shall be constructed of non-corrodible materials, such as fiberglass-reinforced plastic or its equivalent, a steel system with cathodic protection or some other type of equivalent protection, in accordance with Massachusetts Board of Fire Protection regulations.
  - d. Cathodic protection systems shall be maintained and checked in accordance with Massachusetts Board of Fire Prevention regulations.
  - e. Commercial tanks must be equipped with striker plate below openings used for product measurement or filling.
2. Tank installation:
  - a. The Fire Chief or his designee must inspect and approve underground tanks prior to their burial, in accordance with Massachusetts Board of Fire Protection regulations.
  - b. Tanks must be installed in accordance with the manufacturer's installation techniques. Damage to protective coatings or to the fiberglass-reinforced plastic tank or surface must be repaired prior to covering the tank.
  - c. New underground tanks shall be tested for tightness, hydrostatically, or with air pressure at not less than three pounds per square inch (3 psi) and not more than five pounds per square inch (5 psi) after installation, but before being covered or placed in use in accordance with Massachusetts Board of Fire Prevention regulations.
  - d. Piping should be tested in accordance with Massachusetts Board of Fire Prevention Regulations before being covered, enclosed or placed in use.
  - e. Backfill material used to cover all new tank installations and repairs must be of the type and quality specified by the tank manufacturer's installation procedures and by pertinent regulations governing storage tank installation.

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- f. Underground tanks that are to be located in areas subject to flooding or below the maximum water table elevation must be anchored according to manufacturer's instructions and to the satisfaction of the Fire Chief or his designee.
- 3. Tank location:
  - a. Underground tanks may not be installed within the one hundred (100) year floodplain. Underground tank installation is also prohibited within one hundred feet (100') of Whitman's Pond, Mill River and Swamp River and within four hundred feet (400') of Great Pond and all Town water supply wells.
  - b. Underground tanks that are to be installed within the watershed of a drinking water reservoir or within the cone of depression of a public well (or, lacking a defined cone of depression, within one thousand feet (1000') of a public water supply well) must submit, for review by the Fire Chief, the Director of Public Health, and the Director of Public Works, a plan outlining the procedures or devices, such as product sensors and/or area monitoring devices, to be used to prevent water supply contamination. The plan must be endorsed by representatives of the three (3) Departments noted above, prior to tank installation.

*(f) Detection of Leakage; Testing:*

- 1. Inventory verification:
  - a. All underground tanks, except fuel oil tanks and tanks connected with burning equipment must be monitored for the prevention and detection of leakage of flammable and combustible liquids in accordance with the provisions of Massachusetts Board of Fire Prevention regulations.
  - b. The daily inventory records must be shown to the Fire Chief, or his designee, prior to the issuance of a permit or license renewal.
  - c. The owner and operator must participate in a program of regularly scheduled inventory verification, at least once every two (2) years, in accordance with Massachusetts Board of Fire Prevention Regulations. The operator of tanks ten (10) years of age or older shall submit to the Fire Chief annually a report certifying that the inventory verification has been performed and stating the calculated gain/loss over the verification periods.
  - d. The Fire Chief may require the operator of an underground tank storage system to test the system for tightness, at the operator's expense, when accurate daily inventory records have not been maintained as specified in Subsection (a) of this section.
  - e. If daily inventory records indicate a loss of product in excess of five-tenths percent (0.5%) of the volume of product used or sold or an abnormal increase in the amount of water contained in the tank, steps must be taken immediately in accordance with Massachusetts Board of Fire Prevention Regulations to detect and stop the leak. The discrepancy must be reported to the Fire Chief.
- 2. Tank testing:
  - a. Unless the tank operator demonstrates to the Fire Chief and the Director of Public Health that its tanks are constructed of a material that will not corrode, have product sensors or have been repaired or tested within the last year, under-ground tanks shall be required, at the expense of the owner, to undergo one (1) of the following tests at five (5) year intervals from the date of installation up to the 20<sup>th</sup> year, and annually thereafter: a Kent-Moore (Health Petro-Tite) test or a Sun-Mark leak-locator test or the equivalent as determined by the Fire Chief. The Fire Chief shall be given at least forty eight (48) hours notice of the time, date and place of testing. Test results must be submitted to the local Fire Chief.

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- b. The waiver from Subsection (b)(1) of this Section may not be granted for a tank that is located within any of the areas specified in Section (e)(3)(b).
- c. If flammable fluids or their vapors have been detected in neighboring structures, sewers or wells on or off the property locations, the Fire Chief may require that any nearby tank, including underground residential tanks less than one thousand (1000) gallons, be tested at the expense of each tank's owner.

*(g) Procedure in Cases of Spills or Leaks*

- 1. Leak reporting - Any person who is aware of a spill or abnormal loss of flammable fluids must report such spill or loss immediately to the Fire Chief. The Fire Chief must be responsible for other notification, including the Director of Public Health.
- 2. Equipment replacement/removal:
  - a. After a leak is confirmed, underground tanks (or piping) must be emptied immediately and removed or repaired forthwith under the direction of the Fire Chief.
  - b. A leaking tank that is twenty (20) years old or older that does not comply with the design standards in Section (e)(1)(b) must be removed and may not be repaired. A permit for its removal must be obtained in accordance with MGL C. 148, s. 38A.
  - c. A leaking tank that is less than twenty (20) years old must be repaired or removed. If the tank operator can show, to the satisfaction of the Fire Chief, that, in the case of steel tanks, the leak was from internal corrosion and that the tank can be repaired so as not to pose a continuing threat to the soils and waters of the Commonwealth, considering, at a minimum, the corrosiveness of the soil, tank age and external condition, techniques to be used for the repair and the location of the tank, then the tank may be repaired. Operators of leaking fiberglass-reinforced plastic tanks must demonstrate to the Fire Chief that the tank can be repaired according to manufacturer's instructions. Operators who do not meet these requirements must remove the tank.
  - d. If it is necessary to replace an underground steel tank that has developed a corrosion-induced leak, all other steel tanks at the facility of the same age or older, whether they are leaking or not, shall be repaired or replaced with tanks that meet the requirements of Section (e)(1) of this Ordinance.

*(h) Administration of Provisions:*

- 1. The provisions of this Ordinance shall be administered by the Fire Chief.
- 2. Variances from the specific requirements of this Ordinance may be authorized by the Chief Licensing Authority after notice and a public hearing.
- 3. Licenses issued in accordance with MGL C. 148, s. 13 for underground tanks must be renewed annually in April in the Town Clerk's office. Tank owners must submit to the Fire Chief and the licensing authority a statement certifying satisfactory leak-detection results over the period of the license, in accordance with Section (f)(2) of this Ordinance, and inventory verification, at least thirty (30) days before the issuance of a permit renewal for the time periods specified herein. Test results must accompany the license renewal application.
- 4. Fees necessary for the issuance and renewal of permits or licenses shall be set by the Fire Chief subject to review by the Mayor.
- 5. The Fire Chief or his designee may, at all reasonable times and upon reasonable notice to the occupant of the premises, enter any premises, public or private, for the purpose of investigating, sampling or inspecting any record, condition, equipment, practice or property relating to activities subject to this Ordinance and may, at any time and upon

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reasonable notice to the occupant of the premises, enter such premises for the purpose of protecting the public health or safety or to prevent damage to the environment.

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**PUBLIC WORKS**

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***GARBAGE, RUBBISH, REFUSE, RECYCLING***

(Reserved for Future Use)

***SECTION 8-200***

***SANITARY SEWERS***

***SECTION 8-201***

***Connections to Sanitary Sewers***

(a) *Definitions* - As used in this Article, the following terms shall have the meanings indicated:

*Habitable Structures* - Includes any building or edifice used for habitation, employment, amusement and any other facilities requiring a potable water supply for sanitary or culinary purposes.

(b) *Connection required:*

1. All habitable structures having access to sewers of the Town of Weymouth shall connect to such sewer, by a sufficient drain, before any use or occupancy is made thereof.

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2. All habitable structures abutting a public or private way and having access to sewers of the Town of Weymouth shall connect to such sewer by a sufficient drain at the time of completion of construction of the common sewer line in the way or within the following designated areas and time limits, whichever is later:
  - a. Great Pond Drainage Area: one (1) year from the date of notification of being in violation of this chapter;
  - b. Whitman's Pond Drainage Area (including Mill River and Old Swamp River drainage areas): one (1) year from the date of notification of being in violation of this chapter;
  - c. All other areas: two (2) years from the date of notification of being in violation of this chapter.

(c) *Applicability to sales of habitable structures* - Owners of habitable structures required to connect to the common sewer line pursuant to this chapter shall, prior to the transfer or conveyance thereof, comply with the provisions of this chapter.

(d) *Exemptions:*

1. Habitable structures which by reason of grade, elevation or other just cause, which cannot be drained into the sewer system of the Town of Weymouth, as determined by the Director of Public Works, shall be exempted from the provisions of this chapter until such impediment is alleviated.
2. Habitable structures connected to a septic system constructed in accordance with the requirements of Title 5 of the Commonwealth of Massachusetts Environmental Code, and to any applicable provisions of the Rules and Regulations of the Weymouth Health Department, as determined by the Director of Public Health, shall be exempted from the provisions of this chapter.

(e) *Violations and penalties* - The penalties for violations of this chapter shall be as follows:

1. Any person found to be in violation of this chapter shall be served by the Director of Public Health with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period stated in such notice, permanently cease all violations.
2. Any person who shall continue any violation beyond the time limit provided for in this chapter shall be fined in the amount of twenty five dollars (\$25) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense once initial notice of violation has been given.
3. Any person violating the provisions of this chapter shall be liable to the Town of Weymouth for any loss, expense or damage caused by such violation.

(f) *Additional remedies* - The provisions of this chapter may be enforced by civil action without limiting the prosecution of any violations hereof

(g) *Enforcement of other regulations* - Nothing herein shall prevent or interfere with the enforcement of any other proceeding, rule, regulation, order or law concerning sewer connections.

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**SECTION 8-300**

**WATER SUPPLY**

**SECTION 8-301      *Restraint of Water Use***

(a) *Authority* - This Ordinance is adopted by the Town of Weymouth under its Home Rule Powers, its Police Powers to protect public health and welfare and its specific authorization under MGL C. 40, s. 5, 21, 21D & 41A.

(b) *Purpose* - The purpose of this Ordinance is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a state of concern for the water supply by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Director of Public Works of the Town of Weymouth.

(c) *Definitions* - For the purpose of this Ordinance, the following terms shall have the meanings indicated:

*State of Water Supply Concern* - Exists when the level of water in Great Pond drops to an elevation determined by the Department of Public Works' Rules and Regulations, or the Director of Public Works determines the need to protect the water supply and imposes voluntary water restrictions.

*State of Water Supply Emergency* - Exists when the level of water in Great Pond drops to an elevation determined by the Department of Public Works' Rules and Regulations, or the Director of Public Works otherwise elects to impose mandatory water restrictions to protect the water supply.

*Water Takers* - Includes all private persons, firms or other entities using the public water supply of the Town of Weymouth, whether or not the use of such water, as measured by a meter, shall be billed in his, her or its name.

(d) *Restraint of use of water:*

1. On the occurrence of a state of water supply concern or of a state of water supply emergency, the Department of Public Works may issue such restrictions, conditions, requirements, provisions or regulations restraining the use of water by the water takers as it may determine are necessary to protect the water supply.
2. Public notice shall be given as described under Section (e) of this Ordinance along with simultaneous notice to the Massachusetts Department of Environmental Protection.

(e) *Notification of restraint of water use* - Notification of any provision, restriction, requirement or condition with which water takers (users) of water supplied by the Department of Public Works are required to comply to abate a water shortage shall be sufficient for the purposes of this Ordinance if it is published once in a newspaper of general circulation within the Town of Weymouth or by such other notice as is reasonably calculated to reach and inform all water takers of the Town's water supply.

(f) *Violation* - Following notification by the Department of Public Works of a state of water supply emergency, no person shall violate any mandatory water supply provision, condition, requirement or restriction imposed by the Department of Public Works or in a plan approved by the Department of Environmental Protection.

(g) *Penalties for violations* - Any water taker who violates the mandatory water restrictions imposed by this Ordinance shall be punished by a fine of fifty dollars (\$50). Each separate instance of noncompliance following the issuance of any warning or citation pursuant to this section shall



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constitute a separate violation. Such penalty shall be enforced in accordance with Section 1-109 of these Ordinances.

**SECTION 8-400**

**STREETS, ROADS, ETC.**

**SECTION 8-401      Excavations**

(a) *Permit Required; Fee* - No person or corporation shall make any excavation within the limits of any public way in the Town except upon and in accordance with the conditions of a permit to be issued by the Department of Public Works, such permit to be issued only upon the written application stating the location and extent of the proposed excavation, and a fee as determined by the Director of Public Works shall be charged for each permit issued.

(b) *Conditions of Permit* - It shall be a condition of each permit thus issued that the surface of the highway shall be restored to its original condition and at the expense of the person or corporation to whom the permit is issued, also that the person or corporation to whom the permit is granted shall indemnify the Town against all claims of all persons who may be injured in their person or property by reason of such excavation. The Director of Public Works may fix the time within which such permit shall remain in force and may prescribe what precautions shall be taken to guard the public against injury. Violation of any of the conditions of said permit shall render the same void.

(c) *Maintenance of Access to Property Required* - No person having the authority to dig up or obstruct any street shall do so in a manner which does not leave reasonable access for persons and vehicles to property abutting on such street or which does not have a reasonable passage through the street for fire apparatus.

(d) *Excavation of Street* - Whenever the Town of Weymouth undertakes the repair, resurfacing or other such improvement of streets, roads or sidewalks, the gas utility company shall provide for the maintenance and improvements of its service gate boxes. The service gate boxes, located in the street, roads or sidewalks shall be repaired, replaced or otherwise identified, so that they are in good condition, easily accessible and raised to the proposed finish grade.

(e) *Excavation of Street by a Public Utility Company or Private Contractor* - Any public utility company or private contractor who excavates a utility trench in Weymouth over one hundred (100) continuous feet in length shall be required to complete the following:

1. Replace or cold plane/mill asphalt from the furthest street incision to the nearest shoulder or sidewalk on that street;
2. In no case shall the resurfacing be less than eight feet wide;
3. The replacement of the asphalt shall be compacted with a minimum one (1) ton roller to ensure that the street is at grade level with the other section of the street.

If final paving is not completed within one hundred twenty (120) days of excavation, the applicant of the permit must submit an explanation in writing to the Director of Public Works as to why final paving has not been completed. Failure to comply with this ordinance will result in the suspension of all future permits to the applicant until the street repair has been deemed acceptable by the Director of Public Works.

**SECTION 8-402      Barriers**

(a) *Erection of Barriers Around Excavations Required* - The owner or owners of land which has been excavated shall erect barriers or take other suitable measures to protect persons from damages

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incident thereto within five (5) days after such owner or owners have been notified in writing by the Director of Public Works that such excavation constitutes a hazard to public safety.

(b) The penalty for violation of this Ordinance shall be fifty dollars (\$50) for each day on which the violation exists.

**SECTION 8-403      *Private Ways, Signs Required; Exception***

No private way, lane or alley shall connect with a public highway of the Town unless at its junction with each highway it shall have a sign reading "Private Way" or "Not a Public Way," provided that this provision shall not apply to such private driveways not exceeding twelve feet (12') in width as have a gate, gateway or barway at their junction with the public highway or are otherwise so constructed and located that, in the opinion of the Department of Public Works, they cannot reasonably be mistaken for public highway.

**SECTION 8-404      *Procedure for Street Acceptance***

(a) *Petition to be Filed* - All petitions for the acceptance of streets, new or otherwise, must be presented to the Department of Public Works for an inspection, review and report before being submitted to the Town Council. The petition shall include an application fee as established by the Director of Public Works in accordance with Section 5-305 of these Ordinances.

(b) *Minimum Width; Exception* - No street or way shall be laid out or accepted by the Town of Weymouth of a width less than forty feet (40'), unless the same shall have been actually opened and used for public travel prior to January 1, 1924, and is recommended and approved by the Department of Public Works.

(c) *Compliance with Specifications Required* - No street or way constructed through lands by the owners thereof shall be laid out or accepted or recommended by the Department of Public Works for acceptance as a public way or street of the Town of Weymouth unless previously constructed and completed to the subgrade in accordance with the latest specifications promulgated by the Department of Public Works and/or the Planning Board's Subdivision Rules and Regulations.

(d) *Compliance with State Law Required; Releases by Property Owners* - Any street or way constructed through private land by the owners thereof in accordance with the specifications as referenced in Section 8-408 may be laid out and accepted as a public street of the Town of Weymouth, provided that such action is taken in accordance with provisions of MGL C. 82, s. 21-24, and provided also that the owners of at least seventy five percent (75%) of the lands through which such street or way passes have signed releases of all property which the Town deems it necessary to acquire for such layout and have accepted and have granted sloping privileges.

(e) *Plan and profile required; street specifications*

1. A plan and profile done in ink on Mylar twenty four inches (24") wide by thirty six (36") long at a scale of one inch (1") to forty feet (40') of each street shall be submitted by the petitioners at the time application is made. The survey and plan work will be accomplished by a private registered engineer and registered land surveyor, and the cost of the work will be borne by the abutters and/or petitioners. The engineer and surveyor will design a satisfactory road grade and indicate the necessary water, sewer and drainage. They will set the necessary bounds as indicated by the Town Engineer. They will clear the plan with the Engineering, Highway and Water & Sewer Divisions of the Public Works Department as well as the Health and Building Departments, who in approving the plan will sign the Mylar in the appropriate spaces provided. A signature

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box for the Planning Board and Town Council approval shall also be provided on the Mylar.

2. Such plan will show all physical characteristics of the street presented for acceptance, i.e., all property lines; the names of the respective owners as of a date not earlier than January 1<sup>st</sup> of the year in which the petition is filed; the correct locations of all buildings; all utilities (water, sewer and storm drainage; including profile views); all easements necessary for drainage, sewer or water mains; all stone bounds; all survey data necessary to lay out the street including tangent lines at layout intersections and any other requirements for recording the plan at the Registry of Deeds. All elevations are to be based on Town of Weymouth elevation datum. A full detailed estimate of the costs necessary to bring the road into compliance with Town standards shall, simultaneously, be submitted to the Director of Public Works.
3. The deed reference, including land court certificate number where applicable, and sheet, block and lot shall be shown for each lot on the street.

(f) *Exemptions and Waivers* - The Town Council may exempt or waive the local requirement of this section for any public street acceptance if, in the opinion of the Department of Public Works, it is in the best interest of the Town to do so.

**SECTION 8-405      *Maintenance of Traffic Signs***

The Department of Public Works shall be responsible for the installation and maintenance of traffic signs and the painting of curbs, crosswalks, center lines, warning signs, traffic markings, etc., on the streets of the Town.

**SECTION 8-406      *Obstructions in Streets, etc***

(a) *Obstructions Restricted* - No person shall place or cause to be placed any obstruction in any public street, footpath or sidewalk or suffer any such obstruction placed or controlled by him to remain for more than one (1) hour after being notified by a Police Officer or the Director of Public Works to remove the same.

(b) *Leaves* - No person shall place leaves or cause leaves to be placed by raking onto any public way. Leaves are to be bagged for collection in accordance with the Rules and Regulations promulgated by the Department of Public Works. The penalty for violation of this Ordinance shall be twenty five dollars (\$25) for each offense.

(c) *Visibility at Intersections* - No person owning or controlling any property abutting upon two (2) or more intersecting ways in the Town of Weymouth shall construct or maintain any fence or other structure, other than a building, or plant, grow or maintain any hedge, trees or other shrubbery of a height of more than three feet (3') above the level of the adjoining way and within thirty five feet (35') of the nearest point of the intersection of such way, so that the same will obstruct the open view of travelers on each abutting way within said distance of thirty five feet (35').

(d) *Snow Obstruction of Public Ways and Sidewalks* - No person engaged in the removal of snow shall, under any circumstances, cause said snow to be deposited so as to obstruct any public way or sidewalk. The penalty for violation of this Ordinance shall be fifty dollars (\$50) for each offense.

**SECTION 8-407      *Removal of Vehicles During Winter Storm, Emergency***

(a) *Removal* - Any vehicle on a public way in the Town interfering with the work of removing or plowing snow, or removing ice there from, may be removed by or under the authority of the Chief of Police to a public garage or any convenient place.

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(b) *Notice of Removal* - The Chief of Police shall give notice within a reasonable time of place to which it has been moved to the registered owner of the vehicle.

(c) *Payment of Charges for Vehicle Redemption* - The owner, before being permitted to remove the vehicle, shall establish his right to do so and pay to the Town or to the keeper of the place of storage the cost of removal and any storage charges resulting there from, not to exceed that fee established by the Department of Public Utilities of the Commonwealth of Massachusetts.

**SECTION 8-408            *Openings in Streets Restricted***

(a) *In General* - No street, road or highway in the Town shall be opened for installation of sewers, water mains, drains, public utilities or other purposes, except for emergency services, for five (5) years after such street, road or highway has been reconstructed, rebuilt or relocated. Prior to reconstruction, rebuilding or relocation of any street, road or highway, the Department of Public Works shall notify the telephone, gas and electric companies not less than three (3) months before actual work will be started.

(b) *Notification of Property Owners* - All property owners of occupied and unoccupied land along a street, road or highway proposed for construction or reconstruction shall be notified that said highway cannot be opened for a period of five (5) years, except in a case of extreme emergency. Said notice shall be issued prior to construction or reconstruction.

(c) *Specifications for Various Types of Streets*

1. For all street openings on fully reconstructed streets, the following construction methods shall be mandatory (streets consisting of gravel sub-base, penetrated stone and bituminous concrete surface):
  - a. Surface will be cut carefully with a suitable cutting tool (pavement blade with jackhammers or pavement saw);
  - b. All backfill will be gravel, tamped and consolidated in six inch (6") layers;
  - c. Puddling will be the final operation of backfill;
  - d. After puddling, pavement will again be cut a minimum of twelve inches (12") beyond excavation and removed through to gravel sub-base;
  - e. Six inch (6") slab of concrete will be placed in such a manner as to bridge trench;
  - f. Existing blacktop edges will be painted with tack coat emulsion;
  - g. Blacktop finish will be applied in two (2) courses, giving a smooth joint;
  - h. Contractor or utility will notify the Department of Public Works prior to backfill operation, so that an inspector may be present. No backfilling will be accomplished without an inspector present.
2. For all street openings on Class A-1 and Class A streets, the following construction methods shall be mandatory (Class A and A-1 streets consisting of gravel base and bituminous concrete surface):
  - a. Surface will be cut carefully with a suitable cutting tool (pavement blade with jackhammer or pavement saw);
  - b. All backfill will be gravel, tamped and consolidated in six inch (6") layers;
  - c. Puddling will be the final operation on backfill;
  - d. Existing blacktop edges will be painted with a tack coat emulsion;
  - e. Blacktop finish will be applied in two (2) courses, giving a smooth joint;
  - f. Contractor or utility will notify the Department of Public Works prior to backfill operations so that an inspector may be present. No backfilling will be accomplished without an inspector present.
3. For all street openings on streets built with penetrated stone, the following construction methods shall be mandatory (streets consisting of gravel base and penetrated stone):

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- a. Surface shall be cut carefully with a suitable cutting tool (pavement blade with jackhammer or pavement saw);
- b. All backfill will be gravel, tamped and consolidated in six inch (6") layers;
- c. Puddling will be the final operation on backfill;
- d. After puddling, pavement will again be cut a minimum of twelve inches (12") beyond excavation and removed through to gravel subbase;
- e. Six inch (6") slab of concrete will be placed in such a manner as to bridge the trench and will be finished off flush with stone surface;
- f. Contractor or utility will notify the Department of Public Works prior to backfill operations so that an inspector may be present. No backfilling will be accomplished without an inspector present.

**SECTION 8-409      *Performance by Weymouth Police Officers***

All police details within the limits of public ways and sidewalks in the Town of Weymouth shall be performed by Weymouth Police Officers unless there are not available Weymouth Police Officers to perform such detail as determined by the Weymouth Police Chief or his designee.

**SECTION 8-500**

***RESPONSIBLE EMPLOYER ORDINANCE***

**SECTION 8-501      *Public Construction Projects***

All bidders and all subcontractors under the bidder for projects subject to MGL C.149, s. 44A (2) shall, as a condition for bidding, agree in writing that they comply with the following obligations:

*(a) Qualifications:*

1. The bidder and all subcontractors under the bidder shall comply with the Weymouth Responsible Employer Ordinance as it currently exists and as it may, from time to time, be amended. All bidders and all subcontractors under the bidder must provide documentation that they are in compliance with the provisions of this Ordinance prior to the bid opening.
2. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to MGL C.149, s. 44A (2) shall comply with the obligations of the Town of Weymouth's Responsible Employer Ordinance for the entire duration of their work on the project, and an officer of each such bidder of subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

*(b) Requirements:*

1. The bidder and all subcontractors under the bidder must comply with the obligations established under MGL C. 149 to pay the appropriate lawful prevailing wage rates to their employees.
2. The bidder and all subcontractors under the bidder must maintain or participate in a bona fide apprentice training program as defined by MGL C. 23, s. 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.
3. In a manner that is consistent with applicable law and regulations, any bidder or subcontractor under a bidder awarded a contract subject to this policy, shall give special consideration to recruiting workers who are residents of the Town of Weymouth for

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each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries, and must consider hiring qualified residents of the Town of Weymouth in filling the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable in value to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by MGL C.149, s. 26 in establishing minimum wage rates.
5. The bidder and all subcontractors under the bidder must maintain appropriate industrial accident insurance coverage for all the employees employed on the project in accordance with MGL C. 152.
6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, employment taxes, social security taxes and income tax withholding per MGL C.149, s. 148B.
7. The bidder and all subcontractors under the bidder must maintain a bona fide pension plan for all their employees employed on the project.
8. The provisions of this Ordinance shall not apply to construction projects for which the low general bid was less than two hundred thousand dollars (\$200,000) or to work performed pursuant to subcontracts that are subject to MGL C. 149, s. 44F and that were bid for less than twenty five thousand (\$25,000) or to rebids for construction projects for which the Town of Weymouth receives fewer than three (3) qualified general contract bidders in the original bid.

*(c) Sanctions:*

1. Any bidder or subcontractor under the bidder who fails to comply with any one of the obligations as set forth in the policy for any period of time shall be, at the sole discretion of the Town of Weymouth, subject to one or more of the following sanctions:
  - a. cessation of work on the project until compliance is obtained;
  - b. withholding of payment due under any contract or subcontract until compliance is obtained;
  - c. permanent removal from any further work on the project;
  - d. liquidated damages payable to the Town of Weymouth in the amount of five percent (5%) of the dollar value of the contract.
2. In addition to the sanctions outlined in Paragraph (10) above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to MGL C.149, s. 44F. Any contractor or subcontractor who has been determined by the Town of Weymouth to have violated any of the obligations set forth in this Ordinance shall be barred from performing any work on any future projects for six (6) months for a first violation, for three (3) years for a second violation, and permanently for a third violation.

*(d) Waiver:*

Any proposed waiver of the provisions of Paragraph (1) of this Ordinance can only be made with the approval of the Mayor of the Town of Weymouth.

If any provision of this Ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this Ordinance, or

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the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall not be affected thereby.

**SECTION 8-600**

**TREES AND OTHER PLANTING MATERIALS**

**SECTION 8-601      *Trees***

*(a) Definitions*

*Street trees* - trees, shrubs, bushes and all other wood vegetation on land living between property lines on either side of all streets, avenues or right of ways within the Town.

*Park trees* - trees, shrubs, bushes and all other wood vegetation in public parks having individual names, and all other areas owned by the Town of Weymouth.

*(b) Tree Species* - The list of the official street trees will be in accordance with the tree species size and classes listed below and no trees may be planted closer than the restrictions listed in Section (d).

Small trees

Crabapple - flowering  
Plum - flowering  
Hawthorn  
Cherry - flowering  
Dogwood  
Magnolia

Medium trees

Ash - green  
Ash - white  
Locust  
Oak  
Linden - littleleaf  
Maple - Norway  
Maple - red

Large trees

Maple - silver  
Maple - sugar  
Oak - pin  
Sycamore  
Tulip  
Oak - scarlet  
Sweet Gum

*(c) Spacing* - The spacing of street trees will be in accordance with the tree species size and classes listed in Section (b) of this Ordinance and no trees may be planted closer than the restrictions listed in Section (d), below.

*(d) Distances* - The distance trees may be planted from curbs or curb lines and sidewalks, will be in accordance with tree species size and classes listed in Section (b) of this Ordinance, and no tree may be planted closer to any curb or sidewalk than the following:

Small Trees – two feet (2')  
Medium Trees – three feet (3')  
Large Trees – four feet (4')

No street tree shall be planted closer than thirty feet (30') of any street corner measured from the point of nearest intersection curbs or curb lines. No street trees shall be planted closer than ten feet (10') of any fire hydrant. No street trees other than those species listed as small trees in Section (2) of this Ordinance may be planted under or within ten (10) lateral feet of any overhead utility wire, or within five (5) lateral feet of any underground water, sewer, transmission line or other utility.

*(e) Public Tree Care* - The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to ensure public safety or to preserve or enhance the beauty of such public grounds. The Town may remove or order to remove, any tree thereof which is in an unsafe condition or which by reason of its nature can cause injury to sewer, electric, gas, water lines, or other public improvements, or is infected with any injurious fungus, insect, or other pests.

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(f) *Topping and Pruning* - It shall be unlawful as a normal practice for any person, firm, or Town Department to top any street tree, park tree, or any other tree on public property. Topping is defined as severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where pruning practices are impractical may be exempt from this Ordinance at the determination of the Town Tree Board. Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, so that there shall be a clear space of twelve feet (12') above the surface of the street and eight feet (8') from the surface of the sidewalk.

Said owner shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign.

(g) *Stump Removal* - All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(h) *Penalty and Enforcement* - Any person who violates any provision of this Ordinance and who is prosecuted by criminal complaint pursuant to the provisions of Section 1-110 shall be subject to a fine of not less than seventy five dollars (\$75) nor more than one hundred and twenty dollars (\$120) per inch on the diameter of the tree or the branch removed. The Tree Board may approve replacement trees as long as they are equal to one tree for every two and one half inches (2½"). Enforcement of the provisions of this Ordinance as a municipal infraction shall be punished by a penalty of fifty dollars (\$50) for each violation.

(i) *Creation of a Town Tree Board* - A Tree Board, as provided in Section 3-219 of these Ordinances, shall consist of the Director of Public Works, the Administrative Assistant to the Director of Public Works, and the Town Arborist.

(j) *Duties and Responsibilities of the Tree Board* - It shall be the responsibility of the Tree Board to study, investigate, counsel, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, removal or deposition of trees and shrubs in parks, along streets, and in other public areas. Such a plan will be presented semi-annually to the Mayor.

(k) *Tree Replacements* - Any person, firm, corporation, or agency that in the course of construction, subdivision development, or for any other such reason wishes to remove any living public shade tree, two and one half inches (2½") in diameter at breast height (d.b.h.) or greater shall, in accordance with MGL C. 87, s. 3, must first obtain a permit from the Tree Warden or Director of Public Works. If removal is permitted, it shall be at no cost to the Town within the spring or fall months following completion of construction and replaced in locations specified by the Tree Warden or Director of Public Works with a number of small trees determined to be equivalent on the following basis:

1. The total d.b.h. of all replacement trees shall equal or exceed the total d.b.h. of all trees to be removed, except in cases where a public shade tree is cut or removed prior to obtaining a permit as required herein, for which replacement trees or equivalent shall be provided at double the d.b.h. of all lost trees.
2. Replacement trees shall be balled and burlapped, not less than two and one half inches (2½") d.b.h., and shall be planted by a professional Arborist, Nurseryman, or



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Landscaper in accordance with the National Arborist Association. The Tree Warden or Director of Public Works shall determine species, size, and planting locations.

3. At the option of the applicant, the Town may, upon payment of the agreed upon sum, replace said trees according to the standards herein set forth.
4. Partial relief may be granted by the Tree Warden or Director of Public Works, from the replacement requirements herein only in cases where the health, location, or condition of the tree to be cut warrants. However, in no case shall any less than one two and one half inch (2½") d.b.h. tree be required for each tree lost.
5. Any automotive machine that causes damage to a tree or woodland, the Department of Public Works shall be notified where upon a certified arborist will inspect the damage and place a value on the said damage. The Town of Weymouth will bill the insurance company accordingly to utilize the money to plant trees at the locations of their choice.

**SECTION 8-700**

**STORMWATER**

**SECTION 8-701      Stormwater Management Ordinance**

(a) *Purpose* - The purpose of this Ordinance is to implement the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems issued by the U.S. Environmental Protection Agency; to protect the public health, safety, and welfare of Weymouth residents; to protect the natural resources, water bodies, drinking water supplies, groundwater resources, environment, and municipal facilities of the Town; to satisfy the appropriate water quality requirements of the Federal Clean Water Act; to eliminate or reduce the adverse effects of soil erosion and sedimentation as a result of land disturbing activities; and to manage stormwater runoff to minimize adverse impacts to the Town, its citizens, and the environment.

Section 8-701 is adopted under authority granted by the Home Rule Amendments of the Massachusetts Constitution, the Massachusetts Home Rule statutes, and the regulations of the Federal Clean Water Act found at 40 CFR 122.34. The provisions of Section 8-701 apply to all property owners in the Town.

The Department of Public Works (DPW) shall administer and enforce Section 8-701 and will issue a Stormwater Management Permit to document compliance with the Ordinance. The DPW may promulgate rules and regulations to effectuate the purpose of this Ordinance.

(b) *Definitions* - Unless otherwise defined in this section, the terms in this Ordinance correspond to definitions found in the Clean Water Act (33 U.S.C. section 1251 et seq.) and the Massachusetts General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems issued by the U.S. Environmental Protection Agency. The following definitions apply to this Ordinance:

*Applicant* - A person who applies for a Stormwater Management Permit under this section of the Town Ordinance. "Applicant" shall include an owner, or their agent or representative, or their assigns.

*Clean Water Act* - The Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.) as it is amended from time to time.

*Land Disturbance* - Any activity that removes the surface cover from land, changes the grade or exposes soil to the potential influence of stormwater.

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*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 issued by the DEP. The Standards address storm water 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 Storm Drain System* - The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town.

*Project* - Land disturbance conducted on either a single property or multiple properties as part of a single proposal (e.g., residential subdivision).

*Stormwater* - Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

(c) *Applicability* - A Stormwater Management Permit is required by any property owner who undertakes a project that discharges or proposes to discharge stormwater off their property in the Town of Weymouth and meets the following criteria.

1. Minor projects, which are those that involve either:
  - a. Land disturbance of more than 7,500 square feet of land but less than 1 acre; or
  - b. Stockpiling more than fifty (50) cubic yards but less than one thousand (1000) cubic yards of excavate or fill.
2. Major projects, which are those that involve either:
  - a. Land disturbance of one (1) acre or more; or
  - b. Stockpiling one thousand (1000) cubic yards of excavate or fill or more.

(d) *Exemptions* - Projects are exempt from needing a Stormwater Management Permit if the storm water discharges resulting from them demonstrate compliance with the Massachusetts Stormwater Management Standards, either through a properly issued Order of Conditions, Site Plan Review, Special Permit/Variance or Definitive Subdivision Plan.

The following activities and discharges are exempt from this Ordinance:

1. DPW ice and snow control operations;
2. Flow resulting from municipal emergency response activities;
3. Natural flow from riparian habitats and wetlands;
4. Dye testing, provided verbal notification is given to the DPW prior to the time of the test;
5. Non-storm water discharges permitted under an NPDES permit administered under the authority of the United States Environmental Protection Agency;
6. Projects that commenced prior to the effective date of this Ordinance provided they have all necessary approvals and permits and are completed within one (1) year from such effective date;
7. Waterline flushing;
8. Flow from potable water sources;
9. Uncontaminated groundwater or uncontaminated pumped groundwater;
10. Water from exterior foundation drains, footing drains, crawl space pumps, or air conditioning condensation;
11. Water from sump pumps and other pumps that remove floodwaters from basements;

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12. Water discharge from irrigation or watering of lawns, trees, landscaping, and gardens;
13. Water from property management activities including washing walkways, patios, house siding, windows, or similar property management activities;
14. Individual resident car washing;
15. Discharge from de-chlorinated swimming pool water (less than one (1) ppm chlorine) provided the water is allowed to stand for one (1) week prior to draining and the pool is drained in such a way as not to cause a nuisance.

(e) *Application and Review Procedures* - At least thirty (30) days prior to commencement of site clearing or stockpiling activities, the applicant shall file with the DPW, two (2) copies of plans and forms specified by the DPW. A complete application shall include the DPW permit application forms, all requirements therein, application fee as per DPW service fee schedule and the following:

*Minor projects:* A sketch of the proposed project and an accompanying narrative which shall include the following information:

1. The location of land-clearing, stockpiling and development activities; erosion control measures to prevent the sedimentation of water bodies and off-site discharge of sediment;
2. Waste control measures to prevent wastes from contacting storm water runoff;
3. Details of a planned program of inspection and maintenance to ensure proper operation of stormwater management measures; and
4. Additional stormwater management measures as directed by the DPW.

*Major projects:*

1. Name, address and telephone number of the owner and person responsible for implementation of the plan and for proper inspection and maintenance of erosion and sedimentation controls;
2. Plans prepared by a MA Registered Professional Engineer or Professional Land Surveyor depicting property lines, existing and proposed ground conditions and topography using no greater than two foot (2') increments, boundaries of wetlands and natural or artificial water storage or conveyance structures, one hundred (100) year flood elevations and location of all existing and proposed buildings, utilities, easements and impervious surfaces;
3. A narrative description of proposed erosion control measures and sedimentation control measures;
4. Location and design details of erosion and sediment control measures proposed to prevent off-site sediment transport during construction;
5. A locus map showing the site in relationship to the surrounding area's watercourses, water bodies and other significant geographic features, and roads and other significant structures;
6. A plan showing the extent of clearing, construction equipment access and storage areas, and material laydown, temporary storage of construction debris and soil stockpile areas;
7. A construction schedule including estimated dates for initiation and completion for such tasks as clearing and grading, construction of utilities and infrastructure, construction of buildings, and final grading and landscaping;
8. A written program of documented inspections of stormwater management systems and a corrective action program for identified deficiencies;
9. A Stormwater Management Plan prepared by a MA Registered Professional Engineer that demonstrates compliance with the Massachusetts Stormwater Management Standards;

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10. A statement as to applicability under the Massachusetts Natural Heritage and Endangered Species Program pursuant to the Massachusetts Endangered Species Act (MGL c. 131A), if applicable.

Within thirty (30) calendar days after receiving a complete application, the DPW shall, in writing:

1. Approve the plans as submitted and issue a Stormwater Management Permit;
2. Approve the plans subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Ordinance, and issue a Stormwater Management Permit subject to these conditions;
3. Disapprove the plans, specifying the reason(s) and procedure for submitting a revised application and/or submission; or,
4. Request additional information or data.

Failure of the DPW to act on an original or revised plan within thirty (30) calendar days of receipt shall authorize the applicant to proceed in accordance with the plan as filed unless such time is extended by agreement between the applicant and the DPW.

(f) *Violations and Penalty* - Any person who violates any provision of this Ordinance may be punished, under MGL C. 40 s 21D as a non-criminal offense, by fines of:

- |                        |        |
|------------------------|--------|
| 1. First offense       | \$ 100 |
| 2. Second offense      | \$ 200 |
| 3. Additional offenses | \$ 300 |

Or under MGL C. 40 s. 21D by criminal complaint at the appropriate venue. Each day or portion thereof during which a violation continues shall constitute a separate offense. For further explanation see Sections 1-109 and 1-110 of these Ordinances.

(g) *Severability* - The provisions of this Ordinance are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this Ordinance or the application thereof to any property owner, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of said Ordinance to the extent permitted by law.

**SECTION 8-702                      *Illicit Connection/Discharge Ordinance***

(a) *Purpose* - The purpose of this Ordinance is to increase surface and groundwater quality by eliminating and prohibiting illicit connections and discharges to the Municipal Storm Drain System.

Section 8-702 is adopted under authority granted by the Home Rule Amendments of the Massachusetts Constitution, the Massachusetts Home Rule statutes, and the regulations of the Federal Clean Water Act found at 40 CFR 122.34. The provisions of Section 8-702 apply to all property owners in the Town.

The Department of Public Works (DPW) shall administer and enforce Section 8-702 and may promulgate rules and regulations to effectuate the purpose of this Ordinance.

(b) *Definitions* - Unless otherwise defined in this section, the terms in this Ordinance correspond to definitions found in the Clean Water Act (33 U.S.C. section 1251 et seq.) and the Massachusetts General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems issued by the U.S. Environmental Protection Agency (EPA). The following definitions apply to this Ordinance:

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*Clean Water Act* - The Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.) as it is amended from time to time.

*Groundwater* - Water beneath the surface of the ground.

*Illicit Connection* - A surface or subsurface drain or conveyance which allows an illicit discharge into a storm drain, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously constructed, permitted, or approved before the effective date of this Ordinance.

*Illicit Discharge* - Direct or indirect discharge to the storm drain that is not composed entirely of stormwater, except as exempted in Section (d).

*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 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 Storm Drain System* - The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town.

*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.

*Stormwater* - Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

*Uncontaminated Water* - Water free of toxic or hazardous waste (as defined in MGL C 21C and C 21E, and 310 CMR 30.000 and 40.000), sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent or other matter whether originating at a point or nonpoint source.

(c) *Prohibited Activities:*

1. *Illicit Discharges* - No person shall dump, discharge, cause or allow to be discharged any contaminated water or non-stormwater discharge into the municipal storm drain system, into a watercourse, or into the waters of the Commonwealth.
2. *Illicit Connections* - No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
3. *Obstruction of Municipal Storm Drain System* - No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Department of Public Works.

(d) *Exemptions* - The following activities and discharges are exempt from this Ordinance:

1. DPW ice and snow control operations;
2. Flow resulting from municipal emergency response activities;
3. Natural flow from riparian habitats and wetlands;

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4. Dye testing, provided verbal notification is given to the DPW prior to the time of the test;
5. Non-stormwater discharges permitted under an NPDES permit administered under the authority of the United States Environmental Protection Agency;
6. Projects that commenced prior to the effective date of this Ordinance provided they have all necessary approvals and permits and are completed within one (1) year from such effective date.
7. Waterline flushing;
8. Flow from potable water sources;
9. Uncontaminated groundwater or uncontaminated pumped groundwater;
10. Water from exterior foundation drains, footing drains, crawl space pumps, or air conditioning condensation;
11. Water from sump pumps and other pumps that remove floodwaters from basements;
12. Water discharge from irrigation or watering of lawns, trees, landscaping, and gardens;
13. Water from property management activities including washing walkways, patios, house siding, windows, or similar property management activities;
14. Individual resident car washing;
15. Discharge from de-chlorinated swimming pool water (less than one (1) part per million (ppm) chlorine) provided the water is allowed to stand for one (1) week prior to draining and the pool is drained in such a way as not to cause a nuisance.

(e) *Violations and Penalty* - Any person that violates any provision of this Ordinance may be punished, under MGL C. 40 s 21D as a noncriminal offense, by fines of:

- |                       |        |
|-----------------------|--------|
| 1. First offense      | \$ 100 |
| 2. Second offense     | \$ 200 |
| 3. Additional offense | \$ 300 |

Or under MGL C. 40 s. 21D by criminal complaint at the appropriate venue. Each day or portion thereof during which a violation continues shall constitute a separate offense. For further explanation see Sections 1-109 and 1-110 of these Ordinances.

(f) *Severability* - The provisions of this Ordinance are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this Ordinance or the application thereof to any property owner, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of said Ordinance to the extent permitted by law.

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**CHAPTER 9**

**LICENSES AND PERMITS**

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***LICENSING RESPONSIBILITIES***

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***FOOD VENDORS***

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***SECTION 9-300***

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***HAWKERS AND PADDLERS***

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***CANVASSERS, SOLICITORS, OUTDOOR BUSINESSES***

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SECTION 9-500

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SECTION 9-501

Regulations Applicable to Class II Licenses

SECTION 9-502

Regulations Applicable to Class III Licenses

***SECTION 9-600***

SECTION 9-601

***JUNK AND PRECIOUS METALS DEALERS***

Regulations Applicable to Licensing of Junk Dealers and Dealers in Precious Metals

***SECTION 9-100***

***LICENSING RESPONSIBILITIES***

***SECTION 9-101***

***Assignment of Responsibilities to Certain Town Agencies to Grant Licenses and Permits Regulated Under the General Laws***

The following licenses or permits under the following provisions of the Massachusetts General Laws shall be within the jurisdiction of the Department of Public Health:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Animal Rendering	111	154
Animal Stables	111	155
Baths, Public	140	51
Bathing Suit Rentals	140	194ff
Burial	114	45, 47
Dairy Products	94	40
Funeral Directors	114	49
Garbage Removal	111	31A
Ice Cream Manufacture	94	65I
Livery Stable	111	155
Methyl Alcohol	94	303A
Milk	94	40
Mobile Homes Park	140	32B
Motels	140	32B

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The following licenses or permits under the following provisions of the Massachusetts General Laws shall be within the jurisdiction of the Inspector of Buildings:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Buildings	143	3, 3A
Elevators	143	62

The following licenses or permits under the following provisions of the Massachusetts General Laws shall be within the jurisdiction of the Chief of Police:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Bicycles	85	11A
Certain Work	136	7, 15
Coasting *	85	10A
Excavation in Public Way *	83	8
Firearms	140	121
Gunsmith	140	122
Moving Buildings in Public Ways *	85	18
Shellfish	130	52
Taxicabs	40	22

\* In coordination with Director of Public Works and Inspector of Buildings.

The following licenses or permits under the following provisions of the Massachusetts General Laws shall be within the jurisdiction of the Fire Chief:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Automatic Sprinkler Systems	148	27A
Blasting Operations	148	19
Explosives, Storage, Manufacture, or Sale	148	13
Fires, Open	48	13
Fireworks	148	39A
Gasoline Service Stations	148	13
Storage and Sale of Gasoline and Other Explosives	148	13

The following licenses or permits under the following provisions of the Massachusetts General Laws shall be within the jurisdiction of the Gas Inspector:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Gas Appliances	143	3N, 30

The following licenses or permits under the following provisions of the Massachusetts General Laws shall be within the jurisdiction of the Board of Licensing Commissioners:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Alcoholic Beverage, Sale/Manufacture	138	2
Auctioneers	100	2
Automatic Amusement Devices	140	177A
Automobile "Graveyards"	140	54A
Automobiles: Class I, New Car Dealer	140	58, 59
Automobiles: Class II, Used Car Dealer	140	58, 59
Automobiles: Class III, Junk Yard	140	58, 59
Billiards, Pool, Sippio Table, Bowling alleys	140	177
Board and Lodging Houses	140	23



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Boats (rental)	140	194
Boats: Conveyance of Passengers	140	191ff
Body Art	111	31
Clubs, Associations, Dispensing food or Beverage to Members	140	21E
Coffee and Tea Houses	140	47
Common Victuallers, Restaurants	140	2
Dancing Schools	140	185H
Entertainment on Common Day of Rest, Holidays	136	4
Entertainment Provided by Innholder or Common Victualler	140	183A
Ferris Wheels	140	186
Food Vehicles, Lunch Carts	140	49
Fortune Tellers	140	185I
Furnaces and Steam Engines	140	115
Hawkers, Transient Vendors	101	5, 17
Junk Collector or Dealer	140	54
Lodging Houses	140	23, 30
Pawnbrokers	140	70
Picnic Groves *	140	188
Pinball Machines	140	177A
Sales of Articles for Charitable Purpose	101	33
Second Hand Dealers	140	54
Skating Rinks	140	186
Soft Drinks	140	21 A&B
Theatrical Events, Public Exhibition	140	181

\* License approval subject to recommendation of the Recreation Department

The following licenses or permits under the following provisions of the Massachusetts General Laws shall be within the jurisdiction of the Mayor:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Cable Television	166A	3

The following licenses or permits under the following provisions of the Massachusetts General Laws shall be within the jurisdiction of the Town Council:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Parking Lots	148	56
Pole Location Permits for Utility Wires	166	22
Signs Projected Over Public Ways	85	8

The following licenses or permits under the following provisions of the Massachusetts General Laws shall be within the jurisdiction of the Plumbing Inspector:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Plumbing	142	13

The following licenses or permits under the following provisions of the Massachusetts General Laws shall be within the jurisdiction of the School Superintendent:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Children, Work Permits	149	69

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The following licenses or permits under the following provisions of the Massachusetts General Laws shall be within the jurisdiction of the Town Clerk:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Dog Kennels	140	137A
Dogs, Collar Licenses	140	137
Fishing, Hunting, Trapping	131	12
Marriage	207	28

The following licenses or permits under the following provisions of the Massachusetts General Laws shall be within the jurisdiction of the Wiring Inspector:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Wiring	143	32

**SECTION 9-201 Regulation of Food Vendors**

(a) *License required; violations and penalties* - No person shall offer food for sale to the public in a food service establishment, as hereinafter defined, unless licensed as a Common Victualler or an Innholder under the provisions of MGL C. 140, without first obtaining a Food Vendor's License under the provisions of this Ordinance. Any person who violates this section shall be liable for a fine of one hundred dollars (\$100) per violation. Each day of operation without a Food Vendor's License shall constitute a separate violation.

(b) *Food service establishments* - Food service establishments shall include any fixed or mobile place, structure or vehicle, whether permanent, transient or temporary, private, public or nonprofit, that routinely serves the public or any other eating and drinking establishment or place in which food or drink is prepared for sale or for service to the public on the premises or elsewhere.

(c) *Application* - Each applicant for such license shall submit, on forms to be provided by the Board of Licensing Commissioners, the following information: name and address of applicant; name and address of place of business; evidence, in form satisfactory to the Board of Licensing Commissioners, that the applicant has upon the premises the necessary implements and facilities for cooking, preparing and furnishing food to the public; a parking plan and such other information pertinent to the license as the Board of Licensing Commissioners shall require. The Board of Licensing Commissioners may require applicants to submit a plan showing, if any, the location of fixtures and other facilities and the general arrangement of the premises, including, in the case of applications for premises not yet completed, estimates of the cost of the proposed arrangement and of the facilities indicated on the plan.

(d) *Trash removal* - No license shall be issued under this Ordinance until the applicant submits a plan acceptable to the Board of Licensing Commissioners that establishes procedures and requirements for the control and elimination of litter. The plan must set forth procedures to be followed for the pickup and disposal of litter resulting from or generated by the sale of food under the license.

(e) *Approval* - Such license shall not be issued or be valid until it has been signed by a majority of the Board of Licensing Commissioners. The Board of Licensing Commissioners may refuse to grant such a license if, in their opinion, the public good does not require it.

(f) *Term; fee* - A Food Vendor's License shall be valid for a term of one (1) year from the first (1<sup>st</sup>) day of January until the thirty-first (31<sup>st</sup>) day of December. A nonrefundable fee established by the Board of Licensing Commissioners in accordance with Section 5-305 of these Ordinances shall be submitted with the application for such license.

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(g) *Suspension and Revocation* - If the Board of Licensing Commissioners finds that a licensee ceases to be engaged in the activity licensed hereunder or fails to maintain upon the premises on which such activity is licensed the implements and facilities required by this Ordinance, the Board of Licensing Commissioners shall, after a due notice and a hearing, revoke his license. If the licensee at any time conducts his licensed business in an improper manner, the Board of Licensing Commissioners, after notice to the licensee and public hearing, may, upon satisfactory proof thereof, suspend or revoke his license.

**SECTION 9-301      *Regulation of Hawkers and Peddlers***

(a) *Licensed Activity* - No person shall conduct the activity of a hawker or peddler unless licensed in compliance with M.G.L. C. 101 and the provisions of this Ordinance.

(b) *License required for certain food peddling* - No person shall go from place to place in this Town selling or bartering or carrying or exposing for sale or barter any fruits, vegetables or fish in or from any cart, wagon or other vehicle, or in any other manner, without a license therefore from the Board of Licensing Commissioners; provided, however, that this section shall not apply to any person who sells only fruits or vegetables raised or produced by himself or his family or fish which is obtained by his own labor or the labor of his family.

(c) *Sale of articles enumerated by General Laws* - No hawker or peddler shall offer for sale any of the articles enumerated in M.G.L. C. 101, s. 17, until the name and residence of the hawker or peddler has been recorded in writing with the Weymouth Police Department.

(d) *Identification on Vehicle* - Every vehicle or receptacle used by a licensee as a conveyance for articles offered or exposed for sale shall have attached thereto, on each side, an identification plate or placard bearing his license and the number and date of expiration of the license.

(e) *Interference with Traffic* - A hawker or peddler shall not engage in conduct of its business in such a manner as to obstruct or interfere with the flow of traffic, the maintenance of public ways, or the removal of snow.

(f) *Signs* - A hawker or peddler may not display signs without first obtaining a permit for such signs from the Building Inspector.

(g) *Nonapplicability* - The provisions of this Ordinance regulating hawkers and peddlers shall not apply to the sale or barter or offering for sale or barter or exposing thereof of goods or wares at parades, celebrations or their special events conducted on public property or within a public way when the sponsor of the parade, celebration or event has secured the written consent of the appropriate municipality and when such hawker or peddler participates with the express written consent of the sponsor. While engaged in the conduct of the business under the provisions of this section, the hawker or peddler should at all times submit, as part of any permit application or request for permission, a list of all hawkers and peddlers which the sponsor has sanctioned to participate in said event. The appropriate municipal authority, upon granting such permit or permission, shall forward a copy of the list to the Town Clerk and Chief of Police.

(h) *Term of license; fees* - Said licenses, unless sooner revoked by the Board of Licensing Commissioners, shall expire one (1) year after grant thereof, and each resident so licensed shall pay therefore a fee as set by the Board of License Commissioners in accordance with Section 5-305 of these Ordinances.

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- (i) *Crying of wares; condition of vehicles* - No person hawking, peddling or carrying or exposing any article for sale shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the Town, nor otherwise than in vehicles and receptacles which are neat and clean and do not leak..
- (j) *Badges* - Every hawker and peddler licensed by the Board of Licensing Commissioners shall be assigned a number and shall be provided by said Board of Licensing Commissioners with a badge, which shall be conspicuously worn. Whoever neglects to wear, or wears such badge without authority, shall be punished by a fine of three hundred dollars (\$300) in the manner provided in Section 1-109 of these Ordinances.
- (k) *Certification of weighing and measuring devices* - No person shall be registered or assigned a badge or number plate under the provisions of these Ordinances relating to hawkers and peddlers until a certificate from the Sealer of Weights and Measures is filed with the Board of Licensing Commissioners stating that all weighing and measuring devices intended to be used by such person have been duly inspected and sealed as required by law. The use of, or possession by such person with intent to use any false or unsealed weighing or measuring devices shall be sufficient cause for the revocation of his license or the cancellation of his registration.
- (l) *Conflicting with other laws* - Nothing in these Ordinances shall be construed as conflicting with any license issued under the authority of the Commonwealth.
- (m) *Revocation of License* - Any license granted under these Ordinances or any Ordinance amendatory or additional thereto may be revoked by the officer or agency granting the same.

**SECTION 9-401      *Regulation of Canvassers and Solicitors***

- (a) *Consent of owner and registration required; registration information:*
1. It shall be unlawful for any person to engage in business as a canvasser or solicitor calling at residences without the previous consent of the occupant, for the purpose of soliciting orders, sales, subscriptions or business of any kind or seeking information or donations, without first having registered with the Mayor or with such board or officer designated by the Mayor.
  2. The registrant shall give:
    - a. Their complete identification;
    - b. Their signature ;
    - c. The name of their employer;
    - d. The nature of the products or services in which they are interested;
    - e. The names of the manufacturers of such products or the organization which they are representing;
    - f. The proposed method of operation in the Town.
- (b) *Definitions* - As used in this Ordinance, the following terms shall have the meanings indicated:

*Solicitor or Canvasser* - Any person who, for himself or another person, firm or corporation, travels by foot, automobile or any other type of conveyance from place to place, from house to house or from street to street taking or attempting to lease or to take orders for retail sale of goods, wares, merchandise, services or donations, including without limitation selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all home improvements or for services to be performed in the future, whether or not such individual has, carries or exposes for retail sale a sample of the subject of such sale or whether he is collecting advance payment on such retail sales.

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(c) *Exceptions* - This Ordinance should not be construed to prevent route salesmen or other persons having established customers to whom they make periodic deliveries from calling upon such customers.

(d) *Registration fee* - Each registrant shall pay to the Board or Officer as designated by the Mayor a registration fee as established by said Board or Officer in accordance with Section 5-305 of these Ordinances for a period expiring one (1) year from the date of said registration.

(e) *Issuance of certificate; nighttime solicitation; carrying and display of certificate*

1. Each applicant who shows evidence of good character and pays the fee provided for herein shall be furnished a certificate indicating that he or she has registered and showing the dates covered by such registration, said certificate also bearing the registrant's signature.
2. Such registration certificate shall expressly require and be issued only upon the condition that each person who intends to solicit or canvass in the Town after the hour of 6:00 PM shall, on every such day, inform the Weymouth Police Department of the streets or neighborhood in which the intended solicitation or canvassing is to occur.
3. Each person shall, at all times while soliciting or canvassing in the Town, carry upon his person the registration certificate, and the same shall be exhibited by such registrant whenever he is required to do so by any police officer or by any person solicited.

(f) *Nonapplicability* - The provisions of this Ordinance shall not apply to officers or employees of the Town, County, State or Federal government, or any subdivision thereof, when on official business or to a person soliciting solely for religious, charitable or political purposes; nor shall this Ordinance apply to neighborhood youth and students who solicit for the shoveling of snow or cutting of lawns.

(g) *Revocation of registration* - Any such registration may be revoked by the Mayor or the Chief of Police because of any violation by the registrant of this Ordinance or of any other Ordinance of the Town or any State or Federal law or whenever the registrant shall cease to possess the qualifications and character required in this Ordinance for the original registration.

(h) *Misrepresentation prohibited* - No solicitor or canvasser licensed or exempted from license may use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office or other establishment with the purpose of making a sale of consumer goods or services.

(i) *Penalties* - Any person who commits an unlawful act, described in this Ordinance or violates any of the provisions of this Ordinance or carries on the business after such person's registration is revoked shall be punished for each offense by a fine of not more than three hundred dollars (\$300) per offense.

**SECTION 9-402      *Outdoor Business License***

(a) Unless in a building, no business, professional or artistic enterprise, shall be conducted without first having obtained an Outdoor Business License from the Board of Licensing Commissioners.

(b) The provisions of this Article shall not apply to: amusements licensed under MGL C. 140 ; agricultural enterprises; sale of fruits and vegetables; flower and garden products and supplies when displayed out of doors but sold from a building on the property maintained primarily for that purpose; display of vehicles including rented or leased from a building on the property maintained

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primarily for that purpose; recreational activities; sporting events; building supplies where displayed out of doors but sold from a building on the property maintained primarily for that purpose; sale of newspapers and religious publications; licensed hunting and fishing activities; appropriately authorized activities on Town-owned property; construction and maintenance of buildings, property, roads, sidewalks, etc.; activities of a restaurant when properly licensed; transportation activities; fueling and refueling activities; licensed kennels and stables; communications activities; unauthorized activities of a properly licensed hawker or peddler; activities of public utilities; collection and disposal of waste; or the display of merchandise when displayed out of doors but sold from a building maintained primarily for this purpose.

(c) No person shall be relieved or exempted from the provisions of this Ordinance by reason of temporary association with any local dealer, trader or merchant, or by lease of all or part of a parcel of land, or by conducting his business in connection with, or as part of, the business of, or in the name of, any local dealer, trader or merchant.

(d) The fee for an Outdoor Business License shall be four hundred dollars (\$400) annually. The fee for an Outdoor Business License shall be two hundred dollars (\$200) when issued after October 15<sup>th</sup>. Licenses issued under this Article shall expire on December 31<sup>st</sup> annually. The Board of Licensing Commissioners may, under such conditions as it may deem proper, grant to any organization engaged in charitable work, a special license authorizing it, for a particular time period not to exceed a total of four (4) days, to be stated in the license, and for a charitable purpose stated in such license, to conduct under their control an outdoor business, professional, or artistic enterprise for a fee of twenty five dollars (\$25), provided that the applicant demonstrates a substantial benefit to the charity and to the Town. The Board of Licensing Commissioners may issue a special license for charitable purposes authorizing the sale of Christmas trees for a period not to exceed forty five (45) days.

(e) The Board of Licensing Commissioners may make regulations not inconsistent with the provisions of this Ordinance for clarifying the provisions of this Ordinance and to describe the methods, conditions, and form of application, and may place reasonable restrictions on any license granted under this Article when, in its opinion, it is in the best interest of the Town of Weymouth to do so.

(f) Copies of all permits issued hereunder shall be forwarded to the Chief of the Weymouth Police Department where they shall be kept on file for enforcement purposes.

(g) *Penalties:* Whoever violates the provisions of this Ordinance shall be punished by a fine not to exceed three hundred dollars (\$300). Any violation of this Ordinance may be enforced by the methods provided in MGL C. 40, s. 21D.

**SECTION 9-500**

**REGULATION OF USED CAR DEALERS**

**SECTION 9-501      Regulations Applicable to Class II Licenses**

(a) *Submission of plot plan required* - All applicants for a Class II Used Car Dealer's License under MGL C. 140, S. 59 shall submit to the Board of License Commissioners a plot plan of the premises to be licensed, in triplicate, said plan to show dimensions of the premises to be licensed, location of existing structure or structures, names of abutting owners of land according to latest records of the Assessor's Office of the Town of Weymouth and location of the area where motor vehicles are to be displayed, kept or stored.

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- (b) *Adequate repair facilities required* - All applicants for licenses must have adequate facilities to repair, maintain and service motor vehicles.
- (c) *Paving of display areas* - All areas on the licensed premises that are to be used for display of motor vehicles offered for sale shall be paved or have a macadam surface.
- (d) *Regulation of number of motor vehicles* - The Board of Licensing Commissioners shall regulate the maximum number of motor vehicles that may be kept, stored, placed or maintained on the licensed premises.
- (e) *Suspension or revocation of license* - Violation of any of the foregoing provisions shall be cause for suspension or revocation of the license granted by the Board of Licensing Commissioners.

**SECTION 9-502                      Regulations Applicable to Class III Licenses**

- (a) *Submission of plot plan required* - All applicants for a Class III License, under MGL C. 140, s. 59, shall submit to the Board of Licensing Commissioners a plot plan of the premises to be licensed, in triplicate, said plan to show dimensions of the premises, location of existing structure or structures and names of all abutting owners of land according to latest records of the Assessors' Office.
- (b) *Adequate repair facilities required* - No motor vehicle shall be kept, stored, placed or maintained on the licensed premises within one hundred fifty (150) feet from the street or property line.
- (c) *Fencing* - The Board of Licensing Commissioners may require the holder of a Class III License to erect a fence, not less than four (4) feet high, around the whole or any portion of the licensed premises if such is deemed necessary and in the best interests of the public good.
- (d) *Regulation of number of motor vehicles* - The Board of Licensing Commissioners shall regulate the maximum number of motor vehicles that may be kept, stored, placed or maintained on the licensed premises.
- (e) *Suspension or revocation of license* - Violation of any of the foregoing Ordinances shall be cause for suspension or revocation by the Board of Licensing Commissioners of the license granted.

**SECTION 9-600**

**JUNK AND PRECIOUS METALS DEALERS**

**SECTION 9-601 Regulations Applicable to Licensing of Junk Dealers and Dealers in Precious Metals**

- (a) Powers of Board of Licensing Commissioners regarding licensing and control of junk dealers:
1. The Board of Licensing Commissioners may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or secondhand articles in the Town.
  2. They may also license suitable persons as junk collectors to collect, by purchase or otherwise, junk, old metals and secondhand articles from place to place in the Town .
  3. They may provide that such collectors shall display badges upon their persons or upon their vehicle, or upon both, when engaged in collecting

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junk, old metals or secondhand articles, and may prescribe the design thereof.

4. They may also provide that such shops and all articles of merchandise therein, and any place, vehicle or receptacle used for the collecting or keeping of the articles aforesaid, may be examined at all times by the Board of Licensing Commissioners or by any person by them authorized thereto.

(b) Licensing and regulation of dealers in precious metals:

1. No person shall collect, deal in or keep a shop for the purchase, sale or barter of precious metals in any building or place within the limits of the Town without a license from the Board of Licensing Commissioners.
2. For the purpose of this Ordinance, the term "precious metals" shall include any precious metal, such as gold, silver or platinum, without regard to the form or amount of such precious metal or whether or not such precious metal is an incidental or minor component of some other article such as jewelry, bric-a-brac, statuary or the like.
3. The Board of Licensing Commissioners may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of precious metals at such places within the Town as may be designated in such licenses under such conditions and restrictions as are prescribed in this Ordinance, which shall be incorporated in every such license. The fee for granting such license shall be established by the Board of License Commissioners in accordance with Section 5-305.
4. No dealer or keeper of a shop, as described in this section, shall directly or indirectly make any purchase or receive by way of barter or exchange from a minor knowing or having reason to believe him to be such.
5. No item described in this Section, purchased or received, shall be sold or altered in appearance, form or substance, or any other means of disposing until a period of at least thirty (30) days from the date of its purchase, except when such period is waived by the Chief of Police or his designee. For numismatic metals there will be a seven (7) day hold period before they can be sold or altered in appearance.
6. Every such licensee shall complete and electronically submit the required Audit Sheet to the Chief of Police, or his designee, on a daily basis, and on an approved form provided by the Police Department, the following information. A legible and correct list containing an accurate and complete description of all precious metals purchased and the prices paid for said items during the preceding day.

Included with this information will be the following: name, address, date of birth, license number and phone number from whom purchased, along with what identification was presented. A Massachusetts Driver's License, Massachusetts Identification Card or a valid ID from any other state is acceptable. A photocopy of said identification shall be copied on the



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provided form. Additional information shall be the time of day when purchased and the number of items purchased. The licensee shall also supply a colored photograph of each purchased items that are identifiable, unique or unusual. Also, any engraved writing or printing on said goods shall be noted on the reporting form. The licensee shall also supply a colored copy of said Massachusetts Driver's License, Massachusetts Identification Card or valid ID of the seller. The required Audit Sheet shall be transmitted electronically to the Chief of Police, or his designee, including all information, forms and colored copies of said identification using the format that is approved by the Chief of Police.

7. Every keeper of a shop licensed as provided in this Ordinance shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly described thereon and shall keep a book in which shall be written in English, at the time of every purchase, a description of the precious metal so purchased, the name, age and residence of the person from whom purchased and the day and hour when such purchase was made. Such book and all articles purchased shall at all times be available for the inspection of the Chief of Police or his designee.
8. Every dealer in precious metals shall have suitable scales approved by the Town's Sealer of Weights and Measures. Said scales shall be annually tested and sealed.
9. No dealer or keeper of a shop, as described in this section, shall directly or indirectly, either purchase or receive by way of barter or exchanging any of the articles of a minor, knowingly or having reason to believe him/her to be such.
10. Whoever, not being licensed as required by this Ordinance, deals in, keeps a shop for the purchase, sale or barter of precious metals or whoever, being licensed, is a dealer in any place or manner other than that designated in his license or whoever, after notice to him that his license has been revoked or whoever violates any rule, regulation or restriction contained in his license shall be subject to a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), and each day of such violation shall constitute a separate offense.

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**SECTION 9-700**

**MEDICAL MARIJUANA**

**SECTION 9-701      *Regulation of Medical Marijuana***

*a) Statement of Purpose:*

Whereas the citizens of Massachusetts voted in November of 2012 to declare there should be no punishment under state law for Qualifying Patients and Health Care Professionals, Personal Caregivers for Patients or Registered Marijuana Dispensary Agents for the medical use of marijuana.

Whereas the Town of Weymouth aims to abide by the aim of this State Law (105 CMR 725.000) and ensure that Registered Marijuana Dispensaries abide by further regulations to ensure the public health and public safety of our residents.

Now, therefore it is the intention of the Town of Weymouth to regulate the sale of medical marijuana.

*b) Authority:*

This Ordinance is promulgated pursuant to the authority granted to the Weymouth Board of Licensing Commissioners in Chapter 9 of the Town Ordinances.

*c) Definitions:*

For the purpose of this Ordinance, the following words shall have the following meanings. Terms not herein defined shall be used as defined in 105 CMR 725.000.

*Board of Licensing Commissioners:* The Five (5) member board established pursuant to Section 3-215 of the Weymouth Code of Ordinances.

*Business Agent:* An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

*Card Holder:* A registered Qualifying Patient, a Personal Caregiver, or a Dispensary Agent of a Registered Marijuana Dispensary who has been issued and possesses a valid Registration Card by the Massachusetts Department of Public Health.

*Dispensary Agent:* A board member, director, employee, executive, manager, or volunteer of a Registered Marijuana Dispensary, who is at least 21 years of age and who has received approval from the state under 105 CMR 725.030. Employee includes a consultant or contractor who provides on-site services to a Registered Marijuana Dispensary related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

*Employee:* Any individual who performs services for an employer.

*Employer:* Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

*Hardship Cultivation Registration:* A registration issued to a registered Qualifying Patient under the requirements of 105 CMR 725.035.

*License to Operate a Registered Marijuana Dispensary (hereafter referred to as "License"):* A license issued by the Board of Licensing Commissioners to be renewed annually, that permits a Registered Marijuana Dispensary to operate in the Town of Weymouth.

*License Holder:* Any person engaged in the sale marijuana who applies for and receives a License or any person who is required to apply for a License pursuant to this Ordinance, or his or her business agent.

*Marijuana:* All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other

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compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes Marijuana-Infused Products (MIPs) except where the context clearly indicates otherwise.

*Marijuana-Infused Product (MIP):* A product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a Registered Marijuana Dispensary, shall not be considered a food or a drug as defined in M.G.L. c. 94, s. 1.

*Paraphernalia:* “Drug paraphernalia” as defined in M.G.L. Ch. 94C, §1.

*Personal Caregiver:* A person, registered by the Massachusetts Department of Public Health, who is at least 21 years old, who has agreed to assist with a registered’s medical use of marijuana, and is not the registered Qualifying Patient’s certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a Qualifying Patient may serve as a Personal Caregiver, including to patients under 18 years of age as a second caregiver.

*Qualifying Patient:* A Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).

*Registered Marijuana Dispensary (RMD):* A not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered Qualifying Patients or their Ns. Unless otherwise specified, Registered Marijuana Dispensaries refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

*Registration Card:* An identification card issued by the Department, valid for one year from the date of issue, to a registered Qualifying Patient, Personal Caregiver, or Dispensary Agent. The Registration Card verifies either that a certifying physician has provided a written certification to the Qualifying Patient and the patient has been registered with the Department: that a patient has designated the individual as a Personal Caregiver; that a patient has been granted a hardship cultivation registration; or that a Dispensary Agent has been registered with the Department and is authorized to work at a Registered Marijuana Dispensary. The Registration Card allows access into appropriate elements of a Department-supported, interoperable database in which detailed information regarding certifications and possession criteria are stored. The Registration Card identifies for the Department and law enforcement authorities, those individuals who are exempt from Massachusetts criminal and civil penalties for the medical use of marijuana in compliance with 105 CMR 725.000 and MGL Ch. 369.

*Self-Service Display:* Any display from which customers may select a marijuana product without assistance from a Dispensary Agent or store personnel.

*Sixty-Day Supply:* That amount of marijuana, or equivalent amount of marijuana in MIPs, that a registered Qualifying Patient would reasonably be expected to need over a period of 60 calendar days for his or her personal medical use, which is ten ounces, subject to 105 CMR 725.010(I).

*Smoking:* The lighting of a cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled.

*Written Certification:* A form submitted to the Department by a Massachusetts licensed certifying physician, describing the Qualifying Patient’s pertinent symptoms, specifying the patient’s debilitating medical condition, and stating that in the physician’s professional opinion the potential benefits of the medical use of marijuana would likely outweigh the health risks for the patient.

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d) *License to Operate a Registered Marijuana Dispensary (RMD):*

1. No person shall sell or otherwise distribute marijuana or marijuana products within the Town of Weymouth without first obtaining a License to Operate a Registered Marijuana Dispensary issued annually by the Board of Licensing Commissioners. Only RMDs with a permanent, non-mobile location in Weymouth, meeting zoning restrictions, are eligible to apply for a License to maintain a supply of marijuana or marijuana products at the specified location in Weymouth.
2. As part of the License application process, the applicant will submit the detailed summary of operating policies and procedures for the RMD as submitted with their Phase II application per 105 CMR 725.100, including, but not limited to, provisions for security, prevention of diversion, storage of marijuana, transportation of marijuana, inventory procedures, procedures for quality control and testing of product for potential contaminants, procedures for maintaining confidentiality as required by law, personnel policies, dispensing procedures, record-keeping procedures, plans for patient education, and any plans for patient or Personal Caregiver home-delivery.
3. As part of the License application process, the applicant will be provided with this Ordinance. Each applicant is required to sign a statement declaring that the applicant has read said the Ordinance and that the applicant is responsible for instructing any and all Dispensary Agents who will be responsible for sales.
4. Each applicant is required to provide proof of a current RMD registration, issued by the Commonwealth of Massachusetts, before a License can be issued.
5. As a condition of License issuance, the RMD agrees to provide to the Town of Weymouth a copy of their Certificate of Registration issued by the Massachusetts Department of Public Health (DPH), annual renewals thereafter, any changes to the business as described in 105 CMR 725.100(F) and current written operating procedures required in 105 CMR 725.105.
6. The term of the License shall be annual and regardless of when applied for, will expire on December 31<sup>st</sup> of each year.
7. There will be an initial application fee and an annual RMD license fee. The fees shall be set in accordance with Weymouth Code of Ordinances Section 5-305 after review and consent of the Mayor.
8. At any given time, there shall be no more than one (1) RMD Licenses issued in Weymouth.
9. License holders agree that the RMD will comply with the standard operating hours of 7:00AM to 7:00PM and is subject to review by the Board of Licensing Commissioners.
10. A separate License is required for each retail establishment selling marijuana and/or marijuana products and for each location, not being the same address as the retail establishment, where the RMD is approved by the state to cultivate marijuana or prepare MIPs.
11. The RMD License shall be displayed in a conspicuous place.
12. A License is non-transferable. A new owner of a Registered Marijuana Dispensary must apply for a new License. No new License will be issued unless and until all outstanding penalties incurred by the previous License Holder are satisfied in full.

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13. RMDs are prohibited from selling alcohol, tobacco products and/or Nicotine Delivery Products and alcohol.
  14. No applicant is permitted to be a Massachusetts lottery dealer.
  15. Issuance and maintaining a License shall be conditioned on an applicant's consent to unannounced, periodic inspections of the Licensed Establishment to ensure compliance with this Ordinance and 105 CMR 725.000. Inspections may be performed by the: Weymouth Police Department, Weymouth Health Department or other Weymouth Departments deemed necessary.
  16. Issuance and maintaining a License shall be conditioned on an applicant's ongoing compliance with current Commonwealth of Massachusetts requirements and policies regarding marijuana sales.
  17. RMDs must fully comply with ALL security requirements under 725.110, including but not limited to:
    - a. Allow only registered qualifying patients, personal caregivers, dispensary agents or approved vendors to enter the premises
    - b. Keep all locks and security equipment in good working order
    - c. Ensure the outside perimeter of the RMD is sufficiently lit to facilitative surveillance
    - d. DO NOT ENTER signage at all limited access areas
    - e. Duress alarm, panic alarm or holdup alarm connected to local public safety authorities
    - f. 24 hour video surveillance with recording inside the RMD, at all points of entry and in the parking lot. All surveillance equipment must be commercial grade and able to operate during power outages.
  18. No License Holder shall allow any Dispensary Agent to sell marijuana or marijuana products until such Dispensary Agent reads this Ordinance regarding the sale of marijuana and signs a statement, a copy of which will be placed on file in the office of the License Holder and on file at the Weymouth Office of Licensing and Inspections.
  19. Dispensary Agents must present their Registration Card to any law enforcement official or municipal agent who questions the agent concerning their marijuana-related activities.
  20. A License will not be renewed if the License Holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or has not satisfied any outstanding License suspensions.
- e) *Marijuana Sales by Registered Marijuana Dispensaries:*
1. No person shall sell marijuana from any location other than a RMD that possesses a valid License.
  2. RMDs shall only permit Dispensary Agents to transport marijuana or MIPs on their behalf, whether between dispensaries, dispensary sites, or to registered Qualifying Patients or Personal Caregivers and follow Massachusetts Department of Public Health guidelines found in 725.110(E).
  3. Licensed RMDs must deliver Medical Marijuana and Medial Marijuana Infused Products to any and all cardholders within the borders of the Town of Weymouth.

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4. Registered Marijuana Dispensaries shall permit entry to the Registered Marijuana Dispensary, to specifically engage in activity expressly or by necessary implication permitted by the MGL Ch. 369 and 105 CMR 725.000, to only registered Qualifying Patients, Personal Caregivers, Dispensary Agents, persons authorized by 105 CMR 725.105(P) and, subject to the requirements of 105 CMR 725.110(C)(4), outside vendors, contractors and visitors.
5. Registered Marijuana Dispensaries shall limit entry to their "Limited Access Areas" to Dispensary Agents and outside vendors, contractors and visitors meeting the requirements found at 105 CMR 725.110(C).
6. Dispensary Agents shall verify the Registration Card of the Card Holder by means of a valid government-issued photographic identification. No separate identification is required for valid Registration Cards bearing a photograph of the Holder.
7. All retail sales of marijuana must be face-to-face between the Dispensary Agent and the Card Holder and occur at the licensed location.
8. No person shall distribute, or cause to be distributed, any free samples marijuana or marijuana products.
9. Registered Marijuana Dispensaries are prohibited from using self-service displays, vending machines or Non-Residential Roll-Your-Own machines.
10. The owner or other person in charge of a Registered Marijuana Dispensary shall conspicuously post signage at all entrances indicating that the entry to persons not possessing a valid Registration Card is prohibited. The notice shall be no smaller than 8.5" by 11" and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person approaching the Registered Marijuana Dispensary.

*f) Dispensary Agents:*

1. Prior to any dispensary agent being allowed to work at a licensed RMD in Weymouth, the owner or business agent must submit to the Board of Licensing Commissioners a copy of the dispensary agents registration card issued by the Department of Public Health.
2. The RMD must notify the Board of Licensing Commissioners no more than one business day after a dispensary agent ceases to be associated with the RMD.

*g) Registration Card Holders*

1. A Qualifying Patient, Personal Caregiver or a Dispensary Agent must carry his or her Registration Card at all times while in possession of marijuana.
2. A registered Qualifying Patient with a hardship cultivation registration, or his or her Personal Caregiver(s), must abide by the provisions of 105 CMR 725.035.

*h) Marijuana Sales by Individuals Prohibited:*

1. The sale of marijuana by any person outside of a Registered Marijuana Dispensary, including Card Holders and Dispensary Agent Permit holders, is prohibited and shall be punishable in accordance with all applicable state and local laws.
2. The use of marijuana by persons who are not Card Holders, including Personal Caregivers who are Card Holders, shall be punishable in accordance with applicable state and local laws.

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*i) Marijuana Possession:*

1. A Card Holder must present his or her Registration Card to any law enforcement official who questions the patient or caregiver regarding use of marijuana.
2. A Card Holder must not possess an amount of marijuana that exceeds his/her sixty-day supply.
3. Growing marijuana is prohibited except for those possessing a valid Hardship Cultivation Registration issued by the Commonwealth of Massachusetts.

*j) Marijuana Use:*

1. The smoking of any marijuana is prohibited in locations governed by the Massachusetts Smoke-Free Workplace Law (MGL Ch. 270 §22) and by any Weymouth Regulations/Ordinances/Policies that further ban smoking.
2. The use of marijuana by all persons, including Card Holders, is prohibited in public schools, on public school grounds and on public school buses, with the exception of emergency shelter operations in town schools and buildings. During Shelter Events, Marijuana will be treated as any other medicine and be kept in a secure location and made available to the card holder as needed. Marijuana should be used outdoors unless the card holder/occupant of the shelter is not mobile.

*k) Violations:*

License Holder:

1. It shall be the responsibility of the License Holder, his or her business agent to ensure compliance with all sections of this Ordinance pertaining to his or her distribution of marijuana and/or marijuana products. The violator may receive:
  - a In the case of a first violation, a fine of three hundred dollars (\$300.00).
  - b In the case of a second violation within 24 months of the date of the current violation, a fine of three hundred dollars (\$300.00) and the License shall be suspended for seven (7) consecutive business days.
  - c In the case of three or more violations within a 24 month period, a fine of three hundred dollars (\$300.00) and the License or Permit shall be suspended for thirty (30) consecutive business days.
2. Refusal to cooperate with inspections pursuant to this Ordinance shall result in the suspension of the License to operate for thirty (30) consecutive business days.
3. In addition to the monetary fines set above, any License Holder or Permit Holder who engages in the sale or distribution of marijuana or marijuana products while his or her License or Permit is suspended shall be subject to the suspension or revocation of all Weymouth -issued permits and licenses.
4. The Board of Licensing Commissioners shall provide notice of the intent to suspend a License, which notice shall contain the reasons therefore and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The License Holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Town of Weymouth's decision and the reasons therefore in writing. After a hearing, the Board of Licensing Commissioners shall suspend the License if they find that a violation of this Ordinance or 105 CMR 725.000 occurred. For purposes of

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such suspensions, the Board of Licensing Commissioners shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All marijuana and marijuana products shall be removed from the retail establishment upon suspension of the License. Failure to remove all marijuana and marijuana products shall constitute a separate violation of this Ordinance.

*Qualifying Patients or Personal Caregivers:*

1. A qualifying patient or personal caregiver who violates Sections I and J of this Ordinance shall be subject to a penalty of:
  - a. First Offense: One hundred dollars (\$100.00) for each violation.
  - b. Second Offense: Two hundred dollars (\$200.00) for each violation.
  - c. Third Offense: Three hundred dollars (\$300.00) for each violation.

*l) Non-Criminal Disposition:*

Whoever violates any provision of this Ordinance may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

Each day a violation exists shall be deemed to be a separate offense.

*m) Enforcement:*

Enforcement of this Ordinance shall be by the Board of Licensing Commissioners, Weymouth Police Department, Weymouth Health Department or any other Agents of the town of Weymouth. Any resident who desires to register a complaint pursuant to this Ordinance may do so by contacting the Board of Licensing Commissioners or its designated agent(s) and they shall investigate.

*n) Severability:*

If any provision of this Ordinance is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

*o) Effective Date:*

This Ordinance shall take effect August 6, 2014



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**HUMAN RESOURCES**

<b>SECTION 10-100</b>	<b>PERSONNEL POLICIES AND PROCEDURE MANUAL</b>
SECTION 10-101	Authority and Responsibility
SECTION 10-102	Amendments and Revisions
SECTION 10-103	Distribution of Manual and Changes/Revisions
SECTION 10-104	Suspension and Removal of Town Employees
SECTION 10-105	Discharge for Violations of Town Policies and Procedures
SECTION 10-106	Dismissal for Cause
SECTION 10-107	Appeal/Grievance Process

**SECTION 10-100                      PERSONNEL POLICIES AND PROCEDURES MANUAL**

**SECTION 10-101              *Authority and Responsibility***

The Director of Human Resources shall establish, maintain and keep current a Human Resources Policy and Procedures Manual which shall address all aspects of the relationship between the Town as employer and the individuals who are the employees of the Town.

**SECTION 10-102              *Amendments and Revision***

(a)        *Notice* - The Director of Human Resources shall post notice of any proposed change or revision to the Human Resources Policy and Procedures Manual on the Town bulletin boards and in other conspicuous places in the Town where Town employees are likely to see the said notice, and copies of the proposed change or revision, or the places at which copies of the proposed change or revision are available for distribution.

(b)        *Hearing* - Not less than seven (7) nor more than fourteen (14) days following the date the notice has been posted of a proposed change or revision to the Human Resources Policy and Procedures Manual, the Director of Human Resources shall hold a hearing at which employees (and the public) shall have the opportunity to express their views with respect to the proposed change or revision.

(c)        *Review by the Mayor* - The Director of Human Resources shall submit a copy of any change or revision to the Policy and Procedures Manual to the Mayor and a summary of any comments, or testimony received at the hearing held concerning such proposed change or revision. The Mayor shall, forthwith, approve or reject the proposed change or revision.

**SECTION 10-103              *Distribution of Manual and Changes/Revisions***

The Director of Human Resources shall provide one (1) copy of the Human Resources Policy and Procedures Manual to the head of each office, agency, division and department of the Town.

The Director of Human Resources shall provide one (1) copy of each change or revision made in the Human Resources Policy and Procedures Manual to the head of each office, agency, division and department of the Town forthwith following its approval by the Mayor.

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The head of each office, agency, division and department of the Town shall make its copy of the Human Resources Policy and Procedures Manual available to Town employees upon request and shall, upon receipt, post a copy of each change made in a place where it can readily be seen by employees of the office, agency, division or department

**SECTION 10-104      *Suspension and Removal of Town Employees***

Unless some other procedure is made for an employee in the Weymouth Home Rule Charter, or by the provisions of a collective bargaining agreement to which such employee is subject, or by Civil Service Law or other applicable law, the discipline and termination of an employee shall follow the guidelines prescribed in this Ordinance.

**SECTION 10-105      *Discharge for Violations of Town Policies and Procedures***

(a) Violations of Town policies and procedures may subject the employee to disciplinary action up to and including termination.

(b) In the event that such a violation would subject an employee to termination, the employee will be suspended with pay pending an investigation of the incident.

(c) An investigation of the incident will be jointly conducted by the Department Head and the Director of Human Resources.

(d) The employee may appeal the findings of the investigation by filing a written grievance with the Mayor.

**SECTION 10-106      *Dismissal for Cause***

(a) An employee may be dismissed for their inability to adequately perform their job.

(b) The employee will be given the opportunity to address performance deficiency, through a remedial action process.

(c) At a minimum, the employee will be given a verbal warning, a formal written warning and a one (1) day suspension with pay, before any termination action is taken.

(d) The employee may appeal the outcome of this process by filing a written grievance with the Mayor.

**SECTION 10-107      *Appeal/Grievance Process***

In the event that an employee becomes subject to an unfavorable employment action, the employee may file a written grievance with the Mayor. The Mayor will review the employee's grievance and issue a written response within a period not to exceed ten (10) days from receipt of the grievance. The decision of the Mayor is final.

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**CHAPTER 11**

**PUBLIC HEALTH**

**SECTION 11-100**

**PUBLIC HEALTH LAWS, ORDINANCES,  
REGULATION**

SECTION 11-101

Violation of Health Department Laws, Ordinances, Regulations,  
etc.

SECTION 11-102

Fats, Oils and Grease (FOG) Ordinance

**SECTION 11-100**

**PUBLIC HEALTH LAWS, ORDINANCES,  
REGULATION**

**SECTION 11-101      *Violation of Health Department Laws, Ordinances, Regulations, etc.***

*(a) Provisions subject to non-criminal enforcement* - Violation of the following subsections may be enforced in the manner provided in MGL C. 40, s. 21D and, at the discretion of the enforcing person, by either a warning or a citation upon the first offense. Each day on which a violation exists shall be deemed to be a separate offense. For the purpose of this section, the specific penalty which is to apply for violation of each such subsection shall be as listed below, and the municipal officers or employees whose titles are listed under each subsection shall be deemed to be the enforcing officer for each such subsection:

*Health Department Regulation No. 1: Renting a Dwelling Unit Without Certification.*

Penalty: Twenty dollars (\$20)

Enforcement personnel: Health Department Inspectors as designated by the Director of Health.

*State Sanitary Code, Chapter II 105 CMR 410.602: Maintenance of Areas Free From Garbage and Rubbish*

Penalty: Twenty dollars (\$20)

Enforcement personnel: Health Department Inspectors as designated by the Director of Health.

*Massachusetts General Laws C. 111, s. 122 & 123: Nuisances and Failure to Abate a Nuisance*

Penalty: Twenty dollars (\$20)

Enforcement personnel: Health Department Inspectors as designated by the Director of Health.

*State Sanitary Code, Chapter II 105 CMR 410.910: Failure to Comply with an Order Issued Pursuant to the Provisions of 105 CMR 410.000, Minimum Standards of Fitness for Human Habitation, i.e., Failure to Correct a Housing Code Violation.*

Penalty: Twenty dollars (\$20) - Each day's failure to comply with an order shall constitute a separate violation.

Enforcement personnel: Health Department Inspectors as designated by the Director of Health.

*State Sanitary Code, Article X, The Minimum Sanitation Standards for Food Establishments, 105 CMR 590.000: Failure to Correct any Condition Cited as a Violation Under the Above Sanitary Code Within the Time Allowed by the Inspector and/or the Code.*

Penalty: twenty dollars (\$20) - Each day's failure to comply with an order shall constitute a separate violation.

Enforcement personnel: Health Department Inspectors as designated by the Director of Health.

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*Hazardous Materials:* Failure to Comply with any Order to Correct a Violation of Section 7-401 of These Ordinances.

Penalty: Not more than two hundred dollars (\$200)

Enforcement personnel: Health Department Inspectors as designated by the Director of Health.

(b) *Enumeration of nuisances* - The following list shall serve to enumerate those conditions which will be considered a nuisance and which are to be enforced either by ticketing or criminal prosecution:

1. Overflowing sewage
2. Accumulated manure, dung or feces from any animal
3. Release of any harmful chemical substance
4. Noise over 10 dB over ambient background
5. Sickening and/or obnoxious odors
6. Existence of accident/injury hazard
7. Pumping or leading clear water into the municipal sewer

**SECTION 11-102      *Fats, Oils, and Grease (FOG) Ordinance***

(a) *Purpose* - The purpose of this Ordinance is to protect residents, businesses and the environment within the Town of Weymouth from blockages of the Town's Sanitary Sewer caused by fats, oils, and grease (FOG) discharged from food service establishments located in Town. All new and existing facilities that generate and discharge FOG in the wastewater flow shall install, operate, and maintain a FOG pretreatment system, as further defined herein. The requirements of this Ordinance shall supplement and be in addition to the requirements of the Town of Weymouth Board of Health Regulations and the Town of Weymouth's Sewer Use Rules and Regulations.

(b) *Definitions* - As used in this Ordinance, the following terms shall have the meanings indicated:

*Agent* - Any duly authorized agent of the Weymouth Health Department as specified under MGL C. 111, s. 30.

*Director* - The Mayoral appointed Director of the Weymouth Health Department.

*Discharge Limit* - One hundred milligrams (100 mg) of fats, oils, and grease per liter of wastewater, or a concentration which will cause blockage to the municipal sewer system.

*Food Establishment* - Any establishment issued a Permit to Operate a Food Establishment by the Weymouth Health Department under FC 1-201.10(B) (31); Any facility that prepares or sells food and as a byproduct discharges fat, oil, or grease into the Municipal Sewer System.

FOG - Fats, Oils, and Grease.

*FOG Pretreatment System* - One of the following grease removal systems:

1. Indoor Passive Grease Traps
2. Indoor Automatic Grease Traps
3. Outdoor/Underground Grease Interceptors

*Grease Trap* - Also referred to as a grease interceptor by the State Plumbing Code, is a device designed to remove undissolved and/or suspended waste grease and oil from wastewater.

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*Indoor Automatic Grease Trap* - An active automatic grease trap which separates and removes fats, oils, and grease from effluent discharge, and cleans itself of accumulated grease, fats and oils at least once every twenty-four (24) hours, utilizing electromechanical apparatus to accomplish removal.

*Indoor Passive Grease Trap* - A passive grease trap installed inside a building and designed to remove fats, oils and grease from flowing wastewater while allowing wastewater to flow through it. Also known as an indoor grease trap.

*Outdoor/ Underground Grease Interceptor* - A passive grease trap installed outside a building (having a capacity of one thousand five hundred (1500) gallons or more) and designed to remove fats, oils and grease from flowing wastewater while allowing wastewater to flow through it. Also known as an outside grease trap.

*Permitted Offal/ Septage Hauler* - Any offal/septage hauler who is issued a Permit to haul FOG and/or septage by the Weymouth Health Department.

*Sewer Pipe* - Any building or town sanitary sewer piping including but not limited to interior and exterior building sanitary sewer piping, any main, or lateral sanitary sewer piping regardless whether it is located on private or municipal land.

*Substantial Renovation* - Any renovation to a food service establishment that would increase the number of existing permitted seats or would alter in any way the kitchen facility.

*Waste Grease or Oil* - Waste grease or oil generated by a food service establishment during the cooking process.

*Weymouth Officials* - Any representative from the Weymouth Health Department, Building Department or the Water and Sewer Division.

(c) *General provisions:*

1. In every case where a food establishment is preparing or selling food or other business in which FOG is a byproduct, a suitable FOG pretreatment system that conforms to the Massachusetts State Plumbing Code 248 CMR 10.09(2) must be installed according to this Ordinance.
2. The Weymouth Health Department may at any time require the installation, upgrade and/or relocation of a FOG pretreatment system, as it may deem necessary to maintain any particular building sewer pipe, any lateral sewer pipe, or sewer main pipe free from obstructions caused by waste grease or oil emanating from a food establishment. Each establishment must pay all costs for installing and maintaining the systems.
3. New or substantially remodeled food establishments must install an Outdoor/Underground Grease Interceptor, with a minimum one thousand five hundred (1500) gallon capacity, or an Indoor Automatic Grease Trap. Both must be sized according to the manufacturer and in compliance with 248 CMR.  
NOTE - Passive indoor grease traps will not be permitted.
4. Internal Automatic and Passive Grease Traps must be cleaned monthly (unless a variance is given by the Director), by a professional drain cleaner, licensed plumber, or permitted offal/septage hauler.
5. Outdoor/Underground Grease Interceptors must be pumped and inspected by a permitted offal/septage hauler every three (3) months or more frequently as to prevent any grease blockage.

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6. A copy of the Health Department Grease Trap Maintenance Log must be completed and kept onsite for any operation/maintenance to FOG pretreatment systems. The log must be readily accessible for Agents and Weymouth Officials to review.
7. All pumping and hauling records must be maintained on a monthly basis and be readily accessible to Weymouth Officials.
8. Waste grease and oil shall not be disposed of by way of the sanitary sewer. All waste grease and oil must be collected in an appropriate container provided by an approved vendor and stored in an approved location on the premise. The container must be stored on an impervious surface such as concrete, or pavement. Containers must be capable of being sealed or be stored in a sheltered area to prevent entry of precipitation and vermin. All waste grease and oil shall be removed by a permitted offal/septage hauler; said material should be removed from the premises as needed. While being stored, all grease containers and surrounding areas must be kept in sanitary conditions at all times.
9. All automatic electrical/mechanical grease removal units shall be sized in accordance with the manufacturer's written recommendations and be in compliance with 248 CMR.
10. A separate suitable sampling location as approved by the Director or his/her designee shall be provided for sampling the discharge from any Indoor Passive or Automatic System. The sampling valve must be installed on the discharge piping with a minimum clearance of eight inches (8") to allow samples to be taken by an Agent and Weymouth Officials.
11. Dishwasher wastewater must discharge into the grease trap per 248 CMR 10.09 (2)(c)(5).
12. Food Waste Grinders must comply with the requirements of 248 CMR 10.09 (2)(f)(3).
13. All connections to the grease removal unit shall be equipped with a Flow Control Device. Flow Control Devices must conform with 248 CMR 10.09(2)(i).

*(d) Enforcement and inspection:*

1. It shall be the responsibility of Agents to review cleaning and maintenance records for all grease removal systems as part of regular foodservice inspections.
2. All records pertaining to storage and removal of grease-related waste shall be retained by the owner or operator on premise for no less than two (2) years. Upon request by a Weymouth Official, an owner or operator shall furnish all records required to enforce and monitor compliance with this regulation
3. Weymouth Officials may use oil-soluble dyes to identify (by color) the FOG of any given establishment in order to determine if said establishment is a cause of failure or obstruction in a sewer lateral or main.
4. Agents may order the suspension of a permit to operate a food establishment or the termination of one or more particular operations for:
  - a. Serious or repeated violations of this Ordinance;
  - b. Interference with the any Weymouth Official in the performance of their duty;
  - c. Failure to maintain required records or keeping or submitting any misleading or false records or documents required by this Ordinance.The effective date and length of a suspension will be determined by the Director
5. Two (2) or more suspensions at an individual food establishment may result in the revocation of the permit to operate.
6. Weymouth Officials may inspect a facility if in their judgment they feel that there has been an infraction of the discharge limits to the wastewater.

*(e) Violation* - Written notice of any violation of this Ordinance shall be given to the owner and operator by an Agent, specifying the nature, time, and date of the violation and any preventative measure required to avoid future violations, and a correction time frame.

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(f) *Variances* - The Director may issue variances from the requirements of this Ordinance for the following items:

1. Operation and Maintenance (O&M) Frequencies (applications for variances for O&M must be accompanied by a written letter from the food establishments O&M contractor);
2. The type of FOG Pretreatment System required;
3. Timelines for connection.

Any requests for a variance must be applied for by completing the Health Department Variance Application Form and returning it to the Health Department. The reasons for the request must be clear and specific. Financial hardship will not be grounds for a variance.

Any request for a variance for a food establishment to use an alternative method, system or product that does not comply with 248 CMR 3.00 through 10.00 must apply for the variance in writing to the State Board for Plumbers and Gas Fitters per 248 CMR 3.04(2).

(g) *Hearing* - The person or persons to whom any order or notice is issued pursuant to this Ordinance, may request a hearing before the Director. Such request shall be in writing and shall be filed in the Office of the Health Department within seven (7) days after receipt.

(h) *Penalty* - Any person who violates any provision of this Ordinance may be punished, under MGL C. 111, s.31 as a criminal offense or MGL C. 40, s. 21D as a noncriminal offense, by fines of:

- |                   |         |
|-------------------|---------|
| 1. First offense  | Warning |
| 2. Second offense | \$ 100  |
| 3. Third offense  | \$ 250  |
| 4. Fourth offense | \$1000  |

or by criminal complaint at the appropriate venue. Each day or portion thereof during which a violation continues shall constitute a separate offense. Failure to correct violations of any provision of this Ordinance may result in the suspension or revocation of a Permit to Operate a Food Establishment as provided in 105 CMR 590.12 or 105 CMR 590.014. Any person violating the provisions of this chapter shall be liable to the Town of Weymouth for any loss, expense or damage, including consequential damage, caused by such violation. The Town of Weymouth may enforce the provisions of this Ordinance by any and all civil and equitable procedures.

(i) *Severability* - If any word, clause, phrase, sentence, paragraph, or section of this regulation shall be declared invalid for any reason whatsoever, that portion shall be severed and all other provisions of this Ordinance shall remain in full force and effect.

(j) *Timeline for connection:*

1. If a food establishment is found to be causing blockage to the municipal sewer system, the Health Department may order the installation of either an Indoor Automatic Grease Trap or an Underground Passive Interceptor.
2. Newly built food establishments or those undergoing substantial renovations must install the appropriate FOG pretreatment system according to this Ordinance as part of the building project. Locations of grease traps and interceptors must comply with 248 CMR 10.09 (2)(a)(b)(c).
3. All other food establishments must install either an Indoor Automatic Grease Trap or an Outdoor/Underground Grease Interceptor within one (1) year of adoption of this Ordinance unless a variance is granted by the Director.

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(k) *Weymouth Board of Health Regulations* - The Weymouth Health Department may from time to time promulgate and amend Regulations pertaining to the maintenance of grease traps and removal of grease from food establishments. In addition to this Ordinance, food establishments are required to adhere to all requirements as set forth in the Health Department Regulations, in the event these Regulations conflict with any section or subsection of this Ordinance, it is this Ordinance which shall take precedence.



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**CHAPTER 12**

**WATERWAYS**

***SECTION 12-100***

SECTION 12-101

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SECTION 12-104

***WATERWAYS***

Harbor and Docking Regulation

Motorboats

Harbor Boating and Mooring

Mooring Regulations

***SECTION 12-100***

***WATERWAYS***

***SECTION 12- 101 Harbor and Docking Regulations***

(a) *Definitions* - As used herein, words shall be given their normal meanings in common usage. The following words, however, shall have the meanings hereafter set forth wherever they are used in this Ordinance:

*Back River Area of Critical Environmental Concern* - The Weymouth Waters of the Back River located south of the Route 3A Bridge.

*Flexible Control Boom* - A boom floating in the water and principally made out of rubber, plastic, Styrofoam or other similar materials, and projecting above the surface of the water at least twelve inches (12") and extending below the surface of the water at least twenty inches (20"), said boom to be so constructed to permit any portions or sections thereof to be interchanged or linked together and to be of sufficiently lightweight construction that it may be moved or towed from one location to another.

*Harbormaster* - A person appointed by the Police Chief pursuant to the provisions of Section 3-312 of this Code of Ordinances.

*Headway Speed* - Minimum speed forward (NO WAKE) not to exceed six miles per hour (6 mph).

*Moor* - To secure a vessel to the bottom of a body of water by the use of mooring tackle.

*Mooring* - A place where buoyant vessels are secured to the bottom of the body of water by mooring tackle or berthed at a slip, pier, float or dock.

*Mooring Tackle* - The hardware used to secure a vessel to a mooring.

*Oil and/or Liquid Cargo* - Any oil, petroleum product or petroleum byproduct, liquid chemical, flammable liquid or any other liquid which could contaminate, pollute or otherwise be dangerous or harmful to Weymouth Waters or shorelines.

*Pennants* - A length of nylon line or equal; for mooring the buoy to the vessel; its length and diameter will be determined by the length of the vessel.

*Permit Owner* - A person who has been issued a Weymouth Mooring Permit.

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*Personal Watercraft* - A small vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel. The term includes, but is not limited to, a Jet Ski, wet bike or surf jet so called.

*Terminal* - An installation on land adjacent to the shore where a mooring or a dock or docks is available for tying up vessels so they may load or unload flammable liquid cargo in bulk, which installation shall include the mooring, dock or docks and equipment and buildings on the adjacent shore location for receiving or loading such cargo.

*Terminal Operator* - The owner, lessee or agent, person, firm or corporation in possession of and legally liable for the operation of a terminal.

*Transfer Operations* - The movement of oil and/or liquid cargo into or out of a vessel, from or to a shore tank or from or to another vessel, and shall include either loading or unloading.

*Vessel* - Any vessel, ship or barge or other floating liquid carrier, whether self propelled or not.

*Weymouth Water* - All waters within the corporate limits of the Town of Weymouth.

*10-A Permit* - An annual permit granted by the Harbormaster for any float, raft or dock which is bottom anchored in place.

(b) *Transfer operation precautions* - Every caution shall be exercised during transfer operations to prevent discharge of petroleum products into the waters of Weymouth Harbor, Fore River or Back River.

(c) *Prevention of seepage or leaks* - Whenever any vessel enters any wharf, terminal or anchorage for the purpose of transferring oil or liquid cargo, the terminal operator shall provide such vessel with a flexible control boom, which shall be placed in the water around such vessel so as to control and prevent any seepage overflow, leak or other excess oil or liquid cargo from entering into Weymouth waters, Fore River or Back River.

(d) *Pollution report* - A written report entitled "Inspection Report - Pollution Prevention" on a form provided by the Harbormaster shall be filled out for each vessel berthing and signed in the required spaces by the terminal operator. The form duly executed shall be forwarded promptly after completion of transfer to the Harbormaster.

(e) *Enforcement; right of entry by Harbormaster* - It shall be the duty of the Harbormaster to enforce the provisions of this Ordinance. All terminal operators shall be deemed to have authorized the Harbormaster to enter upon their premises, or any vessel therein, whenever the Harbormaster shall deem it necessary to make an inspection, unless the terminal operator shall have filed written notice of his refusal to grant such authorization with the Harbormaster and with the Division of Natural Resources of the Commonwealth of Massachusetts.

(f) *Penalties* - Violations of this Ordinance shall be prosecuted by the Harbormaster in courts of competent jurisdiction and shall be punishable by the maximum penalty permitted by the Massachusetts General Laws to be imposed by towns. Each day or portion thereof during which a violation continues after notice thereof has been given by the Harbormaster to the terminal operator shall be deemed to be a separate offense.

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**SECTION 12-102      *Motorboats***

(a) *Dangerous operation prohibited* - No person shall operate a motorboat upon any pond, lying within the Town, in a manner which endangers the safety of the public or is detrimental or injurious to the neighborhood or to the value of property therein.

(b) *Evidence of violation* - It shall be evidence of the violation of this Ordinance if such motorboat is operated by a motor not having underwater exhaust or in a noisy or obnoxious manner, or at any unreasonable rate of speed, or without slowing down and exercising due caution while approaching and passing persons bathing or any other watercraft.

(c) *Penalties* - Any person violating any provision of this Ordinance shall be subject to a penalty.

**SECTION 12-103      *Harbor Boating and Mooring***

(a) *General regulations:*

1. *Speed:*

- a. Boat operators shall watch their wake at all times.
- b. Watercraft shall proceed at headway speed only when operating within the confines of moored or docked vessels or where fuel is pumped. This is to include marinas, yacht clubs, launching ramps or assigned anchorage areas. Headway speed will also be maintained when the operator's vision is obscured under bridges or bends or other matters. The following are the boundaries of headway speed areas both inbound and outbound:
  - (i) Weymouth Back River: starting from lighted navigational aid No. 4 fl r 4s, two hundred (200) yards NE off the tip of Lower Neck through the entire Weymouth Back River area,
  - (ii) Weymouth Fore River: starting from navigational aid No. 22 fl r 4s, nine hundred (900) yards NNW off the flag pole on Great Hall to the fixed bridge at East Braintree.

2. *Waterskiing* - Waterskiing shall be permitted only in areas designated by the Harbormaster. All permitted areas to be posted at the Harbormaster's office.

3. *Harbor pollution:*

- a. No oil shall be dumped or pumped overboard into the harbor;
- b. No untreated sewage, rubbish, debris, garbage or dead fish shall be discharged into Weymouth waters;
- c. No boats or vessels shall run their engines with propellers engaged while tied to the docks. Boats requiring dock trials may do so with permission of the Harbormaster;
- d. Derelict boats, motors or foreign debris shall not be allowed in the harbor or on the shores. Removal of the same is not the responsibility of the Harbormaster.

4. *Temporary berthing:*

- a. Tie-up periods at Town floats or on the launching ramps will be limited to fifteen (15) minutes. A tie-up time limit at the Town floats or piers for visitors overnight or boats with breakdowns will be limited at the discretion of the Harbormaster.
- b. All crafts entering Weymouth Back River or Fore River are subject to the discretion of the Harbormaster who should be consulted before anchoring or tying up to any of the facilities or moorings.
- c. Boats shall not be tied to Town docks in dead storage for over four (4) weeks time, after which, upon notice from the Harbormaster, they shall be removed.

5. *Float and pier rules:*

- a. No fishing gear, equipment or any other matter shall be allowed to remain on the Town docks or town floats for over twenty four (24) hours without permission of the Harbormaster.

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- b. No swimming will be allowed from the State pier, Town pier or floats attached to public docks in Weymouth Fore River or Back River.
  - c. There will be no soliciting from Town-owned floats.
  - d. All floats and gangways must have the owner's name and assigned number (given by the Harbormaster) clearly displayed and also in a concealed location known only to the owner.
  - e. An annual 10-A permit must be on file with the Harbormaster for any bottom anchored float, raft or dock. The Harbormaster will inspect all such floats annually. The owner's means of bottom anchoring must be demonstrated to the Harbormaster for approval, once every five (5) years. The expense for such a visual inspection shall be the responsibility of the owner.
  - f. All floats, rafts or docks without an approved 10-A permit may be removed at the owner's expense within the two (2) weeks after receipt of a written notice from the Harbormaster defining the defects.
6. *Conduct:*
- a. *Noise* - Unmuffled noise from engines, outboards, amplifying systems, radios and the like shall be kept at a minimum when in the proximity of piers, floats or yacht anchorages.
  - b. *Negligent operation* - no person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, safety or property of any person.
7. *Fees:*
- a. Commercial interest, party boats, fishing boats, associations or companies using the Town pier for permanent moorings, float access or gangways will pay an annual fee fairly determined by the Harbormaster.
  - b. All persons tying tenders to the Town pier shall be charged an annual fee to be fairly determined by the Harbormaster.
8. *Personal watercraft* - The operation of personal watercraft is prohibited in the Weymouth waters of the Back River Area of Critical Environmental Concern.
9. *Channel obstructions* - No private markers, moorings or anchorage buoys, lobster pot buoys or other temporary or permanent markers may be placed in the fairway or channel of Weymouth at any time without the expressed permission of the Harbormaster. Any such markers or buoys so placed in any fairway or channel within Weymouth waters shall be construed as a hazard to navigation and, upon the order of the Harbormaster, shall be removed by the person causing it to be in place. If necessary, the Harbormaster or his agent may remove the hazard.
10. *Trawling restrictions* - There shall be no trawling with nets within the waterways of the Town of Weymouth starting from navigational aid No. R12 Weymouth Back River to the Weymouth Back River headwaters (Herring Brook).

**SECTION 12-104      *Mooring Regulations.***

(a) *Mooring permits* - No vessel shall be moored or located within Weymouth waters without a current Weymouth Mooring Permit.

(b) *Applications:*

- 1. Applications for a mooring shall be dated, signed and filed with the Harbormaster. Permits may be granted by the Harbormaster in the order of application dated as locations become available. If the Harbormaster denies a mooring application and the applicant can show just cause, he/she may request and receive a hearing before the Town Council on their rights to have a mooring in the Weymouth Back River or Fore River. All future moorings will be assigned a suitable space in accordance with the requirements of the boat (i.e. - length, draft, type of rig) and shall be placed at a location

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designated by the Harbormaster. A mooring is not transferable. However, the Harbormaster may approve the transfer of a mooring to a person within the immediate family of the permit owner.

2. Any boat owner who has not placed his/her assigned boat on the mooring will be given one (1) year to place an assigned boat without forfeiting his/her mooring location. An extension of one (1) year may be granted by the Harbormaster.

(c) *Special areas:*

1. Moorings are to be spaced at a distance to allow the vessel scope of three hundred sixty degrees (360°) in order to prevent damage or contact to surrounding vessels in all weather and tide conditions. When moored, the vessel shall not be allowed to encroach upon any navigable channel.
2. Only mushroom anchors, granite or concrete blocks and auger-type mooring devices will be allowed. The specifications for said mooring devices and ground tackle will be available at the Harbormaster's Office.

(d) *All areas:*

1. The use of spars for chain flotation shall be prohibited. Only balls or styrene-type chain flotation shall be used. In all types of chain flotation buoys, other than metal, chain or metal rod must be passed through the buoy connecting the mooring pennant to the mooring chain.
2. All chain flotation buoys shall be plainly and clearly visible above any tide level at all times.
3. The above described moorings shall be painted white with a blue band and shall contain the owner's boat name, length of boat and mooring number on the can or buoy; the owner's name shall also be labeled on the mooring block or mushroom anchor.
4. All moorings located within the Town of Weymouth shall conform to the regulations and will be placed at a location designated by the Harbormaster. Any mooring that has not been assigned by the Harbormaster may be immediately removed by the direction of the Harbormaster or his agent at the owner's expense and a penalty of fifty dollars (\$50) shall be imposed on the boat owner.
5. Where winter spars or buoys are used, they shall be clearly visible or marked at all times except during ice conditions.
6. Winter spars, or buoys shall not be installed prior to September 15<sup>th</sup> and must be removed by June 1<sup>st</sup>. If any winter spar buoys are not removed by June 1<sup>st</sup>, after fourteen (14) days notice by the Harbormaster, the Harbormaster by direction may remove said spar buoy at the owner's expense. All winter spar buoys must display their assigned mooring location number so that it is visible at all times (except during ice conditions) and all spar buoys must be painted in contrasting color to the sea.
7. The Harbormaster may inspect all moorings within the Town of Weymouth waterways. Except in an emergency, no unauthorized use of a private mooring or float will be allowed without the express permission of the owners. Furthermore, there shall be no anchoring allowed within a mooring area without prior permission from the Harbormaster.
8. All pennants shall be nylon or equivalent with regards to the size of the vessel with adequate mooring devices including, but not limited to, thimbles on all line ends and secured shackle pins to eliminate the hazard of chafing.
  - a. Pennants may be checked annually by the Harbormaster.
  - b. A certificate of inspection for defective moorings found by the Harbormaster will be held in his files, showing conditions at the time of inspection.

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9. Owners of defective moorings shall be allowed fourteen (14) days after receiving notice from the Harbormaster to correct the defective conditions. If the defect is not corrected after this time, the owner will be subject to penalties in conformance with this Ordinance. The Harbormaster, upon finding a defective mooring, shall properly mark said mooring to show danger or obstruction.
10. The Harbormaster may request owners of moorings to have said moorings lifted or inspected at the owner's expense for faulty ground tackle. The Harbormaster will determine the repair or replacement of any defective ground tackle. In lieu of lifting moorings, replacements may be made. Upon certification of a mooring's fitness or replacement, the owner may replace the mooring at its original location or as directed by the Harbormaster.
11. The Harbormaster shall keep a detailed description of all moorings, their location and owner's name, telephone number, home and business address, date of moorings and length and rig of boat.

(e) *Vessel listing* - The owners or persons in control of any vessel habitually moored or berthed in Weymouth waters shall, prior to April 1<sup>st</sup> of each year, list with the Harbormaster each and every vessel in excess of twelve feet (12') in length so moored, berthed or kept, on forms provided by him, the owner's name, home or business address, date of purchase of vessel, its description and registration number. In order to defray the cost of this listing, each owner or person in control shall pay a service fee to the Harbormaster, which fee shall be established as provided in Section 5-306 of these Ordinances.

(f) *Mooring permits* - All boats that are habitually moored, berthed or kept as of July 1<sup>st</sup> within the waters of the Town of Weymouth shall not be placed on a mooring, dock or float until all applicable excise taxes and penalties past and current have been paid as well as other related fees. A current mooring permit must be issued and properly affixed to the port quarter, aft of the vessel. The mooring permit is not transferable to any person. The mooring decal must be affixed on assigned vessel when the vessel is launched. The assigned Weymouth mooring location number and the owner's last name must be on the mooring buoy and visible at all times. If the vessel is in a slip at a yacht club or marina, the vessel owner must be able to show proof of the location at the request of the Harbormaster. If a vessel remains on a mooring, dock or float without a current mooring permit after May 1<sup>st</sup>, a mooring violation will be tied to the vessel. If the mooring violation is not resolved within fourteen (14) days, the vessel will be impounded per court order.

(g) *Trailerred vessels* - All trailerred vessels that are registered in the Town of Weymouth will be subject to the provisions of this Ordinance and must display a mooring decal or proof of payment of the excise tax and other related fees.

(h) *Yacht clubs and marinas* - Applications for mooring spaces in all yacht clubs and marinas shall be dated, signed and filed with the Harbormaster.

(i) *Violations and penalties:*

1. A penalty of fifty dollars (\$50) per day shall be imposed if the infraction is punished pursuant to the provisions of MGL C. 40, s. 21D and Section 1-109 of these Ordinances. If the infraction is punished pursuant to the provisions of MGL C. 40, s. 21 and Section 1-110 of these Ordinances, the court may impose the highest fine allowed by law.
2. Offenders will be prosecuted by the Harbormaster and all other enforcement agents.
3. Violations of the Weymouth Harbor Ordinance may be sufficient cause for the Harbormaster to refuse an individual or his vessel the use of Town-owned or controlled

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facilities for such period of time as may be determined by the Harbormaster with the approval of the Mayor, in addition to necessary court action in case of violation of the Motor Boat Law.

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**CHAPTER 13**

**REGULATIONS EFFECTING MOTOR VEHICLES**

***SECTION 13-100***

***MOTOR VEHICLES***

SECTION 13-101

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APPENDIX "A"

Heavy Vehicle Restrictions

***SECTION 13-100***

***MOTOR VEHICLES***

***SECTION 13-101      Definitions***

For the purpose of these Ordinances, the words and phrases used herein shall have the following meanings except in those instances where the context clearly indicates a different meaning.

*Bus* - Any motor vehicle operated upon a public way in any city or town for the carriage of passengers for hire in such a manner as to afford a means of transportation similar to that afforded by a railway company.

*Bus Stop* - An area in a public way designated by the Town Council set aside for the boarding of or alighting from a parked bus.

*Commercial Vehicle* - Any vehicle being used in the transportation of goods, wares or merchandise for commercial purposes or being registered as such.

*Commercial Vehicles, Heavy* - Any commercial vehicle of two and one-half (2 ½ ) tons capacity or over.

*Crosswalk* - That portion of a roadway ordinarily included within the prolongation or connection or curb lines 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.

*Emergency Vehicle* - Fire vehicles, police vehicles, ambulances and emergency vehicles of Federal, State and municipal departments of public service corporations when the latter are responding to an emergency in relation to the Police or Fire Departments.

*Funeral* - Any procession of mourners properly identified as such accompanying the remains of a human body.

*Intersection* - The area embraced within the extensions of the lateral curb lines, or, if none, then the lateral boundary lines, of intersecting ways as defined in M.G.L. C. 90, s. 1, including divided ways.

*Lane* - A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single lane of vehicles.



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*Motor Scooter* - A motor scooter is defined as any two-wheeled tandem or three-wheeled device with handlebars or other steering device designed to be stood upon or seated upon by the operator and powered by electric or gas powered motor that is capable of propelling the device with or without human propulsion. The definition of "motorized scooter" shall not include a motorcycle or motorized bicycle or a three-wheeled motorized wheelchair.

*Officer* - For the purpose of this Ordinance, an officer shall be construed to mean any police officer, investigator, examiner or inspector of the Registry of Motor Vehicles, any constable, special officer or crossing guard, provided he has his badge of office displayed.

*Official Curb Marking* - That portion of a curbing the painting of which has been authorized by the Town Council and which has the written approval of the Massachusetts Highway Department.

*Official Street Marking* - Any painted line, legend marking or markers of any description painted or placed upon any way which purports to direct or regulate traffic and which has been authorized by the Town Council, and which has the written approval of the Massachusetts Highway Department.

*Official Traffic Signs* - All signs, markings and devices, other than signals, not inconsistent with this Ordinance, and which conform to the standards prescribed by the Massachusetts Highway Department and are placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning, or regulating traffic.

*Official Traffic Signals* - All signals conforming to the standards prescribed by the Massachusetts Highway Department, not inconsistent with this Ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing or warning traffic.

*One-Way Highways* - Highways or streets designated as one-way and upon which vehicular traffic may move only in the direction indicated by signs.

*Parking* - The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to an officer or traffic signs or signals, or while making emergency repairs or, if disabled while arrangements are being made to move such vehicles.

*Pedestrian* - Any person afoot or riding on a conveyance moved by human power, except bicycles or tricycles.

*Railroad Crossing* - Any intersection of ways with a railroad right-of-way.

*Roadway* - That portion of a street or highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

*Rotary/Roundabout Traffic* - Counterclockwise operation of a motor vehicle around an object, structure, or island in the roadway. All motor vehicles approaching a roundabout shall properly observe the "Yield" signs and give priority to motor vehicles in the roundabout.

*Street or Highway* - The entire width between property lines of every way open to the use of the public for the purposes of travel.

*Taxicab Stand* - An area in the roadway in which certain taxicabs are required to park while waiting to be engaged.

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*Traffic* - Pedestrians, ridden animals, vehicles or other conveyances either singly or together while using any street or highway for the purpose of travel.

*Traffic Control Signals* - Any device using colored lights, which conforms to the standards as prescribed by the Massachusetts Highway Department whether, manually, electrically or mechanically operated by which traffic may be alternately directed to stop or proceed.

*Traffic Island* - Any area or space set aside, within a roadway, which is not intended for use by vehicular traffic.

*U-Turn* - The turning, by backing or otherwise, of a vehicle on a street or way so as to head or drive the vehicle along the same street or way in the opposite direction.

*Vehicle* - Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including bicycles when the provisions of these Ordinances are applicable to them.

**SECTION 13-102      *Operations of Motor Vehicles***

(a) *Officers to Direct Traffic* - It shall be the duty of officers designated by the Chief of Police to enforce the provisions of this Ordinance. Such officers are hereby authorized to direct all traffic either in person or by means of visible or audible signals in conformance with the provisions of this Ordinance.

(b) *Police May Close Streets Temporarily* - The Director of Public Works as well as the Chief of Police, or his or her designee, is hereby authorized to close temporarily, any street or highway in any impending or existing emergency, or for any lawful assemblage, construction project, demonstration or procession provided there is reasonable justification for the closing of such street.

(c) *Exemptions* - The provisions of this Ordinance shall not apply to operators actually engaged in work upon a street or highway closed to travel or under construction or repair. It does not apply to officers when engaged in the performance of public duties or to drivers of emergency vehicles while operating in an emergency and in the performance of public duties when the nature of the work of any of these necessitates a departure from any part of this Ordinance. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

(d) *Drive Within Marked Lanes* - When any roadway has been divided into lanes, a driver of a vehicle shall drive so as to be entirely within a single lane and shall not move from the lane in which he is driving until he has first ascertained if such movements can be made with safety.

(e) *Use Right Lane* - Upon all roadways the driver of a vehicle shall drive in the lane nearest the right side of the roadway when said lane is available for travel except when overtaking another vehicle or when preparing for a left turn.

(f) *Impoundment of Vehicle after Operating Under the Influence (OUI)* - No motor vehicle impounded pursuant to an arrest for Operating Under the Influence (OUI) of drugs and alcohol may be released prior to the passing of twelve (12) hours following arrest.

(g) *Overtaking and Passing a Vehicle:*

1. The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to

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permit the overtaking to be completed without impeding the safe operation of any vehicle ahead.

2. The driver of a vehicle, when about to be overtaken and passed by another vehicle approaching from the rear, shall give way to the right in favor of the overtaking vehicle, on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
3. The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any intersection of streets, except that this subsection shall not apply at intersections where traffic is controlled by traffic stop and go signals or by Police Officers.
4. Whenever any vehicle has stopped at a marked crosswalk, or at any intersection, to permit a pedestrian to cross the roadway, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

*(h) Obstructing Traffic:*

1. No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or highway. Officers are hereby authorized to require any driver who fails to comply with this section to drive to the side of the roadway and wait until such traffic as has been delayed has passed.
2. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians notwithstanding any traffic control signal indication to proceed.

*(i) Following Too Closely* - The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the street or highway.

*(j) Obedience to Traffic Control Signals* - Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this section, and no other meanings. Every driver of a vehicle, railway car, or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign (other than a stop sign), signal or device. In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection regardless of what indications may be given by traffic control signals.

1. *Green* - While the green lens is illuminated, drivers facing such signal may proceed through the intersection, but shall yield the right of way to pedestrians and vehicles lawfully within a crosswalk or intersection at the time such signal was exhibited. Drivers making a right or left turn shall yield the right of way to pedestrian crossing with the flow of traffic.
2. *Right, Left and Vertical Green Arrows* - When a right arrow is illuminated, drivers facing the said signal may turn right. When a left green arrow is illuminated, drivers facing the said signal may turn left. When a vertical green arrow is illuminated, drivers facing said signal may go straight ahead. When a green arrow is exhibited together with a red or yellow lens, drivers may enter the intersection to make the movement permitted by the arrow but shall yield the right of way to vehicles and pedestrians proceeding from another direction on a green indication.
3. *Yellow* - While the yellow lens is illuminated, waiting drivers shall not proceed and any other drivers approaching the intersection or marked stop line, shall stop at such point unless so close to the intersection that a stop cannot be made in safety, provided,

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however, that if a green arrow is illuminated at the same time drivers may enter the intersection to make the movement permitted by such arrow.

4. *Red*:
  - a. While the red lens is illuminated, drivers facing a steady CIRCULAR RED signal alone shall stop at a clearly marked stop line, or if none before entering the crosswalk or the near side of the intersection or if none then before entering the intersection and shall remain standing until an indication to proceed is shown except as allowed by MGL C. 89, s. 8.
  - b. No driver of a vehicle facing a CIRCULAR RED signal indication shall make a right turn where official traffic signs are installed and maintained prohibiting such turn at the intersection.
5. *Red and Yellow* - While the red and yellow lenses are illuminated together, drivers shall not enter the intersection and during such time the intersection shall be reserved for exclusive use of pedestrians.
6. *Flashing Red* - When a red lens is illuminated in a traffic control signal by rapid intermittent flashes, and it's use has been specifically authorized by the Massachusetts Highway Department, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a stop line when marked and the right to proceed shall then be governed by the provisions of MGL C. 89, s. 8.
7. *Flashing Yellow* - When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal with caution.
8. *Flashing Green* - A flashing green lens shall indicate an intersection or pedestrian crosswalk in use or subject to use by entering or crossing traffic. Drivers may proceed only with caution and shall be prepared to comply with a change in the signal to a red or red and yellow indication.

(k) *Obedience to Isolated Stop Signs* - Every driver of a vehicle, railway car or other conveyance, approaching an intersection of ways where there exists facing him an official sign bearing the word "STOP" or a flashing red signal indication, said signs or signal having apart from these Ordinances, the written approval of the Massachusetts Highway Department. Such approval being in effect, shall before proceeding through the intersection bring such vehicle, railway car or other conveyance to a complete stop at such a point as may be clearly marked by a sign or line, or if a point is not so marked, then at the nearer line or crosswalk of the said intersection. This Section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device.

(l) *Authorization and Erection of Stop Signs* - The erections of stop signs or flashing red signals are authorized so as to face the streets designated, upon a majority vote by the Town Council. The Town Council shall before approving the erection of such sign or signal review reports from the Town Traffic Engineer and the Police Department.

(m) *Obedience to "Yield" signs* - Every driver of a vehicle or other conveyance approaching an intersection of ways, where there exists facing him an official sign bearing the word "Yield", said sign having been erected in accordance with the written approval of the Massachusetts Highway Department, such approval being in effect, shall surrender to oncoming traffic his right to enter the intersection until such time as he has brought his vehicle or other conveyance to a complete stop at a point between the said "Yield" sign and the nearer line of the street intersection, provided however, that this requirement to stop before entering the intersection shall not apply when a driver approaching a "Yield" sign can enter the intersection in safety without causing interference to approaching traffic. This Section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device.

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- (n) *Emerging from Alley or Private Driveway* - The operator of a vehicle emerging from an alley, driveway or a garage shall stop such vehicle immediately prior to driving on to a sidewalk or on to the sidewalk area extending across alleyway or driveway.
- (o) *Flags or Lights at end of a Load* - Every person operating or controlling any vehicle loaded with any material extending more than four feet (4') beyond the front or rear of such vehicle shall provide same with a red flag by day and red light or lights at night placed at the front and rear of such load.
- (p) *Warning at Garage Exits* - Where buildings are used for the keeping of more than four (4) vehicles and the exits there from are within ten feet (10') of the line of a public street, warning by mechanical or electrical device visible for a distance of fifteen feet (15') on either side of said exits, or by a person stationed at said exits, shall be given when vehicles are about to leave such building.
- (q) *Transfer of Merchandise over Sidewalk Restricted* - No one shall transfer merchandise from or to trucks or other vehicles over the sidewalk by the use of planks or skids, except when such transfer is reasonably necessary and provided the sidewalk is not unreasonably obstructed and then only for such period of time as is necessary and any Police Officer may order such skids or planks removed or caused to be removed.
- (r) *Exclusion of Heavy Commercial Vehicles:*
1. The use and operation of heavy commercial vehicles is hereby restricted on those streets or parts of streets described in Appendix A of this Chapter, in the manner outlined and during the period of time set forth.
  2. Exemptions - Part 1 of this Section shall not apply to heavy commercial vehicles going to or coming from places upon said streets for the purpose of making deliveries to or collections from abutting lands or buildings or adjoining streets or ways to which access cannot otherwise be gained, or to vehicles used in connection with the construction, maintenance and repair of said streets or public utilities therein, or to Federal, State, municipal or public service corporation owned vehicles.
  3. This Subsection shall be effective only during such times that official traffic signs are displayed setting forth its provisions.
- (s) *Accident Reporting* - The driver of any vehicle involved in an accident resulting in the injury or death of any person or property damage to any one vehicle or other property in an apparent extent of one thousand dollars (\$1000) or more shall, within five (5) days after such accident, report in writing to the Weymouth Police Station, provided however the Weymouth Police Department shall accept a report filed by an owner or operator whose vehicle has been damaged in an accident in which another person has unlawfully left the scene of an accident. A driver who has been incapacitated as a result of such accident, and to such extent as to make reporting impossible or unfavorable to his recovery, shall not be required to report such accident until he has recovered sufficiently to be able to do so. The report shall be made on a form furnished by the Registry of Motor Vehicles, copies of which shall be available at the police station. Compliance with this Ordinance shall not relieve such driver from the additional responsibility of reporting to the Registrar of Motor Vehicles any accident in which a person is killed or injured. The Weymouth Police may require any driver or a vehicle involved in an accident, of which a report must be made as provided in this Ordinance, to file supplementary reports whenever the original report is insufficient in the opinion of the Police Department.
- (t) *Vehicle Owner Ultimately Responsible* - If any vehicle is found upon any street or highway in violation of any provisions of this Chapter and the identity of the driver cannot be determined, the

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owner, or person in whose name such vehicle is registered, shall be prima facie responsible for such violation.

(u) *Unlawful Operation of Vehicles* - No person shall operate any motor vehicle, including, but not limited to, automobiles, mopeds, dune buggies, motorcycles, dirt bikes, motor scooters or any other motorized vehicle on any publicly owned lands within the Town of Weymouth which have not been laid out as a way, or designated by the Recreation Division for the use by such vehicles.

(v) *Riding Restrictions on Vehicles:*

1. *Restrictions Generally; Exceptions* - No person shall ride upon any portion of a vehicle not designed or intended for use of passengers. This Section shall not apply to an employee engaged in the necessary discharge of his duty, or to a person riding within truck bodies in space intended for merchandise.
2. *Riding on handle bars prohibited* - No operator of any motorcycle, bicycle, scooter or moped when upon the street shall carry any other person upon the handle bar, frame, mudguard or tank of any such vehicle nor shall any person so ride upon any such vehicle.
3. *Clinging to moving vehicles* - No person riding upon any bicycle, motorcycle, scooter, moped, coaster, sled, roller skates or boards, or any toy vehicle shall attach the same or himself without said toy to any moving vehicle upon any roadway.

(w) *Material from Vehicles Falling Upon Public Ways* - Whoever drops or lets fall or permits or allows to drop or fall, upon any way or highway of the Town, from any truck, cart or vehicle, any piece of stone or granite, or other article of such size or character as may endanger public travel, shall immediately cause same to be completely removed from the limits of the way or highway.

(x) *Roller Skates, Toy Vehicles; Restrictions* - No person upon roller skates, roller blades, skateboards or similar toy device, or riding in or by means of any coaster, toy vehicle, or similar device shall go upon any sidewalk, crosswalk, traffic island or roadway which has been designated by the Town Council as prohibiting such activity.

(y) *Starting, Stopping, Turning and Backing Signals* - The driver of any vehicle, before starting, stopping, turning from a direct line or backing shall first see that such movement can be made safely. If such movement cannot be made safely or if it interferes unduly with the normal movement of other traffic, such driver shall wait for a more favorable opportunity to make such movement. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such other vehicle shall be given a plainly visible signal.

(z) *U-Turns* - No operator shall turn a vehicle so as to proceed in the opposite direction, unless such can be made without backing, and without causing any approaching operator to slacken speed or change his course, except that the preceding provisions shall not apply on any dead-end street, nor to applicants for driver's licenses while being tested by examiners of the Registry of Motor Vehicles and in accordance with specific directions of such examiners.

(aa) *Designation of Left-Turn Prohibited Areas:*

1. No operator shall make a left turn on a Town street where a no left-turn sign is posted as authorized by the Town Council.
2. The erection of "No Left Turn" signs may be authorized upon a majority vote of the Town Council. The Town Council shall before approving the erection of such sign review reports from the Town Traffic Engineer and the Police Department.

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(bb) *Operation of Vehicles on Roads Under Construction or Repair* - No operator shall enter upon the road surface of any street or highway or section thereof, when, by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface is closed to travel, and one (1) or more signs, lights or signals have been erected to indicate that all or part of the road surface of the street or highway is not to be used, or when so advised by an officer, watchman, member of a street or highway crew or employee of the Town, either audibly or by signals.

(cc) *Driving on Sidewalks Prohibited* - The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

(dd) *Operation of Vehicles in a Procession:*

1. It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as practicable and safe.
2. At an intersection where a traffic control signal is operating, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red or yellow indication.
3. At an intersection where a lawful stop sign exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.
4. Each vehicle within a funeral or other procession shall be conspicuously marked so as to alert other motorists of the procession.

(ee) *Driving Through a Procession* - No operator of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession, provided, that such vehicles are conspicuously so designated.

**SECTION 13-103      *Parking***

(a) *General Prohibitions* - No person shall park a vehicle in any of the following places; vehicles found parked in violation of the provisions of this section may be moved by or under the direction of an Officer and at the expense of the owner to a place where parking is permitted pursuant to Subsection 13-103 (o) and (p):

1. Within an intersection;
2. Upon any sidewalk;
3. Upon any crosswalk;
4. Upon the roadway in a business or residential district where parking is permitted unless both wheels on the right side of the vehicles are within twelve inches (12") of the curb or edge of the roadway except where angle parking is required;
5. Upon the roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten feet (10') wide, for passing traffic;
6. Upon any street or highway within ten feet (10') of a fire hydrant;
7. In front of any private road or driveway;
8. Upon any street or highway within twenty feet (20') of any intersecting way, except alleys;
9. Within fifteen feet (15') of the wall of a fire station or directly across the street from such station, provided signs are erected acquainting the driver of such restriction;
10. Alongside or opposite any street excavation or obstructions when such stopping, standing or parking would obstruct traffic;
11. Within the limits of private ways furnishing means of access for fire apparatus to any part of a tenement house or apartment house;

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12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street in such manner as to constitute a double line or multiple line parking;
13. Adjacent to any center division strip or island placed upon or being a part of any public way.

(b) *Prohibited on Certain Streets* - The Town Council, upon considering reports from the Town Traffic Engineer and Police Department, may by majority vote, designate streets or highways or parts thereof where parking is hereby prohibited or restricted.

(c) *Police May Prohibit Parking Temporarily* - The Chief of Police or his or her designee is hereby authorized to prohibit, temporarily, parking on any street or highway or part thereof in an impending or existing emergency or for a lawful assemblage, demonstration or procession provided there is reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer pursuant to Subsections (o) and (p) of this Section.

(d) *Bus Stop:*

1. No person shall park a vehicle other than a bus in a bus stop;
2. No person shall park a bus upon any street within a business district or a residential district at any place other than a bus stop.

(e) *Angle Parking:*

1. The Town Council upon review of recommendations issued by the Town Traffic Engineer and the Police Department shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed.
2. Upon streets which have been marked or signed for angle parking, vehicles shall be parked with one wheel within twelve inches (12") of the curb and at the same angle to the curb indicated by such marks or official signs. The vehicle shall be parked so that all four (4) wheels of the vehicle shall be placed wholly within the painted lines provided.

(f) *Parallel Parking* - Upon a roadway where parking is permitted, both wheels on the right side of the vehicle are to be within twelve inches (12") of the curb or edge of the roadway, except upon those streets which are designated as one-way streets. On such one-way streets, a vehicle shall be parked in the direction in which such vehicle is moving and with both wheels on one side of the vehicle within twelve inches (12") of the curb. This shall not apply to streets or parts of streets where angle parking is required by this Chapter.

(g) *No All Night Parking* - It shall be unlawful for the driver of any vehicle, other than one acting in an emergency, to park said vehicle on any street for a period of time longer than one (1) hour between the hours of 12:01 AM and 7:00 AM of any day.

(h) *Parking Time Limited in Designated Places:*

1. No person shall park a vehicle for a period of time longer than thirty (30) minutes on the streets or parts of streets where signs are adequately posted limiting parking to thirty (30) minutes.
2. No person shall park a vehicle for a period of time longer than one (1) hour on the streets or parts of streets where signs are adequately posted limiting parking to one (1) hour.



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3. No person shall park a vehicle for a period of time longer than two (2) hours on the streets or parts of streets where signs are adequately posted limiting parking to two (2) hours.

This subsection shall be effective only during such time as sufficient official traffic signs are displayed setting forth its provisions.

(i) *Municipal Parking Lots:*

1. Municipal parking areas shall be designated by a majority vote of the Town Council. The following are designated as Municipal Parking Areas:
  - a. Columbian Square
  - b. Upper Jackson Square
  - c. Commercial Square (a.k.a. Lower Jackson Square)
  - d. Weymouth Landing
  - e. Old Wessagusett Beach Parking Lot
  - f. George E. Lane Beach Parking Area
  - g. Pleasant Street & Iron Hill St. Area
2. *Hours* - No person shall park a vehicle in said parking area for a period of time longer than one (1) hour between the hours of 12:01 AM and 7:00 AM and for no longer than two (2) hours between the hours of 8:00 AM and 5:00 PM.
3. *Litter prohibited* - No person shall throw or cause to be thrown or placed upon said parking area any nails, glass, bottles, tin cans, rubbish or filth of any kind or commit any nuisance thereon.
4. *Preparation of rules and regulations; form of permit; fee* - The Town Council shall prepare rules and regulations governing the use of said municipal parking areas and the parking of vehicles therein and may alter, rescind or add to any rules and regulations previously made by them which shall include the issuance of permits by the Chief of Police or his designee to the owner or owners of each motor vehicle of a person entitled to such a permit. Such permit may be in the form of a window sticker, so-called, for the display of such sticker on the window of each vehicle so covered by such permit or tags. A fee in an amount set by the Town Council shall be charged for each permit and such fee turned into the Town Treasurer.
5. *Posting of Regulations* - Signs warning all persons of the provisions of these Regulations shall be erected at the entrances and exits of said parking area, and no person shall be held liable for violation of these regulations except when such signs are actually in place.
6. *George E. Lane Beach and Old Wessagusett Beach Parking Areas:*
  - a. *Use limited to Town Residents* - The use of the George E. Lane Beach and Wessagusett Beach parking areas shall be limited to inhabitants of the Town of Weymouth as defined herein, and no other person or persons shall use the same as a parking area or space for vehicles or trespass upon the same for any purpose whatsoever.
  - b. *Definitions* - As used in this Ordinance, inhabitants shall have the following meaning: residents occupying dwelling units within the Town, their families and household guests.

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*(j) Parking for Handicapped:*

1. *Use of spaces restricted; number of spaces required* - No person shall park a motor vehicle, motorcycle of like means of transportation in a designated parking space that is reserved for vehicles owned and operated by Disabled Veterans or by handicapped persons unless said vehicle bears the distinctive number plates or placards authorized by MGL C. 90, s. 2.
2. Any person or body that 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 or for any other place where the public has a right of access as invitees or licensees shall be required to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a Disabled Veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by MGL C. 90, s. 2 according to the following formula:

If the number of parking spaces in any such area is:

- a. More than fifteen (15) but not more than twenty-five (25): one (1) parking space.
  - b. More than twenty-five (25) but not more than forty (40): five percent (5%) of such spaces, but not less than two (2).
  - c. More than forty (40) but not more than one hundred (100): four percent (4%) of such spaces, but not less than three (3).
  - d. More than one hundred (100) but not more than two hundred (200): three percent (3%) of such spaces, but not less than four (4).
  - e. More than two hundred (200) but not more than five hundred (500): two percent (2%) of such spaces, but not less than six (6).
  - f. More than five hundred (500) but not more than one thousand (1000): one-half percent (.5 %) of such spaces, but not less than ten (10).
  - g. More than one thousand (1000) but not more than two thousand (2000): one percent (1%) of such spaces, but not less than fifteen (15).
  - h. More than two thousand (2000) but not more than five thousand (5000): three-fourths of one percent (.75%) of such spaces, but not less than twenty (20).
  - i. More than five thousand (5000): one-half of one percent (.5%) of such spaces but not less than thirty (30).
3. *Designation of spaces* - Parking spaces designated as reserved under the provisions of Subsection (i) shall be identified by use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate or Placard Required. Unauthorized Vehicles may be removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet (12') wide or two (2) eight-foot (8') wide areas with four feet (4') of cross-hatch between them.
  4. *Regulation of unauthorized vehicles* - Unauthorized vehicles shall be prohibited within parking spaces designated for use by Disabled Veterans or handicapped persons as authorized by Subsection (j) of these Ordinances or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.

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*(k) Vehicle Weight Limits:*

1. *Rules and regulations* - It is unlawful to park a motor vehicle with a registered gross vehicle weight rating of ten thousand (10,000) pounds or more, or any tractor or trailer as defined in MGL C. 90, s. 1, or any motor vehicle requiring hazardous material placards for a period of time exceeding one (1) hour, on any street or Town owned parking facility, unless the operator of such vehicle is employed in loading or unloading such vehicle or trailer.
2. *Violations and penalties* - A vehicle as described in this section left standing over twenty four (24) hours may be towed and stored at the owner's expense.

*(l) Fire Lanes; Vehicles in Private Ways:*

1. *Obstruction of private way* - It shall be unlawful to obstruct or block a private way with a vehicle or any other means so as to prevent access by fire apparatus or equipment to any schools and places of public assembly.
2. *Obstruction of fire lanes* - It shall be unlawful to obstruct or park a vehicle in any clearly marked fire lane, such fire lanes to be designated by the Chief of the Fire Department or his designee and posted as such. Said fire lanes shall be a distance of twelve feet (12') from the curbing of a sidewalk in a shopping center, apartment complexes and similar locations. Where no sidewalk with curbing exists, the distance and location shall be established by the Chief of the Fire Department or his or her designee.
3. *Removal of objects obstructing access* - Any object or vehicle obstructing or blocking any fire lane or private way may be removed or towed by the Town under the direction of a Police Officer at the expense of the owner and without liability to the Town of Weymouth.
4. *Installation of signs, road markings* - The owner of record of any building affected by these Sections shall provide and install signs and road markings as provided in Subsection 2 of this Section. Said signs shall be no less than twelve by eighteen inches (12" x 18") and shall read "Fire Lane - No Parking - Tow Zone."

*(m) Parking Restricted for Vehicles for Sale* - It is unlawful for any person to park upon a street, sidewalk or highway any vehicle displayed for sale.

*(n) Parking for Maintenance and Storage* - No person shall stop, stand or park any vehicle or other conveyance upon any public way in order to repair such vehicle or other conveyance or cause it to be repaired upon any public way of the Town; nor shall any person occupy any part of any public way as storage room for any vehicle except that in an emergency temporary repairs may be made.

*(o) Authority to Remove Illegally Parked Cars* - Vehicles found standing or parked in violation of any of the provisions of this Chapter, except those specifically exempted by law, may be removed to a convenient location under the direction of an officer of the Police Department of a rank of sergeant or higher as the Chief of Police may designate and the owner of the vehicle so removed or towed shall be liable to the cost of such removal and storage, if any, as set forth in Ordinance.

The Police Department shall keep a record of all vehicles towed or removed under the provisions of Section 13-103. Such record shall be retained for one (1) year and shall contain the following information:

1. The registration of the vehicle;
2. The location from which it was towed, and time and date of tow order;
3. The location to which it was moved;
4. The fee charged for the towing;
5. Name of towing contractor;

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6. Name and rank of the office who authorized the tow.

(p) *Recovery of towed vehicle* - An owner may not recover a towed vehicle until all charges lawfully imposed for such removal and storage following the same have been paid, and, if in the calendar year in which such vehicle is so removed and in the preceding year, five (5) or more notices, in the aggregate, have been affixed to said vehicle as provided in M.G.L. C. 90, s. 20A, until due notice has been received that either the fines provided in such notices have been paid or security for the payment thereof has been deposited.

(q) *Parking Fines* - Pursuant to the provisions of M.G.L. C. 90, s. 20A, the following schedule of fines is enacted:

Twenty-Five Dollars, (\$25.00) Fines:

1. Right wheels more than twelve inches (12") from curb;
2. Overtime parking;
3. All night parking;
4. Within twenty feet (20') of an intersection;
5. On a sidewalk;
6. Wrong direction;
7. Restricted or prohibited area;
8. Improper parallel parking;
9. Improper angle parking;
10. Lack of ten foot (10') passage;
11. Blocking a driveway;
12. Double parking;
13. Uninspected motor vehicle on a public way;
14. Violation of parking in municipal parking lot.

Fifty Dollar, (\$50.00) Fines:

1. Truck parking restriction;
2. Vehicle on crosswalk;
3. Interfering with snow removal;
4. Fire Station entrance;
5. Within ten feet (10') of a fire hydrant;
6. Block private way/obstruct fire apparatus;
7. Park in fire lane.

One Hundred Dollar (\$100) Fines:

1. Unregistered motor vehicles in a public way;
2. Vehicle parked in space designated for a handicap plate while not having such handicap plate or placard shall be subject to a one hundred dollar (\$100.00) fine if paid within twenty-one (21) days of issue, one hundred five dollars (\$105.00) if paid thereafter but before the Parking Clerk reports said violation to the Registry of Motor Vehicles, and an additional twenty five dollars (\$25.00) if paid after notification to said Registrar;
3. Vehicle parked in a bus stop shall be subject to a one hundred dollar (\$100.00) fine for the first offense and two hundred dollars (\$200.00) for any second or subsequent offense.

(r) *Penalties for Violation of Parking Ordinance* - Any person violating any provision of this chapter regulating parking of motor vehicles shall be dealt with as provided in M.G.L. C. 90, s. 20A and any person violating any of the Rules and Regulations applicable to State highways made by the

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Massachusetts Highway Department under authority of M.G.L. C. 85, s. 2 shall be subject to the penalty provided in such rules and regulations.

**SECTION 13-104      *Traffic Signs, Signals, Markings and Zones***

*(a) Traffic Signs and Signals:*

1. The Town Council, upon reviewing reports from the Traffic Engineer and Police Department, shall by majority vote be authorized and have the duty for designating the placement of all official traffic signs, signals, markings and safety zones required hereunder. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Massachusetts Highway Department, Federal Highway Administration Manual on Uniform Traffic Control Devices. The maintenance of traffic signs shall be the responsibility of the Department of Public Works as set forth in Ordinance.
2. With the exception of Section 13-103 (c), prohibiting or restricting parking within Section 13-103 shall be effective only during such time as a sufficient number of signs are erected and maintained in each block designating the provisions of such section and located so as to be easily visible to approaching drivers.
3. Sections relating to one-way streets shall be effective only during such time as a sufficient number of official signs are erected and maintained at each of the exits for each one-way street, so that at least one (1) sign will be clearly visible for a distance of at least seventy-five feet (75') to drivers approaching such an exit.

*(b) Display of Unauthorized Signs, Signals and Markings; Prohibited* - It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal marking or device which purports to be or is an imitation of or resembles an official traffic sign, signal marking or device or which attempts to direct the movement of traffic or which hides from view any official sign or signal.

*(c) Placing of Structures or Property in Streets Prohibited:*

1. No person shall place, erect or cause to be placed or erected within any sidewalk street or highway any fixture or structure unless a permit is issued by the Mayor, in the case of Town ways or by the Massachusetts Highway Department, in the case of State Highways, authorizing such placing or erecting has been granted and is in effect.
2. No person, other than one employed, directly or indirectly by the Town or the Massachusetts Highway Department and while in the performance of necessary public duties, shall at any time place or leave in any sidewalk, street or highway any article, material or merchandise, or park a vehicle or cart on any sidewalk, street or highway for the purpose of displaying merchandise unless a permit issued by the Town Council in the case of Town ways or the Massachusetts Highway Department in the case of State highway, authorizing such use of the sidewalk, street or highway has been granted and is in effect, except as may be necessary for the reasonable and expeditious loading or unloading of any such vehicle, provided, however, that such property shall never be left so as to obstruct the free passage of pedestrians or vehicular traffic.
3. Any such fixture, structure or property as referred to in this section which has been erected, placed or left illegally in any street, highway or sidewalk may be removed by or under the direction of the Mayor or his designee and at the owner's expense.

*(d) One-Way Streets* - The Town Council, upon reviewing reports from the Traffic Engineer and Police Department, shall by majority vote be authorized and have the duty for designating streets or highways or parts thereof as one-way streets.

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**SECTION 13-105      Pedestrians**

(a) *Obedience to Police Officers and traffic control signal - crosswalks defined* - Pedestrians shall obey the directions of Police Officers directing traffic and, whenever there is an Officer directing traffic, a traffic-control signal or a marked crosswalk, shall remain within the limits of a marked crosswalk and as hereinafter provided in this chapter. For the purpose of this Ordinance, a marked crosswalk shall only be construed to be that area of a roadway reserved for pedestrian crossing located between two solid white reflectorized, twelve inch (12") pavement markings in rural areas or markings not less than six inches (6") wide in urban areas, said markings or lines being no less than six feet (6') apart.

(b) *Definition and Duty to Obey Traffic Control Signals* - Traffic-control signal color indications and legends shall have the commands ascribed to them in this Section and no other meanings, and every pedestrian shall comply therewith, except when otherwise directed by an Officer.

1. *Red and Yellow or the Word "WALK"* - Whenever the red and yellow lenses are illuminated together or the single word "WALK" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signal only.
2. *Red Only or "Don't Walk"* - Whenever the words "Don't Walk" or any indication other than red and yellow shown together are illuminated in a traffic control signal where pedestrian indications are provided, pedestrians approaching or facing such indication shall wait on the sidewalk edge of the roadway or in the pedestrian refuge area of a traffic island and shall not enter upon or cross a roadway until the proper indication is illuminated in the traffic control signal; but any pedestrian who has partially completed his crossing on the walk indication shall proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication or when the words "Don't Walk" are illuminated by rapid intermittent flashes.
3. *Green Only* - At traffic control signal locations where no pedestrian indication is given or provided, pedestrians facing the signal may proceed across the roadway within any marked crosswalk in the direction of the green indication.
4. *Yellow Only, Red Only, or Flashing "Don't Walk"* - Pedestrians approaching or facing a yellow, red or flashing "Don't Walk" illuminated indication shall not start to cross the roadway.
5. *Flashing Red, Yellow or Green* - At any traffic control signal locations where a flashing red, flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall actuate, where provided, the pedestrian signal indication and cross the roadway only on the red-yellow or "Walk" indication when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.

(c) *Required Use of Traffic Control Signals* - At a traffic control signal location where pedestrian indications are provided but which are shown only upon actuation by means of a pedestrian push button, no pedestrian shall cross a roadway unless or until the pedestrian control signal push button has been actuated, and then cross only on the proper pedestrian signal indication. At traffic control signal locations where no pedestrian indication is provided, pedestrians shall cross only on the green indication. If necessary, the green indication shall be actuated by the pedestrian by means of a push button.

(d) *Right of Way Through Traffic Control Signals* - At a traffic control signal location, pedestrians shall yield the right of way to vehicles of a funeral or other procession or authorized emergency vehicle while in performance of emergency duties regardless of the signal indication given, and they shall not attempt to cross the roadway until such vehicles or procession has passed at which time pedestrians shall then cross the roadway only as provided in this Chapter.

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(e) *Improper use of Traffic Control Signal* - It is unlawful for any person to actuate a pedestrian control signal or to enter a marked crosswalk unless a crossing of the roadway is intended.

(f) *Hitchhiking and soliciting; Permission Required* - No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the operator or occupant of any vehicle without the written permission of the Mayor or his designee pursuant to Chapter 9-401 of these Ordinances.

(g) *Provisions of this Section not exclusive* - The provisions of this Section shall in no way abrogate the provisions of MGL C. 90, s. 14 & 14A which provide: "Precautions for Safety of Other Travelers" and for the "Protection of Blind Pedestrians Crossing or Attempting to Cross Ways." Furthermore, notwithstanding the provisions of this Section, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operation.

(h) *Exemptions from Section 13-105* - The provisions of this Section governing the use of ways by pedestrians shall not apply to: pedestrians actually engaged in work upon a roadway closed to travel or under construction or repair; municipal, state, federal or public service corporation employees while in the performance of their duties; officers engaged in the performance of their public duties or to pedestrians acting in an emergency when such emergency necessitates departure from any part of this Section.

(i) *Violation and Penalties* - Pursuant to M.G.L. C. 90, s. 18A, any person who violates the provisions of this Section which deal with the proper use of ways by pedestrians shall be punishable by a fine not exceeding twenty five dollars (\$25) for each offense.

**SECTION 13-106      Buses**

No motor vehicle operated upon a public way in any city or Town for the carriage of passengers for hire in such a manner as to afford a means of transportation similar to that afforded by a railway company shall stand such vehicle in a street unless to take on or let off a passenger, and then only at such places as may be designated by the Town Council and for such time as may be sufficient to enable the passenger to take a seat or to leave such omnibus or vehicle; and provided, further, that no operator of such vehicle shall operate it in a street other than those designated by the Town Council.

(a) *Location of Bus Stops, Taxicab Stands and Service Zones* - The Town Council, upon reviewing reports from the Traffic Engineer and Police Department, shall by majority vote, be authorized and have the duty for designating the location of all bus stops, taxicab stands and service zones. In the case of taxicab stands, the Town Council shall designate by majority vote who may use them as such.

(b) *Enforcement* - The Town of Weymouth Police Department shall enforce this section of Chapter 13 governing the implementation of bus stops pursuant to the provisions of M.G.L. c. 40 s. 21D as amended.

(c) *Penalties for Violation of Buses Ordinance* - Any person or entity who violates the provisions of this Section of Chapter 13 governing the implementation of bus stops shall be liable to a fine of one hundred dollars (\$100) for the first offense and two hundred dollars (\$200) for any second or subsequent offense.

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**SECTION 13-107      *Abandonment of Motor Vehicles***

(a) *General Provisions* - 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 such vehicle reasonably to appear to have been abandoned. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the Town.

1. *Non-Criminal Provisions* - Notwithstanding the provisions of MGL C. 90, s. 22B, Subsection (a), or any other general or special law to the contrary, proceeding under the provisions of 2 through 10, inclusive shall be deemed non-criminal.
2. *Automobile Owner* - As used in Sections 2 through 10, inclusive, the word “owner” shall mean the person or entity registered as the owner of a motor vehicle in the records of the Registry of Motor Vehicles or the person or entity who last had custody or possession of a motor vehicle, legally or otherwise, including, without limitation, operators and owners of automobile graveyards or junkyards as defined in MGL C. 140B, s. 1; provided, however, that the owner of a motor vehicle which has been stolen from said owner and subsequently abandoned shall not be subject to the penalties provided for in this Section.
3. *Violations and penalties* - A person who abandons a motor vehicle, registered or unregistered, upon any public or private way or upon the property of another, without the permission of the owner or lessee of said property, shall pay a civil penalty of two hundred fifty dollars (\$250) for the first such abandonment and five hundred dollars (\$500) for each such abandonment thereafter and, in addition hereto, shall be liable for costs incurred by the Town in removing or disposing of such motor vehicle, including, but not limited to, towing, storage, processing and disposal charges.
4. *Identification upon discovery* - A Police Officer or a person assigned responsibility for abandoned motor vehicles by the Parking Clerk who determines that a motor vehicle has been abandoned shall attach a tag to said vehicle containing, but not limited to, the following information: the current date, the location of said vehicle, its make, color, registration number, if any, and its vehicle identification number, a telephone number or address at which the owner may obtain information regarding the status of the motor vehicle; the hearing procedure regarding abandoned motor vehicles, as provided herein; and a statement that after a specified period of time, the vehicle may be towed and disposed of.
5. *Notice to owner* - After said tag has been affixed to such vehicle, if the owner’s identity is ascertained and the motor vehicle is still deemed to be abandoned pursuant to MGL C. 90, s. 22C, the Parking Clerk or his designee shall send a written notice, in a form approved by the Registrar of Motor Vehicles, by first class mail to the owner’s last known address as contained in records of said Registrar of Motor Vehicles. Such notice shall be deemed sufficient, whether or not actually received by the addressee, if mailed to the address furnished by said Registrar. Such notice shall contain, but not be limited to, the following information regarding the abandoned vehicle: the current date; the location of said vehicle, make, color, registration number, if any, and its vehicle identification number; the amount of the fine and costs assessed for the offense; and the scheduled date, time and place of the hearing before a Hearing Officer. Notwithstanding the hearing scheduled by the Parking Clerk, the owner shall be granted a hearing prior to the scheduled hearing date by appearing at the office of the Parking Clerk during its regular business hours and requesting an immediate hearing regarding the apparently abandoned vehicle. Notwithstanding the hearing scheduled by the Parking Clerk, the owner may elect to have the matter adjudicated in accordance with the provisions of 13-107(7) herein.
6. *Hearing* - All such hearings shall be held before a person hereinafter referred to as a “Hearing Officer,” who shall be the Parking Clerk or a designee of said Parking Clerk.



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Such hearings shall be informal, the rules of evidence shall not apply and decisions of the Hearing Officer shall be subject to judicial review as provided by MGL C. 30A, s. 14. No appeal or exception shall operate to stay the imposition of the fine and costs, the revocation or non-renewal of the license or the prohibition of registration as provided for herein.

7. *Disposition of case* - A person so notified to appear before the hearing office may appear and contest or confess the alleged violation, either personally or through an agent duly authorized in writing or, in the alternative, may confess the alleged violation by mailing to the Parking Clerk the notice, accompanied by the fine and any costs assessed; provided, however, that such payment shall be made only by postal note, money order, or registered check made payable to the Town of Weymouth
8. *Failure to appear at hearing or pay fine* - If the owner fails to appear at a hearing or fails to pay fine and costs, the Parking Clerk shall, in the case of a person, notify the Registrar of Motor Vehicles who shall place the matter on record and not renew the license of such person to operate a motor vehicle and, in the case of an entity, notify the appropriate person to revoke or not renew the owner's license or permit to operate a business pertaining to the towing, storing, servicing or dismantling of vehicles, including, without limitation, automobile graveyards and junkyards. If the abandoned vehicle is registered in such owner's name or was last registered in his name, the registrar shall prohibit the registration and renewal of registration of any such vehicle under such owner's name. Such notice shall be in a form approved by the Registrar of Motor Vehicles. Upon notification to the Registrar of Motor Vehicles of the owner's name, an additional ten dollar (\$10) charge shall be assessed against such owner of the abandoned vehicle. Said ten dollar (\$10) charge shall be collected by the Town and notification or such collection shall be made to the Registrar of Motor Vehicles each month. On or before September 1<sup>st</sup> of each year, the Registrar shall certify the total number of ten dollar (\$10) charges to be assessed against the Town. This number shall equal the total number of notifications of actual collections by the Town. The Registrar shall transmit such certified assessments to the Treasurer of the Commonwealth who shall include such assessments in the warrants prepared in accordance with MGL C. 59 & 20. All such actions taken by the Registrar shall remain in effect until the Registrar receives notice from the Parking Clerk that the matter has been disposed of in accordance with the law.
9. *Effect on driver's license* - Notwithstanding any other general or special law, Ordinance or regulation to the contrary, if an owner has abandoned a vehicle on three (3) occasions and has incurred a fine therefore, each subsequent abandonment, in addition to the fines and costs assessed herein, shall result, in the case of a person, in the revocation for one (1) year of the owner's license to operate a motor vehicle and, in the case of an entity, in the revocation for one (1) year of the owner's license or permit to operate a business pertaining to the towing, storing, servicing or dismantling of motor vehicles, including without limitation, automobile graveyards and junkyards. Such one (1) year time period shall commence on the date on which the Parking Clerk's records indicate that a hearing was held and a fourth (4<sup>th</sup>) or subsequent abandonment was found or that a fine was received in the mail confessing a fourth (4<sup>th</sup>) or subsequent abandonment.
10. *Disposal* - Notwithstanding any other provisions of this section of this Chapter, whenever the Parking Clerk or a person designated or appointed by said Parking Clerk shall deem that an abandoned vehicle is worth less than the cost of its removal, transportation and three (3) days' storage and expenses incidental to its disposal, said Parking Clerk or designee shall direct a carrier to take possession of such vehicle and dispose of it as refuse. A record of such disposal shall be made and kept in the office of said Parking Clerk for a period of two (2) years. Neither said Parking Clerk, carrier nor the Town shall be liable for such disposal. The owner of such vehicle shall be notified

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as hereinbefore provided and shall pay to said carrier all charges for removal, transportation, storage and disposal of such vehicle within fourteen (14) days after the mailing of said notice or shall be subject to the fine herein provided as well as non-renewal of such owner's license to operate and registration of a motor vehicle.

11. *Construal of terms* - An "abandoned vehicle" is a motor vehicle which has either expired or no registration plates; has another vehicle's registration attached to it; is missing or has an expired inspection sticker; is missing parts or has excessive damage; or is considered a safety hazard, as determined by the Department Traffic Officer. Vehicles towed from the scene of an accident, if unclaimed by the owner, will also fall under the provisions of this section.
12. *Preliminary procedure for abandoned vehicles* - If the vehicle in question is properly parked and registered and the condition of the vehicle is not an immediate threat to public safety, before a determination is made that the vehicle is abandoned, the Police Department must attempt to locate the owner, up to and including the following: (a) question residents in the immediate area; (b) observe the vehicle for seventy two (72) hours; (c) run the vehicle identification number to identify the current or last known owner; (d) attempt to contact said owner, either through certified mail or by telephone; and (e) issue a citation for abandonment and send by certified mail to the last registered owner or record.
13. *Towing of the vehicle* - Subject to Subsection 11 and 12 above, when no contact can be made, the vehicle will be towed by authority of the Traffic Officer, after which the garage is required, within five (5) days, to send a registered letter to the owner of record.

**SECTION 13-108      *Operation of Motor Scooters***

(a) *Purpose* - To serve the public interest and safety by regulating the use of motorized scooters on any way, street, sidewalk, highway, boulevard, avenue, court, lane, alley, square, and place, school grounds, playgrounds, parks, or any other property where the public has a right of access.

(b) *Exemptions* - The following vehicles shall be exempt from the provisions of Section 13-108:

1. Vehicles licensed by the Commonwealth of Massachusetts as motor vehicles;
2. Vehicles manufactured and designed for the transport of handicapped persons as those persons have been defined by State and Federal law;
3. Any vehicle owned or leased by the Town of Weymouth;
4. Vehicles licensed or used by the Commonwealth of Massachusetts or any State agency, instrumentality or entity, Federal Government or any Federal agency, instrumentality or entity, including the United States Postal Service, performing service to the public;
5. Personal motorized vehicles used by governmental law enforcement personnel including police officers.

(c) *Operator's Rights* - No person shall operate a motorized scooter on any way, street, sidewalk, highway, boulevard, avenue, court, lane, alley, square, and place, school grounds, playgrounds, parks, or any other property where the public has a right of access without a valid Learner's Permit or Driver's License issued by the Massachusetts Registry of Motor Vehicles or other state recognized department of motor vehicles. Every person operating a motorized scooter shall have all the rights and is subject to all the provisions applicable to the driver of any other motor vehicle as established under MGL C. 90, including, but not limited to, laws concerning driving under the influence of alcoholic beverages or drugs, except those provisions which, by their very nature, can have no application.

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Under Massachusetts Law, motor scooters fall into the category of “motorized bicycles” (with or without pedals) and are therefore regulated by driver’s licenses rules. Operators of motor scooters must obey the same traffic control and right of way laws as Massachusetts licensed drivers.

*(d) Operation: Motor Capable of Disengagement:*

1. A motorized scooter operated on any way, street, sidewalk, highway, boulevard, avenue, court, lane, alley, square, and place, school grounds, playgrounds, parks, or any other property where the public has a right of access shall comply with one of the following:
  - a. Operate in a manner so that the motor is disengaged or ceases to function when the brakes are applied;
  - b. Operate in a manner so that the motor is disengaged through a switch or mechanism that, when released, will cause the motor to disengage or cease to function.
2. It is unlawful and a violation of this Ordinance for a person to operate a motorized scooter that does not meet one of the requirements of Subsection 1.

*(e) Operation: Right-hand Curb - Any person operating a motorized scooter upon any way, street, sidewalk, highway, boulevard, avenue, court, lane, alley, square, and place, school grounds, playgrounds, parks, or any other property where the public has a right of access shall ride as close as practicable to the right-hand curb or right edge of the street except under the following situations:*

1. When overtaking and passing another vehicle proceeding in the same direction;
2. When preparing for a left turn, the operator shall stop and dismount as close as practicable to the right-hand curb or right edge of the street and complete the turn by crossing the street on foot;
3. When seasonably necessary to avoid conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes, which make it unsafe to continue along the right-hand curb or right edge of the street.

*(f) Operator Restrictions - No person shall while operating a motorized scooter upon any way, street, sidewalk, highway, boulevard, avenue, court, lane, alley, square, and place, school grounds, playgrounds, parks, or any other property where the public has a right of access do any of the following:*

1. Operate a motorized scooter on a highway as defined under Chapter 90 of the General Laws of the Commonwealth of Massachusetts.
2. Operate a motorized scooter in violation of any federal, state, or local traffic and parking laws, ordinances, rules or regulations.
3. Operate a motorized scooter without wearing a properly fitted and fastened protective helmet or other headgear that meets the standards set by the American National Standards Institute (ANSI) or which is otherwise approved by the Massachusetts Department of Public Safety.
4. Operate a motorized scooter without a braking system that enables the operator to bring the scooter traveling at a speed of fifteen (15) miles per hour to a smooth safe stop within thirty (30) feet on a dry, clean, hard level surface.
5. Operate a motorized scooter with any passengers in addition to the operator.
6. Operate a motorized scooter carrying any package, bundle, or article that prevents the operator from keeping at least one hand upon the handlebars.
7. Operate a motorized scooter with the handlebars raised so that the operator must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.

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8. Operate a motorized scooter in a careless, reckless or negligent manner so as to endanger the life, safety of any person or the property of any other person.
9. Leave a motorized scooter lying on its side on any sidewalk, or park a motorized scooter on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.
10. Attach the motorized scooter or himself or herself while on the street, by any means, to any other vehicle on the street.
11. Operate a motorized scooter at a speed in excess of twenty (20) miles per hour.
12. Operate a motorized scooter upon any public street with a posted speed limit greater than thirty (30) miles per hour.
13. When preparing for a left turn, the operator shall stop and dismount as close as practicable to the right-hand curb or right edge of the street, roadway or alley and complete the turn by crossing the street, roadway or alley on foot, subject to the restrictions placed on pedestrians.
14. Operate a motorized scooter upon a sidewalk, except as may be necessary to enter or leave adjacent property.
15. Operate a motorized scooter upon any way, street, sidewalk, highway, boulevard, avenue, court, lane, alley, square, and place, school grounds, playgrounds, parks, or any other property where the public has a right of access which prohibits bicycles.
16. Pass or overtake another motorized scooter traveling in the same direction.
17. Whenever a bicycle lane has been established on a public street, any person operating a motorized scooter upon that street shall ride within the bicycle lane, except that the person may move out of the lane under any of the following situations:
  - a. When overtaking and passing another vehicle or pedestrian within the lane or when about to enter a lane if the overtaking and passing cannot be done safely within the lane.
  - b. When preparing for a left turn, the operator shall stop and dismount as close as practicable to the right-hand curb or right edge of the roadway and complete the turn by crossing the roadway on foot, subject to the restrictions placed on pedestrians.
  - c. When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.
  - d. When approaching a place where a right turn is authorized.
18. No person operating a motorized scooter shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in Chapter 90 or the General Laws in the event that any vehicle may be affected by the movement.
19. Operate a motorized scooter in or around school property while school is in session so as to disturb the peace.
20. Operate a motorized scooter in places of public access, such as malls, parking lots or other places where the public has a right of access as an invitee.
21. Operate a motorized scooter during hours of darkness (before sunrise or after sunset).

*(g) Enforcement, Violations, Penalties:*

1. The provisions of this Ordinance may be enforced by any Police Officer or any Special Police Officer designated by the Chief of Police to do so.
2. A person who is charged with violating this Ordinance shall give his or her name and address to the enforcing authority.
3. The following penalties shall be applicable for violations of this Ordinance:
  - a. Any person who violates the provisions of this Ordinance shall be subject to a fine in accordance with M.G.L. C.90 s. 1B, not more than twenty five dollars (\$25) for

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the first offense, not less than twenty five (\$25) nor more than fifty dollars (\$50) for a second offense and not less than fifty (\$50) nor more than one hundred dollars (\$100) for subsequent offenses committed.

- b. As an alternative to initiating a criminal proceeding, violation of this Ordinance may be enforced in a manner provided in the Town of Weymouth Ordinances and MGL C. 40, s. 21D, which procedures are incorporated herein by reference. The penalty for each violation shall be as set forth in 3(a) above for each day or part of a day during which the violation is committed, continued or permitted; provided, however, that if a violator fails to follow the procedures and requirements of said MGL C. 40 s. 21D, the fine or fines shall be recovered by indictment or a complaint pursuant to MGL C. 40, s. 21.
- c. Upon the violation of any provision of this Ordinance, any police officer, or any Special Police Officer designated by the Chief of Police may impound the motorized scooter, until the operator appears in court. If the operator is a minor (yet to attain the age of seventeen (17) years), the motorized scooter may only be released to the offender's parent or legal guardian. If an operator is an adult and is convicted of violating any provision of this Ordinance, the motorized scooter may be subject to a forfeiture proceeding under the General Laws. If the operator is a minor the motorized scooter may be subject to a forfeiture proceeding under the General Laws if the minor is adjudicated delinquent or has his or her case continued without a finding.

***APPENDIX "A"***

***Heavy Vehicle Restrictions***

Locations of signs restricting operation of heavy commercial vehicles:

- 1. Norton Street between North Street and Pearl Street at all times;
- 2. Pearl Street between Norton Street and Sea Street at all times;
- 3. Evans Street between Pearl Street and Bridge Street at all times;
- 4. Pearl Street between North Street and Sea Street at all times
- 5. Front Street from West Street to Washington Street at all times;
- 6. Columbian Street between Park Avenue West and Main Street at all times;
- 7. Pine Street at all times;
- 8. Oak Street at all times;
- 9. Elm Street at all times;
- 10. Pond Street between Thicket Street and Hollis Street at all times;
- 11. Summer Street between West Street and Front Street at all times;
- 12. Birchbrow Avenue between Babcock Street and Bridge Street at all times;
- 13. Federal Street between Front Street and Summer Street at all times;
- 14. Southern segment of Mutton Lane between Pleasant Street and Washington Street at all times;
- 15. Central Street between Pleasant Street and Union Street at all times;
- 16. Ralph Talbot Street between Pleasant Street and Park Avenue at all times.