

General Municipal Codes

NAS South Weymouth

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**ARTICLE I - OVERVIEW OF GENERAL MUNICIPAL CODES**

- 1.1 Authority
- 1.2 Scope; Interrelationship with Zoning
- 1.3 Adoption/Amendments
- 1.4 Administration
- 1.5 Capitalized Terms

**1.1 Authority**

These General Municipal Codes for NAS South Weymouth (the “Codes”) are adopted in accordance with Section 14(h) of Chapter 291 of the Acts of 2014 as the same may now or hereafter be amended (the “Enabling Legislation”), which vests the Southfield Redevelopment Authority (the “Authority”) with the broad regulatory authority to develop and adopt “[r]egulations for the effective implementation and enforcement of the zoning by-laws and revisions thereof.” These Codes shall be implemented and interpreted keeping in mind the purpose of the Enabling Legislation to “promote the expeditious and orderly conversion and redevelopment of NAS South Weymouth” and to achieve this purpose “in a manner consistent with the Reuse Plan [for NAS South Weymouth].”

**1.2 Scope; Interrelationship with Zoning**

The scope of the Codes and the intended interrelationship of the Codes with the Zoning and Land Use By-Laws for NAS South Weymouth (the “By-Laws”) are set forth in Section 1.4.C of the By-Laws which provides as follows:

“The Regulations shall be consistent with [the] By-Laws and shall provide additional substantive and procedural controls over the reuse of NAS South Weymouth. In the event of any inconsistency between [the] By-Laws and the Regulations, [the] By-Laws shall control.”

**1.3 Adoption/Amendments**

The procedure for adoption of the Codes is set forth in Section 14(h) of the Enabling Legislation, which provides that “[n]o regulation shall be adopted by said Authority without first publishing notice of same in a newspaper of general circulation within the NAS South Weymouth Region, holding at least one public hearing in the NAS South Weymouth redevelopment area or in any one of the towns [of Abington, Rockland and Weymouth (the “Towns”)], and affording the opportunity for public comment.” No

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separate approval by the Towns of any Codes adopted by the Authority in accordance with Section 14(h) is required. Amendments to these Codes shall require the same procedure.

**1.4 Administration**

The provisions of these Codes shall apply in both the Central Redevelopment Area and the Perimeter Areas and shall be administered by the Authority and the Towns as set forth in this Section 1.4.

The Authority shall administer and enforce these Codes regarding land use, subdivision, zoning and wetland protection controls and associated permitting, approval, orders of condition and entitlement activities within the boundaries of the Central Redevelopment Area, and the Towns shall administer and enforce these Codes regarding all other permitting, licensing, enforcement and entitlement activities, including without limitation those activities vested with local boards of health and inspectional services, within the boundaries of that portion of the Central Redevelopment Area and the Perimeter Area within such Town. Without limiting the generality of the preceding sentence, each Town's inspectional services department will be responsible for issuing and enforcing building permits and certificates of occupancy for construction activities occurring within the respective Town's borders. . Areas outside of NAS South Weymouth shall remain entirely within the jurisdiction of the Towns and shall continue to be administered by officials of the Towns in accordance with applicable laws, including the municipal laws and regulations applicable to the Towns.

**1.5 Capitalized Terms**

Capitalized terms used but not defined in these Codes shall have the meanings ascribed to such terms in the By-Laws.

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**ARTICLE II - GENERAL PROVISIONS**

- 2.1 Definitions
- 2.2 When Rules of Construction Shall Not Apply
- 2.3 References to Titles, Articles, or Sections
- 2.4 Conflicting Provisions
- 2.5 Code Adoption Not to Affect Prior Offenses, Rights, etc.
- 2.6 Effect of Repeal of Code
- 2.7 Violations and Penalties - Municipal Infractions
- 2.8 Violations and Penalties - Criminal Complaint
- 2.9 Severability

**2.1 Definitions**

In the construction of these Codes, the following definitions shall apply unless such construction would be inconsistent with the manifest intent of the Authority when enacting the Codes.

Applicable Animal Control Officer – The term “Applicable Animal Control Officer” shall mean the animal control officer designated by the Authority or the Towns, as applicable.

Applicable Board of Health – The term “Applicable Board of Health” shall have the same meaning ascribed to such term in the Health Regulations for NAS South Weymouth.

Applicable Board of Licensing Commissioners - The term “Applicable Board of Licensing Commissioners” shall mean the Authority with respect to the Central Redevelopment Area, and the board of licensing commissioners or similar entity of each Town, with respect to the portion of the Perimeter Area located within such Town as applicable.

Applicable Department of Public Works – The term “Applicable Department of Public Works” shall mean the department of public works designated by the Authority or the Towns, as applicable.

Applicable Fire Department – The term “Applicable Fire Department” shall mean the fire department designated by the Authority or the Towns, as applicable.

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**Applicable Gas Inspector** - The term “Applicable Gas Inspector” shall mean the Authority’s or the Towns designated gas inspector, as applicable with respect to the Central Redevelopment Area, and the gas inspector of each Town with respect to the portion of the Perimeter Area located within such Town. .

**Applicable Health Department** – The term “Applicable Health Department” shall have the same meaning ascribed to such term in the Health Regulations for NAS South Weymouth.

**Applicable Parking Clerk** - The term “Applicable Parking Clerk” shall mean the parking clerk designated by the Authority or the Towns, as applicable.

**Applicable Plumbing Inspector** - The term “Applicable Plumbing Inspector” shall mean the Authority’s or the Towns designated plumbing inspector, as applicable.

**Applicable Police Department** – The term “Applicable Police Department” shall mean the police department designated by the Authority or the Towns, as applicable.

**Applicable Sealer of Weights and Measures** - The term “Applicable Sealer of Weights and Measures” shall mean the Authority’s or the Towns designated sealer of weights and measures, as applicable, with respect to the Central Redevelopment Area, and the sealer of weights and measures of each Town with respect to the portion of the Perimeter Area located within such Town.

**Applicable Subdivision Board** – The term “Applicable Subdivision Board” shall have the same meaning ascribed to such term in the Subdivision Rules and Regulations for NAS South Weymouth.

**Applicable Town Engineer** – The term “Applicable Town Engineer” shall mean the Authority’s or the Towns designated town engineer, as applicable with respect to the Central Redevelopment Area, and the town engineer of each Town with respect to the portion of the Perimeter Area located within such Town.

**Applicable Wiring Inspector** – The term “Applicable Wiring Inspector” shall mean the Authority’s or the Towns designated wiring inspector, as applicable with respect to the Central Redevelopment Area, and the wiring inspector of each Town with respect to the portion of the Perimeter Area located within such Town.

**Authority** – The Term “Authority” shall have the meaning set forth in Article 1.1 hereof.

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**By-Laws** – The term “By-Laws” shall have the meaning set forth in Article 1.2 hereof.

**Enabling Legislation** –The term “Enabling Legislation” shall have the meaning set forth in Article 1.1 hereof.

**EPA** – The term “EPA” shall mean the United States Environmental Protection Agency.

**Filing Office** – The term “Filing Office” shall have the same meaning ascribed to such term in Section 2.2(D) of the Administrative Rules and Regulations for NAS South Weymouth.

**Highway** - The term “highway” shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass and causeway in NAS South Weymouth, dedicated or devoted to public use.

**MassDEP** – The term “MassDEP” shall mean the Commonwealth of Massachusetts Department of Environmental Protection.

**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, limited liability companies, firms, partnerships and other similar entities, 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.

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

**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 Code 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.



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

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.

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

Towns –The term “Towns” shall have the meaning set forth in Article 1.3 hereof.

Zoning Enforcement Officer – The term “Zoning Enforcement Officer” shall have the same meaning ascribed to such term in the Administrative Rules and Regulations for NAS South Weymouth.

## **2.2 When Rules of Construction Shall Not Apply**

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

## **2.3 References to Titles, Articles, or Sections**

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

## **2.4 Conflicting Provisions**

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

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

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

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

**2.5 Code Adoption Not to Affect Prior Offenses, Rights, etc.**

a) Nothing in these Codes 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 these Codes.

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

**2.6 Effect of Repeal of Codes**

(a) The repeal of a Code shall not revive any Code in force before or at the time the Code repealed took effect.

(b) The repeal of a Code 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 Code repealed.

**2.7 Violations and Penalty - Municipal Infractions**

(a) Any Code of the Authority 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 appropriate Enforcing Person, be enforced in the method provided in M.G.L. c. 40, § 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 the Applicable Police Department, with respect to any offense, the applicable building inspector, a person designated by the applicable Conservation Commission, the director of the Applicable Health Department, the director of the Applicable Department of Public Works, the Applicable Animal Control Officer and such other officials as the Authority or the Towns may from time to time designate, each with respect to violation of these Codes and rules and regulations within their respective jurisdictions. Each such person as is here designated an Enforcing Person may, with the approval of the Authority or the Towns, as appropriate, appoint a deputy Enforcing Person to serve in his or her absence or

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disability. The names of each Enforcing Person and of each deputy Enforcing Person shall be kept on file in the office of the Authority and at the Applicable Police Department. 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.

## **2.8 Violations and Penalty - Criminal Complaint**

Any Code of the Authority or any rule or regulation of its officers, boards or departments, may, in accordance with the provisions of M.G.L. c. 40, § 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.

## **2.9 Severability**

It is hereby declared to be the intention of the Authority that the sections, paragraphs, sentences, clauses and words of these Codes are severable, and if any word, clause, sentence, paragraph or section of these Codes 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 these Codes, because the same would have been enacted by the Authority without the incorporation in these Codes of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

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**ARTICLE III - APPOINTMENT OF QUALIFIED BOARDS AND OFFICERS**

*(Reserved For Future Use)*

**ARTICLE IV - PRESERVATION OF PUBLIC PEACE AND ORDER**

- 4.1 Consumption of Alcoholic Beverages in Public
- 4.2 Posting of signs prohibited
- 4.3 Numbering of Buildings
- 4.4 Prohibitions concerning “fireworks” and other explosive devices
- 4.5 Prohibition concerning firearms including guns and cannons
- 4.6 Burglar alarm systems
- 4.7 Fire Alarm Signal Systems
- 4.8 Animals at Large
- 4.9 Displaying Non-Domesticated Animals for Entertainment
- 4.10 Dogs and Cats
- 4.11 Littering
- 4.12 Handbills and Circulars
- 4.13 Sex Offender Residency Restrictions

**4.1 Consumption of Alcoholic Beverages in Public**

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

Park - Any public park under the care and control of the Authority or the Towns.

Playground - Any playground under the care and control of the Authority or the Towns.

Private Parking Areas - Any private parking area throughout NAS South Weymouth to which the public has the general right of access.

Public Parking Areas - Any public parking area under the care and control of the Authority or the Towns.

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

(b) Consumption in public places without permission prohibited - No person shall drink or consume alcoholic beverages as defined in M.G.L. c. 138, § 1, while on, in or upon the public ways and places set forth in Section 4.1(a), above, or places to which members of the public have access as invitees or licensees, or a park, public parking area or playground under the care and control of the Authority or the Towns 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 Applicable Police Department is determined to contain an alcoholic beverage as defined in M.G.L. c. 138, § 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.

(d) Arrest without warrant; penalty - A police officer may arrest without a warrant anyone who violates this section. Whoever violates any provision of this section shall be liable to a fine for each such violation as prescribed by the Town where the violation occurs and/or as established by the Applicable Police Department.

#### **4.2 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 NAS South Weymouth without the permission of the owner thereof, nor upon any sidewalk or in or upon any public way or upon any property of the Authority or the Towns without the consent of the Authority or the Towns, as applicable, or their designee.

(b) Penalties - Whoever violates any of the provisions of this section shall be punished by a fine for each such violation as prescribed by the Town where the violation occurs and/or as established by Applicable Police Department.

#### **4.3 Numbering of Buildings**

(a) Determination of numbers - The Authority or the Towns, as applicable, or its designee shall determine and designate the numbering of all houses, buildings or structures within NAS South Weymouth.

(b) Responsibility of owners - It shall be the responsibility of each owner/or occupant of each house, building or, structure within NAS South Weymouth to place thereon the number designated by the Authority or its designee, and no person shall affix or suffer to remain on any house, building or structure a street number other than the one designated by the Authority or the Towns, as applicable, or their designee. Address signage shall be affixed on the rear side of each individual unit when the rear of the unit is located adjacent to a private alleyway and/or a designated fire lane.

(c) Size, color, location and visibility of said numbers - Subject to any contrary provisions in the Architectural and Urban Design Standards and Guidelines, all houses, buildings or structures shall comply with the following:

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1. The minimum height of said numbers shall be four (4) 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 (100) feet 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 therefor.
- (e) Numbering violation - Any person found to be in violation of this section shall be served by the Applicable Fire Department, Applicable Police Department or Applicable 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 as prescribed by the Applicable Fire Department, Applicable Police Department or Applicable Department of Public Works for the Towns where the violation occurs. 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.

#### **4.4 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 M.G.L. c. 148, § 39. The penalty for each such violation as prescribed by state law and/or the Town where the violation occurs and/or Applicable Police Department.

#### **4.5 Prohibition concerning firearms including guns and cannons**

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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 NAS South Weymouth except in defense of life or property. The Authority or the Towns, as applicable, 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 for each such violation as prescribed by state law and/or the Town where the violation occurs and/or as established by the Applicable Police Department.

#### **4.6 Burglar alarm systems**

##### **(a) Definitions**

For the purpose of this section, 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.

**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 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 section.

**False Alarm** - The activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence or willful misconduct of the user of an alarm system or his or her employees or agents; or any signal or oral communication transmitted to the Applicable 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 chief of the Applicable Police Department the names and telephone numbers of at least two (2) other persons 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 Applicable



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 NAS South 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 p.m. and 6:00 a.m., which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of 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 chief of the Applicable Police Department shall endeavor to contact the alarm user or members of the alarm user's family or those persons designated by the alarm user under in an effort to abate the nuisance. The Applicable Police Department 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 Applicable Police Department will be tested until the dispatcher of the Applicable Police Department has been notified.

(c) Penalties

1. Upon receipt of three (3) or more false alarms within a calendar year, the chief of the Applicable Police Department may order the user to discontinue the use of the alarm, or may disconnect any direct connections to the Applicable Police Department.

2. The user shall be assessed a fine for a false alarm as prescribed by the Town where the false alarm occurs and/or as established by Applicable Police Department. The chief of the Applicable Police Department 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 Authority or the Towns, as applicable, for deposit to the general fund.

**4.7 Fire Alarm Signal Systems**

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

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1. Persons, organizations or other legal entities residing or having a place of business in NAS South Weymouth who seek to utilize or maintain private fire alarm signal systems directly to the fire station shall apply for and obtain an annual permit for same from the Applicable Fire Department. Said permit shall be issued by the chief of the Applicable Fire Department or his or her 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 Applicable 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 chief of the Applicable Fire Department.
- (c) Violations and penalties - Anyone violating the provisions of this section shall be subject to a fine prescribed by the Town where the violation occurs and/or as established by the Applicable Police Department for each day that said violations exist.
- (d) Fire Alarm Activation - Upon notification of any fire alarm activation, the Applicable Fire Department shall respond to the fire alarm and notify the person or persons listed in the registration form as having the responsibility for securing said fire alarm system. No Person or Persons shall reset a fire alarm prior to the arrival of the applicable fire department.

If a responsible party fails to respond within a reasonable time period when notified of fire alarm activation, then the fire officer in charge of the responding fire brigade shall to the best of their ability thoroughly check the property. If in the opinion of the fire officer in charge of the brigade determines that the cause of the activation is readily apparent then fire officer may attempt to reset the system if said system is readily accessible to the fire officer.

Any dwelling, building or place required by law to maintain a fire protective system whereby said fire alarm system fails to function and cannot be returned to service within a reasonable time, and if in the opinion of the Authority or the Towns, as applicable, the absence of a properly functioning fire alarm system may pose a threat to life and property, the Authority or the Towns, as applicable, may require a fire department detail of one or more firefighters which may include fire suppression equipment. Costs associated with the fire department detail shall be the responsibility of the property owner of said premises.

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(e) Fire Protective System Malfunctions – Penalty - Any fire protective system malfunction, as defined herein, the Authority or the Towns, as applicable, may assess a fine against a fire alarm system owner for each false alarm occurring due to a malfunction in any twelve (12) month period. In any dwelling, building or place required by law to maintain a fire alarm system where the fire alarm system repeatedly malfunctions then the officer in charge of the fire brigade responding to the fire alarm may, in his/her sole judgment; decide not to reset the fire alarm system (leaving horns/strobes sounding). If the alarm system is not reset then the property owner and tenant/lessee of said premises will be notified either verbally or in writing by the Authority or the Towns, or their agent(s), as applicable.

For the purposes of this ordinance, a malfunction shall be defined but not limited to the following:

- The operation of a faulty smoke or carbon monoxide detection device
- Faulty control panel or associated equipment
- A water pressure surge in automatic sprinkler equipment
- Accidental operation of an automatic sprinkler system
- Action by any person or persons causing accidental activation of the fire alarm system without a permit

(f) Failure to Restore or Repair Fire Protective Systems - Failure to correct or abate conditions to restore or repair fire protective systems may result in civil and or criminal penalties in accordance with M.G.L. c. 148 and 527 CMR 1.00 et seq. the “Massachusetts Board of Fire Prevention Regulations”).

(g) Shutting Off, disconnection of Fire Protection Devices - In accordance with M.G.L. c. 148, § 27A, no person shall shut off, disconnect, obstruct, remove or destroy or cause or permit to be shut off, disconnected, obstructed, remove or destroy any fire protection devices or systems without first procuring a written permit to do so from the head of the fire department.

(h) Hearings – Any person receiving an order or notice of violation pursuant to the provisions of these rules and regulations may contest said order or notice at a hearing before the Authority’s or the Towns’ Municipal Hearing Officer, as applicable. All demands for a hearing must be made in writing and delivered in person or by mail no later than ten (10) days following receipt of the order or notice of violation. Any person requesting a hearing shall be given written notice of the date, time and place of the hearing. Such hearing shall be held not less than fifteen (15) days, or more than thirty (30) days from the date of the mailing notice, provided, the municipal hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. A person wishing to contest an order or notice of violation

shall appear at the hearing and shall have the right to present evidence and cross examine witnesses.

(i) Failure to Pay Fines - Failure to pay fines may result in civil and or criminal penalties in accordance with M.G.L. c. 148 and Massachusetts Board of Fire Prevention Regulations.

Unpaid fines may result in the building owner, tenant and/or lessee being unable to obtain any permits from the Authority or the Towns, as applicable, for the building or property where such violation occurred in accordance with M.G.L. c. 40, § 57 whose provisions are hereby accepted.

Fines that remain unpaid for a period of ninety (90) days shall be subject to the provisions of M.G.L. c. 40, § 58 whose provisions are hereby accepted.

(j) Liability Invalidity – The installation and maintenance of fire alarm systems permitted by these codes shall be made at no cost to the Authority or the Towns. No liability whatsoever is assumed by the Authority or the Towns for the failure of such fire alarm systems or monitoring facilities or for failure to respond to fire alarms, or for any other act or omission in connection with such fire alarm systems. Each fire alarm system permit holder shall be deemed to hold and save harmless the Authority or the Towns, its departments, officers, agents and employees from liability in connection with the permit holders fire alarm system.

#### **4.8 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 NAS South Weymouth, either with or without a keeper.

#### **4.9 Displaying Non-Domesticated Animals for Entertainment**

(a) No living non-domesticated animals shall be displayed for public entertainment or amusement in circuses, carnivals or other similar entities on any public or 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 section shall not apply to domesticated animals including, but not limited to, dogs and cats.

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

(d) Definitions:

Animals - Any mammal, bird, reptile, amphibian, marsupials 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.

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, llamas, emus, 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 the Association of Zoos and Aquariums (AZA).

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

#### **4.10 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. 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.

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(b) Disturbing the peace

No person shall own or keep within NAS South Weymouth 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 Applicable 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 4.10 (c) of these Codes 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 Applicable 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 section. This section shall be subject to enforcement under the provisions of M.G.L. c. 40, § 21D.

The penalty for each violation shall be a fine as prescribed by the Town where the violation occurs and/or as established by the Applicable Police Department and/or Applicable Animal Control Officer.

(e) Order to restrain or muzzle; review of order by court

In addition to the foregoing penalties, the Applicable 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 the Applicable Police Department as hereinafter provided, when the Applicable 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 NAS South Weymouth; or the owner had

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violated the provision of this section more than three (3) times in any calendar year. 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 Applicable 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 M.G.L. c. 140, § 157.

(f) Additional remedies

In addition to any other statutory authority as may be, including but not limited to M.G.L. c. 140, the Applicable Animal Control Officer may, with the approval of the chief of the Applicable Police Department, 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 section.

(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 April 30 in any year shall be subject to a late fee penalty as prescribed by the Town in which the dog is owned or kept and/or as established by the Applicable Animal Control Officer in addition to the license fee upon the complaint of the Applicable Animal Control Officer. The owner of any unspayed and unleashed female dog found by the Applicable Animal Control Officer roaming at large in season (heat) off the premises of the owner or keeper shall be subject to a penalty as prescribed by the Town in which the dog is owned or kept and/or Applicable Animal Control Officer 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 Applicable Animal Control Officer and every police officer to apprehend any dog found running around at large and to impound such dog. The Applicable 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 NAS South Weymouth 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 license fee, if unpaid, and of all costs and charges incurred

by the Authority or the Towns, as applicable, for impounding and maintenance of such dog. Charges shall be paid to the Authority or the Towns, as applicable, for keeping any dog. The daily rate for keeping of a dog shall be set from time to time by the Authority or the Towns, as applicable.

(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 the Applicable Health Department. 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 NAS South Weymouth shall be vaccinated within thirty (30) days after acquisition or entry into NAS South Weymouth or upon reaching the age of six (6) months, whichever ever comes later. The rabies tag shall be worn on a dog in the same manner as a dog license.

#### **4.11 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 NAS South Weymouth or any river, canal, public water, drain, sewer or receiving basin within the jurisdiction of the Authority or the Towns 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 Authority or the Towns 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 section shall not apply to the deposit of material under a permit authorized by any Code of the Authority 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 municipal sewer system through lawful drains in accordance with the Codes of the Authority relating thereto.

(c) Penalties - Any person, firm or corporation violating any of the provisions of this section shall be subject to a penalty as prescribed by the Town where the violation occurs.



#### 4.12 Handbill and Circulars

No person shall distribute circulars, papers or advertisements upon the public highway without first receiving a permit from the Authority or the Towns, as applicable, or their designee.

#### 4.13 Sex Offender Residency Restrictions

(a) Definitions - For the purposes of this section, 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.

GIS - Geographic information system.

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 Authority or the Towns, or any of grades K through 12. This definition shall not include private residences in which students are taught by parents or tutors.

(b) 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 (1,500) feet 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 (1,500) feet 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 GIS system used by the Authority or the Towns, which GIS system shall be presumed accurate and shall be evidence of a violation.

(c) Established Residents - Changes to property resulting in a school, day care center, park, or recreational facility within one thousand five hundred (1,500) feet 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 4.13.

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- (d) Notice to Move - Level 3 Registered Sex Offenders who reside on a permanent or temporary basis within one thousand five hundred (1,500) feet of any school, day care center, park, or recreational facility following passage of this section, 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 (1,500) feet 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 (1,500) feet of any school, day care center, park, or recreational facility shall be considered a violation each day.
- (e) Penalties – Anyone who violates this section of the section shall be subject to the penalties as prescribed by state law and/or the Town where the person is residing.

**ARTICLE V - CODES AFFECTING USE OF PRIVATE PROPERTY**

- 5.1 Building Construction
- 5.2 Hazardous Materials
- 5.3 Underground Fuel Storage

**5.1 Building Construction****(a) Permit Required; Conditions of Issuance**

The Zoning Enforcement Officer shall grant permits for the erection, alteration, removal, relocation or demolition of structures pursuant to the Administrative Rules and Regulations for NAS South Weymouth. Structures may include infrastructure associated with the former NAS South Weymouth airfield runways, taxiways, aprons, hangar foundations/slabs/footings, etc. No structure or foundation shall be built, altered, removed, relocated or demolished without such a permit.

**(b) Fees**

There shall be payable to the Authority or Towns, as appropriate, fees for building, electrical, plumbing and gas fitting permits for the erection, alteration, demolition or moving of structures or building systems. In addition, there shall be payable to the Authority or Towns, as appropriate, fees for water taps and sewer connections. No building permit shall be issued and a building permit application shall not be deemed complete until all applicable fees have been paid to the Authority or Towns, as appropriate, as required by 780 CMR 114.1 et seq. The fees shall be as set by the Authority or Towns, as applicable.

**(c) Failure to Pay Taxes and Fines**

Unpaid taxes, fees, fines and other charges may result in the building owner, tenant and/or lessee being unable to obtain any permits from the Authority or the Towns, as applicable, for the building or property where such violation occurred in accordance with M.G.L. c. 40, § 57 whose provisions are hereby accepted. Taxes, fees, fines and other charges that remain unpaid for a period of ninety (90) days shall be subject to the provisions of M.G.L. c. 40, § 58 whose provisions are hereby accepted.

## 5.2 Hazardous Materials

### (a) Purpose

The purpose of this section 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 NAS South Weymouth from contamination with hazardous materials. This section is not intended to supersede or replace those regulations set forth by MassDEP, EPA, Occupational Safety and Health Administration (OSHA) or any other local, state or federal regulation.

### (b) Definitions

The following definitions shall apply in the interpretation and implementation of this section:

**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 5.2 (d) below.

**Hazardous Materials** - Hazardous materials include all toxic or hazardous substances regulated by M.G.L. c. 21E or other municipal, State and Federal environmental, health and safety ordinances, laws, rules and regulations governing the presence, release or threat of release of hazardous wastes, hazardous materials or oil or similar substances (collectively, the "Hazardous Substance Laws"), as such substances are defined in the Hazardous Substances Laws, including without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalines, and include products such as pesticides, herbicides, solvents and thinners in quantities greater than normal household, office or retail uses. Toxic or hazardous materials shall also include any product, waste or combination of substances which, because of its quantity, concentration or physical, chemical, toxic, radioactive or infectious characteristics, poses, in the opinion of the Authority (in the case of the Central Redevelopment Area) or the Board of Health in the Town in which such material will be located (in the case of the Perimeter Areas), 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. Toxic or hazardous materials include, without limitation, petroleum products, heavy metals, radioactive or infectious materials and all substances deemed as

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“toxic” or “hazardous” under M.G.L. c. 21C and 21E, using the Massachusetts Oil and Hazardous Substance List (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 MassDEP.

(c) 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 the Applicable Health Department 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 of each year.

2. Information required:

a. Registration shall be on a form designated by the director of the Applicable Health Department 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.

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(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 the Applicable Health Department to complete registration.

3. Owners or operators of commercial or industrial establishments, who have not previously registered in accordance with Section 5.2(c)(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 each year.

4. In addition to registration, owners or operators of commercial or industrial establishments registered in accordance with Section 5.2(c)(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 NAS South Weymouth over the registration threshold.

5. Upon the request of the director of the Applicable Health Department, owners or operators shall produce immediately the latest reconciled inventory.

6. If permitted within NAS South Weymouth, 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 the Applicable Health Department. No other subsections of this section 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 the Applicable Health Department of said 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 the Applicable Health Department. 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 5.2(d) of these Codes. An 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 the Applicable Health Department and

the Applicable 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 the Applicable Health Department or the Applicable Fire Department. Plans must be updated every year.

(d) 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 the Applicable Health Department upon request.

(e) 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."

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## 3. Labeling:

(a) All aboveground storage containers shall be labeled at a minimum with the following information:

(i) Hazardous materials:

1. Original manufacturer's label or equivalent;
2. Type of material (chemical name);
3. Hazards associated with the material;
4. Date placed on premises; and
5. Any necessary warnings.

(ii) Hazardous wastes:

1. The words "hazardous waste";
2. Type of waste (chemical name);
3. Hazards associated with the waste;
4. Accumulation start date; and
5. 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 the Applicable Health Department 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 the Applicable Health Department.

(f) Underground Storage

The following provisions shall apply to all underground liquid hazardous material storage systems:

1. Owners shall file with the director of the Applicable Health Department 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 Applicable 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 Applicable 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 the Applicable Health Department, have such tank systems tested. If either the director of the Applicable Health Department or the chief of the Applicable Fire Department determines that the tank is not product tight, it shall be disposed of under the direction of the director of the Applicable Health Department or the chief of the Applicable Fire Department 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 the Applicable Health Department. Such notification must be immediate to the chief of the Applicable Fire Department and the director of the Applicable Health Department.
- d. Certification of testing shall be submitted to the director of the Applicable Health Department and the chief of the Applicable Fire Department 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 the Applicable Health Department 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.

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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 the Applicable Health Department and the chief of the Applicable Fire Department. These must meet all state and federal standards.
  - b. Tank installation on lots not having a permit prior to adoption of these Codes are not permitted within four (4) feet of maximum high water table or within one hundred (100) feet of a surface water body.
  - c. Any location which had a storage permit at the time these Codes were 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.
- (g) 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 NAS South Weymouth 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 the Applicable Health Department, the Applicable Police Department and the Applicable Fire Department. A reportable discharge in the watershed protection district or involving the sanitary sewer requires immediate notification to the director of the Applicable Department of Public Works. Acceptable immediate notification shall be a phone call with a follow-up report in writing within twenty-four (24) hours.
  3. Written notices of violation. Any violator of this section shall be notified in writing of said violations by the director of the Applicable Health Department. 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 the Applicable Health Department to meet the purpose of this section.
  4. Right of entry. The director of the Applicable Health Department and its agents may enter upon privately owned property for the purposes of performing their duties under this section.
  5. Penalty. Any person who violates any provision of this section shall be punished by a fine as prescribed by the Town where the violation occurs and/or as

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established by the Applicable Health Department. 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 section may be enforced pursuant to M.G.L. c. 40, § 21D by a police officer or other officer having police powers as well as the director of the Applicable Health Department. Upon request of the director of the Applicable Health Department or the chief of the Applicable Fire Department, the Authority or the Towns may take legal action as may be necessary to enforce this section.

(h) Fees

1. Any person registering storage of hazardous materials pursuant to this section shall pay an annual registration fee as prescribed by the Applicable Health Department. 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 5.2(g)(5). No fee shall be charged for homeowner underground storage tanks for home heating fuels.

2. The director of the Applicable Health Department may charge for expenses incurred in the enforcement of this section or any emergency actions necessary.

(i) Establishment of Rules and Regulations

The director of the Applicable Health Department may 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 these Codes.

(j) Variations

The Applicable Board of Health may vary the application of any provision of this section, 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 these Codes will still be achieved. The applicant, at his own expense, must notify abutters by certified mail at least ten (10) days before the Applicable Board of Health meeting at which the variance request will be considered. The notification shall state the variance sought and the reasons therefor. Any variance granted by the Applicable 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.

### 5.3 Underground Fuel Storage

(a) Purpose

The purpose of this section is to control the installation and maintenance of underground gasoline or fuel storage tanks over one thousand (1,000) gallons and to protect groundwater and surface water from contamination due to leakage. The provisions of this section are applicable only to underground tanks. Pursuant to Section 9.3 of the By-Laws, underground tanks are prohibited in the Water Resources Protection Overlay District.

(b) Definitions

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

Fire Chief - The chief of the Applicable 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 – Areas of land that would be inundated by a flood having a one-percent (1%) chance of occurring in any given year.

Underground Tank - Any fuel storage containment system for naphthas, gasolines, kerosenes and mixtures of gasolines 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 (1,000) gallons, the top of which is located below the ground

(c) Registration of Existing Tanks; Notice; License Revocation; Abandonment

1. Tank registration: Every operator of an underground tank must file with the Filing Office the size, type, age, contents and location of its underground tanks.

2. Notification of Fire Department: The Filing Office 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.

3. Revocation of unexercised licenses: The Fire Chief may revoke unexercised licenses based under the provisions of M.G.L. c. 148, § 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 M.G.L. c. 148, § 13.
- (d) 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 (b), above, a steel tank with interior coating and other approved piping may be installed.
  - b. In corrosive soils, underground tanks must be constructed of noncorrodible materials, such as fiberglass-reinforced plastic (FRP) or its equivalent; steel with external-bonded noncorrodible 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 noncorrodible 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 Prevention 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. Fire Chief or his or her designee must inspect and approve underground tanks prior to their burial, in accordance with Massachusetts Board of Fire Prevention 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 (3) pounds per square inch and not more than five (5) pounds per square inch 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.
- 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 or her designee.

## 3. Tank location:

- a. Underground tanks may not be installed within the One-Hundred-Year Floodplain. In accordance with Section 9.3(G) of the By-Laws, underground tank installation is also prohibited within the NAS South Weymouth Water Resources Protection Districts.
- 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 (1,000) feet of a public water supply well] must submit, for review by the Fire Chief, the director of the Applicable Health Department, and the director of the Applicable Department 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 the persons noted above, prior to tank installation.

(e) 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 or her 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 the Applicable Health Department 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 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 Fire Chief.

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 5.3(d)(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 (1,000) gallons, be tested at the expense of each tank's owner.

(f) 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 the Applicable Health Department.

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 5.3 (d)(1)(b) must be removed and may not be repaired. A permit for its removal must be obtained in accordance with M.G.L. c. 148, § 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 corrosivity 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.



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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 5.3(d)(1) of these Codes.

(g) Administration of Provisions

1. The provisions of this section shall be administered by the Fire Chief.
2. Variances from the specific requirements of this section may be authorized by the Applicable Board of Licensing Commissioners after notice and a public hearing.
3. Licenses issued in accordance with M.G.L. c. 148, § 13, for underground tanks must be renewed annually in April in the Filing 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 5.3(e)(2) of these Codes, 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.
5. The Fire Chief or his or her 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 section and may, at any time and upon 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.

**ARTICLE VI - PUBLIC WORKS**

**6.1 GARBAGE, RUBBISH, REFUSE, RECYCLING**

*(Reserved for Future Use)*

**6.2 SANITARY SEWERS**

**6.2.1 Connections to Sanitary Sewers**

**6.3 WATER SUPPLY**

**6.3.1 Restraint of Water Use**

**6.4 STREETS, ROADS, ETC.**

**6.4.1 Excavations and Trench Safety**

**6.4.2 Private Ways, Signs required exception**

**6.4.3 Procedure for Acceptance of Public Ways and Parks**

**6.4.4 Maintenance of Traffic Signs**

**6.4.5 Obstructions in streets, etc.**

**6.4.6 Removal of Vehicles During Winter Storm, Emergency**

**6.5 TREES AND OTHER PLANTING MATERIALS**

**6.5.1 Trees**

**6.1 GARBAGE, RUBBISH, REFUSE, RECYCLING**

*(Reserved For Future Use)*

**6.2 SANITARY SEWERS**

**6.2.1 Connections to Sanitary Sewers**

(a) Definitions - As used in this section, 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 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 Authority or the Towns, as applicable, shall connect to such sewer by a sufficient drain at the time of completion of construction of the common sewer line in the way.
- (c) Applicability to sales of habitable structures - Owners of habitable structures required to connect to the common sewer line pursuant to this section shall, prior to the transfer or conveyance thereof, comply with the provisions of this section.
- (d) Violations and penalties - The penalties for violations of this section shall be as follows:
1. Any person found to be violating this section shall be served by the director of the Applicable Health Department 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 section shall be fined in the amount prescribed by Town where the violation occurs or as established by the Applicable Health Department. 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 section shall be liable to the Authority or the Towns, as applicable, for any loss, expense or damage caused by such violation.
- (e) Additional remedies - The provisions of this section may be enforced by civil action without limiting the prosecution of any violations hereof.
- (f) 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.

## **6.3 WATER SUPPLY**

### **6.3.1 Restraint of Water Use**

So long as water is provided by the Town of Weymouth, any restraints on water usage imposed by the Town of Weymouth on its customers located outside of NAS South Weymouth shall apply to water supplied by the Town of Weymouth and utilized inside of NAS South Weymouth.

So long as water is provided by the Town of Weymouth, any water taker who violates this section shall be punished by a fine equal to the fine imposed by the Town of Weymouth on customers located outside of NAS South Weymouth for violations of restraints on usage.

## **6.4 STREETS, ROADS, ETC.**

### **6.4.1 Excavations and Trench Safety**

#### **(a) Permit required; fee**

No person shall make any excavation within the limits of any public or private way (including sidewalk areas) in NAS South Weymouth except upon and in accordance with the conditions of a permit to be issued by the Applicable 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 the Applicable Department of Public Works shall be charged for each permit issued. A certificate of liability insurance shall also be provided to Applicable Department of Public Works during the application process.

#### **(b) Conditions of permit**

It shall be a condition of each permit thus issued that the surface of the way shall be restored to its original condition and at the expense of the person to whom the permit is issued, also that the person to whom the permit is granted shall indemnify the Authority or Towns, as applicable, against all claims of all persons who may be injured in their person or property by reason of such excavation. The director of the Applicable Department 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. The contractor or utility company or provider shall notify DIGSAFE prior to excavation. Also, a 72-hour notice shall be provided to the Applicable Department of Public Works prior to start of work, unless the work is performed on an emergency basis. The permit holder shall be responsible for repairing any damage to public or private utilities or to down trees, shrubs, poles, or signs which may be disturbed or damaged during the course of the work or on account thereof. Violation of any of the conditions of said permit shall render the same void.

#### **(c) Guarantee Period**

The permit holder shall be responsible for the maintenance of the street opening excavation/trench for one (1) year after the date of completing the installation. The permit holder may be required to completely re-excavate, refill, and re-pave any permanent restoration that fails within the one (1) year guarantee period. If additional work is

undertaken at the same location within the one (1) year guarantee period, the most current permit holder of record shall be responsible for complying with this subsection.

(d) Construction methods

The following construction methods shall be mandatory for all street openings:

1. Surface shall be cut carefully with a suitable cutting tool (pavement saw is preferred method).
2. Backfill material shall be as noted on the permit provided by the Applicable Department of Public Works. All gravel backfill shall be tamped and consolidated in twelve (12) to eighteen (18)-inch layers.
3. Pavement shall again be cut a minimum of twelve (12) inches beyond excavation limits and removed through to gravel sub-base.
4. Existing blacktop edges shall be painted with tackcoat emulsion.
5. Blacktop finish shall be applied in two (2) courses, giving a smooth joint. Infrared trench patch method is required.
6. All permanent pavement markings that are obliterated or damaged during construction shall be repainted under the direction of the Applicable Department of Public Works at the expense of the Applicant.

(e) 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. If the Authority or the Towns are required to respond in any way, to provide police protection, to do temporary or permanent repairs, to install safety barriers or lights, etc., prior to the permit holder's receipt of a Certificate of Completion, the permit holder shall reimburse the Authority or the Towns for all costs. A Certificate of Completion will not be issued until these costs are paid.

(f) Authority or Town work; private utility cooperation

Whenever the Authority or the Towns undertake the repair, resurfacing or other such improvement of streets, roads or sidewalks, the private utility companies shall provide for the maintenance and improvements of their infrastructure (manhole covers, service gate boxes, etc.). The infrastructure, 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.

(g) Trench safety

In accordance with M.G.L. c. 82A and 520 CMR 14.00 *et seq.*, no person shall, except in an emergency, make a trench excavation (as defined in 520 CMR 14.00 *et seq.*) in any public way, public property, or privately owned land until a permit is obtained from the appropriately designated permitting authority. The Applicable Department of Public Works shall serve as the appropriate permitting authority, and shall determine the fee charged for each permit issued. The Authority acknowledges the full applicability within NAS South Weymouth of the trench safety regulations published in 520 CMR 14.00, subject however, to the right reserved by the Authority to adopt more restrictive rules and regulations.

#### **6.4.2 Private Ways, Signs required; exception**

Notwithstanding anything to the contrary in the Subdivision Rules and Regulations for NAS South Weymouth, no private way, lane or alley shall connect with a public highway of the Authority or the Towns, as applicable, 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 (12) feet in width and which 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 Applicable Department of Public Works, they cannot reasonably be mistaken for public highway.

#### **6.4.3 Procedure for Acceptance of Public Ways and Parks**

(a) Pre-Application Inspection

After project completion, the applicant shall file with the Applicable Subdivision Board a statement stipulating that all work is complete, is constructed in compliance with the Subdivision Rules and Regulations of NAS South Weymouth and any other applicable regulations and policies of the Authority, is free from defects, and is free and clear of any encumbrance or lien.

After project completion and prior to the submittal of a written request for acceptance of the way or park and associated improvements, a punch list of deficiencies shall be prepared by the Applicable Department of Public Works or other town agent(s) for review with the owner before acceptance of the way or park can be entertained.

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(b) Application

All written requests for the acceptance of ways or parks, new or otherwise, must be presented to the director of the Applicable Department of Public Works for an inspection, review and report. The written request for acceptance of a way or park shall include:

- A. A properly executed “Application for Acceptance of a Way or Park” form (developed by the Corporation) signed by the owner(s) of all land contained within the area(s) proposed for acceptance and eleven (11) copies;
- B. As-built plans and profiles (the “Plans of Acceptance”) as described below;
- C. An electronic version of the Plans of Acceptance in accordance with Level 3 of the Commonwealth’s Standard for Digital Plan Submission to Municipalities and two (2) copies;
- D. Legal description of the metes and bounds of the way or park (the “Order of Taking”) and eleven (11) copies;
- E. A current list of abutters, as certified by the Applicable Filing Office;
- F. Addressed and stamped envelopes in a quantity sufficient to deliver a first-class mail notice to each abutter regarding the scheduling of the Corporation’s public hearing on layout acceptance;
- G. Proper filing fee as established by the Corporation; and
- H. Project review fee, if applicable, as determined by the Corporation.

(c) Plans of Acceptance

One (1) copy of the Plans of Acceptance drawn in ink on mylar sheets (or if the way or park to be accepted is located in both Norfolk County and Plymouth County, two copies of the Plans of Acceptance drawn in ink on mylar sheets) and eleven (11) copies of the Plans of Acceptance on standard white paper twenty-four (24) inches wide by thirty-six (36) inches long at a scale of one (1) inch to forty (40) feet of each way or park shall be submitted by the applicant at the time application is made. The cost of preparing the Plans of Acceptance shall be borne by the applicant. The applicant shall provide additional copies of the Plans of Acceptance as required by the director of the Applicable Department of Public Works or the Applicable Subdivision Board.

The Plans of Acceptance shall be reviewed and accepted by all divisions of the Applicable Department of Public Works, the Applicable Health Department, Applicable Building Department and the Applicable Subdivision Board, who in approving the Plans of Acceptance will sign the mylar sheets in the appropriate spaces provided.

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Plans of Acceptance shall be prepared and certified by a registered land surveyor. Plans of Acceptance shall show all physical characteristics of the way or park presented for acceptance, i.e., all property lines; the names of the respective owners as of a date not earlier than January 1 of the year in which the application is filed; the correct locations of all buildings; all public and private utilities (water, sewer, storm drainage, electric, telephone, cable television, gas, etc.; shown in plan and profile views); all easements related to the street system (including easements for all storm drainage detention/retention pond areas); all survey data necessary to lay out the street including widths, lengths and bearings of all boundary lines of streets and easements, radii and tangent lines at layout intersections, central angles of all curves in street lines; and any other requirements for recording the plan at a registry of deeds. The Plans of Acceptance shall show and certify that all permanent monuments have been set in accordance with the Subdivision Rules and Regulations for NAS South Weymouth.

The deed reference and sheet, block and lot numbers shall be shown for each lot which abuts the way or park.

(d) Applicable Department of Public Works

Following receipt of a complete application package for acceptance of a way or park, the Applicable Department of Public Works shall review the application package and inspect the way or park to develop a punch list of deficiencies to be corrected in order to bring the area and/or plans into compliance with current specifications of the Authority. The applicant shall correct any deficiencies to the satisfaction of the Applicable Department of Public Works, and all costs associated with such corrections shall be borne by the applicant. If the applicant is unable to correct deficiencies in a timely manner (during the course of the review process) due to the extent of the work required, poor weather conditions, etc., then a formal agreement shall be executed between the Applicable Department of Public Works or Applicable Subdivision Board and the applicant which shall set forth all necessary terms and conditions such as identifying the scope of work required to correct the deficiencies, an agreeable timeframe to complete the work, etc.

The Applicable Department of Public Works will notify all departments/officials that have plan approval responsibilities that Plans of Acceptance have been submitted for their review.

The Applicable Department of Public Works will assign a plan number to the Plans of Acceptance. However, as with all original plans with the potential to be recorded at the applicable registries of deeds and/or land court, the plan number will be added to the plan just inside of and near the center of the lower border in a small font size. Only copies of the original plan may receive plan numbers in larger font in the corners.

Once the Plans of Acceptance have been signed by all of the applicable departments/officials, and either any deficiencies have been corrected by the applicant or an agreement is to be executed between the Applicable Department of Public Works or



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Applicable Subdivision Board and the applicant, the Applicable Department of Public Works shall submit the acceptance application package to the Authority or the Towns, as applicable, for their review and approval.

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(e) Authority or Town Actions

Upon receipt by the Authority or Towns, as applicable, a measure number shall be assigned for the application.

The Authority or Towns, as applicable, shall hold a public hearing or hearings in order to consider acceptance of the way or park layout and to consider a vote to adopt the Order of Taking. Notice of such hearing shall be given by the Authority or Towns, as applicable, at the expense of the applicant in each of two (2) successive weeks by advertisement in a newspaper(s) of general circulation in the Towns as determined by the Authority or Towns, as applicable. The first notice shall be not less than fourteen (14) days before such hearing; the second notice shall be not less than seven (7) days before such hearing. The Authority or Towns, as applicable, shall also notify by first-class mail the abutters (as provided by the applicant in the application package) of the way or park at least seven (7) days before the hearing. The Authority or Towns, as applicable, shall vote to adopt or reject the Order of Taking within one hundred and twenty (120) days of the first public hearing held on the way or park layout.

Once approved and signed by the Authority or Towns, as applicable, the Authority's or Towns' legal counsel, as applicable, shall record (at applicant's expense) the Plans of Acceptance and the Order of Taking at the applicable registries of deeds and the land court (for recording the Order of Taking, if applicable).

The Authority's or Towns' legal counsel, as applicable, shall provide a copy of the recorded Plans of Acceptance and Order of Taking to the Department of Public Works of the Authority or Towns, as applicable, and to the Department of Public Works of the Town(s) in which the way or park is located.

In cases where the Authority and one or more of the Towns is involved in reviewing an application for acceptance of a way or park, joint meetings/hearings may be held at either NAS South Weymouth or in one of the Towns in order to provide for a consolidated review process.

(f) Additional Compliance Requirements

No street or way constructed through lands by the owners thereof shall be laid out or accepted or recommended by the Applicable Department of Public Works for acceptance as a public way or street of the Authority or Towns, as applicable, unless previously constructed and completed to the subgrade in accordance with the latest specifications promulgated by the Authority, including the Subdivision Rules and Regulations for NAS South Weymouth.

Any street or way constructed through private land by the owners thereof may be laid out and accepted as a public street of the Authority or Towns, as applicable, provided

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that such action is taken in accordance with provisions of M.G.L. c. 82, §§ 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 Authority or Towns, as applicable, deems it necessary to acquire for such layout and have accepted and have granted sloping privileges.

(g) Conveyance of Utilities and Easements

The Applicable Subdivision Board shall not release a surety bond or deposit, or, in the case of a covenant, issue a Certificate of Performance (as defined in the Subdivision Rules and Regulations for NAS South Weymouth), until the applicant has executed an instrument, on a form approved by the Authority or Towns, as applicable, transferring to the Authority or Towns, as applicable, without cost, valid unencumbered title to all common sewers, storm drains (including detention/retention pond areas) and water mains, and any other public improvements and appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved, and conveyed to the Authority or Towns, as applicable, without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace operate and forever maintain the aforesaid sewers, storm drains, water mains and public improvements, with any manholes, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in, through and under the whole of all streets in the subdivision or portion thereof to be approved, and if any such sewers, storm drains, water mains or public improvements have been constructed and installed in land not within such street, then in, through and under a strip of land extending ten (10) feet in width on each side of the center line of all such improvements.

(h) Exemptions and waivers

The Authority or Towns, as applicable, may exempt or waive the local requirement of this section for any public way or park acceptance upon the recommendation of the Applicable Department of Public Works that it is in the best interest of the Authority or Towns, as applicable, to do so.

#### **6.4.4 Maintenance of traffic signs**

The Applicable Department of Public Works shall have the responsibility for the installation and maintenance of traffic signs and the painting of curbs, crosswalks, center lines, warning signs, traffic markings, etc., on the streets owned by the Authority or Towns, as applicable.

#### **6.4.5 Obstructions in streets, etc.**

(a) Obstructions restricted

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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 the Applicable Department of Public Works to remove the same.

(b) Leaves

No person shall place leaves or cause leaves to be placed by raking, vacuuming, or blowing onto any public way. Leaves are to be bagged for collection in accordance with the rules and regulations promulgated by the Applicable Department of Public Works. The penalty for violation of this subsection shall be as prescribed by the Town where the conduct occurs.

(c) Snow Obstruction of public ways and sidewalks

All persons engaged in the removal of snow shall, under no circumstances, cause said snow to be deposited so as to obstruct any public way or sidewalk. The penalty for violation of this subsection shall be as prescribed by the Town where the conduct occurs, or in the absence of any such fine the sum of Fifty Dollars (\$50) for each offense.

#### **6.4.6 Removal of vehicles during winter storm, emergency**

(a) Removal

Any vehicle on a public way in NAS South Weymouth 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 the Applicable Police Department to a public garage or any convenient place.

(b) Notice of removal

The chief of the Applicable Police Department 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 Authority or the Towns, as applicable, 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.

## **6.5 TREES AND OTHER PLANTING MATERIALS**

### **6.5.1 Trees**

#### **(a) Public Tree Care**

The Authority or Towns, as applicable, 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 Authority or Towns, as applicable, 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.

#### **(b) Topping and Pruning**

It shall be unlawful as a normal practice for any person, firm, or municipal 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 section at the determination of the Authority or Towns, as applicable. Every owner of any tree overhanging any street or right-of-way within NAS South Weymouth 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.

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 Authority or Towns, as applicable, 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.

#### **(c) 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.

#### **(d) Penalty and Enforcement**

Any person who violates any provision of this section and who is prosecuted by criminal complaint pursuant to the provisions of Section 2.8 shall be subject to a fine as prescribed by the Authority or Towns, as applicable. The Authority or Towns, as

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applicable, 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 section as a municipal infraction shall be punished by a penalty as prescribed by the Authority or Towns, as applicable.

(e) 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 M.G.L. c. 87, § 3, must first obtain a permit from the director of the Applicable Department of Public Works or its agent. If removal is permitted, it shall be at no cost to the Authority or Towns, as applicable, performed within the Spring or Fall months following completion of construction and replaced in locations specified by the director of the Applicable Department of Public Works or its agent with a number of small trees determined to be equivalent on the following basis:

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.

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 Landscaper in accordance with the National Arborist Association. The director of the Applicable Department of Public Works or its agent shall determine species, size, and planting locations.

At the option of the applicant, the Authority or Towns, as applicable, may, upon payment of the agreed upon sum, replace said trees according to the standards herein set forth.

Partial relief may be granted by the director of the Applicable Department of Public Works or its agent, 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.

If any motor vehicle causes damage to a tree or woodland, the Applicable Department of Public Works shall be notified whereupon a certified arborist will inspect the damage and place a value on the said damage. The Authority or Towns, as applicable, will bill the applicable insurance company (if known) accordingly to utilize the money to plant trees at the locations of their choice.

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**ARTICLE VII - LICENSES AND PERMITS**

- 7.1 Assignment of responsibilities to certain municipal agencies to grant licenses and permits regulated under the General Laws
- 7.2 Regulation of food vendors
- 7.3 Regulation of hawkers and peddlers
- 7.4 Regulation of canvassers and solicitors
- 7.5 Outdoor Business License

**7.1 Assignment of responsibilities to certain municipal agencies to grant licenses and permits regulated under the General Laws**

The following licenses or permits under the following provisions of the General Laws shall be within the jurisdiction of the Applicable Health Department:

<i>Description</i>	<i>Chapter</i>	<i>Section</i>
Animal rendering	111	154
Animal stables	111	155
Baths, public	140	51
Bathing suit rentals	140	194
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

The following licenses or permits under the following provisions of the General Laws shall be within the jurisdiction of the Zoning Enforcement Officer:

<i>Description</i>	<i>Chapter</i>	<i>Section</i>
Buildings	143	3, 3A
Elevators	143	62

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The following licenses or permits under the following provisions of the General Laws shall be within the jurisdiction of the chief of the Applicable Police Department:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
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
Taxicabs	40	22

\* In coordination with the director of the Applicable Department of Public Works and the Zoning Enforcement Officer, as appropriate.

The following licenses or permits under the following provisions of the General Laws shall be within the jurisdiction of the chief of the Applicable Fire Department:

<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
Storage and sale of gasoline and other explosives	148	13

The following licenses or permits under the following provisions of the General Laws shall be within the jurisdiction of the Applicable Gas Inspector:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Gas appliances	143	3N

The following licenses or permits under the following provisions of the General Laws shall be within the jurisdiction of the Applicable 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,		



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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
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
Dog Kennels	140	137A
Entertainment on Common day of rest, holidays,	136	4
Entertainment provided by Innholder or Common Victualler	140	183A
Ferris Wheels, Carousels and Outdoor Exhibitions	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

\* For licenses within the Perimeter Area, license approval is subject to recommendation of the recreation department of the applicable Town.

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The following licenses or permits under the following provisions of the General Laws shall be within the jurisdiction of the Authority or Towns, as applicable:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Cable television	166A	3
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 General Laws shall be within the jurisdiction of the superintendent of schools within NAS South Weymouth:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Children, work permits	149	69

The following licenses or permits under the following provisions of the General Laws shall be within the jurisdiction of the Applicable 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 General Laws shall be within the jurisdiction of the Filing Office:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Dogs, collar licenses	140	137
Fishing, hunting, trapping	131	12
Marriage	207	28

The following licenses or permits under the following provisions of the General Laws shall be within the jurisdiction of the Applicable Wiring Inspector:

<u>Description</u>	<u>Chapter</u>	<u>Section</u>
Wiring	143	3L

## 7.2 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 M.G.L. c. 140, without first obtaining a food vendor's license under the

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provisions of this section. Any person who violates this section shall be liable to a fine as prescribed by the Applicable Board of Licensing Commissioners or Select Board, in the absence of a Board of Licensing Commissioners. 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, routinely serving 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 Applicable 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 Applicable 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 Applicable Board of Licensing Commissioners shall require. The Applicable 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 section until the applicant submits a plan acceptable to the Applicable 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 Applicable Board of Licensing Commissioners. The Applicable Board of Licensing Commissioners may refuse to grant such a license if, in their opinion, the public good does not require it.

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(f) Term; fee

A food vendor's license shall be valid for a term of one (1) year from the first day of January until the 31st day of December. A nonrefundable fee established by the Applicable Board of License Commissioners shall be submitted with the application for such license.

(g) Suspension and Revocation

If the Applicable Board of Licensing Commissioners shall find 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 section, the Applicable 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 Applicable Board of Licensing Commissioners, after notice to the licensee and public hearing, may, upon satisfactory proof thereof, suspend or revoke his license.

**7.3 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 these Codes.

(b) License required for certain food peddling

No person shall go from place to place in NAS South Weymouth 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 therefor from the Applicable 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, §17, until the name and residence of the hawker or peddler has been recorded in writing with the office of the chief of the Applicable 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 Zoning Enforcement Officer.

(g) Non-applicability

The provisions of this section 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 Authority or Towns, as applicable, 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 Applicable Board of Licensing Commissioners, upon granting such permit or permission, shall forward a copy of the list to the Filing Office and the chief of the Applicable Police Department.

(h) Term of license; fees

Said licenses, unless sooner revoked by the Applicable Board of Licensing Commissioners, shall expire one (1) year after grant thereof, and each resident so licensed shall pay a fee as set by the Applicable Board of License Commissioners.

(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 NAS South Weymouth, 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 Applicable Board of Licensing Commissioners or Select Board shall be assigned a number and shall be provided by said Applicable Board of Licensing Commissioners or Select Board with a badge, which shall be conspicuously worn. Whoever neglect to wear, or wears such badge without authority, shall be punished by a fine as prescribed by the Applicable Board of Licensing Commissioners or Select Board in the manner provided in Section 2.7 of these Codes.

(k) Certification of weighing and measuring devices

No person shall be registered or assigned a badge or number plate under the provisions of this section relating to hawkers and peddlers until a certificate from the Applicable 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 Codes shall be construed as conflicting with any license issued under the authority of the Commonwealth.

(m) Revocation of License

Any license granted under these Codes or any Code amendatory or additional thereto may be revoked by the officer or agency granting the same.

#### **7.4 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 Authority or Towns, as applicable, or their designee.

2. The registrant shall give:

a. His/Her complete identification;

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- b. His/Her signature;
- c. The name of his employer;
- d. The nature of the products or services in which he/her is interested;
- e. The names of the manufacturers of such products or the organization which he/her is representing; and
- f. The proposed method of operation in NAS South Weymouth.

(b) Definitions

As used in this section, 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.

(c) Exceptions

This section 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 Authority or applicable Town officer a registration fee as established by the Applicable Town 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.

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2. Such registration certificate shall expressly require and be issued only upon the condition that each person who intends to solicit or canvass in NAS South Weymouth after the hour of 6:00 p.m. shall, on every such day, inform the office of the chief of the Applicable 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 NAS South Weymouth, 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) Non-applicability
- The provisions of this section shall not apply to officers or employees of the Authority, the Towns or any 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 section 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 entity that issued the registration or the chief of the Applicable Police Department because of any violation by the registrant of this section or of any other Code of the Authority or any state or federal law or whenever the registrant shall cease to possess the qualifications and character required in this section 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 section or violates any of the provisions of this section or carries on the business after such person's registration is revoked shall be punished for each offense by a fine as prescribed by the Town where the violation occurs.



## 7.5 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 Applicable Board of Licensing Commissioners.
- (b) The provisions of this section shall not apply to: amusements licensed under M.G.L. 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 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 publicly-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 section by reason of associating himself temporarily 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 set by the Applicable Board of Licensing Commissioners or Select Board. Licenses issued under this section shall expire on December 31 annually. The Applicable Board of Licensing Commissioners or Select Board 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 as set by the Applicable Board of Licensing Commissioners or Select Board, provided that the applicant demonstrates a substantial benefit to the charity and to the Town. The Applicable 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 Authority may make regulations not inconsistent with the provisions of this section for clarifying the provisions of this section and to describe the methods, conditions, and form of application, and may place reasonable restrictions on any license

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granted under this section when, in its opinion, it is in the best interest NAS South Weymouth to do so.

(f) Copies of all permits issued hereunder shall be forwarded to the chief of the Applicable Police Department and kept on file by the Applicable Police Department for enforcement purposes.

(g) Penalties: Whoever violates the provisions of this section shall be punished by a fine as prescribed by the Town where the violation occurs or as established by the Applicable Board of Licensing Commissioners. Any violation of this section may be enforced by the methods provided in M.G.L. c. 40, § 21D of the General Laws.

**ARTICLE VIII - REGULATIONS AFFECTING MOTOR VEHICLES**

- 8.1 Definitions
- 8.2 Operations of Motor Vehicles
- 8.3 Parking
- 8.4 Traffic Signs, Signals, Markings and Zones
- 8.5 Pedestrians
- 8.6 Buses
- 8.7 Abandonment of Vehicles
- 8.8 Regulations for Operating Motor Scooters

**8.1 Definitions**

For the purpose of this Article, 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 way designated by the Authority or Towns, as applicable, 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 1/2) 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 department 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, § 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.

**Motor Scooter**- 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 Article an officer shall be construed to mean any police officer or officer, investigator, examiner or inspector of the Registry of Motor Vehicles, any constable, special officer or crossing guard, provided he and she has his or her badge of office displayed.

**Official Curb Marking** - That portion of a curbing the painting of which has been authorized by the Authority or Towns, as applicable, and which has the written approval of the Massachusetts Department of Transportation - Highway Division.

**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 Authority or Towns, as applicable, and which has the written approval of the Massachusetts Department of Transportation - Highway Division.

**Official Traffic Signs** - All signs, markings and devices, other than signals, not inconsistent with this Article, and which conform to the standards prescribed by the Massachusetts Department of Transportation - Highway Division 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 Department of Transportation - Highway Division, not inconsistent with these Codes, 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.

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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.

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.

Taxicab Stand - An area in the roadway in which certain taxicabs are required to park while waiting to be engaged.

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 Department of Transportation - Highway Division 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 this Article are applicable to them.

## **8.2 Operations of Motor Vehicles**

### **(a) Officers to Direct Traffic**

It shall be the duty of officers designated by the chief of the Applicable Police Department to enforce the provisions of this Article and any and all traffic laws of the

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Commonwealth of Massachusetts. 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 Article.

(b) Police May Close Streets Temporarily

The director of the Applicable Department of Public Works as well as the chief of the Applicable Police Department, 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 Article 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 nor 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 these Codes. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

(d) Authorization and Erection of Stop Signs

For stop signs and traffic signals not erected in connection with an approval from the Applicable Subdivision Board, the erection of stop signs or flashing red signals are authorized so as to face the streets designated, upon approval by the Authority or the Towns, as applicable. Prior to approving the erection of such sign or signal, the Authority or Towns, as applicable, shall review reports from the authority's respective traffic engineer and the Applicable Police Department.

(e) Warning at Garage Exits

Where buildings are used for the keeping of more than four vehicles and the exits there from are within ten (10) feet of the line of a public street, warning by mechanical or electrical device visible for a distance of fifteen (15) feet 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.

(f) 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

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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.

(g) Exclusion of Heavy Commercial Vehicles

*(Reserved for future use)*

(h) 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 (\$1,000) or more shall, within five (5) days after such accident, report in writing to the Applicable Police Department, provided however the Applicable 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 these Codes 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 Applicable Police Department may require any driver or a vehicle involved in an accident, of which a report must be made as provided in these Codes, to file supplementary reports whenever the original report is insufficient in the opinion of the Applicable Police Department.

(i) Vehicle Owner Ultimately Responsible

If any vehicle is found upon any street or highway in violation of any provisions of this section and the identity of the driver cannot be determined, the owner, or person in whose name such vehicle is registered, shall be prima facie responsible for such violation.

(j) 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 NAS South Weymouth which have not been laid out as a way, or designated by the Authority or Towns, as applicable, for the use by such vehicles.

(k) 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.

(l) 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 NAS South Weymouth, 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.

(m) 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 Authority or Towns, as applicable, as prohibiting such activity.

(n) Designation of Left-Turn Prohibited Areas:

The erection of No Left Turn signs may be authorized by the Authority or Towns, as applicable. Prior to approving the erection of such sign, the Authority or Towns, as applicable, shall review reports from the authority's respective traffic engineer and the Applicable Police Department.

(o) 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 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 Authority or Towns, as applicable, either audibly or by signals.

### **8.3 Parking**

#### **(a) General Prohibitions**

No person shall park a vehicle in any of the following places and 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 8.3 (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 (12) inches 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 of a width as required by the Subdivision Rules and Regulations for NAS South Weymouth, for passing traffic;
6. Upon any street or highway within ten (10) feet of a fire hydrant;
7. In front of any private road or driveway;
8. Upon any street or highway within twenty (20) feet of any intersecting way, except alleys;
9. Within fifteen (15) feet 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 of or opposite any street excavation or obstructions when such stopping, standing or parking would obstruct traffic;

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11. Within the limits of private ways furnishing means of access for fire apparatus to any part of a tenement house or apartment house;

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; and

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 Authority or Towns, as applicable, upon considering reports from the issuing authority's traffic engineer and the Applicable Police Department may designate streets or highways or parts thereof where parking is hereby prohibited or restricted.

(c) Police May Prohibit Parking Temporarily

The chief of the Applicable Police Department 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 Authority or Towns, as applicable, upon reviewing the recommendations issued by the issuing authority's traffic engineer and the Applicable 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 (12) inches 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 parallel parking is permitted, both wheels on the right side of the vehicle are to be within twelve (12) inches of the curb or edge of the roadway, except upon those streets which are designated as one-way streets. On such one-way streets, 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 (12) inches of the curb. This shall not apply to streets or parts of streets where angle parking is required by this Article.

(g) All Night Parking

*(Reserved For Future Use)*

(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.
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

*(Reserved For Future Use)*

(j) Parking for Handicapped

1. Use of spaces restricted; number of spaces required – No person shall park a motor vehicle, motorcycle or 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 M.G.L. c. 90, § 2.

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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 M.G.L. c. 90, § 2 in accordance with all state and federal regulations.
3. Designation of spaces - Parking spaces designated as reserved under the provisions of subsection (l) 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 (12) feet wide or two (2) eight-foot (8) wide areas with four (4) feet 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) 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.
- (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 M.G.L. c. 90, § 1, or any motor vehicle requiring hazardous material placards for a period of time exceeding one (1) hour, on any street or publicly-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.

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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 Applicable Fire Department or his or her designee and posted as such.
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 Authority or Towns, as applicable, under the direction of a police officer at the expense of the owner and without liability to the Authority or Towns, as applicable.
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 (12 x 18) inches 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; 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 Article, except those specifically exempted by law, may be removed to a convenient location under the direction of an officer of the Applicable Police Department of a rank of sergeant or higher as the chief of the Applicable Police Department 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 Codes. The Applicable Police Department shall keep a record of all vehicles towed or removed under the provisions of Section 8.3. 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, (6) name and rank of the officer 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

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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, § 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, § 20A, the Town and/or the Applicable Police Department shall establish a schedule of fines, which schedule is subject to change, for the following parking offenses:

- a. Right wheels more than twelve (12) inches from curb
- b. Overtime parking
- c. Within twenty (20) feet of an intersection
- d. On Sidewalk
- e. Wrong direction
- f. Restricted or prohibited area
- g. In a bus stop
- h. Improper parallel parking
- i. Improper angle parking
- j. Lack of ten (10) foot passage
- k. Blocking a driveway
- l. Double parking
- m. Truck parking restriction
- n. Vehicle on crosswalk
- o. Interfering with snow removal
- p. Fire Station entrance
- q. Within ten (10) feet of a fire hydrant
- r. Block private way/obstruct fire apparatus
- s. Park in fire lane
- t. Overnight parking

A vehicle which parks in a space designated for a handicap plate while not having such handicap plate or placard shall be subject to a fine as prescribed by state law and/or the Town where the violation occurs or established by the Applicable Police Department.

(r) Penalties for Violation of Parking Code

Any person violating any provision of this section regulating parking of motor vehicles shall be dealt with as provided in M.G.L. c. 90, § 20A and any person violating any of the Rules and Regulations applicable to state highways made by the Massachusetts Department of Transportation - Highway Division under authority of M.G.L. c. 85, § 2 shall be subject to the penalty provided in such rules and regulations.

**8.4 Traffic Signs, Signals, Markings and Zones**

(a) Traffic Signs and Signals:

1. Upon reviewing reports from the issuing authority's traffic engineer and the Applicable Police Department, the Authority or Towns, as applicable, shall, 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 Department of Transportation - Highway Division, Federal Highway Administration Manual on Uniform Traffic Control Devices. The maintenance of traffic signs shall be the responsibility of the Applicable Department of Public Works as set forth in these Codes.
2. With the exception of Section 8.3(c) prohibiting or restricting parking, Section 8.3 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 sign will be clearly visible for a distance of at least seventy-five (75) feet 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

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the Authority or Towns, as applicable, in the case of public ways, or by the Massachusetts Department of Transportation - Highway Division, 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 Authority or Towns, as applicable, or the Massachusetts Department of Transportation - Highway Division 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 Authority or Towns, as applicable, or the Massachusetts Department of Transportation - Highway Division, as appropriate, 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 Authority or Towns, as applicable, or their designee and at the owner's expense.

(d) One Way Streets

The Authority or Towns, as applicable, upon reviewing reports from the issuing authority's traffic engineer and the Applicable Police Department, shall be authorized and have the duty for designating streets or highways or parts thereof as One Way Streets.

## 8.5 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 section.

(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.



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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

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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 Article.

(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 Authority or Towns, as applicable, pursuant to Section 7.4 of these Codes.

(g) Provisions of this Section not exclusive

The provisions of this Section 8.5 shall in no way abrogate the provisions of M.G.L. c. 90, §§ 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 8.5, 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 8.5

The provisions of Section 8.5 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, § 18A, any person who violates the provisions of this Section 8.5 which deal with the proper use of ways by pedestrians shall be punishable by a fine as prescribed by the Town where the violation occurs or as established by the Applicable Police Department.

## **8.6 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 Authority or Towns, as applicable, 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 Authority or Towns, as applicable.

### **(a) Location of Bus Stops, Taxicab Stands and Service Zones**

The Authority or Towns, as applicable, upon reviewing reports from the issuing authority's traffic engineer and the Applicable Police Department, shall 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 Authority or Towns, as applicable, shall designate who may use them as such.

### **(b) Enforcement**

The Applicable Police Department shall enforce this Section 8.6 governing the implementation of bus stops pursuant to the provisions of M.G.L. c. 40, § 21D as amended.

### **(c) Penalties for Violation of Buses Code**

Any person who violates of the provisions of this Section 8 governing the implementation of bus stops shall be liable to a fine as prescribed by the Town where the violation occurs or the Applicable Police Department.

## **8.7 Abandonment of Motor Vehicles**

### **(a) General Provisions**

No person shall abandon any vehicle within NAS South Weymouth and no person shall leave any vehicle at any place within NAS South Weymouth 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 NAS South Weymouth.

1. Notwithstanding the provisions of M.G.L. c. 90, § 22B, subsection (a), or any other general or special law to the contrary, proceeding under the provisions of subsections 2 through 10, inclusive, shall be deemed non-criminal.

2. As used in subsections 2 through 10, inclusive, the word “owner” shall mean the person registered as the owner of a motor vehicle in the records of the Registry of Motor Vehicles or the person 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 M.G.L. c. 140B, § 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 as prescribed by the Town where the violation occurs or Applicable Police Department and, in addition hereto, shall be liable for costs incurred by the Authority or Towns, as applicable, 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 Applicable 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 M.G.L. c. 90, § 22C, the Applicable Parking Clerk or his or her 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 Applicable Parking Clerk, the owner shall be granted a hearing prior to the scheduled hearing date by

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appearing at the office of the Applicable Parking Clerk during its regular business hours and requesting an immediate hearing regarding the apparently abandoned vehicle. Notwithstanding the hearing scheduled by the Applicable Parking Clerk, the owner may elect to have the matter adjudicated in accordance with the provisions of Section 8.7(a)(7) herein.

6. Hearing - All such hearings shall be held before a person hereinafter referred to as a "hearing officer," who shall be the Applicable Parking Clerk or a designee of said Applicable Parking Clerk. 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 M.G.L. c. 30A, § 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 Applicable 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 Authority or Towns, as applicable.

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 Applicable 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 charge shall be assessed against such owner of the abandoned vehicle. Said additional charge shall be collected by the Authority or Towns, as applicable, and notification or such collection shall be made to the registrar of Motor Vehicles each month. On or before September 1 of each year, the registrar shall certify the total number of additional charges to be assessed against the Authority or Towns, as applicable. This number shall equal the total number of notifications of actual collections by the Authority or Towns, as applicable. 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 M.G.L. c. 59, § 20. All such actions taken by the registrar shall

remain in effect until the registrar receives notice from the Applicable 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, Code or regulation to the contrary, if an owner has abandoned a vehicle on three (3) occasions and has incurred a fine therefor, 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 year time period shall commence on the date on which the Applicable Parking Clerk's records indicate that a hearing was held and a fourth or subsequent abandonment was found or that a fine was received in the mail confessing a fourth or subsequent abandonment.

10. Disposal - Notwithstanding any other provisions of this section of this Article, whenever the Applicable Parking Clerk or a person designated or appointed by said Applicable 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 Applicable 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 Applicable Parking Clerk for a period of two (2) years. Neither said Applicable Parking Clerk, carrier or the Authority or Towns, as applicable, shall be liable for such disposal. The owner of such vehicle shall be notified 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 traffic officer of the Applicable Police Department. 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 Applicable 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 Applicable Police Department, after which the garage is required, within five (5) days, to send a registered letter to the owner of record.

## **8.8 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 8.8:

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 Authority and Towns;
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; or
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 Learners Permit or Driver's License issued by the Massachusetts Registry of Motor Vehicles or other state recognized registry 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 M.G.L. 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.

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; or
  - 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 section for a person to operate a motorized scooter that does not meet one of the requirements of subsection (d)(1) above.

(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.



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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:

(g) Enforcement, Violations, Penalties

1. The provisions of this section may be enforced by any police officer or any special police officer designated by the chief of the Applicable Police Department to do so.
2. A person who is charged with violating this section shall give his or her name and address to the enforcing authority.
3. The following penalties shall be applicable for violations of this section:
  - a. Any person who violates the provisions of this section shall be subject to a fine as prescribed by the Town where the violation occurs or as established by Applicable Police Department, in accordance with M.G.L. c. 90, § 1B.
  - b. As an alternative to initiating a criminal proceeding, violation of this section may be enforced in a manner provided in these Codes and M.G.L. c. 40, § 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 M.G.L. c. 40, § 21D, the fine or fines shall be recovered by indictment or a complaint pursuant to M.G.L. c. 40, § 21.
  - c. Upon the violation of any provision of this section, any police officer, or any Special Police Officer designated by the chief of the Applicable Police Department may impound the motorized scooter, until the operator appears in court. If the operator is a minor (yet to attain the age of 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

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any provision of this section, 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.

**ARTICLE IX – STORMWATER**

- 9.1 Stormwater Management
- 9.2 Illicit Connection/Discharges

**9.1 Stormwater Management****(a) Purpose**

The purpose of this section is to: implement the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems issued by EPA; protect the public health, safety, and welfare of residents; protect the natural resources, water bodies, groundwater resources, environment, and municipal facilities of NAS South Weymouth; satisfy the appropriate water quality requirements of the Federal Clean Water Act; eliminate or reduce the adverse effects of soil erosion and sedimentation as a result of land disturbing activities; and manage stormwater runoff to minimize adverse impacts to NAS South Weymouth, its citizens, and the environment. The provisions of this section apply to all property owners in NAS South Weymouth.

The Applicable Department of Public Works shall administer and enforce this section and will issue a Stormwater Management Permit to document compliance with the section. The Applicable Department of Public Works may promulgate rules and regulations to effectuate the purpose of this section.

**(b) Definitions**

Unless otherwise defined in this section, the terms in this section correspond to definitions found in the Clean Water Act (33 U.S.C. §1251 et seq.) and the Massachusetts General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems issued by EPA.

The following definitions apply to this section:

**Applicant** - A person who applies for a Stormwater Management Permit under this section of the Codes. "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. §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.

Massachusetts Stormwater Management Standards – The Standards issued by the MassDEP, codified in regulations at 310 CMR 10.05(6)(k) through(q), inclusive, and further defined and specified in the Massachusetts Stormwater Handbook issued by MassDEP. 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 manmade or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Authority or Towns, as applicable.

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 NAS South Weymouth and meets the following criteria.

1. Minor projects, which are those that involve either:
  - Land disturbance of more than 7,500 square feet of land but less than 1 acre; or
  - Stockpiling more than 50 cubic yards but less than 1,000 cubic yards of excavate or fill.
2. Major projects, which are those that involve either:
  - Land disturbance of one acre or more; or
  - Stockpiling 1,000 cubic yards of excavate or fill or more.

(d) Exemptions

Projects are exempt from needing a Stormwater Management Permit if the stormwater discharges resulting from them demonstrate compliance with the

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Massachusetts Stormwater Management Standards, either through a properly issued Order of Conditions, Site Plan Review, Development Plan Review, Special Permit/Variance or Definitive Subdivision Plan.

The following activities and discharges are exempt from this section:

1. Applicable Department of Public Works 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 Applicable Department of Public Works prior to the time of the test;
5. Non-stormwater discharges permitted under an NPDES permit administered under the authority of the EPA;
6. Projects that commenced prior to the effective date of this section provided they have all necessary approvals and permits and are completed within one 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 ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance.

(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 Applicable Department of Public Works, two (2) copies of plans and forms specified by the Applicable Department of Public Works. A complete application shall include the Applicable Department of Public Works permit application forms, all requirements therein, application fee as per Applicable Department of Public Works service fee schedule and the following:

1. Minor projects:

A sketch of the proposed project and an accompanying narrative which shall include the following information:

- a. The location of land-clearing, stockpiling and development activities and erosion control measures to prevent the sedimentation of water bodies and off-site discharge of sediment;
- b. Waste control measures to prevent wastes from contacting stormwater runoff;
- c. Details of a planned program of inspection and maintenance to ensure proper operation of stormwater management measures; and
- d. Additional stormwater management measures as directed by the Applicable Department of Public Works.

2. Major projects:

- a. 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;
- b. Plans prepared by a Massachusetts Registered Professional Engineer or Professional Land Surveyor depicting property lines, existing and proposed ground conditions and topography using no greater than 2-foot increments, boundaries of wetlands and natural or artificial water storage or conveyance structures, 100 year flood elevations and location of all existing and proposed buildings, utilities, easements and impervious surfaces;

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- c. A narrative description of proposed erosion control measures and sedimentation control measures;
- d. Location and design details of erosion and sediment control measures proposed to prevent off-site sediment transport during construction;
- e. 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;
- f. 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;
- g. 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;
- h. A written program of documented inspections of stormwater management systems and a corrective action program for identified deficiencies;
- i. A Stormwater Management Plan prepared by a Massachusetts Registered Professional Engineer that demonstrates compliance with the Massachusetts Stormwater Management Standards;
- j. A statement as to applicability under the Massachusetts Natural Heritage and Endangered Species Program pursuant to the Massachusetts Endangered Species Act (M.G.L. c. 131A), if applicable.

Within thirty (30) calendar days after receiving a complete application, the Applicable Department of Public Works 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 section, and issue a Stormwater Management Permit subject to these conditions;

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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 Applicable Department of Public Works 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 Applicable Department of Public Works.

(f) Violations and Penalty

Any person that violates any provision of this section may be punished, under M.G.L. c. 40, § 21D as a noncriminal offense, by fines as prescribed by the Authority or Towns, as applicable.

In addition, any person that violates any provision of this section may be punished under M.G.L. c. 40, § 21D by criminal complaint at the appropriate venue. Each day or portion thereof during which a violation continues shall constitute a separate offense.

## 9.2 Illicit Connection/Discharges

(a) Purpose

The purpose of this section is to: increase surface and groundwater quality by eliminating and prohibiting illicit connections and discharges to the Municipal Storm Drain System (as hereinafter defined). The provisions of this section apply to all property owners in NAS South Weymouth. The Applicable Department of Public Works shall administer and enforce this section and may promulgate rules and regulations to effectuate the purpose of this section.

(b) Definitions

Unless otherwise defined in this section, the terms in this section correspond to definitions found in the Clean Water Act (33 U.S.C. §1251 et seq.) and the Massachusetts General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems issued by EPA.

The following definitions apply to this section:

Clean Water Act - The Federal Water Pollution Control Act (33 U.S.C. §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 section.

Illicit Discharge - Direct or indirect discharge to the storm drain that is not composed entirely of stormwater, except as exempted in subsection (d) below.

Massachusetts Stormwater Management Standards – The Standards issued by the MassDEP, codified in regulations at 310 CMR 10.05(6)(k) through(q), inclusive, and further defined and specified in the Massachusetts Stormwater Handbook issued by MassDEP. 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 Authority or Towns, as applicable.

Stormwater – Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

Uncontaminated water –Water free of: toxic or hazardous waste (as defined in M.G.L. 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 Applicable Department of Public Works.

(d) Exemptions

The following activities and discharges are exempt from this section:

1. Applicable Department of Public Works 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 Applicable Department of Public Works prior to the time of the test;
5. Non-stormwater discharges permitted under an NPDES permit administered under the authority of the EPA;
6. Projects that commenced prior to the effective date of this section provided they have all necessary approvals and permits and are completed within one 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 provided said pumps are connected to a storm drain or catch basin via underground pipes;
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;

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14. Individual resident car washing; and

15. Discharge from de-chlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance.

(e) Violations and Penalty

Any person that violates any provision of this section may be punished, under M.G.L. c. 40, § 21D as a noncriminal offense, by fines as prescribed by the Authority or Towns, as applicable.

Or under M.G.L. c. 40, § 21D by criminal complaint at the appropriate venue. Each day or portion thereof during which a violation continues shall constitute a separate offense.