CHAPTER 1.

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Sec. 1-1. Designation and citation of Code.

The ordinances of the City of Cambridge, Massachusetts, embraced in this and the following Chapters shall constitute and be designated and cited as "The Code of the City of Cambridge, 1970". The Code may also be cited as "Cambridge City Code" or, in the provisions which follow, as "this Code".

Sec. 1-2. Enacting style of ordinances.

All laws of the City shall be termed ordinances; and the enacting style shall be, "Be it ordained by the City Council of the City of Cambridge, as follows."
(G.O. 1943, Ch. 1,§1.)

Sec. 1-3. Recordation of ordinances.

All ordinances hereafter passed shall be recorded in the order of passage by the City Clerk, in a book kept for that purpose, with proper margins and index, to be lettered, "Records of Ordinances of the City of Cambridge;" which book shall be kept in the office of the City Clerk, subject to the inspection of the citizens.
(G.O. 1943, Ch. 1, §2)

Sec. 1-4. Publication of ordinances, etc.[1]

Every proposed ordinance or loan order, except emergency measures and revenue loan orders shall be published once in full in at least one (1) newspaper of the City, and in any additional manner that may be provided by ordinances, at least ten (10) days before its final passage. After final passage, it shall, in the manner as before, again be published once, as amended and completed, except in the case of an emergency ordinance which shall take effect on its passage, and shall be so published at the earliest practicable moment; provided, that if any ordinance or proposed ordinance, or codification of ordinances or proposed ordinances, shall exceed in length eight (8) octavo pages of ordinary book print, then, in lieu of the advertising required by this Section, the same may be published by the City Council in a municipal bulletin or printed pamphlet, and if so published in full at least ten (10) days before its final passage, and thereafter as amended and completed, again published in such bulletin or pamphlet, said publication shall be deemed sufficient without the newspaper publication as herein required.

(G.O. 1943, Ch. 1, §3.)

[1] A.L.M., c.43, §23.

Sec. 1-5. Provisions as continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments; but subject to the said limitation and the provisions of Section 1-9 of this Chapter, all ordinances of the City heretofore in force are hereby repealed; but this repeal shall not apply or affect any ordinance heretofore adopted accepting or adopting the provisions of any statute of the Commonwealth nor shall it affect an ordinance entitled, "Construction, Use, Maintenance and Inspection of Buildings", and any amendments thereto or any building code or zoning ordinance or any amendments thereto hereafter enacted.

(G.O. 1943, Ch.1, §4.)

Sec. 1-6. Definitions.

In the construction of this Code and of all ordinances, the following definitions shall be observed, unless inconsistent with the manifest intent of the City Council or the context clearly requires otherwise:

A.L.M., c , § ,- shall mean the Annotated Laws of Massachusetts.

Auditor - The City Auditor.

Charter - The Charter of the City of Cambridge.

City - The City of Cambridge, in the County of Middlesex and Commonwealth of Massachesetts, except as otherwise provided.

Clerk - The City Clerk.

Commonwealth - The Commonwealth of Massachusetts.

Council - the City Council of the City of Cambridge.

County - The County of Middlesex.

G.L., c. , § , - shall mean the Tercentenary Edition of General Laws.

Manager - The City Manager.

Mayor - The Mayor of the City of Cambridge.

Month - A calendar month.

Oath - An oath shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn".

Or; and - "Or" may be read "and", and "and" may be read "or", if the sense so requires.

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

Person - The word "person" shall include a corporation, firm, partnership, association, executor, administrator, guardian, trustee, agent, organization and any other group acting as a unit, as well as a natural person.

Personal property - Personal property shall include every species of property, except real property as herein defined

Preceding; following - The words "preceding" and "following" shall mean next before and next after, respectively.

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

Public grounds - The words "public grounds" shall include the common and all public lands placed by the City Council under the charge of the Park Department or the Water Department and those parts of public places which do not form travelled parts of highways.

Real Property - Real Property shall include land, together with all things attached to the land so as to become a part thereof.

Shall; must; may - The words "shall" and "must" are mandatory and the word "may" is permissive.

Solicitor - The City Solicitor.

Tenant; occupant - The words "tenant" or "occupant", applied to a building or land, shall include any person holding a written or oral lease of or who occupies, the whole or a part of such building or land, either alone or with others.

Treasurer - The City Treasurer.

Ways; streets; highways - The words "ways", "streets" and "highways" shall be construed as including boulevards, avenues, courts, lanes, alleys, squares, places, and sidewalks, and each of these words includes every other of them.

Writing; written - The words "writing" and "written" shall include printing and any other mode of representing words, letters and figures.

Year - A calendar year.

Sec. 1-7. Rules of construction.

In the construction of this Code and of all ordinances, the following rules of construction shall be observed, unless inconsistent with the manifest intent of the Council or the context clearly requires otherwise:

Computation of time- The time within which an act is to be done shall be computed by excluding the first and by including the last day; and, if the last day be Sunday or a legal holiday, that day shall not be counted in the computation.

Conflicting provisions - If the provisions of different Chapters of this Code conflict with each other, the provisions of each Chapter shall prevail as to all matters and questions growing out of the subject matter of the Chapter. If conflicting provisions be found in different Sections of the same Chapter, the provisions of the Section which are last enacted shall prevail.

Definitions - Unless expressly otherwise provided, definitions given within a Chapter, Article, or Section shall apply only to words or phrases used in the Chapter, Article or Section.

Gender - Words importing the masculine gender shall include the feminine and neuter.

Joint authority - Words purporting to give a joint authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or persons.

Number - Words used in the singular shall include the plural and the plural includes the singular, except as otherwise provided.

Tense - Words used in the past or present tense shall include the future as well as the past and present, unless the context clearly indicates otherwise.

Time - Words stating a time or hour of a day shall mean the official time of the City of Cambridge.

(G.O. 1943, Ch. 1, §8.)

Sec. 1-8. Chapters, Articles, Divisions, Sections and Subsections, Headings and catchlines.

All headings of Chapter, Articles or Divisions and all catchlines of Sections and Subsections are unofficial and intended only for convenience in arrangement and as mere catchwords to indicate the contents of the Chapters, Articles, Divisions, Sections and Subsections. They shall not be deemed to be part of the contents of the Chapters, Articles, Divisions, Sections or Subsections; nor shall the headings and catchlines alter the otherwise intended meaning of any provision of this Code.

Sec. 1-9. Prospective effect of Code; repealed ordinances not revived.

This Code shall not affect any act done, any right accrued, any penalty incurrec, any suit, prosecution, or proceedings pending, or the tenure of office of any person holding office, at the time when it takes effect , nor shall the repeal of any ordinance have the effect of reviving an ordinance theretofore repealed or superseded, or the effect of preventing any punishment or penalty incurred before the repeal took effect, or of interfering with any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

(G.O. 1943, Ch. 1, §5.)

Sec. 1-10. Territorial applicability.

This Code shall refer only to the omission or commission of acts within the territorial limits of the City and to that territory outside this City over which the City has jurisdiction or control by virtue of any Constitutional or Charter provisions, or any law.

Sec. 1-11. General penalty; continuing violation.

Whenever in this Code or in any ordinance of the City any act is prohibited or is made to be unlawful, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine not exceeding Fifty ($50.00) Dollars.

Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

(G.C. 1943, Ch. 1, §11.)

Sec. 1-12. Fines and penalties inure to use of City.

All fines and penalties for the violation of any provision of this Code or of any ordinance, or any order of the City Council shall, when recovered, inure to the use of the City, and be paid into the City Treasury, unless it be otherwise directed by the laws of the Commonwealth, or by the ordinances of the City.
(G.O. 1943, Ch. 1, §9.)

Sec. 1-13. Licensing power.

Whenever, under any provision of this Code, a license or permit is required from a certain officer or board, such officer or board shall have the power to issue the proper license or permit.

(G.O. 1943, Ch. 1, §6)

Sec. 1-14. Severability of parts of Code.

It is hereby declared to be the intention of the City Council that the Sections, paragraphs, sentences, clauses and words of this Code or any amendment thereto, are severable and if any word, clause, sentence, paragraph or Section of this Code, or any amendment thereto shall be declared unconstitutional or invalid by the judg ment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and Sections of this Code or any amendment thereto since the same would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional or invalid word. clause, sentence, paragraph or Section.
(G.O. 1943, Ch. 1, §10.)

Sec. 1-15. City seal.

The following shall be the device of the seal of the City, to wit: In the center thereof a shield bearing upon it a view, on the right the towers of Gore Hall, and on the left the Washington elm; under the shield the inscription shall be, "Cantabrigia Condita A.D. 1630; Civico Regimine Donata A,D. 1846."[2] Around the seal, as the City motto, shall be the words, "Literis antiquis novis institutis decora."[3]

(G.O. 1943, Ch. 1, §12)

2. Cambridge Founded A.D. 1630; Chartered A.D. 1846."

3. Adorned by ancient letters and new institutions.

Sec. 1-16. City seal - City Clerk as custodian.

The City Clerk shall be the custodian of the City seal.

(G.O. 1943, Ch. 1, §13.)

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ARTICLE I. THE MAYOR.

Sec. 2-1. Official head of City; powers and duties; offices; civil process.

(a) The Mayor shall be the official head of the City.

(b) He shall have all the powers and perform all the duties prescribed in 1 A.L.M., c. 43, §100 and the ceremonial duties as official head of the City.

(c) He shall be provided with suitable offices in City Hall.

(d) He shall accept service of civil process on behalf of the City.

(G.O. 1943, Ch.2, §1.)

ARTICLE II. THE COUNCIL.

Sec. 2-2. Governing body.

The City Council shall be the governing body of the City as provided in 1 A.L.M., c.43,§95.

(G.O. 1943, Ch.2,§13.)

Sec. 2-3. Legislative powers of Council.

The Council shall exercise all legislative powers as provided by 1 A.L.M., c. 43, §97.

(G.O. 1943, Ch. 2, §15.)

Sec. 2-4. Membership; election.

The Council membership, its term of office and election shall be as provided in 1 A.L.M., c. 43, §96.

(G.O. 1943, Ch. 2, §14.)

Sec. 2-5. Organization.

The Council after its election shall meet and organize as provided in 1 A. L. M., c. 43, § 97.

(G. O. 1943, Ch. 2, §16.)

Sec. 2-6. Meetings of Council.[1]

(a) All regular meetings of the City Council shall be held in the City Council Chamber, City Hall or, if agreed to by a majority of the Council, at any other suitable public building within the City of Cambridge, at 7:00 o'clock in the evening of Monday of each week, from the first Monday in January to and including the last Monday in June and from the second Monday in September to and including the last Monday in December, provided, however, that when a meeting day falls on a holiday the succeeding Monday shall be the meeting day, and provided, further, that the City Council may at any meeting by a majority vote, decide to discontinue any further meetings hereinbefore assigned.

(b) The Mayor, or the Vice-Chairman of the City Council, or any four members thereof, may at any time call a special meeting by causing written notices, stating the time of holding such meeting and signed by the person calling the same, to be delivered in hand to each member of the City Council, or left at his usual dwelling place, at least twelve hours before the time of such meeting. Meeting of the City Council may also be held at any time when all the members of the City Council are present and consent thereto.

(Ord. No. 808, Jan. 24, 1972)

[1] For similar law of the Commonwealth as to calling meetings, see 1 A. L. M., c. 43, §98.

Sec. 2-7. Quorum.

As provided in 1 A.L.M., c.43, §98 a majority of the Council shall constitute a quorum.
(G.O. 1943, Ch. 2, §18.)

Sec. 2-8. Presiding Officer.

As provided in 1 A.L.M., c.43, §98 the Mayor shall preside at the Council meetings and may vote. In his absence the Vice Chairman of the Council shall preside and in the absence of both a temporary Chairman shall be chosen.
(G.O. 1943, Ch. 2, §19)

Sec. 2-9. Manner of voting on expenditures.

All final votes on questions involving expenditure of Fifty Dollars ($50.00) or more, or upon request of any member shall be in the manner provided in 1 A.L.M., c.43, §99.
(G.O. 1943, Ch. 2, §20.)

Sec. 2-10. Manner of handling sale or rental of City owned land; hearing; notice.

(a) For the purposes of protecting the citizens, real estate values and obtaining the best possible land use, no sale, lease or rental of City owned land or ways shall be accomplished until such offer, when received by the Council, shall be referred to the Planning Board for study and a report made to the Council. The Council shall hold a public hearing, to which the Planning Board shall be invited, within one (1) month after receipt of the report.

(b) At least ten (10) days prior to the hearing the

City Clerk shall post notices of the hearing upon the City owned land or ways with respect to the proposed sale, lease or rental and shall send a written notice to the owners of the property adjoining and opposite saidland or ways within two hundred (200) feet thereof as shown on the most recent tax list of the Board of Assessors, and to such owners and civic groups as may be deemed by the City Clerk to be affected and shall publish notice of the hearing in newspapers of general circulation within the City.

(Ord. No. 733, Jan. 18, 1965.)

Sec. 2-11. Compensation of Members.

The members of the Council shall receive for their annual compensation the amount of Sixty-five Hundred Dollars ($6,500.00) to be paid monthly or weekly, and the member of the Council elected to the office of Mayor shall recieve an additional One Thousand Dollars ($1,000.00), pursuant to Chapter 39, Section 6A of the General Laws as amended.

(Ord. No. 749, Dec. 5, 1966)

ARTICLE III. CITY MANAGER.

Sec. 2-12. Appointment and tenure of office.

The City Manager shall be apointed by the City Council and shall hold office pursuant to 1 A.L.M., c.43, §103.

(G.O. 1943, Ch. 2, §2.)

Sec. 2-13. Qualifications.

The qualifications of the City Manager shall be such as are set out in 1 A.L.M., c.43, §103. (G.O. 1943, Ch.2, §3)

Sec. 2-14. Duties; powers; rights.

The duties, powers and rights of the City Manager shall be such as are provided in 1 A.L.M., c.43, §104.

(G.O. 1943, Ch. 2, §5.)

Sec. 2-15. Powers of appointment and removal of officers and employees.

The duties, powers and rights of the City Manager as to appointment and removal of administrative officers and employees of the City shall be such as are set out in 1 A.L.M., c.43,§§104 to 107.

(G.O. 1943, Ch. 2, §6.)

Sec. 2-16. Appointment of officers in January.

The City Manager shall appoint, for the terms hereinafter specified and until their respective successors are appointed and qualified the following officers, to wit:

In January

(For one (1) year from the first Monday in January.)

One or more measurers of wood and bark.
Two or more fence viewers.
Two or more field drivers.
One pound-keeper for each pound in the City.
Two or more constables.
Two or more inspectors of junk shops, pawnbrokers' shops and second hand clothing stores and dealers.
One or more weighers of hay.
One or more weighers of coal.
One or more public weighers.

(G.O. 1943, Ch. 2, §12.)

Sec. 2-17. Enforcement of laws; supervision of departments.

The City Manager shall cause the laws of the Commonwealth and the ordinances, orders and regulations of the City to be executed and enforced by the proper officers; shall exercise general supervision and control over the official acts and conduct of all officers,[2] and shall take proper action to cause every violation and neglect of duty to be punished.
(G.O. 1943, Ch.2, §8.)

Sec. 2-18. Discharge of mortgages.

Whenever the amount due and payable on any mortgage belonging to the City is paid to the Treasurer, he shall certify it to the City Manager, who shall thereupon discharge the mortgage; or he may assign it, without recourse in any event and without representations or warranties, express or implied, and for that purpose shall execute and deliver all necessary papers.
(G.O. 1943, Ch. 2, §9.)

Sec. 2-19. Signing deeds, conveyances, etc.

All deeds, conveyances, leases and other instruments, which shall be given by the City, and which must be signed, sealed and acknowledged, shall be signed and acknowledged and delivered on behalf of the City, by the City Manager, who shall affix

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[2] For exceptions, see 1 A.L.M., c.43, §103.

thereto the City Seal. This provision shall not be construed to prevent any officer from executing any conveyance, lease, contract or other instrument in performing the duties devolving upon him.

(G.O. 1943, Ch. 2, §10.)

Sec. 2-20. Approving drafts and signing bonds.[3]

The City Manager shall approve all drafts drawn by the City Auditor upon the City Treasurer, and with the Treasurer and Auditor shall sign all bonds, notes and certificates of indebtedness issued for loans to the City authorized by the City Council

(G.O. 1943, Ch. 2, §11.)

Sec. 2-21. Compensation of City Manager.

As provided in 1 A.L.M., c.43, §103, the City Manager shall receive such compensation as the City Council shall determine by ordinance but not exceeding Twenty-seven Thousand Five Hundred Dollars ($27,500.00) annually.

(G.O. 1943, Ch. 2, §4, as amended by Ord. No. 795, May 4, 1970.)

Sec. 2-22. Removal of City Manager.

Removal of the City Manager shall be effected only in the manner provided in 1 A.L.M., c.43, §103.

(G.O. 1943, Ch.2, §7.)

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[3]See §§ 2-64 and 2-103.

ARTICLE IV. DEPARTMENTS.

Sec. 2-23. Departments - creation; supervision.

(a) In addition to any boards, commissions or departments required by any Act of Congress or the Legislature, the following agencies, boards, commissions, councils, departments and divisions are hereby created:

(1) Assessors Department
(2) Auditing Department
(3) Board of Zoning Appeal
(4) Bridge Department
(5) Budget and Personnel Department
(6) Cambridge Historical Commission
(7) Cambridge Industrial Commission
(8) Cambridge Youth Commission
(9) Cemetery Division
(10) City Clerk Department
(11) City Demonstration Agency
(12) City Messenger-Clerk of Committees Department
(13) Council on Aging
(14) Community Schools Commission
(15) Department of Administration
(16) Department of Civil Defense
(17) Department of Health and Hospitals
(18) Department of Traffic and Parking
(19) Division of Finance
(20) Electrical Department
(21) Engineering Department
(22) Fire Department
(23) Inspection and Construction of Buildings Department
(24) Law Department
(25) Planning Board
(26) Police Department
(27) Public Library Department
(28) Public Works Department
(29) Purchasing Department
(30) Recreation Commission
(31) Sewer Division
(32) Streets Division
(33) Treasury Department
(34) Veterans Service Department
(35) Water Works Department
(36) Weights and Measures Department

(b) Each of the several departments shall be under the charge and management of the officers or boards designated in the respective Chapters relating thereto, all to be under the general supervision and control of the City Manager, except the City Clerk Department

and the Auditing Department in accordance with the Charter.[4] (G.O. 1943, Ch. 2, §138.)

Sec. 2-24. Co-operation of Departments.

For the purpose of promoting co-operation in the several departments and executive boards, the City Manager may call meetings of the heads thereof, at the City Hall, at any time. He may invite other persons for conference at these meetings. (G.O. 1943, Ch. 2, §139.)

ARTICLE V. DEPARTMENT OF ADMINISTRATION.

Sec. 2-25. Assistant City Manager heads department.

The Department of Administration shall be under the control of the Assistant City Manager, who shall be considered a department head within the provisions of General Laws of the Commonwealth of Massachusetts Chapter 43, Section 103. (Ord. No. 744, &2, June 27, 1966.)

Sec. 2-26. Appointment and term of Assistant City Manager.

The Assistant City Manager shall be appointed by and shall serve at the pleasure of the City Manager. (Ord. No. 744, §3, June 27, 1966.)

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[4]See, 1 A.L.M., c.43, §103.

Sec. 2-27. No Civil Service or tenure rights.

The Assistant City Manager shall have no rights under Civil Service, nor acquire any rights of tenure in any manner. (Ord. No. 744, §4, June 27, 1966.)

Sec. 2-28. Powers and duties of Assistant City Manager.

The powers and duties of the Assistant City Manager shall be such as are designated and assigned from time to time by the City Manager.In the absence or disability of the City Manager the Assistant City Manager shall assume the duties of the City Manager, subject to the formal approval of the City Council.
(Ord. No. 744, §5, June 27, 1966.)

Sec. 2-29. Compensation of Assistant City Manager.

The Assistant City Manager shall receive as annual compensation the amount set forth in Section 2-197 of this Chapter.
(Ord. No. 744, §6, June 27, 1966, as amended by Ord. No. 795, May 4, 1970.)

ARTICLE VI. CITY CLERK DEPARTMENT.

Sec. 2-30. City Clerk; election; term; general powers and duties.[5]

The City Clerk Department shall be under the charge of the City Clerk, who shall be elected by a majority vote of the City Council in the month of May, and shall hold office for three (3) years from June 1 in the year of his election and until his successor

is elected and qualified. He shall have such powers and perform such duties as the Council and the laws may prescribe. He shall have the care and custody of all the records, documents, maps, plans and papers of the City. He shall attend and keep the records of all the meetings of the City Council. He shall appoint an Assistant City Clerk.

(G.O. 1943, Ch.2, §22.)

Sec. 2-31. Bond of City Clerk; failure to post; failure of surety.[6]

(a) The City Clerk shall give to the City a bond, with sufficient sureties, in the sum of Three Thousand ($3,000.00) Dollars, in such form as shall be satisfactory to the Council. The bond shall be executed, approved and delivered before he enters upon the duties of his office or within ten (10) days after his election, whichever event shall first occur. Should he fail to give such bond as required, the election shall be void, and a new election shall be had forthwith.

(b) In the case of death or insolvency of any of the sureties upon any bond so given, the City Clerk shall immediately notify the City Manager and give a new bond, with sufficient sureties, as hereinbefore provided; and if he fails to give such new bond within a reasonable time after notice to do so, it shall be sufficient cause for his removal from office.

(G.O. 1943, Ch. 2, §23.)

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[5] 1 A.L.M., c.43, §99 provides that the city clerk shall be ex officio clerk of the city council and shall keep records of its proceedings.
For authority to establish the office of assistant city clerk, see 1 A.L.M., c.41, §18.

[6] See §2-204.

Sec. 2-32. Notification of appropriations, expenditures; reports and payments as to licenses and fees; duties in relation to sewers and sidewalks.

The City Clerk shall notify the Auditor of all orders passed by the Council, authorizing appropriations, expenditures, assesments, apportionments or abatements, immediately after such orders are approved. He shall also report to him weekly all amounts received by him, and paid to the Treasurer,on account of licenses or fees of any description. He shall report to the Treasurer all orders for sewers and sidewalk assessments, and all apportionments and abatements thereof, immediately after such orders are approved.

(G.O. 1943, Ch. 2, §24.)

Sec. 2-33. Duties of Assistant City Clerk.

The Assistant City Clerk shall assist in recording, indexing and certifying all documents and papers required by law to be filed in the office of, or recorded by, the City Clerk, and shall perform all other duties pertaining to the office of City Clerk when requested by the City Clerk, or when from any cause the office of City Clerk shall be vacant.[7]

(G.O. 1943, Ch.2, §25.)

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[7]See Chapter 425, Acts 1913.

Sec. 2-34. Bond of Assistant City Clerk.[8]

(a) The Assistant City Clerk shall give a bond in such form as the Council shall approve, with sufficient sureties, in the sum of Three Thousand ($3,000.00) Dollars, which bond shall be executed approved and delivered before he enters upon the duties of his office.

(b) In case of the death or insolvency of any of the sureties on any bond so given, he shall immediately notify the City Manager and give a new bond, with sufficient sureties, as hereinbefore provided; and if he fails to give such new bond within a reasonable time after notice to do so, it shall be sufficient cause for his removal from office.

(G.O. 1943, Ch.2, §26.)

ARTICLE VII. LAW DEPARTMENT.

Sec. 2-35. City Solicitor; qualifications; appointment and removal.

The Law Department shall be in charge of the City Solicitor, who shall be a citizen of Cambridge and an attorney admitted to practise in the courts of the Commonwealth. He shall hold no other office under the City government. He shall be appointed by and shall serve at the pleasure of the City Manager.

(G.O. 1943, Ch.2, §27.)

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[8]See §2-198.

Sec. 2-36. Duty to draft legal instruments.

The City Solicitor shall draft all legal instruments of whatever nature which may be required of him by any ordinance, the City Council, the Mayor or the City Manager.
(G.O. 1943, Ch.2, §28.)

Sec. 2-37. Duty as to legal proceedings; other duties.

The City Solicitor shall prosecute and defend all suits, causes and actions in which the City is a party. He shall represent the City before administrative agencies on any matter in which the interest of the City may be affected. He shall defend the officers and employees of the City for any act or omission in the discharge of their official duties. He shall furnish legal opinions on matters submitted to him by the City Manager, Mayor, City Council, School Committee or head of department.
(G.O. 1943, Ch.2, §29.)

Sec. 2-38. Duty with respect to negligence claims.

(a) Every officer in charge of a department shall immediately report in writing to the Law Department whenever any transaction, act or negligence of his department occurs which results in, or may occasion the bringing of a claim against the City. Upon receipt of a claim against the City or any department thereof, it shall be referred to the Committee on Claims of the City Council, and notice shallbe given to the City Solicitor, who shall make an investigation of the claim, and for this purpose shall be furnished, on request, with all necessary departmental books, papers or records, and may

require any official or employee of a department who may have information concerning such claim to attend any hearing thereon. Upon completion of the investigation, the City Solicitor shall report to the Committee on Claims recommending settlement for a certain amount or disapproving the claim.

(b) The Committee on Claims shall have the authority to settle any such claim for the amounts recommended by the Law Department or for a lesser amount, or to reject the proposed settlement. No such settlement shall be made for an amount exceeding Five Hundred ($500.00) Dollars. Nothing herein contained shall affect the power of the City Solicitor conferred by law concerning the settlement of suits in which the City is a party.
(G.O. 1943, Ch.2, §33.)

Sec. 2-39. Salary and expenses.

The City Solicitor shall receive such salary as the Council may determine. In all cases when his attendance is required out of the City, his reasonable travelling expenses shall be allowed him.
(G.O. 1943, Ch. 2, §30.)

Sec. 2-40. Assistant City Solicitors.

The City Manager or by his authority the City Solicitor shall appoint two (2) Assistants who shall be residents of Cambridge and attorneys admitted to practice in the courts of the Commonwealth.
(G.O. 1943, Ch.2, §31.)

Sec. 2-41. Offices.

Suitable offices shall be provided for the Law Department. (G.O. 1943, Ch.2, §32.)

ARTICLE VIII. ENGINEERING DEPARTMENT.[9]

Sec. 2-42. City Engineer; appointment; term; salary.

The Engineering Department shall be under the charge of the City Engineer, who shall be appointed by the City Manager in April for the term of one (1) year from May 1 in the year of his appointment and until his successor is appointed and qualified. He shall receive such compensation as the Council may determine.
(G.O. 1943, Ch.2, §34.)

Sec. 2-43. City Engineer in charge of plans for streets, drains and sewers.

The City Engineer shall be consulted in relation to public improvements of every kind where the advice of a civil engineer would be of service. He shall have charge of all plans of streets, drains, sewers and structures of every kind, not especially belonging to other departments, and shall keep the same properly classified and indexed. He may promulgate rules and regulations, concerning the operation of his department.
(G.O. 1943, Ch.2, §35.)

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[9]As to duties in regard to parks, etc., see c.20, §10.

Sec. 2-44. Public works; repair of bridges; measuring work done by contract.

Unless otherwise specially provided the City Engineer shall take charge of the construction of all public works of the City which properly come under the direction of the civil engineer. He shall perform all engineering services, make all examinations and prepare all statements, plans, specifications and contracts which any department may need in the discharge of its duties. He shall, upon being notified by the City Manager, supervise all repairs on the bridges used as highways, which affect the safety of the structures, and when required by the City Manager. or by any department, shall measure the work done by contract for the City, and certify to the results of such measurement.

(G.O. 1943, Ch.2, §36.)

Sec. 2-45. Surveys, plans, estimates and descriptions; other duties.

The City Engineer or his assistants shall make such surveys, plans, profiles, estimates and descriptions as may be required of him by the City Manager, the City Council or any committee thereof. He shall perform all other services for the City, which properly come under the direction of a civil engineer, as may be required of him by the City Manager, the City Council or any committee thereof, the City Solicitor of the Water Board.

(G.O. 1943, Ch.2, §37.)

Sec. 2-46. Plans and surveys relative to streets.

The City Engineer shall take charge of all plans and surveys relating to the laying out, widening, extending, and grading of streets, and the establishing of correct lines for the same, and of all such structures and public works of the City as the Council may direct; provided, that nothing in this Section shall be so construed as to authorize him to interfere with existing departments or boards, or with any which may be hereafter established whose duties may be clearly defined. (G.O. 1943, Ch.2, §38.)

Sec. 2-47. Furnishing lines and grades of streets and foundation lines.

The City Engineer shall furnish free of charge to all applicants so far as the files and records of his office will permit, any information as to the lines and grades of streets on which their estates are situated, or upon which they intend to build. He shall ascertain the proper foundation grade for the superstructure of every building to be erected by the City and immediately thereafter to furnish all necessary information in relation thereto to the Superintendent of Public Buildings. (G.O. 1943, Ch.2, §39.)

Sec. 2-48. Notification of encroachments on streets.

Whenever the City Engineer ascertains that any building or structure has been placed within the lines of a public street or that it may cause injury or inconvenience to a public street, he shall immediately give notice thereof in writing to the City Manager. (G.O. 1943, Ch.2, §40.)

Sec. 2-49. Inspection of bridges.

The City Engineer shall at least once a year and whenever required, carefully inspect all the bridges within the City limits, and make such reports respecting their condition as to safety, need of renewal or repairs, as the case may require.
(G.O. 1943, Ch. 2, §41.)

Sec. 2-50. Annual report.

The City Engineer shall annually, in January, present to the City Manager a report in relation to his department, showing the number of persons employed, the detailed expenses of the department, the general nature of the work, the property under his charge, the condition of all structures that come under his supervision that are in process of construction, or that have been completed during the previous year, and such other general information, in relation to the same, as he may deem expedient.
(G.O. 1943, Ch.2, §42.)

Sec. 2-51. Deputy City Engineer; duties.

(a) There shall be a Deputy City Engineer who shall, in accordance with the Civil Service Law, be appointed by the City Engineer, from the members of the Engineering Department.

(b) The Deputy City Engineer, in addition to any other duties or authority prescribed for him, shall be in charge of the department whenever the City Engineer may be absent or unable to perform his duties.
(G.O. 1943, Ch.2, §43.)

ARTICLE IX. DIVISION OF FINANCE.

DIVISION 1. IN GENERAL.

Sec. 2-52. Composition of Division.

The Division of Finance shall consist of the Auditing Department, the Purchasing Department and the Treasury Department.
(G.O. 1943, Ch.2, §55.)

Sec. 2-53. Director in charge of Division.

The Division of Finance shall be under the charge of the Director of Finance.
(G.O. 1943, Ch.2, §56.)

Sec. 2-54. Auditor as comptroller of accounts and ex officio director.

The City Auditor shall be comptroller of accounts and ex officio the Director of Finance.
(G.O. 1943, Ch.2, §57.)

Sec. 2-55. Duties and powers of Director.

The Director of Finance shall have access to all the books and records of each department. He may, with the consent of any department head, direct that any employee of any department may temporarily perform work in some other department, or that mechanical equipment or office space not in use by one department may be used by some other department.
(G.O. 1943, Ch.2, §58.)

Sec. 2-56. Control of personnel of departments.

The Director shall have general control over the personnel in each of the departments of the Divisions, and no increase or decrease of such personnel, whether permanent or temporary, shall be made without his approval, subject to the provisions of 1 A.L.M., c.43.

(G.O. 1943, Ch.2, §59.)

Sec. 2-57. Requiring departments to establish cost accounting.

The Director shall have the power to require any department of official of the City to establish methods of cost accounting for such department or work under the control of such official, which shall accurately reflect the cost to the City of performing any service performed by such department or official.

(G.O. 1943, Ch.2, §60.)

Sec. 2-58. Estimates of salaries of employees.

No estimate of a specified salary for any employee, whether permanent or temporary, within the Division of Finance, shall be submitted to the City Manager to be used in the preparation of the budget without the approval of the Director. If a salary is an item in an enacted budget, it shall be paid without such approval. If the salaries or rate of payment of any employee within the Division have not been determined by the budget or by ordinance, no liability shall incur for such work done without the approval of the Director.

(G.O. 1943, Ch.2, §61.)

DIVISION 2. AUDITING DEPARTMENT.

Sec. 2-59. City Auditor;[10] election; term; salary; vacancy.

(a) The Auditing Department shall be under the charge of the City Auditor who shall be elected by a majority vote of the Council in the month of May to hold office from June 1 for three (3) years and until his successor is elected and qualified. He shall receive such salary as the Council shall from time to time determine.

(b) Whenever said office shall become vacant the Council shall fill it for the balance of the term in the same manner as provided for in the election of the Auditor.

(G.O. 1943, Ch.2, §102.)

Sec. 2-60. Custodian of bonds, contracts, etc.

(a) The Auditor shall have custody of all surety bonds posted by City officials, all contracts and bonds given to the City to secure contracts, all insurance policies in which the City has an interest, and he shall keep a register of the dates, and amount of such bonds, contracts and insurance policies, and shall notify the City Manager whenever a bond or insurance expires.

(b) The Auditor shall receive from the Treasurer and hold all bonds, notes, scrip and other certificates of indebtedness together with coupons issued by the City, and shall keep a registry thereof. Immediately upon receiving any bond, note, scrip, coupons, or other certificate of indebtedness from the Treasurer, the Auditor shall deliver to him an order for the payment of the same.

(G.O. 1943, Ch.2, §103.)

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[10]For law of the Commonwealth as to city auditors, see 1 A.L.M.,c.41, §§48 to 54A; 1 A.L.M., c.43, §18.

Sec. 2-61. Books of accounts; receipts.

(a) Subject to the approval of the City Manager, the Auditor shall direct the manner in which the books and accounts of all offices and departments of the City shall be kept, and once each month he shall prepare and furnish to the City Manager and to each department, a printed statement showing the condition of each appropriation account, the expenditures and the unexpended balances under each, loans issued and authorized with date, rate, term, and amounts, borrowing capacity and such other data relating to the City's financial condition as may be asked for by the City Manager.

(b) The Auditor shall report to the City Manager promptly after December 31 of each year, the expenditures and receipts during the preceding financial year, giving in detail the amount of appropriations and expenditures and the receipts and source of income. He shall include in the report, a statement of the funded and temporary loans, rates of interest thereon, and shall exhibit all the liabilities and asseta as shown on the books in his office at the close of the financial year.

(G.O. 1943, Ch.2, §104.)

Sec. 2-62. Approval of bills.

(a) If bills agree with the order or requisition, the head of the department upon receipt shall approve and forward them to the Auditor's office within one (1) day of date of receipt.

(b) If purchase, contract, order or requisition involves an amount exceeding Three Hundred ($300) Dollars the order or requisition therefor shall be approved by the City Manager before the City shall be held liable therefor.

(G.O. 1943, Ch.2, §105.)

Sec. 2-63. Auditor's accounts; expended appropriations.

The Auditor shall keep his accounts in accordance with the system of accounting set up and supervised by the Division of Accounts of the Commonwealth. He shall credit each City account with its appropriation for the financial year, and with all revenue received, on the account of the same, and charge against the appropriation the expenditures and liabilities as they shall from time to time be made. Whenever an appropriation for any account is expended, he shall immediatley give notice thereof to the City Manager, and he shall not pass or allow any claim or account chargeable against such appropriation until the Council shall provide the means of paying the same.

(G.O. 1943, Ch. 2, §106.)

Sec. 2-64. Countersigning bonds, notes, etc.[11]

The Auditor shall countersign with the City Treasurer and City Manager all the bonds, notes and certificates of indebtedness issued for loans to the City, authorized by the Council, and also all the orders drawn by the City Manager on the Treasurer as provided in Section 2-106 of this Chapter, and he shall prepare and countersign warrants directed to the Treasurer for all lawful expenditures.

(G.O. 1943, Ch. 2, §107.)

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[11]See §§ 2-20 and 2-103.

Sec. 2-65. Money paid under authority of City Treasurer.

No person, board or commission, unless authorized under the statutes, shall collect or receive any moneys for any purpose whatsoever on behalf of the City except the City Treasurer or his authorized agents. Whenever it shall appear to the Treasurer that moneys should be paid direct to departments, the same shall be paid only by the authority of the Treasurer and to such person as he shall designate and under such conditions as he shall prescribe, and all returns to the Treasurer, and all rates, bills and assessment (except tax bills) due the City shall be made out upon such forms as the Auditor shall deem proper.
(G.O. 1943, Ch.2, §108.)

Sec. 2-66. Examination of books and accounts of departments.

The Auditor shall examine once a year, or as often as the City Manager may direct, the books, records, and accounts of the several departments and executive boards, and make his recommendations to the City Manager of such modifications, improvements or changes as may be deemed advisable. The Auditor shall order and govern the installation of such modifications,improvements or changes.
(G.O. 1943, Ch.2, §109.)

Sec. 2-67. Report of unfinished contracts.

Annually, in January, and at other times when requested by the City Manager, the Auditor shall make written report to the City Manager of all unfinished contracts in his possession made with the City and of the existing financial condition of each contract.
(G.O. 1943, Ch.2, §110.)

Sec. 2-68. Annual audit.

Annually, at the expiration of tha fiscal year, the City Manager shall cause an audit of the accounts of the City to be made.
(G.O. 1943, Ch.2, §111.)

DIVISION 3. PURCHASING DEPARTMENT.

Sec. 2-69. Purchasing Agent.[12]

The Purchasing Agent shall be the head of the Purchasing Department.
(G.O. 1943, Ch.2, §62.)

Sec. 2-70. Appointment of Purchasing Agent; term.

The Purchasing Agent shall be appointed by the City Manager in the month of March, and shall hold office from April 1 for two (2) years and until a successor is appointed and qualified.
(G.O. 1943, Ch.2, §63.)

Sec. 2-71. Vacancy.

A vacancy in the office of Purchasing Agent shall be filled by the City Manager.
(G.O. 1943, Ch.2, §64.)

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12 For authority to establish a purchasing department, see 1 A.L.M., c.41, §103.

Sec. 2-72. Bond of Purchasing Agent.[13]

The Purchasing Agent shall give a bond for the faithful performance of his duties in such form as the City Solicitor shall approve, in a sum not less than Ten Thousand ($10,000) Dollars. The bond shall be executed, approved and delivered before he enters upon the duties of his office or within ten (10) days after his appointment, whichever event shall first occur.
(G.O. 1943, Ch.2, §65.)

Sec. 2-73. Effect of failure to give bond.

If the Purchasing Agent fails to give the required bond, his appointment shall be void and a new appointment shall be made forthwith. In case of the dissolution or insolvency of any of the sureties on the bond, the Purchasing Agent shall, upon notice from the City Manager, give a new bond with sufficient surety or sureties. If the Purchasing Agent fails to give such new bond within ten (10) days after notice by the City Manager, such failure shall be sufficient cause for his removal from office.
(G.O. 1943, Ch.2, §66.)

Sec. 2-74. Salary.[14]

The Purchasing Agent shall receive such salary as the Council shall from time to time determine.
(G.O. 1943, Ch.2, §67.)

[13] See §2- 198.

[14] This is in accord with 1 A.L.M., c.41, §103.

Sec. 2-75. Purchasing Agent; full time position.

The Purchasing Agent shall devote his entire time to the performance of his duties and shall receive no compensation other than his stipulated salary for any service rendered by him.
(G.O. 1943, Ch.2, §68.)

Sec. 2-76. Authority to employ clerks and storekeepers.

The Purchasing Agent shall have authority, subject to the approval of the City Manager, to employ clerks and storekeepers as may be necessary for the performance of the duties vested in the department.
(G.O. 1943, Ch.2, §69.)

Sec. 2-77. Duty as to purchases.[15]

The Purchasing Agent shall purcahse all equipment, materials and supplies for the City or any department thereof, except in case of emergency.
(G.O. 1943, Ch.2, §70.)

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[15]This section is in accord with 1 A.L.M., c.41, §103.

Sec. 2-78. Requisition for purchases.

Any department head or official of the City in need of equipment,materials or supplies shall make requisistion for the same of the Purchasing Agent upon requisition blanks devised and supplied by the Purchasing Agent.
(G.O. 1943, Ch.2, §71.)

Sec. 2-79. Delivery; receipt; billing.

When equipment, materials or supplies are delivered by the Purchasing Agent to any department or official that ordered them, a receipt shall be given to the Purchasing Agent, and the bill from the Purchasing Agent shall be transmitted to the Auditor by the department or official.
(G.O. 1943, Ch.2, §72.)

Sec. 2-80. Purchases in advance of requisitions.

The Purchasing Agent shall have authority to purchase in advance of requisistion such equipment, materials or supplies as may be needed by the City and its departments, and which upon requisistion shall be furnished the various departments.
(G.O. 1943, Ch.2, §73.)

Sec. 2-81. Authority to make leases for storage.

The Purchasing Agent with the approval of the City Maanger, shall have authority to lease premises necessary for storing such goods as he may purchase.
(G.O. 1943, Ch.2, §74.)

Sec. 2-82. No liability on purchases until approval of Director of Finance.

No liability shall be incurred upon purchases made by the Purchasing Agent until they shall have been approved by the Director of Finance.

(G.O. 1943, Ch.2, §75.)

Sec. 2-83. Competitive contracts; contracts in excess of Two Thousand Dollars.[16]

All purchases or contracts for purchases exceeding Two Hundred Fifty ($250) Dollars shall be based upon competition, and all purchases or contracts for purchases of Two Thousand ($2,000) Dollars or over shall be made in the manner provided by Article XXII of this Chapter.

(Ord. No. 774, Sept. 23, 1968.)

Sec. 2-84. Purchases made for City only.

The Purchasing Agent shall purchase only such equipment, materials or supplies as are to be used in the business of the City.

(G.O. 1943, Ch.2, §77.)

Sec. 2-85. Purchasing Department Reserve Fund.

An appropriation shall be made to the Purchasing Department to be known as the Purchasing Department Reserve Fund, to which all purchases of equipment, materials or supplies, not made

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[16]See §§ 2-187 and 2-189.

upon specific requisistions, shall be charges and to which all payments by departments and officials for such equipment, materials or cupplies shall be credited.

(G.O. 1943, Ch.2, §78.)

Sec. 2-86. Report of purchases made to Director.

The Purchasing Agent shall within a reasonable time after the end of each month report to the Director of Finance the purchases made by him during the month preceding and also equipment, materials or supplies furnished by him to each department or official.

(G.O. 1943, Ch.2, §79.)

Sec. 2-87. Record of prices paid.

The Purchasing Agent shall keep a record of the prices paid for equipment, materials or supplies, which shall be open at all reasonable times for public inspection.

(G.O. 1943, Ch.2, §80.)

Sec. 2-88. Sale of personal property not needed by City.

All personal property of the City not needed for public use or that may have become unsuitable for use, shall upon the written recommendation of the department head or official in charge of such property and approval of the City Manager, be sold by the Purchasing Agent.

(G.O. 1943, Ch.2, §81.)

Sec. 2-89. Sales by auction.

All sales of personal property made by the Purchasing Agent, where the value exceeds One Hundred ($100) Dollars, shall be made in public, by auction or otherwise, and, if by auction, advertisements of the time and place of such auction shall be made in a newspaper published in the City at least one (1) week in advance and such property shall be sold to the highest bidder, unless in the opinion of the Purchasing Agent such bid is less than the value of the property.
(G.O. 1943, Ch.2, §82.)

Sec. 2-90. Money received from sale.

The Purchasing Agent shall report to the Auditor all moneys received and payable to the City Treasury from the sale of personal property of the City.
(G.O. 1943, Ch.2, §83.)

Sec. 2-91. Expenses of sale.

All expenses incurred by the Purchasing Agent in conducting any sale of the personal property of the City shall be approved by the Director of Finance before payment.
(G.O. 1943, Ch.2, §84.)

Sec. 2-92. Inspection of equipment, materials or supplies of City.

The Purchasing Agent shall at such times as he may deem reasonable inspect the equipment, materials or supplies of the City.
(G.O. 1943, Ch.2, §85.)

Sec. 2-93. Standardization of equipment and materials.

The Purchasing Agent shall have power to standardize equipment, materials and supplies used by the different departments, and shall also have authority to institute or order investigations or experiments to determine the comparative value or efficiency of any product or commodity whenever it would seem that a possible saving might accrue to the City by the adoption or purchase of such product or commodity.
(G.O. 1943, Ch.2, §86.)

Sec. 2-94. Inspection of materials purchased.

All equipment, materials or supplies purchased, except emergency purchases, shall be inspected by or under the supervision of the Purchasing Agent.
(G.O. 1943, Ch.2, §87.)

Sec. 2-95. Annual inventory.

Every department, commission or board shall make an annual inventory as and when the Purchasing Agent man direct of the personal property under its charge, and between November 1 and December 1 of each year it shall forward to the Purchasing Agent an estimate of the equipment, materials and supplies it will need during the ensuing year.
(G.O. 1943, Ch.2, §88.)

Sec. 2-96. Direct purchases in emergency.

In case of emergency, a department head or official may

directly purchase such equipment, materials or supplies as may be needed, but before any liability shall accrue to the City, approval of the purchase shall be given by the City Manager.
(G.O. 1943, Ch.2, §89.)

Sec. 2-97. Annual report.

The Purchasing Agent shall annually, within ten (10) days after the close of the year, make a report to the City Manager and City Council of the activities of his department, which shall contain an account of equipment, materials and supplies, bought, furnished and sold, and the prices paid or received therefor, an inventory of equipment, materials and supplies on hand, and such recommendations as he shall deem expedient.
(G.O. 1943, Ch.2, §90.)

DIVISION 4. TREASURY DEPARTMENT.[18]

Sec. 2-98. City Treasurer as Collector of Taxes; appointment; term; custody of funds; loan negotiations.

(a) The City Treasurer shall be the Collector of Taxes and shall have charge of the treasury and collecting departments and the books, documents, and papers thereof. He shall be appointed by the City Manager during the month of May, and shall hold office from June 1 for a term of one (1) year and until a successor is appointed and qualified.

(b) The City Treasurer shall receive, receipt for, and have the care and custody of the current funds of the City, and also of all moneys, property and securities which may be in his charge by virtue of any statute or ordinance, or by virtue of any gift, devise, bequest, or deposit.

(c) The City Treasurer shall negotiate all loans authorized by the City Council and shall countersign with the City Auditor and the City Manager all bonds, notes, and certificates of indebtedness issued for loans to the City, authorized by the City Council.[19] When surrendered to him for cancellation he may exchange coupon or registered bonds, notes or certificates of the City for one or more registered bonds, notes, or certificates having the same maturity and rate of interest, and they may be issued to the same or new owner or owners. Such new bonds, notes, or certificates shall be signed by the Treasurer and countersigned by the City Auditor and the City Manager. As Collector of Taxes he shall have all special powers conferred on a treasurer appointed collector by a vote of the City Council.

(d) The City Treasurer may be elected by the Board of Commissioners of Sinking Funds to serve as the treasurer of said Board, but shall not receive compensation therefor in addition to his salary as City Treasurer.

(e) A vacancy in the office of Treasurer shall be filled for the residue of the term in the same manner in which the office was originally filled.

(Ord. No. 168, June 28, 1948.)

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[18]For law of the Commonwealth as to treasurers, see 1 A.L.M., c.41, §§35 to 43A.

[19]See §§ 2-20 and 2-64.

Sec. 2-99. Bond of City Treasurer.[20]

The Treasurer shall give a bond in such form as the Commissioner of Corporations and Taxation of the Commonwealth shall approve, with sufficient sureties, to be approved by the Commissioner in a sum not less than the amount fixed by the City Council. The bond shall be executed, approved and delivered before he enters upon the duties of his office or within ten (10) days after his appointment, whichever event shall first occur. Should he fail to give such bond within the time herein required, the election shall be void and a new appointment shall be had forthwith.

(G.O. 1943, Ch.2, §120.)

Sec. 2-100. Duty as Collector of Taxes.

The City Treasurer shall have the power and be charged with the duty of collecting all accounts of every nature due the City and shall demand in writing payment of the same. He shall use every means available to collect the same and after he has exhausted all such means and failed he shall refer the same to the Law Department. All departments shall commit to him on forms supplied by the City Auditor, all accounts due the City for collection.

(G.O. 1943, Ch.2, §113.)

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[20]See §2-198.

Sec. 2-101. Drafts upon Treasurer; payment of salaries of school teachers; emergency fund; payrolls; time of payment of bills.

(a) The City Manager is authorized to draw orders on the Treasurer for the payment of accounts and claims approved and certified as provided in this Chapter. He may draw his order to pay any sum not exceeding three-fourths (3/4) of the amount then due, by way of advance on contracts made, or on work begun and not completed, upon being satisfied of the necessity therefor by a certificate signed by the board or head of department controlling the expenditure, within the sum especially appropriated therefor by the City Council, or draw his order for any sum upon the express order of the City Council.

(b) The City Manager shall draw his order for the weekly payment of the wages of such employees as are entitled by law to be paid weekly: the amounts of such wages to be entered upon pay rolls which shall be made up to the last day of the week and certified to as correct by the heads of the respective departments, except where a department is under the charge of an executive board, in which case thay shall be so certified by some officer designated by said board; all such amounts to be within the appropriations to which the same shall be chargeable.

(c) The City Manager shall draw his order for the payment of the salaries of the teachers of the public schools, and the sum due for state, military aid and soldiers' relief; the amounts of such salaries to be entered upon pay rolls which shall be certified to be correct by the School Committee, and the amounts of such sum for state and military aid and soldiers' relief to be entered upon pay rolls, which shall be certified correct by the committee on soldiers' relief, such amounts to be within the appropriations to

which the same shall be chargeable.

(d) The City Manager may, from time to time, draw his orders upon the Treasurer for the payment of such sums as he may deem necessary to be paid out of any appropriation which may be made and set apart by the City Council as a fund to meet emergencies, but never to exceed the amount of such appropriation.

(e) Other pay rolls shall be made up to include the last day of each month and pay day for the same and for bills received up to the first day of the month which comply with Section 2-62 of this Chapter and the law of the Commonwealth relating thereto shall be the 10th of each month or the business day following, if such date occurs on Sunday or a legal holiday.

(f) Bills received and audited up to the 18th of the month shall be paid on the 20th of each month, and those received and audited as approved up to the 28th of the month shall be paid on the 30th of each month provided they are in compliance with Section 2-62 of this Chapter and the law of the Commonwealth relating thereto, as to cash discounts.

(G.O., 1943, Ch.2, §114.)

Sec. 2-102. Payment of drafts, checks, orders and bonds.

The Treasurer shall pay all drafts, checks and orders directed to him from the Auditing Department as provided by law, for the payment of demands against the City; shall, on presentation, pay all executions against the City duly certified as correct by the City Solicitor; also, all bonds issued by the City, and the interest on the same as they or it becomes due; shall cancel all bonds and coupons and immediately transmit to the City Auditor the bonds, coupons and executions so paid. (G.O. 1943. Ch.2, §115.)

Sec. 2-103. Manner of payment; judgements, bonds, notes, etc.

No money shall be paid out of the City Treasury except upon the written order of the City Manager, addressed to the Treasurer, countersigned by the Auditor: provided, however, that the Treasurer may pay before such order is drawn, any sum of money due on the principal or interest of any note, bond or other security of the City, or on any judgement against the City, and also refunds certified by the Chief Superintendent, Board of Assessors or for minors' license.
(G.O. 1943, Ch.2, §116.)

Sec. 2-104. Use of money, property and securities; financial year.

The Treasurer shall use and apply in such manner as the City Council may direct, all property, money and securities in his possession at the close of each financial year. The financial year shall begin on January 1 of each year.
(G.O. 1943, Ch.2, §117.)

Sec. 2-105. Money for care of cemetery lots.

The Treasurer shall receive and have the care and custody of all moneys paid by persons for the perpetual care of lots in the Cambridge Cemetery, and give vouchers of the City therefor. He shall notify the Superintendent of the Cemetery of all such payments together with a description of the lots and graves on account of which such payments are made. He shall invest such moneys in some safe manner, and pay interest realized thereon into the City Treasury. The fund created by such payments shall be denominated "the cemetery fund for the perpetual care of lots." The net income

realized from such fund shall be devoted to the care of the graves and lots for the perpetual care of which payments have been made as aforesaid.
(G.O. 1943, Ch.2, §118.)

Sec. 2-106. Library funds.

The Treasurer shall receive all sums of money paid under the provisions of 4 A.L.M., c.140, §172, and shall forthwith credit the amount of such money to the appropriation for the public library.[21]
(G.O. 1943, Ch.2, §119.)

Sec. 2-107. Collection of water rates, etc.

The Treasurer shall collect all rents, water rates and other sums payable to the City, not otherwise specially provided for. He shall, in April of each year, notify all persons assessed for the use of water that the annual bills for water rates are due and payable at his office on May 1; and he shall give notice of and collect all others bills on account of the water works, which may, from time to time, be placed in his hands by the Water Works Department. He shall supply to the Water Works Department daily, a record of his receipts on account of the water works, with the number and amount of each bill collected.
(G.O. 1943, Ch.2, §121.)

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[21]See §2-181.

Sec. 2-108. Books; crediting and debiting accounts; payments; report to Council.

The City Treasurer shall keep an accurate account of all his receipts and payments as City Treasurer and Collector of Taxes, making the same conform as nearly as may be with the accounts kept by the City Auditor. He shall credit each department or account with all sums received on its account and shall charge to each all sums paid out on such account. He shall not pay any money out of the Treasury except upon orders of the City Manager drawn in the form prescribed in Section 2-61 of this Chapter, or except for special purposes as privided in Sections 2-101 and 2-103 of this Chapter. He shall annually, in January, give to the City Council a written report in detail, of receipts and expenditures for the year ending December 31 and submit a copy thereof to the City Manager.

(G.O. 1943, Ch.2, §122.)

Sec. 2-109. Report to Auditor.

The City Treasurer shall, on the first day of every month give a written report to the Auditor, in detail, of all his collections, receipts and disbursements during the preceding month with the names of persons of, or to whom and on what account the same were received or paid. It shall be sufficient, in reporting the receipts for taxes, assessments and water rates, to state the amount received, and the particular warrant, assessment or account upon which the collection was made. He shall also report a true record of all discounts, abatements and repayments allowed during the month on taxes, assessment, water rates or other accounts.

(G.O. 1943. Ch.2, §123.)

Sec. 2-110. Sidewalk and sewer assessment.

Whenever any assessments for defraying the expenses of constructing or repairing common sewers, or of completing sidewalks, are delivered to the Treasurer for collection, he shall forthwith make a demand in writing for the payment of said assessments; and, if any such assessment remain unpaid for three (3) months after such demand, and no notice of apportionments, or request therefor be filed in his office, he shall collect the same according to law. Whenever the amount due and payable on any mortgage belonging to the City is paid to the Treasurer, he shall certify the same forthwith to the City Manager.
(G.O. 1943, Ch.2, §124.)

Sec. 2-111. Payment of employees.

The heads of departments shall furnish to the City Treasurer weekly pay rolls of employees in their respective departments as are entitled by law to be paid weekly, and monthly pay rolls for all other employees stating the full name of each employee, title of his office or specific nature of the labor which he was originally engaged to perform, kind of work in which he has actually been engaged since the submission of the last previous pay roll, salary, wages or other compensation and dates of employment;[22] and after such pay rolls are approved and certified, the Treasurer shall make payments to such employee, his authorized agent or attorney, and shall take therefor the receipt of no other person than such employee, agent or attorney. The Treasurer shall pay all employees of the City, whose names are borne upon such pay rolls, either in person at the City Hall, or by sending a clerk or paymaster to pay such persons at the places

where they are employed.

(G.O. 1943, Ch.2, §125.)

Sec. 2-112. Salary; payment of fees into treasury; expenses for collection of taxes.

(a) The Treasurer shall receive such salary as the City Council shall from time to time determine.

(b) All fees, charges and commissions of every kind allowed by law, for the collection of taxes, betterments, rates and assessment of every kind, to the Treasurer and Collector of Taxes shall be collected and paid by him into the City Treasury. At the end of each month he shall give to the Auditor a sworn written statement of all moneys so received by him or have been paid into the Treasury.

(c) The City Treasurer shall be allowed to expend as expenses necessarily incurred in the employment of attorneys at law, deputy collectors, sheriffs, deputy sheriffs, or constables to collect unpaid bills for poll and personal taxes and department bills (except water department bills) which have been in his possession for more than six (6) months, a sum not exceeding twenty-five (25%) percent of the amount collected.

(G.O. 1943, Ch.2, §126.)

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[22]For similar provisions of the law of the Commonwealth, see 1 A.L.M., c.41, §42.

Sec. 2-113. Clerks in Treasurer's office.

The Treasurer shall appoint the clerks in his office and shall be answerable for their conduct in the discharge of their duties. Such appointments shall be forthwith certified to the City Manager. Such clerks shall receive such compensation as the City Treasurer may, from time to time determine, with the approval of the City Manager, and they may be removed by the Treasurer for such cause as he shall assign in writing in the order of removal, which order shall be forthwith communicated to the City Manager.
(G.O. 1943, Ch.2, §127.)

Sec. 2-114. Notices of taxes due.

The Treasurer shall, as soon as possible after receiving any tax list and warrant, send a notice to each person assessed, resident and non-resident, of the amount of his tax. If he shall send such notice through the mail he shall postpay and direct the same to the place of residence of such person on January 1 of the year in which the tax was assessed, and if to a resident of this City, shall direct it to the street and number of his residence, if possible.
(G.O. 1943, Ch.2, §128.)

Sec. 2-115. Interest on unpaid taxes.

Upon all taxes remaining unpaid on October 1, interest and costs shall be charges and collected as required by the laws of the Commonwealth.
(G.O. 1943, Ch.2, §130.)

Sec. 2-116. Monthly statements of receipts.

The Treasurer shall, during the first week of each month, render to the City Manager a statement of his receipts and payments for the month preceding, together with a summary of his receipts and payments for the current financial year up to the close of the preceding month.

(G.O. 1943, Ch.2, §131.)

Sec. 2-117. Cost of calling invalid tax deeds.

Whenever it appears to the City Treasurer that an invalid tax deed has been given to the City Collector for an estate sold at a tax sale, the City Treasurer shall charge the cost of calling in such invalid tax deed to the appropriation for "abatements."

(G.O. 1943, Ch.2, §132.)

ARTICLE X. BUDGET AND PERSONNEL DEPARTMENT.

Sec. 2-118. Director; appointment; term; vacancy.

(a) The Budget and Personnel Department shall be under the charge of the Director. He shall be appointed by the City Manager in the month of August and shall hold office from September 1 for a term of three (3) years and until a successor has been appointed and qualified.

(b) A vacancy in the office of Director shall be filled for the residue of the term in the same manner in which the office is originally filled.

(Ord. No. 166, §91. June 28, 1948.)

Sec. 2-119. Salary of Director.

The Budget and Personnel Director shall receive such salary as the City Council shall from time to time determine. (Ord. No. 166, §92, June 28, 1948.)

Sec. 2-120. Duties as to expenditures.

The Budget and PErsonnel Director shall inquire into actual and proposed expenditures of the City and its departments and shall bring together the estimates of the financial needs of the City and shall check such estimates against information relative to past expenditures and income. In general, he shall assist the City Manager in the preparation of the annual budget, of any supplementary budgets, in the calculation of transfer proposed and of any other matters relating to expenditures to be made by the City. (Ord. No. 166, §93, June 28, 1948.)

Sec. 2-121. Duties as to departments.

The Budget and Personnel Director shall have authority at any time to examine into and investigate the work of any City department or official, to require reports from such department or official relative to any and all costs of operation, and to require statements from any department or official as to reasons for any proposed expenditure. The Budget and Personnel Director shall at any time have access to the records of any City department or official. (Ord. No. 166, §94, June 28, 1948.)

Sec. 2-122. Reports.

The Budget and PErsonnel Director shall report to the City Manager with all reasonable speed such information as he may desire relative to the activities of any department or official of the City. He shall make reports and recommendations to the City Manager concerning methods and means by which the work of any department or official may be more efficiently or economically performed.
(Ord. No. 166, §95, June 28, 1948.)

Sec. 2-123. Other duties.

In addition to the duties specifically prescribed to by law, the Budget and Personnel Director shall perform such other duties with reference to the City budget or the City personnel as the City Manager may require.
(Ord. No. 166, §96, June 28, 1948.)

Sec. 2-124. Duties as Personnel Director.

The Budget and Personnel Director shall interview City officials, department heads, City employees, and any officers or agents of the City concerning all matters relating to personnel. He shall investigate and make reports and recommendations to the City Manager concerning compensation, service, ratings, Civil Service classifications, safety measures and complaints of City employees, officials, department heads and any officers or agents of the City. He shall discharge any other duties as may relate to the personnel of the City. He shall keep an accurate system of records of all persons employed by the City.

(Ord. No. 166, §97, June 28, 1948.)

Sec. 2-125. Duties to include those provided for in Article IX, Division of Finance.

In addition to the duties imposed by the foregoing Sections 2-118 to 2-124, the Budget and Personnel Director shall perform such other duties as may be required of him from time to time under the provisions of Article IX, Division of Finance, of this Chapter.

(Ord. No. 166, §98, June 28, 1948.)

ARTICLE XI. CITY MESSENGER-CLERK OF COMMITTEES DEPARTMENT

Sec. 2-126. City Messenger - Clerk of Committees; appointment; term; salary.

The City Messenger - Clerk of Committees Department shall be in charge of the City Messenger and Clerk of Committees. He shall be appointed by the City Manager for the term of one (1) year from June 1 in the year of his appointment and until his successor is appointed and qualified. He shall perform the duties of City Messenger and shall act as Clerk of all Committees, standing or special, of the City Council, not otherwise provided for by ordinance or order. He shall receive such salary as the Council from time to time shall determine.
(Ord. No. 167, §1, June 28, 1948.)

Sec. 2-127. Books of record.

The City Messenger - Clerk of Committees shall keep a proper record of all proceedings and transactions, and a calendar of all meetings of the committees of which he is Clerk and when requested by the Chairman, shall notify the members thereof. He shall perform such other duties and services, in making estimates and computation, drawing orders and reports and in general in rendering assistance as such connittees shall require.
(Ord. No. 167, §1, June 28, 1948.)

Sec. 2-128. Other duties.

The City Messenger - Clerk of Committees shall perform such other duties as may be from time to time required by the City Council or any of its committees, or by the City Manager.
(Ord. No. 167, §1, June 28, 1948.)

ARTICLE XII. PLANNING BOARD.

Sec. 2-129. Membership; appointment; terms.

The Planning Board of the City, established under the provisions of 1 A.L.M.,c.41, §§7- to 72, shall consist of seven (7) members. The City Manager shall annually, in the month of April, appoint one (1) member of the Board for the term of five (5) years from May 1, and starting in April, 1949 and every fifth year thereafter, the City Manager shall appoint three (3) members for the term of five (5) years from May 1.
(Ord. No. 30, Oct. 30, 1944.)

Sec. 2-130. Vacancies on Board.

Vacancies occurring on the Board shall be filled by appointment by the City Manager for the unexpired terms.
(G.O. 1943, Ch.24, §2.)

Sec. 2-131. Organization of Board.

The Board shall choose a Chairman and a Secretary from its own membership.
(G.O. 1943, Ch.24, §3.)

Sec. 2-132. Powers of Board.

The Board shall have all powers and authority, and perform the duties set forth in 1 A.L.M., c.41, §§70 to 72 relative to local planning boards and under any acts in amendments or addition thereto.
(G.O. 1943, Ch. 24, §4.)

ARTICLE XIII. ASSESSORS DEPARTMENT.[23]

Sec. 2-133. Board of Assessors; appointments; term; vacancies.

(a) The Assessors Department shall be under the charge of the Board of Assessors, who shall have all the powers and duties and be subject to the limitations of assessor of taxes, as set forth in the law of the Commonwealth, and shall devote their entire time to the duties of the office.

(b) There shall be three (3) Assessors who shall be appointed by the City Manager for terms of three (3) years; such appointments shall be made in the month of December, and the term of each Assessor thus appointed shall commence on the first Monday in January following his appointment.

(c) If a vacancy occurs at any time in the office of the Board of Assessors the City Manager shall fill such vacancy.

(G.O. 1943, Ch.2, §44.)

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[23]For law of the Commonwealth relative to assessors, see 1 A.L.M., c. 41, §§24 to 30.

ARTICLE XIV. VETERANS SERVICE DEPARTMENT.

Sec. 2-134. Director in charge of department.

The Veterans Service Department shall be under the charge of the Director of the Veterans Service Department. (Ord. No. 15, §1, May 22, 1944.)

Sec. 2-135. Appointment; term.

The City Manager shall appoint a Director in April of every other year for the term of two (2) years from May 1 of the year of appointment until his successor is appointed and qualified. The Director shall be a full time employee and hold no other position or receive any other salary from the City. (Ord. No. 15, §2, May 22, 1944.)

Sec. 2-136. Advisory Committee; appointment; term; non-salary.

(a) The City Manager shall appoint not fewer than forty (40) persons to constitute an Advisory Committee of the Veterans Service Department annually in April to serve for one (1) year from May 1.

(b) Members of the Committee shall be appointed with regard to geographical representation and to representation of all organizations in the City which shall be in a position to be of service to veterans.

(c) The members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in the performance of their duties.

(Ord. No. 15, §3, May 22, 1944.)

Sec. 2-137. Duties of Department.

The Department shall advise and assist persons who have served or are serving in the Armed Forces of the United States, and their families concerning their rights and privileges under Federal and State and Local laws; shall advise and assist such persons in obtaining all benefits; shall advise and assist veterans in obtaining employment and training and retraining for any employment, and in obtaining opportunities for further education, and in obtaining medical treatment and assistance. The Department shall further keep informed as to the programs or facilities of any organizations, whether public or private, of service to or of interest to veterans and their families, and in general shall carry on its activities for the purpose of extending aid, other than Soldiers' Relief and State and Military Aid disbursed under G.L. Chapter 115, to members of the armed forces and their families or veterans and their families.
(Ord. No. 15, §4, May 22, 1944.)

Sec. 2-138. Employees of Department.

The Department shall employ, subject to the provisions of G.L. Chapter31 and of the Charter, such employees as may be from time to time necessary.
(Ord. No. 15, §5, May 22, 1944.)

Sec. 2-139. Vocational Education.

The Educational opportunities provided by Section 14 of Chapter 74 of General Laws as amended by Acts of 1943, Chapter 540, shall be established and maintained through the School

Committee. The Veterans Service Department shall assist and advise veterans in availing themselves of such opportunities and shall advise the School Committee as to the educational need of veterans. (Ord. No. 15, §6, May 22, 1944.)

ARTICLE XV. BRIDGE DEPARTMENT.[24]

Sec. 2-140. Commissioner of Bridges; appointment; term of office.

The Bridge Department shall be under the charge of the Commissioner of Bridges, who shall be appointed by the City Manager to hold office for the term of one (1) year from the first Monday in May in the year of his appointment and until his successor is appointed and qualified.
(G.O. 1943, Ch.4, §1, ¶1, as amended by Ord. No. 55, Nov.19, 1945.)

Sec. 2-141. Powers of Commissioner.

The Commissioner shall have and exercise all the powers in relation to the care and management of the bridges, conferred by law now in force or hereafter enacted, and of any and all other bridges which may at any time be placed in his charge by the City Council.
(G.O. 1943, Ch.4, §1, ¶2.)

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[24]For law of the Commonwealth as to bridges generally, see 3 A.L.M., cc. 84, 85.
As to duty of city engineer to examine bridges, see c. 2, §41.
For other miscellaneous offenses, see c. 19.

Sec. 2-142. Injuring bridge;[25] obstructing passage.

No person shall deface or injure any public bridge or any wharf connected therewith, or unnecessarily open the draw of any such bridge, or obstruct the passage of the same; nor shall any person, without the consent of the draw-tender, make fast to any public bridge, or draw, or guard, or pier thereof, any vessel scow, raft, or float, or remain inside of the draw-gates, or on any pier, wharf, fender, or apputenance of such draw while such gates are closed; nor shall any person, having under his charge a vessel passing through the draw of any such bridge, refuse or neglect to comply with the directions of a draw-tender relating to such passing.

(G.O. 1943, Ch.4, §3.)

Sec. 2-143. Bridges with closed hours.

Between the hours of 6:45 and 7:45 A.M. and 4:30 and 5:30 P.M., the draws in the bridges hereafter named shall not be required to be open on week days for the passage of any vessel, vessela, or other water craft.

Across the Broad Canal - First Street Bridge, Third Street Bridge and Sixth Street Bridge.

(G.O. 1943, Ch.4, §4.)

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[25]For law of the Commonwealth as to injuring bridges, see 9 A.L.M., c.266, §107. For law of the Commonwealth as to drawbridges, see 3 A.L.M., c.85, §§26 to 29.

Sec. 2-144. Annual report of Commissioner.

The Commissioner shall annually, in January, report to the City Manager a perticular account of all expenditures, the property on hand, the number of times the draws have been opened, and other matters of general interest in relation to bridges, for the previous year.

(G.O. 1943, Ch.2, §2.)

ARTICLE XVI. CAMBRIDGE HISTORICAL COMMISSION.

Sec. 2-145. Commission membership; appointment; terms.

The Cambridge Historical Commission established under the Historic District Act, General Laws, Chapter 40G, with all the powers and duties of an historic district commission, shall consist of seven (7) members to be appointed by the Manager with the approval of the Council, including one (1) member, where possible, from two (2) nominees submitted by the Cambridge Historical Society, one (1) member, where possible, from two (2) nominees, one (1) of whom shall besubmitted by the Chapter of the American Institute of Architects covering Cambridge and one (1) of whom shall be submitted by the Boston Society of Landscape Architects, and one (1) member, where possible, from two (2) nominees of the Board of Realtors covering Cambridge. One (1) or more of the foregoing shall be a resident of an Historic District established in Cambridge pursuant to the Historic Districts Act. The memners shall serve for terms of three (3) years and until their successors are appointed and qualified.

(Ord. No. 727, §1, June 24, 1963.)

Sec. 2-146. Historic districts established.

There are hereby established under the provisions of the Historic Districts Act, four (4) historic districts, to be known respectively as Cambridge Common Historic District, Longfellow Historic District, Lowell Historic District, and Fayerweather-Lee Historic District, bounded as respectively shown on the map entitled "Cambridge Historic Districts Map - 1962" attached to and made a part of this Article.
(Ord. No. 727, §2, June 24, 1963.)

Sec. 2-147. Powers and duties of Commission.

The Commission shall have in addition to the powers and duties of an historic district commission the following further powers and duties (and may exercise in of any of its powers or duties accept money, gifts and expend the same, and subject to appropriation or receipt of such gifts, employ clerical and technical assistants or consultants):

(a) To conduct a survey of Cambridge buildings for the purpose of determining those of historic significance architecturally or otherwise, and pertinent facts about them, acting in collaboration with the Planning Board and the Redevelopment Authority to the extent either may from time to time be able to undertake such work, and to maintain and from time to time revise detailed listings of historic sites and buildings, and data about them, appropriately classified with respect to national, state or local significance, to period or field of interest, or otherwise;

(b) To propose from time to time as it may deem appropriate, the establishment in accordance with the provisions

of the Historic Districts Act of additional historic districts and changes in historic districts;

(c) To determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers, and to arrange for care of historic markers;

(d) To arrange for preparation and publication of maps and brochures and descriptive material about Cambridge historic sites and buildings, arranged for convenient walks or tours, or otherwise;

(e) To arrange for construction and placing under appropriate cover at a convenient place on or near the Cambridge Common of a model of Cambridge as it existed in the latter part of 1775;

(f) To cooperate with and advise the Planning Board, the Redevelopment Authority, the Public Works Department, and other City agencies in matters involving historic sites and buildings;

(g) To cooperate with and enlist assistance for Cambridge from the National Park Service, the National Trust for Historic Preservation, the Society for the Preservation of New England Antiquities, and other agencies, public and private, from time to time concerned with historic sites and buildings; and,

(h) To advise owners of historic buildings in Cambridge on problems of preservation.

(Ord. No. 727, §3, June 24, 1963.)

Sec. 2-148. Advisory Committee to assist Commission.

The Commission may recommend to the Manager from time

to time as needed appointment of advisory committees of historians and persons experienced in architecture or other arts or in historic restoration or preservation, to assist in manner comparable to the National Park Service Advisory Board or Consulting Committee. (Ord. No. 727, §4, June 24, 1963.)

Sec. 2-149. Rules and regulations of Commission.

The Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with the provisions of the Historic Districts Act or this Article.
(Ord. No. 727, §5, June 24, 1963.)

Sec. 2-150. Application for certificate of appropriateness; time limit to act.

When taking action under the provisions of the second paragraph of Section 7 of the Historic Districts Act, the Commission shall make its determination within forty-five (45) days after the filing of the application for a certificate of appropriateness, or such further time as the applicant may in writing allow.
(Ord. No. 727, §6, June 24, 1963.)

ARTICLE XVII. CAMBRIDGE INDUSTRIAL COMMISSION.

Sec. 2-151. Commission membership; appointment; terms.

The Cambridge Industrial Commission shall consist of three (3) citizens of Cambridge, The City Manager shall annually in the month of March, appoint one (1) member to serve for the term of three (3) years from April 1. Upon the expiration

of the term of a member, his successor shall be appointed in the manner aforesaid for three (3) years. Vacancies, other than by reason of expiration of term, shall be filled in like manner for the balance of the unexpired term. The Commission shall annually elect one (1) of its members as Chairman.
(G.O. 1943, Ch.5, §1.)

Sec. 2-152. Powers and duties of Commission.

The Commission shall have all the powers and duties provided by Chapter Three Hundred and Ninety-three of the acts of Nineteen Hundred and Thirteen, as amended by Section One of Chapter Two Hundred and Twenty-three of the Special Acts of Nineteen Hundred and Seventeen and Section One of Chapter Seventy-nine of the Special Acts of Nineteen Hundred and Nineteen and any acts hereafter passed relating to the Cambridge Industrial Commission.
(G.O. 1943, Ch.5, §2.)

Sec. 2-153. Dissemination of information.

The Commission is hereby empowered and authorized to disseminate information relative to the advantages and desirability of the City for industrial and other commercial purposes and its accessibility as a shipping center and in connection therewith to prepare a program for advertising and other publicity and may incur expenditures for advertising or other appropriate mediums, in an effort to attract and induce industries and other business concerns to locate in Cambridge.
(G.O. 1943, Ch.5, §3.)

Sec. 2-154. Annual report of Commission.

The Commission shall annually, in January, and whenever requested by the City Manager, make a full and detailed report of all matters pertaining to its activities and accomplishments, with such suggestions as it may deem proper.
(G.O. 1943, Ch.5, §4.)

ARTICLE XVIII. CAMBRIDGE YOUTH COMMISSION.

Sec. 2-155. Commission membership; appointment; term.

The Cambridge Youth Commission shall consist of not less than fifteen (15) citizens to be appointed by the City Manager. Annually, in the month of March, he shall appoint not less than five (5) members for a term of three (3) years to begin April 1. Vacancies, other than by reason of expiration of term, shall be filled in like manner for the balance of the unexpired term. The members shall serve without compensation. The City Manager shall designate annually one (1) member as Chairman of the Commission.
(G.O. 1943, Ch.6, §2 as amended by Ord. No. 18, May 22, 1944.)

Sec. 2-156. Duties of Commission.

The Commission shall in cooperation with other agencies, guide and assist in the development of the character of the youth of the City.
(G.O. 1943, Ch.6, §1.)

Se c. 2-157. Annual report of Commission.

The Commission shall annually, in January, and whenever requested by the City Manager, make a full and detailed report of all matters pertaining to its activities and accomplishments, with such suggestions as it may deem proper.
(G.O. 1943, Ch.6, §3.)

ARTICLE XIX. COMMUNITY SCHOOLS COMMISSION.

Sec. 2-158. Commission membership; appointment.

The Community Schools Commission shall consist of five (5) members, all of whom shall initially be appointed by the City Manager with the proviso that one (1) member shall be an incumbent member of City Council and one (1) shall be an imcumbent member of the School Committee.
(Ord. No. 799, §2, Aug. 3, 1970.)

Sec. 2-159. Terms of members; limitation.

(a) The initial appointments shall serve for the following terms: (1) Two (2) citizen members shall be for one (1) year terms; (2) The Council and School Committee appointments shall be for two (2) year terms; concurrent with their terms of office; (3) One (1) citizen member shall be for a three (3) year term.

(b) After that, all appointments and/or elections to the Commission shall be for three (3) year terms with a limit of two (2) consecutive terms for each member.
(Ord. No.799, §3, Aug. 3, 1970.)

Sec. 2-160. Appointments upon recommendation.

After the initial appointment, at least two (2) of the members shall be appointed by the City Manager on recommendations of the Community Schools Advisory Committee after nomination and election by a majority of its membership.
(Ord. No. 799, §4, Aug.3, 1970.)

Sec. 2-161. Members to serve without salary.

The members of the Commission shall serve without compensation.
(Ord. No. 799, §5, Aug.3, 1970.)

Sec. 2-162. Commission prepares plans to implement schools program.

The Commission shall prepare a written plan for implementation of a Community Schools Program and for the most advantageous use of the Schools and any other appropriate facilities for the implementation of such a program.
(Ord. No. 799, §6, Aug.3, 1970.)

Sec. 2-163. Submission of plan for approval.

The Plan shall be submitted annually for the approval to the City Council, the School Committee and the City Manager.
(Ord. No. 799, §7, Aug. 3, 1970.)

Sec. 2-164. Neighborhood Advisory Committee representation.

Each elementary school that functions as a community school shall have a Neighborhood Advisory Committe representative of the area.

(Ord. No. 799, §8, Aug. 3, 1970.)

Sec. 2-165. City-wide Advisory Committee; membership.

The City-wide Advisory Committee on Community Schools shall consist of one (1) to four (4) representatives of each elementary school to serve for a term of four (4) years and in no event for more than two (2) terms. The Advisory Committee shall elect from its own membership a Chairman. This Chairman may at his discretion appoint additional city-wide members of the Advisory Committee, providing that such appointees do not constitute more than one-third (1/3) of the total remaining membership of the committee.

(Ord. No. 799, §9, Aug.3, 1970.)

Sec. 2-166. Related activities of Commission.

Members of the Advisory Committee may attend all meetings of the Community Schools Commission, may participate in all discussions relating to programs, and may initiate proposals for modifications in existing programs and activation of new programs.

(Ord. No. 799, §10, Aug. 3, 1970.)

Sec. 2-167. Majority vote prevails.

All decisions shall be made by a majority vote of the Commission.

(Ord. No. 799, §11, Aug.3, 1970.)

Sec. 2-168. Enforcement of plan.

Once a plan submitted by the Commission is approved as set forth in Section 2-163 of this Article each city department concerned with the plan shall carry out its terms.

(Ord. No. 799, §12, Aug.3, 1970.)

ARTICLE XX. COUNCIL ON AGING.

Sec. 2-169. Council membership; age requirement; appointment; term; etc.

The Council on Aging shall consist of nine (9) members at least six (6) of whom shall be sixty (60) years of age or older. The members shall be appointed by the City Manager to serve on a rotating basis for such terms as he shall designate and until their successors are appointed and qualified . The members shall serve without compensation. A Chairman shall be appointed from time to time by the City Manager.

(Ord. No. 796, §2, June 8, 1970.)

Sec. 2-170. Duty to carry out programs for the aging.

The Council shall carry out programs designed to meet the problems of the aging in coordination with the program of the Commission on Aging of the Commonwealth.

(Ord. No. 796, §1, June 8, 1970.)

Sec. 2-171. Advisor to City Manager on problems of the aging.

The Council shall act in an advisory and consultative capacity to the City Manager with the general objective of co-ordintaing problems of the aging and may promote, assist and co-ordinate activities designed to meet such problems of the aging at the community level.

(Ord. No. 796, §3, June 8, 1970.)

ARTICLE XXI. PUBLIC LIBRARY DEPARTMENT.[26]

Sec. 2-172. Board of Trustees.

The Public Library Department shall be under the charge of a board of seven (7) trustees, to consist of one (1) member of the Schcol Committee and six (6) citizens at large to be chosen as hereinafter provided.

(G.O. 1943, Ch. 17, §1.)

Sec. 2-173. Appointment of Trustees.

(a) The City Manager shall annually, in the month of January, or whenever a vacancy may occur appoint one (1) member of the School Committee, to serve as trustee for the municipal year.

(b) Also in January, of each year, two (2) citizens at large shall be appointed by the City Manager, as Trustees to hold office for the term of three (3) years from the third Monday of January of the year in which they are appointed, and in case of a vacancy, for the unexpired portion of the term.

(G.O. 1943, Ch.17, §2.)

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[26]For law of the Commonwealth as to libraries, see 2 A.L.M., c.78, §§7 et seq. As to library funds, see c.2, §119.

Sec. 2-174. Chairman; Secretary; quorum.

The Trustees shall elect from their number a Chairman and Secretary, and four (4) members of the Board shall constitute a quorum for the transaction of business. Every third year in the month of January, the Trustees shall choose a librarian to serve for three (3) years who shall be removable at the pleasure of the Board and who shall receive such compensation as the Trustees shall determine.
(Ord. No. 192, Nov. 15, 1948.)

Sec. 2-175. Powers of Trustees.

The Trustees shall expend all mon eys presented to the library, or appropriated by the City Council,[27] for the purchase of books, the improvement of the library, its care, custody, maintenance and repairs of the building. They may establish such fees for use of the library, and shall make and publish by-laws and regulations, to extend the benefits of the institution as widely as practible throughout the community. All moneys received for the use of the library shall be paid weekly into the City Treasury.
(G.O. 1943, Ch.17, §4.)

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[27]See §2- 106.

Sec. 2-176. How money paid.

No money shall be paid from the City Treasury on account of the library, except by order of the Trustees, and in pursuance of an order signed by the City Manager; and in no case shall the amount drawn exceed the amount appropriated for the library.
(G.O. 1943, Ch.17, §6.)

Sec. 2-177. Annual report.

The Trustees shall present to the City Manager annually, in January, a report of their activities and a statement of the condition of the library, the number of books added during the year, with an accurate account of all receipts and expenditures, together with any other information or suggestions which they may deem desirable.
(G.O. 1943, CH.17, §5.)

ARTICLE XXII. OFFICERS GENERALLY.[28]

Sec. 2-178. Accounting for money received.[29]

The several boards and city officers, who shall in their official capacity receive any money whether for payment of fees, services or otherwise, shall keep a detailed record of all money so received, and thepurposes for which the money was paid,

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[28]For law of the Commonwealth as to officers and employees generally, see 1 A.L.M., c. 41, §§ 1 to 119.

[29]As to authority to require all officers to pay all fees received by them into the treasury, see 1 A.L.M., c. 40, §21(13).

which book shall at all times be open to the inspection of the Committee of Finance, and all boards and City Officers shall pay to the Treasurer weekly all money so received. All such boards and City officers shall, before making such payment, make a true return to the Auditor, stating the account upon which said moneys were received. All other persons, who shall at any time have money in their possession belonging to the City, shall forthwith pay the same to the Treasurer.

(G.O. 1943, Ch.2, §140.)

Sec. 2-179. Closing of public offices on Saturdays; exception; applicability of state law.

(a) Public offices located in City Hall and the Robert E. and Leo J. McCusker Center, and the offices of the Election Commission and the Sealer of Weights and Measures, shall be closed on all Saturdays.

(b) However, when the public needs require that an office be open on Saturday, this shall be done with the approval of the Department Head.

(c) The provisions of Chapter 4, Section 9 of the General Laws, Tercentenary Edition shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday.

(Ord. No. 109, §141, May 19, 1947.)

Sec. 2-180. Two years residence required for employment; exception.

(a) No person shall be appointed to any position of employment in any department of the City or to any unpaid board or commission (except professional employees whose qualification must include technical training and experience) who has not been a resident of Cambridge for two (2) years continuously prior to his appointment.

(b) The provisions of this Section shall not apply to members of the Advisory Committee of the Veterans Service Department.

(Ord. No. 389, April 14, 1952.)

Sec. 2-181. Bonds for performance of contract.[30]

Every contract exceeding Two Thousand ($2,000) Dollars for any work to be done for the City, or for any materials or supplies to be furnished the City, shall be accompanied by a suitable bond for the performance of the same, or by the deposit of money or security to the amount of such bond. No proposal shall be accepted from or offered to any person who has breached a contract with the City during the three (3) years preceding. All written contracts shall be executed in triplicate, and one (1) of the copies shall be deposited with the Auditor.

(Ord. No. 775, Sept. 23, 1968.)

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[30]For provision of law of the Commonwealth authorizing requirement of bond, deposit or other security for faithful performance of a contract, see 1 A.L.M., c.43, §29.
See also §§ 2-83 and 2-189.

Sec. 2-182. Proposals and bids.

No proposal shall be received from any person offering to contract for work unless it is enclosed in a sealed envelope or wrapper. Such proposal shall be at once placed in a sealed box in the Purchasing Department. All proposals shall be opened, read and recorded in City Hall, at the hour and place designated in the advertisement, in the presence of the City Manager or such person as he may designate. Such proposals shall be publicly opened, whenever so ordered by the City Manager. The contract shall be awarded to the lowest bidder complying with the terms, subject to other provisions here; provided, however, that if any such proposals shall be offered by persons who in the judgement of the board or officer issuing the advertisement shall be incompetent in respect to their means of faithfully executing the same, such proposals may be rejected, notwithstanding the same to be at a lower rate than other proposals offered for the same work, and the next highest bidder shall be substituted; and provided further that if the second lowest bidder shall be a person having his place of business in Cambridge and if such bid in the case of contracts of Five Hundred ($500) Dollars or over but not exceeding One Thousand ($1,000) Dollars shall not be more than five (5%) percent above the lowest bidder and in case of contracts from One Thousand ($1,000) Dollars to Three Thousand ($3,000) Dollars not more than four (4%) percent above the lowest bidder and in contracts over Three Thousand ($3,000) Dollars but not more than Ten Thousand ($10,000) Dollars not more than three (3%) percent above the lowest bidder, such board or officer shall have the discretion to award such contract to such second lowest bidder, and provided also, inall cases, that the board or officer may reject all bids and issue new

advertisements. All bids shall be preserved by the Purchasing Department and shall be open to public inspection after the contract has been awarded, and accepted by the bidder.
(Ord. No. 270, April 17, 1950.)

Sec. 2-183. Form of contracts.[31]

In all cases where the amount of any contract shall exceed the sum of Two Thousand ($2,000) Dollars, the contract shall be in writing; and after being signed by the parties, shall not be altered, in any particular, without the consent of the contractor and of the board or officer making the contract, indorsed thereon. And all payments for extra work shall be made at the time of the final payment on such contract.
(Ord. No. 776, Sept. 23, 1968.)

Sec. 2-184. Alteration of contracts.

Every contract shall provide that, in case of any alteration, so much of such contract as is not necessarily affected by the change shall remain in force. It shall also provide that no payment for work done under such alterations shall be made until the completion of the whole contract, and also that the adjustment and payment of the bill when rendered for such work shall release and discharge the City from any and all claims or liability on account of any work performed under such contract or any alteration thereof.
(C.O. 1943, Ch.2, §146.)

[31]This section conforms to 1 A.L.M., c.43, §29.

See also §§ 2-83 and 2-183.

Sec. 2-185. Retention of funds to pay laborers and mechanics.

In every contract entered into on behalf of the City and involving the employment of mechanics or laborers by the contrac tor, a provision shall be inserted to the effect that the board, or other authority making such contract, may, if it deems expedient, withhold from such contractor any amounts sufficient to cover any unpaid claims of mechanics or laborers for work or labor performed under such contract for thirty-five (35) days after the completion of the work under the contract.
(G.O. 1943, Ch.2, §147.)

Sec. 2-186. Removal of subordinates.

Whenever any board or officer in charge of a department shall remove any subordinate, the order of removal and the cause assigned therefor shall be entered in full on the records of the department in which he served. Every such board or officer shall cause all statutes, ordinances, regulations and orders relating to the duties of his department to be observed and enforced.
(G.O. 1943, Ch.2, §148.)

Sec. 2-187. Appropriation required for expenditures.[32]

No board or officer in charge of a department shall, unless specially authorized thereto by statute, make any expenditure or incur any liability on behalf of the City for any purpose until an appropriation sufficient to meet such expenditure or

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[32] For law of the Commonwealth prohibiting expenditures in excess of appropriations, see 1 A.L.M., c. 44, §31.

liability together with all other expenditures and liabilities which he or it proposes to make, and which are properly chargeable to the same appropriation, has been made therefor; nor shall he or it exceed any specific appropriation made for his department, nor shall any officer or member of a board, unless thereto authorized by the City Manager of City Council, apply for, object to, or advocate before the Legislature any special act relating to the City.
(G.O. 1943, Ch.2, §149.)

Sec. 2-188. Records to be kept.

Every board or officer in charge of a department shall keep records of the activities of the department. All records and files, shall, under the supervision of the officer in charge of the department, be open to public inspection, and any person may take notes therefrom; but this shall not apply to matters on which final action has not been taken, or which, in the opinion of the City Manager should not be made public, or to the records of the proceedings of the various committees kept by the Clerk of Committees.
(G.O. 1943, Ch.2, §150.)

Sec. 2-189. Estimates of expenditures.

Every board or officer in charge of a department shall, annually, during November, send to the City Manager an estimate in detail of the appropriations which will be required to enable the department to perform its duties and works during the next financial year and also an estimate of all income to be received from any source by the department during the said year.
(G.O. 1943, Ch.2, §151.)

Sec. 2-190. Departmental reports.

All Boards or officers in charge of departments, except the City Auditor, shall present to the City Manager annually, on or before January 10, a departmental report showing in detail the expenses of the departments, the material and other property on hand, and an account of the work performed, and any other facts and recommendations which may be deemed advisable. The City Auditor shall present his annual report to the City Manager during the month of January.

(C. O. 1943, Ch. 2, §152.)

Sec. 2-191. List of salaries in general.

(a) The officers of the City of Cambridge hereinafter named, shall receive the following salaries and are to be paid monthly or weekly, unless otherwise stated. The effective date of Part One shall be January 1, 1971. The effective date of Part Two shall be December 31, 1971.

PART ONE

	Minimum Annual Salary	Maximum Annual Salary	Increment
Assessors	$15,780.00	$17,280.00	$500.00
Budget-Personnel Director	15,780.00	17,280.00	500.00
City Auditor	16,860.00	18,360.00	500.00
City Clerk	16,860.00	18,360.00	500.00
City Electrician	15,780.00	17,280.00	500.00
City Engineer	16,860.00	18,360.00	500.00
City Manager	26,700.00	29,700.00	1000.00
City Messenger-Clerk of Committees	13,620.00	15,120.00	500.00
City Solicitor	16,860.00	18,360.00	500.00
City Treasurer-Collector	16,860.00	18,360.00	500.00
Civil Defense Director	16,860.00	18,360.00	500.00
Purchasing Agent	15,780.00	17,280.00	500.00
Supt. of Building Inspection	16,860.00	18,360.00	500.00
Commissioner of Public Works	22,920.00	25,920.00	1000.00
Commissioner of Health, Hospitals and Welfare	29,400.00	32,400.00	1000.00
Sealer of Weights and Measures	13,620.00	15,120.00	500.00
Director of Veterans Services	13,620.00	15,120.00	500.00
Assistant City Manager	21,510.00	23,760.00	750.00
Dog Officer	8,500.00	9,400.00	300.00

PART TWO

	Minimum Annual Salary	Maximum Annual Salary	Increment
Assessors	$17,160.00	$18,660.00	$500.00
Budget-Personnel Director	17,160.00	18,660.00	500.00
City Auditor	18,330.00	19,830.00	500.00
City Clerk	18,330.00	19,830.00	500.00
City Electrician	17,160.00	18,660.00	500.00
City Engineer	18,330.00	19,830.00	500.00
City Manager	29,075.00	32,075.00	1000.00
City Messenger-Clerk of Committees	14,830.00	16,330.00	500.00
City Solicitor	18,330.00	19,830.00	500.00
City Treasurer-Collector	18,330.00	19,830.00	500.00
Civil Defense Director	18,330.00	19,830.00	500.00
Purchasing Agent	17,160.00	18,660.00	500.00
Supt. of Building Inspection	18,330.00	19,830.00	500.00
Commissioner of Public Works	25,000.00	28,000.00	1000.00
Sealer of Weights-Measures	14,830.00	16,330.00	500.00
Director of Veterans Services	14,830.00	16,330.00	500.00
Commissioner of Health, Hospitals and Welfare	32,000.00	35,000.00	1000.00
Assistant City Manager	23,400.00	25,650.00	750.00
Dog Officer	9,250.00	10,150.00	300.00

(b) All persons holding the above positions at the time of the passage of this ordinance shall receive their salaries then in effect plus the salary adjustment equivalent to 8 per cent of such salaries.

(c) Persons appointed to these positions after the passage of this ordinance shall receive a minimum salary with an increment each year of their service until the maximum annual salary is reached.

(Ord. No. 806, June 21, 1971)..

Sec. 2-192. List of salaries - Fire Department.

(a) The members of the Fire Department, hereafter named, shall receive the following salaries, which are annual, and are to be paid monthly or weekly unless otherwise stated. The effective date of Part One shall be January 1, 1971. The effective date of Part Two shall be December 31, 1971.

PART ONE

FIRE DEPARTMENT	
Chief	$22,032.00
Deputy Chiefs	17,415.00
Captains	14,950.00
Lieutenants	12,835.00
Privates	
Third twelve months of service and each succeeding twelve months of service	11,015.00
Second twelve months of service	9,775.00
First twelve months of service	8,535.00

PART TWO

FIRE DEPARTMENT	
Chief	$23,800.00
Deputy Chiefs	18,810.00
Captains	16,145.00
Lieutenants	13,860.00
Privates	
Third twelve months of service and each succeeding twelve months of service	11,900.00
Second twelve months of service	10,555.00
First twelve months of service	9,210.00

(b) Service under the provisions of this Section shall begin with the date of appointment and shall continue until the death, retirement or discharge of the employee.

(G. O. 1943, Ch. 2, §153 as amended by Ord. No. 804, Dec. 14, 1970.)

Sec. 2-193. List of salaries - Police Department.

(a) The members of the Police Department hereafter named shall receive the following salaries, which are annual, and are to be paid monthly or weekly unless otherwise stated. The effective date of Part One shall be January 1, 1971. The effective date of Part Two shall be December 31, 1971.

PART ONE

POLICE DEPARTMENT	
Chief	$22,032.00
Captains	17,415.00
Lieutenants	14,950.00
Sergeants	12,835.00

Patrolmen, Reserve Patrolmen, Policewomen and Reserve Policewomen:	
Third twelve months of service and each succeeding twelve months of service	$11,015.00
Second twelve months of service	9,775.00
First twelve months of service	8,535.00

PART TWO

POLICE DEPARTMENT	
Chief	$23,800.00
Captains	18,810.00
Lieutenants	16,145.00
Sergeants	13,860.00
Patrolmen, Reserve Patrolmen, Policewomen and Reserve Policewomen:	
Third twelve months of service and each succeeding twelve months of service	11,900.00
Second twelve months of service	10,555.00
First twelve months of service	9,210.00

(b) Service under the provisions of this section relating to the Police Department, as it pertains to permanent officers and permanent policewomen of the Department, shall begin with the date of appointment and shall continue until his death, retirement, or discharge.

(c) Service under the provisions of this section relating to the Police Department, as it pertains to reserve officers and reserve policewomen now holding such appointments, but only those days on which he or she shall actually serve in the Police Department shall count towards the period of time necessary for increments herein provided for.

(G. O. 1943, Ch. 2, §153 as amended by Ord. No. 803, Dec. 14, 1970.)

Sec. 2-194. Salaries not otherwise provided for; overtime pay; employees subject to call.

(a) All employees of the City whose salaries are not fixed by ordinance shall be paid such salary as shall from time to time be fixed by the respective heads of the departments subject to the approval of the City Manager except in the departments of the City Clerk, City Auditor and the executive department and boards elected by the people, in which cases the salaries shall be fixed by the respective heads if the departments.
(G.O. 1943, Ch.2, §155.)

(b) Whenever any person employed by the City, except in the Police Department, Fire Department and the School Department, shall perform labor in excess of eight (8) hours in any one (1) day or in excess of forty (40) hours in any one (1) week, he shall be paid for such excess hours of work at the rate of one and one-half (1-1/2) times his regular salary, such salary to be calculated at an hourly rate on the basis of an eight (8) hour working day.

(c) All persons employed by the City shall be subject to call to perform work in their respective departments at any time.
(Ord. No. 589, April 21, 1958.)

Sec. 2-195. Employees not to act as election officials.

No permanent employee of the City shall act as warden, clerk, inspector or deputy officer at the polls at any primary or election held in the City.
(G.O. 1943, Ch.2, §156.)

Sec. 2-196. Janitors, stationary firemen and engineers - time off.

Janitors, stationary firemena and stationary engineers of the City shall be given time off, without loss of pay, on all legal holidays and a half holiday each week, and if practicable, the half holiday / shall be on Saturday. If, however the public service requires, the heads of the departments may at any time during the year give such employees in lieu of legal holidays or the half holidays, days of duty, equivalent in time to the holidays and half holidays herein provided.
(G.O. 1943, Ch. 2, §157.)

ARTICLE XXIII. OFFICIAL BONDS.[33]

Sec. 2-197. Approval of bond by City Manager.

The required bond of every City Officer and the sureties upon it shall be approved by the City Manager before the officer enters upon his duties, except bonds of officers as to which other forms of approval are required by law.
(G.O. 1943, Ch.2, §158.)

Sec. 2-198. Sureties; new bonds.

The surety on any official bond subject to the approval of the City Manager shall be an incorporated surety company licensed to do business in the Commonwealth unless the City Manager shall be satisfied that a satisfactory surety of this character connot be obtained at a reasonable premium, in which case he may accept individuals as sureties. Officers or employees required to furnish such official bonds shall further be required to give new bonds satisfactory to the City Manager whenever required by him so to do.
(G.O. 1943, Ch.7, §159.)

33 As to auditor having custody of bonds, see section 103 of this Chapter. As to bond of City Clerk, see section 23 of this chapter.

Sec. 2-199. Premium for surety.

The premium for surety upon any bond shall not exceed the rate established for premiums on such bonds by companies authorized to issue them, and shall be allowed and paid by the department of which the principal on the bond is an officer or employee. (G.O. 1943, Ch.2, §160.)

ARTICLE XXIV. PAY OF INJURED EMPLOYEES.

Sec. 2-200. Petition for compensation.

Every employee of the City injured while in the performance of his duty without fault on his part, in order to receive compensation under Chapter 364 of the Acts of 1894 and any and all acts that may be enacted in addition thereof and supplementary thereto, shall petition the City Council upon blanks to be prepared by the City Solicitor, in which petition shall be set forth the time, place, and cause of the injury and his willingness to disclose all facts relating to the injury. (G.O. 1943, Ch.2, §161.)

Sec. 2-201. Reference to Committee on Claims.

The petition shall be forthwith referred to the Committee on Claims, which shall investigate, report and make recommendations as to the length of time, if any, for the continuance of the pay of the injured employee. (G.O. 1943, Ch.2, §162.)

Sec. 2-202. Notice to City Solicitor.

Upon the happening of any accident to any employee, the City Solicitor shall be forthwith notified by the department in which the injured person was then employed.
(G.O. 1943, Ch.2, §163.)

Sec. 2-203. Investigation and physical examination.

After an investigation of the facts relating to the injury and an examination from time to time of the injured person by an authorized physician, all of which shall be under the direction of the City Solicitor, a report shall be made by the latter in which shall be annexed a certificate of the physician.
(G.O. 1943, Ch.2, §164.)

Sec. 2-204. Hearing; report.

The Committee on Claims, in addition to the report of the City Solicitor, may hear such other facts as it may deem proper and shall report thereon to the City Council. If the committee is in favor of the continuance of pay of such employee, and if its report is adopted by the Council and approved by the City Manager, the amount so allowed shall be entered upon the books of and verified by the department in which the injured employee was employed at the time the injury was sustained.
(G.O. 1943, Ch.2, §165.)

Sec. 2-205. Certificate from head of department.

Upon certification of the head of the department in which the injured employee was employed that the time allowed by the committee is correct, the amount of wages shall be forthwith paid upon the draft of the City Manager. The injured person shall execute a receipt and release in full of all demands against the City for any and all injuries arising out of or in any way connected with said injury.

(G.O. 1943, Ch.2, §166.)

Sec. 2-206. Payments for continuing disability.

Should the disability of the injured employee continue beyond the time of the first payment or thereafterwards appear, further payments may be made upon other petitions of the injured employee if after investigation and report thereon by the Committee on Claims and upon the certification of the authorized pyhsician, the same is adopted by the City Council and approved by the City Manager.

(G.O. 1943, Ch.2, §167.)

ARTICLE XXV. MEMORIAL FUNDS.

DIVISION 1. BRIDGE CHARITABLE FUND.

Sec. 2-207. Designation of fund; income.

The fund given to the City by the late Levi Bridge shall be called the Bridge Charitable Fund, and the income therefrom shall be applied in accordance with the provisions of his deed of trust.

(G.O. 1943, Ch.12, §1.)

Sec. 2-208. Trustees of Fund.

The Mayor, the City Manager and the Director of Finance shall be Trustees of the Fund.

(G.O. 1943, Ch.12, §2.)

Sec. 2-209. Investment of Fund.

The Trustees shall have the care and management of the fund and shall keep the same invested in such manner as they deem expedient.

(G.O. 1943, Ch.12, §3.)

Sec. 2-210. Report of Trustees.

The Mayor shall be, ex officio, Chairman of the Board of Trustees. The Trustees shall keep a record of their activities and, at the close of each financial year, make a report thereof to the City Council.

(G.O. 1943, Ch.12, §4.)

DIVISION 2. SANDERS TEMPERANCE FUND.

Sec. 2-211. Designation of fund.

The Ten Thousand ($10,000) Dollars given to the City by the will of the late Charles Sanders shall be called the Sanders Temperance Fund.

(G.O. 1943, Ch.12, §5.)

Sec. 2-212. Board of Trustees.

The Mayor, the City Manager and the City Clerk shall be the Trustees of the fund.
(G.O. 1943, Ch.12, §6.)

Sec. 2-213. Duties of Trustees.

The Trustees shall have the care and management of the fund and shall keep the same invested in notes of the City, with interest payable quarterly, at six (6%) per cent. They shall appoint an agent to be employed in the manner provided in the will of the donor of this Fund, who shall receive his salary in equal quarterly payments from the Trustees, and shall hold his office at their pleasure.
(G.O. 1943, Ch.12, §7.)

Sec. 2-214. Report of Trustees.

The Mayor shall be, ex officio, Chairman of the Board of Trustees. The Trustees shall keep a record of their activities, and at the close of each financial year, make a report thereof to the City Council.
(G.O. 1943, Ch.12, §8.)

DIVISION 3. BULLOCK FUND.

Sec. 2-215. Designation of fund; income.

The fund given to the City by the late Charles Bullock of Arlington, Middlesex County, Massachusetts, shall be called "The Bullock Fund" and the income therefrom shall be applied in accordance wit the provisions of his last will and testament.
(G.O. 1943, Ch. 12, §9.)

Sec. 2-216. Board of Trustees.

The administration of such part of the income of the Bullock Fund as may be paid by the Trustees under the will of Charles Bullock shall be vested in a board of three (3) trustees. The City Manager shall, annually in the month of May, appoint one (1) trustee for the term of three (3) years to begin June 1.
(G.O. 1943, Ch.12, §10.)

Sec. 2-217. Care and management of Fund.

The Trustees shall have the care and management of the income of the Fund, and shall expend the same in accordance with the will of the said Charles Bullock and shall have full power to do all things which, in theri judgement may be necessary to carry out the purpose and intention of said will establishing the Fund.
(G.O. 1943, Ch.12, §11.)

Sec. 2-218. Receipt and expenditure of income.

The Trustees shall have the authority for and in behalf of the City to receive the income and to expend the same as hereinbefore provided.
(G.O. 1943, Ch.12, §12.)

Sec. 2-219. Payments to Treasurer.

All payments of income from the Bullock Fund by the Trustees shall be made to the City Treasurer and shall be paid by him on warrants signed by a majority of the Trustees.
(G.O. 1943, Ch.12, §13.)

Sec. 2-200. Approval of bills by City Auditor.

The City Auditor shall receive, verify and approve all bills of the Trustees and their employees.
(G.O. 1943, Ch.12, §14.)

Sec. 2-221. Report of Trustees.

The Mayor shall be ex officio Chairman of the Board and the Trustees shall keep a record of their activities and at the close of each financial year make a report thereof to the City Council.
(G.O. 1943, Ch.12, §15.)

CHAPTER 3. ADVERTISING.[1]

§3-1. Projections over streets; permit; fee.
§3-2. Display of merchandise; permit; fee.
§3-3. Connection with buildings.
§3-4. Gasoline swing arms.
§3-5. Advertising banners.
§3-6. Bonds.
§3-7. Penalty.

Sec. 3-1. Projections over streets;[2] permit; fee.

No sign, advertising device, clock, marquee, barber pole, stationary or movable, permanent awaning or other like structures, projecting into or placed on or over the public highway a distance of more than six (6) inches, except poles, wires, conduits and appurtenances of telegraph and telephone, water, gas, electric light, heat and power companies and public transportation authorities shall be placed or maintained in any public way until a permit therefor has been granted by the City Council. The permit shall be issued by the Superintendent of Streets and the fee shall be One ($1.00) Dollar. (G.O. 1943, Ch.30, §1.)

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[1]As to law of Commonwealth relating to signs, billboards, etc. see 3 A.L.M., c.93, §§29 to 33.

[2]For provisions of law of Commonwealth providing city may grant permits for projecting structures, see 3 A.L.M., c.85, §§8,9.

Sec. 3-2. Display of merchandise; permit; fee.

(a) No merchandise shall be displayed within the limits of any public highway in the City without a permit granted by the City Council and issued by the Superintendent of Streets. The fee for the permit shall be Five ($5.00) Dollars annually.

(b) No counter, platform or other apparatus or structure for the purpose of selling merchandise shall be placed on any public highway in the City without a permit granted by the City Council, and issued by the Superintendent of Streets. The fee for the permit shall be Five ($5.00) Dollars and for any permits granted for periods of more than one (1) year the fee shall be Five ($5.00) Dollars annually.

(c) No permit shall be granted for encroachment of such merchandise, counter, platform or other apparatus or structure to exceed more than twenty-five (25%) percent of the width of the sidewalk from the property line of the permises in front of which such merchandise, counter, platform or other apparatus or structure shall be displayed or installed.

(Ord. No. 36, Feb. 19, 1945.)

Sec. 3-3. Connection with buildings.

All signs, advertising devices, clocks, marquees, barber poles, permanent awnings, and other like structures shall be constructed, and, when attached to the building, shall be connected, therewith in accordance with the requirements of the building ordinances of the City.

(G.O 1943, Ch.30, §2.)

Sec. 3-4. Gasoline swing arms; permit; fee.

No person shall install a gasoline swing arm to extend over the sidewalk without a permit from the Superintendent of Streets when authorized by the City Council. Permits may be granted for not more than one (1) year from May 1 and shall be renewed on expiration or within thirty (30) days thereafter. A fee of Five ($5.00) Dollars shall be paid for such permit and each renewal thereof.

(G.O. 1943, Ch.30, §5.)

Sec. 3-5. Advertising banners.

No advertising sign or banner shall be extended across any highway in the City except those of religious, fraternal or charitable organizations.

(G.O. 1943, Ch.30, §6.)

Sec. 3-6. Bonds.

Any person granted a permit under this Chapter shall file a bond with the City Clerk in such amount as shall be fixed by the City Council with surety to be approved by the City Auditor and in form to be approved by the City Solicitor, so as to indemnify and save harmless the City from all claims, costs, damages or judgments resulting from or incident to or arising out of the issuing of permits.

(G.O. 1943, Ch.30, §3. and last paragraph of Ord. No. 36, Feb. 19, 1945.)

Sec. 3-7. Penalty.

Any person who violates any of the provisions of this Chapter shall be subject to a fine not exceeding Fifty ($50.00) Dollars and each day the violation continues shall constitute a new and separate offense.

(G.O. 1943, Ch. 30, §4.)

CHAPTER 4. ANIMALS.

ARTICLE I. IN GENERAL.

§4-1. Definitions.
§4-2. Dogs.
§4-3. Running at large; permits for exhibition.
§4-4. Fast driving.
§4-5. Frightening horses.
§4-6. Licensing of dogs.
§4-7. Leashing of dogs.
§4-8. Dog Officer.
§4-9. Penalty.

ARTICLE II. INSPECTOR OF ANIMALS.

§4-10. Nominees for Inspector.
§4-11. Duties of Inspector.
§4-12. Report to City Manager.

ARTICLE I. IN GENERAL.[1]

Sec. 4-1. Definitions.

As used herein:

(a) Animals shall mean all mammals, fowl and reptiles, except man.

(b) At large shall mean off the premises of the owner or custodian and not under the control of the owner or custodian either by leash, cord, chain or otherwise.

(c) Keep shall mean possessing, controllin g, exercising or allowing to run at large.

(d) Owner shall mean any person possessing, keeping, harboring or having custody of an animal.

Sec. 4-2. Dogs.[2]

No person shall own or keep in the City any dog which by barking, biting, howling or in any other manner, disturbs the quiet of any person.

(G.O. 1943, Ch.3, §1.)

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[1]As to cleaning horses see c.33, §40. As to inspector of animals, see c.2, §§168 to 170. As to animals upon commons or public grounds, see c.20, §17. As to dogs or other animals standing or walking upon flower beds, see, c.20, §25.

[2]For state law relative to dogs, see 4 A.L.M., c.140, §§137 to 175.

Sec. 4-3. Running at large; permits for exhibitions.

No owner or person having the care of any domestic fowls, or any goats, sheep, swine, horses, oxen, cows, or other grazing animals, shall permit or suffer the same to go at large, or to graze on any street; and no person shall publicly exhibit any animal in the streets or public places of the City except in accordance with a permit from the Superintendent of Streets.
(G.O. 1943, Ch.3, §2.)

Sec. 4-4. Fast driving.

No person having the care or use of a horse or other beast of burden, carriage, or draught, shall ride, drive or permit such horse or other beast to go at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public.
(G.O. 1943, Ch.3, §3.)

Sec. 4-5. Frightening horses.

No person shall, by any noise, gestures, words or other means, wantonly and designedly frighten or drive any horse in any street.
(G.O. 1943, Ch.3, §4.)

Sec. 4-6. Licensing of dogs.

The fee for every license shall, except as otherwise provided, be Two ($3.00) Dollars for a male dog and Five ($6.00) Dollars for a female dog, unless a certificate of a registered veterinarian who performed the operation that the female dog has been spayed and has thereby been deprived of the power of propagation

has been shown to the City Clerk, in which case the fee shall be Two ($2.00) Dollars. If the City Clerk is satisfied that the certificate of the veterinarian who spayed the dog cannot be obtained, he may accept in lieu thereof a sworn statement of a veterinarian registered and practicing in the Commonwealth, describing the dog and stating that he has examined the dog, and that is appears to have been and in his opinion has been spayed. No fee shall be charged for a license for a dog specially trained to lead or serve a blind person; provided that the Division of the Blind certifies that such dog is so trained and actually in the service of a blind person. No part of the license fee shall be refunded because of the subsequent death, loss, spaying or removal from the Commonwealth or other disposal, of the dog; nor shall any part of the license fee paid by mistake be refunded after it has been paid over to the County under 4 A.L.M., c.140, §147.
(Ord. No.765, §5, April 22, 1968.)

Sec. 4-7. Leashing of dogs.

(a) No person owning or keeping a dog shall permit it to be at large other than on his own premises; if it be on the premises of another person it shall be with the knowledge and permission of such other person. The owner, keeper or person having custody of the dog which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall keep the dog under control by means of a chain, rope or cord not exceeding six (6') feet in length of sufficient strength to control the actions of said dog or by such personal presence and attention as will reasonably control its actions and conduct.

(b) In any prosecution hereunder, the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog shall be prima facie evidence that such knowledge and permission was not had.

(c) Any dog found to be at large in violation of this Article shall be caught and confined by the Dog Officer who shall notify forthwith in writing, by certified mail, return receipt requested, the licensed owner or keeper of said dog. The owner or keeper shall have ten (10) days from the date or receipt of such notice within which to recover the dog.

(d) Return of the dog to the licensed owner or keeper shall be dependent on admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper. The Dog Officer shall enter and prosecute a complaint against the owner or keeper of any dog taken into his custody under this Section, provided, however, if within the twelve (12) months next preceding this offense the owner of keeper has not been convicted for violation of this Article or a dog owned or kept by him has not been taken into custody for violation of this Article, the Dog Officer may waive prosecution.

(e) A Dog Officer having custody of a dog confined under this Article shall be allowed the sum of One Dollar and Fifty ($1.50) Cents per day of confinement for the care of such dog, payable by the owner of keeper thereof.

(Ord. No. 765, §6, April 22, 1968.)

Sec. 4-8. Appointment of Dog Officer.

A full time Dog Officer and an Assistant shall be appointed by the City Manager and shall have the responsibility of enforcing this Article.

(Ord. No. 765, §7, April 22, 1968.)

Sec. 4-9. Penalty.

Any person who violates any of the provisions of this Article shall be subject to a fine not exceeding Fifty ($50.00) Dollars for each offense.

(Ord. No. 765, §6, April 22, 1968 and part of G.O. 1943, Ch.3, §1.)

ARTICLE II. INSPECTOR OF ANIMALS.[3]

Sec. 4-10. Nominees for Inspector.

The City Manager shall annually, in March, nominate one (1) or more Inspector of Animals, and before April 1 send to the Director of Livestock Disease Control the name, address and occupation of each nominee. Such nominee shall not be appointed until approved by the Director.

(G.O. 1943, Ch.2, §168.)

Sec. 4-11. Duties of Inspector.

In addition to the duties required of him by the statutes, and acts in amendment thereof, Inspector of Animals shall professionally visit, attend and treat, whenever necessary or requested by the City Manager, any and all of the horses owned by the City and shall physically examine and report upon all horses offered for sale to the City.

(G.O. 1943, Ch. 2, §169.)

[3] For law of the Commonwealth, see 4 A.L.M., c. 129, §§ 15, et seq.

Sec. 4-12. Report to City Manager.

He shall annually, in January, and whenever requested by the City Manager, make a full and detailed report of all matters pertaining to his department, with such suggestions as he may deem proper.

(G.O. 1943, Ch.2, §170.)

CHAPTER 5. BUILDINGS.

§ 5-1. Adoption of Building Code by reference.

Sec. 5-1. Adoption of Building Code by reference.

The ordinance passed to ordained December 27, 1943, entitled "Construction, Use, Maintenance and Inspection of Buildings and Structures", which may be cited as the Building Code, and amendments thereto are hereby adopted and by this reference made a part of this Code with the same force and effect as though set out in full herein. At least three (3) copies of the said ordinance and amendments thereto are on file and open to public inspection in the office of the City Clerk.

	Description	Fee
1.	All buildings and structures	$1.00 per $1,000 or fraction thereof Max. fee $3,000 Min. fee $5.00
2.	Alterations and Additions to cost	
	less than $100	$1.00
	From $101 to $200	$2.00
	From $201 to $300	$3.00
	Over $300 and less than $5,000	$5.00
	$5,000 and over	$1.00 per $1,000 or fraction thereof Max. fee $1,000
3.	Amendments to plans	$1.00 per $1,000 of cost of work in excess of $1,000 No fee if cost is $1,000 or less
4.	Demolition of buildings or structures to cost less than $100	$1.00
	From $101 to $200	$2.00
	From $201 to less than $1,000	$5.00 plus $1.00 per $500 or fraction thereof Max. fee $200
5.	Preliminary permits for foundations under Section 207K	Same as Alterations and Additions (item 2, above)
6.	All signs	
	Less than $100	$1.00
	From $101 to $200	$2.00
	From $201 to $300	$3.00
	From $301 to $1,000	$5.00
	Over $1,000	$5.00 plus $1.00 per $1,000 or fraction thereof.
7.	Initial installation of elevators, dumbwaiters and moving stairways	$2.00 per $1,000 or fraction thereof
8.	Alterations, replacements or renewal of parts of an elevator, dumbwaiter or moving stairway	$2.00 per $1,000 or fraction thereof
9.	Annual safety test of elevators and moving stairways	$10.00 per car
10.	Annual inspection of dumbwaiters	$2.00 per car
11.	Inspection and testing of builder's hoist	$10.00 per car
12.	Petition to Board of Appeal	$15.00
13.	Certificate of occupancy	$1.00
14.	Copy of Permit Application	$1.00
	Copy of Board of Appeal Decision	$1.00
15.	Places of assembly	
	Inspection Certificate	$5.00
	Notice (Yellow Cards) less than 100 capacity	$5.00
	Notice (White Cards) over 100 capacity	$10.00

Description	Fee
16. Moving building	$5.00
17. Builder's License	$10.00
One year renewal	$5.00
Beyond one year, plus 30 days	$10.00
PLUMBING AND GASFITTING	
1. Heating units (grate area under 10 sq. ft.)	
One to Three	$5.00
Over Three	$3.00 each
2. High preseure units 15 P.S.I. or under	$5.00
Each additional 5 P.S.I.	$ .50
3. New plumbing, up to 12 fixtures	$10.00
Above 12 fixtures	$ .50 each, Max. fee $500
4. Alterations in plumbing	
Up to 12 fixtures	$5.00
Above 12 fixtures	$.50 each, Max. fee $300
5. Gas fitting, new and alterations, to cost less than $100	$1.00
From $101 to $200	$2.00
From $201 to $300	$3.00
From $301 to less than $2,000	$5.00
Over $2,000	$5.00 plus $1.00 per $1,000, Max fee $500
6. Sprinklers, up to 10 Sprinkler heads	$5.00
Additional heads	$.25 each, per additional head, Max. fee $200
7. Fire lines and/or standpipe installations	$5.00 plus $1.00 for each hose outlet and cabinet whether there is one or more sprinkler heads connected to the system
8. Air conditioners (No permit shall be required for single room units)	
Up to 25-ton unit	$5.00
Over 25-ton unit	$1.00 per ton

(Ord. No. 777, Oct. 14, 1968.)

Section 208, Paragraph d is hereby amended by striking out the schedule of fees in Items 1 through 12 and substituting in place thereof the following schedule of fees:

d. Electrical Fees. Initial charge made on all permits issued $1.50.

1.	Receptacles	
	15 ampere, each	$.25
	20 ampere per circuit (appliance, commercial)	$1.00
	30 ampere per circuit (dryers)	$2.00
	60 ampere per circuit (ranges)	$3.00
2.	Fixtures, Lighting, Signs	$.25
	Projectors, each 100 watts (Min. 50 watt per fixture)	
3.	Motors	
	Less than 1 H.P.	$.50
	1 H.P.	$1.00
	Each additional H.P.	$.25
4.	Heating devices	
	Less than 1,000 watts	$1.00
	Each additional 1,000 watts or fraction thereof	$.25
5.	Source of Supply	
	Service, each 100 amperes or fraction thereof	$1.00
	Each meter connection	$.75
	generator of 10 kilowatt capacity or less	$2.00
	Each additional 10 kilowatt capacity	$1.00
	Transformers of 10 kva capacity or less Low Tension	$2.00
	Each additional 10 kva capacity Low Tension	$1.00
	High Tension Transformer	$10.00
	Signalling or ignition transformers, each	$.50
	Rectifiers of 10 kva capacity or less	$2.00
	Each additional 10 kva capacity	$1.00
6.	Oil Burners (domestic)	$1.00
	Gas Burners (domestic)	$1.00
	Carnivals, Fairs (outside, 30 days or less)	$1.50
	Loudspeaker Amplifier	$1.00

7. The fee for alterations and relocations will be the same as that charged for new work.
8. A charge of $2.00 will be made for inspection of corrected defective work. (When defects reported by the Department have been corrected, a permit must be obtained before reinspection may be made.)
9. Work done by others than Electrical Contractors, etc:
   Any person, firm or corporation other than electrical contractor and public service corporation who employs one or more electricians permanently to do electrical work, may obtain a permit covering the work done by such permanent electrician for a period of time, to be determined in each case. The fee for electrical work done under such permit will be the same according to this schedule that would be charged had a separate permit been given for each job. A preliminary fee of $1.50 will be charged for each permit issued.

(Ord. No. 777, Oct. 14, 1968.)

Section 208, Paragraph e is hereby amended by substituting in place thereof the following:

(e) Fee for work started prior to Obtaining Permit.
Where work for which a permit is required by this Code is started or proceed with prior to obtaining said permit, the fee previously specified shall be tripled but the payment of such triple fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

(Ord. No.777, Oct. 14, 1968.)

Part XXXIII is hereby amended be adding at the end thereof the following new Section:

Sec. 3315. Inter-communication system.

In multi-family dwellings including all public housing having more than three (3) apartments there shall be a fully operative inter-communication system between the main entrance of the building and each apartment. Such system shall make the voice of the tenant audible at a distance of six (6) feet from the system at the entrance without requiring any action from the person at the entrance.
There shall also be a means of electrically releasing the door strike of the main entrance door of the building from each apartment.
This ordinance shall take effect December 31, 1969.

(Ord. No. 781, June 9, 1969:)

Section 1305, subsection 6, entitled "Exits and Enclosures" is hereby amended by adding at the end thereof the following:

f. Exits from Buildings of Group H2 Occupancy.

Exit doors of Group H2 occupancy shall be so designed or equipped as to close and lock automatically with a lock or a type approved by the Board of Standards in the Department of Public Safety.

(Ord. No. 801, Nov. 20, 1970.)

CHAPTER 6. BUSINESSES.

ARTICLE I. EMPLOYMENT OFFICES.

§6-1. License required.
§6-2. Application for license.
§6-3. License signs.
§6-4. Books to be kept.
§6-5. Hours of business.
§6-6. Compensation and fees.
§6-7. Revocation of license.

ARTICLE II. JUNK AND SECOND HAND DEALERS.

§6-8. License required.
§6-9. Form of license; hearing; fees; business premises.
§6-10. Record of purchases.
§6-11. Signs on shops.
§6-12. Purchase from minors.
§6-13. No resale for thirty days.
§6-14. Hours of business.
§6-15. Vehicles.
§6-16. Revocation of license.
§6-17. License and badge of junk collector.
§6-18. Penalty.

ARTICLE III. PAWNBROKERS.

§6-19. Licenses.
§6-20. Hours of business.

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ARTICLE I. EMPLOYMENT OFFICES.[1]

Sec. 6-1. Licenses required.

The Board of License Commissioners shall have the general supervision of all matters pertaining to the licensing, regulating and restraining of employment offices and shall keep a record of all persons licensed to operate employment offices, together with the name and number of the street and the portion of the building which they occupy. And it shall see that each person licensed is furnished with a copy of the statutes, the ordinances of the City and the rules and regulations of the Board of License Commissioners, relating to the establishment and operation of employment offices. It shall see that all persons licensed keep the requisite books and conform to the requirements of the statutes, ordinances and the rules and regulations. It shall be entitled to inspect, at any time, the books kept at licensed places.

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[1]For law of the Commonwealth, see 4 A.L.M., c.140, §§41 to 46.

Sec. 6-2. Application for license.

All persons making applications for license to operate employment offices shall state in their petitions the place which they propose to occupy, and no person licensed shall occupy any other place without leave first obtained of the Board of License Commissioners.

(G.O. 1943, Ch.15, §2.)

Sec. 6-3. License signs.

All persons licensed as aforesaid shall place in some conspicuous place on the premises occupied by them a sign, with their names and the word "licensed" thereon; and shall produce their license on the demand of any person doing business with them.

(G.O. 1943, Ch.15, §3.)

Sec. 6-4. Books to be kept.

All persons licensed shall keep a book, in which shall be entered, at the time of application, the name and residence of any person who may apply for employment, and the name and residence of any person who may make application to be supplied with male or female domestics, servants, clerks or other laborers, and also any and all sums of money which may be received of any person for such services; and such books shall at all times be open to the inspection of the Board of License Commissioners, or any person by them authorized.

(G.O. 1943, Ch.15, §4.)

Sec. 6-5. Hours of business.

Employment offices may be kept open for business between the hours of 7:00 A.M. and 8:00 P.M., Sundays excepted, and at no other hours. The fee for a license to keep an employment office shall be Three ($3.00) Dollars.
(G.O. 1943, Ch.15, §5.)

Sec. 6-6. Compensation and fees.

(a) Employment office operators shall be entitled to contract in writing with the applicant for employment for the payment by the applicant of an amount not exceeding one (1) week's wages or pay in the employment furnished where wages or salary received is under Sixty ($60) Dollars per week and employment is permanent. payment to be made in six (6) weekly installments not to exceed one-sixth (1/6) of total fee in any one (1) week, except that where the employment furnished is with a private family, rooming house or boarding house and is domestic in character the keeper shall be entitled to receive a sum not exceeding twenty-five (25%) percent of one (1) week's wages from the applicant for employment and twenty-five (25%) percent from the person seeking the domestic employee. Where wages or salary received is Sixty($60) Dollars or more per week the employment office operator may charge a larger service fee by filing with the License Commission for its approval a schedule of fees to be charged for the services to be rendered. Where employment is temporary, that is does not continue for six (6) weeks or more, the employment office operator shall be entitled to an amount equivalent to one (1) day's pay for each week or major fraction thereof that the applicant has remained in the employment furnished. Where the employment furnished is temporary domestic employment or day work so

called, the employment office operator shall be entitled to receive from the applicant a fee of ten (10%) percent of a day's pay, provided that the amount received shall not exceed the equivalent of twenty-five (25%) percent of a week's pay. What constitutes domestic service shall be decided by the License Commission whose decision shall be final.

(b) If a person who has received employment through the agency of an employment office shall be discharged by the employer within ten (10) days after the time of entering upon such employment and such discharge is not caused by the inability, incompetence, refusal to perform work required, or other fault, the operator of such employment shall on demand refund to him five-sixths (5/6) of the amount paid to said operator as a fee for obtaining such employment, whether such amount shall have been paid directly by said employee or by the employer and charged to the salary of such employee or by the employer on account of such employment; (General Laws, Chapter 140, Section44) and in addition thereto in the case of employees who pay the entire fee they shall be entitled to obtain a new position in their usual occupation, if such is available, free of charge if through no fault of theirs said employment shall be discontinued within thirty (30) days after the time of entering upon such employment.

(c) When the contract entered into between the employment office operator and the applicant for employment clearly stipulates that voluntary resignation from employment or acceptance of employment and failure to report for work by the applicant does not relieve the applicant from paying to the employment office operator the same fee as he would have paid had he reported for duty or remained in the employment for a period of six (6) weeks or more, then the employment office operator shall be entitled to collect the

service fee, provided the applicant's failure to report for duty or his voluntary resignation is not occasioned by extenuating circumstances. Extenuating circumstances shall not include acceptance of other employment. What constitutes "extenuating circumstances" shall be decided by the License Commission, whose decision shall be final.

(d) Employment office operators shall not accept or receive any money from an applicant seeking employment through the agency of such office unless employment of the kind requested is furnished.

(e) If an applicant for employment is sent to such employment and no employment should exist at that time for the particular kind of employment called for, but such applicant should accept some other kind of employment with such employer, then the employment office operator shall be entitled to a fee as if such applicant had received the employment for which he was sent in the first place.

(f) Every employment office operator shall give every person from whom a fee is received for service rendered or assistance given a receipt bearing the name of the employment office, the licensee, address and telephone number, also the amount of the fee, the date of payment and for what it is paid, and a duplicate thereof shall be kept by said operator for one (1) year.

(g) Wages or salary paid to any employee shall be construed as the amount in dollars and cents contracted for and shall not include meals and lodging

(G.O. 1913, Ch.15, §6 as amended by Ord. No. 264, Feb. 20, 1950.)

Sec. 6-7. Revocation of license.

Any person licensed to operate an employment office, who shall violate any of the provisions of this Article, any ordinance of the City or any other rules and regulations that may be hereafter passed by the Board of License Commissioners, shall be liable to have his license revoked; and any license may at any time be revoked for causes other than those specified.

(G.O. 1943, Ch.15, §7.)

ARTICLE II. JUNK AND SECOND HAND DEALERS.[2]

Sec. 6-8. License required.

No person shall solicit for, be a collector of, or a dealer in junk, old metals, secondhand articles or rags, cotton, feathers, paper stock, excelsior, straw, or other inflammable junk, or be a keeper of a shop for the keeping, purchase, storage, sale or barter of junk, old metals, secondhand articles or rags, cotton, feathers, paper stock, excelsior, straw or other inflammable junk, in this City, unless duly licensed therefor by the Board of License Commissioners, and unless such person complies with all ordinances and laws now and hereafter enacted with reference and applicable to junk, old metals, secondhand articles or rags, cotton, feathers, paper stock, excelsior, straw or other inflammable junk.

(G.O. 1943, Ch.16, §1.)

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[2]For power of city to license junk dealers, etc., and to make rules and regulations relative to their business, see 4 A.L.M., c.140, §§54, et seq.

Sec. 6-9. Form of license; hearing; fees; business premises.

(a) Each license issued shall set forth the name of the person licensed, the nature of the business, and the building, place or vehicle in which it is to be carried on and shall continue in force until May 1 next ensuing unless sooner revoked by the Board of License Commissioners. No license shall be granted to a person, for the purchase, storage, sale, barter or exchange of rags, cotton, feathers, paper stock, excelsior, straw, or other inflammable junk, unless said person shall conduct his business in a building of first class or second class construction and further shall conduct that portion of his business which relates to the storage of rags, cotton, feathers, paper stock, excelsior, straw or other inflammable junk in a portion of said fireproof building which is entirely enclosed by fireproof partitions, ceilings, and floors of brick, concrete, corrugated or sheet iron, or other fireproof material, with fireproof doors and wire glass windows, and no such license shall be granted until a public hearing is held by the Board of License Commissioners, seven (7) days notice of which shall be given by mailing a copy of the notice to abutting property owners and other persons interested within a radius of one hundred (100) yards of the proposed building, such notice to be at the expense of the applicant. The fees for licenses shall be as follows: For keepers of shops for the purchase, storage, sale, barter, or exchange of bottles, junk, old metals, secondhand articles and rags, except for keepers of shops for the purchase, storage, sale, barter or exchange of household furniture, and for such solicitors, collectors of and d dealers in the aforesaid articles, Ten ($10.00) Dollars for each license. For keepers of shops for the purchase, storage, sale, barter or exchange of household furniture, Five ($5.00) Dollars for

each license. For dealers in barrels and boxes, Five ($5.00) Dollars for each license. For collectors of barrels, and boxes, Fifty ($.50) Cents for each license. No such license should be transferable, nor shall such license be exercised on legal holidays.

(b) The restrictions in this Section forbidding a licensee to carry on his business except in a building of first or second class construction shall not apply to a licensee doing business in any building which was in existence prior to October 4, 1943, provided that said building shall be equipped with sprinkler system and provided also that said building shall be otherwise satisfactory to the Chief of the Fire Department and the Superintendent of Buildings.

(G.O. 1943, Ch.16, §2 as amended by Ord. No. 37, Feb. 26, 1945.)

Sec. 6-10. Record of purchases.

Every keeper of a shop for the purchase, storage, sale or barter of junk, old metals, secondhand articles or rags shall keep a book in which shall be legibly written in the English language at the time of purchase of any article a description thereof, the name, age and residence, giving street and number, when possible, of the person from whom and the day and hour when such purchase was made. No entry in such book shall be changed, erased, obliterated or defaced. Such book, any such shop and all articles of merchandise therein shall be open at all times to the examination of the Board of License Commissioners, members of the Police Department, or any person authorized by the Board to make such examination.

(G.O. 1943, Ch.16, §3.)

Sec. 6-11. Signs on shops.

Every such keeper of a shop shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters, so that the same may be distinctly seen.
(G.O. 1943, Ch.16, §4.)

Sec. 6-12. Purchase from minors.

No keeper of such shop, and no solicitor, collector or dealer shall, directly or indirectly, either purchase or receive by way of barter or exchange any junk, old metals, secondhand articles or rags from a minor or apprentice, knowing or having reason to believe him to be such.
(G.O. 1943, Ch.16, §5.)

Sec. 6-13. No resales for thirty days.

No article purchased or received by any keeper of such shop shall be sold until a period of at least thirty (30) days shall elapse from the date of its purchase or receipt.
(G.O. 1943, Ch.16, §6.)

Sec. 6-14. Hours of business.

No keeper of any shop shall have his shop open for the transaction of business, nor shall be purchase, sell, or barter any junk, old metals, secondhand articles or rags, except between sunrise and 10:00 P.M. of any week day.
(G.O. 1943, Ch.16, §7.)

Sec. 6-15. Vehicles.

Every vehicle used in the collection of junk, old metals, secondhand articles or rags shall have the name of the owner and the number of his license, painted upon the outside of each side of his vehicle in plain, legible letters and figures of not less than one and one-half (1-1/2) inches in height, so that they may be distinctly seen. The contents of such vehicles shall be subject at all times to the examination of the Board of License Commissioners, any member of the Police Department, or any person authorized by the Board to make such examination.
(G.O. 1943, Ch.16, §8.)

Sec. 6-16. Revocation of license.

A violation of any provision of this Article or any subsequent ordinance that may be passed in the premises shall of itself be sufficient cause and reason to revoke any such license. The right is granted to the Board of License Commissioners at any time for any other good and sufficient cause to revoke any such license.
(G.O. 1943, Ch.16, §9.)

Sec. 6-17. License and badge of junk collector.

Every license to a collector and dealer in, or keeper of a shop for the purchase, storage, sale or barter of junk, old metals and secondhand articles, and to every collector and dealer in rags in this City, shall contain the requirements of the ordinances and regulations applicable thereto, and shall also contain,

with reference to the license issued to collectors and dealers in junk, old metals, secondhand articles and rags, the further provision that each such collector and dealer shall, in addition to his license, receive from the Board of License Commissioners a badge, for which he shall pay the sum of Seventy-five ($.75) Cents. While engaged in the collection of junk, old metals, secondhand articles or rags, every person so licensed shall wear in plain sight a badge with the appropriate words and number thereon, and shall, upon the request of any Police Officer, exhibit his license for inspection.
(G.O. 1943, Ch.16, §11.)

Sec. 6-18. Penalty.

Whoever, not being so licensed, keeps a shop, or is such solicitor, collector or dealer, or being being licensed, keeps such shop, or is such solicitor, collector or dealer, in any other place or manner than that designated in the license, or after notice to him of the revocation of his license, shall forfeit a sum not exceeding Fifty ($50.00) Dollars for each offense; and whoever violates any rule, regulation or restriction contained in his license, shall forfeit a sum not exceeding Fifty ($50.00) Dollars for each offense.
(G.O. 1943, Ch.16, §10.)

ARTICLE III. PAWNBROKERS.

Sec. 6-19. Licenses.

The Board of License Commissioners shall issue licenses to pawnbrokers in accordance with the provisions of and subject to the limitations in 4 A.L.M., c.140, §§70-85, inclusive, and any other

acts relative to the business of pawnbrokers and any acts in amendment thereto now or hereafter passed.

(G.O. 1943, Ch.21, §1.)

Sec. 6-20. Hours of business.

Every pawnbroker licensed in the City shall not be open for business except during the following hours:

(a) On Mondays, Tuesdays, Wednesdays, and Saturdays from 8:00A.M. to 6:00 P.M.

(b) On Thursdays and Fridays from 8:00 A.M. to 9:00 P.M.

(G.O. 1943, Ch.21, §2 as amended by Ord. No. 409, Dec. 1, 1952.)

ARTICLE IV. PEDDLERS.[3]

Sec. 6-21. Permit required.

No person shall, except in accordance with a permit from the Superintendent of Streets, sell upon any sidewalk of any public way any goods or article or permit to remain in any public way, for more than ten (10) minutes, any goods or article of which he is the owner or in charge. No person shall place or keep any table, stall, booth or other erection, in any street, public place or any sidewalk, for the sale of any merchandise, without permission from the Superintendent of Streets. The fee for the permit aforesaid shall be Fifty ($.50) Cents.

(G.O. 1943, Ch.22, §1.)

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[3]For law of the Commonwealth as transient vendors, hawkers and peddlers, see 3 A.L.M., c.101, §§1 to 33.

Sec. 6-22. Articles which may not be hawked or peddled; fee for badge.

No person shall hawk or peddle any of the articles enumerated in 3 A.L.M., c.101, §17, to wit: Newspapers, ice, flowering plants, and such flowers, fruits, nuts, and berries as are wild or uncultivated until he shall have obtained a permit and badge from the Board of License Commissioners. No fee shall be charged for the permit, but a charge of Seventy-five ($.75) Cents shall be made for the badge.

(G.O. 1943, Ch.22, §2.)

Sec. 6-23. License.

The Board of License Commissioners may grant a license to hawk and peddle meats, butter, cheese, fish and fresh fruits or vegetables to a resident of the City who is of good repute as to morals and integrity and who is, or has declared his intention to become a citizen of the United States. The fee for said license shall be Ten ($10.00) Dollars. This Section shall not apply to any person who is not a resident of the City and who now holds a license.

(G.O. 1943, Ch.22, §3, as amended by Ord. No. 321, Feb. 12, 1951.)

Sec. 6-24. Hours and manner of crying wares.

No person hawking, peddling or selling or exposing for sale, any of the articles enumerated in 3 A.L.M., c. 101, §17, shall cry his wares, before the hours of 8:00 A.M. or after the hours of 8:00 P.M., or at any time to the disturbance of the peace and comfort of the inhabitants of the City.

(G.O. 1943, Ch.22, §4.)

Sec. 6-25. Manner of conveying wares; perishable goods.

No hawker or peddler shall carry or convey any of the articles enumerated in 3 A.L.M., c.101, §17, in any manner that will tend to injure or disturb the public health or comfort, and if such articles are perishable in their nature, they shall be conveyed in vehicles or receptacles which are neat and clean and do not leak. Any vehicles, used as aforesaid, shall have printed on them in letters and figures at least two (2) inches in height the name of the person selling and the number given him by the Board of License Commissioners.

(G.O. 1943, Ch.22, §5.)

Sec. 6-26. Articles sold by weight or measure.

No hawker or peddler shall sell any of the articles enumerated in 3 A.L.M., c.101, §17, when said articles are sold by weight or measure, until such weight and measure shall have been stamped by the Sealer of Weights and Measures.

(G.O. 1943, Ch.22, §6.)

Sec. 6-27. Contents of permit; revocation.

The permit mentioned in Sections 6-21 and 6-22 shall state the conditions and terms under which said permission shall be granted, with all of which the license shall be deemed to comply by accepting the permit, and a violation of any of the terms of said permit shall of itself be a sufficient cause for the revocation thereof.

(G.O. 1943, Ch.22, §7.)

Sec. 6-28. Restricted area.

No person shall, within the limits of Memorial Drive on the south from the Western Avenue Bridge to Hawthorn Street, to Mount Auburn Street, to Ash Street, to Mason Street, to Garden Street, to Chauncy Street, to Everett Street, to Oxford Street, to Kirkland Street, to Trowbridge Street, to Putnam Square to Putnam Avenue, to Western Avenue and return to Memorial Drive at the Western Avenue Bridge: hawk or peddle, sell or expose for sale, distribute or give away goods, wares or merchandise within the confines of the above described area except when authorized to do so by Chapter 101 of the General Laws and acts in amendment thereof or in addition thereto, except under a permit issued by the Chief of Police. The provisions of this Section shall not apply to the sale of newspapers.
(Ord. No. 761, Dec. 4, 1967.)

Sec. 6-29. Penalty.

Any person violating any of the provisions of Sections 6-21 to 6-28 of this Chapter shall be liable to a penalty of not exceeding Fifty ($50.00) Dollars for each offense.
(G.O. 1943, Ch.22, §8.)

Sec. 6-30. Minors.

The Board of License Commissioners shall issue licenses to minors to engage in street trades or other employment in accordance with all provisions and limitations of the laws of the Commonwealth, applicable to the employment or the working minors.
(G.O. 1943, Ch.22, §9.)

ARTICLE V. PETROLEUM.

Sec. 6-31. Licenses.

Licenses shall be granted by the Board of License Commissioners pursuant to the regulations and restrictions contained in 4 A.L.M., c.148, §§1, et seq.

(G.O. 1943, Ch.23, §1.)

Sec. 6-32. Fees for licenses.

(a) Fees for licenses for garages and for the keeping and storage for sale of petroleum products or any other inflammable fluids required under Chapter 148 of the General Laws, Section 13, as amended, are hereby established as follows:

Aggregate Car Storage Capacity for each garage	Fee for Original License
5 to 10 cars	$ 5.00
11 to 50 cars	10.00
51 cars, or over	20.00

(b) No fee for certificates of registration shall be required for garages having a capacity of not more than four (4) cars.

(c) If petroleum products are kept and stored for sale from a garage, or if there shall have been issued a license to sell second hand automobiles for such garage or its occupant, then the fee for registration provided for in General Laws, Chapter 148, Section13, as amended, shall be one-fourth (1/4) of the original license fees above provided for.

(d) Fees for licenses for keeping and storage for sale of petroleum products or any other inflammable fluids are hereby established as follows, except where the license is issued

for the keeping and storage for direct consumption of the premises licensed or direct consumption by motor vehicles owned by the licensee or his asignee and not for sale of petroleum products or any other inflammable fluids.

Aggregate Storage Capacity for entire parcel of land licensed	Fee for Original License
1 to 6,000 gallons	$ 10.00
6,001 to 12,000 gallons	40.00
12,001 to 50,000 gallons	80.00
50,001 to 100,000 gallons	100.00
100,001 to 500,000 gallons	150.00
500,001 to 1,000,000 gallons	250.00
Over 1,000,000 gallons	500.00

(e) If a license is applied for solely for the purpose of keeping and storing, for direct consumption on the premises licensed or for direct consumption by motor vehicles owned by the licensee or his assignee and not for sale, of petroleum products or any other inflammable fluids, the fee shall be Two ($2.00) Dollars.

(f) Except as otherwise provided in this Section, the fee for a certificate of registration provided for in General Laws, Chapter 148, Section 13, as amended, shall be one-half (1/2) of the original license fees according to the schedule above set forth, payable annually or on or before April 30 in each year.

(Ord. No. 39, April 9, 1945.)

ARTICLE VI. WASTE AND DISPOSAL COLLECTION AND SALVAGE COMPANIES.

Sec. 6-33. License required.

No person shall engage in the business of collection and transportation of waste and other disposed material or collection and transportation of salvaged materials unless duly licensed by the Board of License Commissioners.

(Ord. No. 782, §1, June 16, 1969.)

Sec. 6-34. Amount of fee.

The Board of License Commissioners is authorized to establish a schedule of fees for an annual license to engage in the business of the collection and transportation of waste and collection and transportation of salvaged materials based on the number of vehicles used in the business and the tonnage transported in each vehicle.

(Ord. No. 782, §2, June 16, 1969.)

Sec. 6-35. Revocation of license.

A violation of any provision of this Article or any subsequent ordinance shall of itself be sufficient cause and reason to revoke any such license. The right is granted to the Board of License Commissioners at any time for any other cause sufficient to them to revoke any such license.

(Ord. No. 782, §4, June 16, 1969.)

Sec. 6-36. Penalty.

Any person who engages in the business of the collection and transportation of waste and other disposed material or collection and transportation of salvaged material without being licensed under this Article shall forfeit a sum not exceeding Fifty ($50.00) Dollars for each offense and each day said person is not licensed shall constitute a separate offense.

(Ord. No. 782, §3, June 16, 1969.)

CHAPTER 7. CITY DEMONSTRATION AGENCY.

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ARTICLE I. DEFINITIONS.

Sec. 7-1. City Demonstration Agency (CDA).

City Demonstration Agency (CDA) shall mean the agency created by the City Council to plan and provide for the carrying out of the Cambridge Model Cities Program as more fully set forth in this Chapter.

(Ord. No. 766, Art. I, §1, May 20, 1968.)

Sec. 7-2. Final Plans.

Final Plans shall mean the plans designated as such by the CDA for submission to the residents of the Model Cities Area for approval by Referendum and subsequently, if so approved by the residents, to the City Council. The term "Final Plans" shall be deemed to include, at the discretion of the CDA, either all of the plans to be voted upon collectively at any such Referendum or the individual components of plans to be voted upon separately at any such Referendum.

(Ord. No. 766, Art. I, §2, May 20, 1968.)

Sec. 7-3. Model Cities Area.

Model Cities Area shall mean the area of Cambridge, Massachusetts, shown on a map entitled "Model Cities Neighborhood, Cambridge, Mass." dated May 7, 1968, a copy of which is on file in the office of the City Clerk, with the following boundaries: the Somerville municipal line on the north; the center line of Prospect Street on the west; the center lines of Massachusetts Avenue and Main Street on the south; and the Boston and Albany Railroad tracks on the east. (Ord. No. 766, Art. I, §3, May 20, 1968.)

Sec. 7-4. Model Cities Neighborhood 3 and Model Cities Neighborhood 4.

Model Cities Neighborhood 3 and Model Cities Neighborhood 4 shall mean Model Cities Neighborhood 3 and Model Cities Neighbor hood 4 as indicated on the map referred to in Section 7-3 taken together comprise the entire Model Cities Area. They are separated from one another by the center line of Broadway from Boston and Albany Railroad tracks to the intersection of Broadway and Hampshire Street and the center line of Hampshire Street from that intersection westward to Prospect Street. Model Cities Neighborhood 3 lies to the north of this dividing line, and Model Cities Neighborhood 4 lies to the south of it.

(Ord. No. 766, Art. I, §4, May 20, 1968.)

Sec. 7-5. Model Cities Program.

Model Cities Program shall mean the program authorized by Title I of the Demonstration Cities and Metropolitan Development Act of 1966 and administered on the federal level by the United States Department of Housing and Urban Development. In the City this program shall consist of all projects and plans developed pursuant to this Chapter.

(Ord. No. 766, Art. I, §5, May 20, 1968.)

Sec. 7-6. Proposal.

Proposal shall mean a measure adopted by the CDA in which the CDA requests that the City Council enact an ordinance, order, or resolution. It is to be distinguished from Final Plans in that:

(a) It is not designated as such by the CDA;

(b) It is an emergency measure which the CDA deems necessary to facilitate its preparing Final Plans and to protect the residents of the Model Cities Area during the initial planning process from impending harm from land uses and speculation proposed or attempted by others;

(c) It need not be submitted by the CDA to a Referendum in accordance with Article V of this Chapter; and,

(d) It must be adopted by the CDA within six (6) months from the date of enactment of this Chapter.

(Ord. No. 766, Art, I, §6, May 20, 1968.)

Sec. 7-7. Referendum.

Referendum shall mean a vote of the residents of the Model Cities Area on Final Plans as described in Article V of this Chapter. It is also the vote upon any Proposal which the CDA, in its discretion, chooses to submit to the residents of the Model Cities Area for their approval. Should the CDA chose to submit such a Proposal to a Referendum, the provisionss of Article V and the rules prescribed by the CDA for conducting an Article V Referendum shall be applicable.

(Ord. No. 766, Art. I, §7, May 20, 1968.)

ARTICLE II. NATURE OF THE CDA.

Sec. 7-8. Creation of CDA.

The CDA is hereby created as a special agency to plan and provide for the carrying out of the Cambridge Model Cities Program in accordance with the interests, preferences and needs of the residents of the Model Cities Area.

(Ord. No. 766, Art. II, May 20, 1968.)

ARTICLE III. COMPOSITION OF CDA.

Sec. 7-9. Membership; terms.

The CDA shall be composed of twenty-four (24) members, each of whom shall have one (1) vote. Eight (8) members, hereinafter referred to as "non-resident members" shall be selected in accordance with Section 7-10 of this Article. The remaining sixteen (16) members, hereinafter referred to as "resident members", shall be elected in accordance with Section 7-11 of this Article. All members of the CDA shall serve for terms of two (2) years; provided, however, that in the case of a vacancy as described in Section 7-13 of this Article, any CDA member who has filled a vacant seat on the CDA shall serve only for the remainder of the term of the member he has replaced. There shall be no limit upon the number of consecutive terms which an individual may serve on the CDA.
(Ord. No. 766, Art. III, §1, May 20, 1968.)

Sec. 7-10. Selection of non-resident members.

The eight (8) non-resident members shall be selected in the following manner and shall serve regularly without substitution:

(a) The Mayor shall select a member of the City Council as its representative on the CDA.

(b) The School Committee shall select one (1) of its elected members as its representative on the CDA.

(c) The City Manager, or a member of his staff selected by him, shall represent his office on the CDA.

(d) The Housing Authority shall select one (1) of its members as its representative on the CDA.

(e) The Redevelopment Authority shall select one (1)

of its members as its representative on the CDA.

(f) Within ten (10) days after public notice in a newspaper of general circulation in Cambridge, each of the academic institutions of higher learning in the City shall, if it wishes to participate, file with the City Manager or, if he so designates, the Assistant to the City Manager for Community Development a letter stating that it will send a representative to a caucus to be convened by that office. The purpose of the caucus shall be to select one (1) person to represent the academic institutions of higher learning in the City on the CDA.

(g) Within ten (10) days after public notice in a newspaper of general circulation in Cambridge, any private business or business association with offices or establishments located in the Model Cities Area shall, if it wishes to participate, file with the City Manager or, if he so designates, the Assistant to the City Manager for Community Development a letter stating that it will send a representative to a caucus to be convened by that office. The purpose of the caucus shall be to select one (1) person to represent the businesses located in the Model Cities Area on the CDA.

(h) Within ten (10) days after public notice in a newspaper of general circulation in Cambridge, each of the private not-for-profit organizations (whether incorporated or not, but excluding the academic institutions of higher learning) located in or providing services in the Model Cities Area shall, if it wishes to participate, file with the City Manager or, if he so designates, the Assistant to the City Manager for Community Development a letter stating that it will send a representative to a caucus to be convened by that office. The purpose of the caucus shall be to select one (1) person to represent such not-for-profit organizations on the CDA.

(Ord. No. 766, Art. III, §2, May 20, 1968.)

Sec. 7-11. Election of resident members.

Eight (8) of the sixteen (16) resident members of the CDA shall be elected by the voters of Model Cities Neighborhood 3, and eight (8) shall be elected by the voters of Model Cities Neighborhood 4. For the purposes of this Chapter the term "voter" shall be defined as anyone who, on the date of the election or Referendum in which he seeks to vote, is eighteen (18) years of age or older and who lives within the Model Cities Area; provided, however, that anyone who is eighteen (18) years of age or older but less than twenty-one (21) years of age on the date of the election or Referendum shall be deemed to be a voter only if he is a member of a family unit which resides in the Model Cities Area (i.e. he lives with a spouse, parent, guardian or child). No specific period of residence in the Model Cities Area shall be required in order to be classified as a voter and therefore eligible to vote in an election or Referendum provided for in this Chapter nor shall there be any other requirements for eligibility to vote. Anyone eligible to vote at an election of CDA members shall also be eligible to be a candidate for election as a resident member of the CDA; provided, however, that each candidate must reside within the Model Cities Neighborhood from which he seeks to be elected; and provided further that no one may serve at the same time as both a resident member and and a non-resident member of the CDA.

(Ord. No. 766, Art. III, §3, May 20, 1968.)

Sec. 7-12. Election procedure for resident members.

The following procedure for electing the resident members of the CDA shall be applicable only to the first election of

such members. Thereafter, the CDA itself shall provide for election procedures. The City Manager or, if he so designates, the Assistant to the City Manager for Community Development shall be deemed the Clerk of Elections for the purposes of this Section.

(a) The Clerk of Elections shall print and make available nominating petitions. In order for a candidate's name to appear on the ballot, he must obtain on the petition the signatures and addresses of twenty-five (25) eligible voters who live within the Model Cities Neighborhood from which the candidate seeks election. Each eligible voter may sign only one (1) candidate's nominating petition. In order for a candidate's name to appear on the ballet, he must return the completed nominating petition to the Clerk of Elections no later than one (1) week before the date upon which the election is to be held. The Clerk of Elections shall arbitrate disputes over the acceptability of any nominating petition. Such arbitration shall be binding on all interested parties.

(b) No later than one (1) week before the date upon which the election is to be held, each candidate shall submit to the Clerk of Elections a biography not to exceed two hundred (200) words and a picture of himself. The Clerk of Elections shall arrange for such biographies and, if practicable, the pictures to be published before the election in a newspaper of general circulation in the City. In addition the Clerk of Elections shall make available to each candidate, for his own use, five hundred (500) copies of his own biography.

(c) The Cambridge Election Commission shall provide the equipment to be used in the election, print the ballots for the election, and serve as election officials to issue the ballots, determine whether or not a prospective voter meets the requirements

to vote, count the ballots, and determine whether or not a ballot is spoiled. In determining voter eligibility the Commission shall rely exclusively on an affidavit from the prospective voter stating that he meets the specific requirements to be a voter, as set forth in Section 7-11 of this Article. A ballot shall not be deemed to be spoiled unless the intention of the voter who marked it is plainly unclear (e.g. the markings are placed so improperly that one is unable to infer for which candidate the voter desired to cast a ballot, or the voter marks his ballot for more than the number of candidates for whom he is permitted to vote.)

(d) The ballots shall contain the names and addresses of the candidates arranged in an order determined by lot. No one whose name does not appear on the ballot may be elected to the CDA, and "write-in" votes shall not be counted.

(e) The election of resident members of the CDA shall be held over a period of three (3) consecutive days. Thursday through Saturday and the polling places shall remain open each day from 8 A.M. to 8 P.M.. The Clerk of Elections shall select three (3) convenient polling places within each of the two (2) Model Cities Neighborhoods. All three (3) polling places in each Neighborhood shall be open on Saturday, and at least one (1) in each Neighborhood shall be open on Thursday and Friday. Two (2) polling places in each Neighborhood may, but need not, be mobile units.

(f) Each voter shall be allowed to cast eight (8) votes at an election for resident members of the CDA. He may cast no more than one (1) of his eight (8) votes for any one (1) candidate. When the votes from each Model Cities Neighborhood have been counted, the Election Commission shall prepare for each Model Cities Neighborhood a list of all of the candidates whose names appeared on the

ballots. The names of the candidates shall appear on this list in the order of the total votes received by each, the candidates with the highest total being listed first. The top eight (8) candidates from each list shall be declared elected, and the remaining candidates shall be declared to serve as alternates to fill vacancies as provided in Section 7-13 of this Chapter.

(Ord. No. 766, Art. III. §4, May 20, 1968.)

Sec. 7-13. Vacancies.

(a) If the seat of any non-resident member of the CDA shall become vacant for any reason, the body, the agency, authority, committee, or caucus which selected that non-resident member shall select another representative (in the manner of the original selection) to fill his seat for the remainder of his term.

(b) If the seat of any resident member of the CDA shall become vacant in any of the manners described below in subsection (1) through (5), the final list prepared by the Election Commission for the Model Cities Neighborhood from which the vacancy occurred shall be used for filling the vacancy. The first alternate (i.e., the candidate who received the ninth (9th) highest total of votes from his Neighborhood at the election) shall fill the first (1rst) vacancy, and so forth. A resident seat on the CDA shall become vacant if:

(1) A resident member dies;

(2) A resident member submits a written resignation to the CDA;

(3) A resident member moves from the Model Cities Neighborhood from which he was elected;

(4) A resident member is recalled by his constituents as provided for in Section 7-14 of this Article, or,

(5) A resident member is expelled by the other resident

members of the CDA as provided for in Section 7-15 of this Article. (Ord. No. 766, Art. III, §5, May 20, 1968.)

Sec. 7-14. Recall of resident members.

A resident member of the CDA may be recalled by his constituents in the following manner:

(a) A petition seeking his recall and signed by Three Hundred (300) of the eligible voters of the Model Cities Neighborhood from which he was elected must be presented to the CDA;

(b) A special election in the affected Model Cities Neighborhood must be called by the CDA for two (2) weeks after the first Saturday on which the CDA has in its possession the recall petition;

(c) If, at the special election, at least two-thirds (2/3) of the votes cast favor the member's recall, he shall be recalled from the CDA and his seat be declared to be vacant; provided however, that if fewer than 667 votes have been cast in favor of the member's recall, he shall not be recalled, and he shall remain on the CDA for the balance of his term.
(Ord. No. 766, Art. III, §6, May 20, 1968.)

Sec. 7-15. Expulsion of resident members.

A resident member of the CDA may be expelled by the other resident members of the CDA in the following manner:

(a) A petition, signed by at least three (3) resident members of the CDA who represent the same Model Cities Neighborhood as the resident member named in the petition, must be submitted, at a regular CDA meeting, to the resident members who are present

at the meeting. Notification of the submission of such petition must be given to all resident members of the CDA who are not present at the meeting. Such petition shall state the complaints or charges against the member named. Complaints or charges sufficient for expulsion must involve the commission of a crime, gross neglect of duty, or gross malfeasance in office. The petition must specifically identify the act or acts upon which the complaints or charges are based.

(b) No sooner than two (2) weeks after first delivery of the petition, the resident members of the CDA shall conduct a full and fair hearing upon the charges or complaints. At such hearing the accused resident member shall be afforded an opportunity to defend himself and may be represented by counsel. At the close of the hearing, upon a vote of a majority of those resident members of the CDA present and voting, the petition may be dismissed.

(c) If the petition is not dismissed as provided in the preceding Subsection, the resident members of the CDA shall convene no sooner than one (1) week nor later than two (2) weeks after the hearing. At this meeting the resident members of the CDA by a two-thirds (2/3) majority of those in office may determine that the resident member be expelled. Should this occur, his seat shall be declared vacant, and it shall be filled in accordance with Section 7-13(b) of this Article.

(Ord. No. 766, Art. III, §7, May 20, 1968.)

ARTICLE IV. POWERS OF THE CDA.

Sec. 7-16. City Manager to administer funds.

On behalf of the CDA, the City Manager shall receive and deposit in the City Treasury all funds appropriated or received by the City for the purpose of planning and carrying out the Model Cities Program. The City Manager or, if he so designates, the Assistant to the City Manager for Community Development shall expend such funds subject to the approval of the CDA.

(Ord. No. 766, Art. IV, §1, May 20, 1968.)

Sec. 7-17. CDA personnel.

The CDA shall select, hire, discharge and set the terms of employment for its staff, employees and consultants, subject to the approval of the City Manager, or, if he so designates, the Assistant to the City Manager for Community Development. Such personnel shall, whenever practicable, be residents of the Model Cities Area; provided, however, that no one, so long as he is a member of the CDA, shall be employed by the CDA for any purpose whatsoever. The City Manager or, if he so designates, the Assistant to the City Manager for Community Development shall authorize the payment of the compensation of such personnel from the funds appropriated or received by the City for the purpose of planning and carrying out the Model Cities Program.

(Ord. No. 766, Art. IV, §2, May 20, 1968.)

Sec. 7-18. Quorum.

Thirteen (13) members of the CDA, of whom at least nine (9) shall be resident members, shall constitute a quorum. (Ord. No. 766, Art. IV, §3, May 20, 1968.)

Sec. 7-19. Submission of Final Plans or Proposal for approval.

No Final Plans nor any Proposal of the CDA shall be submitted for approval to a Referendum of the residents of the Model Cities Area, or to the City Council, unless and until the Final Plans or Proposal have been approved by a majority of the members of the CDA then in office. No amendment to the Final Plans proposed by the City Council or required by a state agency or department or by the United States Department of Housing and Urban Development shall be approved by the CDA except by a majority of those members present and voting (a quorum being present). (Ord. No. 766, Art. IV, §4, May 20, 1968.)

Sec. 7-20. Rules and procedures.

Subject to Sections 7-18 and 7-19 of this Article, the CDA shall have exclusive authority to devise additional rules of order and operating procedures which are not inconsistent with this Chapter.
(Ord. No. 766, Art. IV, §5, May 20, 1968.)

Sec. 7-21. Authority to carry out plans.

Subject to, and in furtherance of, the authority of the City Council and the provisions of this Chapter, the CDA shall have the exclusive authority to make and provide for the carrying out of plans for the Model Cities Program. Departments, commissions, boards, offices, and other public bodies of the City shall, in a manner consistent with the City Charter and the General Laws, and subject to the approval of the City Council or City Manager when necessary, carry our program proposed to them by the CDA in the proper exercise of its authority. It is the intention of the City Council to refrain from approving those parts of requests or proposals from other public bodies which materially affect the Model Cities Area and are inconsistent with the plans of the CDA.
(Ord. No. 766, Art. IV, §6, May 20, 1968.)

Sec. 7-22. Submission of Proposals to City Council.

The CDA shall have authority to submit Proposals (as defined in Section 7-6 of this Chapter) to the City Council for adoption as resolutions, orders, and ordinances. The CDA may submit such proposals directly to the City Council without first submitting then to a Referendum of the sort described in Article V of this Chapter. Nothing in this Chapter however, shall prohibit the CDA from first submitting such Proposals to a Referendum of the residents of the Model Cities Area before submitting them to the City Council. In either case, such Proposal, whether it is to be submitted to a Referencum or directly to the City Council, must be approved by the CDA in accordance with Section 7-19 of this Article.
(Ord. No. 766, Art. IV, §7, May 20, 1968.)

ARTICLE V. REFERENDUM.

Sec. 7-23. Submission of Final Plans to referendum.

The CDA shall designate all Final Plans as such and shall submit the same to the residents of the Model Cities Area at a Referendum specially called by the CDA for that purpose. The CDA, in its discretion, may submit the Final Plans for a vote either on one (1) comprehensive plan or on several components which may be voted upon at a single Referendum or at several Referenda. The CDA shall design all procedures for, and make all arrangements to conduct, the Referendum; provided, however, that the eligibility requirements for voting in the Referendum shall be the same as those for voting in the election of resident members of the CDA.
(Ord. No. 766, Art. V, §1, May 20, 1968.)

Sec. 7-24. Approval of Final Plans by referendum.

All Final Plans shall be deemed approved by Referendum if approved by more than fifty (50%) percent of the votes cast in the Referendum.
(Ord. No. 766, Art. V, §2, May 20, 1968.)

Sec. 7-25. Submission of amended Final Plans to referendum.

If Final Plans of the CDA are not approved by Referendum, the CDA may, in its discretion, amend such Final Plans for submission at subsequent Referenda.
(Ord. No. 766, Art. V, §3, May 20, 1968.)

ARTICLE VI. APPROVAL OF CDA PLANS BY CITY COUNCIL AND SUBMISSION TO HUD FOR FUNDING.

Sec. 7-26. Approval and funding of Final Plans.

The CDA shall certify the Final Plans approved by a Referendum of the residents of the Model Cities Area and submit them without delay to the City Council for approval. The Final Plans, as so approved, shall be submitted to the United States Department of Housing and Urban Development forthwith, along with any necessary undertakings by the City, as an application for funds for the execution of the Final Plans. The City Council shall not consider and approve Final Plans unless first approved by a Referendum of the residents.

(Ord. No. 766, Art. VI, §1, May 20, 1968.)

Sec. 7-27. Disapproval of Final Plans by Council.

If Final Plans of the CDA, approved by Referendum of the residents of the Model Cities Area, are not approved by the City Council, the City Council shall not amend the same and submit to the United States Department of Housing and Urban Development for funding, or in any other way attemp to carry them out as amended, without first obtaining the approval of the CDA (in accordance with Section 7-19.) at a meeting which shall be called for the purpose of considering the proposed amendments.

(Ord. No. 766, Art. VI, §2, May 20, 1968.)

Sec. 7-28. CDAapproval of amendment to Final Plans.

No amendments to the Final Plans required by a state agency or department or by the United States Department of Housing and Urbar Development as a condition of granting federal funds for the execution of a Model Cities Program shall be adopted by the City Council until the amendments have been approved first by the CDA (in accordance with Section 7-19) at a meeting which shall be called for the purpose of considering the proposed amendments. (Ord. No. 766, Art. VI, §3, May 20, 1968.)

ARTICLE VII. CDA REVIEW OF GOVERNMENTAL ACTIVITY.

Sec. 7-29. Changes affecting land use.

All requests, proposals, resolutions, orders, or petitions for fundamental changes affecting land use in the Model Cities Area during the period in which the Model Cities Program is being planned and executed shall be transmitted to the CDA with a written request that the CDA review them and furnish written comment upon them before any action is taken with respect thereto by the City Council, City Manager, or any department, commission, board, or office of the City. The CDA shall furnish such written comment not later than the fifteenth day after the day on which said written request is received by the CDA. Should the proposed action be designed to deal with an emergency affecting the health or safety of the people, the City Council may call a special meeting of the CDA with the initiator of the proposal for the purpose of presenting the proposal to the CDA. In such emergency, the written record of said meeting shall serve in lieu of the written comment of the CDA. Nothing in this Article shall prevent the City

from acting upon any matter if the CDA, having been properly notified and requested to comment, fails to do so as provided herein.

(Ord. No. 766, Art. VII, May 20, 1968.)

ARTICLE VIII. AMENDMENTS TO CHAPTER.

Sec. 7-30. Public hearing.

This Chapter shall not be amended until after a public hearing has been held on the proposed amendment.

(Ord. No. 766, Art. VIII, §1, May 20, 1968.)

Sec. 7-31. Publication of notice.

Notice of a proposed amendment to this Chapter shall be published in a newspaper of general circulation in the City for two (2) successive weeks, the date of first publication being at least twenty (20) days prior to the date of the public hearing. Such notice shall consist of the text of the proposed amendment and the time, date, and place of the public hearing.

(Ord. No. 766, Art. VIII, §2, May 20, 1968.)

Sec. 7-32. Proposed amendment to CDA.

The City Council shall transmit a copy of the proposed amendment to the CDA no later than ten (10) days before the public hearing is held unless the proposed amendment has been initiated or approved by the CDA.

(Ord. No. 766, Art. VIII, §3, May 20, 1968.)

Sec. 7-33. Final action on amendment.

The City Council shall not take final action upon a proposed amendment until at least ten (10) days after the public hearing thereon.

(Ord. No. 766, Art. VIII, §4, May 20, 1968.)

CHAPTER 1. CIVIL DEFENSE

§8-1. Department of Civil Defense established
§8-2. Director of Civil Defense
§8-3. Appointment of Director
§8-4. Function of Department
§8-5. Personnel of Department
§8-6. Emergency powers
§8-7. Aid to other areas during riot or violence
§8-8. Civil Defense Advisory Council
§8-9. Acceptance of gifts, loans of service, equipment, etc.
§8-10. Executive orders, regulations and directives of Governor
§8-11. Filing of executive orders, regulations and directives
§8-12. Cooperation with other governmental bodies
§8-13. Operation of Chapter contingent upon State law

Sec. 8-1. Department of Civil Defense established.

There is hereby established the Department of Civil Defense. The Department may also be referred to as the Civil Defense Agency.

(Ord. NO. 283, Part of §1, Aug. 7, 1950)

Sec. 8-2. Director of Civil Defense.

The Department shall be under the supervision of the Director of Civil Defense. The Director shall have the direct responsibility for the organization , administration and operation of the Department subject to the general control of the City Manager.

(Ord. No. 283, Parts of §§1 and 2, Aug. 7, 1950)

Sec. 8-3. Appointment of Director.

The Director shall be appointed by and shall serve at the pleasure of the City Manager. The Director shall receive such salary as shall be from time to time established by ordinance.

(Ord. No. 283, Part of §2, Aug. 7, 1950)

Sec. 8-4. Function of Department.

It shall be the function of the Department to carry out the duties prescribed by Acts of 1950, Chapter 639, and any acts amendatory thereof or supplemental thereto and such other functions and duties as may be set forth herein or established by ordinance from time to time not inconsistent with the laws of the Commonwealth, namely, to prepare for and carry out all emergency functions, other

than functions for which military forces other than the National Guard are primarily responsible, for the purpose of minimizing and repairing injury and damage resulting from disasters caused by attack, sabotage or other hostile action or by fire, flood, earthquake or other natural causes; said functions shall include specifically, but without limiting the generality of the foregoing fire fighting and police services, medical and health services, rescue, engineering, and air raid warning services, evacuation of persons from stricken areas, emergency welfare services, communications, radiological, chemical and other special weapons of defense, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions.

(Ord. No. 283, Part of §1, Aug. 7, 1950)

Sec. 8-5. Personnel of Department.

For the purpose of carrying out the provisions of this Chapter the City Manager, or if so delegated by him, the Director of Civil Defense, may, within the limits of amounts appropriated therefor, appoint and employ such experts, clerks and other employees as the work of the Department may require and may remove them and in general may make such expenditures within the limits of appropriations and as may be necessary to execute effectively the purposes of Acts of 1950, Chapter 639 and of this Chapter and any acts amendatory thereof or supplemental thereto. The Department shall be provided with suitable office space, equipment and supplies.
(Ord. No. 283, §3, Aug. 7, 1950)

Sec. 8-6. Emergency powers.

In the event of a disaster, as more particularly defined in Section 1 of Acts of 1950, Chapter 639, the City, acting through the Director of Civil Defense, shall have the power to enter into contracts and incur obligations necessary to combat such disaster to protect the health and safety of persons and property and to provide emergency assistance to the victims of such disaster. Further, in the event of such disaster, the Director is authorized to exercise all the powers set forth in said Chapter 639 pertaining to the performance of public work, making of contracts, incurring obligations, employment of temporary workers, rental of equipment and purchasing of supplies. Such action taken in time of disaster shall be subject to the approval of the City Manager.

(Ord. No. 283, §4, Aug 7, 1950)

Sec. 8-7. Aid to other areas during riot or violence.

The Chief of Police with the approval of the Director of Civil Defense and of the City Manager is authorized to send to the aid of any other city or town in the event of disaster such equipment and personnel of his department as in the judgement of the Chief of Police shall be advisable for the suppression of riot or other form of violence in such other city or town in the event of a request therefor from the Mayor or City Manager of such city or selectmen of such town.

(Ord. No. 283, §5, Aug. 7, 1950)

Sec. 8-8. Civil Defense Advisory Council.

There is hereby created an unpaid Civil Defense Advisory Council, the members of which shall be appointed by the City Manager. The Defense Council shall consist of experts on all matters affecting civil defense, and the Director of Civil Defense. The City Manager shall appoint the Chairman of said Defense Council to serve at his pleasure. The Defense Council shall be in the executive branch of the government and shall serve under the City Manager and shall be subject to his supervision and control. The Defense Council shall advise the City Manager and Director on matters pertaining to civil defense.

(Ord. No. 283, §6, Aug. 7, 1950)

Sec. 8-9. Acceptance of gifts or loans of services, equipment, etc.

In accordance with the authority referred to in Section 15 of Acts of 1950, Chapter 639, the City shall accept gifts, grants, loans of services, equipment, supplies, materials or funds for the purposes of civil defense from the Federal Government or any agency or officer thereof or from any person. The acceptance of such gifts, grants or loans on behalf of the City shall be made by the Director of Civil Defense subject to the approval of the City Manager. Appropriate records shall be kept by the Director of Civil Defense of all matters relating to such gifts, grants or loans.

(Ord. No. 283, §7, Aug. 7, 1950)

Sec. 6-10. Executive orders, regulations and directives of Governor.

Upon the promulgation of executive orders or of general regulations by the Governor of the Commonwealth, or upon a directive by the Governor to the City Manager or to the Director of Civil Defense or other municipal department officers or employee of the City to carry out the provisions of any such executive order, regulation or directive, the Director of Civil Defense is hereby authorized and directed to take all necessary steps to carry out such executive order, regulation or directive in spite of any municipal ordinance or procedure which may in whole or in part conflict with such executive order, regulation or directive. All such actions shall be taken and such executive orders or regulations shall be carried out for the purpose of meeting conditions arising from emergency or disasters without delay caused by observance of ordinances or procedures customary in periods of normal life.

(Ord. No. 283, §8, Aug. 7, 1950)

Sec. 6-11. Filing of executive orders, regulations or directives.

Upon the receipt of any executive order, general regulation or directive from the Governor under the powers conferred upon him by Acts of 1950, Chapter 639, the Director of Civil Defense or the officer or employee of the City receiving such order, regulation or directive shall cause copies thereof with all due diligence to be filed with the City Clerk, the City Manager, the City Auditor,

the City Solicitor, the Director of Civil Defense and the department affected thereby.

(Ord. No. 283, §9, Aug. 7, 1950)

Sec. 8-12. Cooperation with other governmental bodies.

In carrying out the purposes of civil defense the City shall use the services, equipment, supplies and facilities of the departments, officers and agents of the Commonwealth and of the political subdivisions of the Commonwealth to the maximum extent practicable and all officers, departments, agents and employees of the City shall to the fullest extent practicable cooperate and extend their services to the Commonwealth and other civil defense organizations of the Commonwealth upon request to the end that so far as municipal action by the City is concerned the spirit and purposes of said Chapter 639 shall be carried out to the fullest extent.

(Ord. No. 283, §10, Aug. 7, 1950)

Sec. 8-13. Operation of Chapter contingent upon State law.

This Chapter shall become of no effect when Acts of 1950, Chapter 639 shall by action of the legislature, become inoperative or upon the expiration of any time limit for the operation of said Chapter 639 now or hereafter imposed by the legislature. Any part of this Chapter shall become inoperative when any Section or provision of

said Chapter 639 upon which such part depends for its validity shall become inoperative by act of the legislature or by the expiration of any time limit now or hereafter imposed by the legislature.

(Ord. No. 283, §11, Aug. 7, 1950)

CHAPTER 9.

ELECTRICITY.[1]

§9-1. City Electrician; appointment; term.
§9-2. Assistant City Electrician; appointment; duties.
§9-3. Supervision of wires.
§9-4. Inspection of wires; replacement; removal.
§9-5. Wires to be suitable; attachments to poles; insulation.
§9-6. Shutting off current; removal of wires.
§9-7. Inspection of wires in building under construction.
§9-8. Supervision of wire systems of City.
§9-9. Supervision of street lamps.
§9-10. Meters; examinations.
§9-11. Installation; permit; fee.
§9-12. Quality of appliances; attachment to wires and poles; additional wires.
§9-13. Obstructing street or sidewalk.
§9-14. Plans to be submitted to City Electrician.
§9-15. Police and fire alarm signal boxes.
§9-16. Poles not to be erected without order.
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§9-18. Petition for location of poles; notice; hearing.
§9-19. Acceptance of locations; conditions.
§9-20. Location of poles in sidewalks.
§9-21. Changing locations.
§9-22. Revocation of grants.
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§9-24. Order prior to attaching wire.
§9-25. Wires for use of City.
§9-26. Aerial cables.
§9-27. Streets not to be torn without permit; restoration.
§9-28. Removal of wires and conduits.
§9-29. Underground conduits not to be removed.
§9-30. City to have space in underground conduits and manholes.
§9-31. Bonds required.
§9-32. Books of accounts.
§9-33. Report to City Manager.

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[1]For regulation of telephone and telegraph companies, see 5 A.L.M., c. 166, §§1 to 43. Also see Chap. 213 of the Acts of 1922, relative to the establishment of a pole and conduit commission.

Sec. 9-1. City Electrician; appointment; term.

The Electrical Department shall be under the charge of the City Electrician who shall be appointed by the City Manager in the month of May for the term of one (1) year from June 1.
(G.O. 1943, Ch.10, §1.)

Sec. 9-2. Assistant City Electrician; appointment; duties.

(a) There shall be an Assistant City Electrician who shall, in accordance with the provisions of the Civil Service Law, be appointed by the City Electrician from one (1) of the members of the Department.

(b) The Assistant City Electrician, in addition to any other duties or authority prescribed for him, shall be in charge of the Electrical Department, whenever the City Electrician may be absent or unable to perform his duties.
(G.O. 1943, Ch.10, §1.)

Sec. 9-3. Supervision of wires.

The City Electrician shall have supervision of every wire over, upon, through or under all streets and over buildings throughout the City; every wire within a building when such wire is designed to carry an electric light or power current; all wires for the transmission of electricity for the purpose of heating or power; all poles, conduits and other structures holding, supporting or containing such wires in streets and public places. He shall inspect the condition of all poles,wires, conduits and cables, their attachments, insulations, supports and appliances.
(G.O. 1943, Ch.10, §2.)

Sec. 9-4. Inspection of wires; replacement; removal.

The City Electrician shall require every person using, operating, or maintaining electrical fixtures to affix at the points of support, or to a suitable cross-arm at or to which any such wires or cables containing wires are attached, a tag or mark distinctly designating the owner or user of such poles, wires or cables except that any such tag or mark shall not be required for the poles, wires or cables of public transportation authorities or other public utilities companies. Whenever any such poles, structures, attachments, insulations, supports or appliances are unsuitable or unsafe, or the tags or marks thereof are insufficient or illegible, he shall order the same to be replaced. He shall also order any wire abandoned for use to be removed. If not replaced or removed forthwith, the City Electrician shall proceed to replace or remove the same at the expense of the owner thereof.

(G.O. 1943, Ch.10, §3.)

Sec. 9-5. Wires to be suitable; attachment to poles;[2] insulation.

The City Electrician shall require every person owning or operating a line of wires over, upon, through or under any streets or over any buildings throughout the City, to use only such wires as are suitable and strong; shall require such wires to be suitably and safely attached to strong and sufficient poles properly painted and insulated at all points of attachment. When a wire other than a wire designed to carry an electric light or power current enters a building it shall be attached to it at suitable and

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[2]For similar provision of the law of the Commonwealth, see 5 A.L.M., c. 166 §30.

convenient points in the circuit and near the place of entering a building, an appliance calculated to prevent at all times a current of electricity of such intensity or volume as to be capable of injuring electrical instruments or causing fire to enter the building by means of such wire, beyond the point at which such appliance is attached, and shall cause to be suitably insulated every wire within a building when such wire is designed to carry an electric light or power current.
(G.O. 1943, Ch.10, §4.)

Sec. 9-6. Shutting off current; removal of wires.

In case of fire, or whenever the maintenance of any wire may be dangerous to life or property, the City Electrician shall have authority to direct any person owning, leasing, operating or maintaining such wire, to shut off the electric current therefrom for such period of time as he may deem necessary, or to cause said wire to be cut or removed without notice, and such wire shall not be connected again or replaced without his approval.
(G.O. 1943, Ch.10, §5.)

Sec. 9-7. Inspection of wires in building under construction.

The City Electrician shall inspect the construction, location and insulation of wires designed to carry electric light heat or power current in buildings in process of construction or repair within the City and the connection of said wires with any electrical circuit. He shall see that all laws, orders, ordinances and regulation relative to wires and conduits, and pole or conduit locations, are strictly enforced.
(G.O. 1943, Ch.10, §6.)

Sec. 9-8. Supervision of wire systems of City.

The City Electrician shall have supervision of the fire alarm telegraph, the police signal system, and all other electrical wires and wire systems of the City. He shall keep the same at all times in good working order and shall erect, or cause to be erected, all electrical wires and appliances used in connection with said systems and all electrical wires or lines owned by the City. (G.O. 1943, Ch.10, §7.)

Sec. 9-9. Supervision of street lamps.

The City Electrician shall have supervision of the putting up of all posts, lamps and fixtures located by the City Council and shall contract for all lights under his control. (G.O. 1943, Ch.10, §8.)

Sec. 9-10. Meters; examinations.

The City Electrician shall see that all meters for gas or electricity furnished to the City are in proper condition, and as often as may be necessary shall test the power of all lights furnished to the City, and shall see to it that in all particulars, the provisions of any contracts made are strictly performed. (G.O. 1943, Ch.10, §9.)

Sec. 9-11. Installantion; permit; fee.

(a) All wires, appliances and apparatus in the interior of buildings or on private premises which are intended for the transmission of electricity and whether or not connected with an outside circuit shall be properly and safely constructed, placed, arranged, attached, insulated, covered, changed and maintained by the person using the same. Such person shall allow the City Electrician at all reasonable times free access to such wires, appliances and apparatus, and shall notify the City Electrician of any intention to construct, place, arrange, attach, insulate, change or maintain any such wires, appliances, and apparatus before they are covered or enclosed, or connected with any outside circuit.

(b) Before installing or changing any wires, appliances or apparatus for the transmission or use of electricity for light, heat or power in buildings or on private premises, a permit for such installation or change shall be obtained from the City Electrician. At the time such permit is issued the applicant shall pay to the City a fee in accordance with a schedule of fees prepared by the City Electrician and approved by the City Council. These fees shall be collected by the City Electrician and shall from time to time be paid over by him to the City Treasurer. (G.O. 1943, Ch.10, §10.)

Sec. 9-12. Quality of appliances; attachment to wires and poles; additional wires.

(a) Every person owning, operating or leasing any poles, wires, ducts, conduits, manholes, electrical structures or appliances within the public ways of the City shall comply with all rules and requirements of the Pole and Conduit Commission with respect

to the quality of poles,wires, ducts, conduits, manholes, structures and other appliances and with all rules and requirements of said Commission with respect to their installation, removal and repair, and shall, at all reasonable times, give to the City Electrician access to such poles, wires, ducts, conduits, manholes, structures, appliances and apparatus. No line or wire excepting supporting wires for cables and ring construction shall be attached to any poles by means of brackets or other side fixtures, nor shall the wires or lines of more than one (1) party be placed on the same cross-arm.

(b) No person maintaining or operating a wire or line of wires for the transmission of electricity shall affix to or place upon any pole, structure, or fixture owned by it and now erected or that may be erected hereafter, any additional wire, except upon a written permission of the City Electrician.
(G.O. 1943, Ch.10, §11.)

Sec. 9-13. Obstructing street or sidewalk.

No person shall permit any unused piece of coil or loose end of wire to be left on the surface of any public way or sidewalk, or attached to any cross-arm, pole or other structure.
(G.O. 1943, Ch.10, §12.)

Sec. 9-14. Plans to be submitted to City Electrician.

Whenever the City Electrician shall request, any person operating electric or other wires, poles, ducts, conduits or manholes upon, over, through or under any public way or over any building, shall, within fifteen (15) days, furnish a plan, showing the number and location of its poles, the cross-arms on

each, the number of wires or cables thereto attached, or contained therein, the particular locations of all its ducts, conduits and manholes, and the usage to which the respective ducts in said conduits are, and hereafter may be put, with specification of the average volts, charges and current used, the tested strength, the kind and number of lamps or motors connected with any electrical circuit, and other electrical appliances, and, in general, the method of installation, operation, maintenance and repair. The plan shall be in form and size agreeable to the City Electrician.
(G.O. 1943, Ch.10, §13.)

Sec. 9-15. Police and fire alarm signal boxes.

No person except a Police Officer, Fireman, or employee of the Electrical Department in the discharge of his duties shall open, attempt to open, or cause to be opened any of the police or fire alarm signal boxes, except in case of fire. No person shall interfere, tamper, or meddle with, break, cut, injure or deface any such boxes, any part thereof, or anything connected therewith and no person shall put any bill or placard upon such signal box, pole or structure.
(G.O. 1943, Ch.10, §14.)

Sec. 9-16. Poles not to be erected without order.

No person shall construct, erect, lay or maintain in any public way, any pole, duct, conduit, manhole or other stucture to support or contain wires or lines for the transmission of intelligence by electricity or for the purposes of light, heat and power by electricity, except by order of the Pole and Conduit Commission previously obtained, in which the exact location of each

shall be duly set forth.
(G.O. 1943, Ch.10, §15.)

Sec. 9-17. Wires not to be attached without order.

No wire, line or apparatus used for the transmission of electricity for any purpose shall be attached by cross-arms or otherwise to any tree in any public way, except by consent in writing of the Commissioner of Public Works first obtained, nor shall any such wire, line or apparatus be attached as aforesaid to any public building, structure, or fixture of any kind, in any public way or grounds, except by order of the City Electrician first obtained, in which order such building, structure or fixture shall be duly described; provided, however, that the aforesaid regulation shall not apply to wires, lines or apparatus owned or used by the City.
(G.O. 1943, Ch.10, §16.)

Sec. 9-18. Petition for location of poles; notice; hearing.

All petitions presented to the Pole and Conduit Commission for permission to erect poles, to support wires or lines or to construct conduits for the transmission of electricity for any purpose, shall be accompanied with, or contain a statement of, the exact location of each pole proposed to be erected, or conduit to be constructed, and shall be accompanied with duplicate plans showing said locations, said plans to be in form and size agreeable to the City Electrician. A hearing upon every such petition shall be given to all parties interested. Notice of the filing of every such petition, and of the hearing thereon, shall be given by the petitioner, to the owners or occupants of the land along the public

ways upon which location are prayed for, which notice shall state briefly the public ways or the parts thereof to which such petition relates.

(G.O. 1943, Ch.10, §22,)

Sec. 9-19. Acceptance of locations; conditions.

Whenever permission shall be granted by the Pole and Conduit Commission to erect and maintain poles, or to construct and maintain ducts, conduits, manholes or other fixtures in the public ways to support, hold, or contain lines or wires for the transmission of electricity, the party to whom such permission is granted shall, within thirty (30) days from the date of the order granting such permission, file in the office of the Pole and Conduit Commission a written acceptance without reservation of the location of such poles, ducts, conduits, manholes or other fixtures and of all the conditions, terms and provisions contained in the order and the ordinances of the City and future amendments thereof, and agreeing to carry out, observe, perform and be subject to the same; and in default of such written acceptance and agreement, the permission and grant of location shall be void. Such grant and permission shall likewise be void and deemed revoked unless within six (6) months after the date of the order the poles, ducts, conduits, manholes and other fixtures shall have been erected or constructed and completed; and, unless within six (6) months after such completion, the electric lines shall be constructed and put in operation. Whenever the operation of the electric lines upon or in any location granted shall be discontinued for six (6) months, the grant shall cease and be of no further effect.

(G.O. 1943, Ch.10, §17.)

Sec. 9-20. Location of poles in sidewalks.

All poles in sidewalks shall be set upon the outer edge thereof, and, wherever there are curbstones, placed within four (4") inches of the inner edge of the curbstones. Poles for telegraphs, telephone, and electric light lines shall be straight, smooth shaven, free from blemishes, and so stained, treated or painted and of such quality of material and construction as the Pole and Conduit Commission in each case and permits given therefor, shall determine. Before any poles are set or reset, or any permits given therefor, they must be inspected and approved by the Superintendent of Streets and the City Electrician. The person to whom permits are granted shall keep the poles stained, treated, or painted to the satisfaction of the City Electrician.

(G.O. 1943, Ch.10, §18.)

Sec. 9-21. Changing locations.

The location of all poles, ducts, conduits or manholes erected or used by permission of the Pole and Conduit Commission to support or contain wires and lines for the transmission of electricity shall be changed and altered whenever deemed necessary by the Commission by the owner or person using the same at his expense without any unnecessary delay. If not so changed or altered, it shall be done by the City Electrician at the expense of the owner or person using the same.

(G.O. 1943, Ch.10, §23.)

Sec. 9-22. Revocation of grants.

All permission granted by the Pole and Conduit Commission to erect and maintain poles, or to construct ducts, conduits, manholes or other fixtures for electrical lines, in the public ways, may at any time be revoked by the Commission, either in whole or in part, and the Commission may order the removal of such poles, ducts, conduits, manholes, fixtures, wires and lines as it may deem necessary. Whenever any poles, ducts, conduits, manholes, fixtures, lines and wires are ordered to be removed, such removal shall be done by and at the expense of the owner, in conformity with the order, within thirty (30) days after notice, and, if not so removed, the Commission may cause the removal to be done and the expense thereof to be repaid to the City by the owner.

(G.O. 1943, Ch.10, §19.)

Sec. 9-23. Use of poles by others.

All locations granted shall be subject to the condition that any person to whom locations shall be granted, shall give any other person permission to use its poles, ducts, conduits, manholes or other electrical appliances or apparatus whenever ordered so to do by the Pole and Conduit Commission on payment of a reasonable rental.

(G.O. 1943, Ch.10, §30.)

Sec. 9-24. Order prior to attaching wire.

No person shall attach any wire or line for the transmission of electricity for any purpose, except the lines and

wires owned or used by the City, to any pole already erected for the use of another person, except by consent of the owner and the order of the Pole and Conduit Commission previously obtained, in which order such pole shall be duly described.
(G.O. 1943, Ch.10, §20.)

Sec. 9-25. Wires for use of City.

To all poles erected and maintained by any person under the provisions of this Chapter, the City may at any time attach wires for its own use.
(G.O. 1943, Ch. 10, §21.)

Sec. 9-26. Aerial cables.

Whenever the Pole and Conduit Commission shall deem it proper, all persons mentioned in Section 9-12 of this Chapter shall gather and place in aerial cable, lines and wires to the number of fifty (50) or more in any public way, within such time, at such height and in such manner as the commission may designate.
(G.O. 1943, Ch.10, §24.)

Sec. 9-27. Streets, not to be torn up without permit; restoration.

(a) No public way or bridge shall be torn up or disturbed for the purpose of laying, repairing, changing or removing lines, wires, ducts, conduits or manholes, or erecting, altering or removing poles or other fixtures used for carrying electric lines or wires, without a permit from the Street Department, subject to the approval of the City Electrician. No formal permit shall be necessary for the temporary removal of covers to manholes for the purpose

of removing or repairing lines, wires and cables. Whenever a manhole is opened, the person by whose authority the same is done shall place a suitable metallic guard rail around the opening, with a signal flag, at least one (1) foot square, displayed therefrom.

(b) Whenever any opening or disturbance is made in any public way or bridge for any purpose, such public way or bridge shall be promptly restored by the person owning or operating the lines, wires, ducts, conduits, or manholes, or making such repairs, to a condition satisfactory to the Superintendent of Streets, and shall be kept and maintained in such condition by such person for two (2) years thereafter; and, if not immediately so restored, kept and maintained, the same may be done by the City at the expense of such person.

(G.O. 1943, Ch.10, §25.)

Sec. 9-28. Removal of wires and conduits.

Whenever the City shall construct, enlarge, relocate, repair, or alter the streets, sewers, water pipes or other public works, in streets, ways and bridges where conduits and wires are laid, which in the opinion of the Pole and Conduit Commission may require the removing or changing the location of said conduits and the fixtures appertaining thereto, or the repairing thereof, the removing, changing and repair shall be done without delay at the expense of the person owning or operating the same.

(G.O. 1943, Ch.10, §26.)

Sec. 9-29. Underground conduits not to be removed.

Whenever underground conduits are laid in streets and ways of the City, they shall not be removed, relocated or changed, without permission from the Pole and Conduit Commission.
(G.O. 1943, Ch.10, §27.)

Sec. 9-30. City to have space in underground conduits and manholes.

In all underground conduits and manholes sufficient and necessary space shall be reserved, free of expense, for wires belonging to or to be used by the City, and said conduits shall at all times be accessible to the City for the purpose of putting in, taking out and repairing its wires.
(G.O. 1943, Ch.10, §28.)

Sec. 9-31. Bonds required.

(a) Every person constructing, maintaining or operating a telegraphic, telephonic, or other electrical line in the City shall execute a bond with satisfactory surety, in a penal sum of not less than Ten Thousand ($10,000) Dollars, and of form satisfactory to the City Solicitor, conditioned to indemnify and save harmless the City against all damage, costs, expenses and losses whatsoever, to which it may be subjected in consequence of the acts and neglects of such person, and any and all persons acting by, through, or under such person, and in any manner arising from, or growing out of the use and transmission of electricity, the privileges permitted by the City, and the construction, maintenance, operation, and use of lines, wires, cables, conduits, poles, structures,

constructions, fixtures and apparatus; and also, to fulfill all their agreements with the City, all the orders, conditions and obligations imposed by the Pole and Conduit Commission or any other board having authority, and all obligations and duties required by law, and by this Chapter and every other ordinance, and all additions and amendments relating thereto.

(b) A new bond of like import, and with new surety, may at any time be required by the City, which new bond shall be a strengthening bond, unless the surety on former bonds is expressly released from further liability by vote of the Pole and Conduit Commission.

(G.O. 1943, Ch.10, §29.)

Sec. 9-32. Books of accounts.

The City Electrician shall keep an accurate account of the number of lamps which burn gas, or other material, the cost of same, the number of men employed, the wages given, the kind, quality and cost of fixtures, the number of electrical lights and the cost and outages of the same, and all other expenses incurred in his department.

(G.O. 1943, Ch.10, §8.)

Sec. 9-33. Report to City Manager.

The City Electrician shall annually, in January, present to the City Manager a report showing the detailed expenses, the value of the property on hand, the number, quality and cost of lights used by the City, the outages of the same, and such other material facts as relate to the operation of his department.

(G.O. 1943, Ch.10, §8.)

CHAPTER 10.

FIRE PREVENTION.

ARTICLE I. FIRE DEPARTMENT.

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ARTICLE III. GUNPOWDER AND EXPLOSIVES.

§10-28. Enforcement of provisions.

ARTICLE I. FIRE DEPARTMENT.[1]

Sec. 10-1. Chief of department; appointment; removal.

The Fire Department shall be under the charge of the Chief who shall be appointed by the City Manager subject to the provisions of the Acts of 1937, Chapter 262, for an indefinite period, and the City Manager may, at any time, remove him in accordance with the provisions of law.

(G.O. 1943, Ch.11, Art. I, §4, and part of Ord No. 593, June 23, 1958.)

Sec. 10-2. Two platoon system.

The department shall be established upon the basis of a two(a) platoon system. The Chief shall have authority to make necessary changes in the number of members of the department and in equipment to meet the requirements of the system.

(Ord. No. 593, June 23, 1958.)

Sec. 10-3. Absence of Chief.

If the Chief of the Fire Department is absent or unable from any cause temporarily to perform his duties they shall be performed by the senior ranking officer in the department. The person upon whom such duties shall devolve shall possess the powers of the Chief of the Fire Department only in matters not admitting of delay.

(G.O. 1943, Ch.11, Art. I, §8.)

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[1]For full treatment of the law of the Commonwealth as to fires, fire departments and fire districts, see 1 A.L.M., c.48, §§1 to 87. As to opening, tampering with, etc., fire alarm boxes, see c.9, §§9-15.

Sec. 10-4. Vacancy.

If the office of Chief becomes vacant it shall be filled by the City Manager pending a permanent appointment in accordance with 1 A.L.M., c.41, §61A.
(G.O. 1943, Ch.11, Art. I, §7.)

Sec. 10-5. Promotions.

Promotions in the department shall be made only by competitive Civil Service examinations and from the rank next below the position to be filled.
(G.O. 1943, Ch.11, Art. I, §9.)

Sec. 10-6. Regular tour of duty.

(a) No member of the Fire Department shall be required to perform a regular tour of duty of more than forty-two (42) hours in any seven (7) day period.

(b) "Regular tour of duty" shall not include any hours of service in answering multiple alarms by an off duty platoon or emergency duty. The Chief shall have authority to make necessary changes, transfers and additions to the department to effectuate this Section.
(Ord. No. 593, June 23, 1958.)

Sec. 10-7. Vacations.

(a) Each permanent member of the Fire Department shall be allowed annual vacation without loss of pay, as follows:

(1) For service of not more than ten (10) years, an allowance of two (2) weeks.

(2) For service of ten (10) years or more, but not more than twenty (20) years, an allowance of three (3) weeks.

(3) For service of twenty (20) years or more, an allowance of four (4) weeks.

(b) The above mentioned vacations to be taken at such time within the year as may be determined by the Chief, but each member must have served six (6) months previous to the vacation period before he shall be allowed a vacation. Days off falling within the vacation period shall not be considered a part thereof.
(G.O. 1943, Ch.11, Art.I, §10 as amended by Ord. No. 153, May 10,1948.)

Sec. 10-8. Aid to other cities or towns.

The Chief or, during his absence, the Deputy Chief is authorized to go to aid another city, town or fire district in extinguishing fires therein, with both apparatus and men, and, while in the performance of their duties in extending such aid, the members shall have the same immunities and privileges as if performing the same within the City.
(G.O. 1943, Ch.11, Art.I, §11.)

Sec. 10-9. Master mechanic.

The Chief of the Fire Department shall appoint a Master Mechanic who shall be a member of the department and who shall have charge of the Fire Department repair shop and supervise all repairs of apparatus and equipment belonging to the Fire Department.
(G.O. 1943, Ch.11, Art.I, §3.)

Sec. 10-10. Inspector of Garages and Fire Prevention.

The Board of License Commissioners is authorized to appoint an Inspector of Garages and Fire Prevention who shall act under the authority and direction of said Board in the inspection of all premises which it may be intended to use for the purchase, storage, sale, barter or exchange of rags, cotton, feathers, paper stock, excelsior, straw, or other inflammable junk so as to determine for said Board the exact condition of such premises and whether or not such conditions may be in agreement with the provisions of the statutes of the Commonwealth or ordinances of the City. He shall also perform such other service as may be required by the regulations of the Board of License Commissioners.
(G.O. 1943, Ch.11, Art. I, §12.)

Sec. 10-11. Expenditures of department.

The Cheif may expend for the conduct of his department such sums as the City Council may appropriate.
(G.O. 1943, Ch.11, Art.I, §5.)

Sec. 10-12. Rules and regulations.

The Chief of the Department with the approval of the City Manager, shall make rules and regulations governing the operation of the department.

(G.O. 1943, Ch.11, Art.I, §6.)

ARTICLE II. BUREAU OF FIRE PREVENTION.

Sec. 10-13. Establishment of Bureau; Inspectors.

(a) A Bureau of Fire Prevention in the Fire Department is hereby established which shall be operated under the supervision of the Chief of the Fire Department.

(b) The Chief shall designate an officer of the department as Chief Inspector of the Bureau of Fire Prevention, who shall hold this office at the pleasure of the Chief of the Fire Department.

(c) The Chief of the Fire Department may also designate not more than five (5) inspectors or as shall from time to time be authorized by the City Council. The members of this bureau shall be members of the Fire Department and shall wear a special badge with the designation "fire prevention inspector" and shall be fully uniformed while on inspection work.

(G.O. 1943, Ch.11, Art.II, §13.)

Sec. 10-14. Duty to enforce laws and ordinances.

(a) The Bureau of Fire Prevention shall enforce all laws and ordinances of the Commonwealth and City, covering the following:

(1) The prevention of fires:

(2) The storage and use of explosives and flammables;

(3) The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment;

(4) The maintenance and regulation of fire escapes;

(5) The means and adequacy of exit in case of fire, from factories, schools, hotel, lodging houses, asylums, hospitals, churches, halls, theatres, amphitheatres, and all other places in which numbers of persons work, live, or congregate, from time to time, for any purpose;

(6) The investigation of the cause, origin, and circumstances of fire;

(7) The investigation of buildings especially susceptible to fire; and,

(8) The investigation of hazardous occupancies.

(b) The Bureau shall have such other powers and perform such other duties as are set forth in other Sections of this Article, and as may be conferred and imposed from time to time by law. The Chief of the Fire Department may delegate any of his powers or duties under this Article to any officer of the Fire Department. (G.O. 1943, Ch.11, Art.II, §14.)

Sec. 10-15. Recommendation of ordinances.

The Chief of the Fire Department shall investigate and recommend to the City Council such additional ordinances, or amendments to existing ordinances, as he may deem necessary for safeguarding life and property against fire.
(G.O. 1943, Ch.11, Art.II, §15.)

Sec. 10-16. Instructions from Chief.

The Chief of the Fire Department shall prepare instructions for the Chief Inspector and his assistants, and forms for their use in the reports required by this Article.
(G.O. 1943, Ch.11, Art.II, §16.)

Sec. 10-17. Investigation of causes and circumstances of fires.

The Bureau of Fire Prevention shall investigate the cause, origin and circumstances of every fire occurring in the City by which property had been destroyed or damaged and so far as possible, shall determine whether the fire is the result of carelessness or design. The Chief Inspector shall begin the investigation immediately upon the occurrence of such fire, and if it appears to him that such fire is of suspicious origin he shall immediately notify the Chief of the Fire Department who shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further co-operate with the authorities in the collection of evidence and in the prosecution of the case.
(G.O. 1943, Ch.11, Art.II, §17.)

Sec. 10-18. Inspection of places used for storage of inflammables.

Before licenses may be issued for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition, of highly flammable materials and rubbish, crude petroleum or any of its products, gun or blasting powder, dynamite, or explosives of any kind, including fireworks, fire cracker, and signalling explosives, the Chief of the Fire Department, the Chief Inspector, or his assistants shall inspect and approve the receptacles, vehicles, buildings or storage places to be used for any such purposes.

(G.O. 1943, Ch.11, Art.II, §18.)

Sec. 10-19. Inspection of hazardous businesses.

The Chief Inspector or an inspector specially designated thereto shall inspect, as often as may be necessary, but not less than once a month, all specially hazardous manufacturing processes, storages or installations of acetylene or other gases, chemicals, oils, explosives and flammable materials, all interior fire alarms and automatic sprinkler systems, and such other hazards or appliances as the Chief of the Fire Department shall designate, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

(G.O. 1943, Ch.11, Art.II, §19.)

Sec. 10-20. Inspection of premises and public thoroughfares.

(a) The Chief of the Fire Department shall inspect, or cause to be inspected by the Bureau of Fire Prevention, or by the Fire Department officers and members, as often as may be necessary, but not less than twice a year, all buildings, premises and public thoroughfares for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance affecting the fire hazard. This Section shall not authorize entry into a one (1) family or two (2) family dwelling without the consent of the occupant.

(b) If such officers or persons find in any building or upon any premises any accumulations of combustible rubbish, including waste paper, rags, cardboard, string, package material, sawdust, shavings, sticks, waste leather or rubber, broken boxes or barrels or other refuse that is or may become dangerous as a fire menace or as an obstacle to easy ingress into, or egress from such building or premises, they shall, in writing, order same to be removed or such condition to be remedied. Notice of such order shall be served upon the owner,occupant or his authorized agent. If the order is not complied with within twenty-four (24) hours, the person making such order, or any person designated by him, may enter into such building or upon such premises and remove such rubbish or abate such condition at the expense of such owner or occupant, and such expense shall be a lien upon such building or premises in accordance with the provisions of 4 A.L.M., c.148, §5.

(c) Any owner or occupant who fails or refuses to comply with the order shall be punished by a fine of not more than Fifty Dollars ($50.00) as provided in 4 A.L.M., c.148,§5.

(d) The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of it to such occupant personally or by delivering it to and leaving it with the person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.

(e) If the Chief of the Fire Department shall find either as a result of any report by the Bureau of Fire Prevention or the members thereof or any inspctor or from his own inspection that any building or any part of a building constitutes an imminent danger to the lives and safety of person inhabiting the same, employed therin, or resorting thereto for purposes of entertainment or otherwise, he shall have the power to order the immediate removal or abatement of any obstructions, appliances, decorations, or any articles or conditions whatsoever which in his opinion constitutes such imminent danget to the lives and safety of such persons; and the owner, occupant, lessee or person in control of such premises shall forthwith comply with said order. If the Chief of the Fire Department is of the opinion that the articles or conditions causing such danger cannot be immediately removed or abated, he shall have the power to order the immediate closing of said premises until such removal or abatement has been accomplished to his satisfaction. If he shall be of the opinion that such articles orconditions could be immediatley removed or abated, but the owner,

occupant, lessee or person in control of said premises neglects or refuses immediately to comply with said order, the Chief may likewise order the immediate closing of such premises. The Police Department shall assist the Chief of the Fire Department in enforcing immediate compliance with such order and to enforce the closing of said premises and to see to it that no person shall enter thereon except such person as shall lawfully engage in any work relative to the correction of the conditions causing the aforesaid danger. (G.O. 1943, Ch.11, Art.II, §20.)

Sec. 10-21. Report of dangerous buildings by inspector to Chief.

Whenever any inspector finds any building or other structure, which, on account of the absence of ir inadequate fire escapes, or lack of automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and which is situated as to endanger other property or the occupants thereof, he shall immediately, in writing, report such conditions to the Chief of the department who shall take the necessary steps to see that the conditions are corrected. (G.O. 1943, Ch.11, Art.II, §21.)

Sec. 10-22. Right of entry.

The Chief of the Fire Department, the Chief Inspector, or any inspector may, at all reasonable hours, enter any building or premises as provided by law for the purpose of making any inspection or investigation which, under the provisions of this Article, he may deem necessary.
(G.O. 1943, Ch.11, Art.II, §22.)

Sec. 10-23. Chief of Police to assist in investigations.

The Chief of Police, upon request of the Bureau of Fire Prevention, shall assist the inspectors in the investigation of any fire which, in their opinion, is of suspicious origin.
(G.O. 1943, Ch.11, Art.II, §23.)

Sec. 10-24. Duty of teachers.

The Chief of the Fire Department shall require teachers of public, private and parochial schools and educational institutions to have one (1) fire drill each month and to keep all doors and exits unlocked during school hours.
(G.O. 1943, Ch.11, Art.II, §24.)

Sec. 10-25. Records of fires.

The Chief of the Fire Department shall keep, in the office of the Bureau of Fire Prevention, a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made daily from the reports made by the inspectors under the provision of this Article. All such records shall be public.

(G.O. 1943, Ch.11, Art.II, §25.)

Sec. 10-26. Reports.

The annual report of the Bureau of Fire Prevention shall be made as of December 31 and transmitted to the City Manager through the Chief of the Fire Department. It shall contain all proceedings under this Article with such statistics as the Chief of the Fire Department may wish to include therein. The Chief of the Fire Department shall also recommend any amendments to the ordinance which, in his judgement, shall be desirable.

(G.O. 1943, Ch.11, Art.II, §26.)

Sec. 10-27. Duties of Board of License Commissioners and rules not affected.

This Article is not intended to conflict with any powers or duties of the Board of License Commissioners, nor with the work done under authority of Section 10-10 of this Chapter. Nor is this Article intended to eliminate any work done under authority of Sections 22 and 99 of the Rules and Regulations of the Cambridge Fire Department approved January 1, 1943.[2]

(G.O. 1943, Ch.11, Art.II, §27.)

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[2] (22) Each captain shall familiarize himself with the character of the buildings in his district, and also the location of hydrants.
(99) Commanding officers shall make or cause to be made inspections of buildings in the district assigned to their respective companies. They shall inspect all business establishments, dwellings housing three or more families, schoolhouses, and churches. Buildings owned by Middlesex County, Commonwealth of Massachusetts, and United States Government are excepted. Each year, beginning October 1st, they shall inspect every dwelling in their respective districts. Single and two-family dwellings cannot be entered except with the permission of the owner or occupant. Inspectors shall state their errand and courteously ask permission before they proceed to enter any single or two-family dwelling. Officers shall have at least four men on duty before leaving leaving quarters on tour of inspection unless otherwise ordered by the chief of the department. Complaints which cannot be rectified by the officer in charge of the district after reinspection, shall be forwarded to the deputy chief for his examination. A record of all inspections shall be kept on file in company quarters and a report forwarded monthly to the chief of department.

ARTICLE III. GUNPOWDER AND EXPLOSIVES.[3]

Sec. 10-28. Enforcement of provisions.

The Chief of the Fire Department shall enforce the provisions of 4 A.L.M., c.148 as to keeping, storage, use, manufacture, sale, etc., of gunpowder, dynamite, crude petroleum or any of its products or explosives or inflammable fluids or compounds, etc., and any and all other laws hereafter enacted relative to such substances.

(G.O. 1943, Ch.11, Art.III, §28.)

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[3]As to petroleum see c.23. For law of the Commonwealth relative to explosives, see 4 A.L.M., c.148, §§9 et seq. As to inspection of places used for storage of inflammables, see Section 18 of this Chapter.

CHAPTER 11.

HEALTH AND HOUSING.

ARTICLE I. DEPARTMENT OF HEALTH AND HOSPITALS.

§11-1. Commissioner of Health and Hospitals.
§11-2. Appointment and qualification of Commissioner.
§11-3. Duties and powers of Commissioner.
§11-4. Compensation of Commissioner; offices.
§11-5. Cambridge care and treatment facilities.
§11-6. Report of Commissioner.

ARTICLE II. BOARD OF HEALTH AND HOSPITALS.

§11-7. Membership of Board.
§11-8. Duties and powers of Board.

ARTICLE III. HOUSING CODE REGULATIONS.

§11-9. Adoption of Housing Code Regulations.

ARTICLE I. DEPARTMENT OF HEALTH AND HOSPITALS.

Sec. 11-1. Commissioner of Health and Hospitals.

The Department of Health and Hospitals shall be under the charge of the Commissioner of Health and Hospitals.
(Ord. No. 755, Part of §1, March 6, 1967.)

Sec. 11-2. Appointment and qualification of Commissioner.

The Commissioner shall be a citizen of the United States, a graduate of a medical school approved by the State authority for the approval of medical schools, and shall be the holder of a degree in public health with at least four (4) years full-time administrative experience in a responsible position in public health service or in a related field. He shall at the time of appointment be licensed to practice medicine under the laws of the Commonwealth. The Commissioner shall not engage in the private practice of medicine and shall devote his entire time to the performance of the duties of Commissioner. He shall be appointed by the City Manager to serve for a term of four (4) years from the first Monday in February in the year of his appointment, or until his successor is appointed and qualified. He shall be removable in accordance with the provisions of the Charter. Any vacancy in the office of Commissioner shall be filled for the balance of the unexpired term in the same manner as the original appointment: provided, however, that the City Manager may appoint an Acting Commissioner to serve for a period of not more than six (6) months. Any such Acting Commissioner shall be a physician licensed to practice medicine under the laws of the

Commonwealth, but need not meet the other qualifications required of a Commissioner hereunder.

(Ord. No. 755, §2, March 6, 1967.)

Sec. 11-3. Duties and powers of Commissioner.

(a) The Commissioner shall be responsible for promoting and protecting the health of the citizens of Cambridge; shall see that within the City the laws of the Commonwealth and the ordinances of the City pertaining to public health and hospitals are faithfully executed and enforced; shall have charge of the Cambridge care and treatment facilities and, with the approval of the City Manager, shall appoint the members of the staff or staffs thereof and their assistants: Provided, that the appointment of any physician to any such staff shall first be approved by the Board of Health and Hospitals

(b) Except as otherwise expressly provided in this Chapter or prescribed by law, the Commissioner shall possess and exercise all the duties and powers previously possessed or exercised, by the Commissioner of Public Health and the Trustees of the Cambridge City Hospital. The Commissioner shall meet periodically with the Board of Health and Hospitals. He shall make and enforce such rules andregulations as he deems necessary or proper for the administration of the Department of Health and Hospitals and the Cambridge care and treatment facilities.

(Ord. No. 755, Part of §6, March 6, 1967.)

Sec. 11-4. Compensation of Commissioner; offices.

The Commissioner shall receive such salary as the City Council shall from time to time determine. The members of the Board of Health and Hospitals shall serve without compensation. Suitable office accommodations shall be furnished to the Commissioner and the Department of Health and Hospitals at the expense of the City, under the direction of the Superintendent of Public Buildings.
(Ord. No. 755, §5, March 6, 1967.)

Sec. 11-5. Cambridge care and treatment facilities.

The City Hospital and the City home for the aged and infirm (the City informary), used by the said hospital as an extended care, nursing, rest and shelter facility, together with any other care and treatment facilities which may from time to time be operated by the City, shall constitute the Cambridge care and treatment facilities.
(Ord. No. 755, Part of §1, March 6, 1967.)

Sec. 11-6. Report of Commissioner.

The Commissioner shall submit such recommendation to the City Manager with respect to the operation of his department as he may from time to time deem appropriate, and shall prepare and submit to the City Manager in January of each year a report on the activities of his department during the preceding year. He shall also prepare and submit to the City Manager on or before December 1 in each year an estimate of the amounts which will be necessary

for the expenses of his department for the next fiscal year, which estimates shall be classified and designated so as to show separately the proposed expenditures of the Cambridge care and treatment facilities.
(Ord. No. 755, Part of §6, March 6, 1967.)

ARTICLE II. BOARD OF HEALTH AND HOSPITALS.

Sec. 11-7. Membership of Board.

The Board of Health and Hospitals shall consist of ten (10) persons, at least one (1) of whom shall be a physician and none of whom shall be a member of the City Council. The City Manager shall in January of each year in which the term of any member expires appoint a successor member to serve for three (3) years from the first Monday in February in the year of appointment, or until the appointment of a successor. The members shall be removable in accordance with the provisions of the Charter. Any vacancy on the Board shall be filled in the same manner, by appointment for the remainder of the unexpired term.
(Ord. No. 755, §3, March 6, 1967.)

Sec. 11-8. Duties and powers of Board.

The Board of Health and Hospitals shall examine the qualifications of each physician whom the Commissioner proposes to appoint to the staff of any of the Cambridge care and treatment facilities and shall in each instance either approve or disapprove such appointment. The Board shall consult with and advise the Commissioner on matters of public health and hospital administration, but shall not exercise any of the powers or perform any of

the duties required to be exercised or performed by the Commissioner. (Ord. No. 755, §7, March 6, 1967.)

ARTICLE III. HOUSING CODE REGULATIONS.

Sec. 11-9. Adoption of Housing Code Regulations.

The Housing Code Regulations of the City of Cambridge, dated May 1, 1962, is hereby adopted and by this reference made a part of this Code with the same force and effect as thought set out in full herein. At least three (3) copies of said Housing Code Regulations are on file and open to public inspection in the office of the City Clerk.

CHAPTER 12.

LICENSES AND PERMITS.[1]

§12-1. Licenses and permits; revocation.
§12-2. Licenses and permits to state conditions.
§12-3. Bond required.
§12-4. Additional sureties on bonds.
§12-5. Examination of sureties.
§12-6. Premises to be restored at cost of licensee.
§12-7. Lodging houses.
§12-8. Tour guides.
§12-9. Moving buildings; certificates; license; bond.
§12-10. Depositing building material on street; Permit required.
§12-11. Automatice music machines; license; exception; reports.
§12-12. Automatic amusement devices; license; reports; revocation.
§12-13. Operation of bowling alleys on the Lord's Day; regulations.
§12-14. License fee for slaughterhouses.
§12-15. Storage of junk motor vehicles; license; hearing.

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[1]See Special Acts 1919, c.83, amended by Acts 1922, c.95, establishing the license Commission for the City of Cambridge.
As to power of officer or board to grant license when ordinance requires such license, see c.1, §14.

Sec. 12-1. Licenses and permits; revocation.

All licenses and permits issued to any person under any ordinance or order of the City Council or the Board of License Commissioners or any other board or official of the City having power to issue licenses and permit, shall be issued subject to the condition that the same may be revoked at any time, at the option of the department or body from which the same were issued, or at the option of any future department or body.
(G.O. 1943, Ch.18, §1.)

Sec. 12-2. Licenses and permits to state conditions.

Every officer or board issuing a license or permit shall insert therein a condition that the person accepting the same shall conform to all statutes and ordinances, and also to the specifications in the license or permit; that the license or permit may be revoked at any time by the authority issuing it; that the violation of any of its specifications shall work an immediate revocation of the license or permit.
(G.O. 1943, Ch.18, §2.)

Sec. 12-3. Bond required.

Licenses and permit shall have no force or validity until a bond or other satisfactory security, when required, shall be given to the City indemnifying and saving harmless the City from all liability, loss and expense whatsoever which the City may incur and suffer arising out of the issuing of such license or permit with such surety or sureties and in such amounts as may be

satisfactory to the City Auditor and approved by the City Manager. (G.O. 1943, Ch.18, §3.)

Sec. 12-4. Additional sureties on bonds.

Additional sureties shall be furnished on all such bonds mentioned in Section 3 of this Chapter, as well as on all bonds heretofore given under any ordinance or order of the City Council or under any provision of law, whenever, in the manner and as often as in the opinion of the department or body from which the licenses and permits were issued, or any such future department or body, it seem to be for the best interests of the City to require the same.
(G.O. 1943, Ch.18, §4.)

Sec. 12-5. Examination of sureties.

The sufficiency of all sureties upon all bonds hereafter given to the City shall be examined at least once every year under the direction of the City Auditor who shall report the result of such examination to the respective department or other body which issued the license or permit, or any succeeding department or body.
(G.O. 1943, Ch.18, §6.)

Sec. 12-6. Premises to be restored at cost of licensee.

In addition to and as a further condition of the aforesaid bond the person so licensed or permitted, by an agreement satisfactory to the City Solicitor, for himself, his heirs, successors and assigns shall agree to restore at his own expense and cost the premises, concerning which the license or permit was originally given to the same condition in which the premises were at the time of the granting of such license or permit.
(G.O. 1943, Ch.18, §5.)

Sec. 12-7. Lodging houses.

As authorized under the provisions of 4 A.L.M., c.140, §23, the fee for each license granted for lodging houses in the City shall be Two ($2.00) Dollars per annum.
(G.O. 1943, Ch.18, §7.)

Sec. 12-8. Tour guides.

No person, unless licensed as hereinafter provided, shall act as a guide for hire in or upon any street, public ground, or common. The City Manager shall grant licenses to one (1) or more reputable and qualified person to act as guides in and upon any street, public ground or common, who shall pay therefor the sum of One ($1.00) Dollar. Such duly licensed person, when engaged as guide for hire, shall wear, conspicuously placed on the front of his coat or hat, a badge containing the words "licensed guide" and shall produce for inspection the license issued as aforesaid, when requested by any public officer.
(G.O. 1943, Ch.18, §8.)

Sec. 12-9. Moving buildings; certificates; license; bond.

(a) No person shall move, or assist in moving, any building through or upon any street, unless a written license therefor has been first obtained from the Commissioner of Public Works upon the authority of the City Council, specifying the terms and conditions on which such removal may be made. No such license shall be authorized without public notice and opportunity for hearing. No person thus licensed shall act under his license until he has filed with the Commissioner of Public Works a bond, with sufficient surety to indemnify the City from all loss and damage by reason of such removal. No building shall be removed through any street until the chimneys of the building have been taken down even with the roof.

(b) No license for the removal of any building through any public street, square or place shall be authorized until certificates have been presented to the City Council from the Commissioner of Public Works certifying the general conditions with regard to the streets, squares or places through which it is proposed to remove the building and of general conditions with reference to trees and the possibility of injury thereto, from the Inspector of Buildings as to the safety of the structure to be moved, from the City Electrician as to the conditions respecting electric wires on the route, and, whenever it is proposed to move any building over and across any bridge which may be under the care of the Commissioner of Bridges, from the said Commissioner certifying the general condition of the said bridge, and when the granting of such license is authorized it shall be upon the following conditions:

(1) The licensee shall give the Chief of the Fire Department and the inspector of wires notice of such removal, at least twenty-four (24) hours before the building shall be placed in the street.

(2) The licensee shall reimburse the City for any expenses incurred by it by reason of labor by any department of the City in cutting and replacing wires, trimming trees, or in any other way, by reason of said removal, and before receiving a license the licensee shall deposit with the Commissioner of Public Works the sum of One Hundred ($100.00) Dollars, which sum shall be returned to the licensee when he has reimbursed the City for such expenses.

(c) The above conditions shall be printed upon and become a part of each and every license issued.

(G.O. 1943, Ch.18, §9.)

Sec. 12-10. Depositing building material on street - Permit required.

(a) No person shall deposit material from any construction or excavation site on any public street, way or sidewalk in the City without first obtaining a permit from the Commissioner of Public Works. All permits shall be issued subject to the following conditions:

(1) All motor vehicles and equipment with a capacity of one-half (1/2) ton or over used in connection with the construction or excavation site shall be suitably cleaned with steam or other method approved by the Commissioner of Public Works to remove dirt and mud from the wheels and undercarriages prior to entering upon a public street or way from the construction or excavation site.

(2) No water shall be drained, pumped or otherwise caused to be removed from construction or excavation sites into the City storm or sanitary sewers without being filtered or treated be settling tanks or other means approved by the Commissioner of Public Works so that suspended solids are removed to the extent that the water discharged shall be substantially cleaned when entering storm or sanitary sewers. No petroleum products may be discharged into storm or sanitary sewers.

(3) When a permit is granted by the Department of Traffic and Parking or the Department of Public Works for temporary facilities, or staorage of material on a public street or way, these shall not obstruct more than fifty (50%) percent of the streets width at any one (1) time without closing the street to vehicular traffic, and said obstruction shall be suitably maintained and marked with barriers and lights and other measures, necessary to promote the public safety. Such markings and barriers shall be at the expense of the person granted the permit.

(4) Each violation shall be subject to a penalty not to exceed Fifty ($50.00) Dollars. Any permits granted for work, which may result in violation of the City regulations shall be suspended until corrective measures have been carried out. (Ord. No. 800, Sept. 21, 1970.)

Sec. 12-11. Automatic Music Machines; license; exception; reports.

(a) For the purposes of this SEction, an automatic music machine shall mean any instrument or device by which,

through the insertion of a coin, any mechanism is placed in operation or is put in a position where it may be put in operation to play music in any manner or form.

(b) No person, except as herein otherwise provided, shall maintain, operate or permit to be maintained or operated in any restaurant, public hall, store, place of amusement or any other place to which members of the public may resort, any automatic music machine, unless the maintenance or operation of such machine shall be in accordance with a license granted by a Committee consisting of the Chairman of the License Commission, the Chief of the Fire Department and the Chief of the Police Department; Provided, however, that the requirement of such license shall not apply to the maintenance or operation of automatice music machines by charitable, religious, benevolent or veterans' organizations.

(c) License granted for the maintenance, possession and operation of such automatic music machines shall be issued annually, to expire on December 31 of each year. The charge for such license shall be Ten ($10.00) Dollars for each machine. Any machine arranged for operation of more than one (1) outlet shall, for the purposes of such license fee, be regarded as one (1) machine.

(d) The City Council may issue rules and regulations for the use of such automatic music machines by the holders of licenses and it mau require, from time to time, the furnishing of repcrts concerning ownership of such machines, or any interest therein, receipts for the use of such machines, and any other information which it may deem pertinent concerning such instruments, their use and operation.

(Ord. No.40, April 9, 1945.)

Sec. 12-12. Automatic amusement devices; license; reports; revocation.

(a) For the purposes of this Section an automatic amusement device shall mean any mechanism whereby, through the insertion of a coin or token , any apparatus is released or set in motion or is put in a position where it may be set in motion for the purpose of playing any game, inclu ing, but not exclusively, such devices as are commonly known as pinball machines, marble games, diggers, grab machines, baseball or football machine games, target machines and horse racing machines.

(b) No person shall, except in accordance with a license granted by the Chief of Police, maintain, operate or permit to be operated or maintained in any restaurant, public hall, store, place of amusement or any other place to which members of the public may resort, any automatice amusement device.

(c) Licenses granted for the maintenance, possession and operation of such automatic amusement devices shall be issued annually to expire on December 31 on each year. The charge for such license shall be Thirty ($30.00) Dollars per year for each device.

(d) The Chief of Police shall issue rules and regulations for the use of such automatic amusement devices by the holders of licenses and he may require, from time to time, the furnishing of reports concerning the ownership of such devices or any interest therein, receipts for the use of such devices and any other information which he may deem pertinent concerning such devices and their use and operation.

(e) No person holding alicense for the use of any such automatice amusement device shall use or permit it to be used for the purpose of gambling in any manner whatsoever,

either directly or indirectly. Any violation of this proviso shall be cause for the revocation of such license for such device and for all other devices owned or controlled by the person violating this provision.
(Ord. No. 95, Dec. 16, 1946, as amended by Ord. No.210, March 7, 1949.)

Sec. 12-13. Operation of bowling alleys on the Lord's Day; regulations.

(a) The following regulations are hereby established concerning the operation of bowling alleys on the Lord's Day; and for the licensing of privately-owned premises for such sport or game:

(1) Licenses for the operation of bowling alleys on the Lord's Day, upon petition therefor may be granted by the City Council under the terms and conditions as herein set forth.

(2) Licenses for such operation on the Lord's Day shall be granted only to applicants who hold general licenses to operate bowling alleys, granted and issued by the License Commission.

(3) Licenses voted by the City Council shall be for the term of one (1) year or any portion thereof, beginning with January 1 in each year. Licenses voted by the City Council shall be issued by the License Commission, and the fee therefor shall be Ten ($10.00) Dollars per year for each bowling alley or bed.

(4) Bowling alleys to be operated between the hours of 1:00 P.M. and 11:00 P.M., Provided, that no such license may authorize the operation of bowling alleys on Easter

or on Christmas Day if such day falls on the Lord's Day.

(5) Licenses to operate bowling alleys on the Lord's Day shall be issued upon the following conditions: that duly accredited representative of the City and Commonwealth may enter upon and inspect the premises at any time; that the provisions of Chapter 136 of the General Laws, as amended, will be complied with; and that failure to comply with any of said provisions or any rule or regulation as herein set forth or as subsequently adopted bythe City Council or the Commissioner of Public Safety of the Commonwealth shall serve as a revocation of the license, subject to determination of the City Council.

(6) The licensee shall display the license to operate on the Lord's Day in a prominent place on the premises.

(Ord. No. 100, December 30, 1946.)

Sec. 12-14. License fee for slaughterhouses.

The annual license fee for carrying on the business of slaughtering meat cattle, horses, mules, sheep or swine shall be Twenty-five ($25.00) Dollars, payable on or before May 1 in each year.

(Ord. No. 352, June 25, 1951.)

Sec. 12-15. Storage of junk motor vehicles; license; hearing.

(a) No person as owner or as one in control of any premises in the City shall keep ungaraged upon such premises any junk motor vehicle as defined in subsection (b) hereof without being licensed to do so under this Section or under the provisions

of Chapter 140, Section 50 of the General Laws.

(b) For the purpose of this Section, a junk motor vehicle shall mean any automobile or truck, which is worn out, discarded, inoperative, or unregistered and which is ready for dismantling or destruction, or which has been stored for salvage, or for stripping in order to use parts thereof. Any part of such a vehicle shall be considered a junk motor vehicle under this Section.

(c) A license to keep a junk motor vehicle or vehicles ungaraged in any area of the City shall be requested by filing an application in writing to the Board of License Commissioners, which Board may issue the license in accordance with those standards and upon such conditions as are set forth in subsection (d) hereof.

(d) The Board of license Commissioners shall hold a public hearing upon the request for a license, notice of which shall be published in a local newspaper at least seven(7) days before the date of the hearing. Seven (7) days notice shall also be given to abutting property owners by certified mail, return receipt requested. The applicant for the license shall pay the cost of mailing and publication of said notice. If after the public hearing the Board of License Commissioners determines that the keeping of the vehicle or vehicles will not create a threat to public health and safety, will not constitute a public nuisance, or will not depreciate property values in the surrounding area, the Board may grant a one (1) year license upon such conditions as the Board deems conducive to the health, safety and general well-being of the citizens of Cambridge. Renewal of said license shall be granted pursuant to the procedure set

forth in subsections (c) and (d) hereof. A fee of Fifty ($50.00) Dollars shall be charged for the issuance of said license.

(e) Any person who violates this Section shall be liable to a fine not exceeding Fifty ($50.00) Dollars. Each day of violation shall constitute a separate and distinct offense. No prosecution shall be initiated to recover said fine until an alleged violator has been given notice of this Section and a reasonable opportunity to apply for a license.

(Ord. No.773, Sept. 16, 1968.)

CHAPTER 13.

OFFENSES.

ARTICLE I. OFFENSES AGAINST PROPERTY.

§13-1. Defacing public property.
§13-2. Injuring or destroying public property.
§13-3. Street lamps.

ARTICLE II. OFFENSE AGAINST PUBLIC HEALTH.

§13-4. Drinking fountains.

ARTICLE III. OFFENSES AGAINST PUBLIC MORALS.

§13-5. Disorderly conduct; profanity and insulting language.
§13-6. Gaming.
§13-7. Peeping and spying.
§13-8. Swimming.
§13-9. Loitering in street.

ARTICLE IV. OFFENSES AGAINST PUBLIC PEACE.

§13-10. Unreasonably loud noises.
§13-11. Radios, phonographs and loud speakers.

ARTICLE V. OFFENSES AGAINST PUBLIC SAFETY.

§13-12. Bows, arrows and air-guns.
§13-13. Clubs and bludgeons.
§13-14. Curfew.
§13-15. Firearms.
§13-16 Ball playing; missile throwing.
§13-17 Toy pistols, rubber slings, etc.

ARTICLE VII. PENALTY.

§13-18. Penalty for violation.

ARTICLE I. OFFENSES AGAINST PROPERTY.

Sec. 13-1. Defacing public property.

No person shall paint or draw any words or figures, or post any written or printed matter,,upon the property of any person, without the consent of the owner or occupant thereof, nor upon any property of the City, without the consent of the City Manager.
(G.O. 1943, Ch.19, §5.)

Sec. 13-2. Injuring or destroying public property.

No person shall injure, deface or destroy any guide-post or guide-board, any lamp-post, or lamp or lantern thereon; or anystreet, building, fence, post or other thing, set, erected or made for the use or ornament of the City.
(G.O. 1943, Ch.19, §11.)

Sec. 13-3. Street lamps.

No person shall light or extinguish, without authority any public lamp in any street.
(G.O. 1943, Ch.19, §13.)

ARTICLE II. OFFENSE AGAINST PUBLIC HEALTH.

Sec. 13-4. Drinking fountains.

No person shall place in any drinking fountain, trough or basin of water, set up or established in any street in the City, for the use of man or beast, any dirt, stone, ashes,

rubbish, offal, filth or any other foreign matter, or unnecessarily waste or use the water thereof.
(G.O. 1943, Ch.19, §7.)

ARTICLE III. OFFENSES AGAINST PUBLIC MORALS.

Sec. 13-5. Disorderly conduct, profanity and insulting language.

No person shall behave himself in a rude or disorderly manner, or use any indecent, profane or insulting language in any street or public place. No person shall make or cause to be made, any unnecessary noise or noises in any public street, private way or park, so as to cause any inconvenience or discomfort for the inhabitants of the City.
(G.O. 1943, Ch.19, §6 as amended by Ord. No. 502, June 27, 1955.)

Sec. 13-6. Gaming.

No person shall expose, in or upon any street, public ground or common, any table or device of any kind, by or upon which any game of hazard or chance can be played; nor shall any person play any such game at such table or device, in or upon any street, public ground or common.
(G.O. 1943, Ch.19, §9.)

Sec. 13-7. Peeping and spying.

No person other than an officer of the law acting in the performance of his legal duty shall enter upon the premises of any person with the intention of peeping into a dwelling or

spying upon any person therein.
(G.O. 1943, Ch.19, §14.)

Sec. 13-8. Swimming.

No person in a nude state shall swim or bathe in any waters within the City, so as to be exposed to the view of passengers or other persons in any street or house within the City.
(G.O. 1943, Ch.19, §16.)

Sec. 13-9. Loitering in street.

No person shall saunter or loiter in a street in such a manner as to obstruct or endanger travellers or in a manner likely to cause a breach of the peace or incite to riot; but nothing in this Section shall be construed to curtail, abridge, or limit the right of any person to exercise the right of peaceful persuasion guaranteed by Section 24 of Chapter 149 of the General Laws or to curtail, abridge or limit the intendment of any statute of the Commonwealth.
(Ord. No.741, May 24, 1965.)

ARTICLE IV. OFFENSES AGAINST PUBLIC PEACE.

Sec. 13-10. Unreasonably loud noises.

(a) No person in any public street shall sound any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while not in motion, except as a danger signal; no person shall sound any horn or signal on any such

vehicle while in motion, except as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended for an unnecessary and unreasonable period of time; provided that any such noise shall be plainly audible at a distance of one hundred (100) feet.

(b) No person in any public street shall ring a bell, gong or automobile horn between the hours of 10:00 P.M. and 7:00 A.M., except as a warning of danger.

(c) No person shall use any automobile, motorcycle, street car or other vehicle so out of repair or so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise; provided that any such noise shall be plainly audible at a distance of one hundred (100) feet.

(Ord. No. 277, June 12, 1950.)

Sec. 13-11. Radios, phonographs and loud speakers.

No person shall operate a radio, phonograph or loud speaker to the disturbance of the peace and confort of the inhabitants of the City.

(G.O. 1943, Ch.19, §15.)

ARTICLE V. OFFENSES AGAINST PUBLIC SAFETY.

Sec. 13-12. Bows, arrows and air-guns.

No person shall shoot with or use a bow and arrow or air-gun in a street, or upon or from any bridge.

(G.O. 1943, Ch.19, §2.)

Sec. 13-13. Clubs and bludgeons.

No person shall have in his possession a club or bludgeon, on any street, with intent to use the same in a sport, sham-fight or strife, or to intimidate any person or horse.
(G.O. 1943, Ch.19, §3.)

Sec. 13-14. Curfew.

(a) No minor under sixteen (16) years of age shall be upon any street, highway, park or other public way or place in the City after 9:30 P.M. of any day unless:

(1) He is accompanied by a parent, guardian, or other responsible adult person, or

(2) He is returning with reasonable speed from employment, from the performance of some duty or from a supervised group event conducted by a church or by a social agency with, in either case, permission from his parent or guardian.
(G.O. 1943, Ch.19, §4.)

Sec. 13-15. Firearms.

No person shall, except in the performance of some legal duty, discharge any gun, pistol or other firearm, within the City limits.
(G.O. 1943, Ch. 19, §8.)

Sec. 13-16. Ball playing; missile throwing.

No person shall play ball or throw a stone or other missile in any street, or upon or from any bridge.
(G.O. 1943, Ch.19, §17.)

Sec. 13-17. Toy pistols, rubber slings, etc.

No person shall have in his possession a toy pistol, crotch, rubber sling, or other device for throwing missiles of any kind, with intent to use it to the injury of persons or property, or to the annoyance or discomfort of any person, upon the street.
(G.O. 1943, Ch.19, §18.)

ARTICLE VII. PENALTY.

Sec. 13-18. Penalty for violation.

Any person who violates any of the provisions of this Chapter shall be liable to a fine not exceeding Fifty ($50.00) Dollars for each offense.
(G.O. 1943, Ch.19, Parts of §§ 4 and 10.)

CHAPTER 14.

PARKS AND RECREATION.

ARTICLE I. GENERAL PROVISIONS.

§14-1. Parks under control of Commissioner of Public Works.
§14-2. General powers and authority of Commissioner of Public Works.

ARTICLE II. RECREATION COMMISSION.

§14-3. Membership; appointment; terms.
§14-4. Chairman of Commission.
§14-5. Jurisdiction and powers of Commission.
§14-6. Superintendent of Recreation.
§14-7. Major repairs and maintenance of Commission facilities.
§14-8. Rules of Commission.
§14-9. Sunday sports or games.
§14-10. Services of City Engineer.
§14-11. Reports to City Manager.

ARTICLE III. COMMONS AND PUBLIC GROUNDS.

§14-12. Defacing trees.
§14-13. Horse riding prohibited.
§14-14. Grazing animals.
§14-15. Digging turf, etc.
§14-16. Carpet cleaning prohibited.
§14-17. Athletic sports.
§14-18. Public speaking.
§14-19. Sale of goods, etc. prohibited.
§14-20. Injuring public property.
§14-21. Flowers and flower beds; dogs or animals.
§14-22. Walking on grass prohibited.
§14-23. Trees and bushes; removal and replacement.

ARTICLE I. GENERAL PROVISIONS.

Sec. 14-1. Parks under control of Commissioner of Public Works.

The Commissioner of Public Works shall have general charge of the parks of the City, except such portions of any parks as are placed under the control of the Recreation Commission, more particularly set forth in Section 5 of this Article.

(Ord. No. 90, §1, Nov. 18, 1946.)

Sec. 14-2. General Powers and authority of Commissioner of Public Works.

The Commissioner of Public Works shall have and exercise all the rights, powers and authority given to him and the City Council by the Legislature in the matter of parks, except as to Recreation, so far as the same can be legally delegated by the City, subject to all duties, liabilities and restrictions imposed by law.

(Ord. No. 90, §2, Nov. 18, 1946.)

ARTICLE II. RECREATION COMMISSION.

Sec. 14-3. Membership; appointment; terms.

The Recreation Commission shall consist of seven (7) members to be appointed by the City Manager. In the month of January, he shall appoint Commissioners to succeed those whose terms shall expire on the following February 1, and who shall hold office for terms of three (3) years from February 1 in the year in which they are appointed; each Commissioner shall hold office until his successor is appointed and qualified. Any

vacancy occurring in the Commission shall be filled for the balance of the term of the Commissioner whose place is to be filled. In making appointments to the Commission, the Manager shall make every effort to appoint persons whose interest are closely allied to public schools, public playgrounds and public recreation, and the Commission shall always contain both men and women. Members of the Commission shall be removable under the provisions of the Charter.
(Ord. No. 178, July 15, 1948.)

Sec. 14-4. Chairman of Commission.

The Commission shall annually elect a Chairman who shall preside at its meetings.
(Ord. No. 90, §4, Nov. 18, 1946.)

Sec. 14-5. Jurisdiction and powers of Commission.

The Commission shall have the powers and perform the duties with respect to playgrounds and recreation under the General Laws or under any General Ordinance relating to playgrounds and recreation; the Commission shal further have the control, supervision and maintenance of the following areas in the parks of the City which areas are hereby declared to be devoted to use as playgrounds and play fields:

Russell Field
Fresh Pond Playground
Rev. P.H. Callanan Playground
T.F. Corcoran Playground
Corporal Burns Playground
J.J. Ahern Field
Russell E. Hoyt Field
Norfolk Street Playground

Robert I. Paine Playground
Fletcher School Playground
Peabody School Playground
Morse School Playground
Wellington School Playground
Taylor School Playground
Sleeper School Playground
Lowell School Playground

The southerly portion of Rindge Field on Pemberton Street, Yerxa Road andHaskell Street.

The southerly portion of J.F. Donnelly Field, also called Cambridge Field, on York, Willow and Berkshire Streets.

The southerly portion of E.J. Sennott Park situated on Harvard, Common and Norfolk Streets.

The southwesterly portion of Cambridge Common situated on Garden and Waterhouse Streets.

The Lawrence D. Mahoney Recreation Center, situated at Windsor and School Streets.

The Patrick J. Delaney Golf Course, situated on the westerly and southwesterly shore of Fresh Pond, between Concord Avenue and Huron Avenue.

The above areas are more particularly shown on Plan No. 7181, on file in the office of the City Engineer, and such other lands as may hereafter be assigned by appropriate action for use for recreational purposes or may be acquired therefor.

The area known as Jerry's Pit, but more particularly set forth in a lease by Dowey and Almy Company to the City of Cambridge, dated October 8, 1942, and the lots located at:

Cogswell Place
493 Franklin Street
Corner of Allston and Pleasant Streets
Corner of Sixth and Hurley Streets
Sherman Street

as shown on a plan by the City Engineer No. 7181, as shown by blue lines.

In addition to the above areas, which are hereby permanently devoted to use as playgrounds and play fields, the Recreation Commission may, with the approval of the City Manager and Commissioner of Public Works, exercise temporary or seasonal control, supervision and maintenance over other areas in the parks for the purpose of use, temporary or seasonal, as playgrounds or play fields.

The Recreation Commission is further empowered, with the approval of the City Manager, and in accordance with any provisions of law or ordinance applicable thereto, to rent, or may acquire the use of without charge, other areas for recreational purposes.

(Ord. No. 90, §5 as amended by Ord. No. 130, July 21, 1947.)

Sec. 14-6. Superintendent of Recreation.

There shall be a Superintendent of Recreation whose duty shall be, under the general supervision of the Commission, to take charge of recreational activities in playgrounds or play fields, or in schools or other building of the City and any and all activities of recreational nature directed by or controlled by or carried on with the authority of the City; to have charge of the portions of parks and other premises used for playgrounds and play fields and of the golf course, and to perform any other duties which may now or hereafter be imposed upon him by operation of law, ordinance, or by the direction and authorization of the Commission.

(Ord. No. 203, December 27, 1948.)

Sec. 14-7. Major repairs and maintenance of Commission facilities.

The Public Works Department shall have full responsibility for major repairs, reconstruction or alteration to any buildings used by the Commission for any of its activities and ordinary maintenance shall be the responsibility of the Commission. (Ord. No. 90, Part of §6, Nov. 18, 1946.)

Sec. 14-8. Rules of the Commission.

The Recreation Commission is empowered, subject to approval of the City Manager, to make rules relative to the performance of the duties of the Commission and the carrying out of its functions, but such rules shall not take effect until they have been approved by the City Solicitor with respect to their legality.
(Ord. No. 90, §8, Nov. 18, 1946.)

Sec. 14-9. Sunday sports or games.

(a) Permits for Sunday sports or games on public parks or playgrounds shall be issued by the Recreation Commission or by its authorized agents.

(b) Permits for such Sunday sports and games shall be conducted between the hours specified on the permits and shall be started sufficiently early to allow for their ending within the specified time.

(c) At least one (1) police officer shall be assigned to duty on each Sunday when a permit for any game or sport is

issued by the Recreation Commission for any park or playground.

(d) Permits for use of Russell Field for sports or games on Sundays shall be issued by the Commission at its discretion. When admission is charged or when any collection is made, the fee for the use of the field for such Sunday games or sports shall be determined by the Commission, but shall be not less than Twenty-five ($25.00) Dollars, payable at the Office of the Recreation Commission before the permit is issued. When no admission is charged or no collection is taken, there shall be no charge for the permit. Police protection satisfactory to the Commission or its authorized agent shall be furnished by the person or organization to whom the permit is issued.

(e) An additional fee of not less than Fifty ($50.00) Dollars shall be charged when any permit shall be granted for hurling, soccer or Gaelic football games, which amount shall be reserved for appropriations for reconditioning or repairs which may be necessary to the field.
(Ord. No. 90, §10, Nov. 18, 1946.)

Sec. 14-10. Services of City Engineer.

The Recreation Commission may require the City Engineer, by himself or his assistants, to perform such work as shall properly come within the province of the City Engineer, including the making and examination of surveys, the preparation of statements, plans, profiles, estimates, descriptions, specification and contracts, and the measuring of the work done by contract and the certifying to the results of such measurements.
(Ord. No. 90, §11, Nov. 18, 1946.)

Sec. 14-11. Reports to City Manager.

The Commission shall submit a quarterly report of its activities and recommendations to the City Manager in the month following each calendar quarter, and an annual report in the month of January covering the preceding calendar year. (ord. No. 90, §9, Nov. 18, 1946.)

ARTICLE II. COMMONS AND PUBLIC GROUNDS.

Sec. 14-12. Defacing trees.

No person shall tie a horse or other animal to, nor post a bill, nor place a sign upon or around any tree on any common or other public ground of the City. (G.O. 1943, Ch.20, Art.II, §15.)

Sec. 14-13. Horse riding prohibited.

No person, except by permission of the Commissioner of Public Works, shall ride, lead, or drive a horse, in or upon the commons or other public grounds, except that on occasion of a military exercise, parade, or review, horses necessary for the purposes thereof may be allowed upon any common, or other public grounds, used for such exercise, parade or review. (G.O. 1943, Ch.20, Art.II, §16.)

Sec. 14-14. Grazing animals.

No owner or keeper of a horse or other grazing shall suffer the same to go at large or feed upon any common or

other public grounds.

(G.O. 1943, Ch.20, Art.II, §17.)

Sec. 14-15. Digging turf, refuse, etc.

No person, except by permission of the Commissioner of Public Works and for some public use, shall dig or carry away any sward, gravel, sand, turf, or earth from, nor carry or cause to be carried upon any common or other public grounds, any carcass, ordure, filth, dirt, stones or any offensive matter whatever or throw or place thereon any stones, sand, gravel, tan, earth, rubbish or other substance.

(G.O. 1943, Ch.20, Art.II, §18.)

Sec. 14-16. Carpet cleaning prohibited.

No person shall shake or otherwise clean a carpet on any common or other public grounds.

(G.O. 1943, Ch.20, Art.II, §20.)

Sec. 14-17. Athletic sports.

No person, except by permission of the Commissioner of Public Works shall engage in any athletic sports upon any common or other public grounds, except upon such portions thereof as may be set apart for such purposes.

(G.O. 1943, Ch.20, Art.II, §21.)

Sec. 14-18. Public speaking prohibited.

No person, except by permission of the City Manager, shall deliver any discourse on any common, park or playground. (G.O. 1943, Ch.20, Art.II, §22.)

Sec. 14-19. Sale of goods, etc. prohibited.

No person shall expose for sale or sell any goods, wares or merchandise or erect or maintain a booth, stand, tent or apparatus of any kind for purposes of amusement ot show on any grounds under the control of the Commissioner of Public Works except by permission of said Commissioner.
(G.O. 1943, Ch.20, Art.II, §23.)

Sec. 14-20. Injuring public property.

No person shall pull up, break, cut or deface any of the walks, seats, fences, or railing upon or around any common or other public grounds, nor deface any monument or statue on any common, nor interfere with any of the hydrants upon any common or other public ground.
(G.O. 1943, Ch.20, Art.II, §24.)

Sec. 14-21. Flowers and flower beds; dogs or animals.

No person shall walk, stand, sit, or lie down in or upon, or pull a flower or plant out of a flower-bed on any common or other public grounds, nor suffer a dog or other animal

belonging to him, or in his charge, to stand or walk upon such flower-bed.

(G.O. 1943, Ch.20, Art.II, §25.)

Sec. 14-22. Walking on grass prohibited.

No person shall walk, stand, or lie upon the grass upon any common or other public grounds where such walking standing or lying has been prohibited, and notice of such prohibition given to the public by legible notices placed on such common or public ground.

(G.O. 1943, Ch.20, Art.II, §26.)

Sec. 14-23. Trees and bushes; removal and replacement.

Park and recreational land belonging to the City cannot be cemented over or built upon, nor can trees in such areas be cut down or bushes removed without similar replacements being made by the City within one quarter (1/4) of a mile of such cementing, building, cutting down or removal.

(Ord. No. 740, May 24, 1965.)

CHAPTER 15.

POLICE DEPARTMENT.

ARTICLE I. GENERAL PROVISIONS.

§15-1. Chief heads Police Department.
§15-2. Appointment and removal of Chief.
§15-3. Members; organization and administration.
§15-4. Stations; tours of duty; day off.
§15-5. Vacation.
§15-6. Rules and regulations.
§15-7. Vacancies.
§15-8. Absence of chief.
§15-9. Promotions.
§15-10. Fees received by police force.
§15-11. Fees for certain permits and other documents.
§15-12. Records and reports.
§15-13. Annual report.

ARTICLE II. PENSION.

§15-14. Regulations according to general law.

ARTICLE I. GENERAL PROVISIONS.

Sec. 15-1. Chief heads Police Department.

The Police Department shall be under the charge of the Chief of Police.

(G.O. 1943, Ch.25, Art. I, §2.)

Sec. 15-2. Appointment and removal of Chief.

The Chief of the Department shall be appointed by the City Manager, subject to Acts of 1911, Chapter 468, for an indefinite period. Such officer may be removed in accordance with the provisions of law.

(G.O. 1943, Ch.25, Art.I, §3.)

Sec. 15-3. Members; organization and administration.

The Chief of the Department with the approval of the City Manager, shall have authority to determine the number of members of the department, but the Police Department shall have a minimum quota of Two hundred fifty (250) men at all times. He shall authority to organize and administer the department. The Chief may expend for the conduct of the department such sums as the City Council may appropriate.

(Ord. No. 734, April 5, 1965.)

Sec. 15-4. Stations; tour of duty; day off.

The Police Department shall maintain one (1) central station with police headquarters, centrally located, and shall maintain one (1) station in North Cambridge and one (1) station in East Cambridge. The members of the Police Department shall be excused from duty for one (1) day out of every six (6) days without loss of pay. The time and manner of excusing members of the Police Department from duty shall be determined by the Chief or, in his absence, the officer in charge of the department.
(G.O. 1943, Ch.25, Art.I,§5.)

Sec. 15-5. Vacation.

Each permanent member of the Police Department shall be allowed an annual vacation of fourteen (14) working days without loss of pay, the same to be taken at such time within the year as may be determined by the Chief, but each member must have served six (6) months previous to the vacation period before he shall be allowed a vacation. Days off falling within the vacation period shall not be considered a part thereof.
(Ord. No. 151, 2d ordinance, Dec. 22, 1947.)

Sec. 15-6. Rules and regulations.

The Chief may make such rules and regulations governing the discipline of the department as the City Manager may approve.
(G.O. 1943, Ch.25, Art.I, §7.)

Sec. 15-7. Vacancies.

Any vacancy occurring in the department shall be filled by the City Manager pending a permanent appointment in accordance with 1 A.L.M., c.41, §61A.)
(G.O. 1943, Ch.25, Art.I, §8.)

Sec. 15-8. Absence of Chief.

If the Chief is absent or unable from any cause temporarily to perform his duties, they shall be performed by the senior ranking officer in the department. The person upon whom such duties shall devolve shall possess the powers of the Chief only in matters not admitting of delay.
(Ord. No. 432, Nov. 30, 1953.)

Sec. 15-9. Promotions.

Promotions in the department shall be made only by competitive Civil Service examinations and from the rank next below the position to be filled.
(G.O. 1943, Ch.25, Art.I, §10.)

Sec. 15-10. Fees received by Police Department.

All fees, penalties, witness fees, moneys or compensation received by any member of the Police Department, other than the salary fixed by ordinance, for any services rendered in his official capacity, except moneys or compensation received by him for special services, and except witness fees for testimony

in courts without the limits of the City, shall be paid weekly into the City Treasury by the officer receiving the same.
(G.O. 1943, Ch.25, Art.I, §11.)

Sec. 15-11. Fees for certain permits and other documents.

The Chief of Police shall receive the following fees:

(a) For the issuance of permits for performance of work or labor on the Lord's Day Two ($2.00) Dollars.

(b) For the issuance in duplicate of letters of police record for application for passports or other purposes Two ($2.00) Dollars.
(Ord. No. 105, Feb. 10, 1947.)

Sec. 15-12. Records and reports.

The Chief shall keep a correct and complete record of the business of the department, and shall make such reports to the City Manager from time to time, as he shall require, concerning all matters relating to the Police Department, and to the property of the City used by the Police Department.
(G.O. 1943, Ch.25, Art.I, §13.)

Sec. 15-13. Annual report.

The Chief shall make a report to the City Manager annually, in the month of January, of all the receipts and expenditures of his department, the organization and efficiency of the force, and an itemized statement of all the materials, tools and property of every kind belonging to the City, on hand December 31 with their estimated value.
(G.O. 1943, Ch.25, Art.I, §14.)

ARTICLE II. PENSIONS.

Sec. 15-14. Regulation according to general law.

The pensions of the Police Department shall be regulated in accordance with the provisions of 1 A.L.M., c.32, §83, et seq.
(G.O. 1943, Ch.25, Art. II, §15.)

CHAPTER 16.

PUBLIC TRANSPORTATION.

ARTICLE I. HACKNEY CARRIAGES.

§16-1. Definition.
§16-2. License required.
§16-3. Issuance of license.
§16-4. Application and renewal of licenses.
§16-5. Drivers to know English language.
§16-6. Registration.
§16-7. Licenses and permits not to be sold or assigned.
§16-8. Limitation of licenses.
§16-9. Change of address.
§16-10. Lamps; display of license figures.
§16-11. Police to enforce provisions.
§16-12. Copy of license and rates be carried; over charges; refusing to carry.
§16-13. Failure to pay fare.
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§16-15. License badge to be worn.
§16-16. Priority rights of passengers.
§16-17. Property found.
§16-18. Soliciting passengers; riding on front seat.
§16-19. Out of town hackney carriages.
§16-20. Obedience to police in relation to standing.
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§16-22. Special provisions.
§16-23. Forms of license.
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§16-31. Inspection of taximeter.
§16-32. Taximeter to be lighted at night.
§16-33. Hackney carriage used for funeral and wedding.
§16-34. Penalty.

ARTICLE II. VEHICLES OPERATING ON FIXED ROUTES.

§16-35. Rules and regulations.
§16-36. License required.
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§16-38. Proper service to be maintained.
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§16-42. Finding property.
§16-43. Stopping at railroad tracks.
§16-44. Suspension or revocation of license.

ARTICLE I. HACKNEY CARRIAGES.

Sec. 16-1. Definition.

Every vehicle used or to be used for the conveyance of persons for hire from place to place, within the City, shall be deemed to be a hackney carriage within the meaning of this Article except a street railway car or a trackless trolley vehicle within the meaning of 5 A.L.M., c.163, §2, or a motor vehicle, commonly known as a jitney, operated in a manner and for the purposes stated in 5 A.L.M., c.159A, §§1 et seq., or a sight-seeing automobile, as defined in Statutes of 1913, Chapter 592, Section 1.

(G.O. 1943, Ch.34, Art.I, §1.)

Sec. 16-2. License required.

(a) No person shall drive or have charge of a hackney carriage, nor shall any person set up and use a hackney carriage unless licensed thereto by the Board of License Commissioners.

(b) No owner or person having the care or ordering of a hackney carriage shall suffer or allow any person other than a driver licensed by the Board of License Commissioners to drive such carriage.

(G.O. 1943, Ch.34, Art.I, §2.)

Sec. 16-3. Issuance of license.

(a) The Board of License Commissioner may grant licenses to suitable person, who are owners of such vehicles, to set up and use them as hackney carriages, and all persons who are qualified as drivers, and in other respects, to drive and have charge of hackney carriages.

(b) Such licenses will be given subject to such terms, conditions and regulations, and upon the payment of such fees, as the Commissioners shall, from time to time, prescribe in general orders or otherwise.

(G.O. 1943, Ch.34, Art.I, §4.)

Sec. 16-4. Application and renewal of licenses.

New applications for licenses and for permits for special stands may be filed with the Board of License Commissioners at any time, but applications for the renewal of licenses and permits already in force shall be filed annually in April. They shall be made on official forms provided by the Board and shall contain all the information therein required. All licenses and permits shall become void onMay 1 annually, except such as are granted in April as valid for the year beginning on the next succeeding May 1.

(G.O. 1943, Ch.34, Art.I, §5.)

Sec. 16-5. Drivers to know English language.

No person shall be licensed to be a driver or an owner of the public hackney carriage unless he can read, write and speak the English language intelligently.
(G.O. 1943, Ch.34, Art.I, §6.)

Sec. 16-6. Registration.

Hackney carriages shall be registered at the place at which they are kept.
(G.O. 1943, Ch.34, Art.I, §7.)

Sec. 16-7. Licenses and permits not to be sold or assigned.

No license or permit provided for in this Article shall be sold, assigned or transferred without the consent of the Board of License Commissioners in writing. Any licensee who shall cease to be the owner or the driver of a hackney carriage shall at once surrender his license to the Board of License Commissioners.
(G.O. 1943, Ch.34, Art.I, §8.)

Sec. 16-8. Limitation of licenses.

Not more than one (1) hackney carriage license shall be issued for each One Thousand (1000) inhabitants or fraction thereof, except that if a greater number of licenses shall have been granted, issued or in force at the time of the taking effect of this Section than would be permissible under

said limitation, such licenses may be granted equal in number to those granted, issued and in force upon the taking effect of this Section, but no additional licenses shall be granted above the number in force upon the taking effect of this Section until the number of such licenses shall correspond to the limitation provided herein.
(Ord. No. 374, Feb.11, 1952.)

Sec. 16-9. Change of address.

When a licensed owner changes his address or the place at which a hackney carriage owned by him is kept, or when a licensed driver changes his home address, his place of employment or his employer, he shall, within three (3) days of such change, notify the Board of License Commissioners.
(G.O. 1943, Ch.34, Art.I, §9.)

Sec. 19-10. Lamps; display of license figures.

Every hackney carriage shall be provided with a lamp on each side thereof, and said lamps shall be kept lighted when such vehicle is in use in the night time. The number of the owner's license in figures in the Arabic character of not less than one (1) inch in length shall be so placed upon each lamp as to be plainly seen from the street; and when such figures are not cut in the glass the paint or other material with which they are marked must be renewed with such frequency as to keep them clear and legible at all times.
(G.O. 1943, Ch.34, Art.I, §13.)

Sec. 16-11. Police to enforce provisions.

Licensed drivers will answer fully any question put to them be police officers in the performance of their duty.
(G.O. 1943, Ch.34, Art.I, §14.)

Sec. 16-12. Copy of license and rates to be carried; over-charges; refusing to carry.

Every person having charge of a hackney carriage shall at all times carry with him his license and a sopy of the rates of fare established and shall exhibit them to any passenger or police officer on demand. He shall not demand from any passenger more than the established rate of fare. When in a public place he shall not refuse, unless previously engaged, or unless the conditions are such as those described in the next succeeding paragraphs, to carry any passenger lawfully entitled to be carried in a hackney carriage.
(G.O. 1943, Ch.34, Art.I, §15.)

Sec. 16-13. Failure to pay fare.

Any person refusing to pay, or attempting to avoid payment of the lawful fare, shall be subject to a fine not exceeding Fifty ($50.00) Dollars for each offense.
(G.O. 1943, Ch.34, Art.I, §16.)

Sec. 16-14. Certain persons not to be carried; disorderly passengers.

The Board of License Commissioners will regard as unsuited to hold a license any driver who gives direction, information or service to a man or woman seeking a place or a person for immoral purposes, or any driver who offers such direction, information or service. It will regard as unsuited to hold a license any driver who continues to convey from place to place a person who is noisy or otherwise disorderly, or who conveys a person who is intoxicated, even though not disorderly, except directly to the place where the driver has reason to believe is the passenger's house, lodging or other abiding place. This provision shall not apply to cases in which persons are conveyed by direction of a police officer. When a passenger becomes noisy or otherwise disorderly while in a carriage and persists in such conduct, after warning, the driver may appeal to any policeman who shall assist him in any lawful way and, if in possession of the necessary evidence, shall prosecute the offending passenger. The police shall observe with particular care the matters to which this Section relates and shall report thereon.

(G.O. 1943, Ch.34, Art.I, §17.)

Sec. 16-15. License badge to be worn.

Every person having charge of a hackney carriage in a public place shall wear on the left breast of his outside coat, or on the front of its collar just above, the number of his license in Arabic figures not less than one (1) inch in

length. The figures shall be one of the patterns approved by the Board of License Commissioners. They shall be worn upright, and so placed as to be easily read from the front, whether the licensed person be on foot or on his vehicle.
(G.O. 1943, Ch.34, Art.I, §18.)

Sec. 16-16. Priority rights of passengers.

No person having the charge, care or ordering of any hackney carriage, except an omnibus, shall take up or carry any passenger after the carriage has been occupied or engaged by any prior passenger until such prior passenger shall have discharged said carriage, without the consent of such prior passenger. Any such prior passenger shall not be obliged or requested to pay any extra fare or fee for refusing such consent.
(G.O. 1943, Ch.34, Art.I, §19.)

Sec. 16-17. Property found.

Every person having charge of a hackney carriage shall immediately after delivering any passenger search said carriage for any property which may have been left therein, and any property found therein by any person having the care or ordering of any hackney carriage, and not restored to the owner thereof within twenty-four (24) hours, shall be delivered by the finder thereof to the office of the Board of License Commissioners.
(G.O. 1943, Ch.34, Art.I, §20.)

Sec. 16-18. Soliciting passengers; riding on front seat.

No person having charge of a hackney carriage shall solicit passengers except by a motion of the hand, nor in any public way or place except when such carriage is rightfully standing upon some special or public stand; nor shall he suffer or allow any person to ride upon the driver's seat of a horse-drawn hackney carriage, except when the seats inside the carriage are fully occupied, and then only when the person so riding is a genuine passenger.

(G.O. 1943, Ch.34, Art.I, §21.)

Sec. 16-19. Out of town hackney carriages.

(a) No person not having a license therefor issued by the License Commissioners shall drive or have charge of a hackney carriage, nor shall any such person set up and use a hackney carriage, provided, however, that nothing herein contained shall be construed as prohibiting a driver of a taxicab licensed outside the City driving through the City, or from delivering in the City a passenger or passengers accepted outside the City or from accepting within the City a passenger or passengers for hire if summoned by or at the request of the passenger or passengers by radio or telephone so to do.

(b) Whoever violates this Section shall be punished by a fine not exceeding Fifty ($50.00) Dollars for each violation.

(Ord. No. 728, Oct. 14, 1963.)

Sec. 16-20. Obedience to police in relation to standing.

Every person having charge of a hackney carriage shall obey the directions of any police officer respecting the standing of such carriages while waiting for passengers and the route to be taken in going to or from the place of standing. (G.O. 1943, Ch.34, Art.I, §24.)

Sec. 16-21. Conveyance of persons with contagious disease.

No person having charge of any hackney carriage shall receive or permit to be placed therein, nor convey in or upon the same, any person sick or infected with any contagious disease, or the body of any person deceased from such disease. (G.O. 1943, Ch.34, Art.I, §25.)

Sec. 16-22. Special provisions.

(a) The owners and drivers of hackney carriages propelled by mechanical motors shall be subject to all the provisions of the preceding Sections of this Article, excepting Section 10 and shall be subject also to the following special provisions:

(1) An applicant for a license as owner of a motor hackney carriage shall present for examination in the case of each car a valid certificate of registration issued by the Registrar of Motor Vehicles, the date of which together with the car number shall be entered on the application and also on the license of the Board of License Commissioners, if granted.

(2) An applicant for a license to drive a motor

hackney carriage shall present for examination a valid license as a chauffeur issued to him by the Registrar of Motor Vehicles, and the date and the number thereof shall be entered on the application, and also on the license of the Board of License Commissioners, if granted.

(3) Notice in writing shall be given to the Board of License Commissioners by licensed owners and chauffeurs, as the case may be, immediately upon any change in residence or employment, or in the place in which a car is kept, or upon any change in the certificate of registration, the license to operate or the car number as issued by the Registrar of Motor Vehicles.

(4) Owners and drivers of motor hackney carriages shall be subject in their equipment and operation to all provisions of the statutes relating to automobiles now or thereafter in effect.

(5) Vehicles licensed to provide transportation for persons who are ill or are invalids on a mobile stratcher or portable chairs shall be licensed under a separate form of license than the taxicab divisions.

(G.O. 1943, Ch.34, Art.I, §26 as amended by Ord. No. 382, Feb. 18, 1952.)

Sec. 16-23. Forms of license.

CITY OF CAMBRIDGE

MASSACHUSETTS

Driver's License

Date _____

Badge No. _____

Chauffeur's License No. _____

Dated _____

Fee 50 Cents

This is to certify that _____

_____

_____

_____ Street

is hereby licensed until May 1, A.D. 19 , unless the license shall sconer be revoked, to take charge of and drive a Hackney Carriage for the conveyance of persons, for hire, from place to place within the City.

This license is granted subject to the provisions of the laws of the Commonwealth, and all ordinances of the City, or regulations of the Board of License Commissioners relating thereto.

Attest:

_____ Board of

_____ License

_____ Commissioners

For regulations see other side.

The form of license for a vehicle providing transportation for persons who are ill or are invalids on a mobile stretcher or portable chairs shall be the following:

CITY OF CAMBRIDGE

MASSACHUSETTS

Driver's License

Date_____

Badge No._____

Chauffeur's License No._____

Dated_____

Fee 50 Cents

This is to certify that _____

_____

_____

_____ Street

is hereby licensed until May 1, A.D. 19 , unless the license shall be sooner revoked, to take charge of and drive a vehicle designed for the transportation of persons who are ill or are invalids on mobile stretcher or portable chairs for hire from place to place within the City.

This license is granted subject to the provisions of the laws of the Commonwealth, and all ordinances of the City, or regulations of the Board of License Commissioners relating thereto.

Attest:

_____ Board of

_____ License

_____ Commissioners

For regulations see other side.

(G.O. 1943, Ch.34, Art.I, §27 as amended by Ord. No.382, Feb.18, 1952.)

Sec. 16-24. Rates.

(a) The price or rates of fares which drivers of hackney carriages propelled by mechanical motors and using taximeters as the means of measuring the distance travelled to be known as "Motor Taxicabs" may charge and demand for services rendered in conveying passengers are as follows: From point to point within the City limits:

(1) The initial money drop shall be Fifty ($.50) Cents and shall cover the cost of the first one-fifth (1/5) of a mile, or fraction thereof, or the first two (2) minutes of waiting time or a combination of both. Each one-fifth (1/5) (of fraction thereof) of a mile thereafter Ten ($.10) Cents.

(2) The maximum price or rates of fare which drivers of vehicles providing transportation for persons who are ill or who are invalids on a mobile stretcher or portable chairs in a hackney carriage or motor taxicab may charge and demand for services rendered in conveying such persons are as follows:

From point to point within the City limits:

First four miles or fraction thereof..... $3.85

Each third of a mile thereafter ..... .20

(3) Longer trips may be contracted for at special rates be agreement between the licensee and the passenger. Each such vehicle shall be equipped with a meter, which shall be of a size and design approved by the Board of License Commissioners.

(b) No vehicle licensed under this Section shall be used for general taxicab purposes. This shall not, however, prevent the transportation of persons accompanying or riding in said vehicle with such persons who are ill or invalids.

(G.O. 1943, Ch. 34, Art. I, §28 as amended by Ord. No. 382, Feb. 18, 1952 and Ord. No. 785, Sept. 8, 1969.)

Sec. 16-25. Waiting time.

(a) Waiting time shall include all time during which the vehicle is not in motion, beginning five (5) minutes after its arrival at the place to which it has been called. No charge shall be made for time between a premature arrival in response to a call and the time for which the vehicle was ordered nor for time attributable to a break-down of the vehicle. Waiting time charges shall be made for time lost through interruption of traffic, with the exception of such time lost through the operation of the opening and closing of drawbridges and the passage of railroad trains. Waiting time shall be at the rate of Five ($5.00) Dollars per hour.

(b) Waiting time for vehicles designed for the transportation of persons who are ill or who are invalids shall be charges for at the rate of $3.85 for forty (40) minutes of waiting time or Twenty ($.20) Cents for each three and one-third (3-1/3) minutes of waiting time, whichever is the lesser, but no charge shall be made for time lost through interruption of street traffic or through the inefficiency of the vehicle or its drivers, or for time between premature arrival in response to a call and the hour for which the vehicle was ordered.

(G.O. 1943, Ch.34, Art.I, §29 as amended by Ord. No. 564, Sept. 30, 1967, and Ord. No. 785, Sept. 8, 1969.)

Sec. 16-26. Distance less than one mile.

No charge shall be made for a distance less than one (1) mile traversed by a vehicle sent in response to a call, but for a greater distance a charge of Twenty ($.20) Cents a mile

may be made for each mile or fraction of a mile in excess of the first mile.

(G.O. 1943, Ch.34, Art.I, §30.)

Sec. 16-27. Dismissal more than two miles from place engaged.

(a) If a vehicle is dismissed at a point more than two (2) miles distant from the place at which it was engaged or from the place in which it was then called, a charge of Twenty ($.20) Cents a mile may be made for each mile or fraction of a mile in excess of such two (2) miles.

(b) If a vehicle licensed for the transportation of persons who are ill or are invalids is dismissed at a point more than two (2) miles distant from the place at which it was engaged or from the place in which it was when called, a charge of Twenty ($.20) Cents for each third (1/3) of a mile in excess of such two (2) miles may be made.

(G.O. 1943, Ch.34, Art.I, §31 as amended by Ord. No. 382, Feb. 18, 1952.)

Sec. 16-28. Baggage.

Hand baggage may be carried by passengers without charge. The carriage of trunks shall be optional with the person in charge of the vehicle; but, if carried, the charge shall be Fifty ($.50) Cents for each trunk.

(G.O. 1943, Ch.34, Art.I, §32.)

Sec. 16-29. Hiring by hour or trip.

(a) When a motor taxicab is hired by the hour or for a trip wholly or in part outside the limits of the City, the person in charge may suspend, with the consent of the passenger, the use of the taximeter as a means of determing the price to be paid. In such cases the price shall be agreed upon between the persons in charge of the automobile and the passenger.

(b) A vehicle licensed under this Chapter for the transportation who are ill or who are invalids may be engaged by an arrangement or agreement between the person in charge of said vehicle and the passenger extablishing a flat price per hour, per mile or per trip for the use of the vehicle, and in such instance the use of the meter in said vehicle may be suspended.

(G.O. 1943, Ch.34, Art.I, §33 as amended by Ord. No. 382, Feb. 18, 1952.)

Sec. 16-30. Taximeter attached to taxicabs.

Every motor vehicle licensed as a hackney carriage by the City, except motor vehicles used for funeral and wedding purposes only, shall have affixed thereto a standard taximeter of a size and design approved by the Board of License Commissioners. Every motor vehicle so licensed as a hackney carriage with a taximeter attached for measuring the distance travelled shall be known as a taxicab, and no taxicab shall operate without using the said taximeter.

(G.O. 1943, Ch.34, Art.I, §34.)

Sec. 16-31. Inspection of taximeter.

No taxicab shall be licensed as a hackney carriage until the taximeter attached thereto shall have been inspected by the proper authority and found to be accurate in accordance with the provisions of 1 A.L.M., c. 98, §45, of the General Laws concerning the sealing of taximeters on vehicles used for hire.

(G.O. 1943, Ch.34, Art.I, §34.)

Sec. 16-32. Taximeter to be lighted at night.

After sundown the face of every taximeter shall be illuminated by a suitable light so arranges as to throw a continuous steady light thereon. No fare for carriage of persons in such taxicab shall exceed the amount shown upon the face of the taximeter thereon.

(G.O. 1943, Ch.34, Art.I, §34.)

Sec. 16-33. Hackney carriage used for funeral and wedding.

Every motor vehicle licensed as a hackney carriage by the City and used for funeral and wedding purposes only, shall have noted on said licenses the words "for funeral and wedding purposes only".

(G.O. 1943, Ch.34, Art.I, §34.)

Sec. 16-34. Penalty.

Any person who violates any of the provisions of this Article shall be subject to a fine not exceeding Fifty ($50.00) Dollars for each offense; and any licensed owner or driver who violates any of the provisions of this Article shall, in addition to said penalty, thereipon become liable to forfeit his license and be disqualified to hold a license thereafter.

(G.O. 1943, Ch.34, Art.I, §3.) Need new section Sec 16-33 ~~16-35~~ 16-34 16-35 16-36 16-37

ARTICLE II. VEHICLES OPERATING ON FIXED ROUTES.

Sec. 16-~~35~~ 38. Rules and regulations.

Rules and regulations may be established governing persons operating motor vehicles upon the public streets and ways in the City for the carriage of passengers for hire, in such a manner as to afford a means of transportation similar to that afforded by public transportation authorities by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running or by transporting passengers for hire as a business between fixed and regular termini.

(G.O. 1943, Ch.34, Art.II, §35.)

Sec. 16-~~36~~ 39. License required.

No person shall operate a motor vehicle in the manner described in Section 16-35 of this Article without first obtaining a license therefor from the City Council, subject to

the approval of the City Manager, in writing, endorsed thereon.
(G.O. 1943, Ch.34, Art.II, §36.)
(Last sentence repealed by Traffic Regulations, Aug. 4, 1966.)

Sec. 16-37. Refusal to carry passengers.

No person operating any motor vehicle so license shall refuse to carry any person offering himself to be carried as a passenger therein, unless the seats of the same are fully occupied, and the number of passengers thereon is the number allowed the operator to be carried at one (1) time, or unless such person be intoxicated or disorderly.
(G.O. 1943, Ch.34, Art.II, §37.)

Sec. 16-38. Proper service to be maintained.

The licensee shall maintain proper service over the route for which the license is issued.
(G.O. 1943, Ch.34, Art.II, §38.)

Sec. 16-39. Manner of solicitation.

No person operating any motor vehicle shall solicit passengers by outcry or make any noise for the purpose of soliciting passengers.
(G.O. 1943, Ch.34, Art.II, §39.)

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Sec. 16-40. Number of passengers; infants; riding on fenders, etc.

No greater number of passengers shall be carried at any time in any such motor vehicle than there are seats to accommodate such passengers, provided that in addition thereto children under seven (7) years of age may be carried therein in arms or seated in the laps of parents or adult person accompanying them, but no passenger with a child in arms or seated on the lap shall be permitted to sit with or immediately next to the driver of the vehicle. Nor shall any passenger be permitted to ride upon any fender, dash, top floor, steps or running board of any such vehicle.

(G.O. 1943, Ch.34, Art.II, §41.)

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Sec. 16-41. Discharge of passengers from cars in motion; drivers smoking; intoxicating liquor.

No person operating any such motor vehicle shall collect fares, make change or discharge passengers while such vehicle is in motion nor shall he have a lighted cigarette, lighted cigar or lighted pipe in his possession while any passenger is being carried therein, nor drink any intoxicating beverage of any kind, nor be under the influence thereof, while engaged in operating such vehicle.

(G.O. 1943, Ch.34, Art.II, §42.)

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Sec. 16-42. Finding property.

Every person operating any such motor vehicle shall deliver any article left therein by any passenger to the officer

in charge at the lost and found department of the licensee not later than twenty-four (24) hours after finding the same.
(G.O. 1943, Ch.34, Art.II, §43.)

Sec. 16-43. Stopping at railroad tracks.

Every such motor vehicle shall come to a full stop immediately before crossing the tracks of any railroad at grade.
(G.O. 1943, Ch.34, Art.II, §44.)

Sec. 16-44. Suspension or revocation of license.

The City Council may suspend or revoke any license granted for the operation of any such motor vehicle for any reason deemed by the City Council in exercise of its discretion to be sufficient subject to any provisions of law relative to appeals or modifications thereof.
(G.O. 1943, Ch.34, Art.II, §45.)

CHAPTER 17.

PUBLIC WORKS.

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§17-2. Reports of Commissioner.

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ARTICLE I. DEPARTMENT OF PUBLIC WORKS.

Sec. 17-1. Composition; Commissioner of Public Works.

The Department of Public Works shall consist of the Streets Division, the Sewers Division and the Cemetery Division. It shall be under the charge of the Commissioner of Public Works who shall be appointed by and shall serve at the pleasure of the City Manager.

(Ord. No. 91, Nov. 18, 1946. Last part is new.)

Sec. 17-2. Reports of Commissioner.

The Commissioner of Public Works shall submit recommendations to the City Manager with respect to the operations of his department as he may from time to time deem appropriate and shall prepare and submit to the City Manager in January of each year a report on the activities of his department during the preceding year.

(new)

DIVISION 1. STREETS DIVISION.[1]

Sec. 17-3. Superintendent in charge of Division.

The Streets Division shall be under the charge of the Superintendent of Streets who shall be appointed by and shall serve at the pleasure of the City Manager.
(G.O. 1943, Ch.33, §1.)

Sec. 17-4. Authority and duties of Superintendent.

(a) The Superintendent of Streets shall, under the direction and control of the Commissioner of Public Works have the general care and charge of the highways, bridges and public squares and shall attend to the making, mending and alteration thereof, and cause the same to be kept in good repair, so as to be safe and convenient for travellers, with their vehicles at all seasons of the year. He shall place suitable street signs at convenient distances apart. He shall keep the entrances to catch basins open and clear of ice in cold weather so as to permit the flow of surface water into them.

(b) He shall have authority to take necessary steps to overcome any nuisance caused by dust in the public ways and streets and may cause the ways and streets to be watered or oiled whenever he may deem it advisable. He shall see that the highways and streets, and sidewalks are kept in good order, and that all nuisances and obstructions therein are forthwith removed,

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[1]As to duties of city clerk in relation to street assessments see c.2, §24. As to city engineer having charge of all plans of streets, see c.2, §§35,38. See c.2, §40 for notification of encroachments on streets by city engineer. As to signs, awnings, etc., see c.30. As to traffic regulations, see c.28.

or give notice thereof to the Commissioner of Public Works of Chief of Police, and he shall remove all snow from the sidewalks and walks around the schoolhouses. And in case of the blockade or obstruction of any street, the person causing such blockade or obstruction shall forthwith notify the Superintendent of Streets and the Chief of Police thereof.

(c) He shall have control of the collection, carrying away, sale and disposal of house offal and shall have authority to make rules and regulations in relation thereto not inconsistent with any ordinance now in force or that may be hereafter enacted. He shall also have charge of the vehicles, buildings and equipment now used or hereafter to be used in connection with the collection, carrying away, sale and disposal of house offal. (G.O. 1943, Ch.33, §2.)

(d) He shall have the authority for the purposes of removing or plowing snow or removing ice in any way from the City, to remove or cause to be removed to some convenient place, including in such term a public garage, any vehicle interfering with such work. The owner of any such vehicle so removed shall be liable for the reasonable costs of such removal and storage and delivery of the vehicle to the owner may be withheld by the Superintendent of Streets until such reasonable costs shall be paid. The Police Department shall render all necessary assistance to the Superintendent of Streets in enforcing this Section. (Ord. No.11, March 20, 1944.)

Sec. 17-5. Personnel of Division; management of property; annual report.

The Superintendent shall have the right to hire, and

the general control of, all persons employed in his decision and shall have the custody and management of the vehicles, buildings, and all other property connected with the Streets Division, and shall keep the same in good condition and repair. He shall annually, in the month of January, present to the Commissioner of Public Works a report showing the detailed expenses, the material and other property on hand, a detailed account of work done, and other facts in relation to his division.
(G.O. 1943, Ch.33, §3.)

Sec. 17-6. Street names.

The several streets in the City shall continue to be called by the names heretofore given to them, until such names are altered by the City Council. The City Council, subject to any provisions of law relative thereto, shall give names to all streets hereafter laid out and may change the name of a street at any time, except that no street shall be given the designation of any existing street, and no street shall be accepted so long as the name thereof is the same as that of any existing street.
(G.O. 1943, Ch.33, §4.)

Sec. 17-7. Street numbers.

The Council may order numbers in regular series, at the expense of the owner or occupant, of such form, size and material, and in such mode, place, succession and order, as it may determine, to be affixed to or inscribed upon, all buildings on any street. Any person having the control of any such building, refusing or neglecting to affix or inscribe it, the number

designated by the Council, or allowing any other number to remain thereon more than one (1) week after notice so to affix or inscribe, shall be liable to a penalty not exceeding Fifty ($50.00) Dollars.

(G.O. 1943, Ch.33, §5.)

Sec. 17-8. Assessment for betterments.

Whenever the City Council determines that land or buildings shall be taken for street widening or street laying out purposes betterments shall be assessed according to law for the improvement on any property that the City Council may determine is in the benefited area.

(G.O. 1943, Ch.33, §6.)

Sec. 17-9. License required for breaking, digging up or obstructing;[2] location and grade of pipes, sewers, poles; work plan; penalty.[3]

(a) No person shall break or dig up the ground or stones in any street or on any sidewalk, or erect any staging for building, or place or deposit any stone, bricks, timber, or building materials thereon, or otherwise occupy, obstruct, or encumber the same, without first obtaining a written license from the Superintendent of Streets for that purpose. No gas-pipe, water-pipe, sewer, conduit, street railway track, pole, nor any

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[2]As to obstructing street or sidewalk with loose wire, see c.10, §12.

[3]As to temporary sidewalks, see §17-31 of this Chapter.

other structure, except wires, shall be placed beneath, upon or above any public street or way, except upon a location and at a grade approved by the City Engineer, or authorized by the City Council.

(b) Within sixty (60) days after the completion of the work so approved or authorized a final plan showing accurately in detail the lines, grades and construction of the work as finished shall be filed in the office of the City Engineer. If required by the City Engineer, a preliminary plan showing the proposed location and grade of the structure shall first be filed in his office.

(c) Any person who violates the foregoing provision shall be subject to a penalty not exceeding Fifty ($50.00) Dollars for each offense and shall remove any structure placed contrary to the provisions of this Section if required so to do by the City Engineer, and upon failure so to do the City Engineer may make such removal or change, and the cost thereof shall be paid to the City by the person owning or controlling the structure. (G.O. 1943, Ch.33, §7.)

Sec. 17-10. Contents of license; fencing and lighting excavation and obstructions; foot paths.

The Superintendent of Streets may grant licenses in writing to persons having authority in the premises to open, occupy, obstruct, encumber and use parts of any street or sidewalk, and every license shall specify the time, place, size and use of such opening, occupation or obstruction, and the time within which the street must be put in a condition satisfactory to the Superintendent of Streets, and each license so granted shall be upon

the condition that the licensee shall conform to the statutes and ordinances of the City then in force, or that may thereafter be in force, and to the specifications in the license; that license may be revoked at any time by the Superintendent of Streets; that before performing any work authorized by the license the part licensed shall execute a bond to the City conditioned as required by the ordinances of the City, and subject to the additional condition that he shall cause the excavation and obstruction to be properly fenced during the whole time the street is opened and obstructed; that he shall place and maintain from the beginning of twilight, through the whole of the night, over or near the place so occupied, opened, obstructed or used, and over or near any dirt, gravel or other material when thereupon or to be used by him, a light or lights fixed to the fence or in some other proper manner sufficient to protect travellers from injury;shall place and maintain a safe and convenient way for the use of foot travellers, and a safe and convenient passage for public travel around or over such place; that if he does not, within the time prescribed by the Superintendent, put the street into good condition, satisfactory to the Superintendent, he shall pay whatever sum the Superintendent shall expend for putting it to good condition, and that he shall surrender the license to the Superintendent on or before the expiration of the time fixed in the license for completing the work or any extension or extensions thereof. The Superintendent may in addition to said specifications, specify in the license, or after the issuance thereof, in writing the kind of rail or fence to enclose the place, and the kind of way over or around such place, and the manner of constructing it and where the passage or flow of pedestrian or

vehicular traffic will be impeded or re-routed that such licensee shall procure at such licensee's expense sufficient police detail as the regulations issued by the Chief of Police may require and nothing herein shall be construed to prevent the insertion in the license of any other specification deemed advisable by the Superintendent of Streets.

(G.O. 1943, Ch.33, §8 as amended by Ord. No. 510, Oct.17, 1955.)

Sec. 17-11. Bond required.

Before any license hereinbefore described is delivered to any person for the applicant therefor, such person, unless he is an employee of the City employed on public work, shall certify that a copy of the license entered in a book kept for the purpose is a correct copy of the license he received, and the applicant, unless the application is made in behalf of a department of the City or by a person who has given bond and who applies for a license in accordance with the provisions of Section 17-53 and 17-54 of this Chapter, shall give a bond in the sum of not less than One Thousand ($1,000) Dollars with one (1) or more sureties conditioned to the faithful observance of the conditions and specifications of every and all such licenses issued to the applicant, and the Superintendent of Streets may at any time require a new bond which shall be considered a strengthening bond, unless the sureties on the former bond are expressly released from their liability by the City Council; provided, that the Superintendent may accept one (1) bond for more than one (1) license whether then issued or issued at any time after the date of the bond.

(G.O. 1943, Ch.33, §11.)

Sec. 17-12. Violations of conditions of license.

The Superintendent shall not issue any license to a person who has within one (1) year previous to his application violated or failed to observe the conditions or specifications of any such license without special authority of the City Council. (G.O. 1943, Ch.33, Part of §13.)

Sec. 17-13. Notices of defects in public ways.

The Superintendent shall keep a record of the notices of defects sent to him, with the name of any person giving the notice, and the time when given, and he shall without delay cause the locality of the alleged defect to be examined, and, if the defect is of such a character as to endanger the safety of public travel, shall do whatever may be necessary to prevent the public from injury by the defect, and cause it to be immediately repaired; and every person in the employ of the City shall send to the Superintendent notice of every defect of which he has any knowledge.
(G.O. 1943, Ch.33, Part of §13.)

Sec. 17-14. Prevention of unnecessary obstructions; proper repair of streets.

Whenever any street is opened, occupied, obstructed or encumbered by any department of the City, or any person, the Superintendent of Streets shall prevent any unnecessary obstruction while the work is in progress, and shall see that the street is repaired and put in good order when the work is completed. If

the street is not repaired to his satisfaction he shall forthwith put it in good order, and shall render a bill for the expense of such repair to the department, or person whose duty it was to repair the street. All openings made in the street for any purpose whatever shall be filled back in layers six (6) inches in depth, and each layer shall be properly rammed and, when necessary shall be wet down to prevent settling of the filling.
(G.O. 1943, Ch.33, §10.)

Sec. 17-15. Responsibility of person making opening or causing obstruction in street.

Whenever any person lawfully makes any opening or causes any obstruction in any street, he shall be held responsible for any damages that may result from such opening or obstruction.
(G.O. 1943, Ch.33, §12.)

Sec. 17-16. Streets requiring repaving within one year of excavation.

(a) Should any portion of the street which has been excavated require repaving or resurfacing within a period of one (1) year from the time it has been disturbed, the Superintendent of Streets, shall, by mail, postage prepaid, notify the person applying for the license under authority of which the disturbance was made, to forthwith make such repairs as, in the opinion of the Superintendent, are necessary; and in case of the failure of the person to make such repairs within twenty-four (24) hours after the receipt of such notice the Superintendent shall then have the right to make the necessary repairs at the expense of the licensee.

(b) All amounts received by the City Treasurer for work done or materials furnished under the direction of the Superintendent, as above authorized, shall be placed to the credit, and to be used as a part, of the appropriation of the Streets Division.

(G.O. 1943, Ch.33, §9.)

Sec. 17-17. Licenses to repair water pipes, etc.

The Superintendent shall grant a license to a person who presents a license from the Water Department to repair or lay water pipes, and to a person who presents a license from the City Electrician to connect with the lamps or pipes of the City.

(G.O. 1943, Ch.33, §14.)

Sec. 17-18. Licenses to raise and lower goods in and out of buildings.

The Superintendent may grant to competent persons engaged in the business, licenses to occupy and use certain portions of the streets for the purpose of raising and lowering goods and merchandise into and from buildings on conditions the terms of which shall be those stated in Sections 17-10 to 17-16 of this Chapter, so far as the same may apply, and in addition that the person applying for the license shall maintain, during the whole time the work is in progress, good and sufficient barriers across the sidewalk, from the wall of the building to or from which they are so raised, out to the curbstone or edge of the sidewalk, on each side of said goods or merchandise, sufficient to protect

travellers from injury or danger; and that he shall not encumber the sidewalk for more than thirty(30) minutes at a time for such work.

(G.O. 1943, Ch.33, §15.)

Sec. 17-19. Notification by Superintendent of proposed construction or opening.

Whenever the Superintendent of Streets is about to construct a new street, or to break up the syrface of any street, he shall, at least two (2) weeks before beginning work, notify the City Engineer, as head of the Sewer Division, City Electrician, and all public utilities having locations in such street. If any of these department or utilities companies has any work to be done in the street so designated, it shall consult and arrange with the Superintendent, in order that such work may be done before the surface of such street is again prepared for and open to public travel. After such notice and opportunity have been given, none of the departments or utilities companies shall, for the period of six (6) months, break up such street within the area of such previous disturbance, except in case of obvious necessity, to be certified to and approved by the City Manager.

(G.O. 1943, Ch.33, §16.)

Sec. 17-20. Fencing and lighting unsafe highway.

Whenever any highway, street or bridge is from any cause unsafe or inconvenient for travellers, the Superintendent of Streets shall forthwith put up a suitable barrier across such

highway, street or bridge, and exclude all travellers from passing over the same; or cause the parts thereof, so rendered unsafe and inconvenient, to be enclosed by a sufficient barrier, which shall be kept standing so long as the same remains unsafe and inconvenient; and he shall also place one or more lighted lanterns to such barrier, or in some other proper manner, to be there kept every night, from twilight in the evening, through the night, so long as such barrier is kept standing.

(G.O. 1943, Ch.33, §17.)

Sec. 17-21. Extinguishing lights.[4]

Whoever maliciously or wantonly, and without legal cause, extinguishes or diminishes a light fixed in accordance with the provisions of Sections 17-10 to 17-16 of this Chapter, shall be liable to a penalty of not exceeding Fifty ($50.00) Dollars.

(G.O. 1943, Ch.33, §18.)

Sec. 17-22. Gates or door not to swing outward.

No person shall make, erect or maintain any gate or door in or upon any street in such manner that, when opening it it shall swing over such street.

(G.O. 1943, Ch.33, §19.)

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[4]See §13-3 of this Code.

Sec. 17-23. Doorsteps, porticos, entrances to basements.

No person shall make, erect or maintain any doorstep, portico, porch, entrance or passage-way to any cellar or basement or any other structure, in or upon any street, without permission in writing, from the Superintendent when authorized by the City Council. No person shall suffer the platform or grate of the entrance or passageway to his cellar or basement in any street, to rise above the even surface of such street; and every such entrance or passage-way shall either be kept covered by a suitable and substantial platform or grate, or in case it is kept open, it shall be guarded and protected by a sufficient railing, on both sides thereof, at least two and a half (2-1/2) feet high, and well lighted at night.

(G.O. 1943, Ch.33, §20.)

Sec. 17-24. Fences around wells, cisterns, drains and cavaties in streets.

If any person digs or sinks or causes to be dug or sunk, any well, cistern, drain or other cavity in the ground, near to or adjoining any street, he shall put up and at all times keep up, so long as it is necessary for the purpose, a railing or barrier, on or near the line of such street, sufficient to guard and protect travellers and passengers from falling into said well, cistern, drain or other cavity.

(G.O. 1943, Ch.33, §21.)

Sec. 17-25. Obstruction at cross-walks.

No person shall stop his vehicle, or unnecessarily place any other obstruction, on any cross-walks laid in or across any street.

(G.O. 1943, Ch.33, §22.)

Sec. 17-26. Removal of encroaching buildings.

Whenever the City Manager shall be notified by the City Engineer that any building or structure has been placed within the lines of a public street, or so that it may cause injury or inconvenience to a public street, he shall forthwith issue an order to the party offending, directing that the building or structure be removed within a certain specified time, and in case of non-compliance the City Manager shall direct that the incumbrance be removed at the expense of the delinquent.

(G.O. 1943, Ch.33, §23.)

Sec. 17-27. Responsibility for sidewalk repairs.

All sidewalks shall be kept in repair at the expense of the City; provided, however, that if such repairs are rendered necessary by any act of the owner or occupant of the adjoining land or by any defect in the buildings thereon or by any other cause under the control of such owner or occupant, the repairs shall be made by such owner or occupant; and if he fails to do so the repairs shall be made by the City, at his expense.

(G.O. 1943, Ch.33, §26.)

Sec. 17-28. Plank walks on sidewalks; license required.

(a) No person shall place upon any sidewalk any board or plank walk without first obtaining a written license from the Superintendent authorized by the City Council; and walks hereafter laid under authority of such license shall be constructed in accordance with the specification to be approved by the Superintendent. Such walks shall be removed whenever in the judgment of the City Council, public safety and convenience require such removal.

(b) Plank walks, authorized as hereinbefore provided, shall be laid and kept in proper condition by the respective owners thereof, and the same shall be taken up by such owners whenever the Superintendent of Streets shall so direct.
(G.O. 1943, Ch.33, §27.)

Sec. 17-29. Coal holes or receptacles in streets; license required.

No person shall make or cause to be made any aperture in or under any street of sidewalk, for the purpose of constructing a coalhole, or receptacle for any other article, or for light and air, or for any other purpose, without a license from the Superintendent of Streets, authorized by the City Council; and no person shall leave such coal hole or aperture open or unfastened, except while actually in use. No coal hole in a sidewalk shall be made or maintained more than eighteen (18) inches in diameter, nor unless the cover therefor is made of iron with a rough upper surface and with three(3) or more iron rods or legs at least two (2) feet in length fitting closely to the under side of the cover, and so constructed that while the cover can be lifted

perpendicularly, it cannot be tipped or easily removed from the opening.

(G.O. 1943, Ch.33, §28.)

Sec. 17-30. Conductors not to drain on sidewalks.

No person shall insert a sign in a sidewalk without the permission of the Superintendent of Streets, authorized by the City Council; and no person shall permit a leader or conductor from the roof of a building owned by him to be so placed or maintained as to direct a volume of water upon or across the surface of the sidewalk.

(G.O. 1943, Ch.33, §29.)

Sec. 17-31. Temporary sidewalks required when street obstructed.

(a) Any person licensed under the provisions of Sections 7 to 13 of this Chapter, whenever so ordered by the City Manager or the Superintendent of Streets, shall erect and maintain in good condition, day and night, a temporary sidewalk abutting upon that part of the street whichhe is licensed to use and obstruct, constructed in accordance with specification approved by the Commissioner of Public Works..

(b) When a building is used or occupied by more than one (1) tenant, the owner or person having care of the building shall cause the ice to be removed from the building, in the manner provided in Section 18-7 of this Code and in default thereof shall be liable to the same penalties as are therein provided.

(G.O. 1943, Ch.33, §33.)

Sec. 17-32. Awnings, canopies, clothes lines.

No canopy or awning shall hereafter be erected or maintained within the limits of any street, without the written permission of the Superintendent of Streets authorized by the City Council, except a canopy or awning, constructed of cloth or canvas attached to an iron frame, securely fastened and supported from above and with no part less than nine (9) feet above the level of the sidewalk over which it is placed. No clothes dryer or clothes lines, and no clothes or garment shall be hereafter placed or hung over a sidewalk or within the limits of any street without the written permission of the Commissioner of Public Works.

(G.O. 1943, Ch.33, §34.)

Sec. 17-33. Saving City harmless from claims for damages because of coal holes or other excavations under sidewalks.

Every owner of any estate who maintains any cellar, cault, coal hole or other excavation under the part of the street adjacent to or which is a part of, his estate, shall do so only on condition that such maintenance shall be considered as an agreement on his part to hold the City harmless from any claim for damages to himself or the occupants of the estate resulting from gas, sewage or water leaking into such excavation, and every owner who maintains a post, pole or other structure in or over a street, or a wire, pipe, conduit or other structure under a street, shall do so only on the condition that such maintenance shall be considered as a agreement on his part to keep the same and the covers thereof in good repair and condition, at all times

during his ownership, and to indemnify and save harmless the City against any and all damages, costs, expenses or compensation which it may sustain, or be required to pay by reason of such excavation or structure being over, under, or in the street, or being out of repair during his ownership, or by reason of any cover of the same being out or repair or unfastened during his ownership.
(G.O. 1943, Ch.33, §35.)

Sec. 17-34. Fuel not to remain unnecessarily on sidewalk.

No person shall suffer his fire-wood, coal or other fuel, in an quantity, to remain unnecessarily in any street over-night, or after twilight in the evening. If the same must, of necessity, remain after twilight or through the night, the owner thereof shall place and keep a sufficient light over or near the same through the night, in order to give notice thereof to travellers.
(G.O. 1943, Ch.33, §36.)

Sec. 17-35. Fastening horses to trees; climbing trees; signs on trees.[5]

No person shall climb a tree in any street or fasten or tie a horse or other animal to, or post a bill upon, any such tree, or allow any horse or other animal owned by him, or under his control to stand so near any such tree, that such street may be gnawed or otherwise injured by such horse or other animal,

[5] See also §14-12 of this Code.

and no person shall place a sign upon or around any tree on any street of the City.

(G.O. 1943, Ch.33, §39.)

Sec. 17-36. Carriages or horses not to be cleaned in streets.

The owners and occupants of stables shall not wash or clean carriages or horses in the streets, or cause them to be there washed or cleaned, nor shall they otherwise encumber the streets.

(G.O. 1943, Ch.33, §40.)

Sec. 17-37. Cleaning carpets in streets.[6]

No person shall shake or otherwise clean a carpet in any street.

(G.O. 1943, Ch.33, §41.)

Sec. 17-38. Carrying show-boards, placards and signs.

No person shall, without authority from the Superintendent of Streets, place or carry, or cause to be placed or carried, on a sidewalk, a show-board, placard or sign for the purpose of there displaying or attracting attention to the same.

(G.O. 1943, Ch.33, §42.)

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6 See also §14-16 of this Code.

Sec. 17-39. Riding or driving on sidewalks.[7]

No person shall permit any horse, cattle, swine or sheep, under his care, to go upon any sidewalk, except in order to drive the animals in or out of some adjoining enclosure, and no person shall drive, ride, wheel or draw any vehicle across a sidewalk except on a driveway designed for the purpose of passage of vehicles, and no person shall use for access of any vehicle to a sidewalk any log, skid block, bricks or other articles placed in the gutter or street; provided, that this Section shall not apply to children's carriages or sleds containing children and drawn by hands.

(G.O. 1943, Ch.33, §43.)

Sec. 17-40. Obstructions on sidewalks; fruit peelings.

(a) No person shall place, or cause to be placed, upon any sidewalk, any article whatsoever, so as to obstruct a free passage for travellers for more than fifteen (15) minutes.

(b) No person shall wilfully and maliciously tip over and spill out the contents of any box or barrel containing ashes or other house dirt set upon the sidewalk. No person shall throw or place upon any sidewalk or cross-walk any banana skin, orange peel or other slippery substance.

(G.O. 1943, Ch.33, §44.)

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7 See also §14-13 of this Code.

Sec. 17-41. Persons obstructing passage; loitering.[8]

No person shall stand upon any sidewalk or street so as to interrupt, obstruct or prevent the free passage over the same by the public, or to stand or loiter on the sidewalk in front of or at the side of any building to the annoyance or disturbance of any person, and who fails or refuses to move on when directed to do so by a police officer.

(G.O. 1943, Ch.33, §38.)

Sec. 17-42. Acceptance of public ways.

In order to protect the citizens and their real estate values and to encourage the best possible land development, no proposed public way shall be accepted by the City Council until the proposal has been referred to the City Engineer, Electrical, Planning, Public Works, Traffic and Water Departments for a review and report concerning the design, engineering, construction and utility aspects of the proposed road. If no such report shall have been filed with the Council after thirty (30) days from the date of referral, the Council may accept the proposed road.

(Ord. No. 743, May 2, 1966.)

Sec. 17-43. Rights of Superintendent not affected.

The provisions of this Division shall not be construed as limiting in any manner the legal rights and duties of the

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[8] See also §13-9 of this Code.

Superintendent of Streets to order such alterations and repairs in streets as he may deem that the safety and convenience of the inhabitants require.
(G.O. 1943, Ch.33, §37.)

DIVISION 2. SEWERS DIVISION.

Sec. 17-44. City Engineer in charge of division.

The Sewers Division shall be under the charge of the City Engineer.
(G.O. 1943, Ch.29, Part of §1.)

Sec. 17-45. Duties of City Engineer.

The City Engineer shall have general supervision of all common sewers of the City and of all connections built under the provisions of this Division.
(G.O. 1943, Ch.29, Part of §3.)

Sec. 17-46. Superintendent of Sewers; appointment; duties.

(a) The City Engineer shall appoint the Superintendent of Sewers who shall be in charge of building, repairing and keeping in good order the all common sewers of the City.

(b) The Superintendent of Sewers shall hold office at the pleasure of the City Engineer, and until his successor is appointed and qualified. He shall receive such compensation as the City Engineer with the approval of the City Manager may determine. Whenever the office of the Superintendent of Sewers

becomes vacant, it shall be filled in accordance with Civil Service provisions.

(G.O. 1943, Ch.29, Part of §3.)

Sec. 17-47. Common sewer.

In any street opened, or proposed to be opened, for public travel and accomodation, every sewer or drain laid for the purpose of draining more than one (1) estate, shall be deemed to be a common sewer, and no such common sewer shall be laid or connected with any existing common sewer except by the City, as provided in Section 17-45 of this Division.

(G.O. 1943, Ch.29, Part of §1.)

Sec. 17-48. Plans for sewers; catch-basins.

The City Engineer shall make and file in his office, accurate plans of all common sewers, showing all entrances thereto when made as hereinafter provided. He shall have constant care of, and keep clean and in proper order and repair, all street catch-basins and connecting drains within the limits of any street; provided, however, that the Superintendent of Streets shall keep the entrances to the catch-basins open and clear of ice in cold weather, so as to permit the flow of surface water into them.

(G.O. 1943, Ch.29, §4.)

Sec. 17-49. Sewers not to be obstructed by street work.

Whenever any street is opened for the laying of pipes for water, gas or other purposes, or for any work of construction, such laying of pipes and work connected therewith, or such work of construction shall be so executed as not to obstruct, in any way, the course, capacity or construction of a common sewer, and whenever pipes for any purpose, or any work of construction, are found to exist at such a depth or in such location as to interfere with and existing sewer, or with the building of any common sewer of the required size, and at the proper depth and grades, the person maintaining the same, shall, upon notice thereof, at once remove, change or alter said pipe or pipes or other works, in such a manner as the City Engineer may direct. If such person neglects to comply immediately with the terms of such notification the City Engineer may make such removal, change or alteration, and the cost thereof shall be paid by such person; provided, that whenever any sewer is to be constructed, or any water pipe to be laid, in any street or way, the City Engineer and Chief Superintendent of Water Works shall consult with each other in regard to the location of any existing pipes.

(G.O. 1943, Ch.29, §2.)

Sec. 17-50. Draining into common sewer prerequisite to assessment; single assessment.

No estate or portion of an estate shall be assessed for a sewer benefit until it can be drained into the common sewer and no estate or portion of an estate shall be assessed more than once for the same sewer benefit.

(G.O. 1943, Ch.29, §6.)

Sec. 17-51. Amount of assessments; rates.

(a) The amounts of the sewer assessments to be levied upon abutting estates or parts of estates for a sewer benefit shall be determined in the ratio of four-tenths (4/10) of the benefit according to the frontage and six-tenths (6/10) of the benefit according to the area of the estate or part of an estate within one hundred twenty-five (125') feet of the street in which the common sewer has been constructed.

(b) The area of estates on the corner of an intersecting street shall be measured to the line of said intersecting street if the area of said corner estate has not been previously assessed for a sewer benefit. If any part of the corner estate has already been assessed, a proper exemption of the area so assessed shall be made and only the frontage rate shall be applied to said area already assessed.

(c) The following standard rate for sewer assessments is established, namely:

85 cents per front foot for the frontage rate.

2 cents per square foot for the area rate.

(G.O. 1943, Ch.29, §7.)

Sec. 17-52. Entry of assessments on plar.

The amounts assessed and certified by the City Council shall be entered upon the plan prepared for an assessment.

(G.O. 1943, Ch.29, §8.)

Sec. 17-53. Drain layers; license; size of private drains.

Annually, in the month of January, and at other times when necessary, the City Engineer shall license such drain layers as apply, and are found competent, who alone shall be authorized to make all openings or excavations in any street for the purpose of constructing and repairing private drains, and who shall construct all entrances into the common sewers. The drain layers shall hold their license for one (1) year, unless sooner revoked by the City Engineer. No such private drain, if of vitrified pipe, shall be laid of a less size than six (6) inches interior diameter, and if of iron, it shall be not less than five (5) inches internal diameter, and of extra heavy pipe, and the work shall be done as directed by the City Engineer.
(G.O. 1943, Ch.29, §9.)

Sec. 17-54. Bonds of drain layers.

Every person licensed as provided in the preceding Section shall, before performing any work authorized thereby, execute a bond to the City in the sum of Two Thousand ($2,000.00) Dollars, with two (2) good and sufficient sureties, to be approved by the City Engineer conditioned that he shall comply with the terms of the permit under which entrance is made; that he will cause the excavation to be properly fenced during the whole time the street is obstructed; that he shall when necessary, maintain one or more lighted lanterns in a conspicuous place over such obstruction from twilight in the evening and through the whole night; that he shall properly make all entrances to the sewers, and shall leave no obstruction of any

description in the sewer which he may open; that he shall properly close the excavation, restore the earth and pavements taken up, and regrade and repave that part of the street which has been excavated, and keep it in a good and satisfactory condition for a period of one (1) year thereafter, and that if he fails to do so, the street may be repaired by the Street Department and the expense thereof charged to him; and that he shall repay the City such expense, and that he shall indemnify and hold harmless the City from any damage or cost to which it may be put by reason of injuries resulting to any person from neglect or carelessness in making or repairing such drain, or in properly fencing or lighting any excavation or obstruction, or in performing any other work connected therewith.
(G.O. 1943, Ch.29, §10.)

Sec. 17-55. Private drains not to enter sewer without permit.

No private drain shall be entered into any common sewer, or into any private drain connected with any common sewer, without a permit in writing from the City Engineer; and on the completion of the work, the permit shall be returned to the office of the City Engineer, indorsed by the layer of the drain, with a statement of his proceedings thereunder. The City Engineer is authorized to grant such permits for estates which abut on the sewer into which an entrance is desired. Each permit shall be subject to the provisions of this Division, and shall state in detail the premises to which it applies, and the time, place, manner and construction of such entrance. Each permit may, at the discretion of the City

Engineer, be subject to the condition that the entrance be made in the presence of any inspector appointed by him. No private drain from any estate or part of an estate not already assessed, or not liable to assessment for the cost of the sewer, shall be entered into such sewer, except by the consent of the City Council.
(G.O. 1943, Ch.29, §11.)

Sec. 17-56. Permits for conduits from vaults to sewers.

The City Engineer, under the direction of the Board of Health, is authorized to permit, under such restrictions as said Board may deem expedient, the construction of sufficient passage ways or conduits under ground for the purpose of conveying the liquid contents of any vault into any common sewer.
(G.O. 1943, Ch.29, §12.)

Sec. 17-57. Plugs or clappers.

No drain connecting with a common sewer, subject to the action of tide-water, shall be constructed without a plug or clapper to prevent completely the reflux of drainage matter, and storm or tidewaters.
(G.O. 1943, Ch.29, §13.)

Sec. 17-58. Reconstruction of drains.

All drains not now built in accordance with the requirements herein, shall be reconstructed so as to conform thereto,

whenever, in the opinion of the City Engineer, it may be necessary.

(G.O. 1943, Ch.29, §14.)

Sec. 17-59. Exhausts and blowoffs from engines and boilers.

No exhaust from a steam-engine and no blowoff from a steam boiler, shall be connected with any common sewer or private drain.

(G.O. 1943, Ch.29, §15.)

Sec. 17-60. Sewer plans and assessment records kept by City Engineer.

Plans and descriptions of all common sewers belonging to the City, with a true record of the charges for making and repairing the same, and all assessments therefor, shall be kept in the office of the City Engineer.

(G.O. 1943, Ch.29, §17.)

Sec. 17-61. Account of costs; report.

The City Engineer shall keep, and whenever requested, report to the Commissioner of Public Works an accurate account of the cost and all other expenses upon each common sewer; and he shall annually, in January submit a report of all work performed in the Sewer Department during the year, the property under his charge, including the total length and original cost of existing sewers, and the amount of all expenditures from the appropriation for sewers. (G.O. 1943, Ch.29, §5.)

Sec. 17-62. Penalty for interfering or obstructing.

Whoever cuts into, interferes with or obstructs a common sewer, or enters a private drain therein, except as herein provided, or places or deposits in any street catch-basin or common sewer, an animal or vegetable matter or any other filthy substance, solid or liquid, or any naphtha, gasoline or other explosives or dangerous substances, or violates any of the provisions of this Article, shall be liable to a penalty not exceeding Fifty ($50.00) Dollars.
(G.O. 1943, Ch.29, §16.)

DIVISION 3. CEMETERY DIVISION.

Sec. 17-63. Superintendent in charge of Division.

The Cemetery Division shall be under the charge of a Superintendent who shall be appointed by the City Manager, subject to the Civil Service laws and rules and regulations. A vacancy in the office shall be filled in the same manner as provided for the original appointment.
(G.O. 1943, Ch.7, §1.)

Sec. 17-64. Care of cemetery.

The Superintendent shall have the care and management of the Cambridge Cemetery, so-called, and also of the burial ground on Garden Street.
(G.O. 1943, Ch.7, §2.)

Sec. 17-65. Assistant Superintendent.

The Superintendent shall appoint an Assistant Superintendent, who shall assist him in the performance of the duties of his office and shall be in charge of the division whenever the Superintendent is absent or unable to perform his duties.
(G.O. 1943, Ch.7, §8.)

Sec. 17-66. Rates and sale of rights of burial; rates for services.

(a) The Superintendent shall have authority to establish rates for and to sell rights of burial in the Cambridge Cemetery. All deeds and conveyances shall be executed by the City Manager in the name of the City, and recorded by the City Clerk in a book kept for that purpose.

(b) The Superintendent shall have authority to establish rates for services rendered to lot owners.
(G.O. 1943, Ch.7, §3.)

Sec. 17-67. Approval of rates.

All rates established as aforesaid shall be subject to the approval of the City Manager and no rate shall be deemed to be in effect until such approval in writing is given thereto.
(G.O. 1943, Ch.7, §5.)

Sec. 17-68. Amount necessary for care of lot; perpetual care.

The Superintendent shall determine the amount necessary to preserve and care for any lot in Cambridge Cemetery, and shall also determine what lots may be received under perpetual care. Sums deposited by lot owners for perpetual care shall be paid into the Treasury and invested. The income therefrom shall be applied by the Superintendent for the preservation and care of such lots. The fund so created shall be denominated the "cemetery fund for the perpetual care of lots".

(G.O. 1943, Ch.7, §4.)

Sec. 17-69. Lots received in trust.

Proprietors of lots may, upon forms prescribed by the Superintendent of the Cemetery Division and upon written approval of the City Manager convey the lot or lots to the City; and the Superintendent may, with the written approval of the City Manager, accept the same, for and in behalf of the City upon certain trusts in the deed of conveyance to be expressly mentioned. But in no event shall any such deed of conveyance be accepted as aforesaid, unless and until there shall be deposited with and held by the City Treasurer, a sum sufficient to provide for the perpetual preservation and care of such lot or lots, as hereinbefore provided for, and in addition thereto such sum or sums as amy be determined by the Superintendent with the approval of the City Manager for keeping in repair and for the replacement of any curb, monument, headstone and

fence on said lot or lots at the time of such conveyance. Any proprietor so conveying may in the deed reserve to himself and to such as may be beneficiaries thereunder the right of admission and such supervision as to the Superintendent of the Cemetery Division may seem proper and as may not be inconsistent with the rights which have vested in the City.
(G.O. 1943, Ch.7, §7.)

Sec. 17-70. Report of Superintendent.

The Superintendent shall annually, in the month of January, submit to the Commissioner of Public Works a report of all his acts, doings and proceedings and of the condition of the cemetery and burial ground, and an account of his receipts and expenditures for the preceding year ending December 31.
(G.O. 1943, Ch.7, §6.)

ARTICLE II. REFUSE.

Sec. 17-71. Purpose and intent of Article.

It is the intent of the City Council that this Article be liberally construed for the purpose of providing a sanitary and satisfactory method of handling, collecting and disposing of rubbish and garbage and for the maintenance of public and private property free of litter in a clean, orderly and sanitary condition for the appearance, health and safety of the community.
(Ord. No. 798, §1.01, July 27, 1970.)

Sec. 17-72. Definitions.

(a) Authorized garbage receptacles shall mean receptacles for private residences which shall be made of metal with tightfitting covers, with a capacity of not less than ten (10) nor morethan fifteen (15) gallons. Every garbage storage receptacle shall be cleaned by the user at least once weekly abd shall be so maintained and located on the premises that no objectionable odors shall permeate any building. Limitations on size do not apply to authorized garbage receptacles for private collections. (Ord. No. 798, §2.05, July 27, 1970.)

(b) Authorized litter receptacles shall mean receptacles for the use of the general public placed outdoors by the City or by private persons on either public or private property. The receptacles shall be so as to prevent the escape of litter onto any public or private property. The receptacles may be identified by an appropriate sign, furnished either by the City or the owner, which includes the statement; NO LITTERING UNDER PENALTY OF LAW. FINE $50.00.
(Ord. No. 798, §2.04, July 27, 1970.)

(c) Authorized rubbish receptacles shall mean receptacles that contain rubbish awaiting collection and are kept outdoors and shall be constructed preferably of heavy plastic or of metal, with tightfitting covers, and shall be flytight, rodent-proof, nonflammable and waterproof. Heavy plastic bags of not less than one and one-half (1-1/2) mil may be used to line a receptacle with a tightfitting cover or fastened tightly with wire, string, ties or tape. Specially treated, water-resistance paper or cardboard containers may also be used as

temporary rebbish containers provided that they are tightly fastened with wire, string, ties or tape. Ordinary cardboard containers without special water-resistant treatment are not authorized rubbish receptacles. Authorized rubbish receptacles for City rubbish collection shall not exceed two (2) feet, thirty-two (32) gallon capacity, and shall not exceed one hundred thirty (130) pounds gross weight. Limitation on size or weight do not apply to authorized rubbish receptacles for private collection.

(Ord. No. 798, §2.06, July 27, 1970.)

(d) Commercial establishment shall mean any person or owner as defined in Subsection (i) of this Section doing business for profit and occupying private property.

(Ord. No. 798, §2.10, July 27, 1970.)

(e) Garbage shall mean the animal and vegetable waste from the handling, preparing, cooking and consumption of food.

(Ord. No. 798, §2.02, July 27, 1970.)

(f) Litter shall mean sll garbage and rubbish, and shall include any other waste material which, if thrown or deposited as prohibited in this Article tends to create a danger or nuisance to public health, safety or welfare.

(Ord. No. 798, §2.01, July 27, 1970.)

(g) Non-profit establishment shall mean not-for-profit corporation or association established for religious, educational charitable or benevolent purposes and occupying private property.

(Ord. No. 798, §2.11, July 27, 1970.)

(h) Occupant shall mean any person living, sleeping, or cooking in, or conducting any commercial or non-profit activity, or having actual possession of any building or any part thereof.

(Ord. No. 798, §2.09, July 27, 1970.)

(i) Owner shall mean any person or entity which alone or jointly or severally with others:

(1) Shall have legal or equitable title to any private property with or without accompanying actual possession thereof; or,

(2) Shall have charge, care or control of any private property as owner or agent or as executor, administrator, trustee or guardian of the estate of the owner or any other person in a representative capacity.

(ord. No. 798, §2.07, July 27, 1970.)

(j) Rubbish shall mean combustible and noncombustible waste materials except garbage, and shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar substances.

(Ord. No. 798, §2.03, July 27, 1970.)

Sec. 17-73. Legal duties of pedestrian and motorists.

(a) Litter from Pedestrians on public property. No person shall throw or deposit litter in or upon any street, sidewalk, square, playground, park or other public place except in

authorized public or private litter receptacles.

(Ord. No. 798, §3.01, July 27, 1970.)

(b) Litter from pedestrians on private property. No person shall throw or deposit litter on any occupied, open or vacant private property, whether or not occupied by such person, except in authorized private litter receptacles or authorized private rubbish receptacles.

(Ord. No. 798, §3.02, July 27, 1970.)

(c) Litter from vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street, sidewalk, square, playground, park or other public place.

(Ord. No. 798, §3.03, July 27, 1970.)

(d) Litter from load-carrying vehicles. No person shall drive or move any truck or other vehicle unless such vehicle is so constructed and loaded as to prevent any load, contents or litter from being blown off or deposited upon any street, sidewalk, square, playground, park or other public place.

(Ord. No. 798, §3.04, July 27, 1970.)

(e) Ababdoned vehicles. No person shall abandon an automobile, truck, motorcycle, or other motor vehicle for more than seventy-two (72) hours upon a public or private way or on any property without the permission of the owner or lessee of the property. Any person who wishes to junk such a vehicle must contract with a private disposal agency.

(Ord. No. 798, §3.05, July 27, 1970.)

Sec. 17-75. Responsibility of owners or occupants for litter on private property and adjoining sidewalks and gutters.

(a) Maintenance of private property. Every owner or occupant of private property shall maintain his property free of any accumulation of litter, and shall prevent any litter from escaping to any other public or private property.
(Ord. No. 798, §5.01, July 27, 1970.)

(b) Maintenance of sidewalks.

(1) Every owner or occupant of private property bordering on a street where there is a public or private sidewalk or footway shall maintain such sidewalk or footway and the adjoining gutter to the center of the street free of litter.
(Ord. No. 798, §5.02a, July 27, 1970.)

(2) Every owner or occupant of private property shall cut and dispose of weed in any yard area or vacant lot, or around any public or private property.
(Ord. No. 798, §5.02b, July 27, 1970.)

(3) No person shall sweep into or deposit in any gutter, street, square or other public place the accumulation of litter from any building or lot, or from any public or private sidewalk, footway or driveway.
(Ord. No. 798, §5.02c, July 27, 1970.)

(c) Litter from commercial or non-profit establishments.

(1) Litter from commercial or non-profit establishments shall not be thrown or deposited in any public litter receptacles.
(Ord. No. 798, §5.03a, July 27, 1970.)

(2) Commercial or non-profit establishments may maintain authorized litter receptacles for the use of the general

public outdoors on private property or on the adjoining sidewalk in a manner not to inconvenience the use of the sidewalk by pedestrians. The establishments are encouraged to identify such authorized litter receptacles as described in Section 17-74 of this Article and the establishment shall cause the receptacles to be emptied regularly.

(Ord. No. 798, §5.03b, July 27, 1970.)

Sec. 17-76. Garbage and rubbish collection from private property.

(a) Garbage and rubbish receptacles. Every owner or occupant of private property may maintain authorized garbage and rubbish receptacles outdoors on said private property provided the receptacles are screened from the view of public streets and sidewalks.

(Ord. No. 798, §7.01, July 27, 1970.)

(b) Garbage and rubbish to be separated. Garbage and rubbish that is to be collected by the City shall be separated in their respective receptacles at all times and mixing of rubbish in authorized garbage receptacles is prohibited. Any person wishing to dispose of garbage who does not have access to an authorized garbage receptacle may deposit the garbage in an authorized rubbish receptacle provided that the garbage shall be drained of all liquid and shall be wrapped in paper of such thichness as to prevent leakage.

(Ord. No. 798, §7.02, July 27, 1970.)

(c) Garbage collection. Whoever desires the removal of garbage from private property shall cause the garbage to be placed in authorized garbage receptacles. The receptacles shall

be kept in some convenient and accessible place on the premises of the owner or occupant of private property, where the receptacles can be easily reached by the garbage collectors.

(Ord. No. 798, §7.03, July 27, 1970.)

(d) Rubbish collection. Whoever desires the removal of rubbish from private property shall cause the rubbish to be placed in authorized rubbish receptacles and to be set in an easily accessible place in the yard adjoining the premises or upon the sidewalk, but if placed upon the sidewalk, the authorized rubbish receptacles shall be placed on the sidewalk no earlier that 6:00 P.M. of the day immediately prior to the day of collection as designated by the Commissioner of Public Works for collection the area where the premises are located and shall be removed from the sidewalk no later than 6:00 P.M. of the day of collection. The rubbish receptacles shall not be placed upon the sidewalks in a manner to inconvenience the use of the sidewalks by pedestrians.

(Ord. No. 798, §7.04, July 27, 1970.)

(e) Bulk rubbish. Rubbish that is larger than can be contained in authorized rubbish receptacles shall be securely tied in compact bundles, not to exceed one hundred (100) pounds in weight. Newspapers, magazines and other papers shall be securely tied in bundles unless they are placed in authorized rubbish containers. Large cardboard cartons shall be flattened and securely tied in bundles. Such bulk rubbish shall be set out in the same places and under the same restrictions as those for authorized rubbish receptacles in Subsection (d) of this Section.

(Ord. No. 798, §7.05, July 27, 1970.)

(f) Grass clippings, fallen leaves, small shrub, and tree trimmings, etc. All grass clippings and fallen leaves to be collected by the City shall be stored in authorized rubbish containers. The use of heavy plastic bags tied securely at the top is encouraged for this type of rubbish. Small shrub and tree trimmings shall be stored in authorized rubbish containers or shall be tied securely in bundles not exceeding three (3) feet in length, ten (10) inches in diameter or a total of one hundred (100) pounds in weight. Such bundles of small shrub and tree trimmings shall be set out in the same places and under the same restrictions as those for authorized receptacles in Subsection (d) of this Section. The burning of leaves or other material outdoors is strictly prohibited. (Ord. No. 798, §7.06, July 27, 1970.)

(g) Large items of rubbish. Large bulky items of rubbish such as refrigerators, stoves, beds, crates, tree stumps, dead trees, etc., will be collected by the City only by special arrangement with the Commissioner of Public Works. Persons desiring such collection should notify the Commissioner. The City Manager may at his discretion direct the Commissioner to charge a fee for the collection of certain items, or the Commissioner may, at his discretion, determine that certain items are unsuitable for collection by the City, and may direct the owner to arrange for private collection. (Ord. No. 798, §7.07, July 27, 1970.)

(h) Periodic free collection of large items of rubbish. At least once each year, the Commissioner of Public Works shall set dates for the collection of large bulky items of rubbish, as described in subsection (g) of this Section.

The dates shall be publicized by the City. No fee shall be charged and no notice shall be required from the owner or occupant of private property. The Commissioner may, at his discretion, set a single collection period for the whole City or divide the City into suitable collection area and set a different collection period for each area. Such large items of rubbish awaiting collection shall be stored in the same place as specified in subsection (d) of this Section for authorized rubbish containers. However, the Commissioner may from time to time issue regulations directing other methods and places for storing such large items of rubbish awaiting collection, and all such regulations shall be publicized by the City. The Commissioner may, at his discretion, determine that certain items are unsuitable for collection by the City, and may direct the owner to arrange for private collection. (Ord. No. 798, §7.08, July 27, 1970.)

(i) Periodic free collection of large shrub and tree trimmings. At least once a year the Commissioner shall set dates for the collection of dead shrubs or trees or the large trimmings of shrubs or trees. The dates shall be publicized by the City. No fee shall be charged and no notice shall be required from the owner or occupant of private property. The Commissioner may, at his discretion, set a single collection period for the whole City or divide the City into suitable collection areas and set a different collection period for each area. Such material awaiting collection shall be stored in the same places as specified in subsection (d) of this Section for authorized rubbish containers, or if the bulk is very large, in the street against the adjoining

sidewalk. However, the Commissioner may, from time to time issue regulations directing other methods and places for storing such material awaiting collection. Grass clippings, fallen leaves, and small shrub and tree trimmings must be stored in containers or bundles as specified in subsection (f) of this Section.

(Ord. No. 798, §7.09, July 27, 1970.)

(j) Container collection of large items of rubbish or of shrub and tree trimmings. The Commissioner of Public Works may preempt parking spaces for limited periods of time at any area for the purpose of installing temporary containers for the collection of large items of rubbish or of shrub and tree trimmings.

(Ord. No. 798, §7.10, July 27, 1970.)

(k) Private garbage and rubbish collection. The Commissioner of Public Works shall have the right to specify the times and methods of storage, collection and disposal of garbage and rubbish by any private collector.

(Ord. No. 798, §7.11, July 27, 1970.)

(l) Commercial or non-profit establishments: garbage and rubbish collection. The Commissioner of Public Works may, at his discretion, and if the public convenience and necessity so require, determine that the volume of garbage or rubbish from commercial or non-profit establishments is beyond the capacity of the Department of Public Works to collect or dump, and upon making such a determination, the Commissioner shall so notify the commercial or non-profit establishments that the City will not collect garbage or rubbish from the establishments and that the establishments shall arrange for private collection.

All garbage receptacles for garbage awaiting private collection shall be made of metal with tightfitting covers, shall be cleaned by the user at least once weekly, and shall be so maintained and located on the premises that no objectionable odors shall permeate any building. All rubbish receptacles for rubbish awaiting private collection shall be flytight, rodentproof, non-flammable and waterproof, and shall be so constructed as to prevent the escape of litter onto public or private property. All such garbage and rubbish receptacles shall be kept on private property at all times and not on public streets or sidewalks and shall be screened from view of public streets or sidewalks.

(Ord. No. 798, §7.12, July 27, 1970.)

Sec. 17-77. Charges for collection of ashes and rubbish.

(a) There shall be charged by the City for the collection of ashes, dust, sweepings, shrubbery clippings, tree branches and any other refuse other than offal, the sum of Twenty-five ($.25) Cents for each barrel, parcel, box or other container in excess of two (2) containers, but after four (4) barrels or containers the sum of Forty ($.40) Cents per barrel or container, except that no charge shall be made for the collection of such refuse from schools, churches, charitable or benevolent organizations, buildings used solely for private dwellings, and portions used for private dwelling in buildings other than hotels and other than buildings used solely for provate dwellings,

(Ord. No. 25, §47, ¶1 as amended by Ord. No. 470, May 17, 1954.)

(b) The Commissioner of Public Works shall keep suitable records of all collections for which charges are to be made, as required by this Section and shall be charged with the collection of amounts due for such services at the time collections are made. The Commissioner is authorized to cause to be sold to occupants of real estate stubs or other tickets for the purpose of making payment and collection of amounts due for said services.
(Ord. No. 25, §47,¶2, Sept. 25, 1944.)

Sec. 17-78. Charges for use of City dumps and incinerator; permit.

The Commissioner of Public Works is empowered to issue permits for dumping in any dump owned or controlled by the City or at the incinerator now owned by the City or at any other incinerator hereafter operated by the City. The Commissioner shall establish rules and regulations for the conduct of such dumping, such rules and regulations to be approved by the City Manager. The charge for such permit shall be a minimum of Two ($2.00) Dollars per load and Fifty($.50) Cents per load over six (6) loads, except for building materials. Building materials such as laths, doors, timbers, boards, etc. shall have a minimum of Five ($5.00) Dollars per load, the charges to be determined within said limits by the Commissioner, according to the size of each load. All persons, except employees of the City in the course of their employment, who pick up refuse within the City shall pay a fee of Two ($2.00) Dollars per vehicle per year. The Commissioner of Public Works shall issue all permits for the use of said street for trans-

portation of refuse. No person shall dump any refuse or rubbish in any dump owned or controlled by the City or in any incinerator owned or operated by the City without previously having obtained a permit therefor from the Commissioner of Public Works.
(Ord. No. 25, §48 as amended by Ord. No. 471, May 17, 1954)

Sec. 17-79. Responsibilities of owners or occupants for snow and ice removal.

(a) Removal of snow from sidewalks. The owner or occupant of private property bordering on a street where there is a sidewalk or footway shall, within twelve (12) hours after snow ceases to fall in the daytime and before 1:00 P.M. after a fall of snow during the night, cause all snow that may be on such sidewalk or footway to be removed therefrom. In the event of an unusually heavy snowfall, the time limit shall be extended at the discretion of the Commissioner of Public Works. The provisions of this Section shall apply to snow which falls from buildings as well as to that which falls from the clouds.
(Ord. No. 798, §6.01, July 27, 1970.)

(b) Removal of ice from sidewalks. The owner or occupant of private property bordering on a street where there is a sidewalk or footway any portion of which is encumbered by ice shall within six (6) hours after the sidewalk or footway becomes encumbered with ice cause such sidewalk or footway to be made safe and convenient by removing the ice therefrom, or by keeping the same covered with sand or some other suitable substance.
(Ord. No. 798, §6.02, July 27, 1970.)

Sec. 17-80. Penalty.

(a) Any person who violated Section 17-73(e) of this Article shall be prosecuted in accordance with Massachusetts General Laws, Chapter 90, Section 22B.

(b) Any person who violated any other Section of this Article shall be subject to a fine not exceeding Fifty ($50.00) Dollars. Each days violation shall constitute a separate offense.
(Ord. No. 798, §8.01, July 27, 1970.)

Sec. 17-81. Legal duties of City.

(a) The City shall maintain regulare schedules of street cleaning, and shall post signs city-wide and otherwise publicize by all appropriate means the schedules of regular street cleaning times.
(Ord. No. 798, §9.01, July 27, 1970.)

(b) The City shall maintain regular schedules of garnage and rubbish collection subject to the provisions of Section 17-76(a) through 17-76(f) of this Article and shall publicize the schedules by all appropriate means.
(Ord. No. 798, §9.02, July 27, 1970.)

(c) The City shall publicize dates for the collection cf large items of rubbish and of shrub and tree trimmings subject to the provisions of Sections 17-76(g) thru 17-76(j) of this Article and shall publicize the schedules by all appropriate means.
(Ord. No. 798, §9.03, July 27, 1970.)

(d) The City shall maintain and service authorized litter receptacles in all parts of the City.

(Ord. No. 798, §9.04, July 27, 1970.)

(e) The City shall plow snow from the streets in all parts of the City.

(Ord. No. 798, §9.05, July 27, 1970.)

(f) The City shall require all Federal, State and Local Government organizations to comply with the regulations in Sections 17-75, 17-76 and 17-77 for owners of private property and for commercial or non-profit establishments.

(Ord. No. 798, §9.06, July 27, 1970.)

Sec. 17-82.Publicizing Article; citizen information service.

(a) The City shall publicize the provisions of this Article through the media of signs, advertisements, flyers, leaflets, announcements on radios and television, newspaper articles, and through any other appropriate means, so that all citizens will have the opportunity to become informed about the legal duties of property owners and occupants, pedestrians and motorists, and about the City garbage, rubbish and anti-litter services.

(Ord. No. 798, §10.01, July 27, 1970.)

(b) The City shall maintain citizen information service for citizen information and complaints about litter, garbage, rubbish and snow removal problems, and City services similiar to, or in combination with, the Housing Code Enforcement telephone number.

(Ord. No. 798, §10.02, July 27, 1970.)

CHAPTER 18.

VEHICLES AND TRAFFIC.

§18-1. Adoption of Traffic Regulation by reference.

§18-2. Removal of motor vehicles from private property.

§-18.3 Removal of motor vehicles from public places.

CHAPTER 18.

VEHICLES AND TRAFFIC.

Sec. 18-1. Adoption of Traffic Regulations by reference.

The Traffic Regulations established by the Department of Traffic and Parking, City of Cambridge, effective August 4, 1966, is hereby adopted and by this reference made a part of this Code with the same force and effect as though set out in full herein. At least three (3) copies of the Traffic Regulations are on file and open to public inspection in the Office of the City Clerk.

Sec. 18-2. Removal of motor vehicles from private property.

A police officer of the rank of at least sergeant may upon notification by the owner or person in control of private property that a motor vehicle has been parked upon said property without the consent of the owner or person in control thereof and after notice that such parking was prohibited order said motor vehicle to be towed from said property to a garage within the City. The registered owner of the motor vehicle shall be liable for the cost of towing and for storage of the motor vehicle at the garage in accordance with rates established in the Traffic Regulations for the towing of motor vehicles from public ways.
(Ord. No. 778, Oct. 14, 1968.)

on Western Avenue 0.57 miles at 25 miles per hour ending at Memorial Drive, the total distance being 0.57 miles.

(b) Operation of a motor vehicle at a rate of speed in excess of the limits prescribed in this Section shall be prima facie evidence that such speed is greater than is reasonable and proper.

(c) The provisions of this Section shall not, however, abrogate in any sense Chapter 90, Section 14, of the General Laws. (Ter. Ed.)

(Ord. No. 770 and 771, August 19, 1968.)

Article XIX is hereby amended by adding thereto the following Sections:

Sec. 19.4. Removal of motor vehicles from private property.

A police officer of the rank of at least sergeant may upon notification by the owner or person in control of private property that a motor vehicle has been parked upon said property without the consent of the owner or person in control thereof and after notice that such parking was prohibited order said motor vehicle to be towed from said property to a garage within the City. The registered owner of the motor vehicle shall be liable for the cost of towing and for storage of the motor vehicle at the garage in accordance with rates established in the Traffic Regulations for the towing of motor vehicles from public ways.

(Ord. No. 778, Oct. 14, 1968.)

Sec. 18-3 Removal of motor vehicles from public places.

A police officer of the rank of at least sergeant may cause to be removed to some convenient place by towing by an independent contractor any vehicle, except a vehicle owned by the Commonwealth or a political subdivision thereof or by the United States or any instrumentality thereof or registered by a member of a foreign diplomatic corps or bya foreign consular officer who is not a citizen of the United States and bearing a distinctive number plate or otherwise conspicuously marked as so owned or registered, and except also a vehicle owned by a disabled veteran and bearing a distinctive number plate authorized by the General Laws which is parked or standing on any part of the street, way, highway, road or parkway if in the calendar year in which such vehicle is removed and in the preceding calendar year, five (5) or more notices, in the aggregate, have been affixed to said vehicle as provided in Section 20C of Chapter 90 of the General Laws and remain unpaid and the cost of such removal and of the storage charges resulting therefrom, in accordance with the Traffic Regulations then in effect shall be imposed upon the owner of such vehicle. Any such vehicle so removed shall be held until all charges imposed for such removal and storage following the same have been paid and due notice has been received that the fines provided in such notices affized to said vehicle have been paid or security for the payment thereof has been deposited.

(b) The Police Department shall promptly mail written notice to the registered owner of any such vehicle so removed, directed to the address furnished by the Registry of Motor Vehicles or comparable agency of the State in which said

vehicle is registered, stating the date on which such vehicle was removed, the location to which such vehicle has been removed, and a statement that the vehicle shall be released by the police on the payment of all fines, storage and towing charges due.

(c) Any such vehicle so removed shall be deemed to have been abandoned and may be disposed of in accordance with Section 22C of Chapter 90 of the General Laws if, within thirty (30) days of the mailing of the notice to the registered owner pursuant to subsection (b) hereof, said owner has not paid all charges imposed for such removal and storage following the same and the fines provided in such notices affixed to said vehicle.

(Ord. No. 791, Dec. 29, 1969).

CHAPTER 19.

WATER.[1]

ARTICLE I. WATER BOARD.

§19-1. Appointment and term of Board members; Water Works Department.
§19-2. President and Clerk of Board.
§19-3. Duties of President.
§19-4. Powers of Board.
§19-5. Repairs of pipes, etc.
§19-6. Personal interest in contract prohibited.
§19-7. Rate assessment; regulation.
§19-8. Chief Superintendent.
§19-9. Supervision over use of water.
§19-10. Receipts; interest payments.
§19-11. Water rents payable in advance.
§19-12. Penalty for non-payment of rents.
§19-13. Abatement of rents.
§19-14. Books to be kept.
§19-15. Injuries to pipes, reservoir and hydrants.
§19-16. Regulation as to use of water.
§19-17. Waste; failure to keep pipes and fixtures in order.
§19-18. Board to decide what is waste or improper use.
§19-19. Restricting use of hand-hose.
§19-20. Chief Superintendent to make out bills; forms; etc.
§19-21. Rates.
§19-22. Free use of water by City.
§19-23. Report of waste.
§19-24. Report of Board.

ARTICLE II. RESERVOIRS.

§19-25. Fishing, swimming in reservoirs prohibited.
§19-26. Skating in reservoirs prohibited.
§19-27. Driving teams.
§19-28. Funeral processions.
§19-29. Fast driving.
§19-30. Trees, shrubs, grass, etc.
§19-31. Climbing trees, etc.
§19-32. Posting bills.
§19-33. Speeding.
§19-34. Penalty.

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[1]As to collection of water rates, see §2-107 of this Code.

ARTICLE I. WATER BOARD.

Sec. 19-1. Appointment and term of Board members; Water Works Department.

(a) The Water Works Department shall be under the charge of the Water Board, which shall consist of five (5) persons, to be appointed by the City Manager.

(b) The City Manager shall annually, in the month of June, appoint one (1) member of the Water Board, who shall hold office for the term of five (5) years fron June 30, in the year of his appointment and until his successor is appointed and qualified. A vacancy shall be filled in the same manner, and the person appointed to fill a vacancy shall hold office for the remainder of the term for which his predecessor was appointed. No member of the City Council shall be appointed a member of this Board.

(G.O. 1943, Ch.36, §1.)

Sec. 19-2. President and Clerk of Board.

The Water Board shall elect one (1) of its members as President. The Board may choose a Clerk, and make such rules and regulations for its own government and in relation to all its officers as may be deemed expedient.

(G.O. 1943, Ch. 36, §2.)

Sec. 19-3. Duties of President.

The President of the Board shall exercise a general supervision over all the water-works, and the materials and property connected therewith, and over all subordinate officers and

agents. In case of his absence or inability, his duties may be performed by a president pro tempore, to be chosen by the Board. (G.O. 1943, Ch.36, §5.)

Sec. 19-4. Powers of Board.

The Board, so constituted and organized, shall have and exercise all the powers vested in the City Council by any Acts of the Legislature now or hereafter in force so far as the same can be legally delegated, and it may appoint a Chief Superintendent and all other subordinate agents and assistants, and fix their compensation and that of the Clerk before mentioned excepting those for police service. When such services are required, the Water Board shall apply to the Chief of Police for a detail of as many officers as it requires for patrol service and while in the employ of said Board the officers shall be under the control of the Water Board, and shall be paid by the Board.
(G.O. 1943, Ch. 36, §3.)

Sec. 19-5. Repairs of pipes, etc.

The Board shall have full power to make all necessary repairs, extensions or improvements on said works, and to provide new supply-pipes. All hydrants, stand-pipes and drinking fountains, established by the City, shall be constructed, and all repairs upon such hydrants, stand-pipes and drinking fountains made, and the streets, when broken up, shall be again put in good order, to the satisfaction of the Superintendent of Streets,

by and under the direction of the Water Board. The Board shall have no power to expend any money, or to incur any debt, beyond the amount of appropriations made by the City Council.
(G.O. 1943, Ch.36, §6.)

Sec. 19-6. Personal interest in contracts prohibited.

No member of the Board, and no person appointed to any office or employed by virtue of this Chapter, or of the Acts of the Legislature, shall be interested, directly or indirectly, in any contract, bargain, sale or agreement, in relation to the waterworks, or any matter or thing connected therewith, wherein the City is interested; and any and all contracts, bargains, sales or agreements, made in violation of this Section, shall be void as to the City.
(G.O. 1943, Ch.36, §7.)

Sec. 19-7. Rate assessment; regulations.

The Board shall determine and asses the water-rates according to the tariff of rates adopted by the City Council, and shall have power to establish such regulations as it may deem expedient for the introduction and use of water; and the water shall not be supplied to any building unless the pipes and fixtures are made comformable to such regulations.
(G.O. 1943, Ch.36, §8.)

Sec. 19-8. Chief Superintendent.

The Board shall appoint a Chief Superintendent, who shall be a citizen of Cambridge, and who shall perform his duties under the direction of the Board. He shall have general control of all persons employed in the department, and shall have full charge of the aqueducts, lands, reservoirs, storage basins and other works and property connected with the water works which may be required in conveying and distributing water to the City and its inhabitants. He shall annually in the first week in January present to the Board a report of the general condition of the works, and shall perform such further services in relation thereto as may be required of him by the Board.
(G.O. 1943, Ch.36, §9.)

Sec. 19-9. Supervision over use of water.

The Chief Superintendent under the direction of the Board, shall cause to be visited, once in each year, all premises where the water is taken, and shall exercise a constant supervision over the use of the water.
(G.O. 1943, Ch.36, §10.)

Sec. 19-10. Receipts; interest payments.

All moneys paid into the Treasury on account of meter works shall be placed to the credit of the water works, and shall not be paid out except under the provisions of this Section and §2-65 and §2-66 of this Code. The City Manager may draw his

draft for all sums of money becoming due for interest on the Cambridge water loan, and the amounts so paid shall be charged to the water works.
(G.O. 1943, Ch.36, §11.)

Sec. 19-11. Water rents payable in advance.

The annual rent for the use of water shall be payable in advance on May 1 of each year. All charges for specific supplies or for fractional parts of the year to May 1 shall be payable in advance and before the water is let on.
(G.O. 1943, Ch.36, §12.)

Sec. 19-12. Penalty for nonpayment of rents.

(a) In all cases of non-payment of the water rent in thirty (30) days after the same is due, the Chief Superintendent under the direction of the Water Board shall cut off the supply, and the water shall not again be let on, for the same occupant or owner, except upon the payment also of the whole amount due together with costs as determined by the Water Board; provided, that in case of specific supplies or for fractional parts of the year, when the water has been let on, it may be cut off immediately after notice given at the place that the rent is not paid, and may be let on again upon the conditions before mentioned. And the foregoing provisions shall apply when two or more parties take the water through the same service pipes, although one or more may have paid the proportion due from him or them.

(b) All bills for water furnished by meter shall be payable quarterly; and if the same be not paid within twenty(20) days after the end of the quarter, the Chief Superintendent shall cut off the supply after sending a special notice that the water will be so cut off for non-payment.
(G.O. 1943, Ch.36, §13.)

Sec. 19-13. Abatement of rents.

The Chief Superintendent, under the direction of the Board, may make abatements in the water rents in all proper cases.
(G.O. 1943, Ch.36, §14.)

Sec. 19-14. Books to be kept.

(a) The Chief Superintendent shall cause to be kept suitable books in which shall be entered the names of all persons who take the water, the kind of building, the name and number of the street, the nature of the use, the number of takers and the amount charged, and amounts of abatement, which shall always be kept open to the inspection of the Board, and any committee of the City Council.

(b) The Chief Superintendent shall, at the end of each year, report to the Board:

(1) The amount of the bills sent to the Treasurer.

(2) The amount of the abatements.

(3) The amount of uncollected bills.

(G.O. 1943, Ch.36, §15.)

Sec. 19-15. Injuries to pipes, reservoir and hydrants.

No person shall injure any public pipe, reservoir or fire hydrant connected with the water works, or shall break and enter the same, or draw off or cause to be removed, any of the water therefrom; or shall turn on or off the water in any such water pipe, reservoir or fire hydrant, or shall make any opening or connection with such pipe, reservoir or fire hydrant or remove the cover of any hydrant except in case of fire, without the license or permit of the Water Board, or by authority of the City Manager, and then only under the direction of the Superintendent of the Water Works, who shall provide competent men to perform the same; and the expense thereof shall be charged to the person or department applying for such license or permit. (G.O. 1943, Ch.36, §16.)

Sec. 19-16. Regulations as to use of water.

(a) The following regulations shall be considered a part of the contract with every person who takes the water and every such person, by taking the water, shall be considered to express his consent to be bound thereby: The regulations shall be printed upon every bill for water rent, and whenever any one of then is violated (notwithstanding two or more parties may receive the water through the same pipe), the Chief Superintendent, under the direction of the Board, shall cause the water to be cut off, and it shall not be let on again except upon payment of Two ($2.00) Dollars and all chargeable rates; and further, in case of any such violation, the Board may declare forfeited any payment made for the water, by the person committing such

violation, and the same shall thereupon be forfeited.

The regulations are as follows:

(1) All persons taking the water shall, at their own expense, keep the service-pipes in good repair and protected from frost, and they will be held liable for all damage which may result from their failure to do so.

(2) They shall prevent all unnecessary waste of water, and there shall be no concealment of the purposes for which it is used.

(3) No alteration shall be made in any of the pipes or fixtures installed by the City, except by its agents, who shall be allowed to enter the premises supplied, to examine the apparatus, and to ascertain if there is any unnecessary waste; and no plumber or other person shall make any alteration or extension of the pipes in any house or on any premises without first giving notice to the Chief Superintendent and procuring a written permit from him which shall be returned to the Chief Superintendent within ten (10) days after the completion of the work, endorsed with a statement of all fixtures added or removed. Any person violating this regulation shall be fined not more than Fifty ($50.00) Dollars.

(4) No water shall be supplied to parties not entitled to the use of it under the City ordinances, unless by special permission.

(5) Except as hereinafter provided, no connection of a fountain shall be made, directly or indirectly, with the water pipes of the City. Persons desiring water for fountain purposes, shall make application in writing to the Board,

stating the number and size of the jets to be used, and the hours of the day and the months during which it is proposed to use the same. Upon such application the Board shall fix the rate to be charged to the applicant, and the connection with the water pipes shall be made by and under the direction of the Superintendent; it being understood and agreed that the water shall be used exclusively for fountain purposes, unless supplied through a meter.

(6) Whenever on account of non-occupancy of premises or non-use of water or abatement is desired, and notice thereof is given at the office of the Chief Superintendent, while the person liable for the waterrates is in possession of the premises, the water shall be cut off by an employee of the Board and an abatement made, less the charge of One ($1.00) Dollar for cutting off; provided, that such seal-locks as may be adopted by the Board may be placed upon faucets in tenements so connected with other tenements that then cannot be separately shut off in the street; but they shall not be put in any house that can be so shut off from the street, except for particular fixtures.

The charge of putting on such seal-locks shall be established by the Board. Such seal-locks shall not be taken off by any one except an employee of the Board, on penalty of forfeiting all claims for allowance, and having the water shut off from the premises.

(7) The Chief Superintendent, with the necessary agents and assistants, may enter the premises of any water-taker to examine the quantity used, and the manner of use, and to cut off the water for non-payment of rents and fines, of for any violation of these regulations.

(b) The Chief Superintendent shall, under the direc-

tion of the Board, make all the water-rate charges, excepting charges for metered water, to the owner of the property, and in every case the owner shall be liable for the water-rates, except where the ownership is changed after water is shut off for non-payment, in which case the new owner shall be liable for the water rates from the time when the water is again let on. (G.O. 1943, Ch.36, §17.)

Sec. 19-17. Waste; failure to keep pipes and fixtures in order.

An owner or occupant of permises in which water furnished by the City is used, who fails to keep his service-pipes and fixtures in good order, and neglects to repair the same within three (3) days after they have, from any cause, become defective, or who neglects to shut off the water after using it, so that it runs to waste, shall be liable to a fine not exceeding Fifty ($50.00) Dollars; and if such fine is not paid within two (2) days from the time when the person incurring it receives notice that he is liable thereto, the water shall be cut off from his premises, and shall not be let on again until the waste is stopped and the fine paid, together with an additional sum of Two ($2.00) Dollars for cutting off and letting on the water; and in case of a second offense during the same year, a fine not exceeding Fifty ($50.00) Dollars shall be imposed, and if it is not paid within two (2) days, as aforesaid, the water shall be cut off, and shall not be let on again until the cause of the complaint is removed and the fine paid, together with Two ($2.00) Dollars for cutting off and letting on the water; and in case of a third offense, the water shall be cut off, and

shall not be let on again except by a vote of the Board and the payment of such fine, not exceeding Fifty ($50.00) Dollars, as the Board may impose.

(G.O. 1943, Ch.36, §18.)

Sec. 19-18. Board to decide what is waste or improper use.

The Board shall have the power to decide what shall be considered a waste or improper use of water, and to restrict the use thereof when it may deem necessary; and if the water-taker refuses or neglects to comply with any order of the Board, after notice given to him, the water may be cutt off, and shall not again be let on, except by a vote of the Board, and the payment of such fine, not exceeding Fifty ($50.00) Dollars, as the Board may impose.

(G.O. 1943, Ch.36, §19.)

Sec. 19-19. Restricting use of hand-hose.

The Board shall have the power to restrict the use of hand-hose or automatic sprinkler or similar devices to such hours of the day as it may deem necessary; and for any violation of such restriction the occupant of the premises shall be liable to the penalties imposed in the preceding Section for a waste or improper use of water.

(G.O. 1943, Ch.36, §20.)

Sec. 19-20. Chief Superintendent to make out bills; form, etc.

(a) Chief Superintendent shall, under the direction of the Board, cause the annual bills for water rates to be issued and delivered on or before April 10 of each year, and shall make out bills for all other amounts payable to the City on account of the water works, and deliver the same to the Treasurer, from time to time, as they may become due. All the bills so delivered by the Chief Superintendent shall be numbered to correspond with the number of the charge on his books.

(b) A certificate of each abatement and refund shall be furnished by the Chief Superintendent, which certificate shall be addressed to the Treasurer, and shall state the account on which it is allowed, and the number of the bill. The Chief Superintendent shall, on the first day of every month, report in writing to the auditor the amount of the bills of each class placed in the hands of the Treasurer for collection, and also the amount abated or ordered to be refunded, during the preceding month. Whenever it shall appear to the Chief Superintendent that an error has been made in the rates charged for any house or tenement whereby a larger amount has been charged than is required he shall cause an abatement certificate to be made for the amount of the excess charged, and forthwith transmit the same to the City Treasurer, who shall send a corrected notice to the owner or the person to whom the rates are charged

(G.O. 1943, Ch.36, §21.)

Sec. 19-21. Rates.

(a) Annual rates:

The following rates shall be charged annually for the use of water, namely:

Dwelling Houses.	Per Year
Occupied by one family for the faucet	$ 4.00
For each additional faucet, to be used by the same family	1.00
Each wash basin	1.00
Each set wash tub, with faucet	1.00
When a house is occupied by more than one family,- one faucet only being used by all, for each family	3.00
When a house is occupied by more than one family, the highest rates will be charged for each family having the water carried into their part of the house.	
For the first bath tub.	3.00
When used by more than one family, for each family	2.50
For each additional bath tub	2.00
For the first water closet (self-regulating)	2.00
When used by more than one family, for each family	2.00
For each additional water closet (self-regulating)	1.00
For each water closet, not self-regulating	15.00
When used by more than one family, for each family	10.00
Each slop closet	2.00
When two faucets are used, one for hot and one for cold water, both emptying into one vessel, but one charge will be made for both, and the same rule applies to boarding houses.	
Provided, That in no case shall the charge for the use of water by a private family, exclusive of water closet, not self-regulating, hose for stable, be more than	13.00
And including stable for not more than four animals	20.00
And including use of hose for stable for not more than four animals, and for garden not exceeding five thousand feet	25.00

Apartment Houses or Family Hotels.

For the use of water in apartment houses or family hotels which are arranged in suites of rooms for different families, the charge to each tenement, exclusive of water closet not self closing, shall not exceed $11.00

(Apartment houses or family hotels, so-called, shall be taken to mean and include dwellings constructed especially for and occupied by two or more families, each tenement being arranged in flats or suites of rooms connected, and having the conveniences of a distinct house, without regard to the location of the water fixtures. All other dwellings occupied by one or more families shall be classed under the head of dwelling houses.)

Stores, etc.	Per Year
For each tenement occupied as a store, warehouse or office	$ 3.00
Where two or more such tenements are supplied from the same faucet, each	2.50
For markets, saloons, workshops, or for purposes not included in any other classification, and not requiring more than an ordinary supply of water taken from one faucet, from $5.00 to	25.00
For the first self-regulating water closet or urinal used by the occupants of one tenement only	2.00
When used by occupant of more than one tenement, for each	2.00
For water closet, not self-regulating, for single tenement	15.00
Each slop closet	2.00
For water closet, not self-regulating, used by occupant of more than one tenement, for each	10.00
For each additional fixture, one-half of the above charges shall be added.	

Private Stables.	
For first horse	$ 4.00
Each additional horse	2.00
Each cow	2.00

Livery and Team Stables.	
For two horses or less number kept therein	4.00
For each horse above two	2.00
The above includes water for washing carriages, omnibuses and cars, without hose.	
Where hose is used in any stable, an addition will be made to the above charges, as follows:	
For the first horse	5.00
For each additional horse	.50

Hose.	
For washing windows and other similar uses, including watering gardens of less than 5,000 feet	5.00
For other cases arrangements can be made with the Water Board.	

Private Garage.	
For hose used for washing purposes	5.00

(b) Metered rates.

The Water Board shall have power to ascertain by meter the quantity of water used in any case, and a meter shall be applied whenever, in the judgment of the Board, it is expedient.

Public Garage.

The Charge shall be determined by meter.

Lodging and Boarding Houses.

The Charge shall be determined by meter.

RATES.

The rate for metered water shall be Twenty-six ($.26) cents per hundred cubic feet.

In no case, however, shall the minimum charge for metered water be less than Five ($5.00) Dollars per quarter (three months).

The foregoing rates shall be subject to amendment and revision by the City Council at any time without further notice.

All water passing through a meter will be charged for, whether used or wasted.

If a meter gets out of order and fails to register, the consumer shall be charged at the average daily consumption as shown by the meter when in order.

All charges for metered water shall be made to the owners of the property.

All bills for water furnished by meters shall be payable quarterly at the office of the City Treasurer; and if the same be not paid within thirty (30) days after the end of the quarter, the Chief Superintendent, under the direction of the Water Board, is instructed to cut off the supply, after sending a special notice that the water will be cut off for non-payment and the water shall not again be let on for the same occupant or owner, except upon the payment of the whole amount due, together with costs as determined by the Water Board.

When water is required for purposes which are not specified in the foregoing tariff, the rates shall be fixed by the Board.

The Board shall have the power to prevent the erection of yard hydrants and water shall not be supplied to any water closets unless such water closets are constructed to conform to the plumbing ordinances.
(Ord. No. 802, Nov.30, 1970.)

Sec. 19-22. Free use of water by City.

All water required by the City in its various departments, shall be furnished free of charge.
(G.O. 1943, Ch.36, §23.)

Sec. 19-23. Report of waste.

The police shall report to the Chief Superintendent all cases of leakage, waste or unnecessary profusion in the use of the water, and all violations of this Chapter that may be brought to their notice.
(G.O. 1943, Ch.36, §24.)

Sec. 19-24. Report of Board.

The Board, in January of each year, shall present to the City Manager a report containing a statement of the condition of all the waterworks and of the lands and other property connected therewith with an account of all receipts and expenditures

and a schedule of property on hand, together with any information or suggestion which it may deem important; and shall at the same time transmit to the City Manager the reports of the Chief Superintendent.

(G.O. 1943, Ch.36, §4.)

ARTICLE II. RESERVOIRS.

Sec. 19-25. Fishing, swimming in reservoirs prohibited.

Fresh pond, Stony Brook and Hobbs Brook are hereby constituted reservoirs, storage basins and water supplies for the use of the City. No person shall fish, or swim, or bathe, or permit any animal under his control to swim or bathe in Fresh Pond, Stony Brook or Hobbs Brook, or other reservoir of the water works, or enter into the waters thereof, or place or use a boat in the same, or throw dirt, rubbish, filth, offensive or other foreign matter, or commit a nuisance therein, or on the land and driveways of the City connected therewith and appurtenant thereto; provided, however, that the Water Board may permit fishing in Fresh Pond Reservoir between the hours of 4:00 and 8:00 A.M., under such rules and restrictions as it may establish from time to time, to control the same.

(G.O. 1943, Ch.36, §25.)

Sec. 19-26. Skating in reservoirs prohibited.

No person shall go upon the ice of Fresh Pond, Stony Brook or Hobbs Brook, or any other reservoir of the water works for the purpose of skating or place or use a sled, ice-boat,

sleigh or vehicle thereon.

(G.O. 1943, Ch.36, §26.)

Sec. 19-27. Driving teams.

No person shall drive a team, cart, wagon or other vehicle, for the conveyance of burdens, upon the land and driveway connected with, and appurtenant to, Fresh Pond.

(G.O. 1943, Ch.36, §27.)

Sec. 19-28. Funeral processions.

No person shall drive or conduct a funeral, or a hearse or carriage connected with a funeral, on the driveway of Fresh Pond.

(G.O. 1943, Ch.36, §28.)

Sec. 19-29. Fast driving.

No person having the charge or use of a horse or other animal, shall drive or permit such horse or other animal to go at a greater rate of speed than eight (8) miles an hour upon the driveway or within the enclosure of Fresh Pond, and the Board may be regulation prohibit or limit the bringing of any animals within said enclosure.

(G.O. 1943, Ch.36, §29.)

Sec. 19-30. Trees, shrubs, grass, etc.

No person shall injure, deface or destroy any tree, shrub, grass, path, fence, building or wall on the land and driveway connected with and appurtenant to, Fresh Pond, Stony Brook or Hobbs Brook, or other reservoir of the water works, or dig or carry away the sward, gravel, rock, stones, sand, turf or earth on such land and driveway.
(G.O. 1943, Ch.36, §30.)

Sec. 19-31. Climbing trees, etc.

No person shall climb a tree on the land connected with, and appurtenant to Fresh Pond, Stony Brook, or Hobbs Brook, or other reservoir of the water works, or tie a horse or other animal to a tree or fence on such land.
(G.O. 1943, Ch.36, §31.)

Sec. 19-32. Posting bills.

No person shall post a bill, placard or advertisement within the grounds connected with Fresh Pond, Stony Brook, or Hobbs Brook, or other reservoir of the water works.
(G.O. 1943, Ch.36, §32.)

Sec. 19-33. Speeding.

The Board may regulate the use and speed of any vehicles within the enclosures of Fresh Pond, Stony Brook, Hobbs Brook or any other reservoir and may prohibit or prevent entrance of any vehicles within said enclosure.
(G.O. 1943, Ch.36, §34.)

Sec. 19-34. Penalty.

Any person who violates any provision of this Chapter shall be liable to a penalty not exceeding Fifty ($50.00) Dollars for each offense.
(G.O. 1943, Ch.36, §33.)

CHAPTER 20.

WEIGHTS AND MEASURES.

§20-1. Sealer; Deputy Sealers; duties; report.
§20-2. Establishment of scales; weighers; appointment.
§20-3. Weighers' oath.
§20-4. Duties of weighers; records.
§20-5. Fees for weighing.
§20-6. Keeping scales clear of snow and ice.

Sec. 20-1. Sealer; Deputy Sealers; duties; report.

(a) The Weights and Measures Department shall be under the charge of the Sealer of Weights and Measures. The department shall consist of a sealer and three (3) deputy sealers.

(b) The Sealer of Weights and Measures shall have general control and supervision of all the public scales in the City and, in case of his absence or inability to perform his suties from any cause, a deputy designated by the Sealer of Weights and Measures shall exercise such duties.

(c) In the month of January the Sealer shall make a full report to the City Manager of all matters pertaining to the department with an inventory of all property of the City under his charge.

(G.O. 1943, Ch.37, §1.)

Sec. 20-2. Establishment of scales; weighers; appointment.

(a) The City Council shall, from time to time, establish as many scales for the weighing of hay and other articles as the public good may require, and cause the same to be erected.

(b) The City Manager shall appoint suitable persons to weigh hay and other articles thereon according to law.

(G.O. 1943, Ch.37, §2.)

Sec. 20-3. Weighers' oath.

The weighers shall be sworn to the faithful performance of their duties.

(G.O. 1943, Ch.37, §3.)

Sec. 20-4. Duties of weighers; records.

Every weigher shall be at or near the scales of which he has charge at all reasonable times, ready to weigh all articles offered for that purpose. He shall deliver to the driver or owner of every load weighed a certificate under his hand, specifying the name of the driver or owner, his place or residence, the name of the article weighed, the weight thereof, and the tare, the date and the fees charged. He shall keep a true account of all articles weighed by him, and record the same in a book kept for the purpose, which shall at all times be open for public inspection. The record shall contain the same particulars that are required to be stated in the certificate described in this Section.

(G.O.1943, Ch.37, §4.)

Sec. 20-5. Fees for weighing.

The fees for weighing to be received by weighers, shall be as follows: A sum not to exceed One ($1.00) Dollar for each weighing. No fees shall be taken for weighing done on account of the City.

(G.O. 1943, Ch.37, §5 as amended by Ord. No.529, Dec. 27, 1956.)

Sec. 20-6. Keeping scales clear of snow and ice.

It shall be the duty of the weighers to keep the scales under their care clear of cnow and ice, so that they shall be in good condition for use at all times, and the Sealer of Weights and Measures shall have the general control and supervision of all such scales.
(G.O. 1943, Ch.37, §6.)

CHAPTER 21.

ZONING.

§21-1. Adoption of Zoning Ordinance by reference.
§21-2. Amendments to Zoning Map.

Sec. 21-1. Adoption of Zoning Ordinance by reference.

The Zoning Ordinance of the City, enacted by the Council on September 8, 1969, is hereby adopted and by this reference made a part of this Code with the same force and effect as though set out in full herein. At least three (3) copies of the Zoning Ordinance are on file and open to public inspection in the office of the City Clerk.

CHAPTER 22.

PARKING FUND

Sec. 22-1. Parking Fund

(a) Pursuant to the provisions of Chapter 844 of the Acts of 1970, there is established a fund to be designated the Parking Fund into which shall be deposited all fees and other revenues derived from or incident to the operation of parking facilities or parking systems or portions thereof, all receipts from fines for parking violations and any other sums which the City Council may appropriate to the parking fund.

(b) Moneys in the Parking Fund shall be expended only for purposes as defined in Chapter 844 for (1) current expenses, (2) payment of the interest on and principal of bonds or notes issued hereunder, (3) the redemption price, including premium if any, of any bonds called for redemption pursuant to section eight, (4) administrative expenses incident to the purposes of this act, (5) the cost of construction of new parking facilities or parking system or portion thereof, or (6) any other expenses incurred pursuant to or in connection with the exercise of any of the powers granted under Chapter 844.

(c) Any expenditure from the Parking Fund shall be subject to prior appropriation by the City Council.

(Ord. No. 805, May 3, 1971.)

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