

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

(RESERVED)

Chapter 1.04

GENERAL PROVISIONS

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1.04.010 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, 1987." The code may also be cited as "Cambridge City Code" or, in the provisions which follow as "this code." (Prior code § 1-1)

1.04.020 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 limitation and the provisions of Section 1.04.060 of this chapter, all ordinances of the City heretofore in force are repealed; but this repeal shall not apply or affect any ordinance heretofore adopted accepting or adopting the provisions of any statute of the Commonwealth nor shall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. (Prior code § 1-5)

1.04.030 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:

1. "A.L.M., c. , § ," means the Annotated Laws of Massachusetts.
2. "Auditor" means the City Auditor.
3. "Charter" means the Charter of the City of Cambridge, Massachusetts.
4. "City" means the City of Cambridge, in the County of Middlesex and Commonwealth of Massachusetts, except as otherwise provided.
5. "Clerk" means the City Clerk.
6. "Commonwealth" means the Commonwealth of Massachusetts.
7. "Council" means the City Council of the City of Cambridge.
8. "County" means the County of Middlesex.
9. "G.L., c. , § ," means the Tercentenary Edition of General Laws.
10. "Manager" means the City Manager.
11. "Mayor" means the Mayor of the City of Cambridge.
12. "Month" means a calendar month.
13. "Oath" means and includes 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."
14. Or and And. "Or" may be read "and," and "and" may be read "or," if the sense so requires.
15. "Owner," applied to a building or land, means and includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

16. "Person" means and includes 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.

17. "Personal property" means and includes every species of property, except real property as defined in this chapter.

18. Preceding and Following. The words "preceding" and "following" means next before and next after, respectively.

19. "Property" means and includes real and personal property.

20. "Public grounds" means and includes 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.

21. "Real property" means and includes land, together with all things attached to the land so as to become a part thereof.

22. Shall, Must and May. The words "shall" and "must" are mandatory, and the word "may" is permissive.

23. "Solicitor" means the City Solicitor.

24. "Tenant" or "occupant," applied to a building or land, means and includes 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.

25. "Treasurer" means the City Treasurer.

26. "Ways," "streets" or "highways" means and includes boulevards, avenues, courts, lanes, alleys, squares, places and sidewalks, and each of these words includes every other of them.

27. "Writing" or "written" means and includes printing and any other mode of representing words, letters and figures.

28. "Year" means a calendar year. (Prior code § 1-6)

1.04.040 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:

A. 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.

B. 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.

C. 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.

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

E. Joint Authority. Words purporting to give a joint authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or persons.

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

G. 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.

H. Time. Words stating a time or hour of a day shall mean the official time of the City. (Prior code § 1-7)

1.04.050 Chapters, articles, divisions, sections and subsections, headings and catchlines.

All headings of chapters, 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. (Prior code § 1-8)

**1.04.060 Prospective effect of code—
Repealed ordinances not revived.**

This code shall not affect any act done, any right accrued, any penalty incurred, 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 there-ofore 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. (Prior code § 1-9)

1.04.070 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 the City over which the City has jurisdiction or control by virtue of any Constitutional or Charter provisions, or any law. (Prior code § 1-10)

**1.04.080 Publication of code and
supplementation.**

The City Clerk shall publish this code on pages punched for insertion in a loose leaf ring notebook, and at least twice every year shall similarly

publish the amended language of this code on the appropriate pages, so that they may be inserted in place of the original pages. The code and updates as so published shall be the official version of this code, and shall be made available to the public in sufficient quantities. The city clerk shall so republish the entire code at least once every ten years. (Ord. 950, 1981: prior code § 1-17)

1.04.090 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. (Prior code § 1-13)

1.04.100 Severability of provisions.

It is 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 judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this code 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. (Prior code § 1-14)

Chapter 1.08

CITY SEAL

Sections:

- 1.08.010 Form.**
- 1.08.020 Custodial official designated.**

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" (Cambridge Founded A.D. 1630; Chartered A.D. 1846). Around the seal, as the City motto, shall be the words "Literis antiquis novis institutis decora" (adorned by ancient letters and new institutions). (Prior code § 1-15)

1.08.010 Form.

The following shall be the device of the seal of the City to wit: In the center thereof a shield

1.08.020 Custodial official designated.

The City Clerk shall be the custodian of the City seal. (Prior code § 1-16)

Chapter 1.12

ORDINANCES

Sections:

- 1.12.010 Enacting style.**
- 1.12.020 Recordation and availability to citizens.**
- 1.12.030 Publication and posting procedures.**

1.12.010 Enacting style.

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." (Prior code § 1-2)

1.12.020 Recordation and availability to citizens.

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. (Prior code § 1-3)

1.12.030 Publication and posting procedures.

Every proposed ordinance or loan order, except emergency measures and revenue loan orders shall be published once in full in at least one newspaper of the City, and in any additional manner that may be provided by ordinances, at least ten 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 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 days before its final passage, and thereafter as amended and completed, again published in such bulletin or pamphlet, such publication shall be deemed sufficient without the newspaper publication as required in this section. (Prior code § 1-4)

Chapter 1.16

CITY OFFICE HOURS

Sections:

**1.16.010 Saturday closure—
Exceptions—Applicability of
State statutes.**

**1.16.010 Saturday closure—Exceptions—
Applicability of State statutes.**

**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 Seal-
er 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. (Prior code §
2-179)**

Chapter 1.20

LICENSES AND PERMITS GENERALLY

Sections:

- 1.20.010 Issuance conditions—Authority to revoke.**
- 1.20.020 Issuance conditions—Disclosure—Conformance with all statutes and ordinances.**
- 1.20.030 Bonding requirements—Cases when.**
- 1.20.040 Additional sureties on bonds.**
- 1.20.050 Annual examination of sureties.**
- 1.20.060 Premises to be restored at cost of licensee.**

1.20.010 Issuance conditions—Authority to revoke.

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 permits, 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. (Prior code § 12-1)

1.20.020 Issuance conditions—Disclosure—Conformance with all statutes and ordinances.

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. (Prior code § 12-2)

1.20.030 Bonding requirements—Cases when.

Licenses and permits 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. (Prior code § 12-3)

1.20.040 Additional sureties on bonds.

Additional sureties shall be furnished on all such bonds mentioned in Section 1.20.030 of this title, 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. (Prior code § 12-4)

1.20.050 Annual 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. (Prior code § 12-5)

1.20.060 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. (Prior code § 12-6)

Chapter 1.24

GENERAL PENALTY

Sections:

**1.24.010 Penalty for code violations—
Continuing violation.**

**1.24.020 Fines and penalties inure to use
of City.**

**1.24.010 Penalty for code violations—
Continuing violation.**

A. 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 dollars.

B. Each day any violation of any provision of this code or of any ordinance shall continue shall constitute a separate offense. (Prior code § 1-11)

**1.24.020 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 is otherwise directed by the laws of the Commonwealth, or by the ordinances of the City. (Prior code § 1-12)