

Title 2

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Chapter 2.02

CITY COUNCIL

Sections:

- 2.02.010** Governing body of City.
- 2.02.020** Legislative powers provided by statutory authority.
- 2.02.030** Membership—Election—Term of office.
- 2.02.040** Organization.
- 2.02.050** Regular and special meetings.
- 2.02.060** Quorum.
- 2.02.070** Presiding officer.
- 2.02.080** Voting procedures for expenditures.

2.02.010 Governing body of City.

The City Council shall be the governing body of the City as provided in 1 A.L.M., c.43, § 95. (Prior code § 2-2)

2.02.020 Legislative powers provided by statutory authority.

The Council shall exercise all legislative powers as provided by 1 A.L.M., c. 43, § 97. (Prior code § 2-3)

2.02.030 Membership—Election—Term of office.

The Council membership, its term of office and election shall be as provided in 1 A.L.M., c. 43, § 96. (Prior code § 2-4)

2.02.040 Organization.

The Council after its election shall meet and organize as provided in 1 A.L.M., c. 43, § 97. (Prior code § 2-5)

2.02.050 Regular and special meetings.

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 at 5:00 p.m. 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. 942, 1980: prior code § 2-6)

2.02.060 Quorum.

As provided in 1 A.L.M., c. 43, § 99 a majority of the Council shall constitute a quorum. (Prior code § 2-7)

2.02.070 Presiding officer.

As provided in 1 A.L.M., c. 43, § 99 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. (Prior code § 2-8)

2.02.080 Voting procedures for expenditures.

All final votes on questions involving expenditure of fifty dollars or more, or upon request of any member shall be in the manner provided in 1 A.L.M., c. 43, § 99. (Prior code § 2-9)

Chapter 2.04

CITY MANAGER

Sections:

- 2.04.010 Appointment by City Council.**
- 2.04.020 Qualifications.**
- 2.04.030 Powers, rights and duties.**
- 2.04.040 Appointment and removal of officers and employees—General requirements.**
- 2.04.050 Appointment and removal of officers and employees—Annual designations.**
- 2.04.060 Enforcement of laws—Supervision of departments.**
- 2.04.070 Discharge of mortgages.**
- 2.04.080 Signing of deeds and conveyances.**
- 2.04.090 Approving drafts and signing bonds.**
- 2.04.100 Compensation.**
- 2.04.110 Removal from office.**

2.04.010 Appointment by City Council.

The City Manager shall be appointed by the City Council and shall hold office pursuant to 1 A.L.M., c. 43, § 103. (Prior code § 2-12)

2.04.020 Qualifications.

The qualifications of the City Manager shall be such as are set out in 1 A.L.M., c. 43, § 103. (Prior code § 2-13)

2.04.030 Powers, rights and duties.

The duties, powers and rights of the City Manager shall be such as are provided in 1 A.L.M., c. 43, § 104. (Prior code § 2-14)

2.04.040 Appointment and removal of officers and employees—General requirements.

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. (Prior code § 2-15)

2.04.050 Appointment and removal of officers and employees—Annual designations.

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 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 poundkeeper for each pound in the City
 - Two or more Constables
 - Two or more inspectors of junk shops, pawnbrokers' shops and secondhand clothing stores and dealers
 - One or more weighers of hay
 - One or more weighers of coal
 - One or more public weighers
- (Prior code § 2-16)

2.04.060 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, and shall take proper action to cause every violation and neglect of duty to be punished. For exceptions, see 1 A.L.M., c. 43, § 103. (Prior code § 2-17)

2.04.070 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. (Prior code § 2-18)

2.04.080 Signing of deeds and conveyances.

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 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. (Prior code § 2-19)

2.04.090 Approving drafts and signing bonds.

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. (Prior code § 2-20)

2.04.100 Compensation.

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 annually. (Prior code § 2-21)

2.04.110 Removal from office.

Removal of the City Manager shall be effected only in the manner provided in 1 A.L.M., c. 43, § 103. (Prior code § 2-22)

Chapter 2.06

DEPUTY CITY MANAGER

Sections:

- 2.06.010 Appointment by City Manager.**
- 2.06.020 Control of Department of Administration.**
- 2.06.030 Powers and duties.**
- 2.06.040 Civil service or tenure rights.**
- 2.06.050 Compensation.**

2.06.010 Appointment by City Manager.

The Deputy City Manager shall be appointed by and shall serve at the pleasure of the City Manager. (Ord. 939 (part), 1980; prior code § 2-26)

2.06.020 Control of Department of Administration.

The Department of Administration shall be under the control of the Deputy 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. 939 (part), 1980; prior code § 2-25)

2.06.030 Powers and duties.

The powers and duties of the Deputy 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 Deputy City Manager shall assume the duties of the City Manager, subject to the formal approval of the City Council. (Ord. 939 (part), 1980; prior code § 2-28)

2.06.040 Civil service or tenure rights.

The Deputy City Manager shall have no rights under civil service, nor acquire any rights of tenure in any manner. (Ord. 939 (part), 1980; prior code § 2-27)

2.06.050 Compensation.

The Deputy City Manager shall receive as annual compensation the amount set forth in Chapter 2.62 of this title. (Ord. 939 (part), 1980; prior code § 2-29)

Chapter 2.08

ASSISTANT CITY MANAGER FOR COMMUNITY DEVELOPMENT

Sections:

- 2.08.010** **Established—Head of department.**
- 2.08.020** **Appointment—Term.**
- 2.08.030** **Powers and duties.**
- 2.08.040** **Civil service or tenure rights.**
- 2.08.050** **Compensation.**

2.08.010 **Established—Head of department.**

A. For the purpose of promoting further cooperation among the several departments, divisions, boards, agencies, commissions and officers, and, more particularly, for the purpose of aiding in the general supervision and control of the City departments whose functions pertain to overall planning and development, and, further, to aid and assist the City Manager in the proper performance of his office, there shall be an Assistant City Manager for Community Development, who shall be considered a department head within the provisions of General Laws of the Commonwealth of Massachusetts Chapter 43, Section 103.

B. The Assistant City Manager for Community Development shall serve as the Administrator of Community Development, and shall have responsibility for the proper functioning and general effectiveness as well as the general supervision and control, of the Department of Community Development, and of those other local departments, divisions, boards, agencies, commissions and officers, such as the Planning Board, the Department of Planning and Development and the Model Cities Administration, for which the City Manager's office has direct managerial responsibilities, and for the maintenance of effective working relationships with those other local organizations, such as the Cambridge Housing Authority, the Cambridge Redevelopment Authority and the Cambridge

Economic Opportunity Committee, in which the City Manager's office has coordinative or collateral responsibilities, as well as with those organizations of a regional, state or federal nature, or organizational subdivisions thereof, such as the Massachusetts Bay Transportation Authority (MBTA), the Massachusetts Department of Community Affairs (DCA) and the Department of Housing and Urban Development (HUD), with which the City Manager's office from time to time may have statutory or contractual responsibilities, and whose functions in all instances relate to overall planning and development programs intended, through the design and implementation of new programs, projects, activities, systems, procedures and funding arrangements, or through the modifications of existing ones, to improve environmental conditions, facilities and services, to strengthen environmental resources, and to meet current and future environmental requirements, as well as those pertaining, in a similar manner to organization for community development work, to the development of basic data and information systems, to human services, and to economic, transportation and housing affairs. (Ord. 838 (part), 1974: prior code § 2-222)

2.08.020 **Appointment—Term.**

The Assistant City Manager for Community Development shall be appointed by and serve at the pleasure of the City Manager. It is the intention of this provision to fix all responsibility and vest all authority for the appointment and removal of the Assistant City Manager for Community Development in the City Manager. (Ord. 838 (part), 1974: prior code § 2-223)

2.08.030 **Powers and duties.**

The powers and duties of the Assistant City Manager for Community Development shall be such as are designated and assigned from time to time to the Assistant City Manager for Community Development by the City Manager. The

Assistant City Manager for Community Development shall have all the powers, rights and duties that the City Manager shall determine as are necessary for the proper functioning and general effectiveness, as well as for the general supervision and control, of the departments, divisions, boards, agencies, commissions and officers, consistent with the powers and duties assigned to him by the City Manager. (Ord. 838 (part), 1974: prior code § 2-225)

2.08.040 Civil service or tenure rights.

The Assistant City Manager for Community Development shall have no rights under civil service, nor acquire any rights of tenure in any manner. (Ord. 838 (part), 1974: prior code § 2-224)

2.08.050 Compensation.

The Assistant City Manager for Community Development shall receive as annual compensation the same amount set forth in Chapter 2.62 of this title for the Assistant City Manager. (Ord. 838 (part), 1974: prior code § 2-226)

Chapter 2.10

ASSISTANT CITY MANAGER FOR FISCAL AFFAIRS

Sections:

- 2.10.010 Division of Finance—Composition.**
- 2.10.020 Division of Finance—Director.**
- 2.10.030 Director of Finance—Authority.**
- 2.10.040 Appointment—Term.**
- 2.10.050 Powers and duties.**
- 2.10.060 Civil service or tenure rights.**
- 2.10.070 Compensation.**
- 2.10.080 Auditor designated Comptroller of Accounts.**
- 2.10.010 Division of Finance—Composition.**
The Division of Finance shall consist of the Auditing Department, Assessors Department, Budget and Personnel Department, Purchasing Department and Treasury Department. (Ord. 839 (part), 1974: prior code § 2-227)
- 2.10.020 Division of Finance—Director.**
The Division of Finance shall be under the control of the Assistant City Manager for Fiscal Affairs, who shall be the Director of Finance, and who shall be considered a department head within the provisions of General Laws of the Commonwealth of Massachusetts Chapter 43, Section 103. (Ord. 839 (part), 1974: prior code § 2-228)
- 2.10.030 Director of Finance—Authority.**
The Director of Finance shall be in charge of the Division of Finance. (Ord. 839 (part), 1974: prior code § 2-229)
- 2.10.040 Appointment—Term.**
The Assistant City Manager for Fiscal Affairs shall be appointed by and serve at the pleasure of

the City Manager. It is the intention of this provision to fix all responsibility and vest all authority for the appointment and removal of the Assistant City Manager for Fiscal Affairs in the City Manager. (Ord. 839 (part), 1974: prior code § 2-230)

2.10.050 Powers and duties.

The powers and duties of the Assistant City Manager for Fiscal Affairs shall be such as are designated and assigned from time to time to the Assistant City Manager for Fiscal Affairs by the City Manager. The Assistant City Manager for Fiscal Affairs shall have all the powers, rights and duties that the City Manager shall determine as are necessary for the proper functioning and general effectiveness, as well as for the general supervision and control of the departments, divisions, boards, agencies, commissions and officers, consistent with the powers and duties assigned to him by the City Manager. (Ord. 839 (part), 1974: prior code § 2-232)

2.10.060 Civil service or tenure rights.

The Assistant City Manager for Fiscal Affairs shall have no rights under civil service, nor acquire any rights of tenure in any manner. (Ord. 839 (part), 1974: prior code § 2-231)

2.10.070 Compensation.

The Assistant City Manager for Fiscal Affairs shall receive as annual compensation the same amount set forth in Chapter 2.62 of this title for Assistant City Manager. (Ord. 839 (part), 1974: prior code § 2-233)

2.10.080 Auditor designated Comptroller of Accounts.

The City Auditor shall be Comptroller of Accounts and none of the preceding sections effect those powers and duties which are the responsibility of the City Auditor by statute. (Ord. 839 (part), 1974: prior code § 2-234)

Chapter 2.12

ASSISTANT CITY MANAGER FOR HUMAN SERVICE PROGRAMS

Sections:

- 2.12.010 Human Services Department—
Established.**
- 2.12.020 Human Services Department—
Director.**
- 2.12.030 Appointment—Term.**
- 2.12.040 Powers and duties.**
- 2.12.050 Civil service or tenure rights.**
- 2.12.060 Compensation.**

2.12.010 Human Services Department— Established.

There is established a Department of Human Service Programs that shall consist of the Civic Unity Committee, Community Schools, the Council on Aging, the Department of Recreation, the Youth Resources Bureau and any other department that the City Council may determine could thereby operate its programs more effectively. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 34 § 1)

2.12.020 Human Services Department— Director.

The Assistant City Manager for Human Service Programs shall be in charge of the Department of Human Service Programs, and shall be considered a department head within the provisions of General Laws of Massachusetts, Chapter 43, Section 103. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 34 § 2)

2.12.030 Appointment—Term.

The Assistant City Manager for Human Service Programs shall be appointed by and serve at the pleasure of the City Manager. It is the intention of this provision to fix all responsibility and vest all authority for the appointment and removal of the Assistant City Manager for

Human Service Programs in the City Manager. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 34 § 3)

2.12.040 Powers and duties.

A. The powers and duties of the Assistant City Manager for Human Services Programs shall be such as are designed and assigned from time to time by the City Manager. The Assistant City Manager for Human Service Programs shall have all the powers, rights and duties that the City Manager shall determine are necessary for the proper functioning and general effectiveness, as well as for the control of the departments, divisions, boards, agencies, commissions, councils and officers of human services in the City.

B. The duties of the Assistant City Manager for Human Service Programs shall include, but not be limited to:

1. Identification of human service needs in the City and assessment of the adequacy of public and private resources to meet those needs;
2. Planning, coordination and evaluation of the human service programs of the City;
3. Education of the community to enhance understanding of human service issues;
4. Maintenance of effective working relationships with other local organizations such as the Cambridge School Department, the Cambridge Housing Authority, the Cambridge-Somerville Home Care Corporation and the Cambridge-Somerville Mental Health Services, as well as the local area boards of the various state agencies concerned with human services, and those agencies in the private sector which contribute to the welfare of the citizens of Cambridge;
5. Communication and coordination with all federal, state and private planning and service delivery agencies concerned with human service activities, and taking such action regarding available funds and programs as is indicated to enhance the quality of life for Cambridge citizens;

6. Responding to reasonable requests from the Commission for Human Service Programs for information and staff support, so that the Commission may fulfill its duties and responsibilities;

7. Development, with Neighborhood Councils, of mechanisms for the purpose of supporting and enhancing their capacity to respond effectively to the needs of their areas. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 34 § 5)

2.12.050 Civil service or tenure rights.

The Assistant City Manager for Human Service Programs shall have no rights under civil service, nor acquire any rights of tenure in any manner. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 34 § 4)

2.12.060 Compensation.

The Assistant City Manager for Human Service Programs shall receive as annual compensation the same amount set forth in Chapter 2.62 of this title. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 34 § 6)

Chapter 2.14

MAYOR

Sections:

2.14.010 Official head of City—Powers and duties.

2.14.010 Official head of City—Powers and duties.

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. (Prior code § 2-1)

Chapter 2.16

COMMISSIONER OF HEALTH AND HOSPITALS

Sections:

- 2.16.010** **Established—Qualifications.**
2.16.020 **Powers and duties.**
2.16.030 **Compensation.**

2.16.010 **Established—Qualifications.**

There shall be a Commissioner of Health and Hospitals and in addition to the qualifications required by any special act of the Legislature, the Commissioner shall have proven administrative experience in the areas of planning, establishing priorities, personnel, program management and/or budgeting. (Ord. 896 (part), 1978: prior code Ch. 11 § 11-1)

2.16.020 **Powers and duties.**

A. The Commissioner shall be responsible for promoting and protecting the health of the citizens of Cambridge. The Commissioner shall see that, within the City, the laws of the Commonwealth, including regulations and the ordinances of the City pertaining to public health, hospitals and housing are faithfully executed and enforced. The Commissioner shall have overall charge of all City-operated health care programs and treatment facilities.

B. The Commissioner shall appoint and supervise health department personnel and shall appoint the members of the medical staff or staffs of such facilities and their assistants from those recommended by the medical staff in conformity with the medical staff bylaws, with the approval of the City Manager.

C. The Commissioner shall acquire, analyze, use and store health-related statistics for program planning and evaluation purposes.

D. The Commissioner shall identify anticipated community health needs and assess the adequacy of public and private health resources to meet those needs.

E. The Commissioner shall coordinate with federal, state, regional and private health planning and/or delivery groups to ensure that the Department of Health and Hospitals is responsive to the health service needs of all members of the community.

F. Although the Commissioner retains full authority for action, the Commissioner shall discuss major problem areas and proposed policy changes with the Health Policy Board and is expected to reach agreement with them before making policy changes.

G. The Commissioner shall supply information and staff support as reasonably requested by the Health Policy Board so that it may be fully informed.

H. The Commissioner shall attend all meetings of the Cambridge Health Policy Board except for justifiable cause such as illness, absence from the City or unless otherwise assigned by the City Manager, and attend as many subcommittee meetings of the Board as is reasonably practical or possible.

I. The Commissioner shall present the budget for the Department of Health and Hospitals to the Cambridge Health Policy Board for review and comment, prior to its submission to the City Manager.

J. The Commissioner shall develop needed proposals and programs; shall approve and coordinate all grant proposals relating to health matters in the community; shall coordinate the delivery of care by City and private health providers; shall monitor the quality of private facilities such as hospitals, nursing homes, day care centers and community residences; shall promote health education and advocate health standards.

K. The Commissioner shall prepare and submit to the City Manager an annual report on the activities of his department during the preceding fiscal year.

L. The Commissioner shall perform such other duties and responsibilities as may from time to time be assigned by the City Manager.

M. The Commissioner shall promulgate and enforce such rules and regulations necessary or proper for the administration of the Department of Health, Hospitals and Housing as may be required by this chapter and by law.

N. The position of Health Commissioner is a full-time job and must be treated as such. Therefore, there shall be on file in the City Clerk's office, for public record, a memorandum of understanding between the City Manager and the Health Commissioner concerning any professional activities for remuneration which are

not strictly related to the duties of Commissioner as set out elsewhere in this chapter. (Ord. 901, 1978; Ord. 896 (part), 1978: prior code Ch. 11 § 11-2)

2.16.030 Compensation.

The Commissioner shall receive such salary as the City Council shall determine from time to time. The Commissioner shall be provided with suitable office accommodations at the expense of the City and under the direction of the City Manager. (Ord. 896 (part), 1978: prior code Ch. 11 § 11-3(a))

Chapter 2.18

INSPECTOR OF ANIMALS

Sections:

- 2.18.010 Annual nomination procedures.**
- 2.18.020 Duties and responsibilities.**
- 2.18.030 Annual reporting requirements.**

2.18.010 Annual nomination procedures.

The City Manager shall annually, in March, nominate one or more Inspectors of Animals, and before April 1st 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. (Ord. 998 (part), 1983: prior code § 4-13)

2.18.020 Duties and responsibilities.

In addition to the duties required of him by the statutes, and acts in amendment thereof, the 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. (Ord. 998 (part), 1983: prior code § 4-14)

2.18.030 Annual reporting requirements.

The Inspector of Animals 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. (Ord. 998 (part), 1983: prior code § 4-15)

Chapter 2.20

CONSTABLES

Sections:

- 2.20.010 Appointment—Qualifications.**
- 2.20.020 Bond required when.**
- 2.20.030 Fees.**
- 2.20.040 Residency requirements—Exemptions.**
- 2.20.050 Residency requirements—Current appointees.**

2.20.010 Appointment—Qualifications.

The City Manager shall appoint Constables for the term of three years beginning with the first day of January in the year of appointment. Notwithstanding anything to the contrary, all such Constables with the power to serve civil process shall be residents of the City upon appointment and shall remain residents of the City during their tenure in office, except for Health Inspectors in the Health Department who need not reside, but who shall cease to act as Constables and shall be removed from such office immediately upon the termination of employment as a Health Inspector, unless they reside at that time in the City, as required of other Constables. (Ord. 946 (part), 1980: prior code Ch. 2 Art. 38 (part))

2.20.020 Bond required when.

Appointments of Constables shall specify in

each case whether the appointment is for a position connected with the City or County service to serve without bond, or for the service of civil process upon the filing of the bond required by law. (Ord. 946 (part), 1980: prior code Ch. 2 Art. 38 (part))

2.20.030 Fees.

The fee for Constables appointed to serve civil process under this chapter shall be fifty dollars for each three-year term of office which shall be paid to the City Clerk prior to their assuming their duties. (Ord. 946 (part), 1980: prior code Ch. 2 Art. 38 (part))

2.20.040 Residency requirements—Exemptions.

The residency required in this chapter shall apply to the appointment of Constables with the power to serve civil process, not to the appointment of Constables with power of arrest. (Ord. 946 (part), 1980: prior code Ch. 2 Art. 38 (part))

2.20.050 Residency requirements—Current appointees.

The residency required in this chapter shall not take effect for those Constables who hold appointments at the time of passage of the ordinance codified in this chapter nor affect their eligibility for reappointment. (Ord. 946 (part), 1980: prior code Ch. 2 Art. 38 (part))

Chapter 2.22

DEPARTMENTS GENERALLY

Sections:

- 2.22.010** Created—Management and supervision.
- 2.22.020** Cooperation with other departments and executive boards.

2.22.010 Created—Management and 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 created:

1. Departments.

- Affirmative Action;
- Animal Commission;
- Arts Council;
- Assessors;
- Auditing;
- Budget;
- City Clerk;
- City Council;
- Community Development;
- Consumer Advisory Council;
- Election Commission;
- Electrical;
- Emergency Management;
- Employment Resources;
- Executive;
- Fire Department;
- Handicapped;
- Health/Hospitals;
- Historical;
- Human Rights Commission;
- Human Services;
- Inspectional services;
- Law Department;
- Library;
- License;
- Mayor;

- Neville Manor;
- Peace Commission;
- Personnel;
- Police;
- Public Works;
- Purchasing;
- Rent Control;
- Retirement;
- School Department;
- Traffic;
- Treasurer/Finance;
- Veterans Services;
- Water;
- Weights/Measures;
- Women's Commission.

2. Boards and Commissions.

- Animal Commission;
- Arts Council;
- Assessment Methodology Review Committee;
- Assessors;
- Blue Ribbon Committee;
- Board of Examiners;
- Board of Survey;
- Board of Zoning Appeal;
- Building Code Board of Appeal;
- Cambridge Public Access Corporation;
- Cambridge Public Access Corporation Advisory Congress;
- Central Square Committee;
- Civic Unity Committee;
- Civilian Review Board (Police Review and Advisory Board);
- Conservation Commission;
- Consumer Advisory Committee;
- Council on Aging;
- Election Commission;
- Handicapped Commission;
- Harvard Square Youth Committee;
- Health Policy Board;
- Historical Commission;
- Housing Authority;
- Human Rights Commission;
- Human Services Commission;

- Industrial Development Financing Authority;
- Library Board of Trustees;
- License Commission;
- Mid-Cambridge Conservation District Commission;
- Nuclear Disarmanent and Peace Establishment Commission;
- Planning Board;
- Pole and Conduit Commission;
- Porter Square Community Advisory Committee;
- Recycling Committee;
- Redevelopment Authority;
- Rent Control;
- Retirement Board;
- Scientific Advisory Committee;
- Status of Women Commission;
- Traffic and Parking Commission;

— Water Board;

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. (See 1 A.L.M., c. 43, § 103. (Ord. 1047 (part), 1987; prior code § 2-23)

2.22.020 Cooperation with other departments and executive boards.

For the purpose of promoting cooperation 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. (Prior code § 2-24)

Chapter 2.24

CITY CLERK DEPARTMENT

Sections:

- 2.24.010 City Clerk—Appointment—Term—Powers and duties.**
- 2.24.020 City Clerk—Bond requirements.**
- 2.24.030 Deputy City Clerk—Appointment—Term—Powers and duties—Compensation.**
- 2.24.040 Notification of appropriations, expenditures, reports and payments—Sewer and sidewalks assessment reports.**
- 2.24.050 Fee schedule.**

2.24.010 City Clerk—Appointment—Term—Powers and duties.

A. 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 years from June 1st 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. (Ord. 846, 1975; prior code § 2-30 (part))

2.24.020 City Clerk—Bond requirements.

A. The City Clerk shall give to the City a bond, with sufficient sureties, in the sum of three thousand 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 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 provided in this section, 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. (Prior code § 2-31)

2.24.030 Deputy City Clerk—Appointment—Term—Powers and duties—Compensation.

A. A Deputy City Clerk shall be elected by a majority vote of the City Council, who shall serve the Council as staff person to their committee's along with attending all City Council meetings. Furthermore, the Deputy City Clerk shall assist the City Clerk 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. He shall be under the direct supervision and control of the City Clerk and shall be deemed to be an employee of the City Clerk.

B. In accordance with the General Laws, Chapter 31, Section 5, the position of Deputy City Clerk shall be one of the two positions exempt from civil service in the office of City Clerk. He shall assume and perform all duties of the City Clerk, including overall administrative and supervisory responsibility of all office functions including personnel, when for any reason such office becomes vacant due to absence or disability of the City Clerk. The Deputy City Clerk shall give bond in such form as the City Council shall approve, but not less than six thousand seven hundred dollars with sufficient sureties in the sum of three thousand dollars, which bond shall be executed, approved and delivered before he assumes his duties.

C. The Deputy City Clerk shall receive a salary of eighteen thousand two hundred forty dollars minimum to twenty thousand six hundred thirteen dollars maximum to be reached over a three-year period in increments of seven hundred ninety-one dollars. The Deputy City Clerk

may be removed from the office by a two-thirds vote of the City Council. (Ord. 846, 1975; prior code § 2-30 (part))

2.24.040 Notification of appropriations, expenditures, reports and payments—Sewer and sidewalks assessment reports.

The City Clerk shall notify the Auditor of all orders passed by the Council, authorizing appropriations, expenditures, assessments, 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. (Prior code § 2-32)

2.24.050 Fee schedule.

Effective on passage of the ordinance codified in this section, the fees for the City Clerk Department shall be as follows:

1. For filing and indexing assignment for the benefit of creditors, five dollars;
2. For entering amendment of a record of the birth of an illegitimate child subsequently legitimized, five dollars;
3. For correcting errors in a record of birth, five dollars;
4. For furnishing certificate of a birth, four dollars;
5. For furnishing an abstract copy of a record of birth, two dollars;
6. For entering delayed record of birth, five dollars;
7. For filing certificate of a person conducting business under any title other than his real name, ten dollars;
8. For filing by a person conducting business under any title other than his real name of statement of change of his residence, or of his discontinuance, retirement or withdrawal from, or of a change of location of such business, five dollars;

9. For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business, three dollars;

10. For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the Commonwealth, ten dollars;

11. For correcting errors in a record of death, five dollars;

12. For furnishing a certificate of death, four dollars;

13. For furnishing an abstract copy of a record of death, two dollars;

14. For entering notice of intention of marriage and issuing certificates thereof, ten dollars;

15. For entering certificate of marriage filed by persons married out of the Commonwealth, four dollars;

16. For issuing certificate of marriage, four dollars;

17. For furnishing an abstract copy of a record of marriage, two dollars;

18. For correcting errors in a record of marriage, five dollars;

19. For recording power of attorney, five dollars;

20. For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof, ten dollars;

21. For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth, ten dollars;

22. For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than, five dollars;

23. For copying any manuscript or record pertaining to a birth, marriage or death, four dollars;

24. For receiving and filing of a complete inventory of all items to be included in a closing-out sale, etc., two dollars per page;

25. For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof, ten dollars;

26. Recording any other documents, five dollars per first page; two dollars each additional page. (Ord. 958, 1981: prior code § 2-34)

Chapter 2.26

LAW DEPARTMENT

Sections:

- 2.26.010 City Solicitor—Authority—Qualifications—Appointment.**
- 2.26.020 Draft of legal instruments.**
- 2.26.030 Legal proceedings and opinions.**
- 2.26.040 Negligence claims.**
- 2.26.050 Salary and expenses.**
- 2.26.060 Authority to appoint assistants—Qualifications.**
- 2.26.070 Furnishing of offices.**

2.26.010 City Solicitor—Authority—Qualifications—Appointment.

The Law Department shall be in charge of the City Solicitor, who shall be a citizen of Cambridge and an attorney admitted to practice 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. (Prior code § 2-35)

2.26.020 Draft of 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. (Prior code § 2-36)

2.26.030 Legal proceedings and opinions.

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. (Prior code § 2-37)

2.26.040 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 shall be 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 dollars. Nothing contained in this chapter shall affect the power of the City Solicitor conferred by law concerning the settlement of suits in which the City is a party. (Prior code § 2-38)

2.26.050 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. (Prior code § 2-39)

2.26.060 Authority to appoint assistants—Qualifications.

The City Manager or by his authority the City Solicitor shall appoint two assistants who shall be residents of Cambridge and attorneys admitted to practice in the courts of the Commonwealth. (Prior code § 2-40)

2.26.070 Furnishing of offices.

Suitable offices shall be provided for the Law Department. (Prior code § 2-41)

Chapter 2.28

ENGINEERING DEPARTMENT

Sections:

- 2.28.010 City Engineer—Authority—Appointment—Term—Compensation.**
- 2.28.020 Consultation regarding public improvements.**
- 2.28.030 Control of public works construction.**
- 2.28.040 Surveys, plans, estimates and descriptions.**
- 2.28.050 Plans and surveys relative to streets.**
- 2.28.060 Furnishing lines and grades of streets and foundation lines.**
- 2.28.070 Encroachment on streets—Notification.**
- 2.28.080 Inspection of bridges.**
- 2.28.090 Annual reporting requirements.**
- 2.28.100 Deputy City Engineer—Appointment—Duties.**

- 2.28.010 City Engineer—Authority—Appointment—Term—Compensation.**

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 year from May 1st in the year of his appointment and until his successor is appointed and qualified. He shall receive such compensation as the Council may determine. (Prior code § 2-42)

- 2.28.020 Consultation regarding public improvements.**

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. (Prior code § 2-43)

- 2.28.030 Control of public works construction.**

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. (Prior code § 2-44)

- 2.28.040 Surveys, plans, estimates and descriptions.**

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 or the Water Board. (Prior code § 2-45)

- 2.28.050 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. (Prior code § 2-46)

2.28.060 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. (Prior code § 2-47)

**2.28.070 Encroachment on streets—
Notification.**

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. (Prior code § 2-48)

2.28.080 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. (Prior code § 2-49)

2.28.090 Annual reporting requirements.

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. (Prior code § 2-50)

**2.28.100 Deputy City Engineer—
Appointment—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. (Prior code § 2-51)

Chapter 2.30

DIVISION OF FINANCE GENERALLY

Sections:

- 2.30.010** **Composition.**
- 2.30.020** **Director of Finance—Authority.**
- 2.30.030** **City Auditor—Comptroller of accounts.**
- 2.30.040** **Director of Finance—Powers and duties.**
- 2.30.050** **Control of personnel of departments.**
- 2.30.060** **Departmental cost accounting required when.**
- 2.30.070** **Estimation of departmental salaries.**

2.30.010 **Composition.**

The Division of Finance shall consist of the Auditing Department, the Purchasing Department and the Treasury Department. (Prior code § 2-52)

2.30.020 **Director of Finance—Authority.**

The Division of Finance shall be under the charge of the Director of Finance. (Prior code § 2-53)

2.30.030 **City Auditor—Comptroller of Accounts.**

The City Auditor shall be Comptroller of Accounts and ex officio the Director of Finance. (Prior code § 2-54)

2.30.040 **Director of Finance—Powers and duties.**

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. (Prior code § 2-55)

2.30.050 **Control of personnel of departments.**

The Director shall have general control over the personnel in each of the departments of the division, 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. (Prior code § 2-56)

2.30.060 **Departmental cost accounting required when.**

The Director shall have the power to require any department or 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. (Prior code § 2-57)

2.30.070 **Estimation of departmental salaries.**

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. (Prior code § 2-58)

Chapter 2.32

AUDITING DEPARTMENT

Sections:

- 2.32.010 City Auditor—Authority—Appointment—Term—Vacancies.**
- 2.32.020 Custodian of bonds and contracts.**
- 2.32.030 Books of accounts—Receipts.**
- 2.32.040 Approval of purchases, contracts or requisitions.**
- 2.32.050 Maintenance of accounts—Expended appropriations.**
- 2.32.060 Countersigning bonds and notes.**
- 2.32.070 Receipts and disbursements.**
- 2.32.080 Examination of books and accounts of departments.**
- 2.32.090 Annual report of unfinished contracts.**
- 2.32.100 Annual audit.**

2.32.010 City Auditor—Authority—Appointment—Term—Vacancies.

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 1st for three 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 the 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. (Prior code § 2-59)

2.32.020 Custodian of bonds and contracts.

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. (Prior code § 2-60)

2.32.030 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 June 30th 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 assets as shown on the books in his office at the close of the financial year. (Ord. 1047 (part), 1987; prior code § 2-61)

2.32.040 Approval of purchases, contracts or requisitions.

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 day of date of receipt.

B. If purchase, contract, order or requisition involves an amount exceeding three hundred dollars the order or requisition therefor shall be approved by the City Manager before the City shall be held liable therefor. (Prior code § 2-62)

**2.32.050 Maintenance of 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 immediately 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. (Prior code § 2-63)

2.32.060 Countersigning bonds and notes.

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 2.36.090 of this title, and he shall prepare and countersign warrants directed to the Treasurer for all lawful expenditures. (Prior code § 2-64)

2.32.070 Receipts and disbursements.

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. (Prior code § 2-65)

**2.32.080 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 charges as may be deemed advisable. The Auditor shall order and govern the installation of such modifications, improvements or changes. (Prior code § 2-66)

**2.32.090 Annual 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. (Prior code § 2-67)

2.32.100 Annual audit.

Annually, at the expiration of the fiscal year, the City Manager shall cause an audit of the accounts of the City to be made. (Prior code § 2-68)

Chapter 2.34

PURCHASING DEPARTMENT

Sections:

- 2.34.010 Purchasing Agent—Authority.
- 2.34.020 Appointment—Term.
- 2.34.030 Vacancies.
- 2.34.040 Bond requirements.
- 2.34.050 Failure to post bond.
- 2.34.060 Compensation—Determined by Council.
- 2.34.070 Compensation—Limited to salary.
- 2.34.080 Employment of clerks and storekeepers.
- 2.34.090 Purchasing agent for city—Exceptions.
- 2.34.100 Requisition procedures.
- 2.34.110 Delivery or receipt of supplies—Billing.
- 2.34.120 Purchases in advance of requisitions.
- 2.34.130 Storage lease agreements.
- 2.34.140 Director of Finance approval required.
- 2.34.150 Competitive contracts.
- 2.34.160 Purchases made for City only.
- 2.34.170 Purchasing Department Reserve Fund.
- 2.34.180 Report of purchases made to Director of Finance.
- 2.34.190 Recordkeeping of charges.
- 2.34.200 Sale of surplus property—Approval required.
- 2.34.210 Sale of surplus property—Public auction.
- 2.34.220 Sale of surplus property—Disposition and reporting receipts.
- 2.34.230 Sale of surplus property—Expenses.
- 2.34.240 Right of inspection of City property.

- 2.34.250 Standardization of equipment and materials.
- 2.34.260 Inspection of materials purchased.
- 2.34.270 Estimates of future needs.
- 2.34.280 Emergency purchases.
- 2.34.290 Annual reporting requirements.

2.34.010 Purchasing Agent—Authority.

The Purchasing Agent shall be the head of the Purchasing Department. (Prior code § 2-69)

2.34.020 Appointment—Term.

The Purchasing Agent shall be appointed by the City Manager in the month of March, and shall hold office from April 1st for two years and until a successor is appointed and qualified. (Prior code § 2-70)

2.34.030 Vacancies.

A vacancy in the office of Purchasing Agent shall be filled by the City Manager. (Prior code § 2-71)

2.34.040 Bond requirements.

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 dollars. The bond shall be executed, approved and delivered before he enters upon the duties of his office or within ten days after his appointment, whichever event shall first occur. (Prior code § 2-72)

2.34.050 Failure to post 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 of 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 days after notice by the City Manager, such failure shall be sufficient cause for his removal from office. (Prior code § 2-73)

2.34.060 Compensation—Determined by Council.

The Purchasing Agent shall receive such salary as the Council shall from time to time determine. (Prior code § 2-74)

2.34.070 Compensation—Limited to salary.

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. (Prior code § 2-75)

2.34.080 Employment of 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. (Prior code § 2-76)

2.34.090 Purchasing agent for city—Exceptions.

The Purchasing Agent shall purchase all equipment, materials and supplies for the City or any department thereof, except in case of emergency. (Prior code § 2-77)

2.34.100 Requisition procedures.

Any department head or official of the City in need of equipment, materials or supplies shall make requisition for the same of the Purchasing Agent upon requisition blanks devised and supplied by the Purchasing Agent. (Prior code § 2-78)

2.34.110 Delivery or receipt of supplies—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. (Prior code § 2-79)

2.34.120 Purchases in advance of requisitions.

The Purchasing Agent shall have authority to purchase in advance of requisition such equipment, materials or supplies as may be needed by the City and its departments, and which upon requisition shall be furnished the various departments. (Prior code § 2-80)

2.34.130 Storage lease agreements.

The Purchasing Agent with the approval of the City Manager, shall have authority to lease premises necessary for storing such goods as he may purchase. (Prior code § 2-81)

2.34.140 Director of Finance approval required.

No liability shall be incurred upon purchases made by the Purchasing Agent until they shall have been approved by the Director of Finance. (Prior code § 2-82)

2.34.150 Competitive contracts.

All purchases or contracts for purchases exceeding two hundred fifty dollars shall be based upon competition, and all purchases or contracts for purchases of four thousand dollars or over shall be made in the manner provided by Chapter 2.110 of this title. (Ord. 944, 1980: prior code § 2-83)

2.34.160 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. (Prior code § 2-84)

2.34.170 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 upon specific requisitions, shall be charged and to which all payments by departments and officials for such equipment, materials or supplies shall be credited. (Prior code § 2-85)

2.34.180 Report of purchases made to Director of Finance.

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. (Prior code § 2-86)

2.34.190 Recordkeeping of charges.

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. (Prior code § 2-87)

2.34.200 Sale of surplus property—Approval required.

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. (Prior code § 2-88)

2.34.210 Sale of surplus property—Public auction.

All sales of personal property made by the Purchasing Agent, where the value exceeds one hundred 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 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. (Prior code § 2-89)

2.34.220 Sale of surplus property—Disposition and reporting receipts.

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. (Prior code § 2-90)

2.34.230 Sale of surplus property—Expenses.

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. (Prior code § 2-91)

2.34.240 Right of inspection of City property.

The Purchasing Agent shall at such times as he may deem reasonable inspect the equipment, materials or supplies of the City. (Prior code § 2-92)

2.34.250 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. (Prior code § 2-93)

2.34.260 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. (Prior code § 2-94)

2.34.270 Estimates of future needs.

Every department, commission or board shall make an annual inventory as and when the Purchasing Agent may direct of the personal property under its charge, and between May 1st and June 1st 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 (Ord. 1047 (part), 1987; prior code § 2-95)

2.34.280 Emergency purchases.

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. (Prior code § 2-96)

2.34.290 Annual reporting requirements.

The Purchasing Agent shall annually, within ten days after the close of the fiscal 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. (Ord. 1047 (part), 1987; prior code § 2-97)

Chapter 2.36

TREASURY DEPARTMENT

Sections:

- 2.36.010 City Treasurer—Authority—
General duties.**
 - 2.36.020 Bond requirements.**
 - 2.36.030 Collection of taxes.**
 - 2.36.040 Payment of accounts and
claims—Orders.**
 - 2.36.050 Payment of checks, orders and
bonds.**
 - 2.36.060 Payment procedures—
Authorization required.**
 - 2.36.070 Financial year close—Treasurer
duties.**
 - 2.36.080 Cemetery Fund—Disposition of
revenues.**
 - 2.36.090 Library Funds.**
 - 2.36.100 Water Works Department—
Receipt of payments.**
 - 2.36.110 Crediting and debiting
accounts—Recordkeeping—
Council reporting requirements.**
 - 2.36.120 Auditor reporting requirements.**
 - 2.36.130 Sidewalk and sewer
assessments.**
 - 2.36.140 Payroll responsibilities.**
 - 2.36.150 Compensation—Expenditures
for collection.**
 - 2.36.160 Appointment and removal of
clerks.**
 - 2.36.170 Notification of tax assessments.**
 - 2.36.180 Interest on unpaid taxes.**
 - 2.36.190 Monthly reporting of receipts.**
 - 2.36.200 Invalid tax deeds.**
- 2.36.010 City Treasurer—Authority—
General duties.**

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 1st for a term of one 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. 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 the 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. (Prior code § 2-98)

2.36.020 Bond requirements.

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 days after his

appointment, whichever event shall first occur. Should he fail to give such bond within the time required in this section, the election shall be void and a new appointment shall be had forthwith. (Prior code § 2-99)

2.36.030 Collection 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. (Prior code § 2-100)

2.36.040 Payment of accounts and claims— Orders.

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-quarters 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 payrolls 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 they shall be so certified by some officer designated by the 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 amount of such salaries to be entered upon payrolls 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 payrolls, 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 payrolls shall be made up to include the last day of each month and payday for the same and for bills received up to the first day of the month which comply with Section 2.32.040 of this title and the law of the Commonwealth relating thereto shall be the tenth 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 eighteenth day of the month shall be paid on the twentieth day of each month, and those received and audited as approved up to the twenty-eighth day of the month shall be paid on the thirtieth day of each month, provided they are in compliance with Section 2.32.040 of this title and the law of the Commonwealth relating thereto, as to cash discounts. (Prior code § 2-101)

2.36.050 Payment of 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. (Prior code § 2-102)

**2.36.060 Payment procedures—
Authorization required.**

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 judgment against the City, and also refunds certified by the Chief Superintendent, Board of Assessors or for minors' license. (Prior code § 2-103)

2.36.070 Financial year close—Treasurer duties.

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 July 1st of each year. (Ord. 1047 (part), 1987; prior code § 2-104)

2.36.080 Cemetery Fund—Disposition of revenues.

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. (Prior code § 2-105)

2.36.090 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. (Prior code § 2-106)

2.36.100 Water Works Department—Receipt of payments.

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 1st; and he shall give notice of and collect all other 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. (Prior code § 2-107)

**2.36.110 Crediting and debiting accounts—
Recordkeeping—Council reporting requirements.**

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 2.32.030 of this title, or except for special purposes as provided in Sections 2.36.040 and 2.36.060 of this chapter. He shall annually, in July, give to the City Council a

written report in detail, of receipts and expenditures for the year ending June 30th and submit a copy thereof to the City Manager. (Amended during 1987 codification; Ord. 1047 (part), 1987; prior code § 2-108)

2.36.120 Auditor reporting requirements.

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. (Prior code § 2-109)

2.36.130 Sidewalk and sewer assessments.

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 such assessments; and, if any such assessment remains unpaid for three 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. (Prior code § 2-110)

2.36.140 Payroll responsibilities.

The heads of departments shall furnish to the City Treasurer weekly payrolls of employees in their respective departments as are entitled by law to be paid weekly, and monthly payrolls 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 payroll, salary, wages or other compensation and dates of employment; and after such payrolls 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 payrolls, 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. (Prior code § 2-111)

2.36.150 Compensation—Expenditures for collection.

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 months, a sum not exceeding twenty-five percent of the amount collected. (Prior code § 2-112)

2.36.160 Appointment and removal of clerks.

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. The 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. (Prior code § 2-113)

2.36.170 Notification of tax assessments.

The Treasurer shall, as soon as possible after receiving any tax list and warrant, send a notice to each person assessed, resident and nonresident, 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 1st of the year in which the tax was assessed, and if to a resident of the City, shall direct it to the street and number of his residence, if possible. (Prior code § 2-114)

2.36.180 Interest on unpaid taxes.

Upon all taxes remaining unpaid on October 1st, interest and costs shall be charged and collected as required by the laws of the Commonwealth. (Prior code § 2-115)

2.36.190 Monthly reporting 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. (Prior code § 2-116)

2.36.200 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 "abate-ments." (Prior code § 2-117)

Chapter 2.38

**BUDGET AND PERSONNEL
DEPARTMENT**

Sections:

- 2.38.010 Director—Appointment—Term—Vacancy.**
- 2.38.020 Expenditures and estimates.**
- 2.38.030 Departmental investigation authority.**
- 2.38.040 Additional duties.**
- 2.38.050 Personnel and civil service.**
- 2.38.060 Director of Finance authority.**
- 2.38.070 Reports and recommendations.**
- 2.38.080 Compensation.**

2.38.010 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 1st for a term of three 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. (Prior code § 2-118)

2.38.020 Expenditures and estimates.

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. (Prior code § 2-12C)

2.38.030 Departmental investigation authority.

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. (Prior code § 2-121)

2.38.040 Additional 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. (Prior code § 2-123)

2.38.050 Personnel and civil service.

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, departments 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. (Prior code § 2-124)

2.38.060 Director of Finance authority.

In addition to the duties imposed by this chapter, the Budget and Personnel Director shall perform such other duties as may be required of him from time to time under the provisions of Chapter 2.30 of this title. (Prior code § 2-125)

2.38.070 Reports and recommendations.

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. (Prior code § 2-122)

2.38.080 Compensation.

The Budget and Personnel Director shall receive such salary as the City Council shall from time to time determine. (Prior code § 2-119)

Chapter 2.40

ASSESSORS DEPARTMENT

Sections:

**2.40.010 Board of Assessors—
Appointments—Term—
Vacancies.**

**2.40.010 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 laws of the Commonwealth, and shall devote their entire time to the duties of the office.

B. There shall be three Assessors who shall be appointed by the City Manager for terms of three 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. (Prior code § 2-133)

Chapter 2.42

VETERANS SERVICE DEPARTMENT

Sections:

- 2.42.010 Director—Authority.**
- 2.42.020 Appointment—Term.**
- 2.42.030 Advisory Committee—
Appointment—Term—
Compensation.**
- 2.42.040 Departmental duties.**
- 2.42.050 Departmental employees.**
- 2.42.060 Vocational education.**

2.42.010 Director—Authority.

The Veterans Service Department shall be under the charge of the Director of the Veterans Service Department. (Prior code § 2-134)

2.42.020 Appointment—Term.

The City Manager shall appoint a Director in April of every other year for the term of two years from May 1st 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. (Prior code § 2-135)

2.42.030 Advisory Committee— Appointment—Term— Compensation.

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

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. (Prior code § 2-136)

2.42.040 Departmental duties.

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, 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. (Prior code § 2-137)

2.42.050 Departmental employees.

The Department shall employ, subject to the provisions of G.L. Chapter 31 and of the Charter, such employees as may be from time to time necessary. (Prior code § 2-138)

2.42.060 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 needs of veterans. (Prior code § 2-139)

Chapter 2.44

**INSPECTIONAL SERVICES
DEPARTMENT**

Sections:

- 2.44.010** **Established—Appointment of Commissioner.**
- 2.44.020** **Commissioner—Authority.**
- 2.44.030** **Commissioner—Powers and duties.**
- 2.44.040** **Inspectional duties.**
- 2.44.050** **Transfer of certain boards to department.**
- 2.44.060** **Administration.**

2.44.010 **Established—Appointment of Commissioner.**

Pursuant to G.L. c. 43 § 5, there is established an Inspectional Services Department (the "Department"), which shall be under the charge of an officer known as the Inspectional Services Commissioner (the "Commissioner") appointed by the City Manager. The Commissioner shall have the powers and perform the duties prescribed by law. (Ord. 995 (part), 1983: prior code Ch. 5 § 5-1)

2.44.020 **Commissioner—Authority.**

The Commissioner shall also serve as Inspector of Buildings and Building Commissioner for purposes of Sections 107 and 108 of the State Building Code (780 CMR), and as Commissioner of Housing Inspection for the purpose of carrying out the duties prescribed by G.L. c. 111 §§ 127A, 127B, 127C, 127E, 127H and 127L, or any other statute, for the Commissioner of Housing Inspection of the City. (Ord. 995 (part), 1983: prior code Ch. 5 § 5-2)

2.44.030 **Commissioner—Powers and duties.**

All the powers and duties heretofore exercised and performed by the Building Commissioner shall be exercised and performed by the Commissioner, who shall also exercise and perform such powers and duties as may be assigned or delegated to him pursuant to Section 2.44.040 of this chapter. (Ord. 995 (part), 1983: prior code Ch. 5 § 5-3)

2.44.040 **Inspectional duties.**

The Commissioner, under the direction of the City Manager, shall perform such inspectional duties as may be lawfully delegated to him by the several commissioners, departments, boards and commissions of the City, including but not limited to the Commissioner of Health and Hospitals, the Commissioner of Public Works, the Planning Board, the Conservation Commission, the Chief of Police and the Chief of the Fire Department. The inspectional duties shall be performed in accordance with the requirements of the delegating authority and the applicable code or law. (Ord. 995 (part), 1983: prior code Ch. 5 § 5-4)

2.44.050 **Transfer of certain boards to department.**

The Board of Zoning Appeal, the Board of Examiners and the Board of Building Code Appeal are transferred to the Department, but none of them shall be under its supervision or control. (Ord. 995 (part), 1983: prior code Ch. 5 § 5-5)

2.44.060 **Administration.**

The Commissioner may establish within the Department such administrative units as may be necessary or convenient for its efficient and economical administration, and, when necessary or convenient for such purpose, he may abolish or merge any such units. (Ord. 995 (part), 1983: prior code Ch. 5 § 5-6)

Chapter 2.46

PUBLIC LIBRARY DEPARTMENT

Sections:

- 2.46.010 Board of Trustees—Authority—Composition.**
- 2.46.020 Appointment—Term.**
- 2.46.030 Officers—Quorum.**
- 2.46.040 Powers and duties.**
- 2.46.050 Expenditure determinations.**
- 2.46.060 Annual reporting requirements.**

2.46.010 Board of Trustees—Authority—Composition.

The Public Library Department shall be under the charge of a board of seven Trustees, to consist of one member of the School Committee and six citizens at large to be chosen as provided in this chapter. (Prior code § 2-172)

2.46.020 Appointment—Term.

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

B. Also in January of each year, two citizens at large shall be appointed by the City Manager, as Trustees to hold office for the term of three 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. (Prior code § 2-173)

2.46.030 Officers—Quorum.

The Trustees shall elect from their number a Chairman and Secretary, and four 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 years who shall be removable at the pleasure of the Board and who shall receive such compensation as the Trustees shall determine. (Prior code § 2-174)

2.46.040 Powers and duties.

The Trustees shall expend all moneys presented to the Library, or appropriated by the City Council (See Section 2.36.090), for the purpose of books, the improvement of the Library, its care, custody, maintenance and repairs of the building. They may establish such fees for the use of the Library, and shall make and publish bylaws and regulations, to extend the benefits of the institution as widely as practicable throughout the community. All moneys received for the use of the Library shall be paid weekly into the City Treasury. (Prior code § 2-175)

2.46.050 Expenditure determinations.

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. (Prior code § 2-176)

2.46.060 Annual reporting requirements.

The Trustees shall present to the City Manager annually, in July, 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. (Ord. 1047 (part), 1987; prior code § 2-177)

Chapter 2.48

FIRE DEPARTMENT

Sections:

- 2.48.010 Fire Chief—Authority—Appointment.**
- 2.48.020 Platoon system established.**
- 2.48.030 Alternate official.**
- 2.48.040 Vacancy.**
- 2.48.050 Departmental promotions.**
- 2.48.060 Regular tour of duty.**
- 2.48.070 Vacations.**
- 2.48.080 Aid to other cities or towns.**
- 2.48.090 Master mechanic—Appointment—Duties.**
- 2.48.100 Inspector of Garages and Fire Prevention—Appointment—Authority.**
- 2.48.110 Departmental expenditures.**
- 2.48.120 Other rules and regulations.**

2.48.010 Fire Chief—Authority—Appointment.

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. (Prior code § 10-1)

2.48.020 Platoon system established.

The Department shall be established upon the basis of a two 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. (Prior code § 10-2)

2.48.030 Alternate official.

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. (Prior code § 10-3)

2.48.040 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. (Prior code § 10-4)

2.48.050 Departmental 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. (Prior code § 10-5)

2.48.060 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 hours in any seven-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. (Prior code § 10-6)

2.48.070 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 years, an allowance of two weeks;

2. For service of ten years or more, but not more than twenty years, an allowance of three weeks;

3. For service of twenty years or more, an allowance of four 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 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. (Prior code § 10-7)

2.48.080 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. (Prior code § 10-8)

2.48.090 Master mechanic—Appointment—Duties.

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. (Prior code § 10-9)

2.48.100 Inspector of Garages and Fire Prevention—Appointment—Authority.

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 the 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 the 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. (Prior code § 10-10)

2.48.110 Departmental expenditures.

The Chief may expend for the conduct of his Department such sums as the City Council may appropriate. (Prior code § 10-11)

2.48.120 Other 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. (Prior code § 10-12)

Chapter 2.50

BUREAU OF FIRE PREVENTION

Sections:

- 2.50.010** Established—Appointment of Inspectors.
- 2.50.020** Administration and enforcement.
- 2.50.030** Recommendations to City Council.
- 2.50.040** Instructions for reporting requirements.
- 2.50.050** Investigation of causes and circumstances of fires.
- 2.50.060** Inspection and approval of hazardous materials storage.
- 2.50.070** Inspection of hazardous businesses.
- 2.50.080** Inspection of buildings and public thoroughfares.
- 2.50.090** Report of dangerous buildings.
- 2.50.100** Right of entry.
- 2.50.110** Suspicious origin fire investigation assistance.
- 2.50.120** Educational institutions—Fire drills required.
- 2.50.130** Statistics and recordkeeping.
- 2.50.140** Annual reporting requirements.
- 2.50.150** Chapter provisions not exclusive.
- 2.50.010** Established—Appointment of Inspectors.
- A. A Bureau of Fire Prevention in the Fire Department is 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 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. (Prior code § 10-13)

2.50.020 Administration and enforcement.

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, theaters, amphitheaters 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 chapter, 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 chapter to any officer of the Fire Department. (Prior code § 10-14)

2.50.030 Recommendations to City Council.

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. (Prior code § 10-15)

2.50.040 Instructions for reporting requirements.

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 chapter. (Prior code § 10-16)

2.50.050 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 cooperate with the authorities in the collection of evidence and in the prosecution of the case. (Prior code § 10-17)

2.50.060 Inspection and approval of hazardous materials storage.

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 signaling 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. (Prior code § 10-18)

2.50.070 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. (Prior code § 10-19)

2.50.080 Inspection of buildings 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-family or two-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 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 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 such 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 person a copy of the 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 inspector 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 therein, 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 an imminent danger to the lives and safety of such persons; and the owner, occupant, lessee or person in control of such premises

shall forthwith comply with such 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 such premises until such removal or abatement has been accomplished to his satisfaction. If he shall be of the opinion that such articles or conditions could be immediately removed or abated, but the owner, occupant, lessee or person in control of such premises neglects or refuses immediately to comply with the 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 such 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. (Prior code § 10-20)

2.50.090 Report of dangerous buildings.

Whenever any inspector finds any building or other structure, which, on account of the absence of or 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. (Prior code § 10-21)

2.50.100 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 chapter, he may deem necessary. (Prior code § 10-22)

2.50.110 Suspicious origin fire investigation assistance.

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. (Prior code § 10-23)

2.50.120 Educational institutions—Fire drills required.

The Chief of the Fire Department shall require teachers of public, private and parochial schools and educational institutions to have one fire drill each month and to keep all doors and exits unlocked during school hours. (Prior code § 10-24)

2.50.130 Statistics and recordkeeping.

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 chapter. All such records shall be public. (Prior code § 10-25)

2.50.140 Annual reporting requirements.

The annual report of the Bureau of Fire Prevention shall be made as of June 30th and transmitted to the City Manager through the Chief of the Fire Department. It shall contain all

proceedings under this chapter 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 judgment, shall be desirable. (Amended during 1987 codification; prior code § 10-26)

2.50.150 Chapter provisions not exclusive.

This chapter 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 2.48.100 of this title. Nor is this chapter intended to eliminate any work done under the authority of Sections 22 and 99 of the Rules and Regulations of the Cambridge Fire Department approved January 1, 1943.* (Prior code § 10-27)

*(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 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.

Chapter 2.52

POLICE DEPARTMENT

Sections:

- 2.52.010 Police Commissioner—
Authority.**
- 2.52.020 Appointment—Removal—
Compensation.**
- 2.52.030 Administration—Organization.**
- 2.52.040 Platoons—Tours of duty.**
- 2.52.050 Discipline guideline adoption.**
- 2.52.060 Disposition of revenues.**
- 2.52.070 Fees for certain permits and
other documents.**
- 2.52.080 Recordkeeping and reports.**
- 2.52.090 Annual reporting requirements.**
- 2.52.100 Promotions.**
- 2.52.110 Vacancies.**
- 2.52.120 Vacations.**
- 2.52.130 Pensions.**

2.52.010 Police Commissioner—Authority.

The Police Department shall be under the charge of a Police Commissioner who shall be the head of the Department and the appointing authority. The Chief of Police shall be the next ranking officer of the Department and in the absence of the Commissioner, shall be the head of the Department. (Ord. 881 (part), 1977; prior code § 15-1)

2.52.020 Appointment—Removal— Compensation.

A. The City Manager shall appoint the Police Commissioner and the Chief of Police and both positions shall be filled at all times. The Police Commissioner may be removed from office at any time by the City Manager. The Chief of Police may be removed in accordance with the applicable provisions of law. The person appointed to the position of Police Commissioner shall become a resident of the City within one year of the date of his appointment and that no quarters will be provided to the person

appointed to this office. The City Manager shall assist the Police Commissioner to find living quarters within the City.

B. The Commissioner and the Chief shall receive such compensation as the City Council shall from time to time establish. (Ord. 881 (part), 1977; prior code § 15-2)

2.52.030 Administration—Organization.

The Police Commissioner 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 three hundred fifty men at all times. He shall have authority to organize and administer the Department. The Police Commissioner may expend for the conduct of the Department such sums as the City Council may appropriate. (Ord. 881 (part), 1977; Ord. 834, 1974; prior code § 15-3)

2.52.040 Platoons—Tours of duty.

In order to maintain and assure protection of the citizens of the City and the safety of members of the force, the head of the Department shall maintain each of the platoons working the following tours of duty or work shifts with no less uniformed personnel (as distinguished from personnel assigned to the Bureau of Criminal Investigation, Juvenile Bureau, Narcotics Bureau, Police Academy, Record Room, Prosecuting Officers and Night Detectives) than as set forth in this section:

A. Seven forty a.m. to four twenty p.m. tours of duty: Forty-eight Patrolmen Monday through Friday; thirty-six Patrolmen Saturday and Sunday. One Captain or Lieutenant and two Sergeants daily;

B. Four p.m. to twelve-twenty a.m. tours of duty: Thirty-six Patrolmen daily, together with one Captain or Lieutenant and three Sergeants daily;

C. Twelve midnight to eight a.m. tours of duty: Twenty-four patrolmen daily, together

with one Lieutenant and two Sergeants daily. (Ord. 881 (part), 1977; Ord. 832, 1974; prior code § 15-4)

2.52.050 Discipline guideline adoption.

The Police Commissioner may make such rules and regulations governing the discipline of the Department as the City Manager may approve. (Ord. 881 (part), 1977; prior code § 15-6)

2.52.060 Disposition of revenues.

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. (Ord. 881 (part), 1977; prior code § 15-10)

2.52.070 Fees for certain permits and other documents.

The Police Commissioner shall receive the following fees:

A. For the issuance of permits for performance of work or labor on the Lord's Day, two dollars.

B. For the issuance in duplicate of letters of police record for application for passports or other purposes, two dollars. (Ord. 881 (part), 1977; prior code § 15-11)

2.52.080 Recordkeeping and reports.

The Police Commissioner 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. (Ord. 881 (part), 1977; prior code § 15-12)

2.52.090 Annual reporting requirements.

The Police Commissioner shall make a report to the City Manager annually, in the month of July, 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 June 30th with their estimated value. (Ord. 1047 (part), 1987; Ord. 881 (part), 1977; prior code § 15-13)

2.52.100 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. (Ord. 881 (part), 1977; prior code § 15-9)

2.52.110 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. (Ord. 881 (part), 1977; prior code § 15-7)

2.52.120 Vacations.

Each permanent member of the Police Department shall be allowed an annual vacation of fourteen working days without loss of pay, the same to be taken at such time within the year as may be determined by the Police Commissioner, but each member must have served six 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. 881 (part), 1977; prior code § 15-5)

2.52.130 Pensions.

The pensions of the Police Department shall be regulated in accordance with the provisions of 1 A.L.M., c. 32 § 83, et seq. (Ord. 881 (part), 1977; prior code § 15-14)

Chapter 2.54

DEPARTMENT OF PUBLIC WORKS

Sections:

- 2.54.010 Commissioner of Public Works—Direction.**
- 2.54.020 Commissioner of Public Works—Authority.**
- 2.54.030 Department composition.**
- 2.54.040 Recommendations to City Manager.**
- 2.54.050 Streets Division—Direction—Appointment.**
- 2.54.060 Superintendent of Streets—Powers and duties.**
- 2.54.070 Superintendent of streets—Management of property—Annual reporting requirements.**
- 2.54.080 Sewers Division—Direction.**
- 2.54.090 City Engineer—Authority.**
- 2.54.100 Superintendent of Sewers—Appointment—Duties.**
- 2.54.110 Cemetery Division—Direction.**
- 2.54.120 Superintendent—Care and management.**
- 2.54.130 Assistant Superintendent—Duties.**
- 2.54.140 Annual reporting requirements.**

2.54.010 Commissioner of Public Works—Direction.

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 Public Works Commission. (Amended during 1987 codification; prior code § 14-1)

2.54.020 Commissioner of Public Works—Authority.

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. (Prior code § 14-2)

2.54.030 Department composition.

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. (Prior code § 17-1)

2.54.040 Recommendations to City Manager.

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 July of each year a report on the activities of his department during the preceding year. (Ord. 1047 (part), 1987; prior code § 17-2)

2.54.050 Streets Division—Direction—Appointment.

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. (Prior code § 17-3)

2.54.060 Superintendent of Streets—Powers and duties.

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 travelers, 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 catchbasins open and clear of ice in cold weather so as to permit the flow of surface water into them.

B. The Superintendent of Streets 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, or give notice thereof to the Commissioner of Public Works or Chief of Police, and he shall remove all snow from the sidewalks and walks around the school houses. 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. The Superintendent of Streets 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.

D. The Superintendent of Streets 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. (Prior code § 17-4)

**2.54.070 Superintendent of streets—
Management of property—Annual
reporting requirements.**

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 July, 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. (Ord. 1047 (part), 1987; prior code § 17-5)

2.54.080 Sewers Division—Direction.

The Sewers Division shall be under the charge of the City Engineer. (Prior code § 17-44)

2.54.090 City Engineer—Authority.

The City Engineer shall have general supervision of all common sewers of the City and of all connections built under the provisions of the Division. (Prior code § 17-45)

**2.54.100 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 all the 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. (Prior code § 17-46)

2.54.110 Cemetery Division—Direction.

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. (Prior code § 17-63)

2.54.120 Superintendent—Care and management.

The Superintendent shall have the care and management of the Cambridge Cemetery, so-called, and also of the burial ground on Garden Street. (Prior code § 17-64)

2.54.130 Assistant Superintendent—Duties.

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. (Prior code § 17-65)

2.54.140 Annual reporting requirements.

The Superintendent shall annually, in the month of July, 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 June 30th. (Prior code § 17-70)

Chapter 2.56

ELECTRICAL DEPARTMENT

Sections:

- 2.56.010 City Electrician—
Appointment—Term.**
- 2.56.020 Assistant City Electrician—
Appointment—Duties.**
- 2.56.030 Poles and wires—Supervision
and inspection.**
- 2.56.040 Accounting and recordkeeping.**
- 2.56.050 Annual reporting requirements.**

**2.56.010 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 year from June 1st. (Prior code § 9-1)

**2.56.020 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 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. (Prior code § 9-2)

**2.56.030 Poles and wires—Supervision and
inspection.**

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. (Prior code § 9-3)

2.56.040 Accounting and recordkeeping.

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. (Prior code § 9-32)

2.56.050 Annual reporting requirements.

The City Electrician shall annually, in July, 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. (Ord. 1047 (part), 1987; prior code § 9-33)

Chapter 2.58

**OFFICERS AND EMPLOYEES
GENERALLY**

Sections:

- 2.58.010 Residency requirements—
Exception.**
- 2.58.020 Removal of subordinates.**
- 2.58.030 Departmental activity
recordkeeping.**
- 2.58.040 Employees not to act as election
officials.**

**2.58.010 Residency requirements—
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 the City for two 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. (Prior code § 2-180)

2.58.020 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. (Prior code § 2-186)

**2.58.030 Departmental activity
recordkeeping.**

Every board 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. (Prior code § 2-188)

**2.58.040 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. (Prior code § 2-195)

Chapter 2.60**OFFICIAL BONDS****Sections:**

- 2.60.010 City Manager approval required—Exception.**
- 2.60.020 Surety company requirements.**
- 2.60.030 Premiums.**

2.60.010 City Manager approval required—Exception.

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. (Prior code § 2-197)

2.60.020 Surety company requirements.

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 cannot 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. (Prior code § 2-198)

2.60.030 Premiums.

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. (Prior code § 2-199)

Chapter 2.62

SALARIES

Sections:

- 2.62.010 List of salaries.**
- 2.62.020 Salaries not otherwise provided for; overtime pay; employees subject to call.**

2.62.010 List of salaries.

A. The officers of the City named in this chapter shall receive the salaries listed in Table 2.62.010 and will be paid monthly or weekly, unless otherwise stated.

B. Persons appointed to these positions after the passage of the ordinance codified in this chapter shall receive the minimum salary with an increment each year of their service until the maximum annual salary is reached, unless in the judgment of the City Manager prior experience and qualifications merit appointment at a step higher than minimum. (Ord. 1045, 1986; Ord. 1033, 1986; Ord. 1023, 1985; prior code § 2-191)

2.62.020 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 case the salaries shall be fixed by the respective heads of the departments.

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 hours in any one day or in excess of forty hours in any one week, he shall be paid for such excess hours of work at the rate of one and one-half times his regular salary, such salary to be calculated at an hourly rate on the basis of an eight 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. (Prior code § 2-194)

TABLE 2.62.010

Title	Minimum Annual Salary	Maximum Annual Salary
Administrator, Neville Manor	\$38,978.00	\$41,144.00
Assessors	34,423.00	36,837.00
Assistant City Manager for Community Development	46,433.00	48,600.00
Assistant City Manager for Fiscal Affairs	46,433.00	48,600.00
Assistant City Manager for Human Services	46,433.00	48,600.00
Budget Director	34,423.00	36,837.00
City Auditor	36,419.00	38,833.00
City Clerk	36,419.00	38,833.00
City Council Member	25,000.00	(flat rate)
City Electrician	34,423.00	36,837.00
City Engineer	36,419.00	38,833.00
City Manager	95,000.00	95,000.00
City Solicitor	36,419.00	38,833.00
Commissioner of Health and Hospitals	59,874.00	64,703.00
Commissioner, Inspectional Services	43,463.00	45,630.00
Commissioner of Public Works	47,938.00	52,757.00
Deputy City Auditor	31,923.00	34,591.00
Deputy City Clerk	31,923.00	34,591.00
Deputy City Manager	51,925.00	54,092.00
Director of Traffic and Parking	43,463.00	45,630.00
Director of Veterans' Services	34,423.00	36,837.00
Executive Director, Rent Control	34,947.00	37,505.00
Fire Chief	48,711.00	48,711.00
Hospital Administrator	56,810.00	56,810.00
Mayor	26,000.00	(flat rate)
Personnel Director	43,463.00	45,630.00
Police Chief	48,711.00	48,711.00
Purchasing Agent	34,423.00	36,837.00
Sealer of Weights and Measures	30,445.00	32,856.00
Veteran's Agent	30,447.00	33,207.00
Water Superintendent	38,983.00	41,150.00

Chapter 2.64

DISABILITY PAY

Sections:

- 2.64.010** Notification to City Solicitor upon injury.
- 2.64.020** Petition for compensation.
- 2.64.030** Committee on Claims— Investigation, report and recommendations.
- 2.64.040** Report and physical examination.
- 2.64.050** Hearing and approval.
- 2.64.060** Department head certification.
- 2.64.070** Payments for continuing disability.

2.64.010 Notification to City Solicitor upon injury.

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. (Prior code § 2-202)

2.64.020 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. (Prior code § 2-200)

2.64.030 Committee on Claims— Investigation, report and recommendations.

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. (Prior code § 2-201)

2.64.040 Report 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. (Prior code § 2-203)

2.64.050 Hearing and approval.

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. (Prior code § 2-204)

2.64.060 Department head certification.

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 such injury. (Prior code § 2-205)

2.64.070 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 physician, the

same is adopted by the City Council and approved by the City Manager. (Prior code § 2-206)

Chapter 2.66

CAMBRIDGE EMPLOYMENT PLAN

Sections:

Article I. General Provisions

- 2.66.010** Established.
- 2.66.020** Definitions for Article I.
- 2.66.030** Objectives.
- 2.66.040** Developer's responsibilities.
- 2.66.050** City's responsibilities.

Article II. Implementation by Community Development Department and Employment Resources Incorporated

- 2.66.060** Definitions for Article II.
- 2.66.070** Statement of policy.
- 2.66.080** Compliance, enforcement, sanctions.
- 2.66.090** Review of semiannual reports.
- 2.66.100** Independent agency compliance required.
- 2.66.110** Funding.

Article I. General Provisions

2.66.010 Established.

The Cambridge Employment Plan, as set forth in this article is established. (Ord. 1005 (part), 1984: prior code Ch. 24 § 24-1)

2.66.020 Definitions for Article I.

The following words as used in this article, shall, unless the context otherwise requires, have the following meanings:

A. "Applicable areas" means and includes those areas in which the Cambridge Employment Plan is in effect, namely, the following major commercial and industrial zoning districts of the City: Office 2, Office 3, Office 3A, all business districts except Business A and A1, all industrial districts, all PUD districts, the MXD district and all Commercial Area Revitalization districts. Additional applicable areas may be designated by the City Manager.

B. "Cambridge resident" means a person whose primary residence is in the City of Cambridge.

C. "Developer" means the person, corporation, partnership or other business entity which is the proponent of the project.

D. "Employment and training agency" means a Massachusetts nonprofit corporation which is designated by the City Manager to carry out the employment and training program as defined in this article.

E. "Project" means a project covered by this article, namely, new construction, expansion or alteration of a building occupied by a principal use which is listed in the following subsections of the Table of Use Regulations (Section 4.30) in the Cambridge Zoning Ordinance:

- 4.31(i)(2) (hotel or motel)
 - 4.34 (office and laboratory)
 - 4.35 (retail business and consumer service)
 - 4.36 (drive-in retail and service)
 - 4.37 (light industry, wholesale business and storage)
 - 4.38 (heavy industry)
- (Ord. 1005 (part), 1984: prior code Ch. 24 § 24-2)

2.66.030 Objectives.

The Cambridge Employment Plan has the following objectives:

A. To ensure that local resources are wisely invested in those applicable areas where there is maximum promise that the benefits that accrue, including employment opportunities, will be made available to City residents;

B. To maintain and to increase, whenever possible, the current percentage of City jobs held by City residents (twenty-five percent), by promoting the hiring of qualified unemployed and underemployed City residents;

C. To promote the hiring of qualified unemployed and underemployed women and minorities who are City residents;

D. To provide employers with a central location for disseminating and receiving information

on all facets of employment and training resources in the City. (Ord. 1005 (part), 1984: prior code Ch. 24 § 24-3)

2.66.040 Developer's responsibilities.

In any applicable area, the Cambridge Inspectional Services Department shall not issue a building permit for any project until the developer signs an agreement with the Employment and Training Agency designated by the City Manager to achieve the objectives set forth in Section 2.66.030 of this article. In such agreement the developer shall agree to:

A. Notify the Employment and Training Agency designated by the City Manager of all job opportunities of which it has knowledge or over which it has hiring control. Jobs include, but are not limited to, construction, manufacturing, clerical, technician, maintenance and security jobs;

B. Place appropriate job announcements in the City news media prior to placing such announcements outside the City;

C. Notify businesses which occupy the project building of the services available through the Employment and Training Agency designated by the City Manager and the Cambridge Community Development Department;

D. Inform each such business about the objectives and goals of the Cambridge Employment Plan;

E. Provide the Employment and Training Agency designated by the City Manager with the names of all new businesses moving into the project building and the names of their contact persons;

F. Set goals and indicate procedures whereby City residents would obtain jobs with the developer;

G. Report periodically, in writing, to the Employment and Training Agency designated by the City Manager, the number of City residents hired under the agreement, together with whatever other information the agreement requires;

H. Include in every lease a provision requiring the tenant to sign an agreement as provided in subsections A through G of this section with the Employment and Training Agency designated by the City Manager. (Ord. 1005 (part), 1984: prior code Ch. 24 § 24-4)

2.66.050 City's responsibilities.

A. Recognizing the City's obligation to provide assistance to the private sector under the Cambridge Employment Plan and its commitment to the employment of City residents, the City, acting through its Community Development Department, agrees to:

1. Provide an attractive overall environment to encourage private investment by properly planning and administering economic and urban design improvement strategies in applicable areas;

2. Assist in financing of commercial, industrial and housing development.

B. The City, acting through its job training organization (the Employment and Training Agency designated by the City Manager), agrees to:

1. Establish a central clearinghouse where developers and new firms can provide job information for dissemination to appropriate agencies and receive a wide array of information on tax credits, training programs and other services pertaining to training and employment needs;

2. Maintain a readily accessible job recruitment and listing system so that eligible City residents can be quickly placed in available jobs;

3. Commit the necessary resources in the development of appropriate job training programs consisting primarily of "on-the-job" and "tailored classroom" training. (Ord. 1005 (part), 1984: prior code Ch. 24 § 24-5)

Article II. Implementation by Community Development Department and Employment Resources Incorporated

2.66.060 Definitions for Article II.

For the purposes of this article, unless the context clearly indicates otherwise, words and phrases used in this article are defined as follows:

A. "Minority person" means and includes those persons who are Black, Hispanic, Asian or Native American, or Cape Verdean.

B. "Resident" means any person for whom the principal place where that person normally eats and sleeps is within the City limits where that person maintains his or her domicile and that person is subject to a State resident income tax and such a residency has occurred for at least six full months. (Ord. 1015 § 1, 1984: prior code Ch. 24 § 1)

2.66.070 Statement of policy.

A. On any construction project funded in whole or in part by City, State or federal funds, or funds which in accordance with a federal grant the City expends or administers or which the City is a signatory to the construction contract, the worker hours on a craft-by-craft basis shall be performed, in accordance with the contract documents provided for in subsection B of this section.

B. 1. No less than twenty-five percent of the total employee manhours in each trade shall be performed by bona fide City residents;

2. No less than twenty-five percent of those employee manhours described in subsection B1 of this section, shall be performed by minorities;

3. No less than ten percent of those employee manhours described in subsection B1 of this section shall be performed by women.

C. 1. Such contracts with a value in excess of two hundred fifty thousand dollars shall be performed only by contractors who are affiliated with bona fide apprenticeship programs approved by the Commonwealth;

2. All contractors bidding on such projects shall provide written commitment to employ a specific number of apprentices satisfactory to the City. (Ord. 1015 § 2, 1984: prior code Ch. 24 § 2)

2.66.080 Compliance, enforcement, sanctions.

A. Employment Resources Incorporated as described in this article shall be designated as the agency responsible for the implementation of the ordinance codified in this article.

B. Community Development as described in this article shall be responsible for compliance and enforcement of the ordinance codified in this chapter.

C. Planning and Implementation. Prior to the commencement of any construction project, capital works or city economic development plan covered by this article, both agencies described in this article shall jointly:

1. Review spending plans for such projects;
2. Identify the number of job positions in all categories that will be created by such projects.

D. Employment Resources Incorporated shall establish a job screening and referral program that will assist contractors and subcontractors to enable them to comply with this article.

E. The Offices of Community Development shall be responsible for enforcing and monitoring compliance with the provisions of this chapter and the contract provisions established in accordance with this article shall have the following duties:

1. To require all contractors and subcontractors affected by this article to submit weekly work force charts listing workers by name, residential address, craft, job category, hours worked, sex and race and that these charts shall be public record;

2. To negotiate with all contractors/developers in order to identify and classify construction jobs by job titles, and duration;

3. To exercise the power, by means of the contract provision referred to in this article, to impose sanctions upon contractors and subcontractors found to be in noncompliance with this article. Such sanctions shall include but not be limited to:

- a. Suspension of payments,
- b. Termination of any or all contracts,
- c. Recovery by the City of one percent of the contract award price as liquidated damages, and
- d. Denial of any further participation in future contracts for no less than three years. (Ord. 1015 § 3, 1984: prior code Ch. 24 § 3)

2.66.090 Review of semiannual reports.

A subcommittee shall be established to review all reports made available semiannually by both Employment Resources Incorporated and Community Development and make recommendations to both entities concerning all aspects of this article. (Ord. 1015 § 5, 1984: prior code Ch. 24 § 5)

2.66.100 Independent agency compliance required.

Any and all activities of any independent agency operating or acting on behalf of the City, including, but not limited to, the Cambridge

Redevelopment Authority, shall comply with the provisions of this article. (Ord. 1015 § 6, 1984: prior code Ch. 24 § 6)

2.66.110 Funding.

Funding shall be provided to establish a position in Employment Resources Incorporated to enable the successful execution of this article and that such position should be filled by an individual that has a working rapport with local trade unions, experience and a working knowledge of the construction industry and its intricacies and shall have had prior experience working in a like capacity. (Ord. 1015 § 7, 1984: prior code Ch. 24 § 7)

Chapter 2.68

PLANNING BOARD

Sections:

- 2.68.010** Established—Appointment—Term.
- 2.68.020** Organization.
- 2.68.030** Powers.
- 2.68.040** Vacancies.

2.68.010 Established—Appointment—Term.

The Planning Board of the City, established under the provisions of 1 A.L.M., c. 41 §§ 70 through 72, shall consist of seven members. The City Manager shall annually, in the month of April, appoint one member of the Board for the term of five years from May 1st, and starting in April, 1949, and every fifth year thereafter, the

City Manager shall appoint three members for the term of five years from May 1st. (Prior code § 2-129)

2.68.020 Organization.

The Board shall choose a Chairman and a Secretary from its own membership. (Prior code § 2-131)

2.68.030 Powers.

The Board shall have all powers and authority, and perform the duties set forth in 1 A.L.M., c. 41, §§ 70 through 72 relative to local planning boards and under any acts in amendments or addition thereto. (Prior code § 2-132)

2.68.040 Vacancies.

Vacancies occurring on the Board shall be filled by appointment by the City Manager for the unexpired terms. (Prior code § 2-130)

Chapter 2.70**WATER BOARD****Sections:**

- 2.70.010** Established—Appointment—Term.
- 2.70.020** Powers.
- 2.70.030** Organization.
- 2.70.040** President's duties.
- 2.70.050** Personal interest in contracts prohibited.
- 2.70.060** Chief Superintendent—Powers and duties.
- 2.70.070** Chief Superintendent—Supervision over use of water.
- 2.70.080** Disposition of revenues—Interest payments.
- 2.70.090** Annual reporting requirements.

2.70.010 Established—Appointment—Term.

A. The Water Works Department shall be under the charge of the Water Board, which shall consist of five persons, to be appointed by the City Manager.

B. The City Manager shall annually, in the month of June, appoint one member of the Water Board, who shall hold office for the term of five years from June 30th, 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 the Board. (Prior code § 19-1)

2.70.020 Powers.

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 such Board the officers shall be under the control of the Water Board, and shall be paid by the Board. (Prior code § 19-4)

2.70.030 Organization.

The Water Board shall elect one 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. (Prior code § 19-2)

2.70.040 President's duties.

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. (Prior code § 19-3)

2.70.050 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 contact, bargain, sale or agreement, in relation to the water works, 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. (Prior code § 19-6)

2.70.060 Chief Superintendent—Powers and duties.

The Board shall appoint a Chief Superintendent, who shall be a citizen of the City, 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 July, 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. (Ord. 1047 (part), 1987; prior code § 19-8)

2.70.070 Chief Superintendent—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. (Prior code § 19-9)

2.70.080 Disposition of revenues—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 Sections 2.32.070 and 2.32.080 of this title. The City Manager may draw his draft for all sums of money becoming due for interest on the City water loan, and the amounts so paid shall be charged to the water works. (Prior code § 19-10)

2.70.090 Annual reporting requirements.

The Board, in July 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. (Ord. 1047 (part), 1987; prior code § 19-24)

Chapter 2.72

CAMBRIDGE HEALTH POLICY BOARD

Sections:

- 2.72.010 Established—Composition.
- 2.72.020 Appointment—Term.
- 2.72.030 Appointment—Nomination.
- 2.72.040 Meetings.
- 2.72.050 Subcommittees—
Appointment—Duties.
- 2.72.060 Secretary—Appointment.
- 2.72.070 Compensation.

2.72.010 Established—Composition.

There shall be a Cambridge Health Policy Board consisting of fifteen members, which number may be altered by an amendment to the ordinance codified in this chapter by the City Council. (Ord. 896 (part), 1978: prior code Ch. 11 § 11-4(a))

2.72.020 Appointment—Term.

The members shall be appointed by the City Manager for terms of three years. Initial appointments shall be for the following terms: Five members for a term of three years, five members for a term of two years and five members for a term of one year. (Ord. 896 (part), 1978: prior code Ch. 11 § 11-4(b))

2.72.030 Appointment—Nomination.

A. One month prior to making such appointments or reappointments, the City Manager shall solicit nominations from as many public service groups and other sources as possible, including but not limited to:

1. Medical professionals: Physicians, dentists, nurses and social workers;
2. Other professionals and people representing the public interest: Lawyers, clergy, environmentalists, financial professionals (bankers, accountants), and individuals suggested by business organizations, social agencies and universities;

3. Consumers: Representing low income, elderly, non-English speaking and other consumer groups.

B. The City Manager shall at all times endeavor to achieve and maintain a fair balance on the Board among these three major categories. He shall endeavor to locate individuals who have made significant contributions to public service activities, and who represent a broad cross-section of the City's consumer interests. Such individuals must also have been residents of the City for at least four years. (Ord. 896 (part), 1978: prior code Ch. 11 § 11-4(c))

2.72.040 Meetings.

The Health Policy Board shall hold regular meetings at least once each month, and if Board members fail to attend a third of the regular meetings without adequate explanation, the City Manager shall replace them automatically by the same method. (Ord. 896 (part), 1978: prior code Ch. 11 § 11-4(d))

2.72.050 Subcommittees—Appointment—Duties.

A. The Health Policy Board shall effectively address all aspects of the health of the City and to accomplish this end, shall establish subcommittees as outlined in this section.

B. There shall be at least but not limited to four standing subcommittees, one on the Cambridge Hospital and Clinics, a second on the Michael J. Neville Manor, a third concerned with public health, environment, code enforcement and sanitation and a fourth for overall planning. These subcommittees shall advise the administrative directors concerned, who shall attend their respective subcommittee meetings. To the extent possible, each subcommittee should reflect the composition of the Board as outlined in Section 2.72.030 of this chapter.

C. Each subcommittee shall report in writing to the full Board on matters taken up in subcommittee.

D. All matters necessitating a vote shall be put to the full Board. The City Manager shall appoint a part-time Secretary for the subcommittee on the Hospital and Clinics, and for such other subcommittees as the Board shall request assistance therefor. (Ord. 896 (part), 1978: prior code Ch. 11 § 11-4(e))

2.72.060 Secretary—Appointment.

The City Manager shall appoint a Secretary or a part-time Secretary for the Health Policy Board who shall prepare meeting agendas, coordinate

the gathering of information for the Board, record minutes of Board meetings, distribute the above material to Board members, and perform whatever additional functions as may be assigned by the Board from time to time. (Ord. 896 (part), 1978: prior code Ch. 11 § 11-4(f))

2.72.070 Compensation.

Members of the Health Policy Board shall serve without compensation, but they may be reimbursed for any expense which may reasonably be incurred through service on the board. (Ord. 896 (part), 1978: prior code Ch. 11 § 11-3(b))

Chapter 2.74

POLICE REVIEW AND ADVISORY BOARD

Sections:

- 2.74.010 Purpose.
- 2.74.020 Established—Composition.
- 2.74.030 Officers and staff.
- 2.74.040 Duties.
- 2.74.050 Chief of Police—Duties.
- 2.74.060 Special meetings.
- 2.74.070 Discipline.
- 2.74.080 Complaints.
- 2.74.090 Resolution of complaints.
- 2.74.100 Hiring and promotions.
- 2.74.110 Hearing by petition.

2.74.010 Purpose.

A. The general purpose of this chapter is to provide for citizen participation in reviewing Police Department policies, practices and procedures and to provide a prompt, impartial and fair investigation of complaints brought by individuals, police officers upon whom a complaint has been brought and employees of the Police Department.

B. The City Manager shall choose a representative from each of the five sections of the City known as:

1. Cambridgeport/Riverside Section;
2. Eastern Section;
3. Northern Section;
4. Mid-Cambridge Section; and
5. Western Section.

C. The sections of the City set out in subsection B of this section, for purposes of selection to the Board, shall be defined by the City Council.

D. The City Manager shall make every effort to insure that individuals appointed to the Board, fairly and accurately represent the City's racial, social and economic composition. (Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 1)

2.74.020 Established—Composition.

A. There shall be a five-member City of Cambridge Police Review and Advisory Board (the "Board"). Members of the Board shall be appointed by the City Manager. Prior to appointing any member to the Board, the City Manager shall seek qualified candidates by advertising in the local newspapers for individuals who desire appointment to the Board. The term of membership on the Board is five years. No person may serve consecutive terms as a member of the Board. The City Manager may remove members of the Board only for cause as defined in the City Charter. All members of the Board shall be residents of the City.

B. The members of the Board and its staff shall not hold any other position for the City while he or she is a member of the Board or staff.

C. No member of a City employee's immediate family (husband, wife, brother, sister, son or daughter) shall be appointed to, or hired by the Board.

D. No staff or member of the Board shall have been an employee of the City within two years of his or her appointment to, or hiring by the Board, and no member of such person's immediate family shall be appointed to, or hired by the Board.

E. The Board shall elect a Chairperson annually. The Board shall meet at the call of its Chairperson, but shall meet at least once a month. Meetings of the Board shall be open to the public except when the Board, in its discretion, meets in executive session in private. All meetings of the Board shall be conducted in accordance with the open meeting laws of the Commonwealth.

F. Members of the Board shall not receive compensation for services but shall receive reasonable expenses and fees incurred as a result of their membership on the Board. (Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 2)

2.74.030 Officers and staff.

A. Executive Secretary to the Board. The Board shall appoint an Executive Secretary. The

Executive Secretary shall be responsible for the daily administration of the Board. The Executive Secretary's terms and conditions of employment shall be fixed by the Board. The Executive Secretary to the Board shall, with the consent and approval of the Board, be empowered to hire clerical help when needed.

B. Investigative Staff.

1. The Board shall also appoint a Board Investigator if it deems necessary and such additional staff of investigators as it deems necessary. The terms and conditions of employment for such Board Investigator shall be fixed by the Board, but the salary of the Board Investigator shall be equivalent to that received by investigators of similar Boards of Investigation.

2. The Board Investigator shall not have been an employee or elective or appointive officer of the City within three years prior to appointment. The terms and conditions of employment for all other investigative staff shall be fixed by the Board. All Board investigators must possess skills and experience necessary for investigative work.

C. Other Staff. The Board, from time to time, may contract, in accordance with existing regulations and law, for such additional staff as is necessary to carry out its duties.

D. All members of the staff are under the direction of the Board. (Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 4)

2.74.040 Duties.

The Board shall have the following duties:

A. The Chief of Police in consultation with the Board, shall establish policies, rules and regulations for the Police Department (the "Department");

B. The Board and the City Council shall review the Department budget before it is submitted to the City Manager;

C. The Board shall receive and resolve, as provided in Sections 2.74.080 and 2.74.090 of this chapter, any complaint concerning the operation of the Department;

D. The Board shall make recommendations to the Chief of Police and/or the City Manager in matters concerning the discipline of employees of the Department;

E. The Board shall make quarterly reports to the City Manager, the Mayor, City Council and to the public, of the Department's activities during the previous year, including the handling of complaints, and of future plans. The final disposition of complaints shall be made public;

F. The Board, with the assistance and approval of the City Solicitor, shall have the power to subpoena witnesses, administer oaths, take testimony and require the production of evidence. The Board, through the office of the City Solicitor, shall apply to the appropriate court to enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order. The Board may delegate in writing to a member of its staff the powers to administer oaths and take testimony. A delegation is revocable at the will of the Board and does not prevent exercise of any power by the Board. (Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 3)

2.74.050 Chief of Police—Duties.

The Chief of Police shall administer the Department pursuant to existing laws, and the rules and regulations of the Department and the State civil service rules and regulations. (Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 5)

2.74.060 Special meetings.

Special meetings may be called by the Executive Secretary or by three members of the Board, upon personal notice being given to all members of the Board, or written notice being mailed to each member and received at least forty-eight hours prior to such meeting, unless such notice is waived by such members. (Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 10)

2.74.070 Discipline.

A. **Manual.** The Chief of Police, in consultation with the Board, shall adopt a manual of rules, regulations and procedures for the Department. The manual shall define categories of major and minor offenses and shall set forth the maximum and minimum penalties for each offense. The offenses and penalties shall not be defined in a manner that is inconsistent with existing civil service laws.

B. **Summary Discipline.** The Chief of Police may implement summary discipline for a minor offense.

C. **General Discipline.** The Chief of Police shall recommend to the City Manager the discharge or indefinite suspension of any employee of the Department for a major offense. (Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 6)

2.74.080 Complaints.

A. A complaint by a member of the public, hereinafter referred to as "a civilian complaint," or any police officer or civilian employee concerning the Department may be filed either with the Department or the Board. Complaints concerning the Department and filed with the Department shall be forwarded immediately to the Board Secretary. Copies of the complaint shall be made available to each member of the Board, the Board Investigator and the Chief of Police. The Chief of Police shall investigate such a complaint immediately and file a report of findings with the Board within thirty days. Complaints concerning the Department and filed with the Board shall be investigated immediately by the Board. Copies of the complaint shall be made available to the Chief of Police. The Board shall immediately order a preliminary investigation by its investigative staff. The purpose of such preliminary investigation shall be to determine if there is sufficient evidence to warrant a full investigation of the allegations contained within the complaint by the Board. The preliminary investigation shall be completed within ten days, unless for cause a member of the Board extends

such time. No preliminary investigation shall be extended for more than thirty days. After completion of such preliminary investigation, the Board shall either order a full investigation if sufficient evidence exists to warrant same or if sufficient evidence does not exist to warrant same, summarily dismiss the complaint.

B. In addition to the above, the Board may also cause to be investigated any complaint concerning the Department or its rules and regulations.

C. The Board Secretary shall keep a public docket of complaints and the disposition of each complaint after investigation.

D. The Board shall issue a written response to all complaints and it shall deliver a copy of its response and/or findings to all parties. (Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 7)

2.74.090 Resolution of complaints.

A. If a complaint is not resolved as a result of investigation to the satisfaction of the complainant, the respondent employee, or a member of the Board, either the complainant, the respondent employee or the Board member may request the full Board to hear or review the matter. The Board may, as its option, when it determines that a hearing or review is warranted by the evidence, hear or review the matter itself or refer the matter to a fact finder. A representative of the City Solicitor's office shall be present at any hearing before the Board.

B. The fact finder shall be an attorney and, in the conduct of the hearing, may with the assistance and approval of the City Solicitor, subpoena witnesses, administer oaths, take testimony and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the fact finder shall apply to the appropriate court. The costs of the fact finder shall be borne by the City.

C. After a hearing, the fact finder shall, within thirty days, submit findings of fact to the Board. The Board, upon receipt of the report of the fact

finder, if any, shall within thirty days recommend to the City Manager any discipline to be imposed. Any report or action involving a civilian complaint shall be made public.

D. Any employee against whom a complaint is filed is presumed innocent and shall not forfeit any pay or seniority rights pending final action by the Board, except with the concurrence of four members of the Board. All pleadings filed and all hearings before the Board and the fact finder which involve a civilian complaint shall be public. The parties to any hearing are the complainant and the respondent employee. Each has a right to counsel. The complainant's case may be presented by the complainant or complainant's counsel. Any probative evidence may be admitted. (Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 8)

2.74.100 Hiring and promotions.

A. Entry into employment with the Department as a police officer is by appointment of the

City Manager, in accordance with the rules, regulations and procedures of the Department and the Commonwealth's civil service laws.

B. Promotions shall be made on the basis of training, experience, education and competitive examinations, all in accordance with existing law. The City Manager shall make all promotions within the Department. (Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 9)

2.74.110 Hearing by petition.

On the written petition of fifty or more residents of the City, filed with the Board, the Board shall hold a special hearing for the purpose of responding to such petition. Copies of the petition shall be delivered to the City Manager, City Clerk and the City Council. Notice of such hearing shall be given in the same manner as provided for other hearings of the Board. The Board shall conduct such hearing upon the subject matter of the petition within thirty days of the filing of such petition with the Board. (Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 11)

Chapter 2.76

HUMAN RIGHTS COMMISSION

Sections:

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- 2.76.020** Purpose.
- 2.76.030** Definitions.
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- 2.76.140** Investigation of discrimination—Powers and duties.
- 2.76.150** Complaint resolution procedures.
- 2.76.160** City discrimination policy.
- 2.76.170** Applicability—Police powers.
- 2.76.180** Chapter provisions not exclusive.
- 2.76.010** Established.
- A. There shall be a Cambridge Human Rights Commission consisting of eleven members, which may be altered by an amendment to the ordinance codified in this chapter by the City Council.
- B. The Commission shall be considered a department of the City, with all the rights and responsibilities thereof. The Executive Director

of the Commission shall be considered the Department Head. (Ord. 1016 (part), 1984: prior code Ch. 25 § 1)

2.76.020 Purpose.

The Commission of Human Rights shall work with the City Manager and/or his assistants on matters pertaining to the human rights of City citizens. The main purpose for which the ordinance codified in this chapter is enacted is to protect the human rights of all the citizens of the City. (Ord. 1016 (part), 1984: prior code Ch. 25 § 3(D))

2.76.030 Definitions.

As used in this chapter:

1. "Age" means the actual or supposed chronological age of an individual eighteen years or older.
2. "Bona fide occupational qualification" means a valid consideration of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income that is a requirement for employment and has been certified as such by the Cambridge Human Rights Commission (referred to in this chapter as "the Commission") or by the Massachusetts Commission Against Discrimination under Chapter 151B of the Massachusetts General Laws.
3. "Disability" means any actual or supposed physical or mental handicap of an individual, other than the state of being presently legally incompetent.
4. "Discrimination" means a policy or practice that by design or effect segregates, creates unequal status, separates or has a disproportionate impact on the basis of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income.
5. "Educational facility" means any person, whether organized for profit or not-for-profit,

that holds itself out to the public as providing instruction in the arts, sciences, trades or any other area of learning.

6. "Family status" means the actual or supposed condition of having minor children living with the individual or not.

7. "Labor organization" means any association, regardless of its form of organization, or employees or persons involved in similar trades or industries for the purpose of collective bargaining, resolving grievances in the terms and conditions of employment, or any other mutual aid or protection.

8. "Marital status" means the actual or supposed state of being or having been married, separated or divorced, or not.

9. "Military status" means the actual or supposed condition of being or having been in the service of the military, or not.

10. a. "Public accomodation" means any place or site, business or other establishment, or medium of communication, whether owned privately or by a public agency, that is intended for the patronage or use or convenience, whether for a charge or fee or not, of the general public, including but not limited to, inns, hotels, motels, roadhouses, trailer parks, campsites, any place where food or beverage is sold, retail stores, shopping malls, dispensaries, clinics, hospitals, rest homes, nursing homes, hospices, physicians' offices or other medical facilities, rest rooms, bathhouses, parks, public grounds, gardens, theaters, lecture halls, newspapers and magazines and other publications, barber shops, beauty parlors, motion picture houses, music halls, bowling alleys, amusement parks and arcades, skating rinks, ball parks, billiard and pool parlors, recreation parks, fairs, golf courses, gymnasiums, health clubs, shooting galleries, art galleries, libraries, laundries, garages, all public conveyances whether owned privately or by a public agency, transportation terminals and stations, public portions of buildings accommodating the public, clubs, societies and social associations

that are public or quasi-public banks, finance companies, insurance companies, streets and parking lots.

b. Nothing contained in this chapter shall be construed to include or apply to any place of accommodation that is by its nature distinctly private; provided, that where public use is permitted that use shall be covered by this chapter and further provided, that an establishment that has membership requirements but otherwise qualifies as a public accommodation shall be deemed a public accomodation for the purpose of this chapter if its membership requirements (1) consist only of the payment of fees or dues; (2) consist of requirements under which a substantial portion of the residents of or visitors to the City could qualify; or (3) consist primarily of a discrimination or exclusion based upon race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income.

11. "Real estate transaction" means any intercourse among any persons that involves a building, structure or portion thereof, or parcel of land, developed or undeveloped, whether privately owned or owned by a public agency, including the design, construction, alteration, repair, sale, lease, sublease, mortgage, rental or other provision, term or offer of the same.

12. "Religious creed" means the actual or supposes faith, belief or moral philosophy of an individual or the lack thereof.

13. "Sexual orientation" means the actual or supposed heterosexuality, homosexuality or bisexuality.

14. "Source of income" means the actual or supposed manner or means by which an individual supports himself or herself and his or her dependents, excluding the use of criminal activities as a means of support. (Ord. 1016 (part), 1984: prior code Ch. 25 § 9(E))

2.76.040 Appointment—Term.

The members shall be appointed by the City Manager for terms of three years. Initial appointments shall be for the following terms: Three members for a term of three years, four members for a period of two years and four members for a period of one year. Any vacancy occurring other than by expiration of term shall be filled by appointment by the City Manager for the unexpired term. (Ord. 1016 (part), 1984: prior code Ch. 25 § 2)

2.76.050 Nominations.

A. Not less than two months prior to making such appointments, or reappointments, the City Manager shall solicit nominations from as many public service groups and other sources which he deems appropriate as possible.

B. In keeping with the policy of the City Council, the members of the Commission shall be representative of the population of the City. The Commission shall contain members of groups traditionally targets of discriminatory behavior. (Ord. 1016 (part), 1984: prior code Ch. 25 § 3(A))

2.76.060 Residency requirement.

All members of the Commission shall be residents of the City when appointments are being made by the City Manager, and throughout their tenure. (Ord. 1016 (part), 1984: prior code Ch. 25 § 3(B))

2.76.070 Officers—Quorum—Adoption of rules and regulations—Compensation.

A. The Commission shall elect a Chairperson from among its members. The Chairperson shall be elected at the first meeting each year. The Commission members shall make an attempt to rotate the election of a Chairperson each year thereafter.

B. Six members shall constitute a quorum for the purpose of conducting the business of the

Commission and all decisions shall be by majority vote of the Commission members present and voting.

C. The Commission shall adopt rules and regulations consistent with this chapter and the laws of the Commonwealth to carry out the policy and provisions of this chapter and the powers and duties of the Commission in connection therewith. The rules shall insure the due process rights of all persons involved in investigations and hearings.

D. All records of the Commission shall be public except as provided by State law.

E. Members of the Commission shall serve without compensation but reasonable per diem and necessary expense reimbursement shall be paid out of the budget of the Commission.

F. The Commissioners shall be classified as special municipal employees for the purposes of Chapter 268A of the Massachusetts General Laws. (Ord. 1016 (part), 1984: prior code Ch. 25 § 3(C))

2.76.080 Recommendations of deficiencies.

A. The Commission shall discuss human rights problem areas with the City Manager and make recommendations necessary to protect the human rights of all City citizens and employees.

B. The Commission shall request of the City Manager, department heads and Superintendent of Schools, such information and staff support as is reasonable so that it may be properly informed.

C. The Commission may review and comment on all matters pertaining to the human rights of citizens. They may examine and scrutinize and comment on department budgets including the School Department budget.

D. The Commission shall, with the advice and consent of the City Manager, employ an Executive Director who shall be the executive officer of the Commission and shall be responsible for carrying out the policies and decisions of the Commission. The Commission may employ

an Administrative Assistant or such other personnel as it may from time to time deem necessary.

E. The Commission shall, when appropriate, request the assistance of the staff and commissions of the City engaged in related work, such as the Commission on the Status of Women, the Civic Unity Committee, the Commission on the Handicapped, the Fair Housing Office, the Affirmative Action Officer, the Consumers' Council, the Council on Aging and the Veterans' Service Department, and shall at all times work cooperatively with these groups.

F. The Commission shall receive aid, advice and opinions from the City Solicitor and the Legal Department, and be represented in court by the City Solicitor or by its own attorneys.

G. The City Manager shall provide office space in City Hall to the Commission in order to give easy access to citizen complaints.

H. Each year, the Commission and the City Manager, together or separately, shall report to the City Council in writing as to the progress that is being made under this chapter. These written reports may properly contain suggestions and recommendations which will further the aims of this chapter. (Ord. 1016 (part), 1984: prior code Ch. 25 § 4)

2.76.090 Authority to conduct investigations.

The Commission may at any time question matters pertaining to City bona fide residents who are faculty members and/or students of local schools and universities who are involved in human rights complaints. (Ord. 1016 (part), 1984: prior code Ch. 25 § 5)

**2.76.100 Covenant for new contracts—
Existing contracts.**

A. Any contract entered into by the City or the Cambridge Schools, or any of their agencies, departments or subdivisions shall contain a

covenant by the contractor and his or her subcontractors not to violate this chapter. Breach of this covenant shall be regarded as a material breach of the contract.

B. This section shall not impair the obligation of any presently existing contract. (Ord. 1016 (part), 1984: prior code Ch. 25 § 6)

2.76.110 Posting of discrimination policy required.

A. The City, every City contractor and subcontractor, every employer with one hundred or more employees, every owner of an apartment building or housing complex of fifteen or more units, every employment agency, every realtor and real estate agency, and every apartment or roommate service shall prominently post and keep posted the following notice at its place of business or in such apartment building or housing complex:

Discrimination on the basis of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income is unlawful in the City of Cambridge. Chapter 2.76, Cambridge Municipal Code.

Cambridge Human Rights Commission
_____ Cambridge, Massachusetts

B. The blanks in the model set out in subsection A of this section shall be properly filled with the address and telephone number of the offices of the Commission.

C. It shall be a crime punishable by a fine of not more than fifty dollars per violation to wilfully violate this section. (Ord. 1016 (part), 1984: prior code Ch. 25 § 7)

**2.76.120 Acts deemed lawful and unlawful—
Exemptions.**

The Commission shall receive and investigate complaints of presence in the City of prejudice,

intolerance or bigotry, including but not limited to such matters as the choice of lifestyle and the consequences such attitudes in the community engender and initiate its own investigation of the following activities and unlawful practices:

A. It is an unlawful practice for the City or the Cambridge School Department, or any of their agencies, departments, subdivisions or employees to discriminate against any person in the provision of services, facilities, employment, housing or real estate transactions, education or other opportunities because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income of such persons.

B. It is an unlawful practice for the City or the Cambridge School District, or any of their agencies, departments, subdivisions or employees to commit any act prohibited in this chapter which would be unlawful if committed by a private person.

C. It is an unlawful practice to deny any person or group equal access to City services in employment, housing, education, recreation or other areas where such denial is based on limited English language skills.

D. 1. It is an unlawful practice for an employer directly or indirectly to refuse to hire or employ or to bar or to discharge from employment, training or apprenticeship or to discriminate against any individual in compensation or in the terms, conditions or privileges of employment, training or apprenticeship, because of the race, color, sex, age, religious creed, physical handicap, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income of such individual, unless based on a bona fide occupational qualification. An employer who asserts that a discriminatory practice is justified because of a bona fide occupational qualification that has not been certified as such by the Commission or by the Massachusetts Commission Against Discrimination under Chapter 151B of the Massachusetts General Laws, shall have the burden of showing:

a. That the discrimination is in fact a necessary result of a bona fide occupational qualification; and

b. That there exists no less discriminatory means of satisfying the occupational qualifications.

2. Reasonable accommodation shall be made to enable the employment or continued employment of a disabled person unless the employer can demonstrate that the extent of the accommodation required to meet the limitations of the person would impose an undue hardship or safety hazard to the employer's business.

3. The following practices shall be exempt from the operation of this section:

a. Employment practices of an employer of fewer than six persons;

b. Employment of an individual by his or her parent, child or spouse;

c. Employment by a religious institution of individuals performing a service related to a bona fide religious purpose;

d. Employment of an individual for work within the home of the employer;

e. Employment of an individual for the rendering of services to the person of the employer or his or her family.

4. The following practices shall not be deemed unlawful:

a. Employment programs designed to effect affirmative action by giving special preference to women, racial minorities or veterans; provided, that such employment programs shall not discriminate among women, racial minorities or veterans on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;

b. Employment limited to the elderly or disabled; provided, that such employment shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;

c. Observance by an employer of the conditions of a bona fide employee benefits system or plan (including, but not limited to, a contractual

seniority system); provided, that no such system or plan shall provide an excuse for failure to hire any individual.

E. It is an unlawful practice for any employment agency directly or indirectly to fail or refuse to classify properly or refer for employment or otherwise discriminate against any individual because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income of such individual. An employment agency that specializes in the recruitment and placement of elderly or disabled employees shall be exempt from the operation of this section with respect to such specialized services; provided, that such services shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter.

F. It is an unlawful practice for a labor organization directly or indirectly to refuse to admit to membership, training, apprenticeship or classification or to otherwise discriminate against any individual because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income of such individual.

G. It is an unlawful practice for an employer, employment agency or labor organization directly or indirectly to advertise or otherwise publicize that any individual is unwelcome or not employable because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income of such individual, unless based on a bona fide occupational qualification or one of the exceptions set forth in this subsection and subsections F and H of this section.

H. 1. It is an unlawful practice for any person directly or indirectly to refuse to engage in a real estate transaction with any person or to set discriminatory terms or conditions with respect to a

real estate transaction with any person or to advertise or otherwise publicize that any person is unwelcome or may not enter into a real estate transaction because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income of such person or of a person residing with such person.

2. This section does not create an affirmative duty to remove barriers for the disabled in excess of the requirements of existing laws and ordinances, but reasonable accommodation shall be made to enable the provision of housing for a handicapped person.

3. The following practices shall be exempt from the operation of this section:

a. The leasing or renting of a room or rooms within a dwelling or apartment which is occupied by the lessor as his or her residence and in which the roomer or boarder must pass through the space or a portion thereof occupied by such lessor in order to gain access to the room or rooms thus let or rented;

b. The leasing or renting of a single apartment in a two-family dwelling, the other residential unit of which is occupied by the lessor as his or her residence;

c. The leasing, rental or other provision with or without fee or space within a church, temple, synagogue, religious school or other facility used primarily for religious purposes.

4. The following practices shall not be deemed unlawful:

a. The establishment of government-sponsored housing programs operated either directly by government agencies or indirectly through government subsidization and regulation, which programs are designed to assist the elderly, disabled or economically disadvantaged individuals; provided, that such programs shall not discriminate among the elderly, disabled or economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;

b. The establishment of housing set aside for or limited to the elderly or the disabled; provided, that such establishment shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter.

c. The establishment of same-sex dormitories or portions thereof by educational facilities; provided, that such establishment shall not discriminate on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter.

d. The establishment of a hospital, convent, monastery, shelter, asylum or residential facility for the care and lodging of persons in need of special medical, rehabilitative, social or psychological support, including but not limited to half-way houses, drug treatment centers, detoxification facilities, shelters for the homeless, and the like.

I. It is an unlawful practice for any bank, financial institution or any other credit-granting or credit-approving institution or person, including a retail store that sells goods or services on credit, directly or indirectly to discriminate in the granting, reporting, approval or extension of any form of loan or credit to any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income of such person. It shall not be an unlawful practice under this section to establish or review the creditworthiness of any person by seeking information relevant to such creditworthiness as amount and source of income, age, employment history, credit references and the number and age of dependents.

J. 1. It is an unlawful practice for any insurance company, insurance agent or person engaged in the service of providing insurance to refuse to insure any person or discriminate in the terms of insuring any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income of such person, unless based on

a bona fide actuarially determined insurance factor, such as the age or health of the person, that affects the risk for which insurance is being sought.

2. In accordance with federal course cases, it is the intention of this section that actuarial data be gender-neutral.

K. It is an unlawful practice for any bonding institution or person engaged in the service of providing financial and performance bonds to refuse to bond any person or discriminate in the terms of bonding because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income of such person.

L. 1. It is an unlawful practice for any educational facility directly or indirectly to fail or refuse to admit, or to curtail or terminate admission to, or to discriminate in the terms or conditions of educational services, programs opportunities or curriculum offered by it to any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income of such person.

2. The following practices shall not be deemed unlawful:

a. The establishment by an educational facility of minimum or maximum age requirements for any educational program; provided, that such establishment shall not discriminate among the potential students on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;

b. The selection of students by a religious educational facility that is limited exclusively or gives preference to members of such religion; provided, that such selection shall not discriminate among the members of such religion on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;

c. The maintenance or establishment by an educational facility of a school or program limited to members of only one sex or otherwise segregated by sex; provided, that such facility shall not discriminate among the members of such sex on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;

d. Educational programs or policies designed to effect affirmative action by giving special preference to women, racial minorities or veterans; provided, that such programs or policies shall not discriminate among women, racial minorities, or veterans on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;

e. The establishment by an educational facility of special programs designed to assist or provide special training for the disabled, the elderly, individuals not fluent in English, or the economically disadvantaged; provided, that such selection shall not discriminate among the disabled, elderly, individuals not fluent in English, or the economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter.

M. 1. It is an unlawful practice for any person directly or indirectly to withhold, deny, curtail or in any manner limit the full use of a public accommodation by any person, or discriminate against such person with respect to the use of such accommodation, because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income of such person.

2. It is an unlawful practice for any person directly or indirectly to advertise or otherwise publicize that any person is unwelcome to the full use of any public accommodation because of the race, color, disability or source of income of such person.

3. The following practices shall not be deemed unlawful:

a. The designation of a public accommodation for the exclusive or preferential use of the elderly or the disabled;

b. The designation of a rest room or of a privately owned athletic or exercise facility for the exclusive or preferential use of members of a single sex;

c. The advertisement of a public accommodation as being for the preferential use of persons of a particular sex, age, religious creed, national origin or ancestry, sexual orientation, marital status, family status or military status, provided such preference is not advertised as or implied to be a requirement for entry or use of such public accommodation.

N. It is an unlawful practice for any person to harass, intimidate, threaten, assault or otherwise discriminate against any person in or upon any public accommodation because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income of such person, or attempt to do so.

O. It is an unlawful practice for any person to commit any act forbidden by this chapter for any reason that would not have been asserted, wholly or partially, but for the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income of any person.

P. It is an unlawful practice for any person to aid, abet, incite, compel, coerce or conspire to the commission of any of the acts forbidden by this chapter or to attempt to do so.

Q. It is an unlawful practice for any person to discharge, expel, evict, harass, retaliate in any manner or otherwise take action against any person because such person has opposed any act forbidden by this chapter or because such person has filed a complaint, testified or assisted in any proceeding under this chapter. (Ord. 1016 (part), 1984; prior code Ch. 25 § 8(A))

2.76.130 Cooperation with other government agencies.

The Commission shall work cooperatively with federal, State and City agencies, including, but not limited to the School Department and the Massachusetts Commission Against Discrimination, in developing materials, workshops, public presentations and other educational resources designed to eliminate prejudice, intolerance, bigotry and discrimination and to enlist the cooperation of the various racial, religious and ethnic groups, civic and community organizations, labor organizations, fraternal and benevolent organizations and other groups to further the intent and purposes of this chapter. (Ord. 1016 (part), 1984: prior code Ch. 25 § 8(B))

2.76.140 Investigation of discrimination— Powers and duties.

A. The function of the Commission shall be to implement the policy of this chapter by receiving and investigating complaints of discrimination, initiating its own investigations of discrimination, mediating complaints, holding hearings and presenting findings to the City Manager and/or government agencies such as the Massachusetts Commission Against Discrimination or the courts.

B. The Commission shall exercise its authority through the following powers and duties:

1. To receive and investigate complaints and to initiate its own investigations of violations of this chapter;

2. To transmit for filing with other government agencies copies of any and all complaints filed with the Commission, or which the Commission is otherwise aware, that relate to acts of discrimination under the jurisdiction of such agencies;

3. To attempt by mediation to resolve any discrimination complaint over which it has jurisdiction and to recommend to all appropriate government agencies such action as it feels will

resolve any such complaint and, if deemed expedient, to hold hearings, summons, witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith to require the production of any relevant evidence. The power to summons witnesses as defined in this chapter shall be limited to those powers and procedures set forth in Chapter 233, Section 8 of the Massachusetts General Laws. At any hearing before the Commission, or any committee thereof, a witness shall have the right to be advised and represented by counsel present during any such hearing;

4. With respect to complaints not resolved by mediation, to file a complaint or report of its findings and recommendations with any court or government agency having jurisdiction over the matter in question; to seek or apply remedies as enumerated in Section 2.76.150 of this chapter; and in all cases urging and using its best efforts to bring about compliance with its recommendations;

5. To seek or accept grants, gifts or bequests to help finance its activities. (Ord. 1016 (part), 1984: prior code Ch. 25 § 8(C))

2.76.150 Complaint resolution procedures.

A. Any person or class of persons claiming to be aggrieved by an alleged violation of this chapter may make, sign and file with the Commission a verified complaint in writing which shall state the name and address of the person alleged to have committed such violation and the particulars and other such information as may be required by the Commission. The Commission may also on its own motion issue a complaint, whenever it has reason to believe that any person has engaged in an unlawful practice in violation of this chapter.

B. No complaint shall be considered unless it is filed within one hundred eighty days after the occurrence of the alleged unlawful practice, or unless it has been referred to the Commission by

the Massachusetts Commission Against Discrimination or the Equal Employment Opportunity Commission after having been timely filed with either or both agencies.

C. The filing of a complaint, the failure to file a complaint, or the dismissal of a complaint by the Commission shall not bar the complainant from seeking relief in any other administrative or judicial forum. Nor shall filing or failing to file a complaint with other federal, State or City agencies or courts bar the complainant from seeking relief through the Commission.

D. After the filing of any complaint, the Chairperson of the Commission shall designate the Executive Director or one or more of the Commissioners to oversee a prompt investigation thereof with the assistance of the staff of the Commission.

E. If such Commissioner(s) determine after such investigation that no probable cause exists for crediting the allegations of the complaint, they shall promptly file a report of such findings with the Commission, which shall determine whether or not to dismiss the complaint. The Commission shall, within ten days from such determination, notify the complainant in writing of such determination.

F. If such Commissioner(s) determine after such investigations that probable cause does exist for crediting the allegations of the complaint or if the Commission so determines, notwithstanding a negative report from such Commissioner(s), the Commission shall forthwith endeavor by conference, conciliation and persuasion to eliminate the unlawful practice. The Commission and its staff shall not disclose what has occurred in the course of such endeavors except to disclose the terms of conciliation when the complaint has been disposed of in this manner.

G. In the case of failure to eliminate an alleged unlawful practice by the process of mediation or after ninety days have passed from commencement of mediation, or if probable cause exists that a conciliation agreement has been violated, the Commission shall issue and serve in

its name a written notice, together with a copy of the complaint, requiring the person named in the complaint (hereinafter called the "respondent") to answer the charges of the complaint at a hearing of the Commission at a reasonable time and place specified in such notice. The respondent may file a written verified answer to the complaint and appear at such hearing in person, with or without counsel, and submit testimony. The Commission may designate a staff member to present evidence on behalf of the complainant or may permit the complainant to do so himself or herself or by counsel. The Commission shall not be bound by the strict rules of evidence prevailing in the courts. The testimony taken at the hearing shall be under oath and recorded, and shall be transcribed at the request of any party.

H. If, upon all the evidence, the Commission shall find that a respondent has not engaged in any unlawful practice or violation of this chapter, the Commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to such respondent.

I. If, upon all the evidence, the Commission shall find that a respondent has engaged in any unlawful practice or violation of this chapter, the Commission shall state its findings of fact and shall forthwith seek relief through one or more of the following actions:

1. File a criminal complaint against the respondent in the Cambridge District Court or in the district court for the judicial district in which the respondent resides, seeking fines of up to three hundred dollars, or the maximum under State law, for each such violation;

2. Levy a civil fine of up to three hundred dollars for each such violation;

3. File a complaint against the respondent in Superior Court seeking injunctive relief, including a temporary restraining order; or

4. File a complaint against the respondent in a court of appropriate jurisdiction seeking the

award to the complainant of damages, expenses, punitive damages and other relief, as appropriate.

J. The Commission may be represented in court by the City Solicitor or by its own attorneys.

K. It shall be a crime punishable by a fine of not more than three hundred dollars, or the maximum under State law, per violation to commit any unlawful practice under this section and Sections 2.76.110, 2.76.120 and 2.76.130 of this chapter. (Ord. 1016 (part), 1984: prior code Ch. 25 § 8(D))

2.76.160 City discrimination policy.

A. Any practice that by design or effect discriminates against individuals, because of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income is of public concern, as such discrimination creates strife, hostility and unrest, threatens or impairs the rights and privileges of individuals and deprives individuals of the benefits of a free and open society. Discrimination that deprives individuals of equal opportunities is unjust and results in serious injury to the public safety, health and welfare of the City.

B. Accordingly, it is the policy of the City to safeguard the equal opportunities of all individuals in the City in accordance with their abilities, regardless of their race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status or source of income and

to prevent discrimination against such individuals in the provision of City services and in employment, housing and real estate, education, credit, bonding, insurance and public accommodations.

C. Further, it is the policy of the City to encourage harmony and mutual respect among its inhabitants and visitors and to reduce tensions and strife caused by discrimination. (Ord. 1016 (part), 1984: prior code Ch. 25 § 9(A))

2.76.170 Applicability—Police powers.

A. The provisions of this chapter shall be construed liberally for the accomplishment of the purposes of this chapter, and any ordinances or portions thereof inconsistent with any provisions of this chapter shall not apply.

B. This chapter shall be deemed an exercise of the police power of the City for the protection of the public safety, health, prosperity and welfare. (Ord. 1016 (part), 1984: prior code Ch. 25 § 9(B))

2.76.180 Chapter provisions not exclusive.

A. Nothing in this chapter shall be construed to limit civil rights granted or hereinafter afforded by the laws of the federal government or of the Commonwealth.

B. Nothing in this chapter shall be deemed to exempt or relieve any person from any liability, duty, penalty or punishment provided by any present or future law of the Commonwealth or the United States, other than any such law which purports to require or permit the doing of any act which would be unlawful under this chapter.

C. Any remedies provided by this chapter shall be cumulative with any other remedies provided by local, state or federal law. (Ord. 1016 (part), 1984: prior code Ch. 25 § 9(C))

Chapter 2.78

**HISTORICAL BUILDINGS AND
LANDMARKS**

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Article I. Administration

- 2.78.010** Established—Appointment—
Terms.

The Cambridge Historical Commission established under the Historic Districts Act, General Laws Chapter 40C, with all the powers and duties of an historic district commission, shall consist of seven members to be appointed by the City Manager with the approval of the Council, including one member from two nominees submitted by the Chapter of the American Institute of Architects covering Cambridge, one member from two nominees submitted by the Boston Society of Landscape Architects, and one member from two nominees of the Board of Realtors covering Cambridge. One or more of the members so appointed shall be a resident of an historic district established in the City pursuant to the Historic Districts Act, and at least one member shall be a lawyer. There shall also be three alternate members also appointed by the Manager with the approval of the Council. The members and the alternate members shall serve for terms of three years and until their successors are appointed and qualified. If within thirty days after submission of a written request for nominees to any of the above-named organizations no such nominations have been submitted, the City Manager may make such appointment without nomination by such organization. No alternate

member need be a nominee of any of the above-named organizations. To the extent a person meets more than one of the foregoing specific membership requirements, then each such specific membership requirement so met shall be satisfied by such person's membership on the Commission. The Commission shall, in addition to the powers and duties contained in this chapter and under the Historic Districts Act as in effect from time to time, also have all the powers and duties of an Historical Commission as provided in Section 8D of General Laws, Chapter 40 as in effect from time to time. (Ord. 869 (part), 1976: prior code § 2-145)

2.78.020 Powers and duties.

The Commission shall have in addition to the powers and duties of an historical district commission and of an historical commission the following further powers and duties (and may in exercise 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 City 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 City 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 the City 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;

H. To advise owners of historic buildings in the City on problems of preservation; and

I. To make recommendations with respect to any place determined by the Commission to be of historical or archaeological value to the Massachusetts Historical Commission that such place be certified as an historical or archaeological landmark or nominated to the National Register of Historic Places. (Ord. 869 (part), 1976: prior code § 2-147(a) — (i))

2.78.030 Adoption of rules and regulations.

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 chapter. (Prior code § 2-149)

2.78.040 Advisory Committee— Appointment—Recommendation.

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. (Prior code § 2-148)

2.78.050 Historic district established.

A. There is established under the provisions of the Historic Districts Act, four 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 the ordinance codified in this chapter and incorporated in this chapter in full.

B. There is further established under the provisions of the Historic Districts Act (Massachusetts General Laws Chapter 40C) a Fort Washington Historic District consisting of Fort Washington Park and an additional area shown on the map entitled "Fort Washington Historic District, 1981," attached to the ordinance codified in this chapter and incorporated in this chapter in full.

C. The Old Cambridge Historic District, established by vote of the City Council on December 13, 1976, is extended pursuant to the provisions of the Historic Districts Act, Massachusetts General Laws Chapter 40C, by the addition thereto of properties located on Arsenal Square, Berkeley Place, Berkeley Street, Concord Avenue, Craigie Street and Follen Street and portions of said streets bounded as shown on the map entitled "Old Cambridge Historic District Extension 1986," attached to the ordinance codified in this chapter and incorporated in this chapter in full. As so extended, the Old Cambridge Historic District remains in full effect and such extended district shall be subject to the provisions of Massachusetts General Laws Chapter 40C and this section. (Ord. 1037, 1986; Ord. 975, 1982; Ord. 869 (part), 1976: prior code § 2-146)

2.78.060 Application for certificate of appropriateness—Time limitations.

When taking action under the provisions of the fourth paragraph of Section 11 of the Historic Districts Act, the Commission shall make its determination within forty-five days after the filing of the application for a certificate of appropriateness, or such further time as the applicant may in writing allow. (Prior code § 2-150)

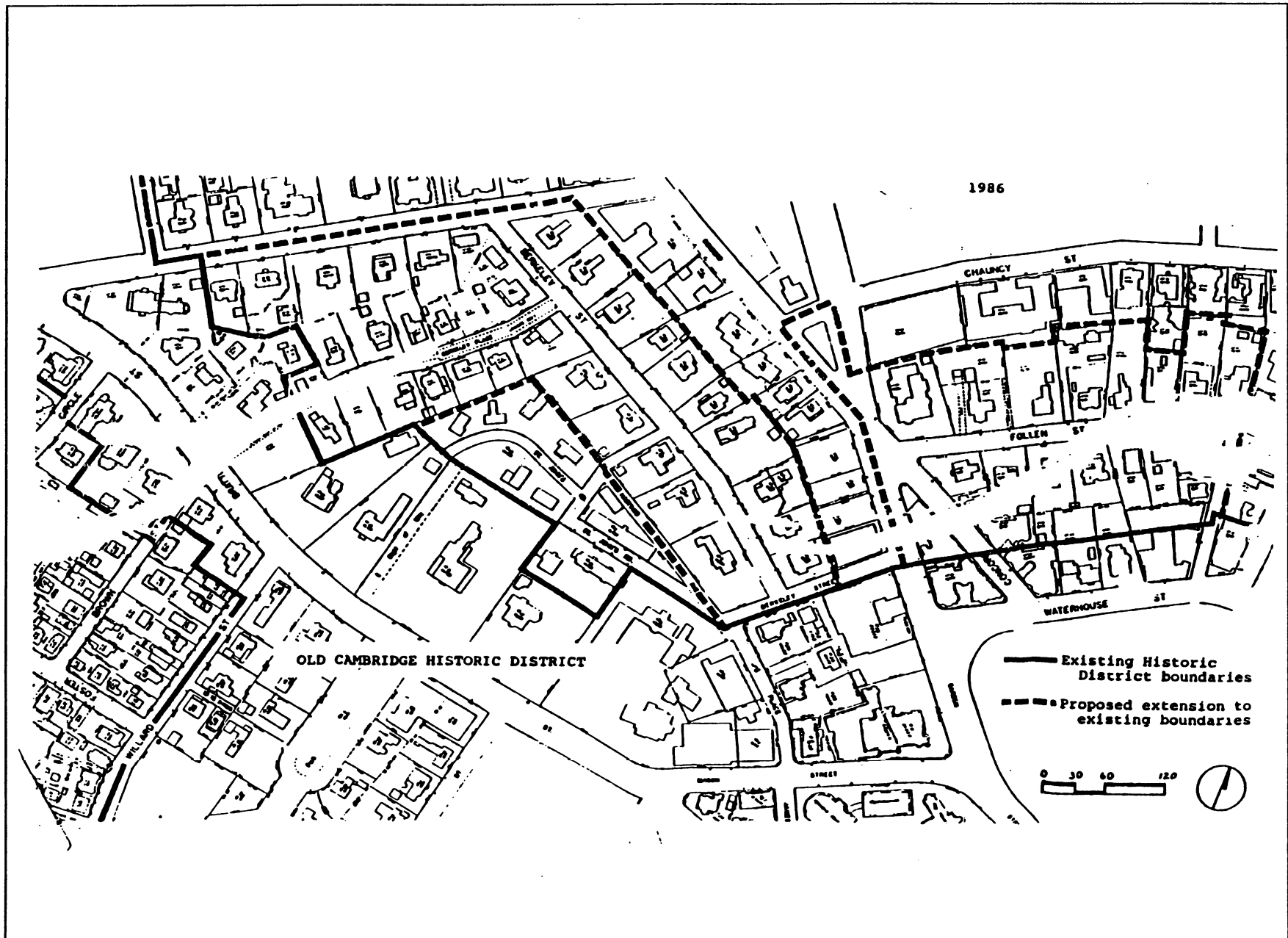
Article II. Establishment of Neighborhood Conservation Districts and Protected Landmarks

2.78.070 Purpose.

The City Council finds it necessary to enact this article under Section 6 of the Home Rule Amendment in order to preserve, conserve and protect the beauty and heritage of the City and to improve the quality of its environment through identification, conservation and maintenance of neighborhoods, areas, sites and structures which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City; to resist and restrain environmental influences adverse to this purpose; to foster appropriate use and wider public knowledge and appreciation of such neighborhoods, areas or structures; and by furthering these purposes to promote the public welfare by making the City a more attractive and desirable place in which to live and work. To achieve these purposes, the City may designate neighborhood conservation districts and landmarks to be administered as set forth in this article. (Ord. 1002 (part), 1983: prior code § 2-147(k) (1))

2.78.080 Definitions for Article II.

In addition to the terms defined in Section 2.78.220 of this chapter, the following terms, when used whether or not capitalized in this subsection, shall have the meanings set forth in this section, unless the context otherwise requires:



A. "Demolition" means the act of pulling down, destroying, removing or razing structures, or commencing the work of total or substantial destruction with the intent of completing the same.

B. "Exterior architectural features" means and includes such portion of the exterior of a structure as is open to view from a public street, way, park or body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, material and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

C. "Historic district" means an area so established under the authority of Chapter 40C of the General Laws.

D. "Landmark" means any property within the City so designated in accordance with Section 2.78.110 of this article.

E. "Neighborhood conservation district" means any area within the City so designated in accordance with Section 2.78.110 of this article.

F. "Neighborhood conservation district commission" or "district commission" means a commission provided for by Section 2.78.090 of this article.

G. "Structure" means a combination of materials including a building, sign, fence, wall, terrace, walk, driveway, street, bridge, statue, monument or other manmade feature. (Ord. 1002 (part), 1983: prior code § 2-147(k) (2))

**2.78.090 Neighborhood conservation district commission—Established—
Membership requirements.**

A. Upon designation as provided in Section 2.78.110 of this article of any neighborhood conservation district, and unless the designation provides that the Historical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. The members

shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this article which are applicable to the district under its administration.

B. Any member or alternate of the Historical Commission may be appointed to a neighborhood conservation district commission for a term coterminous with such person's term as a member or alternate of the Historical Commission. Members and alternates of a neighborhood conservation district commission who are not members of the Historical Commission shall by reason of experience or education have demonstrable knowledge and concern for improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the district. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

C. The neighborhood conservation district commission shall elect annually a Chairman and Vice-Chairman from its own number. In the case of absence, inability to act, or unwillingness to act because of self-interest on the part of a member, his or her place shall be taken by an alternate

member designated by the Chairman, if available, otherwise by the Vice-Chairman if available, otherwise by a majority vote of the members and alternate members of the Commission present. The person exercising the function of Executive Director of the Historical Commission shall serve as secretary of each neighborhood conservation district commission. Persons serving as members or alternate members of a neighborhood conservation district commission shall, as a result of such service, be considered as "special municipal employees" for purposes of Chapter 268A of the General Laws. (Ord. 1002 (part), 1983: prior code § 2-147(k)(3))

2.78.100 Powers and duties.

The Historical Commission and each neighborhood conservation district commission shall have like powers, functions and duties with respect to each landmark and neighborhood conservation district over which it has jurisdiction as is provided Historic District Commissions under clauses (a) through (g) under Section 10 of Chapter 40C of the General Laws with respect to historic districts, including without limitation with respect to the approval and disapproval of certificates of appropriateness, nonapplicability and hardship, the dating and signing of such certificates, the keeping of records and adoption of rules and regulations, the filing with the City Clerk and Building Department of certificates and determinations of disapproval by it, and the determination of designs of appurtenances (excluding colors) which will meet the requirements of the landmark or neighborhood conservation district. (Ord. 1002 (part), 1983: prior code § 2-147(k)(9))

2.78.110 Designation of landmark procedures.

A. The Historical Commission by majority vote may recommend for designation as a landmark any property within the City being or containing a place, structure, feature or object which

it determines to be either (1) importantly associated with one or more historic persons or events, or with the broad architectural, aesthetic, cultural, political, economic or social history of the City or the Commonwealth or (2) historically or architecturally significant (in terms of period, style, method of construction or association with a famous architect or builder) either by itself or in the context of a group of structures; may recommend for designation as a neighborhood conservation district any area within the City containing places and structures which it determines are of importance to the architectural, aesthetic, cultural, political, economic or social history of the City, and which considered together cause such area to constitute a distinctive neighborhood or to have a distinctive character in terms of its exterior features; and may recommend amendments to any designation of landmark or neighborhood conservation district theretofore made.

B. Prior to the recommendation of designation or amendment of designation of any landmark or neighborhood conservation district an investigation and report on the historical, architectural and other relevant significance thereof shall be made. The report shall recommend the boundaries of any proposed landmark or neighborhood conservation district and shall recommend for incorporation in the order of the City Council designating each landmark or neighborhood conservation district general and/or specific standards and appropriate criteria consistent with the purposes of this article and the provisions of Section 2.78.120 of this article that are to be applied in making any determination of the type referred to in Sections 2.78.100, 2.78.140 and 2.78.150 of this article, with respect to the designated landmark or within the designated neighborhood conservation district.

C. In the case of a landmark, the report shall be prepared by the Historical Commission. In the case of a neighborhood conservation district, the report shall be prepared by a study committee consisting of three members or alternates of the

Historical Commission and four persons appointed by the City Manager, including at least one person who resides in the district under consideration, at least one person who owns property in the district under consideration, and one person who owns property or resides elsewhere in the City and has demonstrated knowledge and concern for conservation and enhancement of those exterior features of the City which are important to its distinctive character.

D. Any ten registered voters of the City may petition that the Historical Commission initiate, or the Historical Commission on its own may initiate, the process of designating a landmark or neighborhood conservation district or amending or rescinding any such designation theretofore made. The Commission shall within forty-five days following the filing of such request or petition hold a preliminary hearing and arrange for the preparation of a report and, if required, request the appointment of a study committee. The Historical Commission shall not reconsider a proposed designation, amendment or rescission of designation within one year of its previous hearing thereon, unless two-thirds of all its members vote to do so. No less than forty-five nor more than sixty days after the transmittal of a report to the Commission pertaining to a proposed designation, the Commission shall hold a public hearing. The Commission shall give not less than fourteen days notice of such public hearing by publication in a newspaper of general circulation in the City and by mailing notice thereof to the owner of the proposed landmark and to every owner abutting the proposed landmark or within the proposed neighborhood conservation district, each such owner to be determined from the then current records of the Assessing Department, and to the City Manager, the Planning Board and the City Clerk.

E. Prior to the public hearing, the Commission shall transmit copies of the report to the Planning Board for its consideration and recommendations.

F. The recommendation of the Historical Commission with regard to any designation, amendment or rescission shall be transmitted to the City Manager and to the City Clerk with a copy of the approved designation report. Designation of a landmark or a neighborhood conservation district or amendment or rescission of designation shall be by order of the City Council. In the case of a designation, the order shall include a statement of the reasons for such designation and a statement of standards which the Historical Commission or neighborhood conservation district commission is to apply under Sections 2.78.100 and 2.78.120 through 2.78.150 of this article.

G. No designation, amendment or rescission of designation shall become effective until a map setting forth the boundaries of the landmark or neighborhood conservation district or change in the boundaries thereof, has been filed with the City Council and has been recorded with the Registry of Deeds for the South District of the County.

H. If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded. (Ord. 1009A (part), 1984; Ord. 1002 (part), 1983: prior code § 2-147(k) (4))

2.78.120 Review procedures.

A. Except as the order designating or amending a landmark or neighborhood conservation district may otherwise provide in accordance with this article, the Historical Commission or neighborhood conservation district commission having jurisdiction shall review all construction, demolition or alteration that affects the exterior architectural features, other than color, of any landmark or within any neighborhood conservation district.

B. The order designating or amending a landmark or neighborhood conservation district may

provide that the authority of the Historical Commission or neighborhood conservation district commission having jurisdiction shall not extend to the review of one or more of the following categories of structures or exterior architectural features of the landmark or within the neighborhood conservation district in which event the structures or exterior architectural features so excluded may be constructed or altered without review by the Commission:

1. The application of exterior wall material in a manner that does not require the removal or enclosure of any cornice, fascia, soffit, bay, porch, hood, window or door casing, or any other protruding decorative element;

2. Alternations to the exterior of existing structures that do not increase or diminish the size and location of windows and doors, cause the removal of any bay, porch, hood, window or door casing or any other protruding decorative element, or alter the appearance of a roof;

3. The exterior appearance of a new structure that does not require a variance or special permit under the zoning ordinance then in effect;

4. Signs, temporary structures, lawn statuary, or recreational equipment, subject to such conditions as to duration of use, dimension, location, lighting, removal and similar matters as the Commission may reasonably specify;

5. Terraces, walks, driveways, sidewalks and similar structures substantially at grade level;

6. Walls and fences;

7. Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, trelliswork and similar appurtenances.

C. The Historical Commission or a neighborhood conservation district commission may determine from time to time after a public hearing that certain categories of exterior architectural features or structures, including, without limitation, any of those enumerated in this section, if the provisions of the applicable order do not limit the authority of such commission with respect thereto, may be constructed or altered

without review by such commission without causing substantial derogation from the intent and purposes of this article.

D. If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this article. (Ord. 1002 (part), 1983: prior code § 2-147(k) (5))

2.78.130 Maintenance, repair and reconstruction.

Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature of a landmark or within a neighborhood conservation district which does not involve a change in design or material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, not construed to prevent any construction or alteration under a permit duly issued prior to the effective date of the order which designates that landmark or district, nor construed to prevent the reconstruction, substantially similar in exterior design, of a structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence. (Ord. 1002 (part), 1983: prior code § 2-147(k) (6))

**2.78.140 Certificates of appropriateness—
Nonapplicability of hardship.**

A. Except as the order establishing or amending a landmark or neighborhood conservation district may otherwise provide, no structure designated a landmark or within a neighborhood conservation district shall be constructed or altered in any way that affects exterior architectural features unless the Historical Commission or neighborhood conservation district commission having jurisdiction shall first have issued a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship with respect to such construction or alteration.

B. Any person who desires to obtain a certificate from the Historical Commission or neighborhood conservation district commission shall file with the Commission an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, in such form as the commission may reasonably determinate, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

C. No building permit for alteration of an exterior architectural feature of a landmark or construction of a structure or for alteration of an exterior architectural feature within a neighborhood conservation district and no demolition permit for demolition or removal of a landmark or of a structure within a neighborhood conservation district shall be issued by the City or any department thereof until the certificate required by this article has been issued by the Historical Commission or neighborhood conservation district commission having jurisdiction. (Ord. 1002 (part), 1983: prior code § 2-147(k) (7))

2.78.150 Factors considered by Commissions.

A. In passing upon matters before it, the Historical Commission or neighborhood conservation district commission shall consider, among other things, the historic and architectural value and significance of the site or structure, the general design, arrangement, texture and material of the features involved, and the relation of such features to similar features of structures in the surrounding area. In the case of new construction or additions to existing structures a commission shall consider the appropriateness of the size and shape of the structure both in relation to the land area upon which the structure is situated and to structures in the vicinity, and a Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable provision of the zoning ordinance. A Commission shall not consider interior arrangements or architectural features not subject to public view.

B. A Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects, architectural significance or the distinctive character of the landmark or neighborhood conservation district. (Ord. 1002 (part), 1983: prior code § 2-147(k) (8))

2.78.160 Public meetings and hearings.

The Historical Commission and each neighborhood conservation district commission shall adopt rules for the reasonable conduct of its meetings and public hearings, which rules shall not be inconsistent with the procedures provided for meetings of and hearings by historic district commissions under Section 11 of Chapter 40C of the General Laws; and in the absence of the adoption of any such rules, meetings and public hearings of the Historical Commission and of each neighborhood conservation district commission shall be in conformity with the provisions of Section 11 of Chapter 40C applicable to historic district commissions. (Ord. 1002 (part), 1983: prior code § 2-147(k) (10))

2.78.170 Appeal procedure.

Any person aggrieved by a designation of a landmark or district may appeal to the superior court within thirty days after such designation. Any applicant aggrieved by a determination of a neighborhood conservation district commission or ten registered voters of the City opposing a determination under this article may appeal to the Historical Commission within twenty days after the filing of the notice of such determination with the City Clerk. The Historical Commission may overrule the determination and return it for reconsideration consistent with that finding. If the applicant is aggrieved by the determination of the Historical Commission, or if action is not taken by the Historical Commission within thirty days of filing for review, the applicant may appeal to the superior court. Appeal from a Historical Commission determination shall be taken within thirty days of the formal decision; appeal from a failure to act shall be taken within sixty days after the filing for review. The superior court may reverse a determination if it is not supported by substantial evidence in the record. In all other respects, the appeal shall be made in the same manner as provided under Section 12A of Chapter 40C of the General Laws. (Ord. 1002 (part), 1983: prior code § 2-147(k) (11))

2.78.180 Historical Commission authority not limited.

No provisions of this article shall alter or diminish the duties and functions of the Historical Commission under the authority of Chapter 40, Section 8D and Chapter 40C of the General Laws, or apply to any historic district currently administered by such commission, or restrict the establishment of any future historic district under Chapter 40C of the General Laws. (Ord. 1002 (part), 1983: prior code § 2-147(k) (13))

2.78.190 Limitation on applicability.

The provisions of Article III of this chapter (relative to procedures for demolition permits for significant buildings) shall not be applicable with

respect to the demolition of any structure within a neighborhood conservation district if the appropriate neighborhood conservation district commission has issued a certificate of appropriateness or a certificate of hardship permitting the demolition of such structure. (Ord. 1002 (part), 1983: prior code § 2-147(k) (14))

2.78.200 Enforcement and remedies.

The Historical Commission and any neighborhood conservation district commission are each specifically authorized to institute any and all actions, proceedings in law and in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this article or to prevent a threatened violation thereof. Any violation of any provision of this article may be punished to the like extent provided in Section 13 of Chapter 40C of the General Laws for a violation of said Chapter 40C. In addition to the foregoing, no building permit shall be issued, with respect to any premises upon which a landmark or a structure within any neighborhood conservation district has been voluntarily demolished otherwise than pursuant to a certificate granted after compliance with the provisions of this article, for a period of two years after the date of the completion of such demolition (the word "premises" for the purposes of this sentence referring to the parcel of land upon which the demolished structure was located and all adjoining parcels of land under common ownership or control.) (Ord. 1002 (part), 1983: prior code § 2-147(k) (12))

Article III. Demolition of Buildings Determined to be Historically Detrimental**2.78.210 Purpose.**

The ordinance codified in this article is adopted for the purpose of preserving and protecting significant buildings within the City which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the city; to resist and restrain

environmental influences adverse to this purpose; to encourage owners of preferably-preserved significant buildings to seek out persons who might be willing to purchase and to preserve, rehabilitate or restore such buildings, rather than demolish them; and by furthering these purposes to promote the public welfare, to preserve the resources of the City and to make the City a more attractive and desirable place in which to live. To achieve these purposes, the Cambridge Historical Commission is empowered to advise the Building Commissioner with respect to the issuance of permits for demolition, and the issuance of demolition permits for significant buildings is regulated as provided in this article. (Ord. 965 § 1, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.220 Definitions for Article III.

The following terms, when used whether or not capitalized in this article, shall have the meanings set forth in this section, unless the context otherwise requires:

A. "Application" means an application for a permit for the demolition of a building, which application contains the information referred to in Section 2.78.040 of this article.

B. "Building" means any combination of materials forming a shelter for persons, animals or property.

C. "Building Commissioner" means the person occupying the office of Commissioner of Buildings or otherwise authorized to issue demolition permits.

D. "Business day" means a day which is not a legal municipal holiday, Saturday or Sunday.

E. "Commission" means the Cambridge Historical Commission.

F. "Commission staff" means the executive director of the Commission, the person performing the functions of such director in the event there is no person with the title of Executive Director as such, or any other person regularly

providing staff services for the Commission to whom the Commission has delegated authority to act as Commission staff under this article.

G. "Demolition" means the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

H. "Historic district" means the Old Cambridge Historic District and any other historic district that may from time to time have been established by ordinance.

I. "Initial determination" means any determination contemplated in Section 2.78.230C of this chapter made by the Commission or the Commission staff.

J. "Permit" means a permit issued by the Building Commissioner for demolition of a building pursuant to an application therefor.

K. "Preferably-preserved significant building" means any significant building which the Commission determines, as provided in Section 2.78.230D of this chapter, that it is in the public interest to be preserved or rehabilitated rather than to be demolished.

L. "Significant building" means any building within the City which is in whole or in part fifty years or more old and:

1. Which is within any historic district; or
2. Which is listed on, or is within an area listed on, the National Register of Historic Places, or which is the subject of a pending application for listing on the National Register; or
3. Which is or has been designated by the Commission to be a significant building after a finding by the Commission that a building either:
 - a. Is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the City or the Commonwealth, or
 - b. Is historically or architecturally significant (in terms of period, style, method of building

construction or association with a famous architect or builder) either by itself or in the context of a group of buildings. (Ord. 965 § 2, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.230 Procedures for demolition.

A. No permit for the demolition of a building which is in whole or in part fifty years or more old shall be issued other than in conformity with the provisions of this article, as well as in conformity with the provisions of other laws and ordinances applicable to the demolition of buildings and the issuance of permits therefor generally. An application for demolition of a building over fifty years in age shall be made only by the person, partnership, corporation or realty trust which is the owner thereof at the time of such application.

B. The Building Commissioner shall cause a copy of each application for a demolition permit to be forwarded to (or shall satisfy himself that a duplicate of such application has been submitted to) the Commission for determination by the Commission whether the building which is the subject of such application is a preferably-preserved significant building.

C. If the Commission staff shall make an initial determination that the building which is the subject of the application is or may be a significant building, the members of the Commission and the Building Commissioner shall be so advised, and no demolition permit shall at that time be issued. If the Building Commissioner shall not receive advice of any such initial determination within five business days of the date that a copy of the application is submitted to the Commission staff, then, subject to Section 2.78.270 of this article, the Building Commissioner may grant the permit applied for unless prior to such grant he is advised that such an initial determination has been made.

D. If the Commission staff shall have made an initial determination that a building which is the subject of the application is or may be a significant building, the Commission shall review the application and such initial determination at a

public meeting of the Commission for which the Commission shall cause to be published in a newspaper of general circulation in the City notice that such application will be considered. Such notice, which shall specify the address of the subject building, shall be published in an issue of such newspaper distributed in the week preceding the week in which such meeting is held, or in an earlier week. If requested either by the applicant for the demolition permit or by ten citizens not later than the date of such public meeting, or if at any time the Commission wishes to have the benefit of a public hearing, the Commission shall hold a public hearing prior to making the determination provided for in this section. If the Commission determines, after such a hearing if one has been held or without such hearing if no hearing has so been requested, that the demolition of the subject building would result in the demolition of a significant building whose loss would be detrimental to the historical or architectural heritage or resources of the City, such building shall be considered a preferably-preserved significant building. The Commission may delegate to the Commission staff authority to determine without any hearing that a building is not a preferably-preserved significant building and to so advise the Building Commissioner. Upon determination by the Commission or by the Commission staff that a building is not a preferably-preserved significant building or upon failure by the Commission to make any determination within forty-five days of the date that a copy of the application was submitted to the Commission, the Building Commissioner may, subject to Section 2.78.270 of this article, grant the permit applied for.

E. Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved significant building, it shall so advise the person who submitted the application and the Building Commissioner, and no demolition permit shall be issued until six months after the date of such

determination by the Commission. Notwithstanding the preceding sentence, the Building Commissioner may issue a demolition permit for a preferably-preserved significant building at any time after receipt of written advice from the Commission to the effect either (1) that the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group willing to purchase the preferably-preserved significant building would be willing to preserve, rehabilitate or restore such building, or (2) that the Commission is satisfied that for at least six months since the owner first sought the advice of the Commission or the Commission staff in locating a person or group that might be willing to purchase such building and to preserve, rehabilitate or restore the same, the owner of the preferably-preserved significant building has made continuing, bona fide, reasonable and unsuccessful efforts to locate such a purchaser.

F. No permit for demolition of a building determined to be a preferably-preserved significant building under subsection D of this section shall be granted until all proceedings relating to amendments of the zoning ordinance of the City have been completed, if such proceedings have been initiated prior to the expiration of any period of delay of demolition resulting from such determination, and if such amendments affect the site of the building whose demolition has been thereby delayed.

G. No permit for erection of a new structure on the site of an existing building over fifty years old may be issued prior to issuance of a permit for demolition of such existing building.

H. No permit for demolition of a building determined to be a preferably-preserved significant building under subsection D of this section shall be granted until plans for use or development of the site after demolition have been filed with the Building Department and found to comply with all laws pertaining to the issuance of a building permit, or if for a parking lot, a certificate of occupancy, for that site. All approvals

necessary for the issuance of such a building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section. (Ord. 965 § 3, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.240 Application—Publication of notice.

A. Application Contents. Every application for a demolition permit for a building shall contain the following information:

1. The applicant's name, address and interest in the property;
2. The owner's name and address, if different from the applicant's;
3. The address or location of the building to be demolished;
4. A brief description of the type of building and the condition requiring issuance of the permit; and
5. A brief description of the proposed reuse, reconstruction or replacement of the premises upon which the building is located.

B. Notice. In addition to the publication provided for in Section 2.78.230D of this article, notice of any hearing or determination provided for in this article shall in any event be given by the Commission to the applicant for the demolition permit, and shall also be given to such other persons and in such manner as the Commission may determine. The Commission may among other forms of notice require that the applicant maintain on the building which is the subject of an application a notice, in a form designated by the Commission, visible from the nearest public way, of any hearing upon the subject matter of such applicant; and the applicant shall comply with such requirement. (Ord. 965 § 4, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.250 Emergency demolition.

In the event that a Board of Survey is convened to consider the condition of a building over fifty years old, the Executive Director of the Historical Commission shall be notified to accompany the Board during its inspection. The Board of Survey shall pursue all reasonable courses of action to prevent emergency demolition of such a building which the Executive Director makes an initial determination is or may be a significant building, including but not limited to requiring the owner to secure it against further danger to the public. (Ord. 965 § 5, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.260 Enforcement and remedies.

A. **Enforcement.** The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this article or to prevent a threatened violation thereof.

B. **Building Permit to be Withheld.** No building permit shall be issued with respect to any premises upon which a building fifty years or more old has been voluntarily demolished otherwise than pursuant to a demolition permit granted after compliance with the provisions of this article for a period of two years after the date of the completion of such demolition. As used in this article "premises" refers to the parcel of land

upon which the demolished building was located and all adjoining parcels of land under common ownership or control.

C. **Securing of Building Required.** Upon a determination by the Commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building in compliance with the regulations of the Building Department. Should the owner fail so to secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition for the purposes of subsection B of this section. (Ord. 965 § 7, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.270 Conflicts with Historic Districts Act.

Nothing in this article shall be deemed to conflict with the provisions of the Historic Districts Act, General Laws Chapter 40C, with respect to requirements as to notice, hearing and issuance by the Commission of a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship prior to demolition of any building in an historic district; provided, however, that any temporary building erected or maintained in an historic district pursuant to a certificate issued by the Commission may be demolished in a manner not inconsistent with the terms of such certificate. (Ord. 965 § 6, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

Chapter 2.80

**CAMBRIDGE INDUSTRIAL
COMMISSION**

Sections:

- 2.80.010** Established—Appointment—
Terms.
- 2.80.020** Powers and duties.
- 2.80.030** Dissemination of information.
- 2.80.040** Annual reporting requirements.

2.80.010 Established—Appointment—
Terms.

The Cambridge Industrial Commission shall consist of three citizens of the City. The City Manager shall annually in the month of March, appoint one member to serve for the term of three years from April 1st. Upon the expiration of the term of a member, his successor shall be appointed in the manner aforesaid for three 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 of its members as Chairman. (Prior code § 2-151)

2.80.020 Powers and duties.

The Commission shall have all the powers and duties provided by Chapter 393 of the Acts of 1913, as amended by Section 1 of Chapter 223 of the Special Acts of 1917 and Section 1 of Chapter 79 of the Special Acts of 1919 and any acts hereafter passed relating to the Cambridge Industrial Commission. (Prior code § 2-152)

2.80.030 Dissemination of information.

The Commission is 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 the City. (Prior code § 2-153)

2.80.040 Annual reporting requirements.

The Commission shall annually, in July, 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. (Amended during 1987 codification; prior code § 2-154)

Chapter 2.82

CAMBRIDGE ANIMAL COMMISSION

Sections:

- 2.82.010** Established.
- 2.82.020** Function and purpose.
- 2.82.030** Appointment—Term.
- 2.82.040** Director—Appointment—Duties.

2.82.010 Established.

There shall be and is established a Cambridge Animal Commission. (Ord. 998 (part), 1983: prior code Ch. 4 Art. 3 § 4-16)

2.82.020 Function and purpose.

It shall be the function of the Commission to facilitate and promote programs affecting animal control within the City. Such programs shall include:

- A. A low cost spaying and neutering program;
- B. A euthanasia program;
- C. A dog pound and adoption program;
- D. An animal census program;
- E. A citizen education program;
- F. Such other activities which, by and with the approval of the City Manager, are considered necessary and appropriate to insure effective animal control within the City. (Ord. 998 (part), 1983: prior code Ch. 4 Art. 3 § 4-17)

2.82.030 Appointment—Term.

A. The Commission shall consist of seven members. The Chief of the Police Department and the Commissioner of Health and Hospital

shall be permanent members of the Commission. The remaining five members shall be appointed initially by the City Manager to serve for the following terms:

1. One member shall serve for a one-year term;
2. Two members shall serve for a two-year term;
3. Two members shall serve for a three-year term;

B. After the initial terms all Commissioners shall be appointed for a term of three years.

C. Members of the Commission shall have demonstrated ability in the animal welfare field with related experience in any of the following:

1. Public information programs;
2. Animal shelter operations;
3. Spaying and neutering programs;
4. Affiliations with national and local animal protection societies;
5. Knowledge of animal health care and diseases. (Ord. 998 (part), 1983: prior code Ch. 4 Art. 3 § 4-18)

2.82.040 Director—Appointment—Duties.

A. The City Manager shall appoint a Director from a list of names recommended by the Commission. The Director shall have general charge of all animal control activities in the City.

B. It shall be the function of the Director to coordinate activities of all departments and divisions of City government which affect the control of animals within the City, and to provide such other related services as are deemed necessary and proper by the Commission, subject to the approval of the City Manager.

C. The Director shall serve a term of employment to be determined by the Commission by and with the approval of the City Manager. (Ord. 998 (part), 1983: prior code Ch. 4 Art. 3 § 4-19)

Chapter 2.84

CAMBRIDGE YOUTH COMMISSION

Sections:

- 2.84.010** Established—Appointment—Term.
- 2.84.020** Purpose.
- 2.84.030** Annual reporting requirements.

2.84.010 Established—Appointment—Term.

The Cambridge Youth Commission shall consist of not less than fifteen citizens to be appointed by the City Manager. Annually, in the month of March, he shall appoint not less than five members for a term of three years to begin April 1st. 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 member as Chairman of the Commission. (Prior code § 2-155)

2.84.020 Purpose.

The Commission shall in cooperation with other agencies, guide and assist in the development of the character of the youth of the City. (Prior code § 2-156)

2.84.030 Annual reporting requirements.

The Commission shall annually, in July, 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. (Amended during 1987 codification; prior code § 2-157)

Chapter 2.86

COMMUNITY SCHOOLS COMMISSION

Sections:

- 2.86.010** Established.
- 2.86.020** Membership—Appointment.
- 2.86.030** Membership—Terms.
- 2.86.040** Membership—Advisory committee recommendations.
- 2.86.050** Compensation.
- 2.86.060** Written plan—Preparation and implementation.
- 2.86.070** Written plan—Approval of City Council.
- 2.86.080** Neighborhood advisory committee—Established when.
- 2.86.090** City-wide advisory committee—Membership.
- 2.86.100** City-wide advisory committee—Meeting attendance—Initiation of proposals.
- 2.86.110** Decisions determined by majority vote.
- 2.86.120** Implementation of approved proposals.

2.86.010 Established.

There shall be a Community Schools Commission in the City. (Ord. 823 Ch. 40 § 1, 1973)

2.86.020 Membership—Appointment.

The Commission shall consist of seven members, all of whom shall initially be appointed by the City Manager with the proviso that one member shall be an incumbent member of the City Council and one of the members shall be an incumbent member of the School Committee. (Ord. 823 Ch. 40 § 2, 1973)

2.86.030 Membership—Terms.

The initial appointments shall serve for the following terms:

A. Two citizen members shall be for one year terms;

B. The Council and School Committee appointments shall be for two-year terms, concurrent with their terms of office;

C. One citizen member shall be for a three-year term;

After that, all appointments and/or elections to the Commission shall be for three-year terms with a limit of two consecutive terms for each member. (Ord. 823 Ch. 40 § 3, 1973)

2.86.040 Membership—Advisory committee recommendations.

After the initial appointment at least two of the positions on the Commission shall be filled by the City Manager from recommendations from the Community Schools Advisory Committee after nomination and election by a majority of its membership. (Ord. 823 Ch. 40 § 4, 1973)

2.86.050 Compensation.

The members of the Commission shall serve without compensation. (Ord. 823 Ch. 40 § 5, 1973)

2.86.060 Written plan—Preparation and implementation.

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. 823 Ch. 40 § 6, 1973)

2.86.070 Written plan—Approval of City Council.

The plans shall be submitted annually for the approval to the City Council, the school committee and the City Manager. (Ord. 823 Ch. 40 § 7, 1973)

2.86.080 Neighborhood advisory committee—Established when.

Each elementary school that functions as a community school shall have a neighborhood advisory committee representative of the area. (Ord. 823 Ch. 40 § 8, 1973)

2.86.090 City-wide advisory committee—Membership.

The City-wide advisory committee on community schools shall consist of one to four representatives of each elementary school in the City to serve for a term of four years and in no event for more than two such 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 of the total remaining membership of the committee. (Ord. 823 Ch. 40 § 9, 1973)

2.86.100 City-wide advisory committee—Meeting attendance—Initiation of proposals.

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. 823 Ch. 40 § 10, 1973)

2.86.110 Decisions determined by majority vote.

All decisions shall be made by a majority vote of the Commission. (Ord. 823 Ch. 40 § 11, 1973)

2.86.120 Implementation of approved proposals.

Once a plan submitted by the Commission is approved as set forth in Section 2.86.070 of this chapter, each City department concerned with such plan shall have a duty to carry out its terms. (Ord. 823 Ch. 40 § 12, 1973)

Chapter 2.88

CAMBRIDGE COMMISSION ON THE STATUS OF WOMEN

Sections:

- 2.88.010** Established.
- 2.88.020** Membership—Appointment—Term.
- 2.88.030** Membership—Qualifications.
- 2.88.040** Election of Chairperson—Adoption of bylaws.
- 2.88.050** Executive Director—Appointment—Term.
- 2.88.060** Function and purpose.
- 2.88.070** Powers and duties.

2.88.010 Established.

There shall be a Cambridge Commission on the Status of Women. (Ord. 885 (part), 1977: prior code Ch. 2 Art. 26 § 2-222)

2.88.020 Membership—Appointment—Term.

A. The Commission shall consist of twenty members, all of whom shall be appointed initially by the City Manager to serve for the following terms:

1. Six members shall serve for a one year term;
2. Seven members shall serve for a two-year term;
3. Seven members shall serve for a three-year term.

After the initial terms all Commissioners shall be appointed for a term of three years.

B. If any Commissioner misses three unexcused meetings of the Commission during a calendar year, that position of the Commissioner shall be automatically vacated upon certification to the City Manager by the Commission.

C. After the initial appointments, subsequent members of the Commission shall be appointed by the City Manager from recommendations provided by the Commission. The Commission

shall consult with recognized groups working for the equal status of women to obtain names of qualified candidates. Vacancies on the Commission shall be filled not later than thirty days after the vacancy occurs; and if a vacancy occurs prior to the expiration of the member's term, an appointment shall be made for the remainder of the term.

D. The Commission at all times shall be representative of all socio-economic and racial segments of the City as well as different neighborhoods and also have members who are resource people as well as women with needs. (Ord. 885 (part), 1977: prior code Ch. 2 Art. 26 § 2-225)

2.88.030 Membership—Qualifications.

A. All prospective Commissioners shall have belief in and support of the equal status of women in society and implementation of the aims of the Equal Rights Amendment.

B. Commissioners must be residents of the City at the time of appointment. (Ord. 885 (part), 1977: prior code Ch. 2 Art. 26 § 2-227)

2.88.040 Election of Chairperson—Adoption of bylaws.

The members of the Commission shall elect a Chairperson from among its members, and shall adopt bylaws for the Commission. (Ord. 885 (part), 1977: prior code Ch. 2 Art. 26 § 2-226)

2.88.050 Executive Director—Appointment—Term.

A. There shall be an Executive Director of the Commission on the Status of Women whose selection and length of employment shall be determined by the City Manager with the advice of the Commission.

B. The prospective Executive Director of the Commission shall have demonstrated administrative expertise, a background of direct participation in women's advancement, and the ability to work cooperatively with women of

various socio-economic backgrounds and of every race, color, national origin, age and sexual preference.

C. The Executive Director shall have adequate staff assistance. (Ord. 885 (part), 1977: prior code Ch. 2 Art. 26 § 2-228)

2.88.060 Function and purpose.

It shall be the function of the Commission to:

A. Act as a centralizing force in the City and the community which will deal with all women's issues providing information, referral, guidance, coordination, offering and providing technical assistance to other public agencies and private persons, organizations and institutions engaged in activities and programs intended to eliminate prejudice and discrimination against women because of their status as women or as a minority woman.

B. Take such action as the Commission considers appropriate to insure the equal status of women of every race, creed, color, national origin, age and sexual preference. (Ord. 885 (part), 1977: prior code Ch. 2 Art. 26 § 2-223)

2.88.070 Powers and duties.

The powers and duties of the Commission shall include the following:

A. To insure the equal status of women in educational, economic, political, health, legal and social spheres;

B. To design and implement programs that promote equality for all women in the City;

C. To develop recommendations and recommend policy to all departments, divisions and agencies of the City, including the City Manager and the City Council;

D. To coordinate activities of all departments and divisions of City government on issues affecting women;

E. To initiate and coordinate and monitor the enactment of legislation which promotes equal status of women on the City, State and federal levels, and to assure that appropriate regulations are adopted and enforced pursuant to such legislation. (Ord. 885 (part), 1977: prior code Ch. 2 Art. 26 § 2-224)

Chapter 2.90

CAMBRIDGE COMMISSION ON NUCLEAR DISARMAMENT AND PEACE EDUCATION

Sections:

- 2.90.010** Established.
- 2.90.020** Membership—Appointment—Term.
- 2.90.030** Membership—Qualifications.
- 2.90.040** Election of Chairperson—Adoption of bylaws.
- 2.90.050** Function and purpose.
- 2.90.060** Powers and duties.

2.90.010 Established.

There shall be a Cambridge Commission on Nuclear Disarmament and Peace Education. (Ord. 987 (part), 1982: prior code Ch. 2 Art. 39 (part))

2.90.020 Membership—Appointment—Term.

A. The Commission shall consist of twenty members, all of whom shall be appointed initially by the City Manager to serve for the following terms:

1. Six members shall serve for a one year term;
2. Seven members shall serve for a two-year term;
3. Seven members shall serve for a three-year term.

After the initial terms all Commissioners shall be appointed for a term of three years.

B. If any Commissioner misses three unexcused meetings of the Commission during a calendar year, that position of the Commissioner shall be automatically vacated upon certification to the City Manager by the Commission.

C. After the initial appointments, subsequent members of the Commission shall be appointed by the City Manager from recommendations provided by the Commission. The Commission

shall consult with recognized groups working for nuclear disarmament to obtain names of qualified candidates. Vacancies on the Commission shall be filled not later than thirty days after the vacancy occurs; and if a vacancy occurs prior to the expiration of the members' term, an appointment shall be made for the remainder of the term.

D. The Commission shall be representative of the socio-economic and racial/ethnic populations of the City. (Ord. 987 (part), 1982: prior code Ch. 2 Art. 39 (part))

2.90.030 Membership—Qualifications.

A. All prospective Commissioners shall believe in and support the goal of nuclear disarmament as embodied in the resolutions passed by the City Council.

B. Commissioners must be residents of the City at the time of appointment. (Ord. 987 (part), 1982: prior code Ch. 2 Art. 39 (part))

2.90.040 Election of Chairperson—Adoption of bylaws.

The members of the Commission shall elect a Chairperson from among its members, and shall adopt bylaws for the Commission. (Ord. 987 (part), 1982: prior code Ch. 2 Art. 39 (part))

2.90.050 Function and purpose.

It shall be the function of the Commission to:

A. Support the actions taken by the City Council to protect the citizens of Cambridge and lessen the danger of nuclear destruction to the City;

B. Work to implement the November 4, 1981, mandate of Cambridge voters to "contact the Massachusetts Congressional Delegation to place a freeze on the further development of nuclear weapons in the City of Cambridge";

C. Work with the City government and its departments, educational institutions, private and public agencies, and other interested organizations toward bilateral nuclear disarmament

and a peaceful world through public dissemination of relevant information and through educational outreach to the schools and citizens of Cambridge. (Ord. 987 (part), 1982: prior code Ch. 2 Art. 39 (part))

2.90.060 Powers and duties.

The powers and duties of the Commission shall include the following:

A. To design and disseminate material, and establish a resource library for disarmament education, including a speakers bureau, and to assist citizens in the use of this material;

B. To assist the Cambridge Public Schools and the parochial and private schools in the City in developing nuclear disarmament curricula on:

1. The causes of war,
2. Technology in the nuclear age,
3. The history of disarmament,
4. Conflict resolution;

C. To support and assist teachers initiating such nuclear disarmament curriculum;

D. To hold, and assist in the conduct of, educational and advocacy meetings or hearings on nuclear disarmament by public agencies, organizations, institutions or private persons in the City. This shall include an effort to reach out to those most affected by the diversion of funds from the City: Organized labor, the poor, the unemployed, minorities and women;

E. To initiate public exhibits and events in City Hall, City libraries, public schools and in other locations within the City, consistent with the stated purposes of this chapter;

F. To cooperate with public agencies and private groups in other cities and towns of the Commonwealth in programs for disarmament education;

G. To promote mutual understanding with people in other nations consistent with the purposes of this chapter, such as the City Council's proposal for a "twin" city in the USSR, and the receptions held by the City for peace visitors from Europe and Japan;

H. To develop and recommend policy regarding the prevention of nuclear destruction to the City and the safety of Cambridge citizens to all departments, divisions and agencies of the City, including the City Manager and the City Council;

I. To advance the enactment of legislation which promotes nuclear disarmament at City, State and federal levels, and to monitor the implementation of such legislation;

J. To assist the Civil Defense Department of the City in its duties, consistent with the purposes of this chapter;

K. To determine the extent of nuclear weapons-related industry within the City, and to study, advocate and assist in the conversion of such industries to non-nuclear weapon-related activities, including the retraining of workers employed in those nuclear-related industries;

L. To make public statements and act on matters related to nuclear disarmament;

M. To raise funds for the use of the Commission and to accept money, gifts and services for its exclusive use and expend or use the same, and subject to appropriation or to receipt of such money, gifts and services, employ clerical and technical assistants or consultants; and to be consulted by and make recommendations to the City Manager with regard to the employment of the Executive Director. (Ord. 987 (part), 1982: prior code Ch. 2 Art. 39 (part))

Chapter 2.92

CAMBRIDGE CONSUMER ADVISORY COMMISSION

Sections:

- 2.92.010** Established—Statutory authority.
- 2.92.020** Membership—Term.
- 2.92.030** Powers and duties.
- 2.92.040** Officers—Election.
- 2.92.050** Staff—Appointment.
- 2.92.060** Offices.
- 2.92.070** Meetings.
- 2.92.080** Annual reporting requirements.

2.92.010 Established—Statutory authority.

Under the authority conferred by Chapter 40, Section 8F of the Massachusetts General Laws, Chapter 153 of the Acts of 1970, and pursuant to the governmental powers possessed by cities and towns in accordance with Article LXXXIX of the Amendments to the Constitution of the Commonwealth, Section 6, there be and is created, in the City a Consumer Advisory Commission. (Ord. 961 (part), 1981: prior code Ch. 2 Art. 32 § 1)

2.92.020 Membership—Term.

The Commission shall consist of seven members. The Sealer of Weights and Measures and the Chairperson of the License Commission of the City of Cambridge shall serve as ex-officio members. Five members shall be residents of the City of Cambridge and appointed by the City Manager.

The five members appointed from the public-at-large shall serve for a term of two years each. Any member so appointed may be removed at the discretion of the City Manager. A vacancy occurring otherwise than by expiration of term, shall be filled for the unexpired term in the same manner as the original appointment. (Ord. 1041, 1986; Ord. 961 (part), 1981: prior code Ch. 2 Art. 32 § 2)

2.92.030 Powers and duties.

The Commission shall exercise and perform the following powers and duties:

A. The Commission shall conduct investigations, studies and research into matters affecting consumer interest and education and shall advise and report the results of such investigations, studies and research to the general public as well as to local governmental authorities and law enforcement agencies. The Commission may also undertake or recommend programs, as it deems in the best interest of the City, to correct, improve or coordinate the protection of consumers in the City. The Commission shall also have the duty to study and report all matters referred to it by any City official or department;

B. The Commission shall have the power to hold a public hearing on any matter it deems important and necessary and may call upon any municipal official or department, or any resident of the City, for testimony in connection therewith. The Commission shall establish rules of procedure governing the conduct of its hearings which shall be available to each witness prior to his testimony;

C. The Commission shall have the power to call upon any other department of the City government for assistance or information in performing its duties; and it shall be the duty of such other departments to comply with a proper request of the Commission. Any question as to what constitutes a proper request for assistance or information shall be decided by the City Solicitor. The Commission shall also seek the cooperation and assistance of the Chamber of Commerce, the office of the District Attorney, the Department of the Attorney General, the Consumers' Council and other agencies which regularly deal with consumer related matters;

D. The Commission may appear, through its members or staff, for and in behalf of the people of the City before boards, commissions, commissioners, departments or agencies of the City, County or Commonwealth, in any hearing

affecting the rights of the City's consuming public or in any proceeding seeking a change or curtailment of public transportation services, or an increase of rates or costs of services or commodities, and shall be deemed an aggrieved party for the purpose of judicial or administrative review of any decision or ruling in any such proceedings in which it has so appeared, any other provision of law to the contrary notwithstanding;

E. The Commission shall have the power to provide for a complaint referral service. The Commission may receive, refer, act upon or otherwise handle consumer complaints as it best determines, and shall keep a record of such complaints and their disposition. The Commission may call upon any City official or department for assistance in resolving such complaints, and it shall be the duty of such other officials or departments to act as expeditiously as possible on such requests;

F. The Commission shall have the power to promulgate rules and regulations to protect consumers from practices which it determines to be unfair and deceptive or otherwise detrimental to the consuming public. Such rules and regulations shall have the force of ordinance and shall be subject to judicial or administrative review. (Ord. 961 (part), 1981: prior code Ch. 2 Art. 32 § 5)

2.92.040 Officers—Election.

A. The Commission shall from time to time designate a Chairman. The Chairman, or a person designated by him, shall preside at Commission meetings, and the Chairman or a majority of the members shall have the power to call emergency meetings.

B. The Commission shall elect such officers, committees and task forces from among its

members as they may from time to time deem necessary. (Ord. 961 (part), 1981: prior code Ch. 2 Art. 32 § 4)

2.92.050 Staff—Appointment.

The Commission may appoint, by and with the approval of the City Manager, an executive director and such assistants, investigators, consultants, attorneys and experts on either a full or part-time basis, as it deems necessary to carry out its functions and duties. (Ord. 961 (part), 1981: prior code Ch. 2 Art. 32 § 6)

2.92.060 Offices.

The Commission shall be provided with offices in City Hall or elsewhere within the City. (Ord. 961 (part), 1981: prior code Ch. 2 Art. 32 § 7)

2.92.070 Meetings.

A. The Commission shall hold regular monthly meetings and shall designate the time and place thereof. Notice of such meetings shall be forwarded to the City Clerk.

B. The Commission shall have the power to adopt rules and regulations for the conduct of its business, and shall keep a record of its proceedings. A simple majority shall constitute a quorum. A vacancy shall occur when any member shall fail to be present at three consecutive meetings or fifty percent of twelve such meetings in any calendar year, unless such absence shall be excused by the Commission and the reason therefor entered in the proceedings. (Ord. 961 (part), 1981: prior code Ch. 2 Art. 32 § 3)

2.92.080 Annual reporting requirements.

The Commission shall submit an annual report of its activities which shall include an evaluation of its effectiveness, and shall send a copy thereof to the Consumers' Council of the Commonwealth. (Ord. 961 (part), 1981: prior code Ch. 2 Art. 32 § 8)

Chapter 2.94

ENERGY COMMISSION

Sections:

- 2.94.010 Findings.**
- 2.94.020 Established—Membership—Appointment.**
- 2.94.030 Powers and duties.**
- 2.94.040 Comprehensive energy plan development principles.**
- 2.94.050 Public involvement encouraged.**
- 2.94.060 Staff support.**

2.94.010 Findings.

A. Cambridge voters at the November 6, 1979 City election overwhelmingly approved, by a four to one vote, Question 3, which in part advised the City Council “actively to encourage building insulation, energy conservation and the use of solar power and other safe renewable energy sources in the City, thereby saving Cambridge residents money and creating new jobs.”

B. A national energy crisis exists which threatens the well-being of our country and of its citizens, and this energy crisis is particularly acute in New England.

C. Many measures to conserve energy and to encourage the use of energy from safe, renewable sources can best be taken at the municipal level.

D. The development of a comprehensive energy plan for the City is an important step in this direction.

E. On June 11, 1979, Councillor Alfred Vellucci placed an order before the City Council calling for the establishment of an Energy Control Commission.

F. Citizen involvement is crucial to the development and implementation of a comprehensive energy plan. (Ord. 954 (part), 1981: prior code Ch. 2 Art. 33 § 1)

2.94.020 Established—Membership—Appointment.

A Cambridge Energy Commission of fifteen members is established, its members to be appointed by the City Manager in such a manner as to be representative of the City’s population. (Ord. 954 (part), 1981: prior code Ch. 2 Art. 33 § 2)

2.94.030 Powers and duties.

The Commission is charged with:

A. Assessing current energy use levels and projecting future energy use levels in Cambridge in the areas of industry, commerce, institutions, residential dwellings, transportation and municipal dwellings;

B. Investigating means to increase the overall use efficiency in the City, to decrease the use of energy from nonrenewable sources and to encourage the use of energy from renewable sources in the areas set out in subsection A of this section;

C. Evaluating current land use policies for their effectiveness in promoting energy conservation and stimulating the use of alternative forms of energy, being attentive to the relationship between transportation and land use, built areas and open space, as well as to the configuration of buildings and street plantings;

D. Developing and recommending to the City Manager and the City Council, on or before July 1, 1981, a comprehensive plan for the City;

E. Drafting, for consideration by the City Council, ordinances, rules, regulations, policies and programs necessary for the implementation of the comprehensive energy plan. (Ord. 954 (part), 1981: prior code Ch. 2 Art. 33 § 3)

2.94.040 Comprehensive energy plan development principles.

The Commission, in developing a comprehensive energy plan, should be mindful of the following principles:

A. All actions must enhance Cambridge’s attractiveness as a place to live and do business;

B. The social and economic differences among both people and firms must be recognized and accommodated;

C. All sectors of the City's economy must be dealt with equitably;

D. Conservation measures must be cost-effective;

E. The success of a comprehensive energy plan depends on the members of the community, both individually, taking part in its development and implementation, and upon a shared sense of responsibility for the goal of energy conservation. (Ord. 954 (part), 1981: prior code Ch. 2 Art. 33 § 4)

2.94.050 Public involvement encouraged.

A. The Commission should involve the public at large in its deliberations to the greatest extent possible.

B. The Commission may, in pursuit of its task, invoke the participation of other interested persons by creating such task forces as it sees fit. (Ord. 954 (part), 1981: prior code Ch. 2 Art. 33 § 5)

2.94.060 Staff support.

The City Manager shall provide the Commission with the necessary staff support. (Ord. 954 (part), 1981: prior code Ch. 2 Art. 33 § 6)

Chapter 2.96

CAMBRIDGE COMMISSION ON THE HANDICAPPED

Sections:

- 2.96.010** Established.
- 2.96.020** Person with handicap defined.
- 2.96.030** Membership—Appointment—
Term.
- 2.96.040** Election of Chairperson—
Adoption of bylaws.
- 2.96.050** Executive Director—
Appointment—Term.
- 2.96.060** Function and purpose.
- 2.96.070** Powers and duties.

2.96.010 Established.

There shall be a Cambridge Commission on the Handicapped. (Ord. 927 (part), 1979: prior code Ch. 2 Art. 31 § 1)

2.96.020 Person with handicap defined.

For the purposes of this chapter, "a person with a handicap" means and includes any person who:

- A. Has a physical or mental impairment which substantially limits one or more major life activities;
 - B. Has a record of such an impairment; or
 - C. Is regarded as having such impairments.
- (Ord. 927 (part), 1979: prior code Ch. 2 Art. 31 § 3)

2.96.030 Membership—Appointment— Term.

A. The Commission shall consist of eleven members, all of whom shall be appointed initially by the City Manager. There shall be one representative appointed from the Department of Public Works for a period of three years and one representative appointed from the Department of Human Services to serve for a period of three years and other representatives to be

appointed from time to time to assist the Commission in the carrying out of its activities. Of the remaining nine members, at least five shall be persons with a handicap as defined in Section 2.96.020 of this chapter and represent as many cross-disabilities from the handicapped community as possible. The remaining members shall be parents, friends or other interested persons of the handicapped. These nine members shall initially serve for the following terms:

1. Three members shall serve for a one year term;
2. Three members shall serve for a two-year term;
3. Three members shall serve for a three-year term.

After the initial terms all Commissioners shall be appointed for a term of three years.

B. One month prior to making such appointments the City Manager shall solicit nominations from as many organizations representing the handicapped as possible, and insure appointees represent a broad cross section of the City's citizens interests and are residents of the City themselves.

C. If any member misses three unexcused meetings of the Commission during the calendar year, that position of the Commission shall be automatically vacated upon certification to the City Manager by the Commission. The City Manager shall then proceed to immediately fill such vacancy.

D. The Commission shall at all times be concerned about the needs and expectations of all persons with handicaps. (Ord. 927 (part), 1979: prior code Ch. 2 Art. 31 § 5)

2.96.040 Election of Chairperson—Adoption of bylaws.

The members of the Commission shall elect a Chairperson from among its members, and shall adopt bylaws for the Commission. (Ord. 927 (part), 1979: prior code Ch. 2 Art. 31 § 6)

**2.96.050 Executive Director—
Appointment—Term.**

A. There shall be an Executive Director of the Commission on the Handicapped whose selection and length of employment shall be determined by the City Manager with the advice of the Commission.

B. The Executive Director shall have demonstrated administrative ability, be knowledgeable about the City's organizational structure and be willing to learn about the special needs of the handicapped, and the ability to work cooperatively with people of various socio-economic backgrounds of races, creeds, national origin and age. (Ord. 927 (part), 1979: prior code Ch. 2 Art. 31 § 7)

2.96.060 Function and purpose.

It shall be the function of the Commission to:

A. Act as a centralizing force in the City and the community which will deal with all handicapped issues: providing information, referral, guidance, coordination, offering and providing technical assistance to other public agencies and private persons, organizations and institutions engaged in activities and programs intended to eliminate prejudice and discrimination against person(s) with handicap(s) because of their status as a person with a handicap or as a minority person with a handicap;

B. Take such action as the Commission considers appropriate to insure the equal status of person(s) with handicaps of every race, creed, color, national origin, age and sexual preference;

C. Assure that no otherwise qualified individual with a handicap in the City shall, solely by reason of his or her handicap, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity within the City. (Ord. 927 (part), 1979: prior code Ch. 2 Art. 31 § 2)

2.96.070 Powers and duties.

The powers and duties of the Commission shall include the following:

A. To insure the equal status of the handicapped in education, employment, economic, political, health, legal and social spheres;

B. To design and implement programs that promote equality for all handicapped in the City;

C. To review recommendations and policies of all departments, divisions and agencies of the City, including, but not limited to, the City Manager, the Purchasing Agent and the City Council;

D. To initiate, coordinate and monitor the enactment of legislation which promotes equal status of the handicapped on the City, State and federal levels, and to insure that appropriate regulations are adopted and enforced pursuant to such legislation, including but not limited to implementation of Section 504;

E. To assist in the planning and coordination of activities of all departments and divisions;

F. To participate in an advisory capacity in the hearing of complaints brought alleging discrimination against the handicapped including but not limited to the Office of Affirmative Action;

G. To obtain from City departments, divisions and agencies any and all information necessary to carry out the functions, purposes, programs and activities of the Commission;

H. To assist in public awareness of the handicapped through participation in public and media events sponsored by the administrative and/or legislative bodies of the City including but not limited to city sponsored recreational, educational and development activities;

I. To raise funds for the use of the Commission in accordance with established procedures and statutes and to accept money, gifts and services for its exclusive use and expend or use the same, and subject to the appropriation or to receipt of such money, gifts and services, employ clerical and technical assistants or consultants; and to be consulted by and make recommendations to the City Manager with regard to the designation of the Executive Director;

J. To be an active and participating member of appropriate organizations dealing with issues affecting the handicapped;

K. To recruit and recommend prospective members to the Commission subsequent to appointment by the City Manager;

L. To serve on the Commission without compensation with the understanding that they will be reimbursed for any expense which may reasonably be incurred through service as a member of the Commission;

M. To acquire, analyze, use and store handicapped related statistics and related materials in conjunction with the Cambridge Public Library for program planning and evaluation purposes;

N. To hold at least ten regular meetings throughout the year and to conduct additional meetings as necessary;

O. Such other powers and duties as may be agreed on by the City Manager and the Commission. (Ord. 927 (part), 1979: prior code Ch. 2 Art. 31 § 4)

Chapter 2.98

COMMISSION FOR HUMAN SERVICE PROGRAMS

Sections:

- 2.98.010** **Established—Function.**
- 2.98.020** **Membership—Appointment—Term.**
- 2.98.030** **Officers.**
- 2.98.040** **Purpose and function.**
- 2.98.050** **Duties and responsibilities.**
- 2.98.060** **Neighborhood Council membership prohibited.**
- 2.98.070** **Meetings—Regular attendance required.**
- 2.98.080** **Vacancies.**

2.98.010 **Established—Function.**

There shall be a commission consisting of nine members, called in this chapter "the Commission for Human Service Programs," and appointed by the City Manager. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 35 (part))

2.98.020 **Membership—Appointment—Term.**

A. The Commission shall consist of nine members, all of whom shall be appointed by the City Manager. In making appointments to the Commission, the City Manager shall at all times endeavor to achieve a reasonable balance among the racial, ethnic, socio-economic, neighborhood and age group interests in the City. All members shall be bona fide residents of the City. There shall be one designee from the office of the Superintendent of Schools; two with experience and knowledge of human services in the City's private sector; and six community representatives with experience and knowledge of the City's human services.

B. The initial appointees shall serve for the following terms: two community representatives and one private sector representative for three years; one community representative and one

private sector representative for two years; and three community representatives for one year; the School Department appointee shall serve at the discretion of the Superintendent.

C. After the initial terms, all Commissioners shall be appointed for a term of three years, with a limit of two consecutive terms for each member. The School Department appointment shall be at the discretion of the Superintendent. At least four of the members shall have served on a Neighborhood Council within six months prior to appointment. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 35 § 1(1) — (3))

2.98.030 **Officers.**

The Commission shall elect, annually, a Chairperson and a Vice-Chairperson from among its members. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 35 § 1(4))

2.98.040 **Purpose and function.**

It shall be the function of the Commission to advise the City Manager on all policy issues and major problem areas pertaining to human service matters and to promote activities that enhance the quality of life for all the citizens of Cambridge. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 35 (part))

2.98.050 **Duties and responsibilities.**

It shall be the duty and responsibility of the Commission to:

A. Prepare, every three years and update annually, a planning document which shall set forth priority areas for human services and indicate the resources available to the City which can be utilized to support those efforts. This planning document shall also include, as an attachment, the complete set of recommendations received by the Commission from the Neighborhood Council in each human service area, as well as all recommendations received from the Council on Aging. The first planning document shall be submitted to the City Manager no later than

December 1, 1981. Subsequent documents shall be submitted no later than December 1st of every third year thereafter;

B. Convene an annual convention of all Neighborhood Councils. All members of the City Council, as well as the general public, shall be invited to participate. Staff shall be present to give assistance and information. The purpose of the meeting is to generate discussion on human service concerns in the neighborhoods;

C. Adopt such other duties and responsibilities as may be agreed upon by the Assistant City Manager and the Commission;

D. Hold regular Commission meetings, at least ten each year. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 35 § 2)

2.98.060 Neighborhood Council membership prohibited.

No Commission member shall serve as a Neighborhood Council member during his or her term on the Commission. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 35 § 1(7))

2.98.070 Meetings—Regular attendance required.

If a Commission member shall fail to attend, in any calendar year, at least one quarter of the regular meetings of the Commission, without adequate explanation, the City Manager shall appoint a replacement for such member. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 35 § 1(6))

2.98.080 Vacancies.

The City Manager shall, by public notice, solicit nominations from the citizens of Cambridge for vacancies on the Commission for Human Service Programs. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 35 § 1(5))

Chapter 2.100

COUNCIL ON AGING

Sections:

- 2.100.010 Membership—Appointment—
Term—Officers.**
- 2.100.020 Function.**
- 2.100.030 Duties and responsibilities.**

**2.100.010 Membership—Appointment—
Term—Officers.**

A. The Council shall consist of eleven members who shall be appointed by the City Manager, seven over the age of sixty years who shall serve terms of three years each and be representative of Cambridge elderly geographical, economic and ethnic factors, and four who shall serve terms of two years each and be representative of other community segments servicing or concerned with the well being of the elderly population of the City. Names of candidates to fill vacancies will be submitted by the Council to the City Manager.

B. The Council shall elect from among its members, annually in October, a Chairperson who shall preside at meetings of the Council and who shall serve not more than two consecutive terms, and a Vice-Chairperson who shall serve in the absence of the Chairperson. A meeting shall be held at least once a month. (Ord. 850 (part), 1975: prior code § 2-169)

2.100.020 Function.

It shall be the function of the Council to:

- A. Evaluate, coordinate, promote and encourage new and existing services and activities intended to enhance or improve the quality of life of older persons in the City;
- B. Survey resources available to Cambridge elderly and act as an information and referral source regarding services, benefits, activities and programs available to them;

C. Act in an advisory capacity to the City Manager on all matters pertaining to the welfare of elderly Cambridge citizens;

D. Be the primary public advocate for elderly Cambridge residents. (Ord. 850 (part), 1975: prior code § 2-170)

2.100.030 Duties and responsibilities.

It shall be the duty and responsibility of the Council to:

A. Identify the total needs of the City's elderly population, collecting facts and statistics and conducting special studies as necessary in order to accomplish this end;

B. Evaluate and coordinate all public and private programs and services for the elderly in Cambridge;

C. Participate in the planning and development of all services and programs funded by federal and State grants and moneys, and in the determination of the recipients of such funds;

D. Develop services and programs as required in order to meet needs not being addressed or to encourage their development;

E. Advise the City Manager, other City officials and the public agencies of the City on matters affecting the elderly, particularly through regularly scheduled meetings and conferences;

F. Educate the community and enlist its support to meet the needs of the elderly;

G. Be aware to State and federal legislation concerning the elderly, particularly that pertaining to available funds and programs, and to take such actions as are indicated to assure beneficial results to Cambridge elderly;

H. Be consulted by and make recommendations to the City Manager with regard to the employment of the Executive Director;

I. Submit an annual report to the City Manager and to the State Department of Elderly Affairs on its activities of the prior year, including a record of attendance and remaining length of term of each member;

J. Cooperate with the State Department of Elderly Affairs and Area Agency on Aging;

K. Perform any other function prescribed under law. (Ord. 850 (part), 1975: prior code § 2-171)

Chapter 2.102**NEIGHBORHOOD COUNCILS****Sections:**

- 2.102.010 Established—Officers—Adoption of bylaws.**
- 2.102.020 Function and purpose.**
- 2.102.030 Duties and responsibilities.**
- 2.102.040 Implementation.**

2.102.010 Established—Officers—Adoption of bylaws.

A. The City Manager shall establish human service program areas in the City, with the consent of the City Council. The areas shall be coterminous with the elementary school districts, as established on April 1, 1980.

B. Each human service program area shall have a Neighborhood Council, which shall be representative of that area democratically chosen and open to membership by all residents of the area.

C. Each Council shall elect from among its members, annually, a Chairperson and Vice-Chairperson. Each Council shall adopt bylaws that, at a minimum, are not inconsistent with the provisions of this chapter or with any other provisions of this code. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 36 § 1)

2.102.020 Function and purpose.

It shall be the function of each Neighborhood Council to promote, encourage and coordinate new and existing services to enhance the quality of life for the citizens it represents. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 36 § 2)

2.102.030 Duties and responsibilities.

It shall be the duty and responsibility of each Neighborhood Council to:

A. Identify the community needs and resources in the area and recommend appropriate program and policy priorities;

B. Prepare, every three years and update annually, a set of recommendations regarding human service priorities within its area for submission to the Commission for Human Service Programs for inclusion in its triennial planning document by October 1, 1981, and by October 1st of every third year thereafter;

C. Develop, every year, the budget designated for support of programs in the area to be submitted to the Assistant City Manager for Human Service Programs. The Neighborhood Council shall use the budget development process as an opportunity to monitor and revise, as necessary its triennial plan;

D. Screen applicants and prepare a listing of qualified candidates for the position designated by the Assistant City Manager as the senior staff position in the area;

E. The Neighborhood Council may submit names for consideration for appointment to the Commission for Human Service Programs. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 36 § 3)

2.102.040 Implementation.

A. During a one-year period subsequent to the adoption of the ordinance codified in this chapter, the duties of the Neighborhood Councils shall be performed by the respective community schools councils. The Assistant City Manager shall provide support for the community schools councils to broaden their memberships and to increase their scope of services during the transition phase.

B. Upon completion of this period, the Assistant City Manager for Human Service Programs and the Commission for Human Service Programs shall recommend to the City Council an amendment to the ordinance codified in this chapter which details a plan for final merger of those duties and the establishment of permanent Neighborhood Councils. (Ord. 935 (part), 1980: prior code Ch. 2 Art. 36 § 4)

Chapter 2.104**SCHOOL COMMITTEE****Sections:****2.104.010 Member compensation—
Frequency.****2.104.010 Member compensation—Frequency.**

Under the authority of Chapter 296 of the Acts of 1982 the elected members of the School Committee shall receive for their annual compensation the amount of ten thousand dollars to be paid monthly or weekly. (Ord. 991, 1983: prior code Ch. 2 Div. 4 § 2-222)

Chapter 2.106

COMMITTEE ON PUBLIC PLANTINGS

Sections:

- 2.106.010** Established.
- 2.106.020** Membership—Appointment—Term.
- 2.106.030** Officers—Election—Duties.
- 2.106.040** Subcommittees.
- 2.106.050** Function and Purpose.
- 2.106.060** Meetings.

2.106.010 Established.

There shall be and is established a Committee on Public Plantings, under the guidance and auspices of the Cambridge Conservation Commission. (Ord. 925 (part), 1979: prior code Ch. 2 Art. 30 § 1)

2.106.020 Membership—Appointment—Term.

A. The membership of the Committee shall consist of a broadly-based volunteer group of Cambridge residents not to exceed twenty-one in number, who shall be appointed by the City Manager upon recommendation of the Conservation Commission, to include:

1. One representative and an alternate from each of the community school districts, each of whom shall have been recommended to the Conservation Commission by the Neighborhood Advisory of the community school after conferring with active planning teams and neighborhood associations within the community school district;

2. One representative each from the Conservation Commission, the Planning Board, the Arts Council and the Historical Commission;

3. Three horticulturists qualified by training and/or practical experience.

B. Members shall serve for a term of two years, except that initially one-half the membership shall serve for three years in order to

establish rotation. No member shall serve more than two consecutive terms. (Ord. 925 (part), 1979: prior code Ch. 2 Art. 30 § 3)

2.106.030 Officers—Election—Duties.

The officers shall be a Chairman, Vice-Chairman, Secretary and Treasurer. These officers shall be elected by the members at the annual meeting for a term of one year, or until their successors are duly elected and qualified. The Chairman shall prepare the agenda and preside at the meetings. The Secretary shall keep the minutes. (Ord. 925 (part), 1979: prior code Ch. 2 Art. 30 § 4)

2.106.040 Subcommittees.

The subcommittees serving and appointed by the Committee on Public Plantings shall be as follows:

A. Advisory Subcommittee. The Advisory Subcommittee shall consist of nonvoting advisors selected by the Committee on Public Plantings without regard to residency, and shall include a staff representative from the Public Works Department, who shall be appointed by the Public Works Commissioner.

B. Planning Subcommittee. The Planning Subcommittee shall be appointed by the Committee on Public Plantings, and shall consist of: The Chairman of the Committee on Public Plantings; one representative each from the Conservation Commission, the Planning Board, the Historical Commission, and the Arts Council; one or more horticulturists, and others as the Committee determines appropriate. The Committee shall meet on a monthly basis. It shall be responsible for carrying out an annual assessment of public plantings. It shall review all proposals for new public works in the City. It shall serve as a clearinghouse and coordinating resource for individuals and citizen groups with programs or ideas consistent with the purposes of the Committee on Public Plantings. The actions of the Committee shall be reported regularly to the Committee on Public Plantings.

C. The Nominating Subcommittee. The Nominating Subcommittee shall consist of three members: A Chairman appointed by the outgoing Chairman of the Committee on Public Plantings, and two members elected by the Committee from its own membership. The Nominating Subcommittee shall prepare a slate of officers for the Committee on Public Plantings to vote on at its annual meeting.

D. Other Committees. Other subcommittees may be established by the Committee on Public Plantings from time to time for specific purposes. (Ord. 925 (part), 1979: prior code Ch. 2 Art. 30 § 5)

2.106.050 Function and Purpose.

It shall be the purpose of the Committee to promote and improve the quality and diversity of public plantings throughout all areas of the City. Specific functions of the Committee, in keeping with this purpose, shall consist of the following:

A. To establish and administer an annual evaluation of public plantings in Cambridge. This evaluation shall cover (1) quality of current inventory of plantings, (2) quality of last year's program for improving plantings, (3) recommendations for the year ahead. The evaluation shall be made by independent experts selected by the Committee;

B. To recommend to the Public Works Department and the City Manager annually, at budget time, a plan and budget for the next fiscal year's planting program;

C. To work closely with the Public Works Department, as requested by the Commissioner, in the refinement of details for the execution of the annual planting program;

D. To advise the City Council, City Manager, Public Works Commissioner and other appropriate department heads on a year-round basis concerning public planting issues;

E. To stimulate public interest in the importance of public planting;

F. To involve citizens in City-wide planting activities;

G. To explore the possibilities of student training and summer employment in horticulture;

H. To conduct such other activities as are considered necessary and appropriate for achieving the basic purpose of the Committee on Public Plantings. (Ord. 925 (part), 1979: prior code Ch. 2 Art. 30 § 2)

2.106.060 Meetings.

The Committee shall meet four times a year. In accordance with State law, all meetings shall be open to the public with notification published forty-eight hours in advance. Other stipulations as to Committee meetings shall include but not be limited to:

A. Quorum and Action at Meetings. Seven members shall constitute a quorum. At any meeting of the members at which a quorum is present, the vote of a majority of those present, unless a different vote is specified by these bylaws, shall be sufficient to decide a matter. For the purpose of reaching decisions, each member shall have one vote.

B. Annual Meeting. An annual meeting of the members shall be held in November of each year. No change in the date fixed for the annual meeting shall be made within thirty days before the date of such meeting. (Ord. 925 (part), 1979: prior code Ch. 2 Art. 30 § 6)

Chapter 2.108

EMERGENCY MANAGEMENT

Sections:

- 2.108.010** Established.
- 2.108.020** Purpose and function.
- 2.108.030** Director—Authority.
- 2.108.040** Director—Appointment—
Compensation.
- 2.108.050** Appointment of personnel.
- 2.108.060** Emergency powers—Authority.
- 2.108.070** Emergency Management
Advisory Council—
Appointment.
- 2.108.080** Executive orders, directives and
regulations—Issuance.
- 2.108.090** Executive orders, directives and
regulations—Filing.
- 2.108.100** Cooperation with other
governmental bodies.
- 2.108.110** Assistance during riot and
violence.
- 2.108.120** Acceptance of gifts, equipment
or services.
- 2.108.130** Chapter provisions not
exclusive.

2.108.010 Established.

There is established the Department of Civil Defense. The Department may also be referred to as the "Emergency Management Agency." (Ord. 1010 (part), 1984; prior code § 8-1)

2.108.020 Purpose and function.

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 in this chapter 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; such 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. (Prior code § 8-4)

2.108.030 Director—Authority.

The Department shall be under the supervision of the Director of Emergency Management. 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. 1010 (part), 1984; prior code § 8-2)

2.108.040 Director—Appointment— Compensation.

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. (Prior code § 8-3)

2.108.050 Appointment of personnel.

For the purpose of carrying out the provisions of this chapter the City Manager, or if so delegated by him, the Director of Emergency Management, 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. 1010 (part), 1984; prior code § 8-5)

2.108.060 Emergency powers—Authority.

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 Emergency Management 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 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. 1010 (part), 1984; prior code § 8-6)

2.108.070 Emergency Management Advisory Council—Appointment.

There is created an unpaid Emergency Management Advisory Council, the members of which shall be appointed by the City Manager. The Defense Council shall consist of experts on all matters affecting emergency management, and the Director of Emergency Management. The City Manager shall appoint the Chairman of the 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 emergency management. (Ord. 1010 (part), 1984; prior code § 8-8)

2.108.080 Executive orders, directives and regulations—Issuance.

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 Emergency Management or other municipal department officers or employees of the City to carry out the provisions of any such executive order, regulation or directive, the Director of Emergency Management is 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. 1010 (part), 1984; prior code § 8-10)

2.108.090 Executive orders, directives and regulations—Filing.

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 Emergency Management 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 Emergency Management and the department affected thereby. (Ord. 1010 (part), 1984; prior code § 8-11)

2.108.100 Cooperation with other governmental bodies.

In carrying out the purposes of emergency management 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 Chapter 639 shall be carried out to the fullest extent. (Ord. 1010 (part), 1984; prior code § 8-12)

2.108.110 Assistance during riot and violence.

The Chief of Police with the approval of the Director of Emergency Management 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 judgment 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. 1010 (part), 1984; prior code § 8-7)

2.108.120 Acceptance of gifts, equipment or services.

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 emergency management 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 Emergency Management subject to the approval of the City Manager. Appropriate records shall be kept by the Director of Emergency Management of all matters relating to such gifts, grants or loans. (Ord. 1010 (part), 1984; prior code § 8-9)

2.108.130 Chapter provisions not exclusive.

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 Chapter 639 now or hereafter imposed by the Legislature. Any part of this chapter shall become inoperative when any section or provision of 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. (Prior code § 8-13)

Chapter 2.110**CITY-OWNED LAND AND BUILDINGS****Sections:****2.110.010 Sale, lease or rental procedures.****2.110.010 Sale, lease or rental procedures.**

A. For the purposes of protecting the citizens of Cambridge, real estate values and obtaining the best possible land use, no sale, lease or rental by the City of Cambridge of City-owned land or ways shall be accomplished until such offer, when received by the City Council, shall be referred to the Planning Board of the City for

study and a report made to the City Council, which shall hold a public hearing to which the Planning Board shall be invited. The hearing shall be held within one month after receipt of the Planning Board's report to the City Council.

B. At least ten 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 such land or ways within two hundred 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. (Prior code § 2-10)

Chapter 2.112**CITY CONTRACTS****Sections:**

- 2.112.010 Bonds required when.**
- 2.112.020 Proposals and bids—Acceptance and award procedure.**
- 2.112.030 Contracts—Form.**
- 2.112.040 Contracts—Alteration.**
- 2.112.050 Retention of funds to reimburse laborers and mechanics.**

2.112.010 Bonds required when.

Any contract exceeding two thousand dollars for any work to be done for the City, may be required to be accompanied by a bond with sureties satisfactory to the board or official having the matter in charge, or by a deposit of money, certified check or other security for the faithful performance thereof. No proposal shall be accepted from or offered to any person who has breached a contract with the City during the three years preceding. All written contracts shall be executed in quadruplicate, and one of the copies shall be deposited with the Auditor. (Ord. 920, 1979: prior code § 2-181)

2.112.020 Proposals and bids—Acceptance and award procedure.

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 of this chapter; provided, however, that if any such proposals shall be

offered by persons who in the judgment 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; provided further, that if the second lowest bidder shall be a person having his place of business in the City and if such bid in the case of contracts of five hundred dollars or over but not exceeding one thousand dollars shall not be more than five percent above the lowest bidder and in case of contracts from one thousand dollars to three thousand dollars not more than four percent above the lowest bidder and in contracts over three thousand dollars but not more than ten thousand dollars not more than three 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, in all 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. (Prior code § 2-182)

2.112.030 Contracts—Form.

In all cases where the amount of any contract shall exceed the sum of two thousand 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, endorsed thereon. And all payments for extra work shall be made at the time of the final payment on such contract. (Prior code § 2-183)

2.112.040 Contracts—Alteration.

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. (Prior code § 2-184)

2.112.050 Retention of funds to reimburse laborers and mechanics.

In every contract entered into on behalf of the City and involving the employment of mechanics or laborers by the contractor, 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 days after the completion of the work under the contract. (Prior code § 2-185)

Chapter 2.114

**PUBLIC DEVELOPMENT ARTS
PROJECTS**

Sections:

- 2.114.010 Short title.**
- 2.114.020 Findings.**
- 2.114.030 Purpose.**
- 2.114.040 Definitions.**
- 2.114.050 Cambridge Arts Council—
Powers and duties.**
- 2.114.060 Public Development Arts
Fund—Allocation and
designation.**
- 2.114.070 Public Development Arts
Fund—Created—Purpose.**
- 2.114.080 Public Development Arts
Fund—Expenditure time
limitations.**

2.114.010 Short title.

The ordinance codified in this chapter shall be known as the “Public Development Arts Ordinance of 1979.” (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 1(A))

2.114.020 Findings.

The City Council finds that:

A. The City recognizes that it has a responsibility to make the advantages of the arts available to its residents; that construction projects financed with public funds normally include expenditures for finishing and adornment which, if effectively planned and executed will help the City to fulfill this responsibility;

B. The City wishes to increase the benefits which its citizens will derive from the creative efforts of artists;

C. The City should expand the access of its residents to the benefits of the arts by designating a portion of appropriations for capital expenditures for the acquisition, creation, design and/or

development of art which shall be utilized in and about City buildings and public facilities. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 1(B))

2.114.030 Purpose.

The purposes of this chapter are:

A. To promote the enjoyment of the arts by the residents of the City by increasing the quantity and quality of such arts available in public buildings, facilities and spaces;

B. To improve and expand the value and use of public buildings and facilities through the placement in such buildings and facilities of distinguished works and creations of artistic endeavor; and

C. To create a funding program which, without substantially increasing the total cost of construction projects as defined in this chapter, will ensure that arts are acquired, created, developed and otherwise made available for the enjoyment of the residents of the City. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 1(C))

2.114.040 Definitions.

For the purposes of this chapter the following words and descriptions shall have the following meanings:

A. “Cambridge Arts Council” means the Council established in 1974 by order of the City Council.

B. “Construction project” means any capital project paid for in full or in part by the City, through its own eligible funds or with eligible funds appropriated to it by other governmental units, to construct or remodel any building, decorative or commemorative structure, park, street, sidewalk, parking facility or utility or any portion thereof within the corporate limits of the City and with respect to the construction of which bidding is required under State law.

C. “Eligible funds” means a source of funding for construction projects from which arts are not excluded as an appropriate purpose for expenditure.

D. "Public Development Arts Fund" means the fund set aside by this chapter in the City treasury for the purpose of allocating moneys for the development and creation of arts in and upon public construction projects in the City.

E. "Public development arts project or projects" means art to be funded from the public development arts fund; such projects may be an integral part of a building, attached to a building, placed within or outside of a building, or in the case of performing arts performed in a public building or space; said art may include but shall not be limited to, paintings, sculpture, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, drama, instrumental or vocal music, dance and landscape items, including the artistic placement of natural materials or manmade fountains or objects or other functional art objects.

F. "Supplemental funds" means those funds appropriated by the City Council or contributed by individuals or other sources, and placed in the Public Development Arts Fund in addition to those funds made available from eligible funds, which shall be used for implementing the purposes of this chapter. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 2)

2.114.050 Cambridge Arts Council—Powers and duties.

To carry out its responsibilities under this chapter, the Cambridge Arts Council shall:

A. Establish annually, after meetings held regularly with relevant City agencies, private, nonprofit organizations, neighborhood organizations and interested Cambridge citizens and artists, and after holding a public hearing publicized for a full calendar week in at least two newspapers of local general circulations a plan for the development and creation of arts in public buildings and spaces in the various neighborhoods and sections of the City; such plan shall include an itemization of the City's priorities for choosing, creating and placing works of art in

public buildings within the neighborhoods of the City; preferences for the types of works to be financed and developed during the fiscal year, and guidelines for the selection of artists and locations for public development arts projects;

B. Select public development arts projects, following consultation with such of the parties referred to in subsection A of this section, and, as a usual practice, with the assistance of a professional arts jury appointed by the Cambridge Arts Council, as may be appropriate;

C. Determine the geographic location of such works of art and architecture, and the location within individual sites and buildings where such works shall be placed or created; provided, that to the maximum feasible extent each such public development arts project shall be placed, created or performed in and about the construction project from which funds were derived for payment of that public development arts project;

D. Establish budgets for all commissioned projects, including budgets for materials, fees, operating and maintenance expenses, and other reasonably contemplated items of expense in the acquisition, development, creation, implementation, and, where applicable, ongoing maintenance of such projects;

E. Establish procedures to be followed by other departments for the maintenance and preservation of such works of art;

F. Establish rules and regulations, with the approval of the City Manager, to provide for the proper administration and implementation of its responsibilities, including necessary administrative budget and such rules and regulations as may be required for the selection of artists and art works; commissioning and contracting with such artists; criteria for the allocation of works of art among the various neighborhoods of the City; criteria for choosing among various artists and recommending acquisition of various works of art or art projects, and such other rules as may be appropriate or necessary for the implementation of this chapter;

G. Make an annual report to the City Council describing its program for meeting its responsibilities under this chapter. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 3)

**2.114.060 Public Development Arts Fund—
Allocation and designation.**

All requests by City departments for appropriations or other authorizations for construction projects from eligible funds shall include and set aside an amount equal to no less than one percent of the total estimated costs of such projects for art; copies of such requests, authorization, application, proposals or appropriations shall be delivered by the City department or agency responsible for obtaining the eligible funds to the Cambridge Arts Council as early as possible in the planning stages of the projects. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 4(A))

**2.114.070 Public Development Arts Fund—
Created—Purpose.**

There is created a Public Development Arts Fund in the City Treasury, into which money

collected by appropriations under Section 2.114.060 of this chapter and supplemental funds shall be placed. The fund shall be used by the Cambridge Arts Council exclusively to carry out the purposes of this chapter. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 4(B))

**2.114.080 Public Development Arts Fund—
Expenditure time limitations.**

Any moneys appropriated to the Public Development Arts Fund which have not been spent within three years of such appropriation, or, upon special approval by the City Council, within five years, shall be transferred to the City's general fund for the purposes of the general art needs of the City; provided, that funds derived from revenue or general obligation bond issues authorized by the City Council or from utility revenues or other special purpose or dedicated funds shall revert to the funds from which they derive at the expiration of the three or five-year period, whichever applies. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 4(C))

Chapter 2.116

WEIGHTS AND MEASURES

Sections:

- 2.116.010 Sealer—Authority—Annual reporting requirements.**
- 2.116.020 Establishment of scales—Appointment of personnel.**
- 2.116.030 Weighers—Oath required.**
- 2.116.040 Weighers—Duties—Recordkeeping.**
- 2.116.050 Fees—Basic—Exemptions.**
- 2.116.060 Fees—Sealing.**
- 2.116.070 Scales—Snow, ice and other obstructions prohibited.**

2.116.010 Sealer—Authority—Annual reporting requirements.

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 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 duties from any cause, a deputy designated by the Sealer of Weights and Measures shall exercise such duties.

C. In the month of July 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. (Amended during 1987 codification; prior code § 20-1)

2.116.020 Establishment of scales—Appointment of personnel.

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. (Prior code § 20-2)

2.116.030 Weighers—Oath required.

The weighers shall be sworn to the faithful performance of their duties. (Prior code § 20-3)

2.116.040 Weighers—Duties—Recordkeeping.

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. (Prior code § 20-4)

2.116.050 Fees—Basic—Exemptions.

The fees for weighing to be received by weighers, shall be as follows: A sum not to exceed one dollar for each weighing. No fees shall be taken for weighing done on account of the City. (Prior code § 20-5)

2.116.060 Fees—Sealing.

The Sealer of Weights and Measures shall receive the following fees for sealing the following weighing or measuring devices:

Balances and Scales	Fee
Over 10,000 pounds	\$50.00
5,000 to 10,000 pounds	30.00
1,000 to 5,000 pounds	20.00
100 to 1,000 pounds	10.00
less than 100 pounds	5.00
Weights	
Avoirdupois (each)	\$.50
Metric (each)	.50
Apothecary (each)	.50
Troy (each)	.50

2.116.060

Capacity Measures	
Vehicle tanks	
Each indicator	\$ 5.00
Each 100 gallons or fraction thereof	2.00
Liquid	
1 gallon or less	.50
More than 1 gallon	1.00
Liquid Measuring Meters	
Inlet 1/2" or less	
Oil, grease	\$ 4.00
Inlet between 1/2" and 1"	
Gasoline	6.00
Inlet more than 1"	
Vehicle tank pump	15.00
Vehicle tank gravity	20.00
Bulk storage	40.00
Company supplies prover	20.00
Pumps	
Each stop on pump	\$ 2.00
Other Devices	
Taxi meters	\$ 6.00
Odometer, hubodometer	6.00
Leather meas. (Semi-ann.)	4.00
Fabric measuring	4.00

Wire, rope, cordage	4.00
Linear Measurement	
Yard sticks	\$.50
Tapes	.50
Miscellaneous	
Milk jars (per gross)	\$ 8.00
Dry measures	.50

(Ord. 978 (part), 1982: prior code § 20-6)

2.116.070 Scales—Snow, ice and other obstructions prohibited.

It shall be the duty of the weighers to keep the scales under their care clear of snow 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. (Ord. 978 (part), 1982; prior code § 20-7)