

**Ordinance No. 844  
Final Publication No. 1833  
First Publication in  
Cambridge Chronicle-Sun  
April 10, 1975  
CITY OF CAMBRIDGE  
In the Year One Thousand  
Nine Hundred Seventy-five  
AN ORDINANCE**

In amendment to an Ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 6 entitled: "Businesses"  
Article V entitled: Petroleum is hereby amended by adding a new section at the end of said Article V to be numbered and known as Section 6-32A Self Service Stations which section shall read as follows:

No gasoline filling station shall allow the pumping of gasoline for retail sale by any person other than an authorized attendant employee of said filling station.

The attendant at authorized gasoline stations shall not permit any person to pump gas or engage in any distribution of gasoline within the station.

This ordinance shall take effect upon its passage.

In city Council May 5, 1975.

Passed to be ordained by a yeas and nays vote: Yeas 8; Nays 1; Absent 0.

James L. Sullivan,  
City Manager

ATTEST: Paul E. Healy  
City Clerk

(C) May 8

*John J. Campbell*  
*Counsellor at Law*

*One Center Plaza, Boston, Mass. 02108*  
*617-542-8800*

April 2, 1976

The Honorable City Council  
Cambridge City Hall  
Cambridge, Massachusetts

Dear Councillors:

Please be advised that I represent the Merit Oil Company of #299 Prospect Street, Cambridge.

Prior to May 5, 1975 the Merit Oil Company applied to the City of Cambridge for permission to open a self-service gas station. On May 5, 1975 the Council passed Ordinance #844 which would prohibit self-service gas stations in the City of Cambridge.

I respectfully call to your attention that in my opinion this Ordinance is illegal, and should be rescinded by your Honorable City Council. In support of this opinion, I direct your attention to Rule 43 of the Rules and Regulations, Form FPR-4 of the Commonwealth of Massachusetts, Department of Public Safety, Board of Fire Prevention Regulations, filed May 1, 1975, which permits self-service automated gasoline dispensing systems. These rules are adopted under General Laws, Chapter 148. Cities may make Ordinances not inconsistent with said Rules and Regulations, under Section 9 of Chapter 148. It is my opinion that said Ordinance is inconsistent with the Board of Fire Regulations, Form FPR-4.

In further support of this opinion I have filed with the City Clerk, a copy of the disapproval of the Attorney General of a similar by-law adopted by the Town of Arlington on April 28, 1975.

I have also filed a copy of the case of Gibbs Oil Co. v. City of Malden, Middlesex Superior Court #75/2051. The opinion in that case was written by Justice John T. Ronan and is dated September 11, 1975. The Court, in that case struck down a similar ordinance adopted by the Malden City Council on March 7, 1975.

I request that the Council schedule a hearing date so that additional evidence may be presented and that the Merit Oil Company may be permitted to operate self service stations in the City of Cambridge.

Respectfully yours,

*John J. Campbell*  
JOHN J. CAMPBELL

JJC:mjr

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JOHN J. CAMPBELL

JJC:mjr

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Communication from John J. Campbell, Counselor at Law, re: to Ordinance #844 re: to Self-service gas stations.

In City Council,  
April 5, 1976

*To Calendar*

*April 12, 76*

*Name of People*

*who appeared  
in SECTION*

*Referred to Ordinance  
Hearing at 6:45 AM*