

# PRELIMINARY DRAFT

## CITY OF CAMBRIDGE GENERAL ORDINANCES

### CONTENTS

Chapter 1 .....	General Provisions
Chapter 2 .....	Executive Officers
Chapter 3 .....	Administrative Departments and Regulations
Chapter 4 .....	Boards, Commissions, Councils
Chapter 5 .....	Funds
Chapter 6 .....	Zoning
Chapter 7 .....	Buildings
Chapter 8 .....	Civil Defense
Chapter 9 .....	Electricity
Chapter 10 .....	Fire Prevention
Chapter 11 .....	Police Department
Chapter 12 .....	Health and Housing
Chapter 13 .....	Licenses, Permits, Businesses
Chapter 14 .....	Offenses
Chapter 15 .....	Parks and Recreation
Chapter 16 .....	Advertising and Signs
Chapter 17 .....	Public Transportation
Chapter 18 .....	Public Works
Chapter 19 .....	Vehicles and Traffic
Chapter 20 .....	Water
Chapter 21 .....	Animal Control
Appendices	

## FORMAT OF CODE

To facilitate use of this Code, the Ordinances included herein are divided into chapters, sections, and where necessary, into articles.

The so-called decimal system of numeration is utilized to delineate these chapters, articles and sections.

In this system, each section of every chapter begins with the number indicating the chapter, followed by a decimal point. If there are articles within the chapter, the first digit following the decimal point indicates that article number. The final two digits indicate the number of the section.

For example, the first section of Article II, Chapter 18 will appear as 18.201.

Each chapter begins with a table of contents of the sections within that chapter. An index is provided at the end of the Code denoting subjects by section rather than by page number.

**CHAPTER 1**  
**GENERAL PROVISIONS**

Designation And Citation Of Code, sec. 1.101  
Enacting Style Of Ordinances, sec. 1.102  
Recordation Of Ordinances, sec. 1.103  
Publication Of Ordinances, sec. 1.104  
Effect Of Recodification Of Ordinances, sec. 1.105.  
Prospective Effect Of Code; Repealed Ordinances Not Revived, sec. 1.106  
Definitions, sec. 1.107  
Rules Of Construction, sec. 1.108  
Effect Of Headings And Catchlines, sec. 1.109  
Territorial Applicability, sec. 1.110  
General Penalty; Continuing Violation, sec. 1.111  
General Enforcement Power, sec. 1.112  
Fines And Penalties Inure To Use Of City, sec. 1.113  
Licensing Power, sec. 1.114  
Severability Of Parts Of Code, sec. 1.115  
City Seal, sec. 1.116

**SECTION 1.101. DESIGNATION AND CITATION OF CODE.** The Ordinances embraced in this and the following chapters and sections shall constitute and be designated and cited as "The General Ordinances of the City of Cambridge, 1976." These Ordinances may also be cited in the provisions which follow as "this Code" or as "The Cambridge City Code."

**SECTION 1.102. ENACTING STYLE OF ORDINANCES.** All laws of the City shall be termed ordinances; and the enacting style shall be, "Be it ordained by the City Council of the City of Cambridge, as follows." (G.O. 1943, c. 1, sec. 1)

**SECTION 1.103. RECORDATION OF ORDINANCES.** All ordinances hereafter passed shall be recorded in the order of passage by the City Clerk, in a book kept for that purpose, with proper margins and index, to be lettered, "Records of Ordinances of the City of Cambridge"; which book shall be kept in the office of the City Clerk, subject to the inspection of the citizens. (G.O. 1943, c. 1, sec. 2)

**SECTION 1.104. PUBLICATION OF ORDINANCES.** Newly enacted ordinances and loan orders as well as proposed ordinances and loan orders shall be published in accordance with G.L. c. 43, sec. 23.

## GENERAL PROVISIONS

**SECTION 1.105. EFFECT OF RECODIFICATION OF ORDINANCES.** All General Ordinances of the City of Cambridge, embodied in the "Cambridge City Code, 1972", and heretofore in force are hereby repealed. This repeal shall not affect or apply to any ordinance incorporating statutes of the Commonwealth, nor to any contract ordinance, zoning ordinance, traffic ordinance, or any other code, ordinance, or parts thereof, where such had been incorporated by reference into the "City Code of Cambridge, 1972."

**SECTION 1.106. PROSPECTIVE EFFECT OF CODE; REPEALED ORDINANCES NOT REVIVED.** This code shall not affect any act done, any right accrued, any penalty incurred, any suit, prosecution, or proceedings pending, or the tenure of office of any person holding office, at the time when it takes effect, nor shall the repeal of any ordinance have the effect of reviving an ordinance theretofore repealed or superseded, or the effect of preventing any punishment or penalty incurred before the repeal took effect, or of interfering with any suit, prosecution or proceeding at the time of the repeal, for an offense committed under the ordinance repealed. (G.O. 1943, c. 1, sec. 5)

**SECTION 1.107. DEFINITIONS.** In the construction of this Code and of all ordinances, the following definitions shall be observed, unless inconsistent with the manifest intent of the City Council or the context clearly requires otherwise:

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

Auditor - The City Auditor.

Charter - The Charter of the City of Cambridge.

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

Clerk - The City Clerk.

Commonwealth - The Commonwealth of Massachusetts.

Council - The City Council of the City of Cambridge.

County - The County of Middlesex.

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

Manager - The City Manager.

Mayor - The Mayor of the City of Cambridge.

Month - A calendar month.

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

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

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

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

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

## GENERAL PROVISIONS

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

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

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

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

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

**Solicitor** - The City Solicitor.

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

**Treasurer** - The City Treasurer.

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

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

**Year** - A calendar year, unless otherwise indicated.

**SECTION 1.108. RULES OF CONSTRUCTION.** In the construction of this Code and of all ordinances, the following rules of construction shall be observed, unless inconsistent with the manifest intent of the Council or the context clearly requires otherwise:

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

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

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

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

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

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

## GENERAL PROVISIONS

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

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

(G.O. 1943, c. 1, sec. 8)

**SECTION 1.109. EFFECT OF HEADINGS AND CATCHLINES.** All headings of Chapters, Articles, or Divisions and all catchlines of Sections and Subsections are unofficial and intended only for convenience in arrangement and as mere catchwords to indicate the contents of the Chapters, Articles, Divisions, Sections and Subsections. They shall not be deemed to be part of the contents of the Chapters, Articles, Divisions, Sections or Subsections; nor shall the headings and catchlines alter the otherwise intended meaning of any provision of this Code. (Code 1972, sec. 1-8)

**SECTION 1.110. TERRITORIAL APPLICABILITY.** This Code shall refer only to the omission or commission of acts within the territorial limits of the City and to that territory outside this City over which the City has jurisdiction or control by virtue of any Constitutional or Charter provisions, or any law. (Code 1972, sec. 1-10)

**SECTION 1.111. GENERAL PENALTY; CONTINUING VIOLATION.** Whenever in this Code or in any ordinance of the City any act is prohibited or is made to be unlawful, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine not exceeding two hundred (\$200.00) dollars. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

**SECTION 1.112. GENERAL ENFORCEMENT POWER.** Unless authorized by other provisions of this Code, it shall be the duty of the Police Department to see to the enforcement of all of the ordinances of the City and all Statutes applicable therein; and to preserve order and prevent infractions of the law and arrest violators thereof.

**SECTION 1.113. FINES AND PENALTIES INURE TO USE OF CITY.** All fines and penalties for the violation of any provision of this Code or of any ordinance, or any order of the City Council shall, when recovered, inure to the use of the City, and be paid into the City Treasury, unless it be otherwise directed by the laws of the Commonwealth, or by the ordinances of the City. (G.O. 1943, c. 1, sec. 9)

## GENERAL PROVISIONS

**SECTION 1.114. LICENSING POWER.** Whenever, under any provision of this Code, a license or permit is required from a certain officer or board, such officer or board shall have the power to issue the proper license or permit. (G.O. 1943, c. 1, sec. 6)

**SECTION 1.115. SEVERABILITY OF PARTS OF CODE.** It is hereby declared to be the intention of the City Council that the sections, subsections, paragraphs, sentences, clauses and words of this Code or any amendment thereto, are severable and if any word, clause, sentence, paragraph, section, or subsection of this Code, or any amendment thereto shall be declared unconstitutional or invalid by the judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this Code or any amendment thereto since the same would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional or invalid word, clause, sentence, paragraph, section, or subsection. (G.O. 1943, c. 1, sec. 10, as amended)

**SECTION 1.116. CITY SEAL.** (a) The following shall be the device of the seal of the City to wit: In the center thereof a shield bearing upon it a view, on the right the towers of Gore Hall, and on the left the Washington elm; under the shield the inscription shall be, "Cantabrigia Conditā A.D. 1630; Civico Regime Donata A.D. 1846." ("Cambridge Founded A.D. 1630; Chartered A.D. 1843.") Around the seal, as the City motto, shall be the words, "Literis antiquis novis institutis decora." ("Adorned by ancient letters and new institutions.")

(b) The City Clerk shall be the custodian of the City Seal. (G.O. 1943, c. 1, sec. 12-13)

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