TITLE 12

STREETS, SIDEWALKS AND PUBLIC PLACES

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I. STREET NAMES AND BUILDING NUMBERS

12-1 Naming of streets.

The several streets, ways and squares in the city shall continue to be called and known by the names heretofore established; and all private streets and ways, and all streets, ways and squares hereafter laid out and accepted as public, shall be named by the City Council after a man or woman killed in action in Revolutionary War, Civil War, World War I, World War II, the Korean War, the Vietnam War or any other armed conflict involving the United States military forces and said person shall have a connection to Woburn. A list of those who were killed in action in war shall be assembled by the Veteran's Agent and filed with the City Clerk. The city council may change the name of any street or way at any time, and the superintendent of public works shall place and maintain suitable street signs on each street heretofore and hereafter named by the city council. Prior Ch.24, sec.1; amended 10/9/98; amended 6/21/2018).

12-2 Recordation of street names.

The city clerk shall keep a book, in which shall be recorded and alphabetically arranged the names of all the streets and ways in the city which are laid out and accepted with the date of such laying out and acceptance, the width of such streets and ways, and all alterations made therein from time to time by the city council. (Prior Chapter 24 {2}).

12-3 Designation of street names and building numbering.

A. The superintendent of public works shall place and maintain in suitable conspicuous places on the streets, the names of the several street of the city, as shown by the records of the Assessors; the Building Inspector shall require the number of each building on a street when he issues a building permit which said Building Inspector shall be required to number, to be affixed to or inscribed on the building by the owner or occupant at least five inches in height and may determine the form and material of any such number, and the place and mode of affixing or inscribing it, and no such owner or occupant shall affix or retain on such building for more than three days any number contrary to the direction of the Building Inspector. Said numbers shall each cover a frontage fifty feet more or less at the discretion of said Building Inspector, and be measured continuously from end to end of the street. Any owner or occupant of a building who, after notice from the said Building Inspector neglects or refuses for a period of more than three days to affix to the same or to inscribe thereon the street number lawfully designated therefor or who affixes or inscribes upon such building or retains thereon for a similar period any number other than the one so designated shall, for each offense, be liable to a penalty not exceeding one hundred dollars. (amended 10/6/2000)

B. No person or persons shall erect, or cause to be erected, any sign or signs designating the name of any street, road, avenue, park or other artery, to be traversed by foot or by vehicle, within the limits of the city without a permit issued and approved by the public works department, subject also to the approval of the mayor and the city council.

C. For violation of this part, there shall be imposed a fine of one hundred dollars for each offense. (Prior Chapter. 14 sec. 2).

II. NOTICE OF STREET DEFECTS

12-4 Notice by city employees.

Every person in the employ of the city shall send to the said superintendent of public works not of any defect in any street which may come to his notice, and said superintendent shall keep a record of the notices of defects sent in with the name of the person giving the notice, and the time when given, and said superintendent shall without delay cause the locality of the alleged defect to be examined and, if the defect is of such a character as to endanger safety of public travel, shall do whatever may be necessary to protect the public from injury by the defect, and cause it to be immediately repaired. (Prior Chapter 25, sec.1).

III. STREET CONSTRUCTION AND IMPROVEMENTS

12-5 Methods for laying out, altering, widening or discontinuing streets.

A. The city council may lay out any new street or way, or widen or otherwise alter, or discontinue any street or way, and estimate the damages any individual may sustain thereby; all in the manner and form prescribed by law.

B. All applications or petitions for laying out, altering, widening or discontinuing any street or way shall be made in writing and addressed to the city council upon such forms or blanks as they shall prescribe, and must be signed by ten or more citizens or taxpayers. Such petitions shall state the names of the owners, if known, of the property affected by the proposed laying out, alteration, widening or discontinuance of the particular street or way named therein.

C. Upon receipt of such petitions the city council shall refer the same to the committee on highways, who shall make report thereon to said council. If such report recommends the laying out, widening, alteration or discontinuance petitioned for, it shall be accompanied by a plan and profile thereof, showing accurately and definitely the proposed line and grade, together with an estimate of the cost of construction made by the city engineer and/or the superintendent of public works.

D. The report shall also state the names of the persons over whose lands such as laying out, altering, widening or discontinuance is recommended, with the amount of damages, if any, which should be allowed to each, the manner in which said work should be performed, and whether or not the same should be done under the laws authorizing the assessment of betterments.

E. If a favorable report of the committee is accepted, or an unfavorable report is rejected, the city council shall by an order appoint a time and place for hearing all parties interested therein, and direct that notice of their intention to lay out, alter, widen or discontinue such street or way, and to do the same under the provisions of law authorizing the assessments of betterments, if such be the case, be given in the manner provided by law. Notice of the intention of the city council to act thereon shall be published in a newspaper published in the city seven days at least before the said hearing and shall be otherwise served in the manner prescribed by law.

F. The city council shall hear all parties interested and all persons claiming damages by reason of such proposed laying out, alteration, widening or discontinuance, at the time and place appointed as aforesaid. (Prior Chapter 24 (3}).

12-6 Conditions as to width and grade–Approval.

No street or way shall hereafter be accepted by the city as a public street or way unless the same is at least forty (40) feet in width except such streets or ways as were in public use or which appear on any plan recorded in the registry of deeds or approved by the planning board in the manner provided by Section 81A et seq. of Chapter 41 of the Massachusetts General Laws, nor which have a grade exceeding fifteen percent, nor unless the same leads from some accepted street or way; provided, that a street or way which was in public use prior to the year 1906 and is less than 40 feet in width as may be so accepted. (Prior Chapter 24 sec. 4).

12-7 Sidewalk, grass plot and edgestone requirements.

A. Any street or way hereafter ordered by the city council to be constructed as a public way shall have a space reserved on each side thereof, extending not more than nine feet from the inside line of the street as ordered to be laid out by said council, for a sidewalk, grass plot and edgestone. (Prior Chapter 24, sec. 5). (amended 2/9/2006)

B. All newly constructed houses not governed by the Woburn Planning Board Subdivision Rules and Regulations shall have at least two shade trees with a caliper of at least two inches planted ten feet outside of the right of way spaces not more than forty feet apart in one-half cubic yard of topsoil. There shall be one tree for every fifty feet of frontage. Such trees at full growth are not to exceed forty feet in height. In the case of a new house constructed on a corner lot bounded by two intersecting streets, one additional tree shall be planted on the secondary street for every fifty feet of frontage. All newly constructed houses not governed by the Woburn Planning Board Subdivision Rules and Regulations shall have a minimum of six shrubs planted in the front of the houses along the front foundation which shall be at least two feet tall. If the builder of a new house believes that the planting of trees or shrubs is inappropriate due to special circumstances, the Woburn Tree Warden may grant an exemption. (added 2/9/2006)

12-8 Taking of land–Compensation for damages.

A. If, after hearing all the parties interested, the city council is of the opinion that the laying out, altering, widening or discontinuance of the street or way as prayed for is of common convenience and public necessity, it shall request the city solicitor to draft and present to said board, for action thereon, an order to the effect that said street or way be laid out, altered, widened or discontinued, as the case may be, which order shall define the boundaries, grade and measurements of the street or way to be laid out, altered, widened or discontinued and shall also state the names of all persons sustaining damages

by such laying out, alteration, widening or discontinuance, and the amount of compensation which such persons shall receive therefor, and the time allowed the owners of land taken to remove all property which may obstruct the building of such street or way.

B. The engineer and/or superintendent of public showing accurately and definitely the line and grade as finally adjusted and fixed by the board of aldermen, showing date of final action by said board and signed by him.

C. If such street or way is laid out, altered, widened or discontinued under the provisions of law authorizing assessment for betterments, said order shall be in the form and shall be recorded in the manner provided by Chapter 80, Section 2, of the Massachusetts General Laws.

D. Whenever any taking is made under the provisions of this section, the city council shall immediately, after the land is entered upon, cause notice thereof to be given to every person whose property has been taken or who is otherwise entitled to damages on account of such taking, in the manner provided by Chapter 79, Section 7C, of the Massachusetts General Laws.

E. Such notice shall be in writing and shall for an award of the same, and also the time within which he may petition the Superior Court to determine his damages. Such notice may be served by personal service or by leaving an attested copy thereof at the last and usual place of abode of the person to be notified, if he is a resident of the Commonwealth, by any person authorized to serve civil process, or notice may be given to persons within or without the Commonwealth by registered mail or other suitable means. (Prior Chapter 24, sec. 6).

12-9 Recordation of order.

Every order for the laying out, altering, wideningor discontinuing of any street or way shall be recorded by the city clerk in a book for that purpose, and a copy thereof shall be filed with the engineer and/or superintendent of public works. (Prior Chapter 24, sec. 7).

12-10 Filing of plans and profiles.

Plans and profiles relating to the laying out, altering, widening or discontinuing of any street or way shall be filed in the office of the engineer and superintendent of public works. (Prior Chapter 24, sec. 8).

12-11 Erection of permanent bound stones or monuments

The superintendent of public works shall cause permanent bound stones or

monuments to be erected as provided by statute, at the terminal and angles of all streets or ways laid out or altered by the city council. (Prior Chapter 24, sec. 9).

12-12 Removal of bounds prohibited

No person shall disturb or remove any mark stake or bound set by order of the city council or superintendent of public works to determine the line or location of any street or way or other property of the city whether said mark, stake or bound be permanent or temporary.(Prior Chapter 24, sec. 10).

12-13 Preparation of proposed streets–Conditions required.

No new street or way hereafter constructed on private lands by the owners thereof shall be laid out or accepted as a public street of the city, unless previously constructed and completed in accordance with the specifications hereinafter set forth.

A. A plan and profile prepared at the expense of the petitioner of every proposed street shall be filed in the office of the City Clerk, showing the present length, width, lines and grade of the street which they desire to have laid out, widened, altered or discontinued; the abutting lands, with the fences and buildings thereon, and the length of frontage of each estate; the lands to be taken, and the names of the owners of said lands, and also showing, in red ink, the proposed lines and grade of said street.

B. Every such street shall be constructed not less than forty feet in width, and conform to a cross-section plan to be approved by the city engineer, and shall have a road bed equal to two-thirds of the width of said street.

C. The entire area of every such street shall first be cleared of all stumps, roots, brush and like material, and all trees not intended for preservation.

D. All loam and loamy material shall be removed from the limits of the street, inclusive such depth as may be approved by the city engineer; and shall be carefully deposited by piles or spread on either side of the street, but in no case within the limits of such street.

E. All work in excavation or embankment shall be brought accurately to a subgrade of not less than eight inches for the roadway and four inches for the sidewalk below finished grade. All side slopes in excavation and on adjoining land shall be at the ratio of at least two horizontal to one vertical, to a subgrade twelve inches below finished grade.

F. All rock and boulders in excavation shall be removed from the street or used in

embankments. Embankments shall be made of clean sand, gravel, cinders, furnace clag, owner or owners, or collected against the security so deposited.

G. Above said subgrade and to finished grade good binding gravel or broken stone shall be used. Both the roadway and sidewalks shall be well wetted and rolled. A street may be accepted as a public street of said city before being finished above the subgrade provided the owner or owners pay into the city treasury a sum sufficient to complete the street after the installation of sewer or water pipes, said sum to be determined by the city engineer, or the owner or owners may give to the city treasurer security to his satisfaction for said amount. If within thirty days after the city installs said sewer or water pipes, the owner or owners fail to complete said street to the satisfaction of the city engineer, the superintendent of streets shall proceed to complete said street and the cost thereof shall be paid from the amount deposited by said owner or owners, or collected against the security so deposited.

H. All corners of intersecting streets shall be rounded as approved by said city engineer, and granite bounds shall be set at all angles and curves by the owners, at their own expense, before being accepted. (Prior Chapter 24 , sec. 11).

12-14 Installation of hydrants in new subdivisions.

In all new subdivisions hereafter approved all hydrants shall be installed at the expense of the developer, operational and tested by the fire department before any building permits are issued. (Prior Chapter 24 , sec. 13).

12-14A Improvements to sidewalks, streets and ways; tree plantings

Whenever a public street or public way in the City of Woburn, including improvements to sidewalks, are reconstructed or resurfaced, it shall be the duty of the Superintendent of Public Works to plant and maintain along said improved public street or public way a tree of a size and type as selected by the Conservation Commission and that would be appropriate for sidewalk planting. (added 8/27/2001)

12-14B Temporary repairs to private ways

A. General.

In accordance with Massachusetts General Law Chapter 40 Section 6N, and as the same may be amended, the City Council may authorize temporary repairs to be made to private ways, in accordance with this Ordinance.

B. Type of Repairs.

The repairs may include, but not are limited to: filling, grading, patching and surface coating, and may include repairs to drainage swales, conduits, systems and structures as are necessary to preserve the roadway. All repairs must be determined by the City Engineer and Superintendent of Public Works to be required for public health, safety, or welfare.

C. Petition.

The City Council may make a determination on the need for said repairs, and may authorize the making of said repairs, with or without a petition of abutter(s) to the private way. Such determination, as well as any determination to assess Betterment Charges, as set forth hereafter, shall only be made after a hearing duly called and scheduled, notice of which is published in a newspaper of general circulation in the City at seven days prior thereto, and of which written notice is mailed to record owners abutting said way, as determined from Assessors records. The cost of publication and mailing shall be paid by or assessed to the petitioners, if any, and in the absence of any petition, may be added to the Betterment Charges, if any be assessed by the Council pursuant to Section D, below. The City Council may establish, by Rule or Regulation, filing fees and procedures not inconsistent herewith for the processing and hearing of any such petition for temporary repairs.

D. Betterment Charges.

Betterment charges may be assessed by the City Council on the abutter(s) of such way up to an amount equal to the cost of such repairs. If betterments are to be assessed, they shall be assessed upon each parcel of land benefiting from such repair in proportion to linear frontage on the portion of the way to be improved or other proportional method as may be approved by the City Council.

Betterments shall be apportioned over such a period as the City Council deems appropriate, after considering such matters as the estimated useful life of the proposed repairs and the source of funds to be used for the same.

E. Deposit.

The Superintendent of Public Works may require a cash deposit up to the amount of the estimated cost of such repairs, as determined by the City Engineer and said Superintendent of Public Works, to be paid to the City prior to the commencement of such repairs. The Superintendent may use any appropriate collection process deemed necessary in collecting such deposit from the abutter(s). The Superintendent, with the approval of the Mayor, may enter into contracts on behalf of the City with abutters or associations of abutters providing for other methods of payment for such repairs by

abutters, upon such terms as the Superintendent, with the approval of the Mayor deems reasonable.

F. Status of Way.

This Ordinance does not confer any obligation or duty on the City or its agents to either initially place or to thereafter maintain and repair said private ways so that they are reasonably safe and convenient for travel by being free from defects or want of repair. The making of any such temporary or necessary repairs to private ways, no matter how often or to what extent, does not constitute an acceptance by the City of such ways as public ways, nor does it constitute a way being "maintained and used as a public way" under the Massachusetts Subdivision Control Law.

G. Liability.

It is intended that the City shall have no liability as a result of any such repairs, and no repairs to a private way shall be undertaken until the City Council has determined that satisfactory arrangements have been made to appropriately reduce or eliminate any liability to the City arising from the same. Such arrangements may include, but are not necessarily limited to, the provision of insurance by repair contractors and/or by abutters or associations of abutters insuring the City's interests or the provision of suitable indemnity agreements by abutters or by associations of abutters.

H. Indemnity Agreement.

The indemnity agreement contemplated by Section G, above, shall indemnify and hold the City harmless from additional damage and claims arising from repairs undertaken hereunder, shall provide that the making of such repairs does not constitute a commitment by the City, express or implied, to provide any maintenance or repair to the way in the future, and shall provide that the making of such repairs shall not constitute "maintenance" of such ways so as to give the way the status of a way "maintained and used as a public way" under the Massachusetts Subdivision Control Law.

(added 6/3/2010)

12-14B City Road Maintenance Schedule *[numbered as passed]*

A. By June 1st of each year, the Superintendent of Public Works shall provide an anticipated road maintenance plan of those roads to be maintained, repaired, improved or constructed during the following fiscal year using funds provided to the city in accordance with the Chapter 90 local transportation aid funding (hereinafter "the Road Maintenance Plan").
B. On or before June 15th of each year, the Superintendent of Public Works shall submit to the Mayor with a copy to the City Council the aforementioned Road Maintenance Plan.

C. On or before July 30th of each year, the Superintendent of Public Works and City Auditor shall submit to the Mayor with a copy to the City Council a report of all work performed or expenditures made in accordance with the Road Maintenance Plan of the preceding fiscal year.

(added 9/30/2014)

IV. EXCAVATIONS

12-15 Digging up or obstructing ways--Permit required.

A. No person shall break or dig up the ground or pavement in any public way, or erect thereon any staging for building, or place thereon any building material, without a permit from the superintendent of public works. Said permit shall express the time for which it shall continue, and any person permitted as aforesaid, who shall break or dig up the ground or pavement as aforesaid, shall, before the expiration of the permit, restore the same, to the satisfaction of the superintendent of public works. Any person who shall break or dig up the ground or pavement of a sidewalk in any manner must, in addition, restore and replace the sidewalk to a new condition using concrete, hot top or other finish material that existed prior to the excavation. (amended 9/8/2003)

B. Whosoever violates this section, by failing to obtain a permit from the superintendent of public works, shall be subject to a fine of three hundred dollars. (Ord. of 8/20/84; prior Ch. 25 sec. 2A).

C. Regulation for Street and Sidewalk Openings.

1. Fees:

a) A $100.00 (one hundred dollar) non-refundable application fee is required.

b) A $500.00 (five hundred dollar) certified check refundable deposit is required and will be held until the municipal contractor completes the permanent patch and payment is received. Interest on retained money is considered to be the property of the City of Woburn. Trenches not inspected due to the failure of the permitee to properly notify the Department of Public Works, shall be subject to loss of deposit and/or repeat of reconstruction procedures.

c) A $5,000.00 (five thousand dollar) Performance and Payment Bond is required for each street opening permit granted. The City of Woburn may allow a blanket bond commensurate with anticipated permit activity for routine excavators. Under no circumstances will this blanket bond be less than $50,000. (fifty thousand dollars).

d) The Contractor must furnish the City of Woburn with a Certificate of Insurance for General Liability in the amount of $500,000. (five hundred thousand dollars).

2. Notification:

a) The Department of Public Works shall be notified 24 hours before the commencement of any work.

b) Dig Safe must be notified and ticket number obtained by the Contractor.

3. Construction Procedures:

a) The pavement shall be pre-cut and may only be disturbed within the area requiring excavation for repair, replacement or new installation. When the opening occurs within two (2) feet of the curb and/or edge of the hardened surface, the paved area between the excavation and the curb and/or edge must also be removed.

b) In the backfill process, the backfill shall be comprised of suitable material (subject to approval of the Superintendent of Public Works or his authorized representative). Concrete should be used around all electric and telephone conduit in trenches. Controlled Density Fill (CDF) may be required. Compaction, (when CDF is not in use) will be executed in six inch layers. Each layer shall be 95% compacted by mechanical means. When the total surface area of an individual opening in bituminous concrete is less than nine (9) square feet, all backfill material/s will be placed to within a minimum of six (6) inches of the pavement surface, or the thickness of the original pavement structure, whichever is greater, For individual openings with surface areas of nine (9) square feet and larger, the backfill material/s will be installed to within four (4) inches of the pavement surface or the thickness of the existing structure whichever is greater. "Pavement Structure" will incorporate all previous paving materials used above the gravel sub-base, including but not limited to bituminous concrete, cement, concrete, cobblestone, macadam, etc.

c) Edges will be cut perpendicular to the surrounding surface and have a clean vertical face, particularly in the corners. All utility structures shall

be leveled to the adjacent surfaces. The cut back shall be in straight lines with 90 degree angels at the point/s of intersection.

d) All surplus and/or unacceptable excavated materials shall be removed from the job site immediately. The excavation site shall be maintained in a clean and safe condition at all times. Sidewalks and streets shall be cleaned and opened to traffic at the end of each working day, unless otherwise authorized by the Superintendent of Public Works. Access to properties are to be maintained. The removal and disposal of materials, including pavement, is the responsibility of the permitee. This shall be achieved in such a manner to minimize interference with pedestrian and vehicular traffic.

e) The permittee shall be liable for the condition of the street and sidewalk openings and protection thereof prior to the temporary repair, and will be held responsible for all damage due to any failure of barricades, barriers, warning signs, lights or steel plates to properly protect the work from traffic, pedestrians or other causes. Other than while work is actually being performed, all open ditches shall be protected by uniform traffic control devices in conformance with the Massachusetts Highway Department Manual. All excavations must be properly secured to insure the safety of the travelling public and immediately reported to the designated Department of Public Works Coordinator.

f) Temporary patching shall be performed by a contract representative of the City of Woburn and shall be the financial responsibility of the permitee. All barricades and or safety devices shall be immediately removed from the vicinity upon completion of the temporary bituminous patching application by the permitee.

g) Any improperly prepared excavations, including those left with unacceptable backfill material or insufficient pavement depth, shall be temporarily paved by the City of Woburn contract representative and charged to the refundable deposit of the permitee. The deposit shall immediately be replenished to the original amount. At a later date, the trench shall be re-excavated and prepared correctly by the permitee. Under these conditions the permitee may also be subject to permit cancellation inspection fees, fines and loss of deposit and bond.

h) All excavations will be required to settle and/or consolidate for a period of time before the City of Woburn Pavement Restoration Contractor is directed to perform a permanent repair. This term will be defined as a minimum of thirty days when Controled Density Fill was used as a backfill material. Compacted gravel sub-base must experience at least

90 (90) days. The Department of Public Works reserves the right to address any sub-base deficiency within or adjacent to, the original excavated area with whatever measure deemed effective, during this period. These corrective procedures will be the financial responsibility of the permitee.

i) Immediately after the specified settling and/or consolidation period, all excavations shall be permanently restored by the contract representative of the City of Woburn. The following procedures shall be strictly adhered to:

1. The infrared process shall be utilized as the primary method of permanent restoration in bituminous concrete surfaces.

2. Temporary asphalt patches installed in cement concrete surfaces shall be re-excavated to the extremities of the square/s in which the excavation is contained. The finished concrete shall be replaced to the depth, strength and contour of the original structure. Any concrete surface damaged during construction shall also be replaced in a like manner.

3. All other surfaces, including but not limited to ashpalt, brick, grass and wood shall be replaced consistent with the original and in strict accordance with Department of Public Works specifications. The permitee shall also be responsible for any and all necessary appurtenant measures including but not limited to, complete surface reconstruction, curbing, resetting utility structures, "bar holes", compatible crackfilling tack coating and infrared thermal integration of the pavement. All processes required shall be determined by a site inspection with an authorized representative of the Department of Public Works. All restoration procedures shall be the financial obligation of the permitee.

j) The permitee shall be responsible for any settlement, sub-base failure and pavement cracks that develop in, or adjacent to, the original excavated area for a period of three (3) years from the date of the final accepted permanent repair or, if Controlled Density Full is used, for a period of one (1) year from the date of the final accepted permanent repair. Any surface disorder caused by settlement and/or sub-base movement within the general area containing a street or sidewalk opening, shall be addressed by the City of Woburn contract representative at the direction of the Department of Public Works. All related corrective measures will be charged to the permitee, and the term of obligation will begin again.

k) Excavations opened without the permit will be dealt with directly and may be subject to cancellation and refusal of existing and future permits, and associated fines.

l) Police protection, if required, shall be paid by the permitee directly to the Police Department.

m) All surface, restorations, bituminous concrete replacement and permanent repairs will be done by a contract representative of the City of Woburn and billed directly to the permitee.

4. Billing and Collections:

A. The Department of Public Works shall bill the permittee for the above mentioned services. All invoices must be paid within 30 (thirty) days. On past due invoices, a service charge of 1 1/2% per month will be allowed on accounts 30 (thirty) days past due, provided that the rate does not exceed that which is permitted by law, in which case the highest allowable legal rate will apply. Outstanding invoices exceeding ninety (90) days shall be paid by the City of Woburn. The refundable deposit will be forfeited and applied to payment for services rendered by the municipal contract representative. All bonds will be attached and the City of Woburn will initiate fines in the amount of $100.00 per day and continue to accrue service charges on uncollected monies together with all costs of collection including reasonable attorney's fees. On ninety (90) days past due invoices, the City of Woburn will revoke existing and future permits until payment of such invoices, including all service charges and fines.

B. The City of Woburn reserves the right to assume the billing function, including assessment and conveyance of reasonable handling charges, as provided by Massachusetts General Laws.

5. Administration/Interpretation:

The City of Woburn reserves the right to make changes or exceptions to this regulation, and retains sole jurisdiction in its interpretation and administration.

_____
Permitee Signature

_____
Excavator Signature

If only signed by one party, that party accepts responsibility and liability for both parties but in no way limits the right of the City of Woburn to enter into litigation enjoining both parties. The permitee and excavator are both, individually and severally, responsible for all action under the above agreement and permit system.

12-16 Protection of streets required when dirt, gravel or other material is disturbed.

The superintendent of public works may issue permits to persons having authority in the premises to open, occupy, obstruct, and use portions of the streets, and every such permit shall specify the time, place, size and use of such opening, occupation or obstruction, and the time within which the street must be put in good condition, and shall be on a condition, the terms of which shall be those stated in Section 3-21 of this code, and, in addition, that the person applying for the permit shall place and maintain from the beginning of twilight, through the whole of every night, over or near the place so occupied, opened, obstructed or used and over or near any dirt, gravel or other material taken therefrom, or to be used by him, a light or lights sufficient to protect travellers from injury; shall place and maintain a safe and convenient way for the use of foot-travellers, and a safe and convenient passage for public travel around or over such place; shall, if he does not, within the time prescribed by said superintendent, put the street into good condition, satisfactory to said superintendent, pay whatever sum the said superintendent shall expend for putting it into such condition, and that he shall deliver up the permit at the office of the superintendent of public works on or before the expiration of the time fixed in the permit for completing such work. Said superintendent may, in addition to said specification, specify in the permit, or after the issuing thereof, in writing, the kind of rail or fence to enclose the place, and the kind of way over or around such place, and manner of constructing the same. A permit to open a street paved with a granite block pavement shall only be granted upon the further condition that the opening shall be repaved with a granite block pavement of the same specifications as the original granite block pavement, by a contractor or paver approved by the superintendent of public works, and that the work of repaving shall be done in a thoroughly workmanlike manner and shall be subject to the approval of the superintendent of public works. The superintendent of public works shall require a bond with sureties satisfactory to him to secure the performance of these conditions. (Prior Ch. 25 sec. 2(B)).

12-17 Employment of police officer in certain cases.

Where the passage and flow of pedestrian, or vehicular traffic will be impeded or rerouted, the person receiving the license or permit, at his expense, sufficient police detail, furnished by the police department as the chief of police or his duly authorized agent may require. (Prior Ch. 25 sec. 2(C)).

12-18 Approval required for opening of public way.

No person or persons shall open for public travel any street or private way the location, width, grade and plans of drainage of which have not previously been approved by the superintendent of public works and the board of aldermen in the manner provided in the previous sections of this code of the city nor shall any other public authority so place any public sewer, drain, water pipe, or light in, or do any public construction work of any kind, or make repairs on such street or private way, provided that this section shall not prevent the laying of a trunk sewer, drain, water or gas main if required by engineering necessities for the accommodation of other territory. (Prior Ch. 25 sec. 2(D)).

12-19 Permits for placing of poles.

A. The superintendent of public works, when a petition praying therefore has been granted by the city council, shall issue permits to open and occupy portions of the streets, for the purpose of placing and maintaining poles therein, for the support of wires, on a condition, the terms of which shall be those hereinbefore stated in Sections 12-15 and 12-16 of this chapter, and in addition, that the person applying for the permit shall place the pole in such a manner that does not create a sight-view impediment for vehicular traffic, shall place the pole in such a manner that there is at least 36 inches clear, unobstructed path of travel between the base of the pole and the inside edge of the curbing and said path of travel should be at least 52 inches in width where achievable; shall keep said poles well painted and in good condition, to the satisfaction of the superintendent of public works; shall place the wires on said poles not less than twenty feet from the ground; shall keep the name of the person or corporation owning the wires distinctly marked on said poles; shall allow the departments of the city the exclusive use of the upper crossbar and top of each pole, free of all charge, for the purpose of placing wires thereon; shall not suffer or permit any other person to place or keep wires on said poles or upon the fixtures thereto affixed, without permission being first obtained in writing from the city council; shall not remove any pole erected under this order until, and shall remove any pole when, directed by the city council so to do, and that on violation of any term of this condition the said superintendent shall remove the poles at the expense of the person or corporation owning them. (Prior Ch. 25 sec. 2(E); amended 7/22/2002; 12/19/2003; 9/29/2007).

B. A distribution company or a telephone company engaging in the removal of an existing pole and the installation of a new pole in place thereof shall complete the transfer of wires, all repairs, and the removal of the existing pole from the site within 90 days from the date of installation of the new pole; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, said company shall be required to remove such pole within six months from the date of installation of the new pole. The owner

of such pole shall notify all other users of the starting date of such removal and installation work at least 48 hours prior to the commencement of such work, and said owner shall require all other users to remove their wiring and other attachments from the poles in a timely manner. (added 12/19/2003)

12-20 Maintenance of lanterns, railing and fences.

Whenever any public way shall, under any permit granted as aforesaid, be dug up, obstructed, or otherwise rendered unsafe or inconvenient for travel, the person so permitted shall maintain a railing or fence satisfactory to the superintendent of public works around the section or part so dug up or obstructed as long as the same shall be unsafe or inconvenient as aforesaid, and shall also keep lighted lanterns affixed to such railing or fence, or in some other proper manner, from twilight in the evening through the night, as long as such railing or fence shall be kept standing. (Prior Ch. 25, sec. 2(F)).

12-21 Street excavation--Placement of metal plate.

Excavations in public streets must be covered by a metal plate during the hours of darkness unless the person or contractor shall receive a permit from the superintendent of public works or his authorized agent. Said plate shall be of such specifications as the superintendent of public works may order. Persons failing to properly cover such excavations shall be subject to a fine of up to five hundred dollars. (Prior Ch. 25 sec. 2(G)).

12-22 Removal of protective devices prohibited.

A. No person shall, except as authorized or required by law, remove, alter the position of, deface or disturb in any manner, any barrier, sign, protective cover, or grating, placed or installed in the interests of safety or necessity.

B. Whoever violates this part may be arrested without a warrant by a police officer and detained in jail, or otherwise, until a complaint can be made against him for the offense. (Prior Ch. 25, sec. 2(H)).

12-23 Tampering with lights prohibited.

No person shall remove or extinguish a light placed in any public way in accordance with the provisions of this chapter. (Prior Ch. 25, sec. 2(I)).

12-24 Notice to utilities required.

A. Whenever the city is about to construct a new street or to break up the surface of any street, it shall, at least two weeks before beginning such work, notify the

Boston Edison Company of Boston, Massachusetts, the New England Telephone and Telegraph Company, the Eastern Massachusetts Street Railway Company, and the Mystic Valley Gas Company and all public service corporations that may have occasion to do work in the streets of the city in the future.

B. Any public service corporation or any of the said companies having any work to be done in any of the streets so designated shall consult and arrange with the superintendent of public works in order that such work may be done before the surface of the street is again prepared for and open to public travel.

C. After such notice and opportunity have been given no public service corporation or any of the companies herein mentioned shall for a space of five years break up such street within the area of such previous disturbance except in the case of obvious necessity to be certified to and approved by the mayor and a majority of the whole city council.

D. This section of this part shall not apply to any of the said companies of public service corporations in the event of an accident to the property of the said companies or public service corporations, if in the judgment of the mayor or superintendent of public works, the work of preparing the same constitutes an extraordinary emergency. In the event that it is deemed an extraordinary emergency the mayor and the superintendent of public works may permit said companies and public service corporations to do the work without bringing the matter before the city council. (Prior Ch. 25, sec. 2(J)).

12-25 Contractors to post bond for utility company work.

A. All utility companies (Telephone, Edison, Gas, etc.) doing any contractural work in the city in respect to the excavation and repairing of any street, sidewalk or other public lands, shall, after receiving a permit by a major vote of the city council, if required, enter into a contract with a contractor of their choice to do said work.

B. On all contractual work, if for some reason not requiring a permit from the city council the utility companies shall also hire their own contractor.

C. All contractors doing contractual work for utility companies in said city shall post a performance bond with the superintendent of public works, as required by law to cover said work.

D. The superintendent of public works shall not release the performance bond covering said work until the work is satisfactorily finished.

E. If, for some reason, after the performance bond is released, and the work proves to be defective within two years of the release of said bond, the utility company shall correct the defective work at their expense. (Prior Ch. 25, sec. 2(K)).

12-26 Excavations adjoining public way to have protective devices maintained.

Whenever any person shall dig or sink any well, cistern, or other cavity in the ground near to or adjoining any public way, he shall maintain, as long as it shall be necessary, a sufficient and suitable railing or fence, well lighted at night. (Prior Ch. 25, sec. 2(L)).

12-27 Permit required for coal holes or apertures in or under sidewalks.

No person shall make, or cause to be made, an aperture in or under any sidewalk for the purpose of constructing coal-holes, or receptacles for other articles, or for any other purpose, without the permit of the superintendent of public works; and no person shall leave such coal-hole or aperture opened or unfastened, except while actually in use, in which event it shall be properly guarded. (Prior Ch. 25, sec. 2(M)).

12-28 Permit issuance to occupy street.

Said superintendent of public works shall, when authorized thereto by an order of the city council, issue permits to open and occupy portions of the streets, for the purposes of laying, maintaining, and using wires, or rails thereon, or wires, pipes, or conduits under the surface thereof, on a condition the terms of which shall be those stated in Sections 12-15 and 12-16 of this chapter, and in addition, on condition that the person applying for the permit shall furnish in his conduits for wires accommodations for all wires belonging to or to be used by the city free of charge, whenever requested so to do by the mayor; shall remove the conduits and wires whenever directed, and not until directed to do so by the city council, and shall not disturb or interfere with any wires, pipes, or sewers lawfully laid in such street or connected therewith. (Prior Ch. 25, sec. 2(N)).

V. OBSTRUCTIONS ON STREETS AND SIDEWALKS

12-29 Sidewalk obstruction regulated.

A. No person shall obstruct a public street or public sidewalk or way to which the public has a right of access or endanger travellers on a public sidewalk or public street or way to which the public has a right of access but nothing in this part shall be construed to curtail, abridge or limit the right or opportunity of any

person to exercise the right of peaceful persuasion guaranteed by Section 24 of Chapter 149 of the General Laws or to curtail, abridge or limit the intendment of any statute of the Commonwealth of Massachusetts.

B. Violation of this part shall result in a fine not less than fifty dollars. (Prior Ch. 25, sec. 3(A))

12-30 Projection of gates and doors prohibited.

No person shall allow any gate or door belonging to premises owned or occupied by him and adjoining any public way to swing on, over or into said public way. (Prior Ch. 25, sec. 3(B)).

12-31 Projection of awnings and signboards.

A. No person shall establish or maintain any wooden or metallic shade or awning, sign, signboard, or inscription of any kind, before his or her place of business or dwelling house, over any portion of a public way, unless the same be safely and securely supported, and the lowest part of said sign, signboard, inscription, shade or awning is at least eight feet above the public way. No person shall establish or maintain over any part of any public way any other awning or shade unless the lowest part of the same be at least seven and one-half feet above the public way, and unless the same shall be securely fastened to a building; provided, however, the city council may order any sign, signboard, awning or shade which may project over any part of a public way to be removed at any time.

B. No person shall erect or maintain any wooden or metallic signs or signboards of any kind or an awning of any sort before his or her place of business or dwelling over any portion of a public way until he has first filed in the office of the city clerk a bond running to the city with sureties approved by the treasurer thereof, for such sum not exceeding five thousand dollars as the city treasurer may determine to be necessary in order to cover the risk of damage to the public that might ensue from the maintaining of said sign, signboard or awning, and each year on or before April 1st, a certificate or registration of the intention of the person to continue the maintaining of said sign, signboard or awning shall be filed in the office of the city clerk. The fee for said certificate of registration shall be one dollar for the original certificate and fifty cents for each renewal.

C. The bond shall be conditioned upon the payment of any loss, damage or injury resulting to persons or property by reason of the establishing or maintaining of said sign or signboard.

D. A person establishing or maintaining such sign or signboard may in lieu of filing

said bond with sureties, present to the city clerk satisfactory evidence that he has liability insurance in a company authorized to do business in this Commonwealth, covering claims for loss, damage or injury which may result to person or property on account of the establishing or maintaining of such sign or signboard.

E. The city clerk shall keep a record of the names of persons presenting such evidence of insurance in lieu of said bond together with the address at which said sign or signboard is established or maintained, and the name of the insurance company in which said person has a policy. (Prior Ch. 25, sec. 3(C)).

12-32 Posts and bulletin boards--Permit required.

No person shall erect any post nor maintain bulletin boards in any public way without a permit from the superintendent of public works. (Prior Ch. 25, sec. 3(D)).

12-33 License required for erection of steps, bay windows, porticos, etc.

No person shall erect or maintain any doorstep, portico, entrance, bay window, or other projection, or a passageway to any cellar, basement or other structure, in or upon any public way, without a license from the city council. No person shall suffer the platform or grate of the entrance or passageway to a cellar or basement in any public way to rise above the even surface of such public way; and every such entrance or passageway shall be kept covered with a suitable platform or grate, or shall be guarded and protected by a sufficient railing on both sides thereof, at least two and one-half feet high, and well lighted at night. (Prior Ch. 25, sec. 3(E)).

12-34 Placing of obstructions in public way prohibited.

No person shall place or deposit, or permit to be placed or deposited, in any public way, any impediment or obstruction of any kind, and suffer the same to remain more than one hour; nor occupy or obstruct any public way to interfere with the convenient use of the same for public travel. No person shall drive or conduct any vehicle in such condition, or so constructed, or so loaded, as to allow its contents to fall, blow, leak, or sift, upon the public streets. (Prior Ch. 25, sec. 3(F)).

12-35 Temporary obstructions--Allowed when.

The foregoing prohibitions shall not prevent the unloading or temporary deposit in any public way of merchandise, fuel, building materials, or other articles in the course of carriage to and from premises adjacent or neighboring; provided, that such articles shall in no case be suffered to remain more than twelve hours, nor after twilight in the evening without keeping a sufficient light over the same through the night, or at any time in such manner as to obstruct said way, without a permit

as hereinabefore provided in Sections 12-15 and 12-16 of this chapter. (Prior Ch. 25, sec. 3(G)).

12-36 Sawing or piling wood on public way prohibited.

No person shall saw wood or pile the same on any public way. (Prior Ch. 25, sec. 3(H)).

VI. SNOW AND ICE REMOVAL FROM STREETS AND SIDEWALKS

12-37 Snow removal from certain sidewalks--Required.

A. The tenant, or occupant or any person having the care of a building or lot of land abutting a sidewalk bordering on:

1. Main Street between Salem Street and High Street;

2. Montvale Avenue to a point opposite Prospect Street, on the northerly side, and to the westerly end of the Old Cemetery on the southerly side;

3. Pleasant Street between Winn Street and Abbot Street (East) on the northerly side and between Winn Street and the Boston and Maine Railroad crossing on the southerly side;

4. Common Street; or if there is no tenant, occupant or other person having care of the whole of such building or lot, the owner thereof shall within two hours after a fall of snow ceases to fall in the daytime and before ten a.m. after a fall of snow during the night, cause all snow that may be on such sidewalk to be removed therefrom, by shoveling or otherwise; and if he fails so to do he shall be liable to a penalty not exceeding fifty dollars.

B. From the following named streets the highway department shall remove the snow in the same manner and within the same time after snowfall as is required from the abutters of the above-named sidewalks:

1. Main Street from Conn Street to High Street, westerly side;
2. From Salem Street to Hammond Square, easterly side;
3. Pleasant Street from Abbott Street to Lexington Street, northerly side;
4. Winn Street from Pleasant Street to the Railroad crossing, northerly side;
5. Montvale Avenue from Prospect Street to Union Street, southerly side.

C. The provisions of this section shall apply to snow that falls from buildings as well as to that which falls from the clouds, also to snow which may be blown by the wind upon such sidewalk during or after a storm. (Prior Ch. 25, sec. 4(A)).

12-38 Ice to be removed or covered on certain sidewalks.

When any portion of a sidewalk bordering on the street designated in Section 12-37 is encumbered with ice, the occupant of the building or lot of land abutting on such sidewalk, or in the case there is no occupant of the whole of such building or lot, the owner or other person having the care of the same, shall cause such sidewalk to be made safe and convenient by removing the ice therefrom, by shovelling or other wise, or by keeping the same covered with sand or some other suitable substance; and if such occupant, owner or other person neglects to do so for the space of six hours during the daytime, he shall be liable to a penalty not exceeding fifty dollars. (Prior Ch.25, sec. 4(B)).

12-39 Placing of ice or snow on a street, public or private property.

A. Any person who shall throw or place, or permit to be thrown or placed, any snow or ice in any public way, shall cause the same to be broken up and spread evenly over the surface of the street. (Prior Ch. 25, sec.4(C)).

B. Any person, or hired company, who removes ice or snow from public or private property and who places such ice or snow without permission on public or private property shall be subject to a fine of not more than $300.00. A complaint for the breach of this ordinance shall be filed with the police department for prosecution. (Ord. dated 02/20/87).

VII. CONSERVATION AREA USE REGULATIONS

12-40 Rules and regulations designated.

As conservation areas are meant to be preserved in their natural state for their environmental value, their aesthetic importance and the public enjoyment, the following rules and regulations are established for the areas under the control of the Woburn Conservation Commission whether such control is by deed, Ordinance, or formal arrangement with other City officials or departments:

A. Signs designating those areas which are conservation lands are to be posted at the entrances to each area.

B. The conservation areas are open without charge or special permit (unless otherwise posted) to the general public from sunrise to sunset, to be used and enjoyed in conformity with these regulations.

C. The following activities are expressly prohibited:

1. The use of firearms.

2. Hunting and trapping. Excepted from this prohibition is the temporary netting/capture of wildlife for research/public health purposes, i.e., banding or blood sampling, by qualified individuals pursuant to a plan approved by the Conservation Commission; and the capture of wildlife by the City when there is a verifiable threat to public health or safety;
3. Open fires, except for organized scout groups with a camping permit issued by the Conservation Commission and a fire permit issued by the Woburn Fire Department;
4. Littering or dumping;
5. The use of motor vehicles or motorized vehicles, including off-the-road vehicles such as trail bikes and snowmobiles. Excepted from this prohibition are authorized city vehicles, emergency vehicles, and motorized wheelchairs;
6. The cutting, removing, damaging or defacing of any plant life, animal life, rocks or soils, except with the written permission of the Conservation Commission;
7. The defacement, destruction or removal of Conservation Commission signs and property or other structures such as dams, walls, fences, gates, etc., except with the written permission of the Conservation Commission;
8. The posting of unauthorized signs, advertisements or notices selling or giving away goods or circulars, or engaging in commercial activities of any nature;
9. The making of loud or disturbing noises. Excepted from this prohibition are authorized activities which have received a Special Event Permit in accordance with Title 12, Article XIV (such as the concert series), organized scout groups with a camping permit, authorized eagle scout projects, City organized activities such as Conservation Day, and work performed or ordered by the City such as repair of bridges and removal of hazardous trees or limbs which pose a threat to public health and safety; and
10. The installation of unauthorized structures including birdhouses, bird feeders or memorials.

D. In its sole discretion, the Conservation Commission may authorize trails being cut or marked, dams to be built or any structure such as a bridge, tower or handrail to be constructed.

E. Dogs or other pets must be leashed at all times. Pet waste shall be picked up and properly disposed of.

F. Fishing is allowed in accordance with state and local regulations.

G. Overnight camping in designated areas is allowed only by written permit of the Conservation Commission to be obtained in the Conservation Commission office.

H. The Conservation Commission does not assume for itself or for the City any liability of any kind for injuries to persons or damage done to their property while on conservation lands; persons entering thereon do so at their own risk.

I. These rules are in addition to any applicable state and other local regulations.

J. Visitors to conservation areas are urged to leave them cleaner than they were found, and to report violations of these rules to the Conservation Commission and the Woburn police.

K. Violations of these regulations are punishable by a fine of fifty dollars. (Prior Ch., sec. 9-A 5).

(amended 2/8/2018)

VIII. PARK AND RECREATION AREA USE REGULATIONS

12-41 Areas under control of recreation commission.

A. No person shall enter or leave any park, playground, beach or other areas except at designated entrances or exits.

B. No person shall injure, deface, dig up or displace, cut, break, remove, fill in, raise, destroy, or tamper with any road, walk, lawn or beach; or deface, defile, injure, destroy or ill use any building, bridge, structure, fence, sign, bench, seat, platform, plant, flower, bush, tree, shrub, turf, rock or other property or equipment, real or personal, belonging to the city under the care and custody of the recreation commission or have possession of any part thereof.

No person shall within any park or playground area throw any stone or missile; or have possession of or discharge any destructive weapon, firearm, fireworks, torpedo or explosive; or make a fire except by written consent of the recreation commission; or post, paint, affix, distribute or display any sign, notice, circular, program, placard or any other advertising device except by written consent of the recreation commission; or drop or place and suffer to remain any piece of paper, garbage or other refuse, except in the receptacles designated therefor, nor throw a lighted match, cigar or cigarette or other burning substance in said receptacles or upon the ground; nor bring or cause to be brought within any area under the control of said recreation commission any garbage, refuse or material for the purpose of depositing same within said receptacles; or bring or cause to be brought within any area under control of the recreation commission glass containers or any articles made of glass; or break or cause to be broken any glass containers or any articles made of glass within any area under the control of the recreation commission.

C. No person shall within a park or playground area solicit the acquaintance of or annoy another person; or utter loud outcry; or solicit alms or subscriptions; or have possession of or drink any intoxicating liquor; or make a harangue; or make any undue noise or disturbance.

D. No dumping of any kind shall be made within any park or playground area.

E. All areas under the care and control of the recreation commission are considered to be closed at nine p.m., unless extended by the written consent of the recreation commission.

F. No person unless properly clothed, shall be on any beach, or swim, bathe or wade in any water within or adjoining any area under the care and control of the recreation commission and then only at such times and in such places as the recreation commission may designate; nor loiter or walk on a sidewalk or roadway or in an area, other than a bathing beach, in a bathing costume, unless wearing a closed covering; nor lower from their shoulders or remove any part of their bathing costume on any beach; nor disrobe for bathing in a public area or within public views.

G. No person shall cause or permit any animal owned by him or in his custody or under his control, to roam or be at large in, on, or through any part or playground under the care and control of the recreation commission except a dog when restrained by a leash not exceeding seven feet in length. No animals are allowed on any beach under the care and control of the recreation commission.

I. No person shall ride a motorcycle, or ride or drive a motor car or other vehicle upon or over any area under the care and control of the recreation commission which has been closed to travel by the placing therein or the erection thereon of a barrier, fence, light or sign indicating that such area is closed for public travel.

J. No person shall refuse or neglect to obey any rule, posted by sign, concerning the use of any area under the care and control of the recreation commission, nor shall they refuse or neglect to obey any reasonable direction of a police officer or a person in charge of such area.

K. Any person violating any of the foregoing subsections shall, for each offense, be punished by a fine of not more than twenty dollars.

L. Golfing, the driving of golf balls or the playing of golf in any form on Leland Playground is prohibited. The penalty for violation of this subsection shall be fifty dollars for each offense. (Prior Ch., sec. 9-C 8).

12-42 Regulation of Horn Pond.

A. Boating on the Surface of Horn Pond.

1. The use of any boat, watercraft of any nature, which is powered or propelled by a mechanical device of any nature is forbidden on what is commonly known as "Horn Pond."

2. For a violation of the above provision, any owner, operator, or user of such a boat or water craft shall be fined not less than one hundred dollars, nor more than two hundred dollars.

3. Any boat or watercraft operated, powered or propelled by electric, or battery trolling motors shall be specifically exempted from the provisions of this subsection.

D. Bathing at Horn Pond. Bathing is forbidden in what is commonly known as "Horn Pond" except when specifically authorized by the Woburn recreation commission. Any violation of this regulation shall be punished by a fine of fifty dollars for the first offense and one hundred dollars for the second or subsequent offense.

E. Prohibition of Ski-mobiles from Horn Pond. The use of vehicles commonly know as ski-mobiles is likewise prohibited on the surface of Horn Pond.

F. Vehicles commonly known as ski-mobiles are excluded from all area under the control and direction of the recreation commission and the conservation commission. (C.2-1971).(Prior Ch., sec. 9-C 9).

IX. GREENBELTS

12-43 Ballplaying or golfing prohibited.

A. Whereas the section of land located east of the Woburn Parkway, south of Pleasant Street, west of Water Street, and north of the intersection of Sturgis and Water Streets, has been developed over the years as a greenbelt meant to serve as a scenic and passive recreational as opposed to an active recreational area, and whereas recent efforts have been made by the city, through its conservation commission and department of public works, to revitalize and beautify the area; and whereas it is the intent to preserve this natural greenbelt; now, therefor, it is ordered by the terms of this part that ballplaying and golfing of any type is prohibited on said strip of land.

B. A violation of this part shall be punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars. (Prior Ch. 31, sec. 4).

X. COVE STREET AND WOBURN PARKWAY

12-44 Rules and regulations designated.

A. The two roadways known as Cove Street and the Woburn Parkway (from the Winchester end to Sturgis Street) shall be closed to all motor vehicles (except for emergency vehicles) for the complete year.

B. A sturdy gate shall be erected at a point just north of the beach parking lot, said gate shall remain closed year-round to all but city-owned vehicles.

C. A sturdy gate shall be erected just south of the Cove Street-Woburn Parkway intersection, and said gate shall remain closed year-round to all but city-owned vehicles.

D. There shall be no parking allowed on either side of the Woburn Parkway or Cove Street.

E. All side roads leading off the Woburn Parkway (between the Winchester end and Sturgis Street) shall be blocked by granite barriers.

F. Signs noting the parking and time restrictions shall be placed at appropriate places by the public works department.

G. It shall be the responsibility of the police department to enforce the provisions of this part, which shall take effect June 1, 1978.

H. The police chief shall have the authority to close down Horn Pond for any day or part thereof if an emergency warrants it. (Prior Ch. 31, sec. 1).

12-45 Penalty for violation.

Any violation of the provisions of Section 12-44 shall be punishable by a fine of fifty dollars. (Prior Ch. 31, sec. 3).

XI. LAKE AVENUE PARKING LOT

12-46 Rules and regulations designated.

A. The parking lot at Horn Pond directly opposite 48 Lake Avenue shall be closed at four p.m. to eight a.m. from October 1st of each year to April 30th of each

year, and at eight p.m. to eight a.m. from May 1st to September 30th of each year.

B. Posted signs shall be maintained by the public works department.

C. A permanent barrier shall be installed at the entrance to the parking lot, with a gate entrance for vehicles. (Prior Ch. 31, sec. 2).

12-47 Penalty for violation.

Any violation of any of the provisions of this part shall be punishable by a fine of fifty dollars. (Prior Ch. 31, sec. 3).

XII. DISPOSITION OF CITY LAND

12-48 Disposition of city land

Prior to the disposition of any city land, the sub-committee of the City Council known as, "Municipal Lands Committee", shall seek a recommendation from the Open Space and Recreation Planning Committee. (Ord. 7/20/93)

XIII MUNICIPAL PARKING LOTS

12-49 Municipal Parking Lots in the Business Downtown District

Municipal parking lots are intended to serve the business and residential uses in the downtown district. These lots are not to be used for vehicle storage for periods longer than 24 hours except as outlined below. Vehicle maintenance is not to be conducted in municipal lots.

Any individual that uses a municipal lot in the business downtown district for residential purposes must purchase a parking permit sticker annually by the first day of the calendar year from the city clerk's office for a fee of $5. The city clerk's office shall not issue more parking permits than were allowed by any special permitted site in the Business Downtown District. Business Downtown Residential dwellings that do not require special permits shall have no more than two parking permits per dwelling. Any vehicle parked overnight without a permit shall be considered a parking violation and shall be issued a parking citation accompanied by a $20 fine.

(added 8/27/2001)

12-50 Restrictions in Municipal Parking Lots

A. No vehicle in excess of 2½ tons in weight shall be permitted to park in any municipal lot. A vehicle in excess of such weight engaged in loading or unloading of goods or materials from the vehicle for delivery to an abutting business or residence may be permitted to park but only for the length of time necessary to complete the loading or unloading of such goods or materials but in no event for a period greater than two consecutive hours within a 24 hour period. If such loading or unloading of a vehicle, in the discretion of the Chief of Police or one of his officers, shall create a hazard to pedestrians, motor vehicle traffic or to the buildings abutting such municipal parking lot or the occupants of such buildings, then the Police Chief or one of his officers may order the motor vehicle moved from the municipal parking lot. In no event shall a motor vehicle in excess of 2½ tons be permitted to park in a municipal lot between the hours of 9:00 p.m. and 7:00 a.m. for any purpose. (amended 10/19/2004)

ARTICLE XIV. SPECIAL EVENTS PERMIT

12-51 Purpose.

This ordinance establishes the procedures and requirements for allowing the use of public property for special events in the City of Woburn, by providing for traffic and crowd control, for street, park, and property maintenance, and for the protection of the public health, safety and welfare.

12-52 Definitions.

A. Special Event- An event that is open to the general public and held on public property; it may feature entertainment, amusements, food and beverages; it may be classified as a festival, concert, fair, road race, carnival or some other gathering or assembly, whether or not it involves fundraising. This definition shall not include parades.

B. Permit Granting Authority - For any event conducted on public property under the sole jurisdiction and control of the Recreation Commission the Permit Granting Authority shall be the Recreation Commission and for events conducted on all other public property the Permit Granting Authority shall be the City Council. For any event held on property under separate jurisdiction and control, the applicant shall obtain approval from both the Recreation Commission and the City Council with respect to the land under their respective jurisdictions by separate applications.

12-53 Special Event Permit Required.

No Special Event, including festivals, concerts, fairs, road races, carnivals,

demonstrations, marches, assemblages, or other gatherings, shall be held upon any City street, park or other public area of the City unless a permit is first obtained for such event. Peaceful demonstrations, including lawful picketing, conducted on public sidewalks so as not to impede pedestrian or vehicular traffic are not considered special events.

12-54 Permit Application Fee.

The Permit Application Fee shall be twenty-five dollars ($25.00) per event sponsored by non-profit entities and fifty dollars ($50.00) per event sponsored by commercial and for profit entities. The Permit Application Fee shall be paid upon filing of the application to the City Clerk's office unless otherwise under the sole jurisdiction of the Recreation Commission in which case the fee shall be paid to the Recreation Commission. The permit application fee shall not apply to block party events. (amended 3/6/2014)

12-55 Permit Application.

Application to conduct a special event shall be made to the Permit Granting Authority, in writing, by the person or persons in charge or responsible therefore. All applications for special event permits shall be made at least forty-five (45) days prior to the date on which the special event is sought to be held, unless the Permit Granting Authority waives the time requirement for good cause shown. The application shall be on a form approved by the City Clerk which shall set forth the following information:

1. The name, address and telephone number of the person requesting the permit.
2. The name and address of the organization or group sponsoring the event.
3. The name, address and telephone number of the person who will act as director or person in charge of the special event and be responsible for the conduct thereof.
4. The purpose of the event and the number of persons expected to attend.
5. The date the event is to be conducted and the hours it will commence and terminate.
6. The specific assembly and dispersal locations, and specific route plans, if any.
7. Such other information as the Permit Granting Authority reasonably deems necessary to properly prepare for and/or evaluate the potential impact on the public health, safety and welfare.
8. The applicant shall have a continuing responsibility to advise the Permit Granting Authority in writing of any material changes to the information provided in the initial application.

12-56 Considerations.

The Permit Granting Authority shall consider an application for the Permit based upon factors it may deem relevant including, but not limited to the following:

A. Approval shall have been affixed by writing on the application by the department, if applicable, that has jurisdiction over the property.

B. The Applicant shall provide proof of liability insurance with a minimum of $1,000,000.00 in commercial general liability and a policy endorsement that indemnifies and holds the City harmless for all liability for any accidents or damages to persons or property resulting from the Special Event. The City Council may require a different amount, higher or lower, of insurance upon good cause shown.
C. Approval affixed by writing on the application shall have been granted by the Police Department, Fire Department, Department of Public Works, Department of Inspectional Services and Board of Health including satisfactory arrangements as to the provision of public services and compliance with applicable codes, ordinances and laws by those departments and for the payment/reimbursement for the cost of public services if appropriate.

12-57 Sale, Service or Consumption of Alcohol During Special Event.

1. The sale, service and consumption of alcohol during a Special Event shall require a special one-day alcoholic beverage license issued by the License Commission in accordance with M.G.L. c.138, §14 and Section 9-11 of the 1989 Woburn Municipal Code, as amended. If such license is issued, the outdoor area where alcohol is to be sold or served is to be enclosed by fencing or other barrier set-up for the purpose of restricting the removal of alcoholic beverages by patrons/guests, and such other conditions as the City Council, Recreation Commission and License Commission may impose.

2. Under no circumstances shall such special one-day license to sell, serve, and consume alcohol beverages on public property be available for and/or upon any land or property under the jurisdiction of the School Department , publicly owned property adjacent to property under the jurisdiction of the School Department and property under the jurisdiction of the Conservation Commission, except for the Mayor’s Annual Senior Dinner and neighborhood block parties adjacent to publically owned properties.

(added 7/19/2013)