TITLE 8

HEALTH AND SAFETY

Articles and Sections :

I. BOARD OF HEALTH

8-1 Authority generally.
8-2 Contracts.
8-3 Monthly report.
8-4 Inspector of animals and slaughtering.
8-5 Inspector of milk.
8-6 Inspector of provisions.

II. ENVIRONMENTAL TOBACCO SMOKE ORDINANCE

8-6B Environmental Tobacco Ordinance

III. INFLAMMABLES AND EXPLOSIVES

8-7 Flammable Categories; Fees; Licenses
8-8 Annual Renewal; Fee; Revocations; Transfers.
8-9 Flammables in Excess of Amounts Provided Under Subsection 8-8; Fees.
8-10 (Reserved).
8-11 Flammables--Applications--Exceptions.
8-12 (Reserved).
8-13 Secondhand storage tanks.

IV. REDUCTION OF CHECKOUT BAGS BY RETAIL ESTABLISHMENTS

8-14 Reduction of Checkout Bags by Retail Establishments.

V. ABANDONED WELLS

8-15 Covering required--Penalty for violation.

VI. DANGEROUS EXCAVATIONS

8-16 Barriers required--Penalty for violation.

VII. DUMPSTERS

8-17 Regulations generally.

VIII. SANITARY LANDFILLS

8-18 (Reserved).
8-19 Establishment.
8-20 Use.
8-21 Authority to assign incinerator site.

IX. FLOOD HAZARD PROTECTION

8-22 Application for flood insurance.

X. ALARM REGULATIONS

8-23 False alarm designated.
8-24 Administrator for alarm devices.
8-25 Alarm appeal board.
8-26 Confidentiality.
8-27 Automatic dial alarm--Police department interconnection.
8-28 False alarm report to administrator.
8-29 False alarm charges--Schedule.
8-30 False alarm charges--Notification and appeal.
8-31 Alarm user registration required.
8-32 Registration procedure.
8-33 Charges and fees to be paid into general fund.
8-34 Penalty for violations.
8-35 Nonliability of city.
8-36 Exceptions for alarms on city premises.
8-37 School bus driver requirements.

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I. BOARD OF HEALTH

8-1 Authority generally.

The board of health shall make reasonable health regulations for the city and shall publish them in accordance with the provisions of General Laws Chapter 111, Section 31. The said board shall issue permits, upon proper application for the removal of and transportation of garbage; it shall make rules and regulations for the control of the removal, transportation or

disposal of garbage or other offensive substances; it shall have jurisdiction to regulate and control atmospheric pollution, all as provided for in G.L. Chapter 111, sec.sec. 31A-31C; and shall exercise all other functions as provided by law. (Prior Ch. 12 sec.2).

8-2 Contracts.

The board of health shall make all regulations for the cleaning of private cesspools, vaults and privies when public health is in danger and such regulations shall contain the condition that such work shall be performed to the satisfaction of said board. (Prior Ch. 12 sec.4).

8-3 Monthly report.

The board shall furnish monthly to the mayor and city council a report of its expenditures during the month preceding and shall in an annual report, give a detailed statement to the mayor and city council of its doings and expenditures for the preceding municipal year with such information and suggestions as may be deemed proper or requested to give. (Prior Ch. 12 sec.9).

8-4 Inspector of animals and slaughtering.

The inspectors of animals and of slaughtering shall make annual reports to the city council, which shall contain a statement of the number and kind of animals inspected by him, the number and the result of all prosecutions. (Prior Ch. 12).

8-5 Inspector of milk.

A. The inspector of milk shall have and exercise all the powers and authority and be subject to all the duties and limitations which the statute imposes upon or requires of inspectors of milk.

B. The annual report of said inspector shall include a statement of the number of seizures made by him, the places from which and the persons from whom the seizures were made; the number of samples taken for the purpose of obtaining analyses, and the result of analyses made; and the number and result of all prosecutions. (Prior Ch. 12 sec.12).

8-6 Inspector of provisions.

A. The inspector of provisions will be the health inspector or others designated by the board of health and shall perform such duties and have such powers as are prescribed by the statutes of the Commonwealth and shall perform such further duties as may be required by the board of health.

B. The inspector of provisions shall make an annual report to the city council of activities for the preceding year. (Prior Ch. 12 sec.13).

II. ENVIRONMENTAL TOBACCO SMOKE ORDINANCE

8-6B Environmental Tobacco Smoke Ordinance

A. Statement of Purpose:

Whereas conclusive evidence exists that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose, and throat; and whereas the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and whereas environmental tobacco smoke [hereinafter ETS], which includes both exhaled smoke and the side stream smoke from burning cigarettes, causes the death of 53,000 Americans each year; and whereas in 2000, the Public Health Service's National Toxicology Program listed environmental tobacco smoke as a known human carcinogen (U.S. DHHS, 2000, citing Cal. EPA, 1997), now, therefore, the City of Woburn recognizes the right of those who wish to breathe smokefree air and establishes this ordinance to protect and improve the public health and welfare by prohibiting smoking in public places.

B. Definitions:

For the purposes of this ordinance, the following words shall have the meanings respectively ascribed to them by this paragraph:

Board: The Board of Health of the City of Woburn.

Electronic Cigarette: An electronic cigarette (or e-cigarette), personal vaporizer (PV), or electronic nicotine delivery system (ENDS) is an electronic inhaler meant to simulate and substitute for tobacco smoking.

Health Care Facility: Any office or institution providing care or treatment of

diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions including but not limited to rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, offices of any surgeon, chiropractor, physical therapist, physician, dentist and all specialists within these professions.

Indoor Sports Arena: Any sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar recreational facilities where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

Person: Any person, firm, partnership, association, corporation, company or organization of any kind including, but not limited to an owner, operator, manager, proprietor or person in charge of any building, establishment, business, or restaurant or retail store, or the agents or designees of any of the foregoing.

Pouring License: A Section 12 License, as defined by the Massachusetts Alcoholic Beverages Control Commission, that permits the sale of alcoholic beverages to be drunk on the premises.

Private Clubs: A not-for-profit establishment with a defined membership.

Public Place: Any building or facility owned, leased, operated or occupied by the municipality, including school buildings or grounds; any area open to the general public including, but not limited to, libraries, museums, theaters, auditoriums, indoor sports arenas and/or recreational facilities, inns, hotel and motel lobbies, educational facilities, shopping malls, public restrooms, lobbies, staircases, halls, exits, entrances, elevators accessible to the public, and licensed child-care locations.

Public Transportation: Buses, taxis, and other means of transportation available to the general public while such means of transportation is operating within the boundaries of the town including indoor platforms by which such means of transportation may be accessed.

Restaurant: Any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and other eating establishment which gives or offers food for sale to the public, guests, or employees for on-premises consumption, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

Retail Food Store: Any establishment commonly known as a supermarket, grocery store, bakery, or convenience store in which the primary activity is the sale of food items to the public for off-premises consumption.

Retail Store: Any establishment whose primary purpose is to sell or offer for sale to consumers, but not for resale, any goods, wares, merchandise, articles or other things, including retail food stores. "Retail store" shall not include restaurants as defined herein.

Smoking: Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, electronic cigarette or other tobacco product in any form.

C. Posting Notice of Prohibition:

Every person having control of premises upon which smoking is prohibited by and under the authority of this ordinance shall conspicuously display upon the premises "No Smoking" signs provided by the Massachusetts Department of Public Health and available from the Woburn Board of Health or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) and comparable in size to the sign provided by the Massachusetts Department of Public Health and available from the Woburn Board of Health.

D. Smoking Prohibited:

No person shall smoke, including electronic cigarettes, nor shall any person, employer, or other person having control of the premises upon which smoking is prohibited by this ordinance, or the agent or designee of such person, permit a person to smoke, including electronic cigarettes, in any of the following places as defined herein: health care facilities, public places, public transportation, retail food stores, restaurants and retail stores except as otherwise provided in Paragraph E of this ordinance.

Additionally, no person shall smoke, including electronic cigarettes, in any place in which a sign conforming to the requirements of Paragraph C of this ordinance is posted. No person shall remove a sign posted under the authority of Paragraph C of this ordinance.

E. Exceptions:

Notwithstanding the provisions of Paragraph D of this ordinance, smoking may be permitted in the following places and/or circumstances:

I. Private residences, except those portions used as a child care or health care office when operating as such.
II. Hotels and motels shall designate a minimum of 75% of their rooms rented to guests as non-smoking rooms. The rooms so designated will have signs posted indicating that smoking is prohibited therein. Room designation information will be provided to the Woburn Board of Health.
III. Hotel and motel conference/meeting rooms and private and public assembly rooms while these places are being used for private functions.
IV. Private or semiprivate rooms of nursing homes and long term care facilities, occupied by one (1) or more patients, which are separately ventilated and all of whom are smokers who have requested in writing to be placed in rooms where smoking is permitted.
V. Retail tobacco stores, which are primarily for the sale of tobacco products and paraphernalia, in which the sale of other products is merely incidental, prohibit minors from entering the establishment and are not required to possess a retail food permit.
VI. Private clubs (except when the private club is open to the public).

F. Conflict with Other Laws or Regulations:

Notwithstanding the provisions of the foregoing Paragraph E of this ordinance, nothing in this ordinance shall be deemed to amend or repeal applicable fire, health or other regulations so as to permit smoking in areas where it is prohibited by such fire, health or other regulations.

G. Violations:

Any person who violates this ordinance shall be subject to a written for a first offense, one hundred dollars ($100) for a second offense within one year of the date of the first offense and two hundred dollars ($200) for a third or subsequent offense within one year of the date of the first offense.

H. Enforcement:

Whoever violates any provision of this ordinance, the violations of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

Each day on which any violation exists shall be deemed to be a separate offense. Violations by establishments holding a Pouring License will be reported to the city’s Licensing Commission.

Penalty: A warning for first offense $100 for second offense within one year from the date of the first offense $200 for third or subsequent offense within one year from the date of the first offense

Enforcing persons: Woburn Police Department
Woburn Board of Health and its designees

One method of enforcement may be periodic, unannounced inspections of those establishments subject to this ordinance. Any citizen who desires to register a complaint under this ordinance may request that the Board of Health initiate enforcement.

I. Severability:

If any paragraph or provision of this ordinance is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions.

J. Effective Date: This ordinance shall go into effect _____, 2001.

(Added 3/28/2001; amended 10/15/2013)

III. INFLAMMABLES AND EXPLOSIVES

8-7 Flammable Categories; Fees; Licenses.

1. Except as otherwise provided for, no flammable or combustible liquids, flammable solids or flammable gases may be kept, stored, manufactured or sold without first obtaining a permit from the head of the Fire Department. The application for the permit shall clearly set forth the amounts of various flammable and combustible liquids, flammable solids or gases proposed to be kept or stored. The permit shall prescribe the conditions and specify the amounts to be kept or stored.

2. In accordance with the provisions of Massachusetts General Laws Chapter 148, Section 13, the following amounts of flammable and combustible liquids, flammable solids or flammable gases may not be kept, stored, manufactured or sold without obtaining a license from the local licensing authority, that being the City Council. All amounts greater than the permit requirements shall require a license.

   A. Any Class I Flammable Fluids, as defined in 527 CMR 14.02(2) in an amount exceeding 793 gallons, in containers of 60 gallons capacity

or less, or in portable tanks over 60 gallons capacity not intended for fixed use, including intermediate bulk containers (IBCs) designed for mechanical handling. Or in fixed containers in an amount exceeding 10,000 gallons in storage tanks having a liquid capacity that exceeds 60 gallons capacity, intended for fixed installation, and not used for processing: $120.00.

B. Any Class II Flammable Fluids, as defined in 527 CMR 14.02(2) in an amount exceeding 10,000 gallons: $120.00
C. Any Class III Flammable Fluids, as defined in 527 CMR 14.02(2) in an amount exceeding 10,000 gallons: $120.00
D. Any Flammable Solids, as defined in 527 CMR 14.02, in an amount exceeding 100 pounds: $120.00.
E. Any Flammable Gas, as defined in 527 CMR 14.02, flammable compressed gas in an amount exceeding 3,000 cubic feet or 88.44 gallons within a building: $120.00.
F. Any Flammable Gas, as defined in 527 CMR 14.02, in an amount exceeding 10,000 cubic feet stored outside a building: $120.00
G. Any Class A Explosive, as defined in 527 CMR 13.03:(2)(a), in an amount not exceeding 100 pounds: $120.00.
H. Any Class A Explosive, as defined in 527 CMR 13.03:(2)(a), in an amount exceeding 100 pounds: $150.00.
I. Any Class B Explosives, as defined in 527 CMR 13.03:(2)(b), in an amount not exceeding 100 pounds: $120.00.
J. Any Class B Explosives, as defined in 527 CMR 13.03:(2)(b), in an amount exceeding 100 pounds: $150.00.
K. Any Class C Explosives, as defined in 527 CMR 13.03:(2)(c), in an amount exceeding 60,000 rounds of small arms ammunition: $150.00; under 60,000 rounds: $120.00.

The above fees are established for original licenses and for a Certificate of Registration, renewable annually, as provided for by General Law Ch. 146, 13, as amended. The Certificate of Registration fees are payable on or before April 30 in each year. In addition, each applicant for new or increased storage shall submit a $100.00 application fee for advertising and processing costs. (Prior Ch. X, sec.2; Ord. dated 04/10/87, eff. 05/01/87; amended 4/13/2006; amended 6/11/2007; amended 5/19/2016).

8-8 Annual Renewal; Fee; Revocations; Transfers.

Licenses granted under Section 8-8, above are subject to annual renewal by a Certificate of Registration. Such Certificates shall be issued by the City Clerk only after payment of the fees prescribed in Section 8-8. Failure to notify the City Clerk of any changes in storage or discontinuances of

storage shall not relieve the licensee of renewal fees. Failure to pay the said fees, or failure to notify the City Clerk, before April 30 of each year, of changes in storage, shall result in a doubling of the required fees; such failure from year to year shall result in cumulative fees, and possible revocation after notice by the City Council. Where a licensee intends to convey the licensed premises, the new owner or occupant must pay as a transfer fee one-half of the current chargeable fees to cover costs of processing and recordkeeping. No transfer of a license to any other person or entity is allowed, nor a transfer to another location, without the approval of the City Council. (Prior Ch. X, sec. 2C, 3, 3A and 3B; Ord. dated 04/10/87, eff. 05/01/87).

8-9 Flammables in Excess of Amounts Provided Under Subsection 8-8; Fees.

A. Flammable Fluids in excess of 10,000 gallons are licensed at $10.00 per 1,000 gallons additional or portion thereof, whether for a new license or for a Certificate of Registration (amended 4/13/2006);
B. Flammable Gases in excess of 3,000 cubic feet or 88.44 gallons within a building, or 72.78 cubic feet or 2,000 gallons outside a building are licensed at $10.00 per 1,000 cubic feet additional or portion thereof, whether for a new license or for a Certificate of Registration (amended 4/13/2006; 4/22/2008);
C. Flammable Solids in excess of 100 pounds are licensed at $10.00 per 100 pounds additional or portion thereof, whether for a new license or for a Certificate of Registration. (Prior Ch. X, sec.sec.2A and 2B; Ord. dated 04/10/87, eff. 05/01/87; 4/22/2008).

8-10 [Reserved]

8-11 Inflammables--Application--Exceptions.

All provisions of Sections 8-8 - 8-10, above, shall not apply to the storage of fuel oil products used for household storage tanks or for apartment storage tanks. (Prior Ch. 10 sec.2B; see Ord.dated 04/10/87; eff. 05/01/87).

8-12 [Reserved]

8-13 Secondhand storage tanks.

A. No secondhand storage tank can be installed, fuel-chemical, in the city, in industrial areas, aboveground or underground.

B. Violation will result in a three-hundred-dollar fine and mandatory removal. (Prior Ch. 22 sec.11(b)).

IV. REDUCTION OF CHECKOUT BAGS BY RETAIL ESTABLISHMENTS

8-14 Reduction of Checkout Bags by Retail Establishments.

A. Purpose.

The purpose of this ordinance is to protect the aesthetic beauty of the City of Woburn as well as the natural resources of the City by reducing the use of single-use plastic bags that are being used, discarded, and/or littered, to reduce solid waste, to protect the environment, both terrestrial and marine, and water resources, and to promote the use of reusable bags and recyclable paper bags by retail establishments in the City of Woburn.

B. Definitions.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

1. "Checkout Bag" shall mean a bag provided by a store to a customer at the point of sale for transporting food or merchandise from the establishment. The following bag types are excluded from this definition:
   a. Bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a Retail Establishment or
   b. Laundry, dry-cleaner bags or tailor; or
   c. Newspaper bags; or
   d. Bags used to contain or wrap produce, frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.
2. “Single-use plastic bag” means a plastic checkout bag less than three (3) mils thick.
3. "Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable; (2) contains at least 40% post-consumer recycled paper content; and (3) displays the words "Recyclable" and "made from 40% post-consumer recycled content" (or other applicable amount) in a visible manner on the outside of the bag.
4. "Retail Establishment" means any person, corporation, partnership, business venture, or vendor that sell or provide merchandise, goods or materials directly to a customer, whether for or not for profit, including but not limited to restaurants, pharmacies, convenience and grocery stores,

liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores; however the term Retail Establishment does not include bazaars or festivals operated by nonprofit organizations or religious institutions.

5. "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 3.0 mils in thickness.

C. Requirements.

1. If any retail establishment provides a checkout bag to customers, the bag shall comply with the requirements of being a Reusable Bag, a Recyclable Paper Bag, or a Compostable Plastic Bag.
2. Except as otherwise provided herein, single use plastic bags shall not be distributed, used or sold for checkout or other purposes by any retail establishment or non-profit organization within the City of Woburn.
3. Thin-film plastic bags typically without handles, which are used to contain produce, meat, bulk foods, wet items, dry cleaning are not prohibited under this ordinance.
4. The following are exempt and not subject to this Section C.
   a. Bags used by customers to package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
   b. Contain or wrap frozen foods, meat, or fish; or contain or wrap flowers, potted plants, or other items where dampness may be a problem;
   c. Laundry, dry-cleaning or tailor bags, or hanging bags meant for suits or dresses; and
   d. Bags sold in packages containing multiple bags intended to be used for home food storage, or garbage, waste, pet waste or yard waste disposal.

D. Enforcement.

1. If it is determined that a violation has occurred the Health Inspector, or his/her designee, shall issue a warning notice to the Retail Establishment for the initial violation.
2. If an additional violation of this Ordinance has occurred within one year after a warning notice has been issued for an initial violation, the Health Inspector or his/her designee shall issue a notice of violation and shall impose a penalty against the retail establishment.
3. The penalty for each violation that occurs after the issuance of the warning notice shall be:

a. $50 for the first offense; and
b. $100 for the second offense and all subsequent offenses.

4. Payment of such fines may be enforced through civil action in the state District Court.
5. Not more than one fine may be assessed within a fifteen (15) day period per retail establishment
6. Unless otherwise appealed, all fines issued under this section shall be paid within fifteen (15) days, to the City of Woburn.
7. Whoever violates any provision of this chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, Section 21D. For purposes of this section, the Health Inspector, or his/her designee, shall be the enforcing person.

E. Exemption.

1. The Health Inspector may exempt a retail establishment from the requirements of this chapter for a period of one year upon a finding by the Health Inspector that the requirements of this chapter would cause undue hardship to a retail establishment. An "undue hardship" shall be found only in:
   a. Circumstances or situations unique to the particular Retail Establishment such that there are no reasonable alternatives to bags that are not Recyclable Paper Bags, Compostable Plastic Bags or Reusable Bags; or
   b. Circumstances or situations unique to the Retail Establishment such that compliance with the requirements of this chapter would deprive a person of a legally protected right; or
   c. Circumstances where a Retail Establishment requires additional time in order to draw down an existing inventory of single-use plastic check out bags. Any Retail Establishment receiving an exemption shall file with the Health Inspector monthly reports on inventory reduction and remaining stocks.
2. Any Retail Establishment shall apply for an exemption to the Health Inspector using forms provided by the Health Inspector, and shall allow the Health Inspector, or his or her designee, access to all information supporting its application.
3. The Health Inspector may approve the exemption request, in whole or in part, with or without conditions.
4. The Health Inspector by regulation may establish a $100.00 fee for exemption requests.

F. Effective Date.

All of the requirements set forth in this Ordinance shall take effect May 1, 2020.

G. Severability.

It is the intention of the City Council that each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain valid and enforceable.

(Prior Ch. 30 sec.5; deleted 5/9/97; new section added 5/9/2019).

V. ABANDONED WELLS

8-15 Covering required--Penalty for violation.

A. By virtue of the authority in the city council of the city by Chapter 40, Section 21, as amended by subsection 20, effective June 11th, 1954, General Laws of the Commonwealth of Massachusetts, it is ordered as set out in this section:

B. Owners, or owner of land located within the boundaries of the city whereon is located an abandoned well, or well in use, are ordered to either provide a covering for such wells which is capable of sustaining weight of three hundred pounds, or else in the case of an abandoned well, fill the same to the level of the ground surrounding.

C. Failure to comply with this section shall be penalized by a fine of not less than one hundred dollars and not more than five hundred dollars. (Prior Ch. 30 sec.3).

VI. DANGEROUS EXCAVATIONS

8-16 Barriers required--Penalty for violation.

A. Owners of land which has been excavated are required to erect barriers or take other suitable measures within two days after such owners have been notified in writing by the mayor and the city council

that in their opinion such excavation constitutes a hazard to public safety.

B. The penalty for any violation of this section is two hundred dollars. (Prior Ch. 30 sec.6).

VII. DUMPSTERS

8-17 Regulations generally.

A. Each dumpster must be located at a distance inside the lot line of the owner or agent being serviced so as not to interfere with the safety, convenience or health of abutters or residents. (amended 12/16/97).

B. When deemed necessary by the fire department, it may be required that a dumpster be enclosed or screened.

C. Dumpsters shall not be filled after 9:00 p.m. for residential property, and at the close of the business day for commercial property, at which time the lids are to be locked. Lids must be closed at all other times when dumpster is not in use. (amended 10/18/2004)

D. Each dumpster must be of sufficient size and capacity to eliminate overflowing, and the property owner or authorized agent of the premises utilizing the service must immediately empty the contents when full.

E. Each dumpster must be situated so as not to obstruct the view of flowing traffic.

F. It shall be the responsibility of the property owner or agent being serviced to maintain the dumpster and the dumpster area free of scattered debris, overflowing and all other nuisances.

G. The contractor shall have his/her name and business telephone number conspicuously displayed on the dumpster.

H. The emptying of the dumpster contents by the property owner, contractor or their agents or employees shall not commence before 7:00 a.m. nor after 9:00 p.m. on any day. (amended 10/18/2004)

I. These regulations shall apply to all dumpsters in the city, whether for residential or commercial, or industrial use.

J. Any person, firm or corporation violating any provision of this section shall be subject to a fine of not less than $25.00 nor more than $1,000.00 for each offense and a separate offense shall be deemed committed on each day or on which a violation occurs or continues. (amended 10/18/2004)

K. It shall be the responsibility of the fire department to enforce the provisions of this section. (Prior Ch. 22 sec.13).

VIII. SANITARY LANDFILLS

8-18 (Reserved)

8-19 Establishment.

A. There shall not be deposited in any open sanitary landfill, any waste material which in the opinion of the board of health may become a menace to health or property. No sanitary landfill shall be maintained unless and until permission from the board of health may prescribe. Upon assignment by the board of health of an area as a dumping ground as provided by General Laws Chapter 111, Section 150A and subject to zoning laws, it shall be subject to approval by the city council with respect to any conditions or limitations to the extent, character, and method of operation which shall be stated in a permit issued by the city council, subject to prior state approval.

B. Before passage, a public hearing shall be held, after publication of the aforesaid hearing on two successive weeks, the first publication to be at least twenty-one days before final passage. (Prior Ch. 12 sec.6).

8-20 Use.

The sanitary landfill shall be used exclusively by city residents with the execution that outside contractors deriving materials from city residents' homes be allowed to use said sanitary landfill, the fee for which use to be

established by the city council or the board of health. (Prior Ch. 12 sec.6A).

8-21 Authority to assign incinerator site.

The board of health shall have the power to assign a site as a sanitary landfill for garbage, rubbish and other refuse or for a refuse disposal incinerator, subject to the provisions of Massachusetts General Laws Ch. 111, sec.150A. The board shall also have power to rescind, suspend or modify such assignment after due notice and hearing, subject to Massachusetts General Laws, Ch. 111, sec.150A. No public or private premises within the limits of the city shall be used as a sanitary landfill without a permit from the board of health. (Prior Ch. 12 sec.5).

IX. FLOOD HAZARD PROTECTION

8-22 Application for flood insurance.

A. The City Council assures the Federal Insurance Administration that it will enact as necessary, and maintain in force those areas having flood or mudslide hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Program Regulations; and

B. The City Council appoints the city engineer with the responsibility, authority and means to:
   1. Delineate or assist the administrator, at his request, in delineating the limits of the areas having special flood and/or mudslide hazards on available local maps of sufficient scale to identify the location of building sites,
   2. Provide such information as the administrator may request concerning present uses and occupancy of the floodplain and/or mudslide area, M
   3. Maintain for public inspection and furnishing upon request, with respect to each area having special flood hazards, information on elevations (in relation to mean sea level) of the lowest floors of all new substantially improved structures, and
   4. Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain and/or mudslide areas, and cooperate with neighboring communities with respect to management of

adjoining floodplain and/or mudslide areas in order to prevent aggravation of existing hazards,

5. Submit on the anniversary date or the community's initial eligibility an annual report to the administrator on the progress made during the past year within the community on the development and implementation of floodplain and/or mudslide area management measures;

C. The City Council will take such other official action as may be reasonably necessary to carry out the objectives of the program;

D. The City Council hereby appoints the city engineer with the overall responsibility, authority and means to implement all commitments made herein. (Prior Ch. 30 sec.8).

X. ALARM REGULATIONS

8-23 False alarm designated.

A false alarm shall be any activation of an alarm to which the police department responds and which is not caused by a criminal act, fire or other emergency, except an activation caused by:

(1) malfunction of telephone company equipment or lines off premises as verified by monitoring facilities at police headquarters, or
(2) power failure as verified by the administrator. A series of such activations attributable to the same cause and occurring under circumstances beyond the control of the responsible alarm user shall be deemed a single false alarm. (Ord. dated 5/24/85 (a): prior Ch. 4 6(A)[part]).

8-24 Administrator for alarm devices.

There shall be in the city, an administrator for alarm devices who shall have the powers and duties granted under these regulations. The chief of police or his designee shall be the administrator of these regulations. (Ord. dated 5/24/85 (b): prior Ch. 4 sec.6(A)[part]).

8-25 Alarm appeal board.

The Alarm Appeal Board shall be made up of the three (3) members of the

Committee on Police and License. Ord. dated 5/24/85 (c): prior Ch. 4 sec.6(A)[part]; amended 5/8/98).

8-26 Confidentiality.

All information in the possession of the administrator, for alarm devices concerning particular alarm users and particular communication method shall be confidential and shall not be divulged without the written consent of the alarm user of users concerned. (Ord. dated 5/24/85 (d): prior Ch. 4 sec.6(A)[part]).

8-27 Automatic dial alarm--Police department interconnection.

No automatic dial alarm may be installed after the effective date of the ordinance codified in this part without communication device approval of the administrator. Within six months after the effective date of the ordinance codified in this part, all automatic dial alarms presently in use shall be reprogrammed to dial a designated number with the police department. The automatic dial alarm shall be regulated so as not to repeat the message more than two times. Service for having automatic dial alarm reprogrammed and regulated shall be at the user's expense. (Ord. dated 5/24/85 (e): prior Ch. 4 sec.6(A)[part]).

8-28 False alarm report to administrator.

Police personnel shall report false alarms to the administrator. (Ord. dated 5/24/85 (f): prior Ch. 4 sec.6(A)[part]).

8-29 False alarm charges--Schedule.

A. When the administrator determines that the police department has responded to a false alarm the administrator shall impose a charge on the responsible alarm user according to the following schedule: 1. For the first three false alarm responses within the calendar year, no charge; 2. For the fourth and subsequent of such false alarms, twenty-five dollars each alarm response.

B. In addition to the provisions of this section there shall be no charge for the first false alarm occurring within one month after installation of an alarm device, and such false alarm shall not be considered in determining charges in accordance with the schedule set forth in this section (Ord. dated 5/24/85 (g): prior Ch. 4 sec.6(A)[part]).

8-30 False alarm charges--Notification and appeal.

A. The administrator shall notify the responsible alarm user of any false alarm charge by mail. Within thirty days after the mailing of such notice, the alarm user may file with the administrator, information to show that the alarm was not a false alarm within the meaning of these regulations.

B. The administrator shall consider such information, reaffirm or rescind the false alarm charge, and notify the alarm user of his decision by mail. Within thirty days after the mailing of such notice, the alarm user may file an appeal, in writing to the appeal board.

C. Appeal to the Alarm Appeal Board. Upon receipt of a timely appeal from a false alarm charge, the alarm appeal board shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the alarm user taking the appeal at his last known address at least fifteen days before the hearing. On the basis of information provided by the alarm user and other information introduced at the hearing, the appeal board shall affirm the charge if it finds that the charge was properly imposed or rescind the charge if the charge was not properly imposed.

D. Notice to Include Instructions. Each notice of false alarm charge or the reaffirmation of such a charge by the administrator shall refer to and provide instructions concerning the alarm user's right to further recourse by filing information with the administrator or an appeal with the alarm appeal board, as the case may be.

E. False Alarm Charge. The false alarm charge need not be paid until the user has exhausted his right of appeal. The false alarm charge then must be paid within thirty days from the date of the hearing, and if not paid, will be subject to the same late charges as the Real Estate Tax Bill effective on the date of the hearing. (Ord. dated 5/24/85 (h): prior Ch. 4 sec.6(A)[part]).

8-31 Alarm user registration required.

Each alarm user shall register his alarm device or devices with the administrator prior to use; provided, that the alarm devices in use as of the effective date of the ordinance codified in this part may be registered no later than sixty days from such date. (Ord. dated 5/24/85 (i): prior Ch. 4 sec.6(A)[part]).

8-32 Registration procedure.

A. Alarm device registration shall be accomplished by filling out a form provided by the administrator to include such information concerning the identity of the prospective alarm user, the identity of the alarm user's contractors, if any, and the nature of the proposed communication method, as the administrator may require.

B. It shall be in the responsibility of each alarm user to notify the administrator in writing of changes in registration information. (Ord. dated 5/24/85 (j): prior Ch. 4 sec.6(A)[part]).

8-33 Charges and fees to be paid into general fund.

Charges for false alarms will be collected by the administrator and placed in the general fund. (Ord. dated 5/24/85 (k): prior Ch. 4 sec.6(A)[part]).

8-34 Penalty for violations.

Any person who performs or causes to be performed any of the following acts shall be subject to a fine of up to one hundred dollars for each such act:

A. Intentional causing of a false alarm;
B. Failure to register an alarm device or give notice of changes in registration information as required by this part;
C. Use of automatic dial alarm or an exterior audible alarm device in violation of the provisions of this part. (Ord. dated 5/24/85 (l): prior Ch. 4 sec.6(A)[part]).

8-35 Nonliability of city.

Notwithstanding the provisions of these regulations, the city, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm monitoring facilities at police headquarters. No liability whatsoever is assumed for the failure of such alarm devices or monitoring facilities, or for failure to respond to alarms or for any other act or omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the city, its departments, officers, agents and employees from liability in connection with the alarm user's alarm device. (Ord. dated 5/24/85 sec.(m): prior Ch. 4 sec.6(A)[part]).

8-36 Exceptions for alarms on city premises.

The provisions of these regulations shall not apply to alarm devices on premises owned or controlled by the city, nor to alarm devices installed in a motor vehicle or trailer.(Ord. dated 5/24/85 sec.(n): prior Ch. 4 sec.6(A)[part]).

8-37 School Bus Driver Requirements

A. All school bus drivers operating within City limits with passengers under the age of 12 years old are required to walk the length of the interior of the bus after the last stop of their route. Drivers are required to carefully inspect each seat on the bus to ensure that every passenger has exited the bus before the driver may depart the bus.

B. All municipal departments that utilize school buses for the transportation of children under the age of twelve (12) years old shall be furnished a copy of this ordinance. It is the responsibility of said municipal departments that any and all bus companies providing services to, through or under their department be furnished a copy of this ordinance.

C. The penalty for any violation of this section shall be not less than $500.00.

[Note: Title 8 numbering amended 5/19/2016]