THE
MUNICIPAL CODE

OF

METHUEN, MASSACHUSETTS

2000

THE CHARTER

AND

THE GENERAL ORDINANCES OF THE CITY

PUBLISHED BY ORDER OF THE

METHUEN CITY COUNCIL

COUNCILLORS

DAVID (DJ) BEAUREGARD, JR.
(Vice-Chairman)

NICHOLAS DIZOGLIO

JOEL P. FARETRA

JESSICA L. FINOCCHIARO

JAMES MCCARTY

STEVEN J. SABA
(Chairman)

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MICHAEL SIMARD

EUNICE DELICE ZEIGLER

MAYOR
NEIL PERRY

CITY CLERK
JOHN J. WILSON, JR.

CITY SOLICITOR
KENNETH J. ROSSETTI

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Chapter 27. Registered Sex Offender Restrictions

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CHAPTER A - ENACTING ORDINANCE FOR CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF METHUEN:

A-1. This Ordinance, consisting of Chapter 1 to 25 each inclusive, shall be known as the Municipal Code of Methuen - 2000 and shall be treated and considered as a new and original comprehensive ordinance, which shall completely supersede the Municipal Code of Methuen - 1997 and all other general ordinances passed by the City Council, prior to said 1997 Code, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

A-2. Any additions or amendments to this Code, when passed in such form as to indicate the intention of the City Council to make the same a part hereof, shall be deemed to be incorporated in this Code so that a reference to the Municipal Code of Methuen shall be understood as including them.

A-3. The City Clerk shall keep two copies of this Code. These copies shall be printed, pasted, or otherwise mounted on paper sufficiently thick and tough to withstand heavy usage, and preserved by the City Clerk in a book or binder in loose-leaf form, or in such other form as the City Clerk may consider most expedient, so that all amendments thereto and all general ordinances hereafter passed may be inserted in their appropriate places in such volumes, and all sections of this Code or ordinances repealed from time to time may be extracted therefrom for the purpose of maintaining said two copies in such condition that they will show all general ordinances passed up to date at any time in such manner that ready reference may be had thereto.

In determining whether or not any ordinance hereafter passed, or any part thereof, shall be inserted in such volumes, and in determining the form, chapter, or section in which it shall be inserted, and in determining what shall be taken out, if any doubt arises the City Clerk shall be guided by the advice of the City Solicitor.

A-4. The City Council shall prepare and publish revised sheets of every loose-leaf page in need of revision by reason of amendment or repeal, when necessary.

The City Clerk shall distribute said revised loose-leaf sheets for such fee as the City Council shall direct.

A-5. No officer or employee of the City shall issue, mail, or distribute as a publication on the part of the City or any officer, department, bureau or branch of the City government, any book, pamphlet, leaflet, card, circular or other printed matter purporting to contain excerpts or

quotations from this Code or purporting to give the law on any subject to the public, either as a reprint or a statute, ordinance, or other legislative enactment, or as a digest, interpretation, resume, condensation or explanation, of the same, without submitting such book, pamphlet, leaflet, card, circular or other printed matter, or the portion of the same which purports to quote or give the law, to the City Solicitor for examination and approval as to form and as to whether or not the law is correctly stated therein. Provided however, that the Solicitor shall examine and approve the above within fourteen (14) days, vacations excepted.

A-6. All printed copies of this Code, except such as shall be reserved by the City Solicitor for use in the Department of Law, shall be deposited with the City Clerk. He shall deliver one copy thereof to the Mayor, one copy to each Councilor, one copy to the Nevins Memorial Library, and one copy to each head of a department of the City and to such other persons in each department as its head may designate. The City Clerk shall sell printed copies of said Code at such price as the City Council shall fix; provided, however, that in the case of such purchase by any public library, school library, or university library, a discount of twenty per cent of the regular purchase price shall be allowed.

The Mayor shall have power to reciprocate courtesies of other cities and towns, by presenting to each a copy of this Code, bound at the expense of the City in such manner as to him may seem suitable.

A-7. Each section number shall consist of two component parts separated by a dash, the figure before the dash referring to the chapter number and the figure after the dash referring to the position of the section within the chapter.

No officer or employee of the City shall issue any book or pamphlet containing any section or sections of this Code numbered differently than as numbered herein; and no section number shall be changed by such officer or employee in drafting any ordinance amending any section.

A-8. The decimal system shall be used for all additions to this Code. When a chapter is to be added, said new chapter shall be given a decimal character. When a section is added, it shall be given a decimal character. All such decimal characters shall run consecutively to the right of the respective decimal beginning with the figure "one."

Additions to the Code introduced in the City Council shall be submitted by the City Clerk to the City Solicitor for numbering before passage. In case any amendment is passed without having been properly numbered, the City Clerk, before the next regular meeting of the City Council, shall refer the same to the City Solicitor for appropriate action.

This section shall be liberally construed for the purpose of avoiding confusion in the numbering of sections of this Code, and shall not be deemed a limitation upon the powers of the City Council.

A-9. Reference to any section of this Code shall be understood to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

A-10. In case of the amendment of any section of this Code containing provisions for which a penalty is provided in another section, the penalty so provided in such other section shall be held to relate to the section so amended, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

A-11. Whenever in any section of this Code the doing of any act or the omission to do any act or duty is declared to be a breach thereof, and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be fined not less than three dollars nor more than one hundred dollars for each such breach.

A-12. Whenever in this Code a minimum but no maximum fine or penalty is imposed, the court may in its discretion fine the offender any sum of money exceeding the minimum fine or penalty so fixed, but not exceeding the sum of one hundred dollars.

A-13. In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the City Solicitor may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

A-14. All general ordinances of the City passed prior to this recodification, except such as are herein expressly exempted from repeal and except such as are referred to as being still in force, are hereby repealed, subject to the saving clauses contained in Chapter One.

CHAPTER 1

GENERAL PROVISIONS

Article I. The Municipal Code of Methuen

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Sec. 1-2.	Repeal of ordinances
Sec. 1-3.	Acts, rights, penalties and pending litigation not affected
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Sec. 1-5.	Effective date of ordinance
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Article II. Ordinances

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Sec. 1-12.	Licensing power
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Article IV. Time for Performance

Section	Item
Sec. 1-25.	Time for performance of acts performable on Sunday or holiday

Article V. Reorganization

Section	Item
Sec. 1-26.	Rules governing reorganization plans by Mayor

CHAPTER 1 - GENERAL PROVISIONS

Article I. The Municipal Code of Methuen.

Section 1-1. How Code Designed and Cited; Continuation of Existing Ordinances

The ordinances contained in this chapter and in the following chapters shall be designated and cited as "The Municipal Code of Methuen, 2000", and, so far as their provisions are the same in effect with those of previously existing ordinances, they shall be construed as continuations thereof.

Section 1-2. Repeal of Ordinances

All ordinances of the City heretobefore in force are hereby repealed, subject, however, to the foregoing limitation and to the provisions of the next two sections, but this repeal shall not apply to or affect any ordinances heretofore adopted or passed, accepting or adopting the provisions of any statute of the Commonwealth of Massachusetts.

Section 1-3. Acts, Rights, Penalties and Pending Litigation Not Affected

The adoption of this Code and the repeal of all ordinances of the City heretofore in force shall not affect any act done, any right accrued, any penalty or liability incurred, any suit, action, prosecution, or proceeding pending, nor shall the repeal of any ordinance hereby have the effect of reviving any ordinance heretofore repealed or superseded.

Section 1-4. Effect of Adoption on Terms and Duties of Officers

Any person lawfully holding office at the time when this Code shall take effect shall, unless otherwise provided in such Code, continue to hold his office for the time for which he shall have been appointed or elected, or until removed or suspended, or another person shall be appointed or elected in his stead. Any officer to whom are assigned under this Code the same or substantially the same duties as were assigned to any officer under another designation under

previously existing ordinances, shall be regarded as the same officer, and with the same rights and powers under orders, grants or contracts heretofore made or granted by the City Council.

Section 1-5. Effective Date of Ordinance

An ordinance passed as an emergency measure shall become effective immediately, or at any later date as may be specified in the ordinance. An ordinance which is exempted from the referendum procedures, by section 9-12(k) of the Charter, shall become effective immediately, or at any later date as may be specified in the ordinance. An ordinance which may be made the subject of a referendum proceeding shall not become effective until thirty days have elapsed following its passage. If at the expiration of the said thirty days, a validated referendum petition has not been filed, the ordinance shall thereupon become effective. If a validated petition is filed within twenty days following the passage of an ordinance protesting against such ordinance or part thereof from taking effect, the effective date shall be suspended pending a determination under the procedures which are provided by section 8-3 of the Charter.

(1973 Ord., Sec. 1.04)

Section 1-6. Rules for Construction of Ordinances

In construing ordinances, the following rules shall be observed, unless their observance would involve a construction inconsistent with the manifest intent of the City Council or repugnant to the context of the ordinance:

Repeal not to revive any previous ordinance

The repeal of an ordinance shall not revive any previous ordinance, except in case of the repeal of an ordinance after it has become law, by vote of the people upon its submission by referendum petition.

Repeal not to affect penalties, etc. previously incurred

The repeal of an ordinance shall not affect any punishment, penalty or forfeiture incurred before the repeal takes effect, or any suit, prosecution or proceeding pending at the time of the repeal for any offense committed, or for the recovery of a penalty or forfeiture incurred, under the ordinance repealed.

Words and phrases; construction

Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number and Gender

Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words importing the masculine gender may include the feminine and neuter.

Joint Authority

Words purporting to give a joint authority to, or to direct any act by, three or more public officers or other persons, shall be construed as giving authority to, or directing such act by, a majority of such officers or persons.

Oath or acknowledgment, before whom taken; dispensed with when

Whenever any writing is required to be sworn to or acknowledged, such oath or acknowledgment shall be taken before a Justice of the Peace or Notary Public, or such oath may be dispensed with if the writing required to be sworn to contains or is verified by a written declaration under the provisions of Section one A of Chapter two hundred sixty-eight of the General Laws.

Publication where no newspaper in City

Whenever publication is required in a newspaper published in the City, it shall be sufficient, when there is no newspaper published therein, if the publication is made in a newspaper published in the county where the City is situated; and for this purpose a newspaper which by its title page purports to be printed or published in the City or county and which has a circulation therein, shall be deemed to have been published therein.

Penalty etc. for each offense

Wherever a penalty or forfeiture is provided for a violation of law, it shall be for each such violation.

(1973 Ord, Sec. 1.06)

Section 1-7. Reserved

Section 1-8. Severability of Parts of Volume

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this volume or of any amendments or additions thereto are severable, and if any phrase, clause, sentence, paragraph or section of this volume or such amendments or additions thereto shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity

shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this volume, since the same would have been enacted by the City Council without the incorporation in this volume of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 1-9. Forms of Expression by City Council

Whenever the City Council expresses anything by way of command, the form of expression shall be "ordered"; and whenever such board expresses opinions, principles, facts, requests, directives or purposes, the form shall be "resolved".

Article II. Ordinances.

Division 1. Generally

Section 1-10. Definition; Enacting Style

All ordinances passed by the City Council, or by the qualified voters thereof at a special or annual City election, shall be termed "ordinances", and the enacting style, which shall be but once recited in each ordinance, shall be: "Be it ordained by the City Council of the City of Methuen as follows".

(1973 Ord., Section 1.01 revised; amended by Ord. #244, Eff. Dec. 3rd, 1986)

Section 1-11. Definitions of Terms; Construction of Ordinances

In General

In construing ordinances, the following words shall have the meanings herein given, unless a contrary intention clearly appears:

Charter

"Charter" shall mean the Methuen Home Rule Charter adopted by the voters on April 3rd, 1977, as amended by Chapter 332 of the Acts and Resolves of 1993, and any amendments to it made conformable to law.

Fiscal Year

"Fiscal Year" shall mean the year beginning with July first and ending with the following June thirtieth.

Highway, Etc.

"Highway", "cityway", "public way" or "way" shall include a bridge which is a part thereof.

In Books

"In books", when used relative to the records of the City, shall not prohibit the making of such records on separate leaves, if such leaves are bound in a permanent book upon the completion of a sufficient number of them to make an ordinary volume.

Inhabitant

"Inhabitant" may mean a resident of the City.

Lands and Real Estate

The words "lands" and "real estate" shall include lands, tenements and hereditaments, and all rights thereto and interests therein; and "recorded" as applied to plans, deeds or other instruments affecting land, shall, as affecting registered land, mean filed and registered.

Legal Holiday

"Legal Holiday" shall include January the first, Martin Luther King Day, Washington's Birthday, Patriots' Day, Employee Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, or the day following when any of said days occur on Sunday.

Month and Year

"Month" shall mean a calendar month, and "Year", a calendar year.

Oath

"Oath" shall include affirmation in cases where by law an affirmative may be substituted for an oath.

Ordinance

"Ordinance" shall be synonymous with by-law.

Person and Whoever

"Person" or "Whoever" shall include corporations, societies, associations and partnerships.

Preceding and Following

"Preceding" or "following", used with reference to any section of the ordinances, shall mean the section last preceding or next following, unless some other section is expressly designated in such reference.

Public Records

"Public records" shall mean any written or printed book, or paper, any map or plan of the City which is the property thereof, and in or on which any entry has been made or is required to be made by law, or which any officer or employee of the City has received or is required to receive for filing, any official correspondence of any officer or employee of the City, and any book, record or copy mentioned in section twenty-three A of Chapter thirty-nine or sections five to eight, inclusive, and three of Chapter sixty-six of the General Laws, including public records made by photographic process as provided in section three of said Chapter.

Salary

"Salary" shall mean annual salary.

Swear

"Swear" shall include affirm in cases in which an affirmation may be substituted for an oath. When applied to public officers who are required by the constitution to take oaths therein prescribed, it shall refer to those oaths; and when applied to any officer, it shall mean sworn to the faithful performance of his official duties.

Town

The words "Town" and "City" shall be synonymous.

(Ord. #244, Eff. Dec. 3rd, 1986)

Written and in writing

"Written" and "in writing" shall include printing, engraving, lithographing and any other mode of representing words and letters; but if the written signature of a person is required by law, it shall always be his own handwriting or, if he is unable to write, his mark.

Population, inhabitants

"Population", when used in connection with the number of inhabitants shall mean the population as determined by the last preceding state or national census.

Registered Mail

"Registered Mail", when used with reference to the sending of notice or of any article having no intrinsic value shall include certified mail.

(1973 Ord., Sec. 1.07)

Section 1-12. Licensing Power

Whenever in this Code, or in any ordinance hereafter passed, anything is prohibited to be done without the permission or license of some officer, officers or board, such officer, officers or board shall be deemed to have the power to permit or license such thing to be done.

Section 1-13. Recordation

All ordinances hereafter passed shall be recorded in the order of passage by the City Clerk, in a book kept for that purpose, with proper margins and index, to be lettered "Record of Ordinances, City of Methuen", which book shall be kept in the office of the City Clerk, subject to the inspection of the citizens. Proper distinction between the different classes of ordinances recorded shall be maintained by writing the words "Passed by the City Council on petition", or Passed by the qualified voters at the election of ....." (inserting the date), as the case may be,
after each ordinance recorded. However, if the ordinance is passed by the City Council in the normal procedure, no such writing is necessary.

(1973 Ord., Sec. 1.02 Revised)

Section 1-14. City Solicitor's Determining Legality

All ordinances passed by the City Council, or passed by the City Council on petition, or those submitted to the qualified voters of the City at any special or annual City election, shall be referred to the City Solicitor for his opinion as to their legality.

Division 2. Passage, Amendment and Repeal

Section 1-15. Majority Vote Required

It shall require a majority vote of the whole membership of the City Council to pass, annul, change, amend, alter or repeal any ordinance of the City emanating from the City Council.

Section 1-16. How Passed on Petition

No ordinance, amendment or repeal of an ordinance passed by the qualified voters at any election shall be repealed or amended except by the qualified voters at an annual or special City election or by a majority vote of the City Council.

Section 1-17. Effect of Repeal

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be therein expressly provided for.

Section 1-18. Repeal Not to Affect Act Done, Right Accruing, Etc.

The repeal of any ordinance shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect, nor any offense committed, nor any penalty or forfeiture incurred, nor any suit or prosecution pending at the time of such repeal for any offense committed, or for the recovery of any penalty or forfeiture incurred under any of the provisions so repealed; and all persons who, at the time when such repeal shall take effect, shall hold any office under any of the ordinances or provisions so repealed, shall continue to hold the same according to the tenure thereof, excepting those offices which may have been abolished, and those as to which a different provision shall have been made by following ordinances.

Division 3. Fines, Penalties and Limitation of Prosecution

Section 1-19. Penalties for Violation

Any ordinance passed by the City Council on petition, or any ordinance passed by the qualified voters at a special or annual City election may prescribe, or have prescribed for it, such penalty for its violation as the City Council has the right to prescribe for the violation on a similar ordinance.

Section 1-20. General Penalty

Whoever violates a provision of any ordinance of the City, either of this Code or of any hereafter enacted, shall, unless it is otherwise provided by law or ordinance, be liable to a penalty of not more than one hundred dollars for each offense.

Section 1-21. Fines and Penalties Inure to Use of City

All fines and penalties for the violation of any ordinance, or of any order of the City Council, shall, when recovered, inure to the use of the City and be paid into the City treasury, unless it be otherwise provided by law or ordinance.

Section 1-22. Limitation of Prosecutions

No person shall be prosecuted for any offense against any of the provisions of this Code unless complaints for the same shall have been instituted and commenced within a period prescribed by state statute from the time any such offense is alleged to have been committed.

Article III. The City Seal.

Section 1-23. City Seal

The design of the City seal shall be circular in design containing the words "City of Methuen, Massachusetts" in the foremost upper circular rindge, and the word "incorporated" with the year "1726" in the foremost lower circular rindge. The center of the circular rindge shall depict a crest with three (3) wolves' heads erased upon the breast of a double-headed eagle, the heads of said eagle being faced in opposite directions, supporting a crown in the center having as supporters on either side of the crest two (2) fiery lynxes, reguardant, collared, with a line passing
between the forelegs, reflexed over their backs. The motto entitled "Virtus invidae scopus", meaning "Courage is the target of envy", appearing in ribbon form, immediately beneath the crest, eagle and lynxes, all as depicted in the drawing of the seal as shown below:

(1973 Ord., Sec. 1.13)

Section 1-24. Custody and Use of the City Seal

The City Clerk shall be the custodian of the City Seal. All deeds and other documents made, given or entered into by the City, requiring a seal, shall be sealed with the City Seal.

(1973 Ord., Sec. 1.14)

Article IV. Time for Performance.

Section 1-25. Time for Performance of Acts Performable on Sunday or Holiday

Except as otherwise provided, when the day or the last day for the performance of any act, including the making of any payment or tender or payment, authorized or required by ordinance or by contract, falls on Sunday or a legal holiday, the act may, unless it is specifically authorized or required to be performed on Sunday or on a legal holiday, be performed on the next succeeding business day.

(1973 Ord., Sec. 1.07)

Article V. Reorganization

Section 1-26. Rules Governing Reorganization Plans by the Mayor

Any plans presented to the City Council by the Mayor purporting to be a reorganization plan as provided for under Section 6-2 of the Charter which does not contain a provision in which is incorporated such amendments or repeals of existing ordinances as will accomplish the desired re-organization, shall not be deemed to be a reorganization plan within the meaning of said Section 6-2.

(1973 Ord., Sec. 1.05 Revised)

CHAPTER 2 - CITY COUNCIL

Article I. Council Meetings

Section	Item
Sec. 2-1.	Regular meetings of the City Council
Sec. 2-2.	Special meetings of the City Council
Sec. 2-3.	All meetings to be open to public
Sec. 2-4.	Reserved
Sec. 2-5.	Reserved
Sec. 2-6.	Reserved
Sec. 2-7.	Reserved
Sec. 2-8.	Reserved
Sec. 2-9.	Reserved
Sec. 2-10.	Reserved
Sec. 2-11.	Ballot Question Summaries
Sec. 2-12.	Reserved
Sec. 2-13.	Mailers on referendum measures
Sec. 2-14.	Re-districting notification to public
Sec. 2-15.	Home Rule Petitions amending State laws/public Hearings
Sec. 2-16.	Charter amendment process/public hearings
Sec. 2-17.	Ordinances, resolutions, motions and contracts
Sec. 2-18.	First reading procedures
Sec. 2-19.	Reserved
Sec. 2-20.	Compensation - City Council members

Article II. Employees Employed by the Council

Section	Item
Sec. 2-21.	Repealed (Chapter 332 of 1992)
Sec. 2-22.	Accountant
Sec. 2-23.	Clerk of Council
Sec. 2-24.	Department of Law
Sec. 2-25.	Compensation hours and duties

CHAPTER 2 - CITY COUNCIL

Article I. Council Meetings

Section 2-1. Regular Meetings of the City Council

The City Council shall meet regularly on the first and third Mondays of each month, provided, however, that if the said first or third Monday shall fall on a legal holiday, then the City Council shall meet on the Tuesday night which follows such legal holiday. Meetings of the City Council shall be called to order promptly at 7:00 o'clock P.M. in the City office building, provided, however, that if conditions require it, the Chairman of the City Council may declare the meetings will be held at another place, with as much notice as conditions allow. During the months of June, July and August of each year, the regular meeting of the City Council shall be held on the first Monday of each month.

(1973 Ord., as amended by Ord. #2, June 1973; as further amended by Ord. #496, Eff. December 1st, 1993; as further amended by Ord. #499, Eff. January 4th, 1994; and as further amended by Ord. #711, Eff. January 3rd, 2001)

Section 2-2. Special Meetings of the City Council

Special meetings of the City Council may be held on the call of the Chairman of the City Council, or on the call of any three or more members, by written notice delivered to the place or residence or business of each member at least forty-eight hours in advance of the time set. Such notice shall contain the purpose or purposes of the meeting, and no other business shall be conducted thereat.

(1973 Ord. Revised)

Section 2-3. All Meetings to be Open to Public

Except as otherwise authorized by General Laws, all sessions of the City Council shall be open to the public and press. Every matter coming before the City Council for action shall be put to a vote, the result of which shall be duly recorded. A full, accurate, and up-to-date record of the proceedings of the City Council shall be kept and shall be open to inspection by the public.

(1973 Ord.)

Section 2-4. Reserved

Section 2-5. Reserved

Section 2-6. Reserved

Section 2-7. Reserved

Section 2-8. Reserved

Section 2-9. Reserved

Section 2-10. Reserved

Section 2-11. Ballot Question Summaries

To the extent as may be permitted by the Secretary of State and allowed under State statute, all ballot questions of a local referendum nature shall have contained on the ballot a summary explanation of such ballot question.

(Ord. #594, Effective January 1st, 1997)

Section 2-12. Reserved.

Section 2-13. Mailers on Referendum Measures.

In accordance with the provisions of General Laws, Chapter 54, Section 58, the provisions of Sections 55 through 57 thereof shall be suspended as to all laws to be submitted for acceptance to the voters as provided for in said Section 55, and, in substitute thereof, the following policy and procedure, upon approval of the Mayor, shall apply.

Whenever any law, be it statute or ordinance, shall be submitted for acceptance to the voters of the City of Methuen by the placement thereof on a ballot at any election, the City Clerk of Methuen shall send to each household, in which there is listed a registered voter of the City entitled to vote on such question, a copy of such law, together with a statement of general purport thereof, which statement shall be prepared by the City Solicitor and approved by the Mayor and the City Council. All such copies or statements shall be sent not less than seven (7) nor more than twenty-one (21) days before the election at which said matter is to be voted upon.

(Ord. #592, Eff. Dec. 7th, 1996)

Section 2-14. Re-Districting Notification to Public

Should the City Council entertain a re-districting ordinance of election districts, the City Clerk thereafter, at a minimum of seven days prior to such submission, is required to

cause to be advertised on the local access channel of the Cable television and in the newspapers of general circulation within the municipality a notice of said re-districting.

(Ord. #718, Eff. May 14, 2001)

Section 2-15. Home Rule Petitions Amending State Laws/Public Hearings

No Home Rule Petition shall or may be filed nor finally adopted for submittal to the Massachusetts state legislature and the Governor of the Commonwealth of Massachusetts seeking Home Rule Amendment to the General Laws or state regulations unless and until a public hearing shall be held on the same, notice of which shall be given by publication in a newspaper of general circulation in the City, the publication of which shall be no less than ten days before the date of hearing. Notice of such public hearing shall be posted in a conspicuous place in the City Hall for a period of no less than seven days before the date of hearing.

(Ord. #408, Eff. Dec. 5th, 1990)

Section 2-16. Charter Amendment Process/Public Hearings

No petition seeking an alteration of the Methuen Home Rule Charter, by and through action of the Massachusetts state legislature and the Governor of the Commonwealth under Chapter 43B, Section 10, Massachusetts General Laws, shall be finally adopted, executed or submitted to said legislature unless and until prior to said adoption a public hearing shall have been held on said petition, notice of which shall be given by publication in a newspaper of general circulation in the City, the publication of which shall be no less than ten days before the date of hearing. Notice of such public hearing shall be posted in a conspicuous place in the City Hall for a period of no less than seven days before the date of hearing.

(Added by Ord. #394, Eff. Oct. 5th, 1990)

Section 2-17. Ordinances, Resolutions, Motions and Contracts

A. Preparation of Ordinances

All ordinances shall be reviewed by the City Solicitor. No ordinance shall be prepared for presentation to the Council unless requested in writing by a Councillor or by the Mayor.

B. Prior Review by Administrative Staff

All ordinances and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Solicitor, and, where there are substantive matters of administration involved, the Mayor shall have the opportunity for examination and comment thereon before final adoption.

C. Introducing for Passage or Approval

1) All action items coming before the Council shall be in the form of an ordinance, resolution, contract or proclamation, or any other matters and subjects requiring action, and shall be introduced and sponsored by a member of the Council; except that the Mayor may present ordinances, resolutions and contracts to the Council.

2) No ordinance shall be put on its final passage on the same day it was introduced, unless such is declared an emergency by vote of the Council; provided, however, that contracts, proclamations and public service grants shall require only one reading, with the exception of collective bargaining agreements and amendments thereto which shall require two (2) readings.

3) No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance or section thereof shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable, all ordinances shall be introduced as amendments to existing ordinances or sections thereof.

(Ord. #845, Effective March 21, 2011)

Section 2-18. First Reading Procedures

No matter requiring final action in the form of an ordinance, resolution or order coming before the City Council shall be considered as a first reading item unless it shall be submitted in the proper written form of an ordinance, resolution or order; nor shall any such item be entertained for first reading until the City Council shall have affixed to such document a Council docket number.

(Ord. #319, Effective October 19th, 1988)

Section 2-19. Reserved

Section 2-20. Compensation - City Council Members

The members of the Methuen City Council shall be compensated as listed below:

$6,000.00 for the Chairman
$5,400.00 for the Vice Chairman
$4,800.00 for Councillors

The foregoing to be the annual compensation, paid on a pro-rated monthly basis of:

$500.00 for the Chairman
$450.00 for the Vice Chairman
$400.00 for Councillors

The payment of such pro-rated compensation shall be made on the last Thursday of each month prior to the last Saturday.

(Ord. #253, Eff. January 1988, as amended by Ord. #282,
(Eff. March 7, 1988)

Article II. Employees Employed by the Council

Section 2-21. Repealed

Section 2-22. Accountant

A. Mode of Appointment, Term of Office

The City Council shall, on or before January fifteenth in odd numbered years, elect, by ballot or otherwise, a City Accountant to hold office for a term of two years and until his/her successor is qualified.

B. Qualifications

The City Accountant shall be a person especially fitted by education, training and previous experience to perform the duties of the office.

C. Powers and Duties

The City Accountant shall keep and have charge of all accounts of the City. He shall keep such books as shall, in such form and detail as may be necessary, clearly exhibit all expenditures and receipts of each City agency. He shall credit each municipal account with its appropriation for the municipal year, charging against each such account the expenditures as may be made from time to time. The City Accountant shall examine all bills, drafts, orders and payrolls, and, if found correct and properly approved, shall draw a warrant upon the treasury for the payment of the same, and the Treasurer shall pay no money from the treasury except upon such warrant approved by the Accountant. The City Accountant shall, at regular intervals, and as often as at least once each month, send to the Mayor and City Council and to each board, committee, head of department or officer having the disbursement of an appropriation, a statement of the amount of orders approved and warrants drawn on behalf of a board, department or officer during the preceding month, and a statement of

the balance of such appropriation remaining subject to draft. The City Accountant shall make an annual report, to be published as a City document, giving a statement of all receipts and expenditures of the City in accordance with the classifications prescribed by the Director of Accounts. The City Accountant shall regularly audit the books and accounts of all City agencies, and he shall have such powers and perform such other duties as the City Council may prescribe in addition to such other duties as may be prescribed by law.

(1973 Ord., Section 2.10 Revised; as further amended by
Chapter 145 of the Acts and Resolves of 1996)

Section 2-23. Clerk of Council

A. Mode of Appointment, Term of Office

The City Council shall, on or before January fifteenth in odd numbered years, elect, by ballot or otherwise, a Clerk of the Council to hold office for a term of two years or until his/her successor is qualified.

B. Qualifications

The Clerk of the Council shall be a person especially fitted by education, training and previous experience to perform the duties of the office.

C. Powers and Duties

The Clerk of the Council shall give notice of all meetings of the council to its members and to the public, keep a record of its proceedings and perform such duties as may be assigned by vote of the council.

(1973 Ord., Section 2.11; as further amended by Chapter 145
of the Acts and Resolves of 1996)

Section 2.24. Department of Law

A. The Department of Law shall consist of the City Solicitor who shall, in accordance with Chapter 182 of the Acts and Resolves of 1985, be appointed by the City Council. The City Council shall, on or before January fifteenth in odd numbered years, elect, by ballot or otherwise, a City Solicitor to hold office for a term of two years and until his/her successor is qualified. He/she shall enforce all laws and act to protect the interests of the City and he/she shall:

1. Advise Council

Advise the Council or its committees or any City officer, when thereto requested, upon all legal questions arising in the conduct of City business.

2. Prepare Ordinances

Prepare or revise ordinances when so requested by the Mayor, Council or any committee thereof.

3. Give Opinions

Give his/her opinion upon any legal matter or question submitted to him/her by the Council under rules adopted by said body or by any other City officer.

4. Prepare Legal Instruments

Prepare for execution all contracts and instruments to which the City is a party and shall approve, as to form, all bonds required to be submitted to the City.

5. Prosecute Offenders and Defend Officials

Prepare, when authorized by the Mayor, all charges and complaints against, and shall appear in the appropriate court in the prosecution of, every person charged with the violation of a City ordinance or of any regulation adopted under authority of the Charter, or with the Council of a misdemeanor as declared by the Charter or by virtue of its authority. In any prosecution for violation of any regulations adopted by any board or commission created under authority of the Charter, the City Attorney shall act under the directions of such board or commission, subject to such paramount control as is given to the Administrator of the Charter.

6. Settlement of Claims

Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes, and matters of favor of or against the City of in which the City is concerned as debtor or creditor, now existing or which may hereafter arise, not involving or requiring payment to exceed $500.00; and with the permission of the Mayor, may do likewise in matters not involving or requiring payment to exceed $2,500.00; provided the money to settle claims generally has been appropriated and is available therefor.

7. Make Reports

a. Immediate report of decision. Immediately report the

outcome of any litigation in which the City has an interest to the Mayor and the Council.

b. Annual report of pending litigation. Make an annual report, to the Mayor and Council, as of the first day of July of all pending litigation in which the City has an interest and the condition thereof.

8. Control Legal Services Incidental to Council Action

Have charge of all legal services auxiliary to Council action in connection with the appropriating of property to public use.

9. Keep Records

a. Suits. Keep a complete record of all suits in which the City had or has an interest, giving the names of the parties, the court where brought, the nature of the action, the disposition of the case, or its condition, if pending, and the briefs of counsel.

b. Opinions and Titles. Keep a complete record of all written opinions furnished by him/her and of all certificates or abstracts of titles furnished by him/her to the City or any department or official thereof.

10. Notwithstanding that a public employee (as defined in Chapter 258, Section 1, Massachusetts General Laws) shall not be liable for negligent or wrongful acts as described in Chapter 258, Section 2, if a cause of action is improperly commenced against a public employee of the City, alleging injury or loss of property or personal injury or death as the result of the negligent or wrongful act or omission of such employee, said employee may request representation by the City Solicitor. The City Solicitor shall defend the public employee, if authorized by the Mayor, with respect to the cause of action at no cost to the employee; provided, however, that the City Solicitor determines that the public employee was acting within the scope of his/her office or employment at the time of the alleged loss, injury, or death, and further, that said public employee provides reasonable cooperation to the City and the City Solicitor in The defense of any action arising out of the same subject matter. If, however, in the opinion of the City Solicitor representation of the public employee under this section would result in a conflict of interest, the City Solicitor shall not be required to represent the public employee.

11. In the event a conflict of interest exists where a member of the legal department is precluded from representing the city and it is necessary for the

city to secure outside legal counsel, the hiring of said outside counsel for such purposes shall be done through a formal written agreement clearly delineated the services to be rendered and the cost therefore and submitted to the City Council for approval.

Further when outside counsel is hired for the purposes as stated herein any and all statements prepared and submitted by said counsel for services shall be provided on a monthly basis to the Office of the City Council in order to keep the City Council apprised of the status of the matter for which counsel have been hired, a description of services rendered and expenditures made therefor.

(1973 Ord., as amended by Ord #38, Revised; as amended by Ord. #215, Adopted Dec. 2, 1985, as amended by Ord. #284, Eff. April 20, 1988; as further amended by Chapter 145 of the Acts and Resolves of 1996; as amended by Ord. #859, Eff. May 2, 2012)

Section 2.25. Compensation, Hours and Duties

The employees of the Council shall be supervised and directed by the Council as established from time to time by vote of the body. The salaries of the Council employees shall be set as provided for in Section 2-8(d) of the Charter.

CHAPTER 3

ADMINISTRATION

Article I. General

Section	Item
Sec. 3-1.	Definitions
Sec. 3-2.	Chief Administrator
	(A) Chief Executive
	(1) Duties
	(2) Powers
Sec. 3-2A.	Temporary Absence of Mayor

Article II. Departments

Section	Item
Sec. 3-3.	Departmental organization
Sec. 3-4.	Oaths of office
Sec. 3-5.	Administrative policy and procedures
Sec. 3-6.	Reserved
Sec. 3-7.	Department of Treasury and Tax Collection
Sec. 3-8.	Reserved
Sec. 3-9.	Department of Public Works
Sec. 3-9A.	Repealed (see Appendix V - Initiative Petition)
Sec. 3-10.	Department of Records
Sec. 3-11.	Community Development Department
Sec. 3-12.	Department of Assessment
Sec. 3-13.	Fire Department
Sec. 3-14.	Reserved
Sec. 3-15.	Police Department

Article III. Boards, Commissions and Officers

Section	Item
Sec. 3-16.	Civil Defense Director
Sec. 3-17.	Conservation Commission
Sec. 3-18.	Constables
Sec. 3-19.	Contributory Retirement Board
Sec. 3-20.	Animal Control Officer
Sec. 3-21.	Board of Health
Sec. 3-22.	Historical Commission
Sec. 3-22A.	Historic District Study Commission
Sec. 3-23.	Licensing Board
Sec. 3-24.	Registrars of Voters
Sec. 3-25.	Commissioners of Trust Funds

Sec. 3-26.	Youth Commission
Sec. 3-27.	Housing Authority
Sec. 3-28.	Veterans' Services Director
Sec. 3-29.	Methuen Cultural Council
Sec. 3-30.	Council on Aging
Sec. 3-31.	Disability Commission
Sec. 3-32.	Tourism Committee
Sec. 3-40.	Board of Library Commissioners
Sec. 3-50.	Residency Requirements
Sec. 3-60.	Boards and Commissions Cost Reimbursement
Sec. 3-70.	Public Advertisement for Boards and Commissions
Sec. 3-80.	Establishing Ten Year Limit on Terms of Office for Members of Boards and Commissions
Sec. 3-90.	Travel and Participation in Training Sessions Where Private Entities Provide Financing

CHAPTER 3 - ADMINISTRATION

Article I. General

Section 3-1. Definitions

As used in this Code, unless the context otherwise requires:

(1) "Chief Administrator" or "Administrator" is the Mayor or other officer vested with the executive powers of the City of Methuen.

(2) "City Council" or "Council" is the Council or other body vested with the legislative powers of the City of Methuen.

(3) "Officer" is an individual in service of the municipality lawfully vested in office and charged by statute or ordinance with the power and duty of exercising certain functions.

Section 3-2. Chief Administrator

A. Chief Executive

The Chief Administrator shall be the Chief Executive and Administrative Officer of the City government, who shall enforce the laws of the City, the Commonwealth of Massachusetts and require the faithful performance of all administrative duties and shall:

1. Duties

a. Appoint, Dismiss, Etc.

Appoint competent, qualified officers and employees to the administrative service and shall have the power to dismiss, suspend and discipline, in accordance with the Personnel System, the Charter and Civil Service Law, where applicable, all officers and employees in the administrative service under his/her control.

b. Appoint to Acting Capacity

Designate himself or some other officer or employee, as provided in the Charter, to perform the duties of any

other position in the administrative service under his/her her control which is vacant or which lacks administration due to the absence or disability of the incumbent.

c. Annual Report

Prepare and present to the Council an annual report of the City's affairs for the previous fiscal year, including a summary of reports of department heads, and such other reports as the Council shall require.

d. Budget Report

Assemble estimates of the financial needs and resources of the City for each ensuing year, and shall prepare a program of activities within the financial power of the City, embodying in it a budget document with proper supporting schedules and analyses.

2. Powers

a. Assign According to Classification

Have the power to assign any employee of the City to any department or branch thereof requiring services appropriate to the Personnel System classification of the employee so assigned.

b. Prescribe Rules

Have the power to prescribe such rules and regulations as he/she shall deem necessary or expedient for the conduct of administrative agencies subject to his/her authority, and he/she shall have the power to revoke, suspend, or amend any rule or regulation of the administrative service by whomever prescribed.

c. Investigate

Have the power, either by himself/herself, or by any officer or person designated for the purpose by him/her, to investigate and to examine or inquire into the affairs or operation of any department, division, bureau or office; and when so authorized by the Council, he/she shall have power to employ consultants and professional counsel to aid in such investigation, examinations or inquiries.

d. Override Officials

Except as otherwise provided in the Charter or the General Laws, have the power to se aside any action taken by a department head and may supersede him/her in the functions of his/her office.

e. Delegate Duties

Except as otherwise provided in the Charter, the General Laws, or any other applicable labor agreements, have the power to direct any department, division or bureau.

f. Appoint Administrative Committees

Have the power to designate from the administrative service such committees and the officers thereof as he/she shall find necessary for the proper consideration of administrative problems. Such committees shall meet at the request of the Chief Administrator and shall make such recommendation on matters referred to them as they shall find necessary for the best interests of the City.

g. Appear Before Council

Have the power to appear before and address the Council at any meeting.

h. And exercise the duties prescribed in Section 3-2 of the Methuen Home Rule Charter.

Section 3-2A. Temporary Absence of Mayor

Whenever, by reasons of sickness, absence from the City or other unexpected cause, the Mayor shall be unable to perform the duties of his/her office for a period of three (3) successive working days or more, the City Council shall appoint from among its members, an Acting Mayor to serve in the Mayor's absence.

The Mayor shall be required to provide forty-eight (48) hours notice, in writing, to the City Council Chairman whenever he/she shall be absent for the above cited reasons for said three successive working days. If, due to medical inability, the Mayor is unable to personally provide such notice, then, and in that instance, his/her executive secretary shall provide such notice.

The Acting Mayor shall have all the powers of the Mayor except that he/she shall not make any permanent appointment or removal to or from any office unless the disability of the Mayor shall have continued for sixty (60) days or more without having resigned, nor shall he/she approve or disapprove of any measure passed by the City Council unless the time within the Mayor must act would expire before the return of the Mayor.

The City Council shall annually, at its organizational meeting, choose a designated Acting Mayor in the event that the Mayor is absent. Such designated Acting Mayor shall assume said duties on the fourth working day of the Mayor's absence.

(Ord. #551, Eff. Oct. 5th, 1995)

Article II. Departments

Section 3-3. Departmental Organization

A. The administrative service of the City shall be divided under the Administrator into the following departments and heads thereof:

Department of Records..……City Clerk
Department of Police……..Chief of Police
Department of Fire…….Fire Chief
Department of Public Works……..Director of Public Works
Department of Assessment…….Chairman, Board of Assessors
Department of Community
Development……..Community Development Director
Department of Treasury and
Tax Collection……Treasurer/Tax Collector
Department of Joint Human
Resources…….Director of Joint Human Resources
Department of Human
Resources……Director of Human Resources/
……Assistant City Solicitor

B. Powers and Duties of Department Heads

The head of a department, subject to the Charter and ordinances and the approval or direction of the Administrator shall:

1. Prescribe the internal organization of the work of his/her department.

2. Direct and supervise the subordinate officers and employees of the department, and make, alter and enforce individual work assignments.

3. Approve or disapprove payrolls, bills and claims chargeable to departmental appropriations.

4. Maintain such records of work performance and unit costs thereof as may be approved or required by the Administrator.

5. Provide such information and reports on the work of the department as may from time to time be required by the Administrator.

6. Exercise such other or different powers of administrative supervision and direction as the Administrator may delegate to him/her.

(1973 Ord., Section 6.50; as further amended by Ord. 858, Section 6.5, Eff. May 2, 2012)

Section 3-4. Oaths of Office

A. Persons Required to Take Oath of Office

Each of the following officers and employees in the administrative service shall be required to take an oath of office before entering upon the discharge of his/her duties, which oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the City Clerk.

1. Officers

   The Chief Administrator and each officer.

2. Policemen

   Every member of the Department of Police (including any private, special, temporary or substitute policemen which a City might find it necessary to appoint).

3. Firemen

   Every member of the Department of Fire who serves on a full-time basis.

B. Form of Oath for the Chief Administrator and Officers

State of Massachusetts)
County of Essex) ss.
City of Methuen)

I, _____, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Massachusetts and the Charter and ordinances of the City of Methuen; that I will faithfully, honestly and impartially discharge my duties as _____ during my continuance therein; that I am not directly or indirectly financially interested in any public service corporation engaged in business in the City of Methuen, as described in Chapter 268A of the General Laws, or in or with any person or corporation having contracts with said City, so help me God.

_____

Subscribed and sworn to before me this ____ day of _____, 2_____.

_____
City Clerk

C. Form of Oath for Members of Departments of Fire and Police

State of Massachusetts)
County of Essex) ss.
City of Methuen)

I, _____, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Massachusetts, and the Charter and ordinances of the City of Methuen; and that I will, to the best of my ability, faithfully perform the duties of the office of _____ during my continuance therein, so help me God.

_____

Subscribed and sworn to before me this _____ day of _____, 2_____.

_____
City Clerk

D. Form of Oath for Assessors

I, _____, having been chosen to assess taxes and estimate the value of property for the purpose of taxation for the City of Methuen for the years ensuing, do swear that I will truly and impartially, according to my best skill and judgment, assess and apportion all such taxes as I may during that time assess; that I will neither overvalue nor undervalue any property subject to taxation, and that I will faithfully perform all the duties of said office, so help me God.

_____

Subscribed and sworn to before me this _____ day of _____, 2_____.

_____
City Clerk

Section 3- 5. Administrative Policy and Procedures

B. Officers

1. Perform Duties

Each officer shall perform duties required of his office by State law, the Charter, this Code and Ordinances of the City, and such other duties not in conflict therewith as may be required by the Administrator.

C. Department Heads; The Heads of Departments

1. Responsibility to Administrator

Be immediately responsible to the Administrator for the effective administration of their respective departments and all activities assigned thereto.

2. Inaugurate Sound Practices

Keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the Administrator,

such new practices as appear to be of benefit to the service and to the public.

3. Report to Administrator

Submit quarterly and annual reports of the activities of his Department to the Administrator as required by the City's ordinances or statutes of the Commonwealth.

4. Maintain Records

Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the Administrator.

5. Maintain Equipment

Be responsible for the proper maintenance of all City Property and equipment used in his department.

6. Rules and Regulations

Initiate rules and regulations for their respective agencies pursuant to authority granted under ordinance, Charter or statute, provided, that such rules and regulations are filed with the City Clerk as provided for in Section 9-2 of the Methuen Home Rule Charter.

C. Departments

Each department shall:

1. Cooperate with Other Departments

Furnish, upon the direction of the Administrator, any other department such service, labor, and materials as may be requisitioned by the head of such department and as its own facilities permit, through the same procedure and subject to same audit and control as other expenditures are incurred.

D. Operation of Administrative Service

All units in the administrative service shall:

1. Office Hours

Be open between the hours of Monday through Thursday 8:00 A.M. through 4:30 P.M. and Friday 8:00A.M. through 12:00PM and shall be closed Saturdays, Sundays, and legal holidays unless otherwise directed by the Mayor.

2. Make Daily Deposit

Make a daily deposit with the City Treasurer of any monies received directly from the public.

3. Payment of Monies

Pay out monies belonging to the City only in the manner prescribed herein.

Section 3-6. Reserved (Ord. #215, Adopted Dec. 2nd, 1985)

Section 3-7. Department of Treasury and Tax Collection

A. The Department of Treasury and Tax Collection shall be supervised by the City Treasurer/Tax Collector, who shall:

1. Accounts of Receipts and Expenditures

Keep in proper books, a full and accurate account of all monies received and disbursed by him in behalf of the City, specifying the time of receipt and disbursement, from whom received and to whom disbursed, and on what account received and disbursed, and how paid.

2. Cancellation of Evidences of Debt

Cancel all warrants and other evidences of debt against the City, whenever paid by him, by writing or stamping across the face thereof the words “Paid by the City Treasurer”, with the date of payment written or stamped thereon.

3. Receive and Disburse Monies

Receive and have custody of all monies paid to the

City and shall disburse City monies upon the warrant of the Accountant.

4. Pay City Employees

Pay City employees upon presentation of the properly certified payroll.

5. Collect Monies and Fees Due City

Demand and receive all monies and fees owing to the City whenever any person is indebted to the City in any manner, and the means of collection of such debt is not otherwise provided for by law. When any claim shall not be collectible by other methods, he shall report the same to the City Attorney for prosecution.

6. Monthly Settlement with Accountant

Once each month, he shall balance accounts with the Accountant, which monthly settlement shall show the balance to the credit of the several funds for which the Treasurer/Tax Collector is responsible

(1973 Ord., Section 6.19 Revised)

Section 3-8. Reserved

Section 3-9. Department of Public Works

A. Director – Qualifications; Appointment

The Director of Public Works shall possess, as a minimum, a Bachelors' Degree in civil engineering or its equivalent and no less than three years' experience in the administration of public works or a similar activity.

B. Duties of Director of Public Works

The Director of Public Works shall be responsible for all matters relating to construction, management, maintenance, and operation of the physical properties of the City, except for School Department property.

C. Divisions of the Department of Public Works

The Department of Public Works shall be divided under the Director of Public Works into the following Divisions and Bureaus and Supervisors thereof:

1. Division of Engineering, supervised by a civil engineer who shall perform or supervise all engineering services for the Department of Public Works and for such other departments of The City as may from time to time require such services.

a. Bureau of Permits and Inspections, under the Division of Engineering and supervised by the Civil engineer who shall (a-1) issue all permits for and inspect the work involved in the construction of sewer and water services, sidewalks, curb cuts and street cuts; (a-2) inspect all public works type construction in private subdivisions and issue necessary permits on such; and (a-3) also be responsible for coordinating all administrative services of the department.

1A. Division of Management, which shall be directly supervised by the Director of Public works who shall be responsible for central office administration as well as administration of all other divisions listed within Section 3-9.

2. Division of Highway and Sewers, which shall (a) collect garbage and rubbish; (b) operate the City landfill; (c) be responsible for the clearing of snow; (d) clean improved streets; (e) maintain and provide for adequate drainage on all streets, sidewalks and bridges; (f) operate and maintain all municipal off-street parking lots and areas; and (g) operate and maintain sewage systems.

a. Bureau of Traffic, which shall construct, install, repair and maintain all facilities of the Fire and Police signal systems, traffic control signals, and any other electrically operated signals, but excluding the Police radio system. The services of this bureau shall be available to other departments once awarded by the Chief Administrator.

3. Division of Water, Pumping and Filtration, which shall operate and maintain the City water distribution system and shall pump, purify, soften and filter water supplied to the water distribution system.

4. Division of Environmental Management, which shall operate and maintain all City parks and cemeteries and other City owned or controlled properties.

5. Division of Equipment Maintenance, which shall operate the municipal garage and shall maintain and provide for City uses all automotive equipment owned by the City, other than that used by the Departments of Fire and Police.

6. Division of Building Maintenance, which shall provide maintenance and custodial services for the municipal buildings and other such buildings as designated by the Director of Public Works.

(1973 Ord., Sec. 6.24 Revised; as amended by Ord. #441, Eff. 7-1-92)

D. Forest Lake Commission

1. Creation of Commission

There is hereby created a Forest Lake Commission to be administratively placed within the Department of Public Works.

2. Membership

The Commission shall consist of five members who shall serve for three year terms, so arranged that as nearly one-third of the terms shall expire annually in January of each year. The members of this Commission shall be appointed by the Mayor, subject to approval of the City Council, and the Mayor shall annually designate one of the members Chairman thereof.

3. Jurisdiction

The Commission shall, subject to review and authority of the Mayor and Director of Public Works, have control and jurisdiction over the Forest Lake City beach and forest.

4. Public Recreation Plan

The Commission is specifically directed annually to hold public hearings and workshops and take such other steps as may be required to learn the opinion of the citizens as to the best method to maximize the recreational advantages to which the city beach and forest may be put. Such Commission shall thereafter annually

prepare for approval by the Mayor a public recreation plan for the beach and forest.

5. Initial Appointments

The Mayor shall, as soon as possible after approval of this ordinance, appoint all five members with terms to expire as follows:

Two members	January 2nd, 1988
Two members	January 2nd, 1989
One member	January 2nd, 1990

(Ord. #269, Eff. Sept. 3rd, 1987)

Section 3-9A. Repealed (See Appendix V, Initiative Petitions Adopted by the Municipality)

Section 3-10. Department of Records

The Department of Records shall consist of the City Clerk who shall be the head of the Department of Records and shall be the keeper of the City archives, the keeper of vital statistics, the custodian of the City seal and all public records belonging to the City, shall administer the oath of office to all City officers who apply to him/her for that purpose and shall perform all other duties with regard to the regulation and conduct of elections and such other matters as may be provided by General Laws.

The Licensing Board, as created under Section 3-23 hereof, shall be a part of the Department of Records, administratively controlled by the City Clerk.

1. Mode of Appointment; Term of Office

The Administrator shall appoint a City Clerk. The City Clerk shall serve for a three year term.

2. Qualifications

The City Clerk shall be a person especially fitted by education, training and previous experience to perform the duties of the office.

(1973 Ord., Sec. 6.18 Revised; as further amended by Ord. #486, Eff. July 1st, 1993; as further amended by Chapter 148 of the Acts and Resolves of 1996, approved by the voters November 5th, 1996)

Section 3-11. Community Development Department

A. General

Pursuant to the provisions of Section 1 of Chapter 550 of the Acts of 1978, the following Boards, Commissions and Offices are hereby repealed and their powers, duties and functions transferred: Methuen Redevelopment Authority, Planning Board, Methuen Industrial Development Commission and Methuen Industrial Finance Authority, and, the following Offices and Boards are placed under the administrative control of the Community Development Department: Zoning Board of Appeals; Building, Planning & Construction Committee; Building Commissioner; Sealer of Weights and Measures; Wire Inspector; and Plumbing and Gas Inspector.

B. Creation

Pursuant to the provisions of Chapter 550 of the Acts of 1978, there is hereby established a Community Development Department which shall act as the administrative and planning entity responsible for proper development and execution of the community and economic development objectives of Methuen as may from time to time be established by the City Council in the exercise of its lawful legislative function. There shall be the following divisions in this department: a) Inspection Division; b) Planning Division; and c) Community Development Division.

C. Community Development Director (Economic Development Director)

There is hereby established the position of Community Development Director (Economic Development Director), hereinafter referred to as the Director, and administrative officer who shall be appointed by and be responsible to the Mayor. Said position is created in accordance with Section 2 of the aforementioned Chapter 550. The Director shall be appointed by the Mayor for a three year term from the date of his initial appointment. The Director of Community Development shall possess a Masters' Degree in city planning, or its equivalent, and no less than five years' progressive experience in community and economic development, comprehensive planning and marketing.

1. Powers and Duties

The Director, on behalf of the Department, shall:

a) Supervise and direct all employees of the Department.

b) Advise the Mayor and City Council on all matters

affecting the physical growth and development of the City when requested or required to do so.

c) Issue or delegate the responsibility to the Division Head to issue all permits, certificates, orders and notifications resulting from decisions on the ordinances administered by the Department.

d) Coordinate physical inspections made by the Department.

e) Recommend action on subdivision plats to the Community Development Board.

f) Serve as secretary to the Community Development Board and be the official custodian of its records.

g) Establish liaison and close working relationship with the administrative offices of the City and other local government agencies and institutions in order for plans of the area to be coordinated.

h) Promote the realization of the comprehensive plan.

i) Provide information to the public on community development problems and develop a program of citizen participation.

j) He shall be responsible for the preparation and submission, in conjunction with the Mayor, of all grants to state, federal, or other authorities which promote economic, social and community development within the community.

k) He shall be responsible for the preparation, implementation, coordination and education of energy programs as directed by the Mayor.

l) He shall perform such other duties as the Mayor may require.

m) He shall do yearly performance evaluations of department employees.

D. . Divisions of Community Development Department

1. Inspection Division

The Building Commissioner shall be the head of the Inspection Division and shall have the following duties:

a) He shall examine or cause to be examined all buildings upon which any work is to be done as often as practicable.

b) He shall, upon application, examine all buildings which are to be moved, raised or razed, enlarged, altered, restored, built or re-built.

c) He shall examine all buildings which are reported to him as unsafe or dangerous.

d) In addition to the foregoing, he shall perform the powers and duties of the Building Commissioner as provided in Chapter 143 of the General Laws and Chapter 11 of the City ordinances.

e) He shall administer and enforce the zoning ordinance and conduct inspections of all buildings, structures, signs and uses of any premises to determine compliance and/or non-compliance with the terms of the Zoning Board.

f) He, or his subordinates, shall regulate and inspect all public and private electrical installations, boiler and elevator installations, plumbing, heating, ventilation, refrigeration and air-conditioning systems as is required by City ordinance and state law.

There shall be located within the Inspection Division the following positions: Electrical (Wire) Inspector, Plumbing and Gas Inspector, and Sealer of Weights and Measures, who shall exercise the functions and authority as provided for in the General Laws and by the City ordinances.

2. Planning Division

The Assistant Director for Planning shall be the head of the Planning Division of the Community Development Department. The Assistant Director's responsibilities are as follows:

a) He shall advise and make recommendations to the Director and the Community Development Board on any changes to the comprehensive master plan for the municipality and regulatory ordinances implementing said plan.

b) He shall undertake research studies and prepare and recommend a comprehensive plan, including the development of more detailed plans and programs based on the comprehensive plan for area renewal, conservation, rehabilitation or redevelopment.

c) He shall review and submit written comments to the Director upon all proposals to amend the zoning ordinance, the subdivision ordinance, official zoning map and standards ordinance, and such other ordinances as the City Council or Mayor may refer to the department. From time to time, he shall make recommendations for the updating and revisions of the ordinances concerned or for the adoption of new ordinances related thereto.

d) He shall maintain the official zoning map and keep it up to date.

e) Perform capital improvement planning.

f) He shall prepare and recommend, and assist other departments of the City in the development of specific projects intended to complement the comprehensive plan.

g) Review and make recommendations of permit applications before the Community Development Board, Zoning Board of Appeals, and Historic District Commission.

h) He shall perform such other duties as the Director may require.

3. Community Development Division

The Assistant Director for Community Development of the Department shall be the head of the Community Development Division.

The Divisional Head's responsibilities are as follows:

a) He shall advise and make recommendations to the Director on matters relevant to the economic growth of the community.

b) He shall undertake research studies and prepare

recommendations on economic, industrial and commercial potentials of the municipality. Such recommendations shall include the allocation and use of federal or state grants for development purposes.

c) Supervise and administer the grant programs of the Department.

d) Administer the Rehabilitation Program of the City.

e) Oversee the downtown (city) revitalization activities.

f) He shall perform such other duties as the Director may require.

E. Boards and Commissions

1. Pursuant to the provisions of Chapter 550 of the Acts and Resolves of 1978, as amended by Chapter 194 of the Acts and Resolves of 1990, there is hereby established a Community Development Board which shall, in accordance with Section 6 of said Chapter 550, exercise the traditional planning functions attributed by statute to the Planning Board and which shall consist of seven members, all of whom shall be residents of Methuen and who shall be appointed by the Mayor under the provisions of the Methuen Home Rule Charter. Said members shall be so appointed that no more than three members shall have their terms expire in the same year and they shall thereafter be appointed for a term of three years. Members shall be appointed to said board such that each district shall have at least two members.

2. There is hereby established a Board of Appeals which will be appointed by the Mayor and will consist of five members and three alternate members. The terms of each member shall be for three years, so arranged that as nearly an equal number of terms as possible shall expire each year. The term of each alternate member shall be for one year. Said Board of Appeals shall hear and decide all appeals of actions taken by the Building Commissioner on matters which arise out of the enforcement of City ordinances relating to the construction, reconstruction, demolition or repair of buildings or other structures within the City. The Board of Appeals shall also hear and decide all appeals of actions taken by the Community Development Board and other City officers under the zoning ordinance and subdivision control regulations. The Board of Appeals shall have such additional powers and duties as may be provided by Section 14 of Chapter 40A, Section 81Z of Chapter 41, and Section 3 of Chapter 143 and such additional powers and duties

as may be further assigned to them by ordinance.

3. Building, Planning, Construction Committees

a) Composition, Mode of Appointment, Term of Office

In accordance with the provisions of the Methuen Home Rule Charter, the Mayor may from time to time appoint various Building, Planning, Construction Committees of an uneven number in size to be so determined by the Mayor, who shall be appointed for a fixed term, in accordance with the scope of duties to be performed by such committee; provided however, no fixed term shall be for more than three years and the appointments therein shall be so arranged so that as nearly as possible an equal number of terms shall expire each year, and, provided further, that the continued existence of said committees shall be acted upon at the conclusion of its fifth year.

b) Qualifications of Members

The members of the Building, Planning and Construction Committees shall be persons especially fitted by education, training and previous experience to perform the duties of the office.

c) Powers and Duties

A Building, Planning and Construction Committee shall, at the time of its creation by order and appointment, be commissioned with specific duties and responsibilities which may include the coordination of any design review powers and the supervision of any relevant construction, repairs and/or alterations of any public buildings; and/or recommend said action.

F. Financial Authority

As stipulated in Section 2 of said Chapter 550 of the Acts of 1978, the powers, duties, and responsibilities of the boards, commissions and agencies abolished, merged, and reposing in the Department of Community Development as they relate to the traditional financial authority and obligations of each shall be vested in the Mayor, provided however, that in the exercise of said executive and financial authority, no action which shall result in the obligation of the full faith and credit of the City of Methuen shall be obligated except by the affirmation of the City Council as provided by law.

(Ord. #573, Eff. July 17th, 1996)

Section 3-12. Department of Assessment

A. Composition, Mode of Appointment, Term of Office

The Mayor shall appoint a Board of three Assessors. The terms of office of each Assessor shall be for three years, so arranged that the term of at least one Assessor shall expire in January of each year; provided, however, that no less than one Assessor shall be appointed from each district within the City of Methuen.

(Ord. #381, Eff. June 20th, 1990. For transitional provisions, see Ord. #381; as further amended by Ord. #836, Eff. February 4th, 2010)

B. Qualifications of Members

The Assessors shall be persons who are especially fitted by education, training and previous experience to perform the duties of the office.

C. Powers and Duties

The Assessors shall annually make a fair cash valuation of all property, both real and personal, within the City. They shall have such powers and duties with regard to the preparation of commitment lists and the fixing of the annual tax rate, the abatement of taxes, the establishment and assessment of betterment fees and of such other matters as are provided by Chapter 59 of the General Laws.

(1973 Ord., Sec. 6.04)

Section 3-13. Fire Department

A. Creation

There is hereby created and established a Fire Department, consisting of a Chief and such other members of said Fire Department as may from time to time be provided for

by the Mayor and the City Council. Said members shall be appointed in the manner provided by the Charter and the General Laws.

B. Supervision over Department

The Fire Chief shall have the control, subject to the order and direction of the Mayor, of the Fire Department, its personnel and all fire apparatus belonging to the City.

C. Fire Chief

The Fire Chief shall have full charge of extinguishing fires in the City and the protection of life and property in case of fire. He shall establish a program of fire prevention and safety and provide for the training of all Fire Department personnel. He shall have authority over the administration of the Fire Department and shall make all rules and regulations for its operation, subject to the approval of the Mayor. He shall report to the Mayor from time to time as the Mayor may require.

The Fire Chief shall further discharge all duties required of his office by the laws of the Commonwealth.

Section 3-14. Reserved

Section 3-15. Police Department

A. Department Created

There is hereby created a Police Department for the City which shall consist of a Police Chief and those officers as may be required to assure the safety of the citizens of the City.

B. Appointments

All appointments of Superior Officers of the rank of Sergeant and above within the Department shall be made by the Mayor and confirmed by the Council as per Section 3-2(b) of the Charter and subject to the provisions of Civil Service Rules and Regulations.

C. Rank

The Chief of Police is the chief administrative officer of the Department and the final departmental authority in all matters of policy, operations, and discipline. He shall devote his whole time to the discharge of duties of his office. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the Department.

D. Duties of the Chief of Police

Through the Chief of Police, the Department is responsible for the enforcement of all laws coming within its legal jurisdiction. The Chief of Police is responsible for planning, directing, coordinating, controlling and staffing all activities of the Department. He is also responsible for its continued and efficient operation, for the enforcement of rules and regulations within the Department, for the completion and forwarding of such reports as may be required by proper authority and for the Department's relations with local citizens, the local government, and other related agencies.

He shall ensure compliance with all laws which the Department of officers have authority to enforce. He shall organize and control all resources of the Department to preserve peace and protect persons and property and enforce the law. He shall develop a professional organizational structure for the Department, and establish a routine of daily duties to be performed by officers. He shall designate an officer to serve as Commanding Officer in his absence. He shall assign, detail, or transfer any member or employee of the Department to or from any unit or assignment whenever he shall deem such action to be in the best interest of the efficiency, discipline or morale of the Department. He shall institute an adequate and progressive program of training for members and employees of the Department, and ensure that all members have available to them copies of the Department's Police Manual. He shall promulgate all general and special orders of the Department and issue on his own authority orders, written and oral, not inconsistent with his powers, duties and responsibilities. He shall plan and execute Police programs designed to prevent and repress crime, to apprehend and prosecute offenders and to recover the property. He shall provide for investigation into all cases of alleged or apparent misconduct by Departmental personnel. He shall keep himself informed as to the affairs of the Department, ensuring that the duties and the responsibilities of members and employees are being properly discharged. He shall be responsible for the necessary delegation of authority to those under his command, commensurate with their duties and responsibilities.

He shall exercise general supervision and inspection of all licensed public places within the community. He shall develop or adopt new techniques to improve effectiveness in the discharge of Police obligations of the Department.

E. General Responsibilities of Department

Police Officers are professionals and, as such, are expected to maintain exceptionally high standards in the performance of their duties. Since the position of a Police Officer is a public trust, it is important to avoid all situations involving conflicts of interest, whether in fact or only in appearance. Effective and efficient performance of his duty requires that a Police Officer maintain the respect and cooperation of his community. This requirement dictates that the conduct of all Police Officers be above reproach in all matters both within and outside the Department. His general responsibilities include taking appropriate action to:

1) Protect life and property.

2) Preserve the peace.

3) Prevent crime.

4) Detect and arrest violators of the law.

5) Enforce all laws coming within departmental jurisdiction.

6) Supervise public functions (such as parades or dances) where public order requires Police presence.

7) Respond to all emergencies.

(1973 Ord., Sec. 6.21 Revised)

Section 3-16. Joint Human Resources Department – (JHR)

It is the objective of the JHR to originate and lead Human Resources practices and objectives that will provide an employee-oriented, high performance culture that emphasizes empowerment, quality, productivity and standards, goal attainment, and the recruitment and ongoing development of a superior workforce.

To meet this objective the JHR shall be assigned the following functions and shall be managed by the Director of JHRD:

1) Establish and maintain with confidentiality as required by law the employee records files including employee materials and health records. In accordance with HIPPA;

2) Coordinate with and manage the civil service hiring process under Massachusetts Law. Said duties including the filing of all documents with and providing information to the Civil Service Commission, EEOC and applicable agencies;

3) Design and submit to the executive for approval and distribution human resources policies, procedures and programs. Then distribute these policies, procedures and programs to the departmental officers and employees as legally required;

4) Conduct and oversee training of employees on issues including ADA, FMLA, Mass. FMLA, MCAD, Civil Service, ERISA, HIPA, COBRA, EEOC and other employment related regulations;

5) Oversee departmental development, Human Resource Information Systems (HRIS), employee relations, training and development, benefits, compensation, organizational development, and employment. Participate in collective bargaining as may be directed by the Mayor or Superintendent;

6) Manage recruiting and staffing logistics;

7) Oversee performance management and improvement systems;

8) Handle organization development;

9) Conduct and manage employment issues including internal inquiries of complaints and ensuring city government and school compliance with regulatory concerns and reporting;

10) Conduct employee orientation, development, and training;

11) Manage employee policy development and documentation;

12) Oversee employee relations;

13) Manage employee communication;

14) Manage compensation and benefits administration;

15) Manage employee safety, welfare, wellness and health; and

16) Manage employee services and counseling including workers compensation, IOD benefits, health benefits and insurance;

17) Establish and maintain workforce management policies;

18) Oversee and coordinate return to duty of employees on injury or other leave.

The department shall in addition to the Director have such other employees as recommended by the executive. The salaries and benefits for these employees shall be set by the city council by ordinance. The costs for the position of the (JHRD) shall be born equally by the general government and the school system.

The Director of the Joint Human Resources Department shall be appointed by the Mayor provided that the Mayor seeks and obtains the consent to such appointment from the Superintendent of Schools. The Director's appointment shall also be subject to approval by the City Council. The Mayor shall be the appointing authority of the additional employees in the department subject to recommendation of the Director.

(Ord. #626, Eff. Oct. 15, 1997; as amended by Ord. #814, Eff. July 9, 2007)

Section 3-17. Human Resources Director/Assistant City Solicitor

(Ord. #626, Eff. Oct. 15, 1997; as further amended by Ord. #710, Eff. November 20, 2000; as further amended by Ord. #814, Eff. July 9, 2007; as amended by Ord. #858, Eff. May 2, 2012)

Article III. Boards, Commission and Officers

Section 3-16. Civil Defense Director

A. Mode of Appointment, Term of Office

The Mayor shall appoint a Civil Defense Director. The Civil Defense Director shall serve for an indefinite term.

B. Qualifications

The Civil Defense Director shall be a person especially fitted by education, training and previous experience to perform the duties of the office.

C. Powers and Duties

The Civil Defense Director shall be the head of the Department of Civil Defense and shall be responsible for all emergency functions of the City in the event of an emergency caused by natural or other means. He shall have the powers and duties which are provided to the Office of Civil Defense Director by Section 13 of Chapter 639 of the Acts of 1950, as amended and published as Section 13-13 of Chapter 33, Appendix, MGLA.

(1973 Ord., Sec. 6.07)

Section 3-17. Conservation Commission

A. Composition, Mode of Appointment, Term of Office

There shall be a Conservation Commission to consist of seven members appointed by the Mayor. The term of office of each member shall be for three years, so arranged that as nearly an equal number of terms as is possible shall expire each year. In addition to the seven members, the Mayor shall appoint two alternate members pursuant to Chapter 373 of the Acts and Resolves of 1993. Said alternate members may be designated by the Chairman of said Conservation Commission to serve on said commission in the case of absence, inability to act, or conflict of interest on the part of any member thereof; or, in the event of a vacancy on the Commission until said vacancy is filled in accordance with the provisions of said Section 8C of Chapter 40 of the General Laws.

The term of office of the alternate members shall be for three years or until their successor are duly qualified.

B. Qualifications of Members

The members of the Conservation Commission shall be persons especially fitted by education, training and previous experience to perform the duties of the office.

C. Powers and Duties

The Conservation Commission shall be responsible for the promotion and development of the natural resources and for the protection of the watershed resources of the City. It shall discharge its legal duties under Massachusetts General Laws, Chapter 131, Section 40, and Chapter 12 of the Methuen Municipal Code. It shall conduct researches into local land areas and shall seek to coordinate the activities of unofficial bodies organized for similar purposes. It may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which, in its judgment, it deems necessary for its work. It shall keep an index of all open areas within the City for the purpose of planning for the proper utilization of such open areas, including lands owned by the Commonwealth or lands owned by another City or City. It shall

keep an index of all open marshlands, swamps, and all other wetlands in a like manner and may recommend to the City Council and, subject to the approval of the City Council, to the State Department of Natural Resources and to the State Reclamation Board a program for the better promotion, development, or utilization of such areas. It shall keep accurate records of its actions and shall file an annual report. The Commission may receive gifts of property, both real and personal, in the name of the City, subject to the approval of the City Council; such gifts to be managed and controlled by the Conservation Commission for the purpose of this section, subject to the approval of the Mayor. The Conservation Commission may acquire by gift, purchase, grant, request, devise, lease, or otherwise the fee in any such land or water rights or any lesser interest, development right, easement, covenant, or other contractual right, including conveyances on conditions or with limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly utilize open spaces and other land and water areas within the City, and shall control and manage the same subject to the approval of the Mayor. For the purposes of this section, the Conservation Commission may recommend to the City council that it take by eminent domain under Chapter 79 of the General Laws, the fee or any lesser interest in any land or waters located within the City, provided such taking is approved by a two-thirds vote of the full City Council. Such land or waters shall thereupon be under the control and jurisdiction of the Commission, subject to the approval of the Mayor. Upon a like vote, the City may expend any monies which are held in a conservation fund for the purpose of paying, I whole or in part, any damages for which the City is liable by reason of any such taking.

The Commission may adopt rules and regulations governing the use of land and waters under its control and prescribe penalties not exceeding Five Hundred Dollars ($500.00) for any violation thereof.

(1973 Ord., Section 6.08 Revised; as amended by Ord. #501, Eff. March 22nd, 1994 and Chapter 373 of the Acts and Resolves of 1993)

Section 3-18. Constables

A. Mode of Appointment, Term of Office

The Mayor shall appoint at least six Constables. The term of office of each Constable shall be three years, so arranged that the term of at least two Constables shall expire each year.

B. Qualifications

The Constables shall be persons especially fitted by education, training and previous experience to perform the duties of the office.

C. Powers and Duties

The Constables shall have such authority to serve such writs and other civil process as is provided to the office of the Constable by General Laws and otherwise.

(1973 Ord., Sec. 6.09)

Section 3-19. Contributory Retirement Board

A. Mode of Appointment, Term of Office

There shall be a Contributory Retirement Board which shall consist of five members, as follows: The City Accountant shall be a member ex-officio; a second member appointed by the Mayor; the third and fourth members shall be elected by the members in service of such system from among their number, or from among persons retired from such system, for a term not exceeding three years; and a fifth member who shall not be an employee, a retiree or an official of the City and shall be chosen by the other four members of the Board for a term not exceeding three years. If the fifth member is not chosen by the other four members within the thirty days after the expiration of the term of the fifth member, said member shall be appointed by the Mayor, subject to confirmation by the City Council.

B. Qualifications of Members

The members of the Contributory Retirement Board shall be persons especially fitted by education, training and previous experience to perform the duties of the office.

C. Powers and Duties

The Contributory Retirement Board shall annually prepare a report showing the financial condition of the system as of December 31st of the previous year. Such report shall also contain statistical material and such other information as the Board considers to be of general interest. Each year, on or before July 1st, the Board shall furnish to each member a statement relative to the status of his account. The Board shall have such other powers and duties as are assigned to such Boards by Section 20 of Chapter 32 of the General Laws.

(1973 Ord., Sec. 6-10)

Section 3-20. Animal Control Officer

A. Mode of Appointment, Term of Office

The Mayor shall appoint an Animal Control Officer. The Animal Control Officer shall serve for an indefinite term.

B. Qualifications

The Animal Control Officer shall be a person especially suited by education, training and previous experience to perform the duties of the office.

C. Powers and Duties

The Animal Control Officer shall be responsible for the enforcement of all laws relating to dogs, including but not limited to Sections 136A through 174 of Chapter 140 of the General Las, and Chapter 23 of the City ordinances.

(1973 Ord., Sec. 6.12)

Section 3-21. Board of Health

A. Mode of Appointment, Term of Office

The Mayor shall appoint a Board of Health which shall consist of three members, one of whom shall be a physician. The term of office of each member shall be for three years, so arranged that the term of office of one member shall expire each year.

B. Qualifications

The members of the Board of Health shall be persons especially fitted by education, training and previous experience to perform the duties of the office.

C. Powers and Duties

The Board of Health shall be responsible for formulation and enforcement of regulations affecting the environment and actions affecting health. They shall have such powers and duties as are provided to the members of a Board of Health by Chapters 111 to 114 of the General Laws and as may otherwise be provided under the State Sanitary Code and the City ordinances.

(1973 Ord., Sec. 6.14)

Section 3-22. Historical Commission

A. Composition, Mode of Appointment, Term of Office

The Mayor shall appoint a Historical Commission to consist of seven members. The term of each member shall be for three years, so arranged that as nearly an equal number of terms as is possible shall expire each year. In addition to the members of the

Commission, the Mayor shall appoint four alternate members for two year terms. Said alternate members may be designated by the Chairman of said Historical Commission to sit on said Commission as needed to fill a member's seat on a temporary basis.

(Chapter 378 of the Acts and Resolves of 1993)

B. Qualifications of Members

The members of the Historical Commission shall be persons especially fitted by education, training and previous experience to perform the duties of the office.

C. Powers and Duties

The Historical Commission shall conduct research into places of historic and archaeological value, shall cooperate with the State Archaeologist in conducting such research or other service, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes. They may acquire by gift, purchase, or otherwise, articles, artifacts, books, paintings, and other materials of historical interest or value and shall provide a proper place for the storage and display of any such materials as may be acquired. The Commission may advertise, prepare, print and distribute books, maps, charts, plans, and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places of interest as it deems worthy, it may recommend to the City Council, and, subject to the approval of the City Council, that such places be certified as a historical or archaeological landmark.

(1973 Ord., Sec. 6.15; as amended by Ord. #502, Eff. March 22nd, 1994)

Section 3-22A. Historic District Study Committee

Pursuant to Home Rule authority and Chapter 40C, Section 4 of the General Laws, there is hereby established a seven member Historic District Study Committee. In addition to the seven members, there shall be three alternate members who shall act in the absence of any regular members.

The Study Committee shall be comprised as follows:

1) The Mayor may designate, as ex-officio members, any four members of the Historical Commission.

2) One member nominated by a local Historical Society or the Society for the Preservation of New England Antiquities.

3) One member nominated by the local Chapter of the American Institute of Architects.

4) One member nominated by the Greater Lawrence Board of Realtors.

As to the members listed in items 2), 3) and 4), if, within thirty days after submission of a written request to any of said organizations, no such nomination has been made, the Mayor may designate the remaining Historical Commission members as ex-officio to the Study Committee.

Said Study Committee shall discharge its functions as provided for in Chapter 40C, Massachusetts General Laws.

(Ord. #349, Eff. Aug. 7th, 1989)

Section 3-23. License Board

A. Composition, Mode of Appointment, Term of Office

The Mayor shall appoint a License Board to consist of three members. The term of office of each member shall be for six years, so arranged that the term of office of one member shall expire in each even numbered year.

B. Qualifications of Members

No person shall be appointed a member of the License Board unless he has been a resident of the City of Methuen for at least two years immediately preceding his appointment. No person shall be appointed a member of the License Board who is, directly or indirectly, engaged in the manufacture or sale of alcoholic beverages. One member shall be appointed from each of the two leading political parties and the third member may also be appointed from one of said parties.

C. Powers and Duties

The License Board shall, subject to the provisions of Chapter 138 of the General Laws, grant, issue, and regulate licenses for the sale of alcoholic beverages to be consumed on or off the premises of such licensees as they may determine. The License Board shall also be the licensing authority as defined in Section 1 of Chapter 140 of the General Laws.

D. All newly appointed members of the License Board shall be subject to a Criminal Offender Record Information (CORI) check upon appointment.

(1973 Ord., Sec. 6-17, as further amended by Ord. #887, Eff. February 19th, 2015)

Section 3-24. Registrars of Voters

A. Composition, Mode of Appointment, Term of Office

The Mayor shall appoint a Board of Registrars of Voters which shall consist of three members and the City Clerk, ex-officio. The term of office of each member shall be for three years, so arranged that the term of one member shall expire each year.

B. Qualifications

The members of the Board of Registrars of Voters shall represent the two leading political parties and, in no case, shall an appointment be made so as to cause the Board to have more than two members, including the City Clerk, of the same political party.

C. Powers and Duties

The Board of Registrars of Voters shall supervise the qualification of persons to vote, shall certify the names of voters on nomination papers and petition forms and shall hold hearings and decide all disputes relating to these matters. They shall have all of the other powers relating to elections as are provided by Chapter 51 of the General Laws.

(1973 Ord., Sec. 6.22)

Section 3-25. Commissioners of Trust Funds

A. Composition, Mode of Appointment, Term of Office

The Mayor shall appoint a Board of Commissioners of Trust Funds which shall consist of three members. The term of office of each member shall be for three years, so arranged that one term shall expire each year.

B. Qualifications of Members

The members of the Board of Trust Fund Commissioners shall be persons especially fitted by education, training, and previous experience to perform the duties of the office.

C. Powers and Duties

The Board of Trust Fund Commissioners shall have the management of all trust funds given or bequeathed for the benefit of the City or the inhabitants of the City, unless the donor, in making the gift or the bequest, shall otherwise provide. The Board shall, so far as Consistent with the terms of the trusts, manage and control the same, and distribute the income in accordance with the terms of the respective trusts. The Board shall keep a record of its doings and, at the close of each financial year, shall make a report to the Mayor showing the total amount of the funds and their investments, receipts, and disbursements on account of the same, setting forth in detail the sources of the receipts and the purposes of the expenditures.

(1973 Ord., Sec. 6.23)

Section 3-26. Youth Commission

A. Composition, Mode of Appointment, Term of Office

The Mayor shall appoint, pursuant to Section 8E of Chapter 40, Massachusetts General Laws, a Youth Commission which shall consist of seven members. The term of office of each member shall be for three years, so arranged that as nearly an equal number of terms as is possible shall expire each year.

B. Qualifications

The members of the Youth Commission shall be persons especially suited by education, training, and previous experience to perform the duties of the office.

C. Powers and Duties

The Youth Commission shall plan, execute, and coordinate programs, services and functions which are designed to meet the opportunities, challenges and problems of the younger citizens of the City. The Commission shall further serve in an advisory capacity to the Recreation Director. Said Youth Commission shall additionally be the Supervisor of the Youth Commission Executive Director.

(1973 Ord., Sec. 6.25 Revised; as amended by Ord. #637, Eff. April 15th, 1998)

Section 3-27. Housing Authority

A. Composition, Mode of Appointment, Term of Office

There shall be a Housing Authority which shall consist of five members. Two of these members shall be appointed by the Mayor, subject to City Council approval, one of whom shall be appointed by the Department of Community Affairs of the Commonwealth of Massachusetts, and two of whom shall be elected by the voters of the City of Methuen. Of the two members appointed by the Mayor, one shall be a representative or organized labor as provided for in Section 5 of Chapter 121B of the General Laws, and one shall be a tenant in a building owned and operated by or on behalf of the Housing Authority as further provided for in said Section 5. The terms of office of the three appointed members shall be five years and the terms of the two elected members shall be two years.

B. Qualifications of Members

The appointed members of the Housing Authority shall be persons especially fitted by education, training, and previous experience to perform the duties of the office.

C. Powers and Duties

The Housing Authority shall have all of the powers and duties which are conferred upon such authorities by Chapter 121B of the General Laws and shall be subject to the limitations provided therein, including, but not limited to, the provision of housing projects for families of low income and housing projects for elderly persons of low income.

(1973 Ord., Sec. 6.27; as amended by Chapter 95 of the Acts and Resolves of 1993)

Section 3-28. Veterans' Services Director

A. Appointment, Term of Office

The Mayor shall appoint a Director Veterans' Services, Veterans' Agent, and Veterans' Grave Officer. He/she shall serve for a three year term.

B. Qualifications

The Director of Veterans' Services shall be a Veteran especially fitted by education, training, and previous experience to perform the duties of the office.

C. Powers and Duties

The Director of Veterans' Services shall furnish information, advice and assistance to the Veterans relative to employment, education, medical care and other benefits, and shall see that every Veteran's grave is suitably cared for.

(1973 Ord., Sec. 6.31; as amended by Chapter 148 of the Acts and Resolves of 1996)

Section 3-29. Methuen Cultural Council

A. Composition, Mode of Appointment, Term of Office

Pursuant to the provisions of Section 58 of Chapter 10, Massachusetts General Laws, there shall be a Methuen Cultural Council consisting of seven members. The Mayor shall appoint the members thereof for three year terms, provided that no member shall serve for more than two consecutive terms. Members of the Methuen Cultural Council shall thereafter annually elect a Chairman, Secretary and Treasurer.

B. Qualification of Members

Members of the Methuen Cultural Council shall have demonstrated scholar-ship or creativity in or distinguished service to the arts and humanities or interpretive services.

C. Prohibitions

No elected public official shall, during his/her term in office, be appointed to or serve as a member of the Methuen Cultural Council

D. Filling of Vacancies

Upon a vacancy, for any reason, his/her successor, if any, shall be appointed for a term of three years.

E. Special Employee Status

For the purposes of Chapter 268A, Massachusetts General Laws, members shall be considered special municipal employees.

F. Powers and Duties

Subject to the rules, regulations, rulings or guidelines of the Massachusetts Cultural Council, such Council may decide the distribution of arts lottery funds or other funds that may be allocable to them; may also conduct other activities to promote and encourage the arts; may enter into contracts subject to the approval of the City Solicitor as to form; and may do and perform any and all acts which may be necessary or desirable to carry out such powers and purposes of Sections 56 through 58 of Chapter 10.

G. Acquisition and Location of Funds

Notwithstanding the provisions of Section 53A of Chapter 44 of the General Laws, the Cultural Council may accept grants, gifts, contributions, bequests, devises, and other donations from all sources, including governmental bodies, and shall deposit such monies and any other revenues, including revenues derived from Council activities, in a revolving fund established under the provisions of Section 58 of Chapter 10. Funds received from sources other than the arts lottery fund may be disbursed at the discretion of the local Council for the same purposes as the arts lottery funds, including administrative expenses. Provided however, that the Massachusetts Cultural Council may, by rule, regulation, ruling or guideline, establish further clarification of such purposes, as well as procedures to assure that such funds are so used.

H. Methuen Cultural Council Revolving Fund

Notwithstanding the provisions of Section 53 of Chapter 44 of the General Laws, the municipality shall establish in the City Treasury a revolving account which shall be kept separate and apart from all other monies by the Treasurer and in which shall be deposited all receipts from the State's art lottery funds distributed under the provisions of Section 56 of Chapter 10 of the General Laws and any other receipts or donations to the Methuen Cultural Council authorized by law. The Treasurer of the City of Methuen is hereby designated as custodian of said funds and may invest such portion of cash as deemed not required until such funds are to be expended, provided that such investments are made pursuant to the provisions of Section 55 of Chapter 44 of the General Laws. All such funds, including interest earned thereon, may be expended at the direction of the Methuen Cultural Council without further appropriation; provided further, that such funds as shall not have been expended twelve months after receipt shall be segregated and subject to further appropriation by the Mayor for the purposes provided in Sections 56 to 58 of Chapter 10.

I. Annual Report

The City Accountant shall submit annually a report of said revolving fund to the Mayor and City Council for their review and a copy of said report shall be submitted to the Director of the Bureau of Accounts and the Massachusetts Cultural Council.

J. Other Duties and Authority

Subject to the approval of the Mayor, the Methuen Cultural Council shall be responsible for the planning, coordination and carrying out of programs, services and functions designed to serve the cultural interests of persons of all ages in Methuen. They shall encourage and assist programs in arts, crafts, hobbies and such other areas deemed necessary or desirable and support other community organizations with similar missions.

(Ord. #115, May 1982; as amended by Ord. #212, adopted Dec. 2nd, 1985)

Section 3-30. Council on Aging

A. Mode of Appointment, Term of Office

The Mayor shall appoint a Council on Aging to consist of seven members. The term of office of each member shall be for three years, so arranged that as nearly an equal number of terms as is possible shall expire each year.

B. Qualifications of Members

The members of the Council on Aging shall be persons especially fitted by education, training, and previous experience to perform the duties of the office.

C. Powers and Duties

The Council on Aging shall plan, coordinate and carry out programs, services and functions designed to meet the needs of the aging citizens of the City in coordination with the Executive Office of Elder Affairs.

(1973 Ord., as amended by Ord. #63, July 1978)

Section 3-31. Municipal Disability Commission

A. Composition, Mode of Appointment, Term of Office

Pursuant to the provisions of Section 8J of Chapter 40 of the Massachusetts General Laws, as most recently amended by Chapter 390 of the Acts and Resolves of 1991, there is hereby established a Methuen Commission on Disability which shall consist of nine members.

Appointments to the Commission shall be made by the Mayor, subject to approval by the City Council, for a term of three years, so arranged that the term of one-third of its members shall expire annually in July of each year. A majority of said Commission members shall consist of people with disabilities. One member shall be a member of an immediate family of a person with a disability and one member of said Commission shall be either an elected or appointed official of the City of Methuen. The remaining members may be appointed from the citizenry at large.

B. Powers and Duties

It shall be the duty of the Commission to cause the full integration and participation of people with disabilities in the City of Methuen. Such powers and duties shall consist of the ability to:

1) Research local problems of people with disabilities.

2) Advise and assist municipal officials and employees in insuring compliance with State and Federal laws and regulations that affect people with disabilities.

3) Coordinate and carry out programs designed to meet the problems of people with disabilities, in coordination with programs of the Massachusetts Office on Disability.

4) Review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of Methuen as they affect people with disabilities.

5) Provide information, referrals, guidelines and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disabilities.

6) Coordinate activities of other local groups organized for similar purposes.

Said Commission, in discharge of this responsibility, shall keep records of its meetings and actions and shall file an annual report which shall be printed in the Methuen Annual Report and shall have at least ten meetings annually.

C. Further Powers

Said Commission may receive gifts of property, both real and personal, in the name of the City, subject to the approval of the City Council; such gifts to be managed and controlled by said Commission for the purposes of this ordinance.

D. Vacancies

A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.

E. Removal

Any member of said Commission may, after a public hearing, if so requested, be removed for cause by the appointing authority.

F. Chairperson

The Chairperson and other officers shall be chosen by a majority of said Commission members.

Section 3-31A. Establishing Procedures for the Disbursement of Funds from Other Special Revenue Funds/Disability Commission

1. Requests for Grants from "Other Special Revenue Funds/Disability Commission." ("Fund"). No monies shall be appropriated from the Fund established pursuant to G.L. c.40, §22G except upon a recommendation from the Commission on Disabilities ("Commission") and otherwise in accordance with the procedures applicable to disbursement of funds in the City.

2. Form of Request. Requests for recommendation for a grant or other expenditure from the Fund shall be made to the Commission. Required information shall include but not be limited to the name and address of the applicant, the purpose for which funds are requested, and the amount of the proposed grant or expenditure. If the applicant is a corporation other than the City of Methuen, such request shall include a statement, signed under oath, that the person making the request is authorized to represent such corporation. The Commission may seek additional information as may be necessary or appropriate to aid it in its consideration of such request.

3. Action on Request. After receiving a request meeting the requirements of Section 3-31-A, the Commission shall take action thereon at a meeting for which the Chairman has included the matter on a properly posted meeting notice. The Commission may approve, approve with certain conditions, or disapprove such request.

4. If approved, or approved with conditions, the Commission shall send notice of its recommendation to the Mayor and City Council along with a certified copy of its vote thereon. The City Council of the City of Methuen will then vote to authorize the expenditure.

5. If the Commission denies such request, the Commission shall send notice to the applicant of its disapproval.

(Ord. #151, Eff. June 1984; as amended by Ord. #161, Eff. Oct. 4th, 1984; as amended by Ord. #213, adopted Dec. 2nd 1985; as further amended by Ord. #425, adopted Nov. 6th, 1991; as amended by Ord. #437, adopted May 18th, 1992, as amended by Ord. #927A, adopted July 10th, 2018, Eff. August 9, 2018)

Section 3-32. Tourism Committee

A. Composition, Mode of Appointment, Term of Office

There is hereby established a Committee on Tourism consisting of seven members. The Mayor shall appoint the members thereof for three year terms, so arranged that the terms of two members shall expire in January of each year. The Mayor shall further, annually, in January, choose a Chairman thereof.

B. Qualification of Members

Members of the Committee shall be especially fitted by education, training, and previous experience to perform the duties of the office.

C. Powers and Duties

The Committee on Tourism shall act to strengthen efforts of tourism, travel and recreation and to attract and service visitors to the City of Methuen, and, to better manage and distribute the influx of said tourists.

Said Committee is further specifically charged to, as soon as possible and in conjunction with the Methuen Cultural Council, the Community Development Board, the Historical Commission, the Methuen Board of Trade and the business community, and such other relevant agencies, draft and prepare a brochure on the City of Methuen, emphasizing those attractions which enhance the opportunities for tourism and recreation in the City of Methuen.

(Ord. #236, adopted Sept. 2nd, 1986, Eff. Oct. 2nd, 1986)

Section 3-40. Board of Library Commissioners

In and pursuant to a Lease Agreement between the Nevins Memorial Library and the City of Methuen entered and executed in March 1999, there is hereby created a Board of Library Commissioners.

Said Board of Library Commissioners shall serve ex-officio in said position as they are the Trustees of the Nevins Memorial Library. It should be the function and the duty of the Board of Library Commissioners to perform those requirements as established under the Lease Agreement aforementioned and as may hereinafter be amended by the parties.

When an officer ceases to be a Trustee of the Nevins Memorial Library, he/she shall additionally automatically cease to be on the Board of Library Commissioners and his/her successor as a Trustee shall of the Nevins Memorial Library shall automatically make him/her an ex-officio member of the Board of Library Commissioners.

(Ord. #668, Eff. March 15th, 1999)

Section 3-50. Residency Requirement

In addition to other requirements imposed under the General Laws, appointment and continued tenure on any of the Boards and Commissions in the municipality, shall be based upon residency in the community. The residency requirement in this section shall not apply to a Physician member of the Board of Health provided that he/she is a resident of the Commonwealth of Massachusetts.

(Amended by Ord. #216, Adopted Dec. 16th, 1985; and as further amended by Ord. #463, Adopted January 19th, 1993)

Section 3-60. Boards and Commissions Cost Reimbursement

A. The Mayor is hereby authorized to reimburse members of Boards and Commissions for losses and costs associated with performing their public duties in the following limited matters:

1) Automobile expenses for site visitations incurred while examining areas relative to an application for permit or like matters.

2) Loss of wages or other compensation incurred while appearing before State, County, Regional or Federal Boards or Agencies, or, appearing in court in matters related to a Board or Commission decision if such appearance is necessary to further the public interests.

3) Costs, such as travel, tuition and the like incurred as a result of attending seminars, conferences and the like designed to to better prepare the Board or Commission member for the performance of his or her duties.

4) Any other matter which the Mayor shall determine serves the public interest if approved by vote of the City Council.

B. Requests for reimbursement shall be made upon a form approved by the Mayor which shall, as a minimum, identify the following matters:

1) Name of individual making request.

2) Board or Commission on which person serves.

3) Type of reimbursement requested and why it was necessary to incur such cost.

4) Amount of reimbursement, with back-up adequate in the opinion of the City Accountant to satisfy applicable provisions for payment.

5) A description of how public need was or is benefited.

Each request shall be made prior to the expense being incurred.

C. The Mayor shall, semi-annually, make a full report to the City Council summarizing the payments made and why the request was approved. The Council may request any further information as it deems necessary to audit the efficiency of this program.

D. The Mayor may request the establishment of a special account for the payments of such expenses as outlined herein. Payment of such requests are contingent upon the following:

1) The adequate demonstration of the expense incurred by the individual.

2) The certification by the Mayor that priority of public need requires recognition of such reimbursement

3) The adequacy of the appropriation made to the account for the payment of such request.

4) The legality of a payment being made to the individual Board or Commission member.

F. It is the expressed intent that this ordinance only reimburse the individual for losses or expenses suffered in the performance of his/her public duties. This ordinance shall not be interpreted to provide a salary or any like emolument upon Boards and Commissions not heretofore compensated.

(Ord. #187, Eff. May 1st, 1985)

Section 3-70. Public Advertisement for Boards and Commissions

No appointment or approval of appointment to any Board, Commission or Committee shall be made unless and until the Mayor shall have previously published a notice of vacancy for said position. Such publication shall be placed in a newspaper of general circulation within the community, notifying all citizens of their right to apply for a specific vacancy on a Board, Commission or Committee and notifying them of the closing date for their application. This shall be an unpaid advertisement. All appointments to Boards, Commissions and Committees shall be made from the list of established applicants responding to this newspaper advertisement and the Mayor is hereinafter directed on all appointments to the above Boards, Commissions and Committees to certify, at time of appointment, compliance with the provisions of this ordinance.

(Ord. 230, Approved May 7th, 1986, Eff. June 6th, 1986)

Section 3-80. Establishing Ten Year Limit on Terms of Office for Boards and Commissions

A. No person shall be appointed to or serve in the office of a Board or Commission as defined herein for a period in excess of ten years, excepting upon a vote of two-thirds of the City Council of the City of Methuen. Provided however, that, should a person, upon his/her re-appointment, have served less than ten years, then such restriction shall be interpreted to allow him/her to serve out the balance of any specific term of office past said ten year point, but he/she shall not be re-appointed.

B. The term "Board" or "Commission", as used herein, **shall mean all Boards and Commissions**.

C. This ordinance shall apply to all currently serving members on said Boards and Commissions, as well as to all future appointees and shall be interpreted as to apply from their first day of appointment.

(Ord. #374, Eff. April 5th, 1990; and as further amended by
Ord. #796, Adopted Mar. 6th, 2006; Eff. Apr. 5th, 2006, and as further amended by Ord. #806, Repealing Ord. # 374, Adopted Aug. 7, 2006, Eff. Sept. 6, 2006, and as further amended by Ord. #837, Adopted Mar. 1th, 2010)

Section 3-81: Establishing One-Year Period Before Appointments of Former City Councilors to a Board or Commission

A. Upon the completion of the term of office of a City Councilor who is not seeking re-election said person shall not be eligible for appointment to any Board or Commission for a period of one (1) year from the completion of said term as a City Councilor.

B. The term "Board" or "Commission", as used herein, shall mean Community Development Board, Zoning Board of Appeals, Licensing Board, Housing Authority, and Conservation Commission.

For the purposes herein the completion of the term of office of a City Councilor shall commence on the day his or her successor to the office of City Council is qualified.

(Ord. #838, Eff. March 31, 2010)

Section 3-90. Travel and Participation in Training Sessions Where Private Entities Provide Financing

A. General Provisions

This ordinance shall apply to all offices, departments, agencies, boards and commissions, as well as officers of the City of Methuen.

B. Purpose

The purpose of this ordinance is to provide all officers, agents, and employees of the City of Methuen with uniform rules and procedures governing travel and participation in training sessions where private entities provide financing.

C. General Principles

City of Methuen employees may accept and participate in travel and events for which private sources pay part or all of the costs. Such participation is subject to the following general conditions:

1) The employee must comply with this ordinance.

2) The Mayor must make a determination that the travel or event serves a legitimate public purpose and that the benefit to the City of the employee's participation in the travel or event outweighs any special non-work related benefit to the employee or the private sponsor.

3) Family members and friends shall not accompany City employees on work-related matters.

D. Approval Procedure

1) Pre-Approval by Mayor

Any proposal to travel or attend an event for which a party other than the individual employee or the City will pay any portion of the expenses must be approved in advance by the Mayor and the Department Head, as applicable.

2) Contents of the Proposal

Any employee seeking travel where a part or all of the expenses are to be covered by a private party must submit a written proposal signed under the pains and penalties of perjury that provides, as a minimum, the following information:

a) A statement of the purpose of travel or other event, including a discussion of the anticipated benefit of the travel or event to the City and anticipated work-related benefit to the employee.

b) A full itinerary or schedule of the travel or event, including dates of travel, places of stay, and modes of transportation.

c) A detailed estimate of the full cost of the trip, including a breakout of anticipated expenses, specifying which expenses will be borne by the City, all private parties, and the employee.

d) A list of all persons accompanying the employee, including other City employees.

e) A full description of the private party(ies) proposing to subsidize the travel or event, including name, address, telephone number, primary business activity, and the business or other relationship between the private party and the City. This description shall further include the specific name of the private individual authorizing payment for the subject travel.

f) A description of all activities offered, including for example, accommodations, sports or athletic events, meals, or entertainment and a statement of the employee's intent to participate in such activities.

g) A statement detailing arrangements to extend travel for personal purposes, if any.

Copies of all hotel brochures, meeting agendas, or similar publications that support or describe the purpose of the trip or the method of travel and accommodation shall be attached to the proposal.

3) Legitimate Public Purpose

The Department Head, as applicable, and the Mayor must determine that the proposed travel or event serves a legitimate public purpose which is not outweighed by any actual or apparent special benefit to the public employee or private sponsor.

Reasons for such determination may include that continuous training and education of public employees is necessary to improve efficiency and effectiveness of public services and that, in the particular instance, the private entity is making available opportunities for such training and education at no cost or at reduced cost to the public.

4) Approval/Disapproval or Modification by the Mayor

In considering a proposal for privately sponsored travel, the Mayor shall balance the legitimate public interest in allowing such travel against the appearance or existence of any conflict of interest. In making such determination, the Mayor shall consider:

a) each of the items listed above;

b) the accepted practices of the private sector regarding acceptance of such travel from other parties; and

c) the extent to which such proposed expenses for travel, meals and entertainment or other activities may convey an appearance of special benefit for any employee.

Upon review, the Mayor may either approve the proposal as submitted, disapprove the proposal, or modify the proposal.

E. Post-Trip Audit/Certification

Within two weeks of the employee's return to work, he/she must submit a statement of reconciliation, signed under the pains and penalties of perjury, to the Mayor stating

whether or not the actual travel or event differed from the proposal in any significant way. This statement must include a description of any material changes.

F. Record Keeping

Each agency shall maintain a file of all travel proposals and subsequent reconciliation statements for employees of their department or agency, as approved in writing by the Department Head and the Mayor. The City Council of the City of Methuen may, at its option, require the submission to it of copies of the approved travel proposals and subsequent reconciliation statements.

Further, these records shall be considered public records, subject to review by the inhabitants of the City of Methuen.

G. Forms

The proposal submittals shall utilize a form in a similar format to that provided for under 801 CMR 7.00 et seq. from the Executive Office of Administration and Finance entitled "Authorization for Privately Subsidized Travel".

(Ord. #512, Eff. July 6th, 1994)

CHAPTER 4

CODE OF ETHICS

Section	Item
Sec. 4-1	Code of Ethics for City Officials

CHAPTER 4 - CODE OF ETHICS

Section 4-1 Code of Ethics for City Officials

A. Preamble

The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed.

The people have a right to expect that every public official and employee will conduct himself/herself in a manner that will tend to preserve public confidence in and respect for the government he/she represents.

Such confidence and respect can best be promoted if every public official and employee, whether paid or unpaid, and whether elected or appointed, will uniformly: (a) treat all citizens with courtesy, impartiality, fairness and equality under the law; and (b) avoid both actual and potential conflicts between their private self-interest and the public interest.

B. Definition

The terms used in this ordinance are hereby defined as follows:

1) Official or Employee

Any person elected or appointed to, or employed or retained by, any public office or public body of the City, whether paid or unpaid, and whether part-time or full-time.

2) Public Body

Any Agency, Board, Body, Commission, Committee, Department, or office of the City.

3) Financial Interest

Any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his/her services to the City) to the official or employee or to any person employing or retaining the services of the official or employee.

4) Personal Interest

Any interest arising from blood or marriage

relationships (wife, husband, mother, father, child, brother, sister, mother-in-law, father-in-law) or from business relationships (partners or corporate officers), whether or not any financial interest is involved.

C. Fair and Equal Treatment

No official or employee shall grant or make available to any person any consideration, treatment, advantage, or favor beyond that which it is the general practice to grant or make available to the public at large.

No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of himself/herself or any other person. This rule shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such publicly owned or publicly supported property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which is provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

D. Conflict of Interest - Financial or Personal Interest

No official or employee, either on his/her own behalf or any family member shall have any financial or personal interest in any business or transaction with any public body unless he/she shall first make full public disclosure of the nature and extent of such interest.

E. Disclosure and Disqualifications

Whenever the performance of his/her official duties shall require any official or employee to deliberate and vote on any matter involving his/her financial or personal interest, he/she shall publicly disclose the nature and extent of such interest and disqualify himself/herself from participating in the deliberation as well as in the voting.

F. Incompatible Employment

No official or employee shall engage in private employment with, or render services for, any private person who has business transactions with any public body unless he/she shall first make full public disclosure of the nature and extent of such employment or services. Provided further, that such employment shall not be in violation of Chapter 268A of the General Laws, and provided further, that this section shall not apply to persons holding a special employee status pursuant to Chapter 268A of the General Laws.

G. Representation of Private Persons

No official or employee shall, for compensation, appear on behalf of any private person, other than himself/herself, before any public body in the City.

H. Gifts

No official or employee shall accept any gift, whether in the form of money, thing, loan or promise, that would not be offered or given to him/her if he/she were not an official or employee.

I. Confidential Information

No official or employee shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any other person or any property or governmental affairs of the City.

Whether or not it shall involve disclosure, no official or employee shall use or permit the use of any such confidential information to advance the financial or personal interest of himself/herself or any other person.

J. Nepotism

No appointed or elected official shall appoint or vote for appointment of any person related to him/her by blood or marriage to any clerkship, office, position, employment or duty, when the salary, wages, pay or compensation is to be paid out of public funds.

CHAPTER 4A

ADDITIONAL CONFLICT OF INTEREST

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CHAPTER 4A - ADDITIONAL CONFLICT OF INTEREST

Section 4A-1. Declaration of Policy

WHEREAS, the proper operation of the City of Methuen requires that its public officials be independent, impartial and responsible; that governmental policies and decisions, especially in areas of issuing licenses, permits, variances, and the like, be based upon the best interests of the City; that public office and employment not be used for personal gain; and that the public have confidence in the integrity of its government; and

WHEREAS, the purpose of this ordinance is to set forth standards of ethical conduct; to assist public officials in establishing guidelines for their conduct; and to foster the development and maintenance of a tradition of responsible and effective public service;

NOW THEREFORE, the City Council hereby enacts the following conflict of interest code.

Section 4A-2. Definitions

For the purpose of this ordinance, the following terms shall have the meanings as mentioned herein:

Official – Any person serving on a public body.

Public Body – Any appointed multi-member board, commission, committee or the like discharging duties of an official nature under applicable statutory, regulatory, or ordinance authority and additionally, as to Section 4, any elected official.

Permit – A grant of authority issued by a public body under applicable statutory, regulatory, or ordinance authority, including but not limited to, licenses, permits, special permits, variances, subdivision approvals, approvals not required, orders of conditions, determinations of applicability, grants, gifts, loans and the like.

Person – A person, firm, trust, company, corporation, partnership, or other like business entity.

Immediate Family – The officer and his/her spouse, their parents, children, brothers and sisters, where such individuals reside with the officer or obtain twenty-five percent (25%) or more of their financial assistance.

Section 4A-3. Prohibition

No officer shall be appointed to or continue to hold any office in a public body of the City where such officer or his/her immediate family, partner, a business organization in which he/she is serving as an officer, director, trustee, partner, or the like, has or may have the occasion to apply before such particular public body for a permit or other like privilege, given or granted by such public body, excepting matters related to the person's own residence.

Section 4A-4. Further Prohibitions

No officer shall, curing the period on which he/she serves in any office in a public body, contract or sub-contract with or act as agent, broker, counselor, architect, engineer, or other like professional capacity for any person which has, during the period on which such person has served on the public body, applied for and received a permit from said public body, irrespective of whether or not the officer participated in the issuance of such permit.

Further, no officer shall obtain or seek to obtain any financial advantage, direct or indirect, from the issuance of such permit.

Additionally, no officer shall, for a period of one year subsequent to leaving the public body, contract of sub-contract with or act as agent, broker, counselor, architect, engineer, or other like professional capacity for any person who, during the officer's tenure, received a permit, irrespective of whether or not they participated or voted in the matter.

Notwithstanding the provisions of this section, any officer shall be exempted from Section 4 if he/she shall file a disclosure statement on a form as prepared by the City Clerk, listing any potential violation of Section 4. Said disclosure shall function as an exemption from the provisions of Section 4 as to the particular transaction or matter disclosed therein, but not as to any other matters or transactions which are not included in said disclosure. Said disclosure

shall be filed and time-stamped with the City Clerk and a copy thereof shall be delivered by the City Clerk in a timely fashion to the Mayor and the City Council.

Section 4A-4A. Family Disclosure

All elected officials shall disclose, in a writing to the City Clerk, all family members, together with their annual wages, who hold a compensated position with the City during the elected official's tenure of office. Family members shall have the same meaning as immediate family member as defined in Chapter 268A, Section 1, Massachusetts General Laws, and shall also mean all nieces, nephews and cousins of the first and second degree of said elected officials or elected official's spouse.

This section shall apply retroactively to all present Councillors as well as prospectively to all future Councillors.

Section 4A-5. Violations

A. Violations by Elected Officials

All elected officials shall file disclosure statements relating to matters described in Sections 4 and 4A of this ordinance whether or not such disclosure is required by Sections 4 and 4A. Said disclosure shall be filed with the City Clerk's office as a public record on or before April 1st of each year and a copy of each disclosure shall be provided to each City Councillor and to the Chairman of the School Committee.

In addition to the above requirements, should any condition or event arise during a calendar year that would necessitate the filing of a disclosure statement amendment, the same shall be filed by the individual elected official within sixty days of such condition or event.

Any elected official failing to comply with the provisions of this ordinance shall, notwithstanding the provisions of Chapter 2, Section 2-20 of the Methuen Municipal Code (as to the City Council) or any resolutions enacted pursuant to Chapter 71, Section 52, Massachusetts General Laws (as amended by Chapter 296 of the Acts and Resolves of 1982) (as to the School Committee), not be entitled to be compensated for such position during the time said official fails to comply and make disclosure as required herein.

The provisions relating to filing shall be implemented and enforced as follows:

1. Not later than March 1st of each year, the City Clerk shall mail a reminder to each and every elected official that he/she shall be required to file, on or before April 1st, a disclosure statement under Chapter 4A of the Methuen Municipal Code.

2. On or after April 1st of each year, the City Clerk shall assemble a list comprising those elected officials who have complied with the disclosure and those elected officials who have not complied as of that date.

3. The City Clerk shall send a notice to any elected official who is delinquent in filing the disclosure statement on or before April 15th of each year.

4. The City Clerk shall, on or before May 1st of each year, submit a list of those individuals not complying with this ordinance to City Accountant who shall forthwith withhold any further compensation as is provided for in this section.

The City Accountant shall, annually and immediately upon certification of free cash, report to the City Council the total amounts forfeited hereunder. The City Council shall, with authorization of the Mayor, appropriate an equivalent amount from free cash to be used for the purposes of establishing and maintaining a Methuen Youth Center.

B. Violations by Appointed Officials

A violation of this ordinance or Chapter 4 shall constitute good cause for removal under the provisions of Article 9, Section 9-10 of the Methuen Home Rule Charter. The Mayor shall, upon being notified of the potential of a violation of said Chapter 4 or this Chapter, immediately investigate such matter and take such action as may be appropriate and consistent with the above provisions.

Section 4A-6. Request for Opinion

The City Council, by vote of its membership, or the Mayor may request the City Solicitor to investigate and issue an opinion as to whether or not a person is violating any provisions of Chapter 4 or Chapter 4A of this Code. Such request shall name the specific officer and state the facts upon which a violation is believed to exist. The City Solicitor shall, within a period of thirty days from such request, respond in writing and he shall further, and contemporaneous with this, deliver a copy of such opinion to the person affected and to the City Clerk. In addition to the above, any individual who believes that he/she may be in violation of Chapter 4 or Chapter 4A may, if he/she so chooses, request a written opinion from the City Solicitor on the possibility of a violation of said Chapters; and, the provisions relative to the nature of the request made and the time period for response, as stated above, shall apply.

Section 4A-7. Statement of Compliance

Hereafter, any individual appointed or re-appointed to a public body shall sign a statement acknowledging that he or she understands the provisions of Chapter 4 and Chapter 4A and further intends to comply with said requirements. Failure to sign this statement shall constitute just reason for not being appointed or re-appointed.

Section 4A-8. Delivery of Ordinances

A copy of this ordinance and Chapter 4 shall be delivered to any person appointed hereafter and to all persons presently serving on public bodies by the City Clerk.

Section 4A-9. Effective Date

In accordance with Article 2, Section 2-9(a), this ordinance shall become effective as to all future appointees and, as to all present appointees or re-appointees, thirty and ninety days respectively from the date of approval hereof.

(Ord. #358, Eff. Nov. 22nd, 1989, as amended by Ord. #361, Eff. Jan. 3rd, 1990; as further amended by Ord. #426, Eff. Dec. 16th, 1991)

CHAPTER 5

FINANCIAL PROCEDURES

Section	Item
Sec. 5-1.	Date of Annual Organization for Budget Purposes
Sec. 5-2.	Report of Estimated Expenses; Period Covered; Contents
Sec. 5-3.	Submission to City Council; Procedure for Approval, Rejection or Alteration
Sec. 5-4.	Power of Council to Add to Appropriation; Conditions; Limitations
Sec. 5-5.	Salary Provisions in Budget; Requirements and Limitations
Sec. 5-6.	Transfer of Appropriations; Restrictions

CHAPTER 5 - FINANCIAL PROCEDURES

Section 5-1. Date of Annual Organization for Budget Purposes

For the purpose of the date of annual organization of the government which is referred to in Section 32 of Chapter 44 of the General Laws, the date of organization of the City government of Methuen shall be the first secular day of January of each year.

Section 5-2. Report of Estimated Expenses; Period Covered; Contents

Every officer having charge of, or jurisdiction over, any office, department or undertaking, requesting an appropriation shall, between November first and December first each year, furnish the Mayor and the City auditor, on forms provided by the City Auditor or officer having similar duties, and approved by the Bureau of Accounts in the Department of Corporations and Taxation, detailed estimates of the full amounts deemed necessary for the next fiscal year for the ordinary maintenance of the office, department or undertaking under his charge or jurisdiction and, for expenditures other than the ordinary maintenance with the amounts, if any, expended for similar purposes during the preceding fiscal year and an estimate of the amounts required to be expended for such purposes during the last eight months of the then current fiscal year, giving explanatory statements of any differences between the amount of any estimate for the next fiscal year and the amount expended or estimated to be required as aforesaid.

The information hereby required to be furnished shall set forth the number of permanent or temporary employees, or both, requested in each classification or rating in the next fiscal year and the number of permanent or temporary employees, or both, employed on October thirty first of the then fiscal year, or the nearest week-end thereto, except laborers and persons performing the duties of laborers, with the annual, monthly, weekly or hourly compensation of such employees and shall state whether such compensation is fixed by ordinance or otherwise and whether or not such employees are subject to Chapter thirty-one of the Massachusetts General Laws.

The foregoing shall not prevent the Mayor from so setting forth the number of permanent or temporary laborers and persons performing the duties of laborers, or both such permanent and temporary laborers and persons, with the annual, monthly, weekly or hourly compensation of such employees. The City Accountant, or officer having similar duties, shall forthwith at the close of each calendar year furnish the Mayor with a written report of the money received from estimated receipts applicable to the payment of expenditures of the first six months of the then current fiscal year, with an estimate of such receipts for the last six months of such year and for the next fiscal year.

Section 5-3. Submission to City Council; Procedure for Approval, Rejection or Alteration

Within one hundred seventy days after the annual organization of the City government, or such other time as may be specified by the General Court as per Chapter 44, Section 32, the Mayor shall submit to the City Council the annual budget which shall be a statement of the amounts recommended by him for proposed expenditures of the City for the next fiscal year. In addition, included with the annual budget figure shall be a summary of all expenditures, appropriations and tax rates for the five years preceding the budget submission. The annual budget shall be classified and designated so as to show separately with respect to each officer, department or undertaking for which an appropriation is recommended:

1. Ordinary maintenance, which shall also include debt and interest charges matured and maturing during the next fiscal year and shall be subdivided as follows:

    a) Salaries and wages of officers, officials and employees other than laborers or persons performing the duties of laborer; and

    b) Ordinary maintenance not included under (a).

2. Proposed expenditures for other than ordinary maintenance, including additional equipment, the estimated cost of which exceeds one thousand dollars.

The foregoing shall not prevent the Mayor, with the approval of the Council, from adopting additional classifications and designations, nor shall this in any way be interpreted to rescind any previously adopted classification or designations.

The full City Council may, by majority vote, make appropriations for the purposes recommended and may reduce or reject any amount recommended in the annual budget, but, except on recommendations of the Mayor, shall not increase any amount in or the total of the annual budget, no add thereto any amount for a purpose not included therein, except as provided in Section 5-2 of the Charter. Except as otherwise permitted by law, all amounts appropriated by the City Council, as provided in this section, shall be for purposes specified. In setting up an appropriation order or orders based on the annual budget, the Council shall use, so far as possible, the same classifications required for the annual budget. If the Council fails to take action with respect to any amount recommend-ed in the annual budget, either by approving, reducing or rejecting the same within forty-five days after the receipt of the budget, such amount shall, without any action by the Council, become part of the appropriations for the year and be available for the purposes specified.

If, upon the expiration of one hundred and seventy days after the annual organization of the City government, the Mayor shall not have submitted to the City Council the annual budget for said year, the City Council shall, within thirty days, upon its own initiative, prepare the annual budget and such preparation shall be subject to the same requirements as the Mayor's annual budget, so far as apt.

Within fifteen days after such preparation of the annual budget, the City Council shall proceed to act by voting thereon and all amounts so voted shall thereupon be valid appropriations for the purposes stated therein to the same extent as though based upon a Mayor's annual budget, but subject, however, to such requirements, if any, as may be imposed by law.

If the Council fails to take action with respect to any amount recommend-ed in the budget, either by approving, reducing or rejecting the same, within fifteen days after such preparation, such amount shall, without further action by the Council, become a part of the appropriations for the year and be available for the purposes specified.

Nothing in this section shall prevent the City Council, acting upon the written recommendation of the Mayor, from voting appropriations not in excess of the amount so recommended, either prior or subsequent to the passage of the annual budget.

Notwithstanding any provisions of this section to the contrary, the Mayor may submit to the City Council a continuing appropriation budget for said City on a month-by-month basis for a period not exceeding three (3) months if said City has not approved an operating budget for the fiscal year because of circumstances beyond its control.

Subsequent to the submission to the Council of the budget, and, prior to action on such, the Council shall publish in one or more newspapers of general circulation in the City a general summary of the proposed budget as submitted by the Mayor by a notice stating (1) the time and places where copies of the proposed budget are available for inspection by the public, and (2) the date, time and place, not less than two weeks after such publication, when a public hearing on said proposed budget will be held by the Council.

At the time and place so advertised, or, at any time or place to which such public hearing may from time to time be adjourned, the City Council shall hold a public hearing on the annual budget as submitted by the Mayor, at which all interested persons shall be given an opportunity to be heard for or against the proposed expenditures or any item thereof.

Section 5-4. Power of Council to Add to Appropriation; Conditions; Limitations

In case of the failure of the Mayor to transmit to the City Council a written recommendation for an appropriation for any purpose not included in the annual budget, which is

deemed necessary by the Council after having been so requested by vote thereof, said Council, after the expiration of seven days from such vote, upon its own initiative, may make such appropriation by a vote of at least two-thirds of its members and shall in all cases clearly specify the amount to be expended for each particular purpose.

Section 5-5. Salary Provisions in Budget; Requirements and Limitations

The annual budget shall include sums sufficient to pay the salaries of officers and employees fixed by law or by ordinance. Notwithstanding any contrary provision of any City Charter, no ordinance providing for an increase in the salaries or wages of municipal officers or employees shall be enacted except by a two-thirds vote of the full City Council, nor unless it is to be operative for more than three months during the calendar year in which it is passed. No new position shall be created or increase in rate made by ordinance, vote or appointment during the financial year subsequent to the submission of the annual budget unless provision therefore has been made by means of a supplemental appropriation. No ordinance, vote or appointment creating a new position in any year in which a municipal election is held shall be valid and effective unless said ordinance, vote or appointment is operative for more than three months during said municipal election year.

Section 5-6. Transfer of Appropriations; Restrictions

On recommendation of the Mayor, the full City Council may, by majority vote, transfer any amount appropriated for the use of any department to another appropriation for the same department, but no transfer shall be made of any amount appropriated for the use of any department to the appropriation for any other department except by a two-thirds vote of the full City Council on recommendation of the Mayor and with the written approval of the amount of such transfer by the department having control of the appropriation from which the transfer is proposed to be made. No approval other than that expressly provided herein shall be required for any transfer under the provisions of this section.

(Amended by Ord. #274, Eff. Dec. 2nd, 1987; as further amended by Ord. #567, Eff. May 3rd, 1996)

CHAPTER 6

PERSONNEL ORDINANCE

Section	Item
Sec. 6-1.	Authorization
Sec. 6-2.	Definitions
Sec. 6-3.	Mayor
Sec. 6-4.	Classification Plan
Sec. 6-5.	Compensation Plan
Sec. 6-6.	Amendment of the Plans
Sec. 6-7.	Reserved
Sec. 6-8.	Work Week
Sec. 6-9.	Initial Application of the Compensation Plan
Sec. 6-10.	Overtime Compensation
Sec. 6-11.	Paid Holidays
Sec. 6-12.	Vacation Policy – Eligibility on Anniversary Date
Sec. 6-12A.	Vacation Leave Buy-Back
Sec. 6-12B.	Vacation Carry-Forward
Sec. 6-13.	Sick Leave
Sec. 6-13A	Sick Leave Buy-back annual (council employees)
Sec. 6-13B	Emergency Leave (council employees)
Sec. 6-14.	Bereavement Leave
Sec. 6-15.	Jury Leave
Sec. 6-16.	Military Leave
Sec. 6-17.	Other Leave
Sec. 6-18.	Physical Examinations
Sec. 6-19.	Civil Service Law
Sec. 6-20.	Residency Requirement
Sec. 6-20A.	Residency in the Commonwealth
Sec. 6-21.	Travel Policy
Sec. 6-22.	Career Incentive (Longevity)
Sec. 6-22A.	Academic Credits – Fire Chief
Sec. 6-22B.	Career Incentive
Sec. 6-22C.	Cleaning Allowance – Police Chief and Fire Chief
Sec. 6-22D.	Clothing Allowance – Conservation Inspector
Sec. 6-23.	Posting Requirements
Sec. 6-24.	Effect of Partial Invalidity

CHAPTER 6 - PERSONNEL ORDINANCE

Section 6-1. Authorization

Pursuant to the authority contained in Sections 108A and 108C of Chapter 41 of the General Laws, there shall be established plans which may be amended from time to time by vote of the City Council at a regular or special Council meeting: (a) classifying positions in the service of the municipality other than those filled by popular election, those under the jurisdiction of the School Committee, the Mayor, and those for which incumbents render contractual services which are nor provided during regularly established working hours, and which do not appear in Schedule A of Section 7 following, into groups and classes doing substantially similar work or having substantially equal responsibilities; (b) authorizing a compensation plan for positions in the classification plan; (c) providing for the administration of said classification and compensation plans; and (d) establishing certain working conditions and fringe benefits for employees occupying positions in the classification plan.

Section 6-2. Definitions

As used in this ordinance, the following words and phrases shall have the following meanings unless a different construction is clearly required by the context or by the laws of the Commonwealth:

"Authority", the elected or appointed official having jurisdiction over a function or activity.

"Class", a group of positions in the municipal service sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used to designate each position allocated to the class, that the same qualifications shall be required of the incumbents, that the same tests of fitness may be used to choose qualified employees and that the same scale of compensation can be made to apply with equity.

"Classification Plan", class titles appearing in Schedules A through K of this ordinance plus class specifications which are on file with the Mayor and which are hereby incorporated by reference.

"Compensation Grade", a range of salary or wage rates appearing in Schedules A through K of Section 7.

"Compensation Plan", Schedules A through K in Section 7.

"Continuous Employment", employment (either full-time or part-time) requiring a predetermined minimum work week and uninterrupted except for authorized

vacation or other paid leave of absence or required military service.

"Department", any department, board, committee, commission or other agency of the municipality subject to this ordinance.

"Employee", an employee of the municipality occupying a position in the classification plan.

"Full-time Employee", an employee retained in full-time employment.

"Full-time Employment", employment for not less than seven (7) hours per diem for five (5) days a week for fifty-two weeks per annum, minus legal holidays and authorized vacation leave, sick leave and other leave of absence.

"Group" or "Occupational Group", a group of classes designated by occupation as appearing in Schedules A through K of Section 7.

"Increment", the dollar difference between step rates.

"Mayor", the Chief Executive Officer per the Charter.

"Maximum Rate", the highest rate in a range which an employee normally is entitled to attain.

"Minimum Rate", the rate in a range which is normally the hiring rate of a new employee.

"Municipality", the City of Methuen.

"Part-time Employee", an employee retained in part-time employment.

"Part-time Employment", employment for less that full-time employment.

"Permanent Employee", an employee retained in continuous employment in a permanent position.

"Permanent Position", a full-time or part-time position in the municipal service which has required or which is likely to require the services of an incumbent in continuous employment for a period of fifty-two (52) calendar weeks.

"Personal Rate", a rate above the maximum rate applicable only to a designated employee.

"Position", an office or post of employment in the municipal service with duties and responsibilities calling for the full-time, part-time or seasonal employment of one person in the performance and exercise thereof.

"Promotion", or "Reclassification", a change from a position of lower class and compensation grade to a position with greater responsibilities in a higher class and compensation grade.

"Range", the dollar difference between minimum and maximum rates.

"Rate", a sum of money designated as compensation for personal services on an hourly, daily, weekly, monthly, annual or other basis.

"Regular Employee", an employee who has worked thirty (30) weeks in the aggregate of any calendar year.

"Seasonal Employment", employment for less than full-time annual employment.

"Step Rate", a rate in a range of compensation grade.

"Temporary Employee", an employee retained in a temporary position or in a permanent position in probationary or acting status.

"Temporary Position", a position in the municipal service which requires or is likely to require the services of one incumbent for a period less than fifty-two (52) calendar weeks in continuous employment.

Section 6-3. Mayor

(a) The Mayor shall be responsible for the administration of the classification and compensation plans.

(b) The Mayor shall administer the plans and shall establish such procedures as necessary for the proper administration thereof.

(c) The Mayor may employ assistance and incur expenses as necessary within the limit of total appropriation of funds as adopted by the City Council in the fiscal budget.

(d) The Mayor shall maintain personnel records of all employees occupying positions subject to the classification and compensation plans.

(e) The Mayor from time to time shall investigate the work features and rates of salaries or wages of any or all positions subject to the provisions of this ordinance. Such reviews shall be made at such intervals as the Mayor deems necessary and, to the extent which the Mayor considers practicable, shall include all occupational groups in the classification plan.

(f) The Mayor shall cause to have written job descriptions or specifica-

tions of the classes in the classification plan, each consisting of a statement describing the essential nature of the work and the characteristics that distinguish the class from other classes. The description for any class shall be construed solely as a means of identification and not as prescribing what the duties or responsibilities of any position shall be, or as modifying, or in any way affecting the power of any administrative authority, as otherwise existing, to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

(g) The Mayor may authorize a rate higher than the minimum rate for a position and/or such other variance in the compensation plan as he may deem necessary for the proper functioning of the services of the municipality.

Section 6-4. Classification Plan

(a) All positions in the service of the municipality, except those excluded by Section 1, are hereby classified by titles appearing in Schedules A through K of Section 7 which is made a part hereof. These classes of positions shall constitute the Classification Plan for paid municipal services.

(b) The title of each class, as established by the Classification Plan, shall be the official title of every position allocated to the class and the official title of each incumbent of a position so allocated and shall be used to the exclusion of all other on payrolls, budget estimates and other official records and reports pertaining to the position.

(c) The title of a position which is held by an employee with a dual or a multiple Civil Service rating shall be that recommended by the employee's department head, or by the administrative authority having jurisdiction over the organization unit to which the employee is assigned with the approval of the Mayor.

(d) Whenever a new position is established or the duties of an existing position are so changed that in effect a new position is created, upon presentation of substantiating data satisfactory to the Mayor, the Mayor shall allocate such new or changed position to its appropriate class.

(e) No position may be reclassified until the Mayor shall have determined such reclassification to be consistent with the Classification Plan. The Mayor may, however, when he considers such action to be necessary for the proper functioning of services, authorize a new classification and assign same to an existing compensation grade or determine the rate to be paid to an incumbent employee.

(Ord. #864, Eff. July 1, 2012; as further amended by Ord. #876, Eff. July 1st., 2014)

Section 6-5. Compensation Plan

(a) The Compensation Plan shall consist of Schedules A through K of Section 7 which provide minimum and maximum salaries or wages for certain of the classes in the

classification. The salary range of a class shall be the salary range of all positions allocated to the class. If no range is provided, the single rate appearing in Schedules A through K shall be the basis of compensation paid to an employee occupying a position under the appropriate class title.

(b) Each employee shall continue to be paid on the same basis as in effect at the time of adoption of this ordinance unless otherwise provided in the Compensation Plan.

(c) No administrative authority shall fix the salary of any employee in a position in the Classification Plan except in accordance with the Compensation Plan.

(d) No person shall be paid as an employee in any position subject to the provisions in the Classification Plan under any title other than one appearing in Schedules A through K of Section 7 under the title specified by the Director of Civil Service of the Commonwealth based on the duties of the position as determined by the job description prepared by the Mayor.

(e) An employee in continuous employment in a class appearing on Schedules A through K of Section 7 shall receive the increment between his/her present rate and the next higher step rate as follows:

(1) For current employees, after completion of six months at the minimum or entrance rate:

(2) For employees hired on or after March 1, 2015, after completion of one year at the minimum or entrance rate;

(3) Thereafter, one year from the date of his/her previous increase.

(4) The increase in rate which this increment represents must be recommended by the employee's department head and approved by the Mayor.

(5) The increase shall be based on performance of the employee during the preceding period (six or twelve months as applicable) and not solely on length of service.

(f) An employee receiving a promotion to a vacant position or to a new position as defined in Section 4(d) shall, upon assignment resulting from such promotion, receive the rate in the compensation grade of the vacation or new position next above his/her existing rate. If the resulting adjustment is less than Five Hundred Dollars ($500.00) on an annual basis for apposition class assigned to Schedules A through K, the
adjustment shall be the second rate above the existing rate but within the compensation grade of the vacant or new position.

(g) The employee receiving a promotion and adjustment in rate pursuant to the provisions of the preceding sub-section may receive the next increment of his/her compensation grade effective following completion of twelve months at the rate resulting from the promotion.

(h) The employee who is transferred to a similarly rated or to a lower rated position for the convenience of the municipality shall enter the new position at his/her rate in the position from which he is transferred.

(i) Each administrative authority shall include in its estimates, required by the provisions of Section 31A of Chapter 44 of the General Laws, a pay adjustment section setting forth in detail the amounts which will be required for anticipated pay adjustments during the ensuing year and shall furnish a copy thereof to the Mayor.

(j) No department head, being first initially employed by the City of Methuen, shall be entitled to a retroactive cost-of-living adjustment for the first year of service in the City of Methuen.

(Ord. #641, Eff. May 6th, 1998; as further amended by Ord. #762, Eff. July 1st., 2003; as further amended by Ord. #789, Eff. June 27, 2005; as further amended by Ord. #816, Eff. Aug. 6, 2007; as further amended by Ord. #858, Eff. May 2, 2012, as amended by Ord. #867, Eff. June 21, 2012; as further amended by Ord. #876, Eff. July 1st., 2014, as further amended by Ord. #886, Eff. Feb 4th, 2015)

Section 6-6. Amendment of the Plans

(a) The Classification Plan and/or Compensation Plan and/or other provisions of the ordinance may be amended by vote of the City Council in the same manner as other ordinances of the municipality may be amended. However, no amendment shall be considered or voted on by the City Council unless the proposed amendment has first been presented to the Mayor for consideration fifteen days prior and is recommended by the Mayor. Provided further that no amendment to the Compensation Plan which provides for an increase in compensation for any position shall be introduced or voted on unless it has been submitted for consideration by the Mayor.

(b) The recommendation of the Mayor as to proposed amendment shall be made to the City Council before a vote is taken thereon. A proposed amendment must be submitted to the City Council substantially as presented to and as heard by the Mayor.

(c) Similarly, the Mayor shall report to the City Council as a part of its estimates of municipal expenditures the impact of a proposed amendment which is approved by the Mayor, together with such recommendation or recommendations as the Mayor deems expedient.

(d) the Mayor may propose an amendment to the plans or other provisions of the ordinance based on its findings resulting from its investigations as provided in Section 3(e).

(Amended by Ord. #410, Eff. Dec. 5th, 1990)

Section 6-7. Reserved

Section 6-8. Work Week

The work week for full employment in each group shall be as follows:

GROUP	WORK WEEK
Administrative and Supervisory	35 hours minimum plus additional hours as required
Inspection	35 hours minimum plus additional hours as required
Health	35 hours minimum plus additional hours as required
Recreation and Leisure	35 hours minimum plus additional hours as required
Planning and Engineering	35 hours minimum plus additional hours as required
Other Administrative/Supervisory and Clerical	35 hours
Financial	35 hours
Fire	42 hours
Police	40 hours
Foreman, Mechanic and Craftsman	40 hours
Custodians, Skilled Laborers and Laborers	40 hours

(Ord. #848, Eff. June 1, 2011)

(Ord. #852, Eff. August 4, 2011, as further amended by Ord. #886, Eff. Feb. 4th 2015)

Section 6-9. Initial Application of the Compensation Plan

(a) Upon adoption of this amended ordinance, the rate of each eligible employee occupying a position in the Classification Plan shall be adjusted retroactive to July 1st of the fiscal year of adoption, unless otherwise stipulated.

(b) The rate of each eligible employee shall be adjusted to the same corresponding step rate in his/her designated compensation grade as the step rate which he/she occupied on July 1st of the year of adoption. His/her corresponding step rate shall be determined by the same number of increments below maximum.

(c) If the minimum rate of an employee's compensation grade as of July 1st of the year of adoption is higher than the minimum rate of his/her new compensation grade and if his/her rate is at the old minimum rate at the time of adoption, his/her adjustment shall be to the step rate of the new compensation grade which is next above the old minimum rate. If his/her rate as of July 1st of the year of adoption is below the minimum rate of his/her new compensation grade, the adjustment shall be to the minimum of the new compensation grade.

(d) If the adjustment provided in the preceding sub-section does not result in an increase in compensation of at least One Hundred Dollars ($100.00) on an annual basis for an employee in full-time employment occupying a position class assigned to Schedules A through K, the rate of such employee shall be adjusted to the step rate in the range of the compensation grade to which his/her position has been allocated, which is two such rates above his/her existing rate on July 1st of the year of adoption, unless otherwise stipulated.

(e) If an employee's rate at the time of adoption is above the maximum rate of his/her appropriated new compensation grade, his/her rate shall become a personal rate and, as defined in Section 2, shall apply to the subject employee and not to the position.

(f) The next adjustment for which an employee occupying a position in the Classification Plan shall be eligible, following the initial adjustment received pursuant to sub-sections (a), (b), (c), or (d) of this section, shall be pursuant to Section 5(3); one year shall ensue prior to any such adjustment, except an adjustment from the entrance rate, unless otherwise stipulated by the Mayor, but in no instance, less than six months prior.

(g) Nothing in this section shall be construed as authorizing adjustment to any rate above the maximum rate in the range of the compensation grade unless otherwise stipulated by vote of the City Council.

Section 6-10. Overtime Compensation

(a) General Employee Group

(1) An employee occupying the following positions is not allowed overtime compensation: Superintendent of Environmental Management; Superintendent of Water Distribution Systems; Supervisor of Water Treatment Plant; and Superintendent of Highways.

(2) Notwithstanding the above, the positions as hereinbefore mentioned may be granted overtime compensation upon the following conditions:

Where express permission of the Mayor for such overtime is granted, provided however, that such overtime during any particular

fiscal year shall be limited to 7% of his/her base rate of pay. Provided however, that the 7% base cap shall not apply to duly declared emergencies, as enacted by the Mayor, including but not limited to snowstorms, water main breaks, and other such disasters or calamities provided that the Mayor shall, within seventy-two hours thereafter notify the City Council of such declaration of emergency.

An employee may be granted compensatory time off of up to 8 hours total in a given week at the discretion of the Mayor upon request of the Department Head for hours worked in excess of his/her established work week.

City Council approval shall be required for any amounts over 8 hours per employee per week as well as for any amounts of compensatory greater than 40 hours per employee in a given year. Any request for compensatory time pursuant to this paragraph must be accompanied by a written report either from the Mayor or the Department Head stating the employee or employees to whom said compensatory time is being offered; the total expected compensatory time and hours to be offered; the cost estimate of those compensatory hours and the impact, if any, to operations and/or city services to be effected thereby.

Employees who are entitled to cumulative compensatory time within a fiscal year shall be required to utilize the same within said year, unless said entitlement period is extended by the Mayor, with City Council approval, upon request of the Department Head, due to extenuating circumstances in the interests of the City. Provided however, that, in no instance, shall such accumulation amount to greater than fifty (50) hours in any given year.

(3) An employee occupying one of the following positions is not entitled to overtime compensation except where express permission of the Mayor is granted and where said person, during any one calendar week has worked in excess of forty (40) hours:

Senior Building Custodian
Junior Building Custodian
Park Maintenance Craftsman-Working Foreman
Cemetery Maintenance Craftsman-Working Foreman
Motor Equipment Repairman-Foreman
Highway and Sewer System Foreman
Working Foreman

(4) All other employees occupying a position in this group are not entitled to overtime compensation except where express permission of the Mayor is granted.

(1973 Ordinance as amended by Ord. #147, effective February 2nd, 1984; as further amended by Ord. #844, Eff. February 19, 2011 as further amended by Ord. #865, 866, Eff. June 21, 2012)

(b) Public Safety Group

An employee occupying a position in this group shall receive overtime compensation in accordance with the current contracts with the unions or associations representing employees.

(c) Labor Group

An employee occupying a position in this group and in sub-paragraph (a)2 above shall be compensated for overtime as set forth in the current contract with the union or association representing employees.

Section 6-11. Paid Holidays

(a) The following days shall be recognized as legal holidays within the meaning of this ordinance, on which days employees shall be excused from all duty not required to maintain essential services.

New Year's Day
Martin Luther King Day
Washington's Birthday
Patriots' Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans' Day
Thanksgiving Day
Christmas Day
Day After Thanksgiving – AFSCME, Local 3699, Support Staff Unit; Local 396, I.B.P.O.; Local 49 Teamsters, Police Special Services; Local 25, Teamsters, Police Superior Officers; Middle Management Department Heads and Local 123, DPW Superintendents
Lafayette Day – Local 122, DPW and Local 1691, I.A.F.F.
Employee Half Day – AFSCME, Local 3699, Support Staff Unit
Good Friday Afternoon – Middle Management

Other eligibility requirements for paid holidays shall be determined in accordance with City ordinances.

(b) Every employee in a permanent position as defined in Section 2 shall be entitled to these designated holidays on the following terms:

(1) If paid on an hourly basis, he shall receive one day's at his/her regular rate based on the number of hours worked on the day on which the designated holiday

occurs.

(2) If paid on a weekly, monthly or annual basis, he shall be granted each designated holiday without loss of pay.

(c) Payment under provisions of this section shall be made provided the eligible employee shall have worked on his/her last regularly scheduled working day prior to and his/her next regularly scheduled working day following such holiday, or was in full pay status on such preceding and following days in accordance with other provisions of this ordinance.

(d) An employee, except one occupying a position in the Supervisory (other than the Chief of Police), or Inspection groups, in full-time employment who performs work on one of the days designated in sub-section (a) shall be paid at his/her regular rate for such day or fraction thereof in addition to the amount to which he is entitled under sub-section (b).

(e) At the request of the employee, he may be granted compensatory time off at the convenience of the department in lieu of payment provided under sub-section (d).

(f) Whenever one of the holidays set forth in sub-section (a) falls on a Sunday, the following day shall be the legal holiday. Whenever one of these holidays falls on a Saturday, an employee whose regular work week is Monday through Friday shall be granted a day off on the preceding Friday, or the following Monday, determined by his/her department head.

(g) An employee shall be granted an additional day off if a designated holiday falls on his/her regularly scheduled days off or his/her scheduled day off occurs or is legally observed on Monday, Tuesday, Wednesday, Thursday or Friday.

(Amended by Ord. #172, Eff. Feb. 6th, 1985, as amended by Ord. #865, 866, Eff. June 21, 2012)

Section 6-12. Vacation Policy; Eligibility on Anniversary Date

(a) Unless otherwise specified in collective bargaining agreements, an employee shall be granted vacation leave as follows, in accordance with general ordinances. Years of service for vacation purposes shall be based upon the employee's anniversary date of employment.

Vacation schedule shall be as follows:

2 weeks after one year
3 weeks after five years
4 weeks after ten years
5 weeks after fifteen years
6 weeks after 25 years (for council employees)

(b) Vacation leave shall be granted to all full-time employees who, during a period of continuous employment, have, upon their anniversary date, completed the

required years of said continuous service, as hereinafter designated in sub-section (c) or as may further be stipulated or amended by collective bargaining agreements, provided however, that, prior years of public service, up to the maximum of ten years, shall be computed in calculating the total eligibility for those employees appointed by the City Council and any department heads so appointed by the Mayor.

(c) For service less than one year, vacation benefits shall accrue at the rate of one day for each month of employment provided that such vacation leave shall not exceed ten days.

(d) Upon the death of an employee who is eligible for vacation under these rules, payment shall be made to the estate of the deceased in an amount equal to the vacation allowance as accrued in the vacation year prior to the employee's death but which had not been granted. In addition, payment shall be made for that portion of the vacation allowance earned in the vacation year during which the employee died up to the time of his/her separation from the payroll.

(e) Employees who are eligible for vacation under these rules and whose services are terminated by dismissal through no fault or delinquency of their own, or by retirement, or by entrance into the armed forces, or who are terminated or resign prior to or upon the expiration of their term of office shall be paid an amount equal to the vacation allowance earned in the vacation year during which such dismissal, retirement or entrance into the armed forces or separation occurred up to the time of the employee's separation from the payroll including any accumulation thereof.

(1) Unpaid leave for other than employees appointed by the Council will interrupt continuous employment except by specific approval of the Mayor. The Mayor may grant such approval and deny the employee all or

part of the vacation allowances to which he might be otherwise entitled to under Section 12.

(f) Absences on account of sickness in excess of that authorized under the rules therefore, or for personal reasons as provided for under Other Leave, may, at the discretion of the department head, be charged to vacation leave.

(g) An employee shall be granted an additional day of vacation, if, while on vacation leave, a designated holiday occurs which falls on or is legally observed on Monday, Tuesday, Wednesday, Thursday or Friday.

(h) All vacation allowances provided under the terms of this section should ordinarily be taken before June 30th in the fiscal year earned, unless cancelled by the Mayor to meet an emergency or to offset a critical shortage of personnel. Such vacations shall be granted by the head of the respective department at such time as, in

his/her opinion, will cause the least interference with the performance of the regular work schedule. Normally, no more than two consecutive weeks of vacation leave shall be taken at any one time unless otherwise recommended by the department head and authorized by the Mayor.

(i) All of the foregoing provisions shall be read and applied in harmony with the Family Medical Leave Act (FMLA) and shall not operate to contravene the provisions of the FMLA.

(Amended by Ord. #886, Eff. Feb. 4th, 2015)

Section 6-12A. Vacation Leave Buy-Back

In order to promote the health and safety of the employees, at least five (5) vacation days must be taken per fiscal year, or lost to the employee. Provided however, that, beginning July 1st, 1983, any vacation days earned or accrued for the present fiscal year, or for any previous or subsequent years, may be sold back to the City, at the option of the Mayor, for the full rate of pay for the position and step regularly held as of the date of said buy-back.

(1973 Ord., as amended by Ord. #138 and #144, Eff. Dec., 1983; as amended by Ord. #713, Eff. Feb. 20, 2001)

Section 6-12B. Vacation Carry-Forward

The individual employee may, with the approval of the department head and the Mayor, be granted a carry-forward of one (1) week's vacation into the next fiscal year; provided that, in that subsequent year, said vacation week must be the first week which the employee uses for vacation purposes; and further provided that, if for any reason said week is sold back to the City, it shall be sold back at the rate effective in that previous fiscal year. For the purpose of computing prior public service only, the Municipal Appraiser shall be considered a department head. (This sentence shall apply initially to the computation for the vacation grant for fiscal year 1988.)

New employees hired after March 1, 2015 shall not have the option of this benefit.

(Ord. #172, Eff. Feb. 6th, 1985 – Middle Management; Ord. #179, Eff. March 27th, 1985 – Department Heads; as amended by Ord. #265, Eff. Sept. 3rd, 1987 – Municipal Appraiser, as further amended by Ord. #886, Eff. Feb. 4th, 2015)

Section 6-13. Sick Leave

(a) An employee in continuous employment shall be allowed fifteen (15) days leave with pay each calendar year or one day a month shall be allowed for each month of employment less that one year, provided such leave is caused by sickness or injury or by

exposure to contagious disease. Employees hired after March 1, 2015 shall be allowed twelve (12) days leave with pay each calendar year or one day a month shall be allowed for each month of employment less than one year, provided such leave is caused by sickness or injury or by exposure to contagious disease.

(b) An employee in continuous employment shall be credited with the unused portion of leave granted under sub-section (a) up to a maximum of two hundred (200) days [two hundred forty (240) days for Council employees, Department Heads and Middle Management employees] or such maximum as stipulated under collective bargaining agreements for those employees covered therein.

(Amended by Ord. #365, Eff. Feb. 1st, 1990; Ord. #367, Eff. March 7th, 1990; and Ord.#369, Eff. March 7th, 1990, as further amended by Ord. #886, Eff. Feb. 4th, 2015)

(c) If the amount of leave credit provided under sub-section (b) has been or is about to be exhausted, an employee may make application for additional allowance to that provided under sub-section (a). Such application shall be made to the Mayor, or in the case of employees appointed by the City Council, by the Council Chairman or Vice Chairman, who is authorized to grant such additional allowances as he may determine to be equitable after reviewing all circumstances, including the employee's attendance and performance record prior to conditions supporting his/her request for the additional allowance.

(d) Sick leave must be authorized by the department head and must be reported on blanks provided for the same to the Mayor.

(e) A physician's certificate of illness shall be submitted by the employee after three days' absence to his/her department head before leave is granted under the provisions of this section. This certificate shall be forwarded by the department head to the Mayor within ten (10) days.

(f) The Mayor may, of his/her own motion or by regulation, require a physician's certificate of illness of any employee who reports his/her inability to report for duty because of illness. This examination shall be at the expense of the employee by a physician appointed by the Mayor.

(g) Injury, illness or disability self-imposed or resulting from the use of alcohol or drugs shall not be considered a proper claim for leave under this section.

(h) Payments made under the provisions of this section shall be limited in the case of an employee who is receiving Workmen's Compensation payments to the difference between the amount paid in Workmen's Compensation and the employee's regular rate.

(i) In the even of payments made to an employee under the preceding sub-section, the Mayor may debit the employee's sick leave accrual by such amounts as he determines to be equitable in relation to such payments.

(j) Nothing in this section shall be construed to conflict with Section 100 of Chapter 41 of the General Laws.

(k) Upon termination of employment, unless otherwise stipulated by collective bargaining agreement, an employee will be compensated for his/her unused accumulated sick leave on the basis of 30% of its value, up to the maximum of $7,500 for Middle Management. The sick leave buy-back for Department Heads shall be paid on the basis of 50% of its value – 50% of their accumulated sick leave upon their death or retirement. The sick leave buy-back for council employees shall be paid on the basis of 75% of its value.

(Ord. #179, Eff. March 27th, 1985; as amended by Ord. #367, Eff. March 7th, 1990; as amended by Ord. #369, Eff. March 7th, 1990; as amended by Ord. #403, Eff. Oct. 17th, 1990; as amended by Ord. #407, Eff. Nov. 14th, 1990, as amended by Ord. #714; as amended by Ord. #713, Eff. Feb. 20, 2001; as amended by Ord. #782, Eff January 3, 2005; as amended by Ord. #815, Eff Aug. 6, 2007, as amended by Contract 16-33 and Contract 16-34))

Section 6-13A. Sick Leave Buy-Back Annual (council employees)

Any council employee who would exceed the sick leave cap of two hundred and forty (240) days, shall, to the extent that his/her accrued days exceed this amount receive an amount equal to two hundred dollars for each day over the limit, said amount to be paid annually as of June 30th of the fiscal year, effective June 30, 2016.

(Ord. #713, Eff. Feb. 20, 2001; as amended by Ord. #815, Eff. Aug. 6, 2007, as amended by Ord. #865, Eff. June 21, 2012, as amended by Contract 16-33 and Contract 16-3)

Section 6-13B. Emergency Days (council employees)

Emergency days (sick leave days) for immediate family illness of three days per year shall be allowed upon proof of such illness submitted to the City council office.

(Ord. #713, Eff. Feb. 20, 2001)

Section 6-13C. Sick Leave Abuse Policy

The City stipulates that paid sick time is an important benefit for employees and that any abuse of sick time is detrimental to the citizens of Methuen. While recognizing that only a small fraction of employees may abuse sick time, no abuse of sick time should be tolerated or condoned.

"Situations which suggest abuse" shall be defined as more than four (4) absences which suggest a pattern, as for example, absences occurring on Mondays, Fridays, and days immediately preceding or following holidays or vacation periods.

When the record of repeated absence reflects a pattern of abuse, the Department Head shall notify the Mayor and/or his/her designee immediately and meet with the employee in order to determine whether the employee has a valid reason to justify such absences. The employee shall be informed that he/she may have a Union representative present at this meeting. The Department Head shall provide written notice within five (5) school days following such meeting to any employee whose excuse for absence was deemed unacceptable and subsequently may require a medical certificate.

Medical documentation shall be defined as a written documentation of illness and/or inability to attend work which details the medical condition within the limits of the law and treatment plan with periodic updates from a physician, nurse, chiropractor, dentist, or other health care provider. Said documentation will be made available within five (5) working days of the request.

In any situation which persists to the point where the Department Head deems it necessary to consider disciplinary action against an employee for suspected abuse of sick time, the Department Head will immediately notify the Mayor and his/her designee and the President of the Union.

In applying this provision, the employer recognizes that the purpose of this provision is not to interfere with legitimate use of sick time and agrees to reasonably interpret and apply this provision.

(Ord. #847, Eff. June 1, 2011)

Section 6-14. Bereavement Leave

Emergency leave up to three days may be allowed for death in an employee's family (wife, husband, mother, father, child, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law) or in accordance with the provisions of collective bargaining agreements. At the discretion of the Mayor, this can be extended to five days for out-of-city deaths. Middle Management employees may be allowed emergency leave for the death of a grandchild.

(Amended by Ord. #172, Eff. Feb. 6th, 1985 – Middle Management; Ord. #179, Eff. March 27th, 1985 – Department Heads; and further amended by Ord. #365, Eff. February 1st, 1990 – Middle Management)

Section 6-15. Jury Leave

An employee in full-time employment required to serve on the jury and thus having to be absent from regular duty, may, upon application, be paid the difference between the compensation received from jury duty and his/her regular compensation, upon presentation of an affidavit of jury pay granted.

Section 6-16. Military Leave

An employee in full-time employment in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee. Such payments shall be limited to a period not to exceed two weeks in any twelve month period and shall not include payment to members of the National Guard who may be mobilized during an emergency in the Common-wealth.

Section 6-17. Other Leave

Absences for personal reasons may be charged to vacation leave upon application by the employee and approval of his/her department head provided however, that all employees shall be entitled, exclusive of vacation or sick leave, to no less than three (3) personal days to be taken at such time as may be mutually agreed between said employee and the head of the department or the Mayor in the case of department heads or the Council Chairman or Vice Chairman in the case of employees appointed by the City Council. Such absences, however, may not be charged to vacation leave beyond that which the employee has earned at the time of such application. Department heads shall be entitled to no less than four (4) personal days, exclusive of vacation or sick leave.

(Amended by Ord. #365, Eff. Feb. 1st, 1990; as further amended by Ord. #411, Eff. Feb. 6th, 1991; and as further amended by Ord. #465, Eff. Feb. 19th, 1993)

Section 6-18. Physical Examination

All persons selected for employment with the City of Methuen, including all employees, temporary/seasonal employees, after a receipt of notice of such appointment by the appointing authority, and prior to the starting date of employment must undergo a pre-employment physical exam. Those prospective employees for safety sensitive positions shall also undergo a pre-employment drug screening test. The pre-employment drug screening test for prospective employees for public safety and emergency positions shall include testing for use of tobacco products. The Mayor shall appoint the examining physician and the examination shall be at the expense of the municipality. The examining physician shall advise the Mayor as to whether, in his/her opinion, the applicant is physically qualified to perform the duties for which application has been made.

Pursuant to the foregoing, the Mayor shall develop a Pre-Employment Drug Screening Policy.

(Ord. #846, Eff. June 15, 2011)

Section 6-19. Civil Service Law

Nothing in this ordinance shall be construed to conflict with Chapter 31 of the General Laws in so far as it may remain in effect.

Section 6-20. Residency Requirement

Except for professional positions or where otherwise stipulated by statute, the Mayor shall make appointments from qualified residents of the City of Methuen, and, in the case of professional appointments or promotions, he may require relocation to said municipality within six (6) months of appointment or at his/her discretion, make appointments solely from qualified Methuen applicants.

Section 6-20A. Methuen Preference

(a) Methuen Preference

The Mayor shall observe a preference for residents of the City of Methuen in appointing employees. In furtherance of this policy, whenever a Methuen resident applies for a position to which a non-resident is appointed, the Mayor shall, in addition to his/her notice of appointment, specify in detail the qualifications of the non-residence which justify overriding the Methuen preference policy.

(Ord. #279, Eff. Feb. 24th, 1988, as further amended by Ord. #886, Eff. Feb. 4th, 2015)

Section 6-21. Travel Policy

The Mayor may, at his/her discretion, unless otherwise stipulated by collective bargaining agreements, establish appropriate so-called travel allowance regulations or directives which may grant at the then-current IRS standard mileage rate for business miles of authorized travel or a flat fee payment to any employee using his/her personal vehicle on municipal business up to a set limit subject to appropriation; or provide for an appropriate and equivalent gasoline allowance to compensate for said use or may assign a municipal vehicle to said employee. Department Heads shall receive the current federal standard mileage rate for use of their personal motor vehicle on City business. Council employees shall receive the current federal standard mileage rate for use of their personal motor vehicle on City business.

(Amended by Ord. #331, Effective April 5th, 1989;
as amended by Ord. #782, Eff. January 3, 2005, as further amended by Ord. #886, Eff. Feb. 4th, 2015)

Section 6-22. Career Incentive (Longevity)

Unless otherwise stipulated by collective bargaining agreements, longevity benefits shall be payable as follows:

<u>Middle Management</u>

Upon completion of five years	$425.00
ten years	500.00

fifteen years	575.00
twenty years	700.00
twenty-five years	875.00
thirty years	1000.00

Longevity payments shall be added to the annual salary for the year involved for retirement purposes. It is further understood and agreed to by the parties that each employee will receive the lump sum amount annually and paid on or about the employee's anniversary date.

(Ord. #175, Eff. Feb.6th, 1985 and Ord. #179, Eff. March 27th, 1985; as amended by Ord. #286, Eff. June 1st, 1988; as amended by Ord. #365, Eff. Feb. 1st, 1990; as amended by Ord. #367, Eff. March 7th, 1990; as amended by Ord. #369, Eff. March 7th, 1990; as amended by Ord. #715, Eff. Feb. 20, 2001)

Section 6-22A. Academic Credits – Fire Chief

(a) The Fire Chief will be compensated on an annual basis for accumulated credit hours in fire science courses on the basis of one-tenth of one per cent per credit hour completed at an accredited institution, up to an Associates' Degree.

(b) Upon attaining an Associates' Degree in fire science from an accredited institution, the Fire Chief shall receive an annual lump sum payment equal to 6.2% of his/her base salary.

(c) Any benefits conferred hereunder in the above two sections shall be payable in January of each year, following the attainment of such credits or degree.

(Ord. #106, Eff. Jan. 20th, 1982, as amended by Ord. #177, Eff. Feb. 20th, 1985)

Section 6-22B. Career Incentive – Department Heads and Council Employees

(a) Notwithstanding the provisions of Section 22 of this Chapter, council Employees shall receive an annual longevity benefit based upon the following formula: The annual longevity benefit will be equal to 3/10ths of 1% of a Council Employee's base pay, multiplied by the number of years of service. In addition the annual longevity for council employees will be computed at .375 of 1% of the council employees base pay multiplied by the number of years of service for twenty five years and beyond. A Council Employee is eligible to receive an "additional" longevity equal to ten percent (10%) of their base weekly pay for up to fifty-two (52) weeks or one year, upon written request to the Mayor. Upon completion of the 52 weeks of payment the employee shall not be entitled to any further longevity payments of any kind. The "additional" longevity will be in addition to the current longevity payment. Longevity will be paid weekly and included with the weekly paycheck.

(b) Years of service under this section shall be based upon the Council Employee's anniversary date of employment as a full-time employee and shall include, for purposes of this section, full-time continuous service. The longevity amount specified in paragraph (a) above shall be paid as a lump sum in the payroll week following the anniversary date of employment.

(c) The lump sum payment for longevity shall be treated as base pay for retirement purposes, but shall not be treated as part of base pay for any other purpose.

(d) The annual longevity (career incentive) payment of a council employee and department heads shall be pro-rated upon completion of service with the municipality. The annual longevity benefit will be equal to 3/10ths of 1% of the council employee's base pay, multiplied by the number of years of service, and for service beyond 25 years the annual longevity benefit will be equal to .375 of 1% of the council employee's base pay, multiplied by the number of years of service. The annual longevity for department heads will be computed at .375 of 1% of the department heads' base pay multiplied by the number of years of service for twenty five years and beyond.

(Ord, #677, Eff. September 8th, 1999; as amended by Ord. #782, Eff. January 3rd, 2005, as amended by Ord. #865, Eff. June 21, 2012; as further amended by Department Heads Contract (C -16-7), Approved by City Council on July 6, 2015)

Section 6-22C. Cleaning Allowance – Police Chief and Fire Chief

The Police Chief and Fire Chief shall receive a cash cleaning allowance in the amount of Two Hundred Fifty Dollars ($250.00). Such sum shall be payable in June of each year.

(Ord. #266, Eff. Sept. 3rd, 1987)

Section 6-22D. Clothing Allowance for Conservation Inspector

The Conservation Inspector shall receive a cash clothing allowance in the amount of Two Hundred Dollars ($200.00, the same to be payable in June of each year.

(Ord. #365, Eff. Feb. 1st, 1990)

Section 6-23. Personnel Posting and Advertising Requirements

No appointment to a paid municipal position shall be submitted to the City Council by the Mayor excepting and unless a posting has been met as required herein.

In all instances of openings for paid municipal positions, there shall be posted an opening notice for such position fourteen (14) business days (industry standard) prior to the closing of such announcement. Such posting shall be placed upon a bulletin board for such in the Quinn and Searles Buildings, posted prominently on the home page under the main heading Employment Opportunities of the City of Methuen website, and on the City's Public, Education and Government Access Television Channel(s) on the same day. Such posting shall be time stamped as to the day it is posted and initialed by the person actually posting it and it shall further be time stamped when it is taken down. Such posting shall be maintained as a permanent record in the City Clerk's Office. All applications received for such position shall be time stamped for the purposes of determining whether or not the application was timely submitted.

The above described posting shall contain, at a minimum, the following: A listing of the job, together with a brief description of title, qualifications; the then current salary range; the department in which the position is located; the closing date of the application period; and information on how to obtain and apply for the position, together with where such application shall be filed.

In addition to the posting requirements, and, in the instance where an appointment is sought to be made to a Middle Management or above non-Civil Service position, then, and in that instance, an advertisement shall be made in a newspaper of general circulation in the Methuen area. The advertisement for such position shall be so established that the closing date for the newspaper advertisement shall be the same as established for the posting notice. A copy of the job posting shall be furnished to the City Council at the time of said posting.

In all instances of openings for Department Head positions, there shall be an additional job posting of an opening notice in an effort to recruit and attract candidates from a greater geographical region which would benefit the City by enlarging the pool of candidates and thus hiring the most qualified applicant. The opening notice shall be advertised in the Mass Municipal Association (MMA) classified ads via the MMA monthly newsletter and MMA website.

(Ord. #529, Eff. Feb. 16th, 1995; as further amended by Ord. #663, Eff. Jan. 6th, 1999; as amended by Ord. #720, #Eff. June 20, 2001; as further amended by Ord. #928, Adopted August 6, 2018, #Eff. September 05, 2018)

Section 6-24. Effect of Partial Invalidity

The invalidity of any section of this ordinance shall not invalidate any other section or provision hereof.

Section 6-25. Veterans' Policy

1. That upon availability of any position of employment with the City of Methuen or the vacancy of any existing position in the employ of the City of Methuen whether the same

be part-time or full-time, that those veterans referenced above shall be given top priority for the purposes of filling said position;

2. Any and all veterans applying for said position shall meet all the required qualifications necessary for the performance of said duties of such position;

3. Any and all hiring contemplated hereunder shall be only for those positions presently existing in the current workforce of the City of Methuen and does not contemplate the creation of any new position therefor.

(Ord. #849, #Eff. June 2, 2011)

CHAPTER 6A

PERSONNEL ORDINANCE - MAYOR

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CHAPTER 6A - PERSONNEL ORDINANCE - MAYOR

Section 1. Authorization

Pursuant to the provisions of Article 3, Section 3-1 of the Methuen Home Rule Charter, as amended by Chapter 332 of the Acts and Resolves of 1992, the following ordinance shall govern the salary and benefits of the Mayor of Methuen.

Section 2. Compensation

The annual salary of the Mayor is hereby set at Eighty Thousand Dollars ($80,000.00), payable in weekly pro-rated amounts of One Thousand Five Hundred Thirty-Eight and 46/100 ($1,538.46) Dollars.

(Ord. #801, Eff. July 1st, 2006)

Section 3. Fringe Benefits

A. Vacation.

The Mayor shall receive accrual of two weeks vacation in his/her first year in office and three weeks vacation accrual in his/her second and subsequent years; the same to be accumulated on a pro-rated basis.

Upon the death of the Mayor, the remaining balance of vacation time shall be paid to the estate of the deceased in an amount equal to the vacation allowance then remaining unused. In addition, payment shall be made for that portion of the vacation accrued to date.

Any accrued and unused vacation credit may, upon approval of the City Council, be carried forward into the next fiscal year.

B. Sick Leave.

The Mayor shall receive a sick leave accrual of fifteen days per year, to accumulate at the rate of one day per month as of the last day of each month, with an additional three days credited at the end of each twelve month period. Said sick leave may accrue up to a maximum of ninety days.

Upon cessation of service, the Mayor shall be compensated for his/her unused, accumulated sick leave on the basis of fifty percent of its then current value up to a maximum sum of Ten Thousand Dollars.

In the event of the death of the Mayor, payment for unused accumulated sick leave as provided for in the foregoing paragraph shall be made to the estate of the deceased.

Payments made under the provisions of this section shall be limited in the case where the Mayor is receiving workmen's compensation payments to the difference between the amount paid in workmen's compensation and the Mayor's regular rate of pay.

C. Health Insurance.

The Mayor shall be entitled to obtain a subscribership in a group policy of health insurance as is then presently maintained by the City of Methuen and upon a premium percentage as is provided general government (i.e. department heads).

D. Holidays.

The Mayor shall receive time off with pay for the following holidays:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Washington's Birthday	Veterans' Day
Patriots' Day	Thanksgiving Day
Memorial Day	Christmas
Independence Day	Employee's Birthday

Whenever one of the holidays set forth above falls on a Sunday, the following day shall be the legal holiday. Whenever one of the holidays falls on a Saturday, the preceding Friday shall be the legal holiday, unless otherwise provided for under the General Laws.

E. Bereavement Leave.

The Mayor shall be granted three days leave for the death of an immediate family member, to include spouse, mother, father, child, brother, sister, mother-in-law and father-in-law.

Section 4. Jury Duty

Should the Mayor be required to serve on jury duty and thus be absent from a regular day of work, he/she shall be paid the difference between the compensation received from jury duty and his/her regular compensation as is provided for in the General Laws.

Section 5. Hours of Work/Outside Activity

Pursuant to the provisions of Article 3, Section 3-1 of the Methuen Home Rule Charter, the Mayor shall devote his/her full time to the office and shall not hold any other public office, elected or appointed, nor engage in any other business activity whether or not such business activity is pursued for gain, profit, or other pecuniary advantage during his/her term of office.

Section 6. Automobile Expense

The City of Methuen shall reimburse the Mayor for the expense of operating his/her own vehicle for City business in the sum of Two Hundred Dollars ($200.00) per month, as a flat fee. Provided further, that no additional mileage shall be paid by the City for the use of his/her vehicle. If the Mayor's car is out of commission for one month, he/she shall be allowed the use of a City vehicle for that period, but he/she shall not be paid the $200.00 allowance for that month.

Section 7. Dues and Subscriptions

The City Council may, subject to available revenues, provide sums adequate to pay for professional dues and subscriptions of the Mayor.

Section 8. Professional Development

The City Council may, subject to adequate funding, annually budget for out-of-state travel and subsistence expenses of the Mayor for professional and official travel, meetings and occasions adequate and necessary to continue his/her professional development as a Mayor. Provided that, the Mayor shall be required to provide a one week notice to the City Council of such travel, such notice to be delivered in writing to the City Council office.

Section 9. Residual Clause

No person serving as a municipal employee with benefits provided under Chapter 6 of the Methuen Municipal Code shall, as a result of his/her election as Mayor, lose his/her benefits during his/her service as Mayor. Said person shall continue to accrue career incentive, vacation, sick leave, personal leave, academic credits, and cleaning allowance under said Chapter 6, notwithstanding this Chapter. However, nothing herein shall entitle said person to a salary greater than that provided in Section 1 hereof.

(Ord. #376, Eff. August 5th, 1993; as amended by Ord. #600, Eff. January 1st, 1998)

CHAPTER 7

MUNICIPAL CONTRACTS

Section	Item
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Sec. 7-2.	Short Title
Sec. 7-3.	Scope
Sec. 7-4.	Definitions
Sec. 7-5.	Formal Requirements

Sec. 7-6. Contract Clauses
Sec. 7-6A. Proposal Submission Requirements
Sec. 7-7. Awarding Form
Sec. 7-8. Waiver
Sec. 7-9. Amendments to Contract
Sec. 7-10. Termination
Sec. 7-11. Contract Awards
Sec. 7-12. Recordkeeping
Sec. 7-13. Massachusetts First Procurement Policy
Sec. 7-14. Severability
Sec. 7-15. Proposals Under Gen Laws, Chapter 30B, Section 4
Sec. 7-16. Repealed
Sec. 7-17 Regulating Bidding on Public Construction Projects

CHAPTER 7 - MUNICIPAL CONTRACT ORDINANCE

Section 7-1. Authority

Pursuant to the provisions of Chapter 40, Sec. 21 (1) and other applicable sections of the General Laws and in furtherance of Section 3-2 (j) of the Methuen Home Rule Charter, the following ordinance shall govern the establishment of contractual relations with the municipality.

Section 7-2. Short Title

This ordinance shall be known and may be cited as the municipal contract ordinance.

Section 7-3. Scope

Unless the context otherwise requires, this ordinance shall apply to all transactions in supplies or services provided to the municipality in the exercise of its corporate functions; provided, however, that it shall not apply to any contracts made by the municipality in regard to:

1. Municipal employees' wages and working conditions; or

2. The leasing of equipment to the municipality for a period of three months or less; or

3. The purchase or lease of realty by the municipality; or

4. Any transaction (a) in which the consideration is less than Twenty-Five Thousand Dollars ($25,000) if said contract bid was obtained under the Request for Proposal or bid procedures of General Laws, Chapter 30B, Chapter 149, Section 44A et seq., Chapter 30, Section 39M et seq. of Chapter 7; or (b) where a transaction is less than Twenty-Five Thousand Dollars ($25,000); or

5. The settling of matters in litigation; or

6. Issuance of bonds; or

7. Agreements made under the emergency provisions of Chapter 30B, Section 8, Chapter 30, Section 39M and Chapter 149, Sections 44A to 44H of the General Laws; or

8. Matters which are otherwise provided for by other ordinances of the municipality, statutes or regulations of the Commonwealth, or laws or regulations of the United States.

Provided, however, that said contracts shall comply with General Laws, Chapter 30B, as applicable.

(Amended by Ord. #201, Adopted Sept. 3, 1985; as further amended by Ord. #566, Adopted Mar. 4, 1996; as further amended by Ord. #666, Eff. March 1st, 1999; as further amended by Ord. #689, Eff. February 17th, 2000; as further amended by Ord. #839, Eff. April 15, 2010)

Section 7-4. Definitions

Chief Procurement Officer - shall mean the Mayor as provided for under General Laws, Chapter 30B.

Contract - shall mean a promissory agreement between the municipality and another person upon which agreement the municipality seeks to obtain the services or supplies from said person in exchange for which is given monetary consideration. It shall mean the total legal obligation which results from the transaction. As applicable to General Laws, Chapter 30B, said contracts may also be known as "Chapter 30B Contracts".

Services - shall mean the performance of administrative, clerical, ministerial, professional, trade or official duties by any person on behalf of the municipality for which compensation is paid other than by a person appointed pursuant to the Methuen Home Rule Charter, Section 3-2 (b).

Services shall, as applicable, mean that definition as appearing in General Laws, Chapter 30B, Section 2.

Supplies - shall mean equipment, material and supplies as provided for under General Laws, Chapter 30B.

Vendor - shall mean any entity offering services or supplies to the municipality whether such be a sole proprietorship, partnership, company corporation or other like entity.

Section 7-5. Formal Requirements

Except as otherwise provided in the Municipal Code, the Charter, statutes of the Commonwealth or laws of the United States, all contracts for the purchase of goods or services for the municipality shall be awarded in accordance with Section 3-2 (j) of the Methuen Home Rule Charter.

All procurements of services and supplies shall be made by the Chief Procurement Officer or such person(s) as he may designate pursuant to General Laws, Chapter 30B, Section 19.

In addition to any requirements that might be imposed upon such contract by Chapters 30B; 30, Sec. 39M; and 149, Sec. 44A any contract for the purchase of supplies or

services as provided in this ordinance shall be in writing and such contract shall contain the clauses as specified in Section 7-6 of this ordinance.

Section 7-6. Contract Clauses

All contracts as specified in Section 7-5 above shall be in writing and shall contain the following:

1. The name or names of the vendors contracting with the municipality and that of the Mayor indicating that he is acting on behalf of said municipality.

2. The supplies or services to be rendered unto the municipality by the vendor. Such supplies or services may be incorporated by reference from the vendor's bid or proposal.

3. The payment terms of the municipality for the performance by the vendor. The document shall further state whether such consideration is being paid in lump sum or in part payments. In any instance, unit pricing is required to be listed.

4. A clause establishing what, if any, liabilities may exist in this agreement relative to negligent or incomplete performance of the contract by the vendor. The clause shall further indicate what liabilities may exist for injuries suffered to real or personal property and/or bodily injuries sustained by either of the parties to the agreement or any other individuals not a party to the contract.

5. A clause indicating that the vendor shall not assign nor transfer this contract or any part thereof, or any sum due or to become due without the written permission of the Mayor of the municipality.

6. A clause indicating that the vendor shall indemnify and save harmless the municipality, its officers and agents from all claims and actions brought against the City or its officers and agents for or on account of any injury or damage received or sustained by any person, structure or property on account of any act or omission of the vendor of such supplies or services.

7. A clause indicating that the City may retain so much of the money due to the vendor under the agreement as shall be considered necessary by the Mayor until all such suits or claims for damages as mentioned above shall have been settled.

8. A clause indicating that the party shall render unto the City an amount as specified in said contract as a guarantee and as a collateral security for the faithful performance of the contract by the vendor, or in lieu thereof, an insurance policy or other instrument.

9. A clause indicating that the vendor shall deliver unto the City all necessary certificates relative to Workmen's Compensation as required by Chapter 152 and other applicable provisions.

10. A clause indicating that the vendor shall secure and maintain an errors and omissions or public liability policy in an amount specified by the Mayor sufficient to protect the municipality from any negligence of vendor.

11. A clause indicating the terms and conditions of any amendment or termination to the contract.

12. A clause indicating that all supplies shall be F.O.B. the municipal building or such other place as the Mayor of the municipality might indicate.

13. A clause indicating the time for performance of such contract both beginning and ending.

14. A clause indicating that all supplies shall pass to the municipality free of all liens and that the vendor in the contract certifies such statement.

15. A clause indicating the specific contract length, with a beginning to ending date. Also included must be a performance schedule.

16. As to contracts exceeding one year in length, a clause must be added subjecting the future years of the contract to proper appropriation for each such fiscal year. The clause must provide for contract termination if no appropriation is made by the City Council for such supply or service.

17. As to renewal, extension or option agreements, the same must indicate that options shall be exercised at the sole discretion of the City; provided further that the same appeared in the original bid or proposal.

18. A default clause specifying liquidated damages and other default remedies.

19. A clause specifying performance bonding of vendor on his obligations.

20. A termination clause and when and under what conditions it may be exercised.

21. A clause prohibiting activities that violate Chapter 268A of the General Laws.

22. A clause listing the total amount of supplies or services (including estimates) under the contract.

23. A tax certificate under General Laws, Chapter 62C, Section 49A.

24. A non-collusion affidavit.

25. A certificate by the Chief Procurement Officer that the award was made in compliance with General Laws, Chapter 30B.

Section 7-6A. Proposal Submission Requirements

Multi-year contracts shall specify the method or price computation used, i.e. either (a) constant pricing; (b) annual adjustments under a specified price indexing; or (c) different prices per year (provided that a formula for calculating the discounted present value of payments is used).

Section 7-7. Awarding Form

The contract, when presented to the Council, shall be accompanied by an award of contract form containing clauses as may be determined necessary by the Council and the Mayor. The Mayor shall, in addition to submitting the awarding form and the contract thereon, submit the bid specifications used and the submittal response of the successful bidder on said specifications.

In each instance in which a contract was subject to the bid or proposal process under local or State law, the proposers involved shall be identified by name, address and amount of bid or proposal. This summary shall be submitted with every such contract unless the law specifically prohibits the same. Accompanying the summary shall be a statement executed by the Mayor listing the following items: (1) The project scope; (2) A documentation of the procurement process; and (3) In the instance where an RFP is involved, a summarization of the evaluation process.

(Amended by Ord. #691, Eff. January 18th, 2000)

Section 7-8. Waiver

The City Solicitor may waive, modify or amend any or all of the requirements in Section 7-6 of this ordinance if, in his opinion, they are not required, provided that no statutory requirements are violated.

Section 7-9. Amendments to Contract

A contract awarded and executed by the Mayor pursuant to Council vote as per Section 3-2 (j) of the Charter may be amended by the Mayor, acting on behalf of the municipality, provided that said amendment shall not result in an increase in the contract price of more than ten per cent (10%).

Section 7-10. Termination

A contract awarded pursuant to this ordinance may be terminated by the Mayor, acting on behalf of the municipality, in such manner as is provided in said agreement.

Section 7-11. Contract Awards

A. Supplies and Services

Contract awards for supplies and services, as applicable, shall be made in accordance with General Laws, Chapter 30B. The procedures, as provided for in the "Municipal, County, District and Local Authority Procurement of Supplies, Services and Real Property", prepared by the Office of the Inspector General, Publication #16231-125- 500-3-20-90, as may hereinafter be amended, shall be, as applicable, complied with in the bid, proposal and award of all municipal contracts.

B. Public Works and Public Buildings

Contract awards for contracts subject to General Laws, Chapter 30, Section 39M, and/or General Laws, Chapter 149, Sections 44A, et seq., shall contain the GENERAL CONDI- TIONS of the "Standard General Conditions of the Construction Contract" prepared by Engineers Joint Contract Documents Committee, No. 1910-8 (1983 Edition), as may be modified by particular specific conditions. All such contracts shall be principally governed, unless otherwise provided for, by and subject to the "BLUE BOOK" of the Commonwealth of Massachusetts Department of Public Works Standard Specifications for Highways and Bridges (1988 Edition), as may be hereinafter updated and supplemented.

Section 7-12. Recordkeeping

All contract documents and supporting materials must be maintained for a period of six years from the date of final payment under the contract. All of these records must be available for public inspection, except that proposals (RFPs) made under General Laws, Chapter 30B, remain confidential until the completion of the evaluations (General Laws, Chapter 30B, Section 3).

Section 7-13. Massachusetts First Procurement Policy

It shall be the policy of the City of Methuen and its demand to the Chief Executive Officer that, in procuring equipment, materials and supplies, the Mayor, and his officers and agents, shall seek proposals and/or bids, including telephone bids, from Massachusetts businesses solely. This policy shall be adhered to unless it is not legally possible to comply with the same.

In any instance where equipment, materials or supplies shall be secured from other than a Massachusetts business, then in that instance, the Mayor, in submitting the Intent to Award, shall submit an explanation, in detail, as why the Massachusetts First Policy of Procurement could not be complied with.

For the purposes of this ordinance, the term "Massachusetts business" shall mean a facility either corporately or by local office doing business within the Commonwealth of Massachusetts and preferably registered with the Secretary of State's Office or a local city or City clerk's office as a Massachusetts business.

Section 7-14. Severability

If any provision of this ordinance is held invalid, the other provisions of such shall not be affected thereby. If the application of the ordinance or any of its provisions to any person or circumstance is held invalid, the application of this ordinance and its provisions to other persons and circumstances shall not be affected thereby.

Section 7-15. Proposals Under General Laws, Chapter 30B

When the City of Methuen shall seek proposals or bids on equipment, materials, supplies or services subject to the provisions of General Laws, Chapter 30B, Section 4, the following procedure shall apply.

The Chief Procurement Officer shall not use telephone quotations unless such quotation is followed up with a written proposal submitted by a proposer or bidder. Such written submission shall outline the goods or services to be delivered, the charge and any applicable warranty, and be signed by a duly authorized agent of the bidder.

(Ord #750, Eff. April 16th, 2003).

Section 7-16. Bid or Proposal Process - Repealed

In the award of the below described contracts, a procedure is hereby ordained to be followed which shall be similar in nature to an award under General Laws, Chapter 30B, known as the Uniform Procurement Act, be it by an invitation for bid or a request for proposal process.

No contract shall be awarded for the following services or supplies unless the process is followed. The contracts covered by this ordinance shall be:

- a contract for the advertising of required notices;

- a contract for the procurement of insurance or surety bonds;

- a contract for physicians, dentists, and other health care individuals or persons, including nurses, nurses' assistants, medical and laboratory

technicians, health care providers, including diagnosticians, social workers, psychiatric workers and veterinarians;

- a contract for snow plowing;

- a contract which is funded by the proceeds derived from a gift to an agency of the City or a Trustee established for the benefit of the inhabitants of the City of Methuen;

- a contract for the towing and storage of motor vehicles;

- a contract to provide job-related training, educational or career developmental services to the employees of the City;
- a contract for the collection of delinquent taxes or for the services of a Deputy Tax Collector;

- a contract for the collection, transportation, receipt processing or disposal of solid waste, recyclable and compostable materials.

- an Architect engineering contract subject to Chapter 7, Section 38A-1/2

- a contract for annual Municipal Audit.

(Ord. #462, Eff. February 19th, 1993; as amended by Ord. #470, Eff. May 20th, 1993; as amended by Ord. #471, Eff. June 2nd, 1993; as further amended by Ord. #494, Eff. November 30th, 1993; as further amended by Ord. #517, Eff. August 31st, 1994; as further amended by Ord. #666, Eff. March 1st, 1999; Section 7-16 Repealed by Ord. #750, Eff. April 16th, 2003)

Section 7-17 Regulating Bidding on Public Construction Projects (Responsible Contractor Ordinances (RCO)

A. All bidders and all subcontractors, including subcontractors that are not subject to M.G.L. c.149, §44F, under the bidder for projects subject to M.G.L. c.149, §44A(2) and M.G.L. c.30, §39M, shall, as a condition for bidding or for an award of a subcontract on non-filed sub-bid work, verify under oath and in writing at the time of bidding that they comply with the following conditions for bidding or subcontracting and, for the duration of the project, shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the City of Methuen Employment Plan as it currently exists and as it may, from time to time, be amended.

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. c.149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must at the time of bidding maintain or participate in a bona fide apprentice training program as defined by M.G.L. c.23, §§11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Workforce Development and must register all apprentices with the Division and abide by the apprentice to journeyman ratio for each trade prescribed therein in the performance of any work on the project.

4. The bidder and all subcontractors under the bidder must at the time of bidding furnish at their expense, hospitalization and medical benefits and/or coverage for all their mechanics and apprentices, teamsters, chauffeurs and laborers (as those employee classifications are used in M.G.L. c.149, §26) at least comparable in value and coverage to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. c.149, §26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate industrial accident insurance coverage for all the employees on the project in accordance with M.G.L. c.152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. (see: M.G.L. c.149, §148B on employee classification)

B. A bid submitted by any general bidder or by any subcontractor under the general bidder that does not comply with any of the foregoing conditions for bidding shall be rejected, and no subcontract for work outside the scope of M.G.L. c.149, §44F shall be awarded to a subcontractor that does not comply with the foregoing conditions.

C. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on the projects subject to M.G.L. c.149, §44A(2) or c.30, §39M shall comply with any one of the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

D. Any bidder or subcontractor under the bidder who fails to comply with any one of obligations 1 though 6 as set forth in Paragraph A above for any period of time shall be, at the sole discretion of the City of Methuen, subject to one or more the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City of Methuen in the amount of 5% of the dollar value of the contract.

E. In addition to the sanctions outlined in Paragraph D above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. c.149, §44F. Any contractor or subcontractor that has been determined by the City of Methuen or by any court or agency to have violated any of the obligations set forth in Paragraphs A and C above shall be barred from performing any work on any future projects for six months for a first violation, three years for a second violation and permanently for a third violation.

F. In any provision of this ordinance, of the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall be not affected thereby.

(Ord. #730, eff. January 16, 2002)

CHAPTER 7A - OTHER CONTRACTS

Section	Item
Sec. 7A-1.	Contracts other than Section 7-1 contracts

CHAPTER 7A - OTHER CONTRACTS

Section 7-A. Contracts Other than Section 7-1 Contracts

Authority. Whereas, pursuant to the Methuen Home Rule Charter, Section 3-2 (j), all contracts within the jurisdiction of the Mayor require Council approval; and

Whereas, Chapter 40, Section 21 (1) provides that the City Council may enact ordinances regulating the prudential affairs of the municipality; and

Whereas, the term "contract" in the aforesaid Section 3-2 (j) has not been defined;

Now therefore be it ordained that the term "contract", as specified in the aforesaid 3-2 (j), shall mean and be defined as "any promissory agreement between the municipality and another person, firm, company, partnership or corporation by which the municipality seeks to obtain the services or goods from said entity in exchange for which is given monetary consideration", provided that such term shall not mean any agreement made by the municipality in regard to:

1. The leasing of equipment to the municipality for a period of one month or less, except the leasing of equipment which might occur for a period of more than one month during the course of a year computed from the first day of the original lease; provided further, that the Mayor shall declare an emergency on such and notify the Council within fourteen days of such declaration; or
2. Any transaction (a) in which the consideration is less than Fifty Thousand Dollars ($50,000) if said contract bid was obtained under the Request for Proposal or bid procedures of General Laws, Chapter 30B, Chapter 149, Section 44A et seq., Chapter 30, Section 39M et seq. of Chapter 7; or (b) where a transaction is less than Twenty-Five Thousand Dollars ($25,000); or

3. Agreements made under the emergency provisions of Chapter 40, Section 4G, Chapter 30, Section 39M, and Chapter 149, Sections 44A to H of the General Laws.

4. Now therefore be it ordained that the term “contract”, as specified in the aforesaid 3-2(j), shall mean and be defined as “any promissory agreement between the municipality and another person, form, company, partnership, corporation or former city employee by which the municipality seeks to obtain the services or goods from said entity in exchange for which is given monetary consideration”.

The term "contract" shall further include all side letters to collective bargaining agreements, stipends to be paid to city employees in addition to salary and any other payments or allowances to be pre-paid to any city employee in addition to salary in the form of mileage, clothing and cleaning allowances, travel and vehicle maintenance unless any of the same are specifically provided for in a collective bargaining agreement approved by the city council. For the purposes of this section the term "contract" shall not apply to the following.

(Amended by Ord. #201, Adopted Sept. 3, 1985; as further amended by Ord. #462, Eff. Feb. 19, 1993; and as further amended by Ord. #566, Eff. April 3, 1996; and as further amended by Ord. #841, Eff. May 20, 2010)

CHAPTER 7B - PURCHASE AGREEMENTS

Section	Item
Sec. 7B	Purchase Agreements

CHAPTER 7B - PURCHASE AGREEMENTS

Section 7-B. Purchase Agreements

Authority. Whereas, Chapter 40, Section 21 (1) provides that the City Council may enact ordinances regulating the prudential affairs of the municipality; and

Whereas, Section 3-2 (K) of the Methuen Home Rule Charter makes the Mayor responsible for the purchasing of all supplies, materials and equipment for all departments and activities of the City, except school materials and supplies as provided therein;

Now therefore be it ordained, that the following procedure shall be established for the acquisition of all the aforesaid materials, equipment and supplies not hereintofore provided for in this ordinance:

1. No agreement for the purchase or lease of equipment, materials or supplies, the total sum of which amounts to One Hundred Dollars ($100.00) or more shall be consummated without the prior approval of the Mayor.

2. The Mayor is hereby directed to develop any policy or policies he deems necessary regarding agreements, the value of which amounts to less than One Hundred Dollars ($100.00).

CHAPTER 7C - ACCOUNTANT'S CERTIFICATE AS TO AVAILABILITY OF FUNDS

Section	Item
	Accountant’s Certificate as to Availability of Funds

CHAPTER 7C - ACCOUNTANT'S CERTIFICATE AS TO AVAILABILITY OF FUNDS

Section 7-C. Accountant's Certificate as to Availability of Funds

No contract for the purchase by the municipality of goods or services as defined in Section 7-4, the scope of which is provided for in Section 7-3, shall be deemed to have been made until the City Accountant has certified thereon that an appropriation in the amount of such contract is available therefor and that an officer or agent of the City has been authorized to execute said contract and approve all requisitions and change orders.

No amendment for a change in or addition to the scope of services or materials or equipment to be performed under a contract subject to this section, in any form whatsoever, unless it is an order which the contracting party is willing to perform without any increase in the contract price, shall be deemed to have been given until the Accountant has certified thereon that an appropriation in the amount of such order is available therefor; but such certificate shall not be construed as an admission by the City of its liability to pay for such work. The certificate of the Accountant that an appropriation in the amount of such contract or order is available shall bar any defense by the City on the grounds of insufficient appropriation; and any law barring payment in excess of appropriation shall not apply to amounts covered by any certificate under this section.

(As amended by Ord. #247, Approved Dec. 15, 1986, Eff. Jan. 14, 1986)

CHAPTER 8

FEES

Section	Item
Sec. 8-1.	City Clerk's Fees
Sec. 8-2.	Building Permit Fees
Sec. 8-3.	Fees for Electrical Permits
Sec. 8-4.	Plumbing and Gas Fitting Fees
Sec. 8-5.	Licenses and Permit Fees
Sec. 8-5A.	Ambulance Rates and Charges
Sec. 8-5B	Fire Permit Fees
Sec. 8-6.	Denial, Revocation or Suspension for Failure to Pay Municipal Taxes or Charges
Sec. 8-7.	Municipal Charges Lien
Sec. 8-8.	Uniform Rates for Unpaid Municipal Charges and Bills
Sec. 8-9.	Sealer of Weights Fees
Sec. 8-10.	Methuen Housing Authority Cooperative Agreements
Sec. 8-11.	Disposal Fees
Sec. 8-12.	Recreation Department Charges
Sec. 8-13.	Cemetery Charges
Sec. 8-14.	Assessor’s Services
Sec. 8-15.	Waiver of Fees

CHAPTER 8 - FEES

Section 8-1. City Clerk's Fees

The fees charged by the City Clerk, pursuant to the provisions of Chapter 262, Section 34, shall be as follows:

1. For filing and indexing assignment for the benefit of creditors, **ten dollars**.

2. For entering amendment of a record of the birth of an illegitimate child subsequently legitimized, **twenty-five dollars**.

3. For correcting errors in a record of birth, **twenty-five dollars**.

4. For furnishing certificate of a birth, **ten dollars**.

5. For furnishing an abstract copy of a record of birth, **five dollars**.

6. For entering delayed record of birth, **twenty-five dollars**.

7. For filing certificate of a person conducting business under any title other than his real name, **thirty dollars** for a new certificate; **thirty dollars** for a renewal of certificate..

8. For filing by a person conducting business under any title other than his real name or statement of change of residence, or of his discontinuance, retirement or withdrawal from, or of a change of location of such business, **five dollars**.

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

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

11. For correcting errors in a record of death, **twenty-five dollars**.

12. For furnishing a certificate of death, **ten dollars**.

13. For issuing and recording licenses to keepers of intelligence offices, **twenty-five dollars**.

14. For issuing and recording license to Junk Dealers, **seventy-five dollars**.

15. For issuing and recording license to Junk Collectors, **fifteen dollars**.

16. For issuing and recording Pawnbrokers license, **one hundred dollars**.

17. For issuing and recording licenses to keepers of billiard saloons, pool or sippio rooms or tables, bowling alleys, etc., **thirty dollars** first and **fifteen dollars** additional.

18. For entering notice of intention of marriage and issuing certificates thereof, **twenty-five dollars**.

19. For issuing certificate of marriage, **ten dollars**.

20. For correcting errors in a record of marriage, **twenty-five dollars**.

21. For recording power of attorney, **ten dollars**.

22. For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof, **fifty dollars**.

23. For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth, **fifty dollars**.

24. For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereon, and increase in number of wires and cable or attachments under the provisions of Section 22 of Chapter 166, **one hundred dollars**.

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

26. For copying any manuscript or record pertaining to a birth, marriage or death, **five dollars**.

27. For receiving and filing of a complete inventory of all items to be included in a "closing out sale" etc., **five dollars** per page.

28. For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by Chapter 182, Section 2, **fifteen dollars**.

29. Recording any other documents not specifically mentioned herein, unless otherwise provided by law, **five dollars** per page.

30. For issuing a Flea market License, **seventy-five dollars** per day;

31. For a copy of a map of the City, **five dollars**;

32. For a copy of the Street List of the City; **twenty dollars**;

33. For a copy of the Subdivision Rules and Regulations of the City, **twenty dollars;**

34. For a Las Vegas Night permit, $**50.00**.

The schedule of fees for the City Clerk, as established by this ordinance, shall be posted in a conspicuous place in the City Clerk's Office. Any other fees not provided for in this ordinance shall be set by the City Clerk as provided for in the General Laws.

(Amended by Ordinance #525, Eff. January 18th, 1995; as further Amended by Ordinance # 753, Eff. July 1st, 2003; as amended by Ord. #889, Eff. May 6th, 2015)

Section 8-2. Building Permit Fees

Type of Permit Fee

Building Permits	**Current**	**Amended Fee**
Minimum Fee	$25	**$25**
New Construction	$10/$1000 estimated cost	**$12/$1000 estimated cost**
Additions & Alterations	$12/$1000 estimated cost	**$12/$1000 estimated cost**
Swimming Pool Permits	$12/$1000 estimated cost	**$12/$1000 estimated cost**
Permit to Raze Structures	$12/$1000 estimated cost	**$12/$1000 estimated cost**
Moving Permits - Dwell. & Lg. Buildings.	$12/$1000 estimated cost	**$12/$1000 estimated cost**
Moving Permits - Less than 10 x 20	$12/$1000 estimated cost	**$12/$1000 estimated cost**
Sign Permit	$12/$1000 estimated cost	**$12/$1000 estimated cost**
Temporary Construction Sign Permit	N/A	**$25**
Air Conditioning	$12/$1000 estimated cost	**$12/$1000 estimated cost**
Temporary Tent Permit	$25 Flat Fee	**$50**
Temporary Trailer Permit	$25 Flat Fee	**$100**

Chimney/Fireplace Permit	$12/$1000 estimated cost	**$12/$1000 estimated cost**
Wood Stove Installation	$25 per installation	**$35 per installation**
Release to Stop Work Order	$75 per release	**$100**
Residential Fence Permit	$10	**$25 minimum fee**
Commercial Fence Permit	$25	**$50**
Re-Inspection Fee	$25 each - pay prior to inspection	**$50 - pay prior to insp.**
Certificate of Occupancy - Residential	$50/ Unit-at time of permit	**$50/ Unit-at time of permit**
Certificate of Occupancy - Commercial	$100/Unit - at time of permit	**$100/Unit - at time of permit**
Building Permit Renewals	$30/6 months - limit of 2	**$30/6 months - limit of 2**
Duplicate Building Card	$25 per replacement	**$25 per replacement**
Copies of Certified Plot Plans	$5 per copy	**$5 per copy**
Zoning Clearance for New Business	$10	**$25**
Zoning Affidavit	$25	**$50**
Work with No Permit	$300/Day**	**$300/Day****
** As per Section X-G of Comprehensive Zoning Ordinance		

The schedule of fees for Building Permits, as established by this ordinance, shall be posted in a conspicuous place in the Department of Inspectional Services.

This ordinance shall act to repeal all previous ordinances or resolutions upon the effective date hereof relating to Building Permit rates and the above cited rates shall be applicable.

(1983 Ordinance as amended by Ord. #146, Eff. Jan. 1984; as further amended by Ordinance #525, Eff. January 18th, 1995; as further amended by Ordinance #726, Eff. July 1st, 2001; as further amended by Ordinance #758, Eff. July 1st, 2003, as further amended by Ordinance #903, Eff. May 15th, 2016…).

Section 8-3. Fees For Electrical Permits

Electrical Permits	**Current**	**Amended Fee**
Residential		
Minimum Fee	$25	**$50**

New Construction	1/10 of 1% Of Total Cost Of Bldg. Construction	**10% of the cost on building permit**
Additions To Buildings/Remodeling	$20 Per Room	**$50 first room then $25 for each additional**
Temporary Service	$25	**$25**
New Service – 1 Meter	$25/100A + $10 Each Additional 100A	**$50/100A + $10 Each Add. 100A**
Each Additional Meter	$10	**$10**
Repair To Service		**$35**
Dryers	$15 Per Appliance	**$30**
Wall Ovens / Ranges	$15Per Appliance	**$30**
Water Heater		**$30**
Security Systems	$20Per Unit	**$25 Per Dwelling Unit**
Data/Telecommunication Systems	$20 Per Unit	**$25 Per Dwell Unit or Tenant**
Smoke Detector Installations	$20 Per Unit	**$25 Per Dwelling Unit**
Central Air Conditioning	$20 Per Unit	**$40**
Swimming Pools	$25	**$50**
Oil & Gas Boilers	$15	**$30**
Generators/ Solar	$50	**$50**
Re-Inspection Fees	$25	**$50**
Siding	$10	**$25**
Panel Change	$15 Each	**$30**
Smoke Detector Certification*	$25	**Single Family: $ 50**
		Two Family: $ 100
		3 - 6 Units: $ 150
		Over 6 Units: $ 500
Work With No Permit	$100 Fine	**Fee Is Doubled**
Commercial/ Industrial		
Minimum Fee	$25	**$50**
New Construction	1/10 of 1% Of Total Cost Of Building	**10% of the cost on building permit**
Additions To Buildings	1/10 of 1% Of Total Cost Of Building Construction	**10% of the cost on building permit**
Temporary Service	$50	**$50**
Service – 1 Meter	$35/100A + $15 each add 100A	**$75/100A + $15 each add 100A**

Each Additional Meter	$15	**$15**
Repair Service		**$35**
Appliances	$25 Per Appliance	**$35**
Water Heater		**$30**
Security Systems	$35 Per Unit	**$50 Per Tenant Space**
Data/Telecommunication Systems	$35 Per Unit	**$50 Per Tenant Space**
Smoke Detector Installations	$35 Per Unit	**$50 Per Tenant Space**
Central Air Conditioning	$35 Per Unit	**$50 Per Tenant Space**
Swimming Pools	$50	**$75**
Oil & Gas Boilers	$25	**$50**
Re-Inspection Fees	$25	**$50**
Motors	Various	**Minimum Fee + $3 Per HP**
Signs	Various	**$50**
Generators		**$75**
Solar	1/10 of 1% Of Total Cost Of Building	**10% of the cost on building permit**
Fixtures/ Lighting Retrofit	$1.00 Each	**Minimum Fee + $1.00 each**
Gas Pumps / Dispensers	$20 each	**$30**
Siding	$10	**$50**
Panel Change	$15 Each	**$50**
Work With No Permit	$100 Fine	**Fee Is Doubled**

The schedule of fees for Electrical Permits, as established by this ordinance, shall be posted in a conspicuous place in the Department of Inspectional Services.

This ordinance shall act to repeal all previous ordinances or resolutions upon the effective date hereof relating to Electrical Permit rates and the above cited rates shall be applicable.

(1983 Ordinance as amended by Ordinance #146, Eff. January, 1984; as amended by Ordinance #726, Eff. July 1, 2001, as amended by Ordinance #904, Eff. May 15th, 2016)

Section 8-4. Plumbing and Gas Fitting Fees

PLUMBING FEES

Type of Permits	**Current**	**Amended Fee**
Residential		

New Construction	1/10 of 1% of total cost on building permit	**10% of the cost on building permit**
Replacement/ Addition/ Remodel	$25 plus $5 per fixture	**$50 + $5 per fixture**
Replacements- Existing Fixtures Only		**$50+$5 per fixture**
Hot Water Heater	$12.50	**$30 each fixture**
Backflow Preventers	$10 each fixture	**$25 each fixture**
Deduct Meters	$10 each fixture	**$25 each fixture**
Commercial/ Industrial		
New Construction	1/10 of 1% of total cost on building permit	**10% of the cost on building permit**
Remodeling / Additions / Renovations	1/10 0f 1% of total cost on building permit	**$100 + $5 per fixture**
Replacements - Existing Fixtures Only	$40 plus $5/fixture (existing only)	**$100 + $5 per fixture**
Backflow Preventers	$50 each Fixture	**$50 each fixture**
Vacuum Breakers	$50each Fixture	**$50each Fixture**
Deduct Meters	$50each Fixture	**$50each Fixture**
Water Heaters	$50 each Fixture	**$50 each Fixture**
Underground Only	$50	**$50**
Miscellaneous Permits		
Capped Sewer Lines	$25	**$50**
Pre-Sewer Entry Permit	$20	**$30**
Re-Inspection Fee (Each Inspection)	$25	**$50**
Work With No Permit	Permit Fee Is Doubled	**Permit Fee Is Doubled**

GAS FEES

Type of Permit	**Current**	**Amended Fee**
Residential		
New Appliance - Up To 3 Units	**$25 + $5 / Appliance**	**$50 + $5 / Appliance**
New Appliance - 4 Units Or More	**$50 + $5 / Appliance**	**$75 + $5 / Appliance**
Replacements - Existing Appliance Only	**$10 + $5 / Appliance**	**$25 + $5 / Appliance**
Water Heater	**$12.50 Each**	**$30**
Commercial/Industrial		
New Appliance / Construction	**$65 + $5 / Appliance**	**$100 + $5 / Appliance**
Replacements - Existing	**$50 + $5 / Appliance**	**$100 + $5 / Appliance**

Appliance Only		
Water Heater	**$75 Each**	**$75 Each**
Miscellaneous Permits		
Relocate Gas Meter or Service	**$15 + $5 / Appliance**	**$25 + $5 / Meter or Service**
Re-Inspection Fee (Each Inspection)	**$25**	**$50**
Work With No Permit	**Permit Fee Is Doubled**	**Permit Fee Is Doubled**

The schedule of fees for Plumbing and Gas Fitting Permits, as established by this ordinance, shall be posted in a conspicuous place in the Department of Inspectional Services.

This ordinance shall act to repeal all previous ordinances or resolutions upon the effective date hereof relating to Plumbing and Gas Fitting Fee rates and the above cited rates shall be applicable.

NOTES: Fees are doubled if work precedes permit or permission from Inspector.

Commercial fees cover 5 inspections only. Each additional inspection is $20.00, to be paid prior to the Inspections Department.

(1983 Ordinance, as amended by Ord. #146, Eff. Jan. 18th, 1984; as further amended by Ord. #571, Eff. June 3rd, 1996; as amended by Ordinance #726, Eff. July 1, 2001, as further amended by Ord. #905, Eff. May 15th, 2016)

Section 8-5. Licenses and Permit Fees

The following licenses and permit fees are established pursuant to authority of Chapter 351 of the Acts and Resolves of 1981:

License or Permit	Statutory Authority	Fee
Alcoholic Beverages without Prescription		
- Licensed Pharmacist Selling	Ch. 138, Sec. 183A	Not Less than $100 nor more than $600 as individually set by Licensing Board
Amusement		
- Sunday	Ch. 136, Sec. 4	Class One coin operated Devices

Group 1: Electronic Gun or Target Game

Group 2: Coin operated Pinball Games

Group 3: Simulated Sport Games

Group 4: Coin operated Skeeball Games

Group 5: Coin operated computer games

Group 6: Coin operated Simulated Driving and/or Racing Games

Charge per above Group licensed - $100.00 to a Maximum of $400.00

Class Two Juke Box $100.00

Class Three Live Entertainment $100.00

Class Four Miscellaneous Entertainment $100.00

(For special or

		additional hours - $100.00)
- Weekday	Ch. 140, Sec. 183A	$100.00

(1983 Ordinance as amended by Ordinance #146, Eff. Jan. 1984)

Anti-Freeze and Denatured Alcohol		
- Storage of	Ch. 148, Sec. 13	$50.00
Automatic Amusement Devices	Ch. 140, Sec. 177A	$100.00
Beano	Ch. 136, Sec. 4	$20.00 per event or $400 per year
	Bicycles	
- Registration of	Ch. 85, Sec. 11A	$2.50
Buses	Ch. 159A, Sec. 1	$25.00
	Charitable Organizations	
- Temporary Sales By		$10.00
Common Victualer	Ch. 140, Sec. 2	$50.00
	Concerts	
- Sunday		$20.00 per event or $400 per year
	Dances	
- Public Entertainment	Ch. 140, Sec. 183A	$50.00
Day Camp, Recreation Camp	Ch. 140, Sec. 32B	$50.00
	Explosives and Inflammable Materials	
- Storage and Certificate of Registration on original or renewal		$5.00 per thousand gallons of licensed

		storage capacity with a minimum charge of $50.00

(1983 Ordinance as amended by Ordinance #146, Eff. Jan. 1984)

Fire Prevention

- Inspection	Ch. 148, Sec. 10A	$10.00
Fortune Tellers	Ch. 140, Sec. 185I	$50.00

Gasoline

- Removal or relocation of underground gasoline tanks	Ch. 148, Sec. 38A	$200.00
- Storage of		$5.00 per thousand gallons of licensed storage capacity with a minimum charge of $50.00

(1983 Ordinance as amended by Ord. #146, Eff. Jan. 1984)

Innholder	Ch. 140, Sec. 2	$50.00
Junk Collector	Ch. 140, Sec. 54	See Ch.13 & 55
Lodging Houses	Ch. 140, Sec. 22&23	$50.00
Lunch Cart	Ch. 140, Sec. 49	$100.00

Milk

- and cream	Ch. 94, Sec. 41	$10.00
- pasteurized		$40.00

Methyl or Wood Alcohol

- Manufacture, buy, sell, transport, etc.	Ch. 94, Sec. 303A & 303B	$5.00

	Non-Alcoholic Beverages	
- Manufacture, bottle, sell and deliver	Ch. 94, Sec. 10A & 10B	$40.00
- Sale of certain non-intoxicating beverages	Ch. 140, Sec. 21A & 21B	
Pawnbrokers	Ch. 140, Sec. 77	$100.00
Petroleum Products		$5.00 per thousand gallons of licensed storage capacity with a minimum charge of $50.00
Pinball, Automatic Amusement Device	Ch. 140, Sec. 177A	$100.00
Raffles and Bazaars	Ch. 271, Sec. 7A	$50.00
	Sale of Articles for Charitable Purposes	
- Temporary license to sell	Ch. 101, Sec. 33	$10.00
Shooting Galleries	Ch. 140, Sec. 56A	$20.00 original/ $5.00 renewal
	Stables	
- Licensing	Ch. 111, Sec. 155	$40.00
Steam Engines and Furnaces	Ch. 140, Sec. 115	$25.00
Trade or Sale of Bootbacking	Ch. 101, Sec. 19 By Minor	$5.00

The schedule of fees contained in this ordinance shall be posted in a conspicuous place in the City Clerk's Office.

Section 8-5A. Ambulance Rates and Charges

The following fees are established for the providing of ambulance services:

1. Base rate for service — The base rate for service shall be set

at 300% above the Medicare Fee Schedule for such service as may hereinafter be changed by said agency

2.	Mileage - Per travel mile	$50.00
3.	Oxygen	$175.00
4.	Airway	$400.00
5.	Defibrillator	$350.00
6.	Cardiac Monitor	$500.00
7.	C-Spine / Immobilization	$300.00
8.	Epi-Pen / BLS Meds	$300.00

This ordinance shall act to repeal all previous ordinances or resolutions upon the effective date hereof relating to ambulance rates and the above cited rates shall be applicable.

(Ord. #513, Eff. July 6th, 1994; as amended by Ord. #629, Eff. March 19th, 1998; as amended by Ord. #695, Eff. April 8th, 2000; as amended by Ord. #735, Eff. March 6, 2002; as further amended by Ord. #761, Eff. July 1st, 2003; as further amended by Ord. #863, Eff. May 7th, 2012; as further amended by Ord. #881, Eff. July 7th, 2014)

Section 8-5B Fire Permits

ITEM FEE

	City Council Adopted Fees
Fire Report Copy	$5.00
21E Site Survey (research only -- copies additional)	$50.00
Acetylene (Annual)	$50.00
Annual Inspections -- business, suppression systems, etc. (Blanket)	$50.00
Blasting Permit (Requires a Fire Detail)	$50.00 + Detail Pay
Combustible Fibers	$50.00
Cutting and welding operations, Permit (Requires a Fire Detail)	$50.00 + Detail Pay
Demolition (May Require a Fire Detail)	$50.00 + Detail Pay
Dumpster	$25.00
Explosives, permit for use and handling of	$50.00
False Fire Alarms (negligence or defective equipment) 4-5 False Alarms	$200.00 each
False Fire Alarms (negligence or defective equipment) 6 or More False Alarms	$400.00 each
Fire Alarm System (installation or repair)	$50.00
Fireworks, permit & site inspection	$25.00
Flammable Liquid Storage (Annual)	$50.00

Fumigation	$50.00
Gunpowder / Blackpowder Storage Permit	$50.00
Heating Equipment, Temporary	$50.00
Install/remove UST per address (May Require a Fire Detail)	$50.00
LPG (Propane) Storage, Permit/Inspection	$50.00
Master Box Annual Fee	$120.00
Oil Burner Installation, Permit/Inspection	$50.00
Outdoor Burning	$25.00
Permit Re-issue	$50.00
Phase II Vapor Recovery Systems	$50.00
Plan Review	$50.00
Rockets	$50.00
Smoke Detector / Carbon Monoxide Inspection	$50.00 per unit
Smoke Detector / Carbon Monoxide Reinspection	$50.00 per unit
Sprinkler Test-Residential (Installation)	$50.00
Sprinkler Test-Commercial - 10 - 50 Heads	$50.00
Sprinkler Test-Commercial - 51 - 100 Heads	$100.00
Sprinkler Test-Commercial - 101 - 200 Heads	$200.00
Sprinkler Test-Commercial - 201 - 300 Heads	$300.00
Sprinkler Test-Commercial - 301 or more Heads	$400.00
Sprinkler Test - Residential	$50.00
Tank Facility FP-290's - Per Tank (maintaining every 3 years)	$50.00
Tank Facility FP-290's - Permit (maintaining every 3 years)	$50.00
Tank Truck Inspections (per truck)	$50.00
Tank Installation - Above Ground (per tank)	$50.00
Tank Removal - Above Ground (per tank)	$50.00
Tar Kettle-annual	$50.00
Tent Permit	$50.00
Tire Storage (Annual with site visit)	$50.00
Waste Oil (Annual)	$50.00

(Ordinance #726, Eff. July 1st, 2001; as further amended by Ord. #756, Eff. July 1st, 2003; as further amended by Ord. #888, Eff. March 19th 2015)

Section 8-6. Denial, Revocation or Suspension for Failure to Pay Municipal Taxes or Charges

A. Authority

In accordance with the authority granted it under Chapter 40, Section 57, Massachusetts General Laws, the hereby ordains and mandates that any board, officer,

department or commission which shall issue and renew licenses as provided for in Chapter 8 of the Methuen Municipal Code shall deny any application for or revoke or suspend a building permit or any local license or permit, including renewals and transfers issued by said board, officer, department or commission for any person, corporation or business enterprise with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charges, including amounts assessed under the provisions of Section 21D of Chapter 40 of the General Laws.

B. Procedure

The Treasurer/Tax Collector of the shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits, including renewals or transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal charges for not less than a twelve month period and that such party has not filed, in good faith, a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event, or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments, or other municipal charges, payable to the municipality as the date of issuance of said certificate.

C. Payment Agreement

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the

suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

D. Waiver

The Mayor may waive such denial, suspension or revocation if he finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section One of Chapter Two Hundred and Sixty-Eight in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning; Section Thirteen of Chapter Forty-Eight; bicycle permits; Section Eleven A of Chapter Eighty-Five; sales of article for charitable purposes, Section Thirty-Three of Chapter One Hundred and One; children work permits, Section Sixty-Nine of Chapter One Hundred and Forty-Nine; clubs, associations dispensing food or beverage licenses, Section Twenty-One E of Chapter One Hundred and Forty; dog licenses, Section One Hundred and Thirty-Seven of Chapter One Hundred and Forty; fishing, hunting, trapping license, Section Twelve of Chapter One Hundred and Thirty-One; marriage licenses, Section Twenty-Eight of Chapter Two Hundred and Seven and theatrical events, public exhibition permits, Section One Hundred and Eighty-One of Chapter One Hundred and Forty.

This Section shall, however, apply to any license or permit not specifically excluded which may or can be issued by a department, board, commission or committee of the .

(Ord. #222, Approved March 3rd, 1986, Eff. April 2nd, 1986; as amended by Ord. #504, Eff. April 10th, 1994)

Section 8-7. Municipal Charges Lien

A. Authority

In accordance with Section 58 of Chapter 40 of the General Laws, the City of Methuen, acting by and through its Mayor, his officers and Tax Collector, are hereby authorized to impose a lien on real property located within the City of Methuen on any local charge or fee that has not been paid by its due date. Said lien to be known as the "municipal charges lien".

B. Time of Taking Effect

The municipal charges lien authorized by Section 58 of Chapter 40 of the General Laws and this ordinance shall take effect upon the recording of a list of the unpaid municipal charges and fees by parcel of land and by the name of the person assessed for the charge or fee in the North Essex Registry or Deeds or other appropriate Registry.

C. Certificate of Charge to Assessors

If a charge or fee which is secured by a municipal charges lien remains unpaid when the Assessors are preparing a real estate tax list and warrant under Section 53 of Chapter 59, M.G.L., the Board or officer in charge of the collection of the municipal charge or fee, or the City Collector of Taxes, if applicable under Section 38A of Chapter 41, M.G.L., shall certify such charge or fee to the Assessors, who shall forthwith add such charge or fee to the tax on the property to which it relates and commit it with their warrant to the Collector of Taxes as part of such tax. If the property to which such charge or fee relates is tax exempt, such fee or charge shall be committed as the tax.

D. Discharge of Lien

A lien under this ordinance and Chapter 626 may be discharged by filing a certificate from the Tax Collector that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

E. Applicable Charges and Fees

The following charges or fees shall be subject to a municipal charges lien for non-payment. Each fee or charge mentioned herein having been separately voted by the City Council:

- All City Clerk's fees under Chapter 262, Section 34, M.G.L. (Chapter 8, Section 8-1, Methuen Municipal Code)

- All building permit fees under 780 CMR, Section 118.0, et seq. (Chapter 8, Section 8-2, Methuen Municipal Code)

- All electrical permit fees under Chapter 8, Section 8-3, Methuen Municipal Code

- All plumbing and gas fitting fees under Chapter 8, Section 8-4, Methuen Municipal Code

- All license and permit fees under Chapter 8, Section 8-5, Methuen Municipal Code

- Taxicab and private livery license fees under Chapter 13, Section 13-10, Methuen Municipal Code

- Operator license fees under Chapter 13, Section 13-20, Methuen Municipal Code

- Second-hand dealer license fees under Chapter 13, Section 13-20, Methuen Municipal Code

- Junk dealer and collector license fees under Chapter 13, Section 13-21, Methuen Municipal Code

- Flea market license fees under Chapter 13, Section 13-30, Methuen Municipal Code

- Public amusement (Saturdays) license fees under Chapter 13, Section 13-40, Methuen Municipal Code

- Sewer user fees under Chapter 14, Methuen Municipal Code

- Water charges under Chapter 41, Section 69B, Massachusetts General Laws

- Chapter 18, Methuen Municipal Code, recreation fees

- Chapter 16, Methuen Municipal Code, excavation permit fees (Section 16-09)

- Chapter 16, Methuen Municipal Code, moving permit fees (Section 16-16)

- Extra paid details for Police Officers

- Extra paid details for firefighters

- Private overtime for employees of the Department of Public Works

- Wetlands ordinance filing fees (Chapter 12, Section 12-10, Methuen Municipal Code)

- All fees under the comprehensive zoning ordinance for permits, variances, and the like

- All permit fees for subdivision or approval not required filings
- All Health Department permit fees under the Board of Health Regulations, Articles 2, 3, 4, 6 and 7

- All Licensing Board fees under rules and Regulations of the Licensing Board, Sections IX and XI

- Sealer of Weights and Measures fees

(All references to the above section, rules, or articles being as presently existing and as may be amended).

F. Alternate Remedies

The Mayor and his officers shall retain the right, alternately, to seek court action or other appropriate remedies to secure payment of the local charges and fees.

G. Interest

Unless otherwise provided for in the General Laws, unpaid charges or fees shall be charged with an interest at the rate of fourteen percent (14%) per annum, computed from the due date thereof on any unpaid balance.

(Ord. #283, Eff. April 20th, 1988.)

Section 8-8. Uniform Rates for Unpaid Municipal Charges and Bills

A. Authority

In accordance with the provisions of Chapter 40, Section 21E, Massachusetts General Laws, the following due dates for the payment of municipal charges and bills and interest rates for unpaid bills are hereby established.

B. Due Dates

Unless otherwise provided by the General Laws of the Commonwealth or by the department or authority responsible for establishing municipal charges or bills, the due date on all municipal charges and bills shall be established at thirty (30) days from the date of billing.

C. Interest Rates

Any charge or bill remaining unpaid after the above due date shall be charged with an interest at the rate of and equivalent to interest rates as charged under Section 57 of Chapter 59, Massachusetts General Laws.

(Ord. #300, Effective November 2nd, 1988)

Section 8-9. Fees of the Sealer of Weights

DEVICE	**LEGAL SEALING FEE**
Over 10,000 lbs.	$145.00
5,000 to 10,000 lbs.	$100.00
1,000 to 5,000 lbs.	$65.00
100 to 1,000 lbs.	$55.00
>10 but <100 lbs.	$35.00
10 lbs. or less	$30.00
Avoirdupois (each) Weights	$5.00

Metric	Weights	$5.00
Apothecary	Weights	$5.00
Troy	Weights	$5.00
Vehicle Tanks		
Each indicator		$8.00
Each 100 Gals. Or fraction thereof		$5.00
Liquid		
1 Gallon or less		$2.00
More than 1 Gallon		$2.00
Inlet 1/2" or less		
Oil, Grease		$8.00
Inlet more than 1/2" to 1"		
Gasoline Fuel Tank Pump		$35.00
Inlet more than 1"		
Vehicle Tank Pump (Oil Truck)		$65.00
Vehicle tank Gravity		$65.00
Bulk Storage		$100.00
Company Supplies Prover		$30.00
Each stop on pump		$2.00
Taxi Meters		$35.00
Leather Meas (semi-an.)		$25.00
Fabric Measuring		$20.00
Yard Sticks		$10.00
Tapes		$10.00
Scanner		
One to Three		$100.00
Four to Eleven		$200.00
More than 12		$300.00
Adjust/Reseal		½ of fee
Out of District		$25.00

SECTION TWO: All Ordinances or parts of thereof inconsistent herewith are hereby repealed.

SECTION THREE: This Ordinance shall take effect as provided by law.

(Ord. #327, Effective March 23rd, 1989; as further amended by Ord. 830, Eff. May 21, 2009)

Section 8-10. Methuen Housing Authority Cooperative Agreements

The Mayor may enter into a cooperative agreement with the Methuen Housing Authority as to Housing Authority controlled and owned properties to waive the fees for electrical permits, building permits and plumbing and gas fitting permits.

(Ord. #583, Eff. October 16th, 1996)

Section 8-11. Disposal Fees*

The following fees are established for the disposal of the items as listed below.

Classification 1. CRT's (Cathode Ray Tubes)

Televisions 19" or larger	$20.00
Televisions smaller than 19"	$10.00
Computer – Monitor (screen)	$10.00
Computer – Tower (mainframe)	$10.00
Computer – (mouse and/or keypad)	$0

Classification 2. Propane Tanks

Standard 20 pound (or larger)	$5.00
Smaller than 20 pound	$0

*Handicap/Disabled Citizens of Methuen and Residents age 62 and older are exempt from the fees listed herein

(Ord. #737, Eff. June 6, 2002; as further amended by Ord. #861, May 17, 2012)

Section 8-12. Recreation Department Charges

Recreation Department charges shall be as follows:

Adult Field Use Utility Fee	$200.00

(Ord. #755, Eff. July 1st, 2003)

Section 8-13. Cemetery Charges.

Elmwood Cemetery charges shall be as follows:

SALE OF LOTS & GRAVES

Single Graves	$800.00

Four Grave Lots	$3,200.00
Infant Graves	$125.00
Cremation Lots (Two Graves)	$450.00
Lawn Crypts (sold in Groups of Four)	$3,200.00
GRAVE OPENINGS	
Lawn Crypts	$600.00
Adults (regular Graves)	$850.00
Children	$200.00
Infants (does not include Grave box)	$ -
Cremation	$425.00
Winter Burials	$250.00
GRAVE BOX	
Adult	$375.00
Infant	$200.00
Cremation Liner	$200.00
DEEDS	
Registration of Deeds	$20.00
Duplicate Deeds	$45.00
Transfer of Deed to Resident	$60.00
Transfer of Deed to Non-Resident	$250.00
MISC	
Markers	$100.00
Foundations - Per SQ. FT.	$100.00
Overtime - VARIES	

(Ord. #755, Eff. July 1st, 2003, as further amended by Ord. #882, Aug 4, 2014)

Section 8-14. Assessor's Services.

The following fees shall be assessed for services provided by the Assessor's Office.

Abutters List	$35.00
Field Card Charge	$1.00 per card

(Ord. #757, Eff. July 1, 2003)

Section 8-15. Waiver of Fees.

No waiver of those fees required under this Chapter shall be waived unless said waiver is first approved by a vote of the City Council. All requests for waiver shall be submitted in writing stating the reasons and addressed to the Mayor of the City of Methuen. Such waivers shall be granted with the concurrence of both the Mayor and the City Council.

(Ord. #792, Eff. October 6, 2005)

CHAPTER 9

PUBLIC PEACE, SAFETY AND ORDER

Article I. Animals

Section	Item
Sec. 9-11.	Pasturing of animals

Article II. General

Section	Item
Sec. 9-21.	City owned vehicles, use restricted
Sec. 9-22.	No motor boat with internal combustion engine except City authorized rescue crafts
Sec. 9-23.	Dumping permits and charges
Sec. 9-24.	Banning garbage rummaging
Sec. 9-25.	Banning recycling waste material scavenging
Sec. 9-26.	Banning graffiti
Sec. 9-26A.	Removal of graffiti from public and private property
Sec. 9-27.	Prohibiting the blocking of sidewalks
Sec. 9-28.	Fences - use of clothesline prohibited
Sec. 9-29.	Prohibiting use of utility poles for commercial advertisements

Article III. Morals and Conduct

Section	Item
Sec. 9-31.	Reserved
Sec. 9-32.	Indecent and profane language prohibited
Sec. 9-33.	Public drinking
Sec. 9-34.	Hitchhiking prohibited
Sec. 9-35.	Pedestrian soliciting business
Sec. 9-36.	Loafing and loitering in streets; obstructing foot travelers
Sec. 9-37.	Common nuisance
Sec. 9-38.	Peeping tom
Sec. 9-39.	Alcohol on public property
Sec. 9-39A.	Underage sale of malt beverages
Sec. 9-39B.	Penalty for violating executive session
Sec. 9-40.	Rolling paper sales
Sec. 9-40A.	Banning possession or use of self-contained propellant cans near parades
Sec. 9-40B.	Prohibiting destruction of political signs
Sec. 9-40C.	Banning the sale of spray paint to minors

Article IV. Licensing

Section	Item
Sec. 9-41.	Second-hand goods, license for
Sec. 9-42.	Self-service storage facilities
Sec. 9-43	Prohibiting Above Ground Storage of Class I Flammable Liquid Storage Tanks

Article V. Public Works and Ways

Section	Item
Sec. 9-51.	Snow and ice removal
Sec. 9-52.	Reserved
Sec. 9-53.	Towing vehicles during snow emergencies
Sec. 9-54.	Sidewalks
Sec. 9-55.	Handicapped parking
Sec. 9-55A.	Towing of vehicles in handicapped parking spaces
Sec. 9-56.	Repair of vehicles on public way
Sec. 9-57.	Prohibiting improper use of fire hydrants
Sec. 9-58.	Prohibiting unregistered vehicles or trailers on the public ways
Sec. 9-59	Parking Ordinance (Fines)

Article VI. Environmental Protection

Section	Item
Sec. 9-61.	Regulation of loudspeakers, amplifiers and paging systems
Sec. 9-62.	Noise pollution control ordinance
Sec. 9-63.	Prohibiting parking of trucks on residential streets
Sec. 9-64.	Noise pollution
Sec. 9-65	Unreasonable Noise
Sec. 9-66.	Banning unregistered vehicles stored on properties

Article VII. Public Health

Section	Item
Sec. 9-71.	Wells to be kept covered
Sec. 9-72.	Storage of ashes
Sec. 9-73.	Litter and refuse
Sec. 9-74.	Swimming pool fences
Sec. 9-75.	Storing of rubbish
Sec. 9-76.	Prohibiting non-residents from leaving trash for curbside pick-up
Sec. 9-77.	Establishing a fine for negligent disposal of garbage

	and refuse
Sec. 9-78.	Occupancy certificate

Article VIII. Public Safety

Section	Item
Sec. 9-81.	Firearms, discharge of
Sec. 9-82.	Coasting or sliding on public ways
Sec. 9-83.	Fire prevention code
Sec. 9-84.	Air-tight containers
Sec. 9-85.	Security alarm systems
Sec. 9-86.	Regulating negligent or intentional use of fire
Sec. 9-87.	Forest Lake outlet and establishing the positions of gate tenders
Sec. 9-88.	Fire alarm systems
Sec. 9-89.	Fence ordinance
Sec. 9-90.	Numbering of dwellings/businesses
Sec. 9-91.	Fire lane ordinance
Sec. 9-92.	Prohibiting operation of dirt bikes
Sec. 9-92A	Motorized Skateboards and/or Motorized Scooters
Sec. 9-92B	Banning Gas Powered Motorized Mini-Bikes, Mini-Chopper Scooters and Motorized Go-Carts
Sec. 9-93.	Childsafe construction sites
Sec. 9-94.	Youth curfew
Sec. 9-95	Prohibiting stockpiling of snow near public ways
Sec. 9-96	Criminal History Background Checks
Sec. 9-97	Banning Snowmobiles on Cemeteries, Parks, Playgrounds and School Playgrounds in the City of Methuen

CHAPTER 9 - PUBLIC PEACE, SAFETY AND ORDER

Article I. Animals

Section 9-11. Pasturing of Animals

No person shall pasture cattle or other animals, either with or without a keeper, upon any of the streets or ways in the City, provided that this ordinance shall not affect the right of any person to the use of the land within the limits of such way adjoining his own premises.

(1973 Ord., Sec. 9.03)

Article II. General

Section 9-21. City Owned Vehicles, Use Restricted

City owned cars and trucks shall be used for official City business only. They shall not be used at any time for the private business of the person to whom they are assigned. Pleasure riding or use of such vehicles is specifically forbidden. Any operator of a City owned vehicle shall be personally liable for any property damage or personal injuries which may result from accidents which occur when the vehicle is not in the furtherance of City business.

(1973 Ord., Sec. 9.14)

Section 9-22. No Motor Boat with Internal Combustion Engine Except City Authorized Rescue Crafts

No person shall operate a motor boat powered by an internal combustion engine nor transport any such engine upon any great pond not exceeding five hundred (500) acres in extent and not being used as a source of water supply of any City, water supply or fire district or public institution, the whole or any portion of which is located within the boundaries of the City of Methuen, except boats authorized by the City and used as rescue crafts.

Whoever violates any provision of this ordinance, unless otherwise provided by law or ordinance, shall be punished by a fine of not more than One Hundred Dollars ($100.00) for each offense and up to Three Hundred Dollars ($300.00) for each subsequent offense.

(1973 Ord., added by Ord. #19, Feb. 1974; as further amended by Ord. #862, May 17, 2012)

Section 9-23. Dumping Permits and Charges

All receipts from Permits, Charges, Sale of Scrap Material and recyclable material from the City landfill will be held in a separate account and be used upon the recommendation of

the Mayor and with the approval of the City Council, for expenses in connection with the operation and maintenance of said landfill.

(1973 Ord., added by Ord. #54, May, 1977, amended by Ord. #57, Sept., 1977)

Section 9-24. Banning Garbage Rummaging

It shall be unlawful for an individual, excepting a law enforcement official during the course of police duties, to pick through the garbage of any resident after such time as the resident shall have deposited the material in a can or other container on or near the public way for pick up. Any person violating this ordinance shall be subject to a fine of One Hundred Dollars ($100.00) per incident.

(Ord. #538, Eff. May 18th, 1995)

Section 9-25. Banning Recycling Waste Material Scavenging

A. Definition

Recyclables - materials in the waste stream that can be re-manufactured into useful products including, but not limited to, aluminum beverage containers, steel and bi-metal cans, newspapers, magazines, corrugated paper, or other container board, office paper, plastic and glass containers.

B. Ownership of Recyclables and Scavenging Prohibition

Residential recyclables, upon placement at the curb, shall become the property of the City of Methuen on those routes regularly serviced by the City or its authorized contractors.

It shall be unlawful for any person, unless under contract with or licensed by the City, to collect or remove any recyclable materials that has been deposited or placed at the curb for recycling.

C. If, as prohibited in Section B hereof, any person not under contract with or licensed by the City of Methuen collects or removes any recyclable material that has been deposited or placed at the curb for recycling shall be subject to a Two Hundred Dollar ($200.00) fine.

(Ord. #554, Eff. Nov. 1st, 1995)

Section 9-26. Banning Graffiti

Whoever sprays or applies paint or places a sticker upon a building, wall, fence, sign, tablet, real or personal property, or on a public way or public building, commonly known as

tagging, or marks, scratches, etches, or otherwise injures, mars or defaces such property with the intent to so do shall be punished by a fine of Three Hundred Dollars ($300.00) per offense.

(Ord. #559, Eff. Jan. 17th, 1996)

Section 9-26A. Removal of Graffiti from Public and Private Property

A. Graffiti: Declaration of a Nuisance

It is hereby declared that graffiti, upon public and private property, is a nuisance which endangers the public health, safety, morals and welfare of the citizens of Methuen. Graffiti contributes to the creation of substandard, decadent and blighted neighborhoods; to the spread of crime and juvenile delinquency; to the reduction of property values; to the arrest of economic growth; and to the overall decline in the quality of life within the City of Methuen. Left uncontrolled, graffiti encourages additional graffiti, and constitutes an economic and social liability for the City of Methuen and its citizens.

B. Definitions

"Graffiti" - as used in this ordinance, as well as other applicable sections of the Methuen Municipal Code, shall mean any letters, words, writings, numbers, symbols, logos, drawings, paintings, carvings, etchings, inscriptions or other markings, nor required or approved of by law, affixed to any real property or improvements thereto, either privately or publicly held, which destroys, damages, defaces, disfigures, alters, marks or mars the property in any manner or to any degree.

"Owner" - as used in this ordinance, shall mean every person, alone or severally with others, who: (1) has legal title to any building or parcel of land, vacant or otherwise; or (2) has care, charge or control of any building, or parcel of land, vacant or otherwise, in any capacity, including but not limited to, agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate or the holder of legal title; or (3) is a mortgagee in possession of any such property; or (4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property.

"Real Property" - as used in this ordinance, shall mean land, and whatever is attached to its surface, including but not limited to buildings, bridges, poles, fences, trestles, playground equipment, fire hydrants, gravestones, tablets, trees, rocks, or any other object, natural or man-made.

C. Property Owner Responsible for the Removal of Graffiti

(1) The prompt removal of graffiti shall be the responsibility of the owner as defined herein, whether public or private, following the discovery or notice thereof.

(2) In the case of privately owned property, the owner shall be required to

remove or cause graffiti to be removed within ten (10) days following receipt of written notice from the Board of Health, or its authorized agent, served upon the owner or the owner's authorized agent. The notice shall be in writing and shall contain an order to remove the graffiti, hereinafter sometimes called an "order of notice". The notice shall also contain the following information:

(a) the location of the property;

(b) a concise description of the graffiti conditions;

(c) a statement that the graffiti must be removed within ten (10) days after receipt of notice;

(d) a statement that if the graffiti s not removed within the ten (10) days, the property will be subject to the removal, cost and penalty provisions of Sections 9-25A-F, 9-25A-G and 9-25A-H; and

(e) notification of an owner's right to a hearing pursuant to Section 9-25A-G.

Copies of all referenced sections of the Code shall be attached to said notice.

D. Request and Procedure for Hearing

(1) The owner or owner's authorized agent to whom an order of notice has been served pursuant to this ordinance may request a hearing before the Board of Health by filing with the Board of Health, within seven (7) days after the day the order was served, a written petition requesting a hearing on the matter. Upon receipt of such petition, the Board of Health shall set a time and lace for such hearing and shall inform the petitioner thereof in writing. The hearing shall be commenced not later than thirty (30) days after the day on which the order was served. The Board of Health, upon application of the petitioner, may postpone the date of hearing for a reasonable time beyond such thirty (30) day period if, in the judgment of the Board of Health, the petitioner has submitted a good and sufficient reason for such postponement.

(2) At the hearing, the petitioner shall be given an opportunity to be heard and to show why the order should be modified or withdrawn.

(3) After the hearing, the Board of Health shall sustain, modify, or withdraw the order and shall inform the petitioner, in writing, of its decision. If the Board of Health

sustains or modifies the order, it shall be carried out within the time period allotted in the original order or in the modification.

(4) Every notice, order, or other record prepared by the Board of Health in connection with the hearing shall be entered as a matter of public record in the office of the Clerk of the City or in the Board of Health office.

E. Judicial Appeal

Any owner aggrieved by the final decision of the Board of Health with respect to an order of notice issued under the provisions of this ordinance may seek relief therefrom in any court of competent jurisdiction, as provided by the General Laws of the Commonwealth of Massachusetts.

F. Failure to Remove Graffiti from Privately Owned Property

(1) If an owner, as defined herein, has not requested a hearing within seven (7) days after receiving notice, and fails or refuses to remove graffiti within the period provided in Section 9-25A-C, the City of Methuen may enter upon the property and remove the graffiti.

(2) If an owner, as defined herein, has been ordered to remove graffiti following a hearing on the matter, and fails or refuses to remove the graffiti within ten (10) days following the hearing, the City may enter upon the property and remove the graffiti.

G. Other Relevant Sections

Nothing herein shall prevent the City of Methuen from enforcing other applicable sections of the Code or applicable sections of Massachusetts General Laws, including, but not limited to, Chapter 266, Section 126.

H. Cost of Removal

(1) If the owner, or the owner's authorized agent, fails to comply with an order issued pursuant to Section 9-25A-C or 9-25A-D, and the City of Methuen removes or causes such graffiti to be removed, the removal cost(s), pursuant to Massachusetts General Laws, Chapter 111, Section 125, shall constitute a debt due the City and shall be recoverable from such owner in an action of contract.

(2) Furthermore, pursuant to Massachusetts General Laws, Chapter 111, Section 25, any such debt, together with interest thereon at the rate of six per cent (6%) from the date such debt becomes due, shall constitute a lien on land upon which the graffiti was located if a statement of claim, signed by the Director of Public Health and the Treasurer/Tax Collector, setting forth the amount claimed, without interest, is filed, within ninety (90) days after the debt becomes due, with the Register of Deeds for Essex County.

Such lien shall take effect upon the filing of the statement aforesaid and shall continue for two (2) years from the first day of October next following the date of such filing. If the debt for which such a lien is in effect remains unpaid when the Board of Assessors is preparing a real estate tax list, the Director of Public Health, or the Treasurer/Tax Collector, shall certify such debt to the Board of Assessors, who shall forthwith add such debt to the tax on the property to which it relates and commit it with their warrant to the Treasurer/Tax Collector as part of such tax. If the property to which such debt relates is tax exempt, such debt shall be subject to the provisions of law relative to interest on the taxes of which they become, or, if the property were not tax exempt would become, a part; and the Treasurer/Tax Collector shall have the same powers and be subject to the same duties with respect to such debts as in the case of annual taxes upon real estate, and the provisions of law relative to the collection of such annual redemption of land so sold or taken shall, except as otherwise provided, apply to such claims. A lien under this section may be discharged by filing with the Register of Deeds for Essex County, a certificate from the Treasurer/Tax Collector that the debt constituting the lien, together with any interest and costs thereon, has been paid or legally abated. All costs of recording or discharging a lien under this ordinance shall be borne by the owner of the property.

I. Penalties

Any person who violates any provision of this ordinance shall be subject to a fine of Two Hundred Dollars ($200.00) for each offense and may be penalized by a non-criminal disposition as provided for under Chapter 17 of the Methuen Municipal Code and Massachusetts General Laws, Chapter 40, Section 21D. Each day's failure to comply with an order shall constitute a separate violation.

All provisions of the Methuen Municipal Code, as amended, which are consistent with this ordinance, shall continue in effect, but all provisions of said Code inconsistent there-with, are repealed.

(Ord. #613, Effective June 26th, 1997; as further amended by Ord. #759, Eff. July 1st, 2003)

Section 9-27. Prohibiting the Blocking of Sidewalks

A. Definitions

The terms used in this ordinance shall have the following meanings unless the context clearly indicates that a different meaning is intended:

"Block" - To interfere with unobstructed travel by any means, including but not limited to, standing on the part of the walk that is fit for travel or placing an object or vehicle on such walk.

"Sidewalk" - Any sidewalk owned or maintained by the City of Methuen. The term shall not include private property such as shopping centers, apartment complexes, office building sites, or any other private property.

B. Blocking Sidewalks Prohibited

No person shall block any sidewalk by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.

C. Free Speech

This ordinance shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two or more persons are engaged in talking, while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

(Ord. #560, Eff. Jan. 17th, 1996)

Section 9-28. Fences – Use as Clothesline Prohibited

The owner or person in control of any premises within the City shall not permit the use of any fence, front porch railing, front yard shrubs, or the exterior of front windows, and no person shall use any fence, front porch railing, front yard shrubs, or exterior of front windows for the purpose of drying or hanging clothing in public view.

All inspectional services personnel and all police and fire department personnel shall be considered enforcing persons for the purpose of this section.

A penalty of Twenty-Five Dollars ($25.00) shall be imposed for each violation of this section. Each day of violation shall be considered a separate offense. Violations of this section may be enforced in the manner provided in Chapter 40, Section 21D of the Massachusetts General Laws.

(Ord. #639, Eff. May 6th, 1998)

Section 9-29. Prohibiting Use of Utility Poles for Commercial Advertisements

Excepting as is otherwise required or allowed by law, it shall be unlawful for any person to place or allow to be placed on any utility pole any commercial advertisement. Any person violating this ordinance shall be subject to a fine of Fifty Dollars ($50.00) for each offense.

(Ord. #660, Eff. December 5th, 1998)

Section 9-30. Hotel Motel Registration, Security, Register

Section 1. HOTEL REGISTRATION, SECURITY, REGISTER.

(1) Every owner, keeper or proprietor of any lodging house, rooming house, motel or hotel located within the City of Methuen shall keep a register wherein all guests, roomers or lodgers shall inscribe their names upon their procuring lodging, a room or accommodations. For every guest, roomer or lodger making payment by credit card said owner, keeper or proprietor shall verify the credit card signature of each guest, roomer, or lodger with the signature inscribed upon the hotel register. If the signature as inscribed on the register does not appear to reasonably match the signature on the credit card, further identification shall be requested.

(2) Said owner, keeper or proprietor shall require identification of any guest, roomer or lodger paying either in credit card or in cash, at the time of registration and shall further require identification of all other individuals who shall occupy said lodgings, rooms or accommodations. Said identification shall be in a valid and current format showing a photograph of the person, the person's name and date of birth, and may be, but is not limited to, a driver's license, state issued picture identification card, or such other forms as will reasonably assure that the registrant is, in fact, the person under whose name such lodging, room or accommodation is, in fact, being procured. A copy of said photo identification and shall be maintained by every owner, keeper or proprietor.

(3) For any guest, roomer or lodger taking occupancy through a prearranged reservation in the name of a corporation, business, association or any other entity, the owner, keeper or proprietor shall request such photo identification of the specific guest, roomer or lodger at the time or registration as will reasonably assure such person to be the person for whom the lodging, room or accommodations have been procured.

(4) Before furnishing any lodging for hire to any person in any lodging house, or before furnishing any accommodations to any guest of any motel or hotel, the proprietor, manger or owner thereof shall require the person to whom such lodgings are furnished, or room is rented or accommodations furnished, to inscribe his or her name in such register, kept for that purpose, and shall set opposite said name the time that said name was so inscribed and the room occupied by such lodger, roomer or guest. Further, proprietor, manager, owner shall require such person to provide a photo identification of his or herself at the time of registration in the form described above and a copy of the same shall be maintained by the proprietor, manager, or owner thereof as part of the records of said lodging house, rooming house, motel or hotel.

Section 2. MANAGEMENT PERSON TO BE ON DUTY.
Every owner, keeper or proprietor of any lodging house, motel or hotel shall, at all times during which the premises accommodate guests, roomers or ledgers maintain on duty a responsible management person. Such management representative shall be an individual capable of assisting and cooperating with the police or other law enforcement officials in maintaining the public health, welfare, and safety, and shall be conversant in the English language.

Section 3. ACCESS FOR LAW ENFORCEMENT PERSONS.

All information required to be procured and kept pursuant to Section 1 of this Ordinance shall be provided to any federal, state, or local sworn law enforcement officer having the lawful power to arrest, upon demand of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirements shall be construed as giving any such officer any greater right or license to enter a room or invade privacy other than the officer shall otherwise posses as a matter of common law, probable cause, constitutional law, statutory right, or warrant.

Section 4. TELEPHONE REQUIRED.

Every owner, keeper or proprietor of any lodging house, rooming house, motel or hotel shall keep and maintain in each and every rental unit, a telephone equipped for outgoing calls, and which telephone will allow any person therein to place a direct call to 911, the Methuen Police Department or the Methuen Fire Department. The existence of a minor dialing requirement, such as dialing 9 to obtain an outside line, shall not deemed a violation of this Section. However, under no circumstances shall prepayment, prior authorization or any other procedure of any nature which in any way impedes effective, immediate, and direct placement of such emergency phone call be required.

Section 5. MISREPRESENTATION.

No person shall procure or provide lodging in any lodging house, rooming house, motel or hotel, or any services therefrom, through misrepresentation or production of false identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging or service. Further no person shall procure or provide lodging in any lodging house, rooming house, motel or hotel, or any services therefrom, unless such roomer or 3 lodger and all other individuals sharing or occupying said lodging, room or accommodation provides a valid photo identification as provided in this ordinance a copy of which is to be kept on file by said owner, keeper or proprietor of any lodging house, rooming house, motel or hotel at the time of registration.

Section 6. NUMBER OF RENTERS.

No owner, keeper, or proprietor of any lodging house, rooming house, motel or hotel shall rent or provide a room for any number of persons greater than the sleeping accommodations provided within the particular rental unit.

Section 7. NUMBER OF PERSONS CONGREGATING IN A ROOM.

No owner, keeper, or proprietor, guest or resident of any lodging house, rooming house, motel or hotel shall allow to congregate within any room or single rental unit a number of persons which is greater than three times the number of persons for whom sleeping accommodations are provided within the single room or rental unit.

Section 8. ENFORCEMENT.

In addition to all of the remedies and penalties provided by this ordinance and other ordinances of the Methuen Municipal Code, the City Solicitor may bring suit in a court of competent jurisdiction to seek an injunction or other appropriate relief, to halt any violation of this ordinance. Such action may include a temporary retraining order or temporary injunction and other appropriate temporary relief. Nothing in this ordinance shall be deemed to restrict a suit for damages on behalf of the City or on behalf of any other person or entity.

Section 9. PENALTY.

In addition to the foregoing Section the City may exercise any and all remedies provided in Chapter 17 of the Methuen Municipal Code.

(Ord. #850, Eff. May 16, 2011)

Article III. Morals and Conduct.

Section 9-31. Reserved

Section 9-32. Indecent and Profane Language Prohibited

No person shall use indecent or profane language to the annoyance of any person upon any way or place to which the public has the right of access, or upon any way or in any place to which members of the public have access as invitees. Nothing herein shall be interpreted to impair a person's right to free speech.

(1973 Ord., Sec. 9.05)

Section 9-33. Public Drinking

No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1 of the Massachusetts General Laws while on, in or upon any public way or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park or playground, or private land or place without consent of the owner or person in control thereof.

Any person or persons violating this section may be arrested without warrant and/or summons before a court of competent jurisdiction, and punished by the imposition of a fine of not more than Fifty Dollars ($50.00).

(Added to 1973 Ord. by Ord. #12, Aug., 1973)

Section 9-34. Hitchhiking Prohibited

It shall be unlawful for any person to stand on a public way for the purpose of soliciting a ride from the operator of any motor vehicle.

Whoever violates any provision of this ordinance, unless otherwise provided by law or ordinance, shall be punished by a fine of not more than Fifty Dollars ($50.00) for each offense.

(Added to 1973 Ord. by Ord. #14, Oct., 1973)

Section 9-35. Pedestrian Soliciting Business

No person shall, while on a public way, solicit business from the operator or occupant of any motor vehicle without a written permit of the Board or officer having control of such public way.

Whoever violates any provision of this ordinance, unless otherwise provided by law or ordinance, shall be punishable by a fine of not more than Fifty dollars ($50.00) for each offense.

(Added to 1973 Ord. by Ord. #16, Oct., 1973)

Section 9-36. Loafing and Loitering in Streets; Obstructing Foot Travelers

No person shall, in a street, willfully obstruct the free passage of foot travelers, nor shall any person in a street, after being directed by a Police Officer to move on, loiter or remain for more than five (5) minutes within five hundred (500) feet of the place he was so directed to leave; provided, however, that nothing herein contained shall be construed to deny the right of peaceful picketing or parading, singly or in numbers, with or without placards, in or on any public way or street where persons may lawfully be in the course of a labor dispute as defined in sub-section 7, or Section 2 of Chapter 150A of the General Laws.

Whoever violates any provision of this ordinance, unless otherwise provided by law or ordinance, shall be punished by a fine of not more than Fifty dollars ($50.00) for each offense.

(Added to 1973 Ord. by Ord. #17, Nov., 1973)

Section 9-37. Common Nuisance

For the purpose of establishing order, protecting the public interest, preserving the utilization of public resources for all citizens and to prevent the criteria of a common nuisance, most particularly on any park, playground, school yard, public way, and all other public property, it shall be unlawful for any person or group of more than three (3) persons within a radius of 100 feet to sit, stand, loiter, remain, congregate, assemble, gather, act in a disorderly manner, create a common nuisance or otherwise disturb the peace in or upon any park, playground, school yard or other posted public property within the municipal limits at any time between one hour after sunset and one hour after sunrise and/or before 12 noon on Sunday,

except for authorized functions, events, exhibitions or other organized activities except for Police Officers, Public Safety Officers or other municipal employees engaged in the lawful performance of their duties.

Violation of this ordinance shall be punishable by a fine of no more than Fifty Dollars ($50.00) per violation and/or such other alternative form of punishment equivalent to said fine which may, by agreement, be imposed under the law; and said violation shall be subject to detention and arrest pursuant to the provisions of Chapter 272, Section 59-62 and Chapter 266, Section 120-120A of the General Laws of the Commonwealth of Massachusetts where applicable and any other such law intended to preserve order and protect the public from harassment, intimidation, vandalization or other threat to the public safety and welfare.

(Added to 1973 Ord. by Ord. #82, June, 1980)

Section 9-38. Peeping Tom

No person shall enter upon the premises of another for the purpose of looking, peering or peeping into or found loitering around or within view of a window of the residence of another with the intent of invading one's privacy or spying upon any person or persons residing therein.

Anything contained in this ordinance shall not be construed to abridge nor in any way limit the right of a Police Officer to enter upon private property, not to perform any act necessary in the performance of his official duties. Violations of this ordinance shall be punished with a fine of not less than Fifty Dollars ($50.00) for each and every offense.

(Added to 1973 Ord. by Ord. #38, Eff. Sept. 1975)

Section 9-39. Alcohol on Public Property

Whoever gives, sells, delivers or has in his/her possession any alcoholic beverages, except for medicinal purposes, in any public building or on any public grounds under the charge of the City of Methuen, shall be punished by a fine of Two Hundred Dollars ($200.00).

Provided, however, that notwithstanding any ordinance to the contrary, the City Council may authorize any organization using a public building or grounds, with its permission, to possess and sell alcoholic beverages therein or thereon; provided that such organization or person is properly licensed under the provisions of Section 14 of Chapter 138, Massachusetts General Laws, or other applicable provision. Such permit, as to Forest Lake, may be issued only for the period beginning the day after Labor Day and up to May 31st of any particular year.

(Ord. #154, Eff. July 4th, 1984, as amended by Ord. #163, Eff. Sept. 4th, 1984)

Section 9-39A. Prohibiting Underage Sale of Malt Beverages

It shall be unlawful for any person, business, corporation or partnership to sell or cause to be sold to any person under the age of twenty-one (21) non-alcoholic beer, or any malt beverage with any alcoholic content, however much reduced.

(Ord. #448, Eff. October 8th, 1992)

Section 9-39B. Penalty for Violating Executive Session

It shall be the policy of the City Council of the City of Methuen that no City officer or employee attending an executive session of the City Council shall breach the integrity of said session duly called under the provisions of General Laws, Chapter 39, Section 23B (the Open Meeting Law).

No City officer or employee shall, with intent, disclose any information, documents, materials, minutes or the like obtained in executive session of the City Council unless and until the City Council shall have determined that the minutes and records thereof must be made public consistent with said General Laws, Chapter 39, Section 23B.

Whoever violates this ordinance shall be punished by a fine of not more than One Hundred Dollars ($100.00).

(Ord. #435, Eff. May 21st, 1992)

Section 9-40. Regulation of Rolling Paper Sales

No person shall, for commercial purposes, knowingly display, cause to be displayed or permit to be displayed in any business open to minors cigarette rolling papers. Any person seeking to commercially sell such cigarette rolling papers shall keep the same behind the sales counter areas away from view and away from the reach of minors. Any person violating this ordinance shall be subject to a fine of Fifty Dollars ($50.00) with each day or portion thereof constituting a new breach.

(Ord. #432, Eff. March 19th, 1992)

Section 9-40A. Banning Possession or Use of Self-Contained Propellant Cans Near Parades

No person shall possess or use a self-contained propellant shot out of a can within five hundred (500) feet of a parade route, the Fourth of July Celebration, and any City sponsored events during the day and time of such activity. Each violation shall be subject to a penalty of Two Hundred Dollars ($200.00) and such product and its container shall be considered "litter". This ordinance shall not apply to police officers carrying department-authorized items such as pepper spray.

(Ord. #545, Eff. June 5th, 1995; as amended by Ord. #586, Eff. October 16th, 1996)

Section 9-40B. Penalty for Destruction or Removal of Political Signs

No person, excepting for the specific property owner or his authorized agent shall remove from private property or maliciously destroy a political sign. Any person violating this ordinance shall be subject to a fine of Two Hundred Dollars ($200.00) for each act of malicious destruction or prohibited removal, constituting a separate and new breach.

(Ord. #555, Eff. Oct. 2nd, 1996)

Section 9-40C. Banning the Sale of Spray Paint to Minors

Whoever sells to a minor under the age of sixteen, or, whoever, not being the parent, guardian or adult teacher or instructor, furnishes to a minor under the age of sixteen a can of spray paint shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00).

(Ord. #612, Eff. June 26th, 1997)

Article IV. Licensing.

Section 9-41. Second-Hand Goods

No person shall be a collector of, or dealer in, junk, old metal or second-hand articles, or a keeper of a shop for the purchase, sale or barter of junk, old metals, or second-hand articles unless licensed therefor.

(1973 Ord., Sec. 9.04)

Section 9-42 Licensing and Regulation of Self-Service Storage Facilities

A. Definitions

The terms "self-service storage facility", "rental agreement", "leased space", "occupant", "operator", "personal property", and "last known address" shall have the same meaning when used in this ordinance as those words are defined in Chapter 105A, Section 1 of the General Laws.

B. License Required

No person shall establish, operate or maintain a self-service storage facility in the City of Methuen unless such person shall have been duly licensed therefor by the City Council of the City of Methuen.

C. Licenses Granted and Revoked by Council

The City Council may grant a license for the operation of a self-service storage facility for a term of up to five (5) years to such persons and in such locations as it may deem to
serve the interests of the citizens of Methuen. Said licenses shall be so issued as to expire on the first day of January in the license period designated. The City Council may, after a public hearing, revoke or suspend such license for any violation of this ordinance.

D. Application

A person desiring to operate a self-service storage facility shall file an application with the City Clerk on a form as provided by said Clerk, together with a filing fee of Two Hundred Fifty Dollars ($250.00). Such form shall contain, at a minimum, the name of the applicant, his/her address, previous experience in the operation of self-service storage warehouses, the proposed location, and a plan of such facility, including the number of storage bays, their dimensions, security provisions for the property and the boundaries of the property. The City Clerk, upon receipt of the application, shall forward a copy of the same to the Police Department and the City Council Chairman.

E. Records to be Kept

Every operator shall maintain an office on the licensed premises and within such premises shall maintain:

- the license issued by the City Council displayed in a prominent location

- a record book containing the name and last known address of all occupants, together with the rental agreement

- a record of the times and dates when such occupant utilized his/her leased space

- names and addresses of all employees of operator

The operator shall, upon request, make available for inspection by the Police such information.

F. Operator Leasing Space to Occupants

No operator shall lease space in such facility to any person unless and until he shall have verified by suitable identification the name and address of the proposed occupant. Such operator shall make a copy of such identification and retain the same as part of the records.

G. Use by Other than Operator or Occupant Prohibited

No operator shall permit access to any leased space to other than the occupants of the leased space.

H. Security

The operator shall provide and maintain such security for the facility as is prescribed by the City Council.

I. Uses Prohibited

The operator shall not knowingly allow, suffer or permit the leased spaces to be used for the storage of: controlled substances (as defined under Chapter 94C, Massachusetts General Laws); inflammable substances and explosives (as defined in Chapter 148, Section 9, Massachusetts General Laws); stolen property; nor allow the leased space to be used for residential purposes.

J. Rental Agreement

The rental agreement shall contain, in bold type, a statement advising an occupant that the facility is licensed and operated under Chapter 9, Section 9-42 of the Methuen Municipal Code.

K. Grandfathering

Any facility in operation on the effective date of this ordinance shall be entitled to a license automatically upon application by the City Clerk who shall forthwith issue the same for a period to expire January 1st, 1994. Such operator shall thereafter re-apply for such license renewal under the standard provisions of this ordinance.

(Ord. #320, effective March 15th, 1989; as amended by Ord. #779 effective October 7, 2004)

Section 9-43 Prohibiting Above Ground Storage of Class I Flammable Liquid Storage Tanks

All installations of Class I flammable liquid storage tanks, such as gasoline, after the effective date of this ordinance shall be made underground and shall comply with the provisions of 527 CMR 9.0 et seq except as may be wavered by the licensing authority.

(Ord. #715, effective May 17, 2001)

Article V. Public Works and Ways.

Section 9-51. Snow and Ice Removal

No person, firm or corporation shall, individually or by their agents, servants or employees, place or deposit by sweeping, shoveling or the use of other manual or mechanical means, upon any public street or way dedicated to public travel in the City of Methuen, snow or ice, in any form, which has accumulated on the premises of such person, firm or corporation; except that snow and ice, in any form, may be removed from the sidewalks adjacent to the premises of such person, firm or corporation and deposited in that part of such street or way nearest the curbing or outer edge of such sidewalk.

No person, firm or corporation, or their agents, servants or employees, shall, after snow has been deposited along the sidewalk of a public street or way dedicated to public use by snowplows or other snow removal equipment, of or under the control of the City of Methuen, remove the same, or any part thereof, from such portion of such street or way and deposit it in the traveled part of such street or way.

The penalty for violation of this ordinance shall be a fine of not less than Fifty Dollars ($50.00), nor more than Two Hundred Dollars ($200.00) per day for every day such person is in violation of such notice, commencing within the fourth day thereof.

If any provision of the within regulations or application thereof is held to be invalid, such invalidity shall not affect any provision of the regulations not specifically held to be invalid.

(1973 Ord., Sec. 9.07; as amended by Ord. #40, Oct., 1975)

Section 9-52. Reserved

Section 9-53. Towing Vehicles During Snow Emergencies

The Director of the Department of Public Works is authorized, for the purpose of removing or plowing snow, or removing ice, from any way, to remove or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work and for imposing liability for the cost of such removal, and of the storage charges, if any,
resulting therefrom, upon the owner of such vehicle, in accordance with provisions of Massachusetts General Laws, Chapter 40, Section 21, sub-section 16.

Whoever violates any provision of this ordinance, unless otherwise provided by law or ordinance, shall be punishable by a fine of not more than Fifty Dollars ($50.00) for each offense.

(Added to 1973 Ord. by Ord. #42, Jan., 1976)

Section 9-54. Sidewalks

No person shall stand or park and no person shall allow, permit or cause any vehicle to stand or park in any of the following places:

Upon any area set apart from a street for the use of pedestrian traffic, said area being separated visibly from any street or roadway and designated solely for pedestrian use.

(Added to 1973 Ord. by Ord. #69, Dec., 1978)

Section 9-55. Handicapped Parking

A. Authority and Purpose

This ordinance is enacted pursuant to Section 21, Clause (23), of Chapter 40, Massachusetts General Laws, with and for the express intention of providing safe and convenient access to public facilities for handicapped persons.

B. Requirements for Reserving Handicapped Parking

Any person, firm corporation, partnership, or other entity that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, is hereby required to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by Section 2 of Chapter 90, or, for any vehicle bearing the official identification of a handicapped person issued by any other State or any Canadian province, in accordance with the following formula:

For parking spaces in any such area that are:

- more than fifteen but not more than twenty-five, one parking space,

- more than twenty-five but not more then forty, five per cent of such spaces, but not less than two;

- more than forty but not more than one hundred, four percent of such spaces, but not less than three;

- more than one hundred but not more than two hundred, three per cent of such spaces, but not less than four;

- more than two hundred but not more than five hundred, two percent of such spaces, but not less than six;

- more than five hundred but not more than one thousand, one and one-half per cent of such spaces, but not less than ten;

- more than one thousand but not more than two thousand, one percent of such spaces, but not less than fifteen;

- more than two thousand but not more than five thousand, three-quarters of one percent of such spaces, but not less than twenty;

- more than five thousand, one-half of one percent of such spaces, but not less than thirty.

C. Identification of Handicapped Parking Spaces

Parking spaces designated as reserved under the provisions of this ordinance shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words, "Handicapped Parking; Special Plate Required"; Unauthorized; May Be Removed at Owner's Expense; said sign shall include the International symbol of accessibility (see attached sign); shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be a width of eight feet with a five foot accessible aisle with cross hatching. Two or more consecutive spaces are to be of twelve foot width, or, two eight foot wide areas with four feet of cross hatching between them.

The term "special plate" shall include (1) vehicles carrying handicapped plates as provided for under Section 2 of Chapter 90 of the Massachusetts General Laws; or (2) a vehicle displaying a permanent placard issued by the Commonwealth of Massachusetts; or (3) a vehicle displaying a temporary permit issued by the City of Methuen for said handicapped parking.

D. Penalties

Any person who places or parks any motor vehicles not designated with handicapped plates as provided for under Section 2 of Chapter 90, Massachusetts General Laws, or other self-propelled apparatus, or otherwise interferes with or blocks any space designated for handicapped parking as provided for in this ordinance, or who obstructs any curb ramp designated for use by handicapped persons as a means of egress to a street or public way, shall be punished by a fine of Two Hundred Dollars ($200.00), be they first, second or subsequent offenses.

E. Consultation with the Disability Commission

Prior to identifying handicapped parking spaces, either to be located on public or private property, the Disability Commission shall be consulted and provided with an opportunity to review and comment on the areas proposed to be identified for said handicapped parking.

(Ord. Nos. 103, Nov. 1981 and 107, Dec. 1981, as further amended by Ord. No. 170, Eff. Jan. 2nd,1985; as further amended by Ord. No. 221, Eff. March 20th, 1986; as further amended by Ord. No. 436, Eff. June 3rd, 1992; as further amended by Ord. No. 444, Eff. August 6th, 1992; as further amended by Ord. No. 482, Eff. September 1st, 1993; as further amended by Ord. No. 614, Eff. July 2nd, 1997; as further amended by Ord. #770, Eff. February 17th, 2004).

Section 9-55A. Towing of Vehicles in Handicapped Parking Spaces

A. Authorization

The Chief of Police, or such other officer as he may designate, is hereby authorized to remove to some convenient place through the agency of a person or persons in the employ of the Police Department or by an independent contractor selected in accordance with law any vehicle parked or standing on any part of any way under the control of the municipality or on private property, where the property owner's permission is granted, where such vehicle is parked or standing in such a manner as to obstruct any curb ramp designed for use by handicapped persons as means of egress to a street or public way, or to occupy or obstruct any parking space reserved for a vehicle used by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate, or displays the special parking identification plate authorized by Section 2 of Chapter 90, Massachusetts General Laws, or bears the official identification of a handicapped person issued by any other State or any Canadian province.

B. Exemption

Vehicles owned by the Commonwealth or a political subdivision thereof or by the United States or any instrumentality thereof, or registered by a member of a foreign diplomatic corps, or by a foreign consular officer who is not a citizen of the United States and bearing a distinctive number plate or otherwise conspicuously marked as so owned or registered, shall not, however, be subject to such removal.

C. Liability; Cost of Removal

Liability may be imposed for the reasonable cost of such removal and for the storage charges, if any, resulting therefrom upon the owner of such vehicle, provided, however, that the liability so imposed for removal shall not exceed the maximum rate established by the Department of Public Utilities under authority of Section Six B of Chapter One Hundred and Fifty-Nine B, Massachusetts General Laws, and that the liability so imposed for storage shall not exceed the maximum rate established under the provisions of Section Six B of Chapter One Hundred and Fifty-Nine B of the Massachusetts General Laws.

D. Independent Contractor

Neither the removal nor the storage of a vehicle under the provisions of this section shall be deemed to be services rendered or work performed by the municipality or the Police Department of such municipality. The contractor towing such vehicle shall be liable to the owner of such vehicle for any damage caused to it arising out of negligence in the course of such removal and storage.

E. Notice

Towing of such vehicles may occur in said areas where a sign clearly warns that a vehicle parking in said location may be subject to towing, but not otherwise.

The Chief of Police, in conjunction with the Disability Commission, shall insure all future parking spaces are properly marked and shall establish an appropriate transition period for re-marking all present existing spaces not so designated.

(Ord. #434, Eff. May 21st, 1992)

Section 9-56. Repair of Vehicles on Public Ways Prohibited

A. No person shall repair a motor vehicle or motorized recreational vehicle on a public way, or on a way to which the public has a right of access, or on the sidewalks of said ways, except in case of emergency, for the purpose of repairing the vehicle so that it can proceed under its own power, or to allow the vehicle to be properly towed.

B. No person shall drain lubricants from a motor vehicle or motorized recreational vehicle onto a public way, or a way to which the public has a right of access, or onto the sidewalks of said ways.

C. No person shall allow a motor vehicle or motorized recreational vehicle to stand unattended on a public way, or way to which the public has a right of access, or on the sidewalks of said ways with any wheel or wheels jacked up or suspended above the surface of said ways or sidewalks, except in case of emergencies.

D. Any person who violates the provisions of this ordinance shall be punished by a fine of One Hundred Dollars ($100.00) for the first offense and Two Hundred Dollars ($200.00) for the second and continuing offenses.

(Ord. No. 114, May 1982)

Section 9-57. Prohibiting Improper Use of Fire Hydrants

No person, except the Fire Department of the City of Methuen, and employees of the Water Department and/or Department of Public Works, in the course of their duties, shall

shut off, disconnect, obstruct, remove, destroy, or open, or cause or permit to be shut off, disconnected, obstructed, removed, destroyed, or opened, any part of any sprinkler system, water main, hydrant or other devise used for fire protection, whether publicly or privately owned, without first procuring a written permit to do so from the head of the Fire Department of the City, or the Superintendent of the Water Department.

Any person who shall violate the provisions of this ordinance shall, upon conviction, be fined One Hundred Dollars ($100.00) for each offense, each day or portion thereof constituting a new and separate offense.

(Ord. #121, Sept. 1982)

Section 9-58. Prohibiting Unregistered Vehicles or Trailers on Public Ways

A. Prohibitions

No person shall stand or park any unregistered vehicle or trailer or allow, permit or suffer any unregistered vehicle or trailer to stand or be parked at any time on any street, way, highway, road, or parkway (hereinafter referred to as "streets") under the control of the City of Methuen. Provided, however, that any vehicle or trailer lawfully on the aforesaid streets, in accordance with Massachusetts General Laws, Chapter 90, Section 9, shall be deemed not in violation of this ordinance.

B. Enforcement

The Chief of Police, or his designees, shall enforce the provisions of this ordinance. Should any vehicle or trailer be parked in violation of Section A hereof, said Police Chief, or his designee, may remove said vehicle or trailer to a convenient place, or, cause said vehicle or trailer to be moved to a convenient place, in accordance with this ordinance.

C. Liability to Costs

The costs of such removal and storage of the vehicle or trailer shall be borne by the owner of said vehicle or trailer, provided, however, that the rates for such removal and storage shall not exceed the maximum charges established in accordance with Chapter 159B, Section 6C.

D. Independent Contractor

The Chief of Police shall retain such independent contractors as may be necessary to enforce the provisions of this ordinance. Provided that such contract shall mandate: (1) that the individual towing and storing the vehicles or trailers shall be adjudged an independent contractor; (2) that neither the removal or storage of a vehicle or trailer under the provisions of this ordinance shall be deemed services rendered or work performed by the municipality or the Police Department of said municipality; (3) that the contractor shall be liable to the owner of such vehicle or trailer for any damages caused to it arising out of the negligence

in the course of such removal or storage; (4) that an insurance policy covering damage to the vehicle or trailer or person or other property shall be maintained by the contractor in a sum deemed suitable by the Chief of Police; and (5) that the independent contractor shall not charge fees for removal or storage in excess of Chapter 159B, Section 6C, Massachusetts General Laws.

E. Notification

Any vehicle or trailer removed from a street and placed for storage in the care of a garage shall be stored in accordance with the provisions of this ordinance. At the time such vehicle or trailer is so placed, the Chief of Police, or his designee, shall furnish the independent contractor with the name and address, if known, of the registered owner of said vehicle or trailer. If such information is not then available, then such Chief of Police, or his designee, shall obtain such information and forthwith notify, in writing, the independent contractor. Upon receipt of such information, the independent contractor shall notify the registered owner of the vehicle or trailer by registered mail, return receipt requested, that such vehicle or trailer has been placed in his care as provided for in this ordinance. Such independent contractor shall further inform the owner of the storage rates and towing rates therefor and shall inquire as to when said vehicle or trailer shall be removed. Any vehicle not removed within the time limits stated in Chapter 135, Massachusetts General Laws, and other applicable sections, may be sold at auction under the control of the Chief of Police, in accordance with the above cited General Laws.

F. Prohibited Parking on Municipal Lots.

No person shall stand or park any commercial vehicle or trailer, or allow permit or suffer any commercial motor vehicle or trailer to stand or park on any municipal facility. Any person violating the provision of this regulation shall be subject to a fine of One Hundred Dollars ($100.00) per offense. Each day or part thereof shall constitute a new offense.

The term “commercial motor vehicle” as used herein shall mean any vehicle used for commerce for the purpose of transporting passengers or property when the vehicle (1) has a gross weight or gross combination weight rating of 10,000 pounds or more, (2) is designed to transport more than eight (8) passengers for compensation, (3) is wider than seven (7) feet or longer than nineteen (19) feet or (4) used in transporting material found by the United States Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the United States Secretary of Transportation under 49CFR, Subtitle B, Chapter I, Subchapter C.

Section 9-59 Parking Ordinance (Fines)

A. The fine for parking a vehicle not bearing a valid registration plate as required under Chapter 90 of the Massachusetts General Laws on any street, way, highway, road or parkway under the control of the City shall be twenty ($20.00) dollars for each such violation.

B. The fine for parking a vehicle bearing an expired registration as required under Chapter 90 of the Massachusetts General Laws on any street, way, highway, road or parkway under the control of the City shall be twenty ($20.00) dollars for each such violation.

C. The fine for parking a vehicle not bearing a valid certificate of inspection as required under Chapter 90 of the Massachusetts General Laws on any street, way, highway, road or parkway under the control of the City shall be twenty ($20.00) dollars for each such violation.

D. The fine for parking a vehicle bearing an expired certificate of inspection as required under Chapter 90 of the Massachusetts General Laws on any street, way, highway, road or parkway under the control of the City shall be twenty ($20.00) dollars for each such violation.

(Ord. #249, Approved Dec. 15, 1986, Eff. Jan. 14, 1987; as amended by Ord. #605, Eff. May 7th, 1997; as further amended by Ord. #769, Eff. February 17th, 2004)

Section 9-60 Tree and Branch Maintenance in Public Rights of Way

A. Condition for Use of Public Rights of Way.

It shall be a condition of any easement, license or permission granted by the city for use of the public rights of way for purposes of utility lines that such lines shall be kept clear of branches and brush in accordance with this article.

B. Clearance Requirements in Proximity to Utility Lines.

It shall be unlawful for branches or brush to encroach on or over the public right of way in which utility lines are located in violation of a annual vegetation management plan or annual hazard tree removal plan approved by the city pursuant to General Laws, Chapter 87, Section 14 or, if no such plans have been approved, to any distance within 4 feet of either side of such lines or within 8 feet over such lines. The utilities or companies which have such easement, license or permission shall be jointly and severally responsible at their own expense for cutting to trimming any branches or brush which so encroach upon utility lines to comply with this Ordinance, except as otherwise provided in Section 3.

C. Trees Adjacent to Public Rights of Way.

Owners of any trees or brush located on property adjacent to public rights of way shall be deemed to have consented to cutting or trimming of branches and brush that encroach on the public right of way by utility companies in compliance with this article if they have been given at least 14 days written notice of proposed cutting or trimming without objection as provided in this section. Any notice shall include notification that any objection shall be required to be sent to the Mayor within 7 days or owners shall be deemed to have consented to such cutting and trimming. Any owner who does not consent to cutting or trimming by any utility company in accordance with this ordinance shall instead be subject to the requirements of this ordinance at their own expense. Nothing in this ordinance shall limit the authority power of tree wardens to trim, cut or remove trees in accordance with General Laws chapter 87, section 5.

D. Preservation of Private Property Rights

Nothing in this ordinance shall authorize any person or utility company to enter upon or over privately owned property or to remove any tree located on private property. The scope of this Ordinance shall be limited only to branches and brush that encroach on the public right of way.

E. Enforcement

The Mayor or his designee shall enforce this Ordinance by sending written notice to any utility which has been given an easement, license or permission within a public right of way by stating the street address or location of branches or brush that encroach on the public right of way in violation of this Ordinance and directing that such branches or brush be cut or trimmed within thirty (30) days after such notice. Failure by the utility to comply with this article within thirty (30) days after such notice, or after such additional time as the Mayor may agree in writing, shall be enforced by a civil infraction of up to $300. Each day and each tree shall constitute a separate violation.

(Ord. #860, Eff. May 17, 2012)

Article VI. Environmental Protection.

Section 9-61. Regulation of Loudspeakers, Amplifiers, and Paging Systems

A. Legislative Findings

The City Council finds: (1) in accordance with Chapter 40, Section 21, Clause 22, Massachusetts General Laws, that it may enact an ordinance for the purpose of controlling and abating noise from whatever source which acts as a public nuisance and/or noise pollution; (2) that the uncontrolled and unregulated noise caused by commercially operated loudspeakers, amplifiers and paging systems interferes with the comfortable enjoyment of life, property and recreation of its citizenry; and (3) effective control and elimination of excessive noise from such commercially operated loudspeakers, amplifiers and paging systems furthers the health and welfare of the City's inhabitants to conduct the normal pursuits of life.

B. Prohibition

No commercially operated loudspeakers, amplifiers and/or paging systems shall be operated which are clearly audible at a distance of ten feet to the exterior of the building on which it is mounted between the hours of 12:00 A.M. and 7:00 A.M.

C. Penalties

Any person, firm or corporation violating any provision of this ordinance shall be fined as follows:

(1) Upon the committal of the first offense, notice of such violation shall be served upon the person, firm or corporation.

(2) Upon the committal of the second offense, the fine shall be One Hundred Dollars ($100.00).

(3) Upon the committal of the third offense, the fine shall be Two Hundred Dollars ($200.00)

(4) Upon committal of the fourth offense, and thereafter, the fine shall be Three Hundred Dollars ($300.00).

A separate offense shall be deemed committed on each day a violation of the ordinance shall occur.

D. In addition to the above penalties, this ordinance may be enforced by injunctive relief.

(Ord. #243, Approved Oct. 20, 1986, Eff. Nov. 19, 1986)

Section 9-62. Noise Pollution Control Ordinance

A Short Title

This ordinance may be cited as the Noise Control Ordinance of the City of Methuen.

B. Legislative Findings

The City Council finds that:

(1) Excessive noise degrades from the environment of the City to the degree which (a) it is harmful and detrimental to the health, welfare and safety of the inhabitants; (b) it interferes with the comfortable environment of life, property and recreation and with the conduct and operation of business and industry; and (c) it causes nuisances.

(2) No one has a right to create excessive noise which harms the health, welfare and safety of the inhabitants of the City and detraction from their standard of living.

(3) Effective control and elimination of excessive noise is an essential right of the citizens in the furtherance of their health and safety and in the conduct of normal pursuits of life, recreation and commerce.

C. Definitions

The following terms, as used herein, shall mean and be construed as that listed in this section.

"Construction" - the creation, demolition, alteration or repair of any building or the working on any site within the City of Methuen.

"Emergency" - any occurrence or set of circumstances involving actual or eminent physical trauma or property damage which demands immediate action.

"Emergency work" - any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

"Mobil carpet cleaner" - a motor vehicle having mounted on or in it a gas or electrical or diesel driven engine for the purpose of generating steam to clean carpets.

"Motor Vehicle" - shall have the same meaning as that utilized in Chapter 90, Section 1, Massachusetts General Laws, however, excluding Methuen Department of Public Works refuse trucks.

“Noise" - any sound which annoys or disturbs humans or which tends to cause an adverse psychological or physiological effect on humans.

“Noise disturbance" - any sound which endangers or injures the safety or health of humans or animals or annoys and disturbs a reasonable person of normal

"Person" - any individual, association, partnership or corporation and includes any officer, employee, department, agency or instrumentality thereof.

"Residential area" - an area designated by the zoning ordinance of the City of Methuen for residential use.

"Weekday" - any day, Monday through Friday.

"Weekend" - Saturday and Sunday, unless another definition is used herein.

D. Specific Prohibitions

(1) It shall be unlawful for any person within the City of Methuen to make, continue or cause to be made or continued any loud, unnecessary or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, convenience, health, peace or safety of others, within the City limits.

(2) The following acts are declared to be loud, disturbing and unnecessary noises, in violation of this section:

a. Vehicles - Horns, Signaling Devices

The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling

device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up. Authorized emergency vehicles may use warning sounds.

b. Loudspeakers, Amplifiers, Paging Systems - Sound on Streets

The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets of the City.

c. Radios, Phonographs, Loudspeakers and Amplifiers - Time and Use Restrictions on Private Property

The playing, using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, amplifier, phonograph, tape player, television receiving set or other machine or device for the producing or reproducing of sound at any time of day during the week loud enough to be clearly heard fifty feet (50') from the boundary of the property on which the sound is produced or reproduced.

d. Construction

It shall be unlawful to operate or permit the operation of any tools or equipment used in construction, drilling or demolition work between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. on any day such that the sound therefrom creates a noise disturbance within a residential district, except for emergency work of public service utilities or by a permit granted under this ordinance.

e. Loading and Unloading

It shall be unlawful to load, unload, open or close or to do other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. in such a manner as to cause noise disturbance in a residential district.

f. Dumpsters

No person shall (1) load or unload a dumpster on a dumpster truck body or similar vehicle, or (2) load any garbage and/or operate a trash compactor truck within a residential district or within six hundred feet of a residential district between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.

g. Other

No person shall cause, suffer, allow or permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time, in excess of five minutes, nor shall such person cause, suffer, allow or permit the operation of a refrigeration unit of a tractor-trailer unit between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. on any day such that the noise thereof shall be clearly audible in a residential district or within one hundred feet of a residence.

h. No person shall cause, suffer, allow or permit the starting and warming up of any construction equipment after the hour of 10:00 P.M. and before the hour of 5:30 A.M. on any day, such that the noise therefrom shall be clearly audible in a residential district or within one hundred (100) feet of a residence.

i. No person shall operate or permit to be operated a mobile carpet cleaner unit within one hundred feet of a residence between the hours of 10:00 P.M. and 7:00 A.M. on a week day (or 10:00 P.M. to 9:00 A.M. on a Saturday, Sunday or holiday) for the purpose of cleaning carpets in a commercial establishment.

E. Emergency Exemptions

The provisions of this ordinance shall not apply to: (1) the emission of sound for the purposes of alerting persons to the existence of an emergency, or (2) the emission of sound in the performance of emergency work, or (3) the emission of sound from a snowblower used for clearing a residential driveway or walkway.

F. Permits

Notwithstanding the above, the Chief of Police may issue a permit to authorize matters otherwise prohibited in this ordinance upon application of a person, should he determine that the public convenience, health, welfare or safety is not impaired or that, given that there shall be a minimum impairment, the activity engaged in is necessary in the normal course of a business or commercial use.

G. Severability

The provisions of this ordinance are severable. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which shall be given effect without the invalid provision or application.

H. Penalty

Any person, firm or corporation violating any provision of this ordinance shall be fined as follows:

1. Upon the committal of the first offense, the fine shall be twenty-five ($25) Dollars.

2. Upon the committal of the second offense, the fine shall be One Hundred Dollars ($100.00).

3. Upon the committal of the third offense, the fine shall be Two Hundred Dollars ($200.00).

4. Upon the committal of the fourth offense, and thereafter, the fine shall be Three Hundred Dollars ($300.00).

A separate offense shall be deemed committed on each day a violation of the ordinance shall occur.

I. Injunctive Relief

In addition to the fine penalties available, the municipality may commence an action seeking injunctive relief to prohibit a violation of this ordinance.

(Ord. #273, Eff. Oct. 8, 1987; as amended by Ord. #384, Eff. June 4, 1990; as amended by Ord. #392, Eff. Aug. 1st, 1990; as amended by Ord. #395, Eff. Oct. 5th, 1990; as amended by Ord. #402, Eff. Oct. 17th, 1990; as further amended by Ord. #467, Eff. March 4th, 1993; as further amended by Ord. #506, Eff. May 19th, 1994; as further amended by Ord. #721, Eff. May 21, 2001)

Section 9-63. Prohibiting the Parking of Trucks on Residential Streets

It shall be unlawful for any person, firm or corporation to park a tractor trailer, semi-tractor, semi-trailer truck exceeding five (5) tons on any street or residential lot in an AG/CON, RA, RB, RC, RD, RG or CN District between 9:00 P.M. and 7:00 A.M.

This ordinance shall be enforced by the Police Department upon the complaint of an abutter. The term "abutter" shall mean abutters, abutters to abutters within three hundred feet of the property line of the subject property, and owners of land directly opposite on any public or private street or way.

Any person, firm, or corporation violating this ordinance shall be subject to the following: For the first offense, a written warning shall issue. For any second and subsequent offense of violating this ordinance, the person, firm, or corporation shall be fined One Hundred Dollars ($100.00) for each such offense each day or part thereof, constituting a new offense.

(Ord. #558, Eff. Jan. 17th, 1996)

Section 9-64. Noise Pollution

A. Definitions

As used in this ordinance, unless the context otherwise clearly indicates, the words and phrases used herein are defined as follows:

"A" band level - "A" band level shall mean the total sound level of all noise as measured with a sound level meter using the "A" weighting networks. The unit is the dBA.

Ambient noise - Ambient noise shall mean the all-encompassing noise associated with a given environment, usually being a composite of sounds with many sources near and far.

Band-pressure level - Band-pressure level of a sound for a specified frequency band shall mean the sound-pressure level for the sound contained within the restricted band.

Cycle - Cycle shall mean the complete sequence of values of a periodic quantity which occurs during a period.

Decibel - Decibel (dB) shall mean a unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.

Emergency work - Emergency work shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

Frequency - Frequency of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

Microbar - Microbar shall mean a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

Period - Period of a periodic quantity shall mean the smallest increment of time for which the function repeats itself.

Periodic quantity - Periodic quantity shall mean oscillating quantity, the values of which recur for equal increments of time.

Sound-amplifying equipment - Sound- amplifying equipment shall mean any machine or device for the amplification of the human voice, music, or any other sound. Sound-amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound-amplifying equipment, as used in this ordinance, shall not include warning devices or authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

Sound analyzer - Sound analyzer shall mean a device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.

Sound-level meter - Sound-level meter shall mean an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specified manner.

Sound-pressure level - Sound-pressure level in decibels of a sound shall mean twenty times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

Spectrum - Spectrum of a function of time shall mean a description of its resolution into components, each of a different frequency.

Commercial purpose - Commercial purpose shall mean and include the use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any such sound equipment.

Non-commercial purpose - Non-commercial purpose shall mean the use, operation, or maintenance of any sound equipment for other than a commercial purpose. Non-commercial purpose shall mean and include, but shall not be limited to, philanthropic, political, patriotic, and charitable purposes.

B. Decibel Measurement Criteria

Any decibel measurement made pursuant to the provisions of this ordinance shall be based on a reference sound pressure of 0.0002 microbars as measured in any octave band with center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1000, 2000, 4000 and 8000, or as measured with a sound level meter using the "A" weighting

C. Special Noise Sources

1. General

It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

The volume of the noise;
The intensity of the noise;
Whether the nature of the noise is usual or unusual;
Whether the origin of the noise is natural or unnatural;
The volume and intensity of the background noise, if any;
The proximity of the noise to residential sleeping facilities;
The nature and zoning of the area within which the noise emanates;
The density of the inhabitation of the area within which the noise emanates;
The time of day or night the noise occurs;
The duration of the noise;
Whether the noise is recurrent, intermittent, or constant; and
Whether the noise is produced by a commercial or non-commercial activity.

2. Machinery, Equipment, Fans and Air-Conditioning

It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air-conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five decibels based on a reference sound pressure of 0.00002 microbars as measured in any octave band center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1000, 2000, 4000 and 8000, and for the combined frequency bands, "A" band.

3. Sound-Amplifying Equipment

The commercial and non-commercial use of sound-amplifying equipment shall be subject to the following regulations:

(a) The only sounds permitted shall be either music or human speech, or both;

(b) The operation of sound-amplifying equipment shall only occur between the hours of 8:00 A.M. and 10:00 P.M. each day except on Sundays and legal holidays. No operation of sound-amplifying equipment for commercial purposes shall be permitted on Sundays or legal holidays. The operation of sound-amplifying equipment for non-commercial purposes on Sundays and legal holidays shall only occur between the hours of 10:00 A.M. and 10:00 P.M.

(c) No sound emanating from sound-amplifying equipment shall exceed fifteen dBA above the ambient as measured at any property line.

(d) In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

(Ord. #628, Eff. March 19th, 1998)

Section 9-65 Unreasonable Noise

9-65.1 General Prohibition and Definitions.

No person shall make or cause to be made any unreasonable or excessive noise in the city, by whatever means or from whatever means or from whatever source. As used herein, the following terms shall have the following meanings:

a. dBa shall mean A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standard Institute, "Specifications far Sound Level Meter (ANSI SIR 19711)", properly calibrated, and operated on the "A" weighting network

b. Load amplification device or similar equipment shall mean a radio, television, phonograph, stereo, record player, tape player, cassette player, compact disc player, loud speaker, or sound amplifier which is operated in such a manner that it creates unreasonable or excessive noise.

c. Unreasonable or excessive noise shall mean

1. Noise measured in excess of 50 dBa between the hours of 11:00 p.m.. and 7:00 a.m.., or in excess of 70 dBa at all other hours; or

2. In the absence of an applicable noise level standard or regulation of the Air Pollution control commission, any noise plainly audible at a distance of three hundred (300) feet or, in the case of loud amplification devices of similar equipment, noise plainly audible at a distance of one hundred (100) feet from its source by a person of normal hearing.

9-65.2 Unreasonable Noise-Making Automobile Safety Devices.

The use, maintenance, installation or keeping of any device whose purpose it is to protect an owner's vehicle from damage and/or then through the mechanical creation of a noise of sufficient magnitude to be plainly audible at a distance of two hundred (200') feet from such device which does not automatically terminate any such noise within five (5) minutes shall be unlawful

9-65.3 Regulation of Construction Hours.

No erection, demolition, alteration, or repair of any building and excavation in regard thereto, except between the hours of 7:00 am. and 6:00 p.m., on weekdays or except in the interest of public safety or welfare, upon the issuance of and pursuant to a permit from the police chief or his designee which permit may be renewed for one or more periods of not exceeding one week each.

9-65.4 Noise Levels at Residential Lot Lines.

It Shall be unlawful for any person without a permit except in emergencies by Public Utility Companies to operate any construction device(s), including but not limited to impact devices, on any construction site if the operation of such device(s) emits noise, measured at the lot line of a residential lot in excess of 50 dBa between the hours of 6:00 p.m. and 7:00 a.m..

9-65.5 Disturbing the Peace.

It shall be unlawful for any person or persons in a residential area within the City of Methuen to disturb the peace by causing or allowing to be made any unreasonable or excessive noise, including but not limited to such noise resulting from the operation of any radio, phonograph or sound related producing device or instrument, or from the Playing of any band or orchestra, or from the use of any device to amplify the aforesaid noise, or from the making of excessive outcries, exclamations, or loud singing or any. other excessive noise by a person or group of persons, or from the use of any device to amplify such noise provided, however, that any performance, concert, establishment, band, group or person who has received and maintains a valid license or permit from any department, board or commission of the City of Methuen authorized to issue such license or permit shall be exempt from the provisions of this section. Unreasonable or excessive noise shall be defined as noise measured in excess of 50 dBa between the hours of 11:00 p.m. and 7:00 a.m. or in excess of 70 dBa at all other hours when measured not closer than the lot line of a residential lot or from the nearest affected dwelling unit. The term dBa shall mean the A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standards Institute, "Specifications for Sound Level Meters (ANSI SIR 19711" properly calibrated, and operated an the "A" weighting network. Any person aggrieved by such disturbance of the peace may complain to the Police about such unreasonable or excessive noise. The police, in response to each complaint, shall verify by use of the sound level meter described herein that the noise complained of does exceed the limit described herein and if so, may thereupon arrest and/or make application in the appropriate court for issuance of a criminal complaint for violation of M.G.L. c. 272, S. 53, which sets forth the penalties for disturbing the peace.

9-65.6 Prohibition Against Loud Amplification Devices in Motor Vehicles.

It shall be unlawful for any person in any area of the city to operate a loud amplification device or similar equipment, as defined in subsection 9-65.1, in or on a motor vehicle, which is either moving or standing in a public way.

9-65.7 Prohibition Against Loud Amplification Devices in Public Ways or Places.

It shall be unlawful for any person in any area of the City without a permit to operate a loud amplification device or similar equipment, as defined in subsection 9-65.1, in a public way or in any other public place.

9-65.8 Prohibition Against Loud Amplification Devices in or on Residential Premises.

It shall be unlawful for any person in any area of the City without a permit to operate a loud amplification device or similar equipment, as defined in subsection 9-65.1, in a dwelling house or on the land or other premises of such dwelling house.

9-65.9 Unreasonable Noise from Motor Vehicles or Motorcycles

a. It shall be unlawful for a person to operate a motor vehicle unless such motor vehicle is equipped with a muffler to prevent excessive or unnecessary noise as is required under Massachusetts General Laws Chapter 90, Section 16.

b. It shall be unlawful for a person to operate a motorcycle unless such motorcycle is equipped with a muffler system and is in compliance with the standards of Massachusetts General Laws Chapter 90, Section 16 and/or Chapter 90, Section 7S through 7U.

Violations of these provisions may be fined through the provisions of Section 9.65 of the Methuen Municipal Code or by the issuance of a GL Chapter 90 Citation.

Any money derived from enforcement of Chapter 90-65 shall be deposited into a separate account to be used for the purchase, maintenance of noise measuring equipment, as well as, enforcement of Chapter 90-65.

9-65.10 Enforcement.

Subsections 9-65.2 thru 9-65.8 may be enforced by any police officer, any special police officer designated by the Chief to do so, or of the Board of Health. The Housing Court may enjoin violation of these subsections.

9-65.11 Penalties.

a. Any person who violates subsections 9-65.6, 9-65.7, 9-65.8 shall be fined fifty dollars ($50) for the first violation in any twelve (12) month period, one hundred dollars ($100) for the second violation in any twelve-month period and two hundred dollars ($200) for a third violation and each subsequent violation in any twelve-month period. A separate offense shall be deemed committed on each day a violation of the ordinance shall occur.

The enforcing person shall make a record of the complaint, such record to include the following information to the extent that it is available: (a) name and address of person in violation; (2) name and address of landlord of person in violation, if applicable; (3) date of violation; (4) time of violation; (5) source of violation; and (6) motor vehicle registration number, if applicable. If the person in violation refuses to provide the above-required information, or if any information provided proves to be false then said person shall be punished by a fine of an additional one hundred dollars ($100). The enforcing person shall provide a person in violation with a written notice of the violation and fine. If applicable, a copy of each notice of violation shall be sent to

the person in violation's landlord and to the school, college, or university at which the person in violation is enrolled.

b. The Board of Health shall keep and make available to the public and all persons authorized to enforce these provisions, and the certification or the information there appearing by an enforcing official to a court shall establish a rebuttable presumption of the accuracy thereof. No person being the landlord or person in charge of a residential structure shall permit, allow, or suffer repeated violations of this ordinance after notice thereof and shall be fined at the time of the third such violation and at the time of every violation thereafter within twelve (12) months of the first violation by a fine of one hundred fifty dollars ($150) and by a fine of three hundred dollars ($300) for each violation thereafter. It shall be a defense that the landlord or person in charge of a residential structure has made and documented good faith efforts, including but not limited to the seeking of a court order, to prevent violations. Any person who subsequently violates these subsections 9-65.6, 9-65.7, 9-65.8, shall be punished by a fine of one hundred ($100.00) dollars for the second offense, two hundred ($200.00) dollars for the third offense; and three hundred ($300.00) dollars far the fourth and subsequent offenses committed within a twelve (12) month period. All fines hereunder may be recovered by the non-criminal disposition procedures stated in G-L- c. 40, Section 21D, which procedures are incorporated herein by reference; provided, however, that if a violator fails to follow the procedures and requirement of said Section 21D, the fine or fines shall be recovered by indictment or an complaint pursuant to G.L. c. 40, Section 41.

c. For all other violations of these sections, the penalties for such violations are; (i) for the first violation in any twelve (12) month period, one hundred dollars ($100), (ii) for the second violation in any twelve month (12) period , two hundred ($200), and (iii) for a third violation and each subsequent violations in any twelve month period, three hundred dollars ($300)

d. The enforcing person shall provide a person in violation with a written notice of the violation and fine. If applicable, a copy of each notice of violation shall be sent to the person in violation's landlord.

All fines issued under these sections may be recovered by a non-criminal disposition procedure promulgated in G.L. Chapter 40 section 21D, which procedures are incorporated herein by reference; provided, however that if a person in violation fails to follow the procedures and requirements of G.L. Chapter 40 section 21D then the fine or fines shall be recovered by indictment or by complaint pursuant to G.L. Chapter 40 section 41.

9-65.12 Arrest and Seizure of Property.

Notwithstanding the provisions of any other ordinance of the City of Methuen, if a person is arrested by a Methuen police officer under the authority of the Massachusetts General Laws, inducing without limitation the provisions of G.L. chapter. 272, sec. 54 for disturbing the peace under G.L. c. 272, s«. 53, or any applicable Massachusetts General Law, the arresting officer may, pursuant to said General Laws, seize any loud amplification device or similar equipment, as defined in subsection 9-65.1, as evidence. In the event of such seizure for evidence by a Methuen police officer incident to such arrest, such amplification device or similar equipment shall be inventoried and held by the Methuen Police Department or its agents, and shall be returned to its

owner according to the terms of this section, unless a court of competent jurisdiction orders otherwise.

The arresting officer, in addition to any other reports or procedures required of him, shall give the person claiming to be the owner of said loud amplification device or similar equipment a receipt indicating where, when, and for what reason said device or equipment was seized, and for what purpose it is being held. Copies of said receipt shall be filed in the Methuen Police Department and shall be made available to the court. No receipt shall be redeemed and no such device or equipment shall be returned to any person unless and until all judicial proceedings that may be held regarding the criminal allegations shall have been finally completed; provided, however, that if a motor vehicle shall be seized incident to an arrest, such motor vehicle may be returned to its registered owner if said loud amplification device or equipment has been duly removed therefrom with the written permission of the registered owner of said motor vehicle. In such cases, the Police Department shall provide said owner with a receipt for the removed device or equipment as herein provided.

9-65.13 Exemptions.

The following are exempted from the provisions of Section 9-65 and shall not be considered unreasonable or excessive noise for purposes of this section:

a. Noise from law enforcement motor vehicles.

b. Noise from emergency vehicles that is emitted during an actual emergency.

c. Noise which a person is making or causing to be made where such person has received and maintains a valid license or permit therefor from any department, board or commission of the City authorized to issue such license or permit; provided, however, that such noise shall be permitted only to the extent allowed by the license or permit.

d. Noise from any public school related activity such as sports or band music.

9-65.14 Severability.

If any person or subsection of this section shall be held to be invalid by a court of competent jurisdiction, then such person or subsection shall be considered separately and apart from the remaining provisions or subsections of this section, which shall remain in full force and effect.

Section 2

The current section 9-65 entitled an ordinance “Banning unregistered vehicles stored on properties” is renumbered to section 9-66.

Section 9-66. Banning Unregistered Vehicles Stored on Premises

Excepting as provided herein, the ungaraged parking of (1) an unregistered and uninspected; (2) an unregistered and inoperable, or (3) a registered but uninspected or inoperable

car, truck, motorcycle or trailer is not permitted on any lot in the City. This section shall not apply to the parking of one motor vehicle with a capacity of three quarters of a ton or under on a residential lot, if such vehicle is in an operable condition and meets the standards as required under Massachusetts General Laws, Chapter 90, for inspection and registration.

The term "uninspected" as used herein shall mean not displaying a valid inspection sticker for the applicable inspection period.

Any person who violates this ordinance shall be subject to a fine of One Hundred Fifty Dollars ($150.00) for each offense with every day the violation continues being a separate and new offense. The provisions of Chapter 17 of the Methuen Municipal Code regarding non-criminal dispositions shall apply.

A police officer, health inspector or inspectional services employee may enforce this ordinance.

Where the public safety or health is not put at risk, a written warning shall be issued providing a two-day advance warning before fines are imposed.

(Ord. #694, Eff. April 8th, 2000; as further amended by Ord. #759, Eff. July 1, 2003 Ord. #767, Eff. November 19th, 2003; as further amended by Ord. #771, Eff. June 2nd, 2004; as further amended by Ord. #772, Eff. June 2nd, 2004)

Section 9-67. Anti-Idling (Environmental Protection)

No person shall cause, suffer, allow or permit the unnecessary operation of an engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five (5) minutes. This section shall not apply to (a) vehicles being serviced, provided that operation of the engine is essential to the proper repair thereof, or (b) vehicles engaged in the delivery or acceptance of goods, wares, or merchandise for which engine assisted power is necessary and substitute alternative means cannot be made available, or (c) vehicles engaged in an operation for which the engine power is necessary for an associate power need other than movement and substitute alternate power means cannot be made available provided that such operation does not cause or contribute to a condition of air pollution. Whoever violates any provision of this ordinance shall be punished by a fine of not more than one hundred ($100.00) dollars for the first offense, nor more than five hundred ($500.00) dollars for each succeeding offense.

The police department, fire department, board of health officials, or building inspector or his designee acting within his jurisdictional area is hereby authorized to strictly enforce the provisions of this section in those areas determined by the City Council throughout the City of Methuen and so designated by official signage.

(Ord. #833, Eff. August 3, 2009)

Article VII. Public Health.

Section 9-71. Wells to be Kept Covered

All owners of land whereon is located an abandoned well or a well in use, shall provide a covering for such well capable of sustaining a weight of three hundred pounds or fill the same to the level of the ground.

(1973 Ord., Sec. 9.09)

Section 9-72. Storage of Ashes

No person shall keep ashes in any wooden vessel in any building situated within one hundred (100) feet of any building or buildings belonging to any other person.

(1973 Ord., Sec. 9.10)

Section 9-73. Litter and Refuse

Whoever shall, without the license of the Board of Health, throw into, or leave in or upon any street, court, square, lane, alley, public square, public closure, private property, pond or body of water, or vacant lot where it would be offensive or injurious to public health, within the limits of the City, any dead animal, dirt, sawdust, soot, ashes, cinders, shavings, hair, shreds, manure, oyster, clam or lobster shells, waste water, rubbish, or filth of any kind, or any refuse, animal or vegetable matter whatsoever, shall be punished by a fine of not more than One Hundred Fifty Dollars ($150.00) for each offense with every day the violation continues being a separate and new offense.

(1973 Ord., Sec. 9.13; as further amended by Ord. #759, Eff. July 1st, 2003)

Section 9-73A. Refuse on City Property

I. Maintenance of Structural Elements: All dumpsters shall have affixed in clear, legible print, the name of the firm or corporation and telephone number of said firm or corporation on each individual dumpster.

   a. All dumpsters shall be painted and free from discoloration from oxidation.

   b. Covers or lids on all dumpsters shall be in proper working condition.

   c. All dumpster drainage openings shall be plugged at all times.

II. Maintenance of Dumpsters

   a. All areas surrounding dumpsters shall be kept clean and litter free.

   b. All dumpsters shall be maintained clean and free from offensive odors.

   c. All dumpsters shall be kept locked at all times when not in use.

d. At no time shall any dumpster cause a nuisance resulting from the overflow of the contents.

e. All dumpsters shall be enclosed by a wall, fence or other means so constructed as to be inaccessible to the general public. Such enclosures shall be equipped with a self-latching and lockable gate or equivalent enclosure, such as lockable doors, to deny access to the general public.

f. The gate or doors must be closed and secured at all times when the contents are not being emptied.

(Ord. #884, Eff. Feb. 4th, 2015)

Section 9-74. Swimming Pool Fences

Every outdoor inground swimming pool shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension shall not exceed four (4) inches. A dwelling house or accessory building may be used as part of such enclosure.

All fences shall be equipped with a gate, which shall have a self-closing and self-latching device for keeping the gate securely closed at all times when not in actual use.

The above referenced fencing shall be permanent in nature as determined by the Building Commissioner and shall be installed and maintained at all times.

All gates or doors opening through such enclosure shall be equipped with a device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

This requirement shall be applicable to all new outdoor, inground swimming pools hereafter constructed and shall apply to all existing outdoor, inground pools. No person in possession of land within the City of Methuen, either as owner, purchaser, lessee, tenant or licensee, upon which is situated an outdoor, inground swimming pool shall fail to provide and maintain such fence or wall as herein provided.

Whoever violates any provision of this ordinance, unless otherwise provided by law or ordinance, shall be punishable by a fine of not more than One Hundred Dollars ($100.00) for each offense.

(Added to 1973 Ord. by Ord. #8, May, 1973 and further amended by Ord. #550, Eff. Sept. 6th, 1995; as further amended by Ord. #759, Eff. July 1st, 2003)

Section 9-75. Storing of Rubbish

No person shall place, permit or allow to remain upon a public way or public pedestrian way, in front of property, or at the street line or roadway any trash can, receptacle, plastic bag or other container used for the purpose of storing trash, waste, garbage or like materials, except for the purposes of collection; nor shall any person permit or allow said material to remain thereon for a period of more than forty-eight (48) hours after a regularly scheduled pick-up of said trash, waste, garbage, or like material by the Department of Public Works of the City of Methuen or other collector of such material.

Whoever violates any provision of this ordinance, unless otherwise provided by law or ordinance, shall be punishable by a fine of not more than One Hundred Dollars ($100.00) for each offense.

(Added to 1973 Ord. by Ord. #15, Sept., 1975; as further amended by Ord. #759, Eff. July 1st, 2003)

Section 9-76. Prohibiting Non-Residents from Leaving Trash for Curbside Pick-Up

A. Definitions

"Trash" shall mean all solid waste, including toxic and hazardous wastes, demolition debris, auto parts, white goods, stumps and lumber, pathological wastes, toxic and volatile chemicals and any other item of personality to be disposed of.

"Leave for curbside pick-up" shall mean the leaving of trash in any form of container, including a plastic bag, for curbside pick-up by the City of Methuen Department of Public Works crews.

B. Prohibition

It shall be a violation of this ordinance for any non-resident or any agent of a non-resident to cause or allow to be placed and left for curbside pick-up in the City of Methuen trash of such non-resident.

C. Penalty

Any person who violates this ordinance shall be punished by a fine of Seventy-five Dollars ($75.00) for each offense; such violation to be determined for each bag or container left at such curbside and each day the violation is committed or permitted shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. #256, Approved May 4, 1987, Eff. June 3, 1987; as further amended by

Ord. #759, Eff. July 1st, 2003)

Section 9-77. Establishing a Fine for Negligent Disposal of Garbage and Refuse

A. Statement of Policy

The Inhabitants of the City of Methuen desire a clean and healthy environment, free of debris, waste and garbage on their streets and property. As such, the citizens must impose the responsibility for waste disposal on the individuals that generate it in order to insure that these individuals will act to correctly dispose of such waste, debris and materials.

B. Penalty

Any person who negligently disposes of trash, bottles, cans, refuse, rubbish, garbage, debris, scrap waste or any other material of any kind (hereinafter "litter"), such that it is deposited on a public way, public property, or within twenty yards of such way or property, shall be punished by a fine of Three Hundred Dollars ($300.00). Each offense thereof shall constitute a separate and new violation. A person may be fined even where he/she did not directly deposit, place, throw, discharge or cause to be thrown, deposited, or discharged such litter, but is responsible for such litter being so disposed by the fact that such person negligently failed to provide for its proper disposal. Evidence of the responsible party shall be presumptively established where such litter contains the name and address of the person or serial numbers on materials so disposed, such as mail or other items.

(Ord. #596, Eff. January 16th, 1997)

Section 9-78. Occupancy Certificate

A. Notification Requirement

Whenever a dwelling unit, apartment, or tenement, other than those in a hotel or motel, is vacated by the occupant or occupants thereof, or, prior to such vacancy, the owner or lessor of such residential property shall be responsible for notifying, in writing, the Board of Health of such vacancy and for scheduling an inspection required by this ordinance.

B. Certification Requirements and Fee

Such unit must be certified by the Board of Health or its agents as meeting 105 CMR 410.000, “State Sanitary Code”, Chapter 11, “Minimum Standards of Fitness for Human Habitation”, as promulgated and from time to time amended by the State Department of Public Health, prior to being re-occupied by a new occupant. The fee for such a certificate shall be Forty Dollars ($40.00).

C. Refusal of Certification

Any owner of such property used for dwelling purposes failing to comply with this ordinance shall pay a fine of Three Hundred Dollars ($300.00) for the first day and for each additional day Fifty Dollars ($50.00) for every day they allow any person or persons to live, occupy, or inhabit the said premises without having received a Certificate of Occupancy based upon compliance with the Sanitary Code, Article II, Minimum Standards for Health and Human Habitation. The provisions of Chapter 17 of the Methuen Municipal Code, entitled "Non-Criminal Disposition of Municipal Ordinance, Rule or Regulation Violations" shall apply and tickets may issue thereunder.

D. Time Limitations on Inspections

The Board of Health shall make an inspection within five (5) working days of written notification recorded in the Health Department Office. Said inspection not having been made within five (5) working days, the owner or lessor may rent said unit; the rental, however, subject to the premises receiving an after-occupancy inspection and certificate.

E. Exemptions

The following properties shall be exempt from this ordinance:

a. Property that is owned by the Methuen Housing Authority.

b. Any building that is owner occupied unless and until a complaint is filed by a tenant of the building with the Board of Health. However, when a certificate is required for a unit subject to Section 8 rentals, then the owner shall notify the Board and request the occupancy certificate.

c. Any new construction less than two (2) years prior to date on which the rented dwelling unit, apartment, or tenement is first rented.

F. Right to Inspect

The Board of Health reserves the right to inspect any dwelling unit, apartment or tenement at any set time.

(Ord. #700, Eff. July 5th, 2000; as further amended by Ord. #759, Eff. July 1st, 2003)

Article VIII. Public Safety.

Section 9-81. Firearms, Discharge of

No person shall fire or discharge any firearms or explosives of any kind within the limits of any highway, park or other public property except with the permission of the Police

Chief; or on any private property, except with written consent of the owner or legal occupant thereof; provided, however, that this ordinance shall not apply to the lawful defense of life or property nor to any law enforcement officer acting in the discharge of his duties.

A firearm shall mean and include a revolver, pistol, rifle, shotgun, or any other device or weapon, however designed, capable of firing a shot or bullet.

(1973 Ord., Sec. 9.06)

Section 9-82. Coasting or Sliding on Public Ways

No person shall coast or slide down hills upon any sled, board, or other vehicle on any street, sidewalk or public way of the City, except upon street, or portions thereof, designated for the purpose.

(1973 Ord., Sec. 9.02)

Section 9-83. Fire Prevention Code

A. Adoption

There is hereby adopted by the City Council of the City of Methuen, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code, known as the National Fire Protection Association (NFPA) National Fire Code, being particularly the 1995 edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. A copy of which code shall be maintained on file in the office of the Fire Chief of the City of Methuen and the same is hereby adopted and incorporated as fully as if set out at length herein; and, from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Methuen as mentioned herein.

B. Penalties

1) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Chief of the Fire Department or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and, all such persons shall be required to correct or remedy such violations or defects within a reasonable time;

and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

2) The application of the above penalty shall not be held to prevent the enforced removal or prohibited conditions.

C. Compliance

This code shall become immediately effective in the City of Methuen, excepting that any person, firm, corporation, trust, business or like entity, which is not in compliance, shall be provided a period of ninety (90) days from the approval date hereof, to come into compliance with the code. Failure to comply shall result in the penalties being implemented as mentioned in Section B, sub-sections 1) and 2) herein.

D. Validity

The City Council of the City of Methuen hereby declares that, should any section, paragraph, sentence, or word of this ordinance, or of the code hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council of the City of Methuen that it would have passed all other portions of this ordinance independent of the elimination therefrom of any such portion as may be declared invalid.

(Ord. #231, Approved May 7, 1986, Eff. June 6, 1986)

Section 9-84. Air-Tight Containers

It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator, or other container which has an air-tight door or lid, snap- lock, or other locking device which may not be released from the inside, without first removing said door or lid, snap-lock, or other locking device from said ice box, refrigerator, or container.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding Fifty Dollars ($50.00). Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(1973 Ord., added by Ord. #27, Sept. 1974)

Section 9-85. Security Alarm Systems

A. Automatic Dialing Devices

No automatic dialing device shall be interconnected to any telephone numbers at the Police Department after the effective date of this ordinance.

Within three (3) months after the effective date of this ordinance, all automatic dialing devices interconnected to any telephone numbers at the Police Department, shall be disconnected therefrom. The user of each device shall be responsible for having the device disconnected.

B. Direct Connections to the Police Department

Alarm systems may be connected to the alarm console in the Police Station by interfacing through the one company maintaining the alarm console at the Police Station.

The alarm user or alarm business contracting for servicing the alarm users alarm system, shall be responsible for obtaining the required leased telephone lines between the alarm users premises and the alarm receiving equipment at the Police Department and for furnishing the appropriate interface equipment, if required, to be compatible with the receiving equipment used to operate the alarm console.

C. Control and Curtailment of Signals Emitted by Alarm Systems

Every alarm user shall submit to the Chief of Police, the names and telephone numbers of at least two (2) persons, in addition to the alarm user, who can be reached at any time, day or night, and who are authorized to respond to any emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed.

Within six (6) months from the effective date of this ordinance, all alarm systems which use an audible horn, siren or bell shall be equipped with a device which will shut off such horn, siren or bell within fifteen (15) minutes after activation of the alarm system.

D. Testing of Equipment

No alarm system connected to the Police Department shall be tested, worked on or demonstrated without first obtaining permission from the Police Department.

E. Penalties

Any alarm user who violates the provisions of this ordinance will be subject to a fine as follows:

After the third offense in a calendar year, fines shall be imposed by the Chief of Police as follows:

Fourth offense	$ 75.00
Fifth offense	100.00
Sixth offense	150.00
Seventh offense	200.00
Eighth and subsequent offenses	250.00

Further, upon the happening of the eighth offense in the twelve (12) month period, the Chief of Police may order the alarm user to disconnect the alarm system totally.

In the instance where the Chief of Police shall order an alarm system disconnected, then the alarm user may appeal to the City Council within ten (10) days of the order. The City Council, following a hearing, shall, within twenty days of the order, either accept the recommendation of the Chief of Police, or alternatively, rescind his order. A vote to rescind may only occur on a two-thirds vote of the full City Council.

F. Definitions of Offense

For the purpose of this ordinance, an offense shall be as follows:

- Failure to remove or installing an automatic dialing device after the effective date of this ordinance.

- Failure to submit to the Chief of Police the names and addresses as required by the ordinance.

- Failure to equip an audible bell, horn, siren, etc., with an automatic shut-off device.

- Testing or demonstrating the alarm system without the permission of the Police Department.

- False alarms, as a result of negligent operation, or failure to properly maintain the alarm system.

(Ord. #127, Eff. Dec. 6, 1982, as amended by Ord. #129, Eff. March 24, 1983; as further amended by Ord. #360, Eff. Dec. 20, 1989 and Ord. #382, Eff. June 20, 1990; as further amended by Ord. #477, Eff. August 5th, 1993; as further amended by Ord. #518, Eff. August 31st, 1994; as further amended by Ord. #760, Eff. July 1, 2003)

Section 9-86. Negligent or Intentional Use of Fire

Whoever sets a fire on land which is not owned or controlled by him/her, and, before leaving the same, neglects to entirely extinguish such fire, or whoever willfully or

negligently sets a fire on and which is not owned or controlled by him/her whereby property is endangered or injured, or whoever willfully or negligently suffers a fire upon his/her own land to escape beyond the limits thereof to the injury of another, shall be punished by a fine of not more than Two Hundred Dollars ($200.00).

(Ordinance #148, Eff. March 7th, 1984)

Section 9-87. Regulating the Forest Lake Outlet and Establishing the Positions of Gate Tenders

A. Purpose

This ordinance is enacted under the authority of the Methuen City Council with the purpose of regulating the Forest Lake outlet structure and, most specifically, for the following reasons:

1. To control the drainage from Forest Lake, throughout the year, and especially during fall/winter draw-down.

2. To prevent downstream flooding of the residents in and adjacent to the Forest Lake area, including the abutters of the lake.

3. To insure the average elevation and capacity of Forest Lake.

4. To insure that the proper procedure for draw-down is followed and records kept to determine its effect and future draw-down beginning dates and whatever pertinent information that would be helpful.

B. Definitions

As used herein, the following terms shall be defined as follows:

1. "Forest Lake Outlet" - that brook and its adjacent features presently located between property now or formerly of Donald Petzold and Robert and Margaret Northrup and is now on a permanent easement by the City of Methuen.

2. "Outlet Control Structure" - that portion of the Forest Lake outlet on property now or formerly of Donald Petzold and Robert and Margaret Northrup.

3. “Gate Tender" - shall be the Superintendent of the Division of Environmental Management in the Department of Public Works or such other person as may be designated by the Director of Public Works. Said Gate Tender shall perform his duties under the Methuen City Charter, this ordinance and such other missions as may be

assigned to him/her. In addition to Gate Tender, there shall be two Assistant Gate Tenders - one of whom shall be an abutter to Forest Lake and the other shall be a member of the Forest Lake Association. The Assistant Gate Tenders shall not alter or change the gate so as to affect drainage on Forest Lake, but shall assist the Gate Tender regarding maintenance and cleaning of the area in front of the structure and to the rear of the structure and advise him/her on safe capacity for Forest Lake.

C. Penalties

No person shall mark, deface, disfigure, injure, tamper with, or alter the Forest Lake Outlet structure. Further, no person, excepting the gate tenders or a duly authorized officer of the City of Methuen, shall adjust or alter the control structure as to affect or change drainage from Forest Lake. Any person violating this provision shall be subject to a fine of Two Hundred Dollars for each offense, each day or portion thereof, constituting a new and separate offense.

D. Gate Tenders

There is hereby established, as an officer of the City of Methuen, the unpaid positions of gate tender who are responsible for the control, maintenance/cleaning of the area in front of the structure, lakeside and rear of structure, brookside, from any debris that may hamper the structure from functioning properly, and that the structure will be checked monthly and after every storm. Further that access by way of permanent easement may not be hindered in any way by abutters of this structure, so that the gate tenders can perform their duties without obstruction.

E. Drainage

No person, including the gate tenders, shall alter or change the gate so as to affect the drainage of Forest Lake without having first duly received the permit and permission of the Conservation Commission of the City of Methuen, pursuant to the Wetlands Protection Act.

F. Posting

In addition to the other duties imposed upon the gate tenders, they shall, within thirty (30) days of the effective date of this ordinance, insure that an appropriate and permanent sign be affixed in the location at, or near, the Forest Lake outlet structure, indicating that the tampering with said gate shall carry with it a violation of City law and a penalty in the amount as hereinbefore fixed.

(Ordinance #149, Eff. March 7th, 1984; as amended by Ordinance #225, Eff. April 16th, 1986; as amended by Ordinance #287, Eff. June 15th, 1988; as amended by Ordinance #433, Eff. May 6th, 1992)

Section 9-88. Fire Alarm Systems

A. Automatic Dialing Devices

No automatic dialing device shall be interconnected to any telephone numbers at the Fire Department after the effective date of this Ordinance. Within (3) months after the effective date of this Ordinance all automatic dialing devices inter-connected to any telephone numbers at the Fire Department, shall be disconnected therefrom. The user of each device shall be responsible for having the device disconnected.

B. Automatic Notification to the Fire Department

All mandated fire alarm systems and all sprinkler systems shall provide automatic notification to the Methuen Fire Department. Alarm systems may be connected to the alarm console in the Fire Station by interfacing through the one company maintaining the alarm console.

The alarm user shall be responsible for obtaining the required leased telephone lines between the alarm users premises and the alarm receiving equipment at the Fire Station and for furnishing the appropriate interface equipment, if required, to be compatible with the receiving equipment used to operate the alarm console.

C. Control or Curtailment of Signals Emitted by Alarm Systems

Every alarm user shall submit to the Chief of the Fire Department, the names and telephone numbers of at least two persons who can be reached at any time of the day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is located.

Each false alarm, subsequent to three (3) in a thirty (30) day period, caused by user equipment failure, negligent operation or failure to provide proper maintenance, shall, after notice to the user, be considered as a separate violation.

D. Testing of Equipment

No alarm system connected to the Fire Department shall be shut down, tested, demonstrated or worked on without first obtaining permission from the Fire Department.

E. Definitions of Offenses

For the purpose of this Ordinance the following shall be defined as offenses.

- Failure to remove or installing an automatic dialing device after the effective date of this Ordinance.

- Failure to submit to the Department Chief the names and addresses as

required by this ordinance.

- Testing, demonstrating, shutting down or working on a system without permission from the Fire Department

- False alarms, as a result of faulty user equipment, negligent operation, or failure to properly maintain the alarm system.

- By failing to install a key box as required by an order of the Fire Chief within seven (7) days of such order.

F. Penalties

Any alarm user who violates the provisions of the ordinance shall be subject to a fine of Twenty-Five Dollars ($25.00) and each subsequent offense considered a separate violation and the third subsequent violation in a twelve month period be considered reason for the Chief to order the total disconnection of the offending system.

G. Key (Knox) Box

All buildings required, by law, to provide a fire warning system, excepting those with twenty-four (24) hour, seven (7) day per week guard service, shall be equipped with a key (knox) box in a location as required by the Fire Chief. Such knox box shall contain, at a minimum, keys for Fire Department use to gain access to the building(s) and the mechanical and electrical rooms thereof. The Fire Chief may alter or waiver the provisions of this sub-section if, in his opinion, an alternate and adequate means of access is provided.

(Ord. #280, Eff. March 2, 1988; as added to by Ord. #360, Eff. Dec. 20th, 1989; as amended by Ord. #417, Eff. April 17th, 1991; as further amended by Ord. #518, Eff. August 31st, 1994.)

Section 9-89. Ordinance Regulating Fences

A. Height Restrictions

It shall be unlawful for any person to erect or construct on any premises within the City of Methuen a fence exceeding six (6) feet in height.

B. Safety Precautions

1. It shall be unlawful for any person to erect, install or maintain a fence which obscures clear view of traffic at intersections or driveways or which creates a safety hazard to pedestrian or vehicular traffic.

2. It shall be unlawful for a person to install or maintain, in a residential area, a barbed wire fence.

C. Permit

It shall be unlawful for any person to install, erect, construct, relocate or alter a fence within the City without first obtaining a permit therefor from the Building Commissioner. No permit shall be issued if the Building Commissioner determines that the proposed fence does not meet the requirements of this ordinance.

An applicant for a fence permit shall, at the time of filing such application, additionally submit to the Building Commissioner a sketch or design of the proposed fence including a description of materials to be used and a specification of height shall be submitted therewith.

D. Location of Fences

No fence shall be erected on any property between the street and the front of the principal building on said property and further, any lot which is bounded on two or more sides by a public or private way shall have a setback requirement similar to that of property in the district in which it is located. Such fence as erected shall provide that the supporting side shall face towards the property on which it is located and that the so-called "face" or "finish" side shall be oriented toward the abutting property or way.

(Ord. #723, Eff. July 4th, 2001)

E. Exemptions

Notwithstanding the above, the following are exempt from the requirements of this ordinance:

(1) Fences in existence before the passage of this ordinance, excepting that any new fence erected on the property shall comply.

(2) This ordinance shall not apply to any open post and rail fencing relative to the front or side setback requirements of this ordinance; nor shall the front and side setbacks apply to chain link fences, provided that no slats or other means of visual obstruction be placed in or on said fencing.

F. Hedges

The terms of this ordinance shall apply to hedges to the extent that the same must comply with frontage and setback as is specified herein.

G. Additional Regulations – Commercial Security Fences – Any Business

Any business entity seeking to construct a fence for the security of its premises shall, when filing for its permit, simultaneously, submit:

(1) A site plan prepared by a Registered Land Surveyor, showing the proposed location of the fence in relation to any structures on site or all directly abutting properties, the lot line of the property, and any ways abutting the property.

(2) A full description of the type and height of the fence as well as whether or not barbed wire will be used.

(3) The site plan referred to in sub- paragraph (1) above shall display the entrances as well as display emergency entrances for fire safety vehicles.

No permit shall issue for a commercial security fence unless (a) the Fire Chief approves of the plan as adequate for fire equipment access and (b) the Police Chief reviews and approves the plans as being adequate to safeguard the public safety.

H. Permit Fee

The cost for the fence permit is hereby established as follows:

Residential permit	$ 10.00
Commercial permit	25.00

(Ord. #292, effective August 4th, 1988)

I. Waiver

A property owner may seek to be granted a waiver from certain portions of this ordinance. The Zoning Board of Appeals is hereby granted authority to waiver the provisions of this ordinance upon application of a property owner if the public interest is served and if reports are submitted by the Police Department that the granting of the application will not negatively affect the public safety.

Procedure. The party shall obtain a waiver application from the Building Commissioner and shall file the same with the Zoning Board of Appeals. A person seeking a waiver shall pay a permit fee in the amount of fifty dollars. The application shall be accompanied with a plan showing the location of the proposed fence and providing detail on its height, length and type. The plan need not be a surveyed plot plan, but may be a penciled mortgage survey plan or modified assessor's map plan. A notice of such application shall be mailed to the "parties in interest" s defined under Chapter 40A Massachusetts General Laws advising them of the date, time and place of the hearing and notifying them of the location where they may review the application. A waiver granted by the Board shall be certified by the Board's Clerk and placed on file in the Building Commissioner's Office.

(Ord. #749, effective October 7, 2002; as further amended by Ord. #723, Eff. July 4th, 2001)

Section 9.90. Numbering of Dwellings/Businesses

A. Numbers, Type and Size

All structures, be they residential, business, commercial or industrial, on lots in the City of Methuen shall display building numbers made of a permanent weatherproof material and shall be a minimum of three (3) inches in height, in either block or script style.

Numbers in written form, such as "Two Hundred Eighty-Five", are not acceptable. Numbers are to be of a contrasting color to the background surface.

B. Placement of Numbers

Such building numbers shall be placed on each structure so as to be plainly visible from the street on which the building is located by street address.

Buildings not visible from the street shall have an address marker placed in a plainly visible location (such as a post) near the street. Numbers on such markers shall be a minimum of four (4) feet in height from the street surface.

Numbers should not be placed where they will be obstructed by snow, shrubbery, decorations, etc.

C. Assignment

The numbers so utilized shall be those assigned by the Board of Assessors.

D. Responsibility for Placement of Numbers

It shall be the responsibility of the following individuals, persons, firms, or corporations (The Individuals), at their own expense and cost to place or cause to be placed building numbers on structures:

(1) As to existing structures, the owner of the building.

(2) As to structures under construction, which have not been issued an occupancy permit as of the effective date of the ordinance, the person listed on the Building Permit as the owner.

E. New Building Requirements

The owner of any property seeking a Building Permit for new construction shall simultaneously apply for and receive a building number designation from the Board of Assessors. The number so assigned shall be affixed to the structure before the Occupancy Permit for such structure shall be issued by the Building Commissioner.

F. Enforcement

This ordinance shall be enforced by the Building Commissioner or his subordinates.

G. Inspection for Conformity

Inspection for conformity with this ordinance shall be conducted by the Fire Department as part of the required smoke detector inspection at the time of the sale or refinancing of the property. The Fire Chief, or his designee, shall have the authority to regulate the size, type and placement of address numbers.

H. Fines

Any individual found in violation of this ordinance shall be punishable by a fine of Twenty-Five Dollars ($25.00) per offense; each day, or portion thereof that the violation is allowed to continue shall constitute a separate offense.

Notwithstanding the above, upon the first violation of this ordinance, an individual shall receive a written violation notice only. Such notice shall direct the individual to affix such building number(s) within seven calendar days or thereafter be subject to the fines provided for above.

I. Effective Date

The provisions of this ordinance shall become effective thirty days from the date of adoption excepting existing structures to which it shall become effective ninety days from adoption.

(Ord. #313, effective January 4th, 1989; as amended by Ord. #589, effective Nov. 20th, 1996)

Section 9-91. Fire Lane Ordinance

A. Definitions

The terms, as used herein, shall have the following meanings:

“Apartment Complex” - Any building which has three or more "dwelling units" as the term is defined in 780 CMR 201.0 et seq.

“Lodging/Rooming House” - A building or buildings required to be licensed under Chapter 140, Sections 22 through 32, Massachusetts General Laws, excepting that this ordinance shall only apply to such properties which may or do let to fifteen or more persons.

"Hotel/Motel" - Shall have the same meaning as that provided for in 780 CMR 201.0 et seq., excepting that this ordinance shall only apply to such properties which may or do rent or hire out to fifteen or more persons.

"Health Care Facility" - Shall mean that as defined in Chapter 111, Section 25B, Massachusetts General Laws.

"Retail/Office Complex" - One or more buildings held jointly or in common association wherein three or more retail or service businesses transact commercial activities for the public.

"Industrial/Storage Complex" - Any building or number of buildings used in the manufacture or storage of finished goods or products.

B. Application

This ordinance shall apply to all new and existing buildings covered under this Ordinance, excepting that buildings existing on the effective date of this ordinance shall have thirty days to come into compliance.

C. Fire Lanes

The following buildings and/or uses shall be required to establish and maintain fire lanes:

Building/Use	Width of Fire Lanes
Apartment Complex	25 Feet
Lodging/Rooming House	25 Feet
Hotel/Motel	25 Feet
Health Care Facility	25 Feet
Retail/Office Complex	30 Feet
Industrial/Storage Complex	30 Feet
Private & Public Schools	25 Feet
Orphanages	25 Feet
Rest Homes/Nursing Homes	20 Feet

D. Location/Marking

The fire lanes referenced in Section C shall run adjacent to and around each building. Such area shall be demarked with bright yellow diagonal lines no greater than two feet apart and have painted on the macadam the term "No Parking - Fire Lane" to attract the attention of the possible violators; the lettering thereof being no smaller than eighteen inches in height. Signs reading "No Parking - Fire Lane" also will be posted on the building in conspicuous places no more than one hundred feet between each sign. The lettering on said signs shall be no smaller than three inches in height on a sign no smaller than eighteen inches by twelve inches.

E. Waiver

The Chief of the Fire Department, on application of a building owner, may waive or modify the provisions of this ordinance if, in his opinion, the interests of public safety are served.

Such interests may include sprinkling of the building in lieu of the fire lane encircling the building.

F. Provisions of Enforcement

Any person who shall violate any of the provisions of the fire lane policy hereby adopted or fail to comply therewith, or shall violate or fail to comply with any order made thereunder, or who shall fail to comply with such an order as affirmed or modified by the Chief of the Fire Department or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and non-compliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(Added by Ord. #399, Eff. 10-17-90; as amended by Ord. #409, Eff. Dec. 5th, 1990)

Section 9-92. Prohibiting Operation of Dirt Bikes in the City of Methuen

A. In and pursuant to authority vested in the City of Methuen by Home Rule and in accordance with the provisions of General Laws, Chapter 90B, Section 33, the use of two, three or four-wheel motor vehicles, as partly defined in General Laws, Chapter 90B, Section 20 (recreational vehicles), and more commonly known as dirt bikes, is hereby prohibited in the City of Methuen to be operated therein on any land whatsoever excepting that property owned by an individual or, if rented by said individual, given written permission by the owner of the property.

(1) Any person found operating a dirt bike on property other than above described shall be subject to a fine of One Hundred Dollars ($100.00) per incident.

(2) Any landowner permitting or allowing persons other than their immediate family or the property renter to operate a dirt bike on their property shall be subject to a fine of One Hundred Dollars ($100.00) per incident.

(3) Any landowner allowing or permitting any person to operate a dirt bike on their property between nine o'clock post meridian and ten o'clock ante meridian shall be subject to a find of One Hundred Dollars ($100.00) per incident.

"Immediate family", as defined herein, means the husband, wife and children.

B. Furthermore, in and pursuant to authority vested in the City of Methuen by Home Rule and in accordance with the provisions of General Laws, Chapter 90B, Section 33, the use of two, three or four-wheel motor vehicles, as partly defined in General Laws, Chapter 90B, Section 20 (recreational vehicles), and more commonly known as dirt bikes, operated in accordance with the above "A" is hereby prohibited in the City of Methuen to be operated therein within 300 feet of any abutting residential dwelling.

C. The use of said vehicles shall be prohibited between the hours of 8:00 p.m. to 10:00 a.m.

D. ***Exceptions:*** The prohibitions defined above shall not be construed or enforced so as to prohibit the use of said vehicles for the following purposes:

1) For use on the property of a commercial farming and/or agricultural operation;

2) The operation of said vehicle for the purpose of loading and offloading the same from the location where it is regularly stored onto a trailer, vehicle or other legal means of transport to and from said location;

3) The operation of said vehicles by law enforcement and medical emergency personnel.

D. ***Severability:*** If any provisions of this ordinance or its application to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.

(Ord. #454, Eff. November 18th, 1992; as further amended by Ord. #831, Eff. June 17, 2009)

Section 9-92A Motorized Skateboards and/or Motorized Scooters

The following regulations shall apply to the use of motorized skateboards and/or motorized scooters:

(1) Motorized skateboards and/or motorized scooters shall not be operated on any property, private or public, without the expressed consent of the owner or overseer of said property. Evidence of written permission shall be in the possession of the operator of said vehicles and shall be presented upon demand of any police officer or other law enforcement officer. The term "public property" shall not apply to a public way or any part thereof as used in this paragraph unless otherwise specifically stated.

(2) Every person operating a motorized skateboard and/or scooter shall wear protective headgear conforming with such minimum standards of construction and performance as the Registrar of Motor Vehicles prescribes for recreational vehicles. No person operating a

motorized scooter and/or skateboard shall permit any other person to ride as a passenger on such scooter and/or skateboard.

(3) No person shall operate a motorized skateboard and/or scooter (a) between sunset and sunrise; (b) earlier than 9 a.m. on weekdays and 10 a.m. on weekends, and (c) nor operate it upon any public way, unless the vehicle and operator are in compliance with the then current Massachusetts General Laws. In any instance the motorized skateboards and/or scooters when traveling together shall ride in a single file and not side by side.

(4) No person shall allow or permit the operation of gas powered motorized scooter, gas powered vehicle and/or gas powered motorized skateboard on any public way or public property in the City of Methuen. The term "gas powered vehicle" as used herein means any gas powered vehicle used on public ways that is not required to be registered by an agency of the Commonwealth of Massachusetts. Nothing in this section shall prohibit the use of electric powered scooters, vehicles or skateboards.

(5) Any violation of this ordinance shall be punishable as follows; first offense a fine of twenty-five dollars ($25.00), second offense a fine of fifty dollars ($50.00), for the third offense a fine of one hundred dollars ($100.00), if the violation continues beyond the third offense the police may confiscate said scooter or skateboard. Each day or part thereof shall constitute a new violation. The fines referenced herein may be sought under the "non-criminal disposition" provisions of Chapter 17 of this Code.

(6) The council in enacting this ordinance is aware of its balanced need to protect the public convenience and safety while not unfairly depriving the children of our community from their given right to enjoy life. To satisfy this balance the council has determined to obtain a periodic report on the ordinance's application. The Mayor on or before May 30, 2005 is requested to obtain from the police department a report on the effectiveness and practicality of maintaining the ordinance in force and effect. The report shall specifically include the following information; (a) the practicality of enforcing the ordinance and any enforcement problems identified by the police department, (b) the impact of the ordinance on public convenience and safety, (c) the number of tickets or warnings issued to violators and (d) the costs of enforcing the ordinance. The council shall also take into consideration any actions taken by volunteers to make the operation of the vehicles identified in this ordinance safer by the establishment of safety training for such vehicle usage in a program designed and implemented by the volunteers and approved by the chief.

Section 9-92B Banning Gas or alcohol fueled Powered Motorized Mini Bikes, Mini-Chopper Scooters, Motorized Go-Carts From the Public ways of the City of Methuen

No person shall allow or permit the operator or operation of a motorized gas powered Mini-Bike, a gas powered motorized Mini-Chopper Scooter, a gas powered motorized scooter, a gas powered motorized go-cart and any variation of gas powered equipment related thereto on any public way or public property in the City of Methuen.

Any violation of this ordinance shall be punishable as follows: first offense, a fine of twenty-five dollars ($25.00); second offense, a fine of fifty dollars ($50.00); for the third offense, a fine of one hundred dollars ($100.00). If the violation continues beyond the third offense the police may confiscate said motorized mini bike, mini-chopper scooter, scooter or motorized go-cart. Each day or part thereof shall constitute a new violation. The fines referenced herein may be sought under the "non-criminal disposition" provisions of Chapter 17 of this code.

(Ord. #722, Eff. July 4, 2001; as further amended by Ord. #764, Eff. August 4th, 2003; as further amended by Ord. #777, Eff. July 6th, 2004; as further amended by Ord. #778, Eff. July 6th, 2004)

Section 9-92C Prohibition of Motorized Vehicles on Methuen Rail Trail

In and pursuant to authority vested in the City of Methuen by Home Rule and in accordance with the provisions of General Laws, Chapter 90B, Section 33, the use of two, three or four-wheel motor vehicles, as defined in General Laws, Chapter 90B, Section 20 and referred to therein as recreational vehicles, off highway vehicle and all-terrain vehicle, are hereby prohibited by the City of Methuen to be operated in the area within the City known as the "Methuen Rail Trail" being a certain railroad right of way known as the Lawrence to Manchester Branch in the City of Methuen starting at the Lawrence/Methuen line and ending at the Methuen/New Hampshire border.

A. ***Exceptions:*** The operation of said vehicles by law enforcement and medical emergency personnel.

(Ord. #869, Eff. October 17, 2012)

Section 9-93. Childsafe Construction Sites

A. Policy

It is the policy of the City of Methuen to create an environment where minor children are not injured by construction equipment.

B. Definitions

The following words, as appearing herein, shall have the following meanings:

"Construction equipment" shall mean motorized vehicles utilized in developing a site for buildings, either residential or commercial. Such equipment shall include, but not be limited to, trucks, bulldozers, backhoes, cranes, front end loaders, graders, tractor-trailers, and like equipment.

"Permitted site" shall mean a site on which construction is occurring under a permit or permits issued by an officer or agent of the City of Methuen.

"Immobilized" shall mean to render a vehicle incapable of ignition by a keying system or other tamper proofing such that a child cannot start and operate the construction equipment.

C. Violation

It shall be a violation for any owner of construction equipment to leave on a permitted site, unattended, said construction equipment which is not immobilized. Any person so violating this provision may be fined One Hundred Dollars per offense, each day or part thereof constituting a new offense.

(Ord. #514, Eff. June 6th, 1994)

Section 9-94. Youth Protection for Curfew for Minors

A. Purpose and Findings

The City Council has found that the incidence of crimes committed by and against minors or juveniles is increasing and has determined that a youth protection curfew ordinance is necessary and desirable in order to:

(1) protect minors from each other and other persons in public places and establishments during nocturnal hours;

(2) assist the police in crime prevention;

(3) promote parental supervision and authority over minors;

(4) protect the public from nocturnal crime and mischief by minors;

(5) promote the furtherance of family responsibility and for the public good, safety and welfare.

B. Definitions

“Curfew hours” means 1:00 A.M. until 5:00 A.M. on any and all seven (7) days of the week.

“Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"Establishment" means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

"Guardian" means:

(1) a person who, under court appointment, is the guardian of the person of a minor; or

(2) a public or private agency with whom a minor has been placed by the court.

"Minor" means any person under seventeen years of age.

"Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

"Parent" means a person who is:

(1) a natural parent, adoptive parent, or step-parent of another person; or

(2) at least eighteen years of age and authorized, in writing, by a parent or guardian to have the care and custody of a minor.

"Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, parks, playgrounds, and the common areas of schools, hospitals, apartment houses, office buildings, commercial or industrial buildings, transport facilities, shops and businesses.

"Remain" means to:

(1) linger or stay; or

(2) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

C. Offenses

(1) A minor commits an offense if he/she remains, either on foot or in a

vehicle, in any public place or on the premises of any establishment within the City of Methuen during youth protection curfew hours.

(2) A parent or guardian of a minor commits an offense if he/she knowingly permits, or by insufficient control, allows the minor to remain, either on foot or in a vehicle, in any public place or on the premises of any establishment within the City during youth protection curfew hours.

(3) The owner, operator or employee of an establishment commits an offense if he/she knowingly allows a minor to remain upon the premises of the establishment during youth protection curfew hours.

D. Defenses

(1) It is a defense to prosecution under Section C. that the minor was:

(a) accompanied by the minor's parent or guardian;

(b) on an errand at the direction of the minor's parent or guardian, without any detour or stop;

(c) in a motor vehicle involved in interstate travel;

(d) engaged in an employment activity, or going to or returning home from employment activity, without any detour or stop;

(e) involved in an emergency;

(f) on the sidewalk abutting the minor's residence or abutting the resident of a next door neighbor if the neighbor did not complain to the police department about the minor's presence;

(g) attending an official school, religious or other recreation activity supervised by adults and sponsored by the City of Methuen, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Methuen, a civic organization, or another similar entity that takes responsibility for the minor;

(h) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(i) married or had been married and in compliance with the provisions of Massachusetts General Laws, Chapter 207, Sections 7 and 25, as amended.

(2) It is a defense to prosecution under Section C.(3), that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during youth protection curfew hours and refused to leave.

E. Enforcement

Enforcement for violation of this ordinance shall be by arrest or by criminal complaint or by non-criminal disposition as hereinafter provided. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place, or on the premises of an establishment. The officer shall not make an arrest or issue a notice to appear under Section F.(2) for a violation of this ordinance unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense under Section D. is applicable.

F. Penalties

(1) Criminal Disposition

Upon arrest and/or criminal complaint, a person who violates a provision of this ordinance shall be, if so found by the Court, guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed Three Hundred Dollars ($300.00).

(2) Non-Criminal Disposition

Any person who violates any provision of this ordinance may be penalized by a non-criminal disposition as provided for under Chapter 17 of the Municipal Code and Massachusetts General Laws, Chapter 40, Section 21D, as amended. This ordinance shall be enforced by a police officer of the City of Methuen who shall issue a "Notice to Appear" in Court. The penalty for each violation shall be Fifty Dollars ($50.00) for each day or part of a day during which the violation is committed, continued, or permitted. A copy of the "Notice to Appear" in Court which is given to a minor shall be forwarded to the parent(s) or guardian(s) of said minor for informational purposes.

G. Review and Report

That within six (6) months after the enactment of this ordinance, the Mayor shall review this ordinance and report and make recommendations to the City Council concerning the effectiveness of and the continuing need for the ordinance. The Mayor's report shall specifically include the following information:

(1) the practicality of enforcing the ordinance and any problems with enforcement identified by the police department;

(2) the impact of the ordinance on crime statistics;

(3) the number of persons successfully prosecuted for a violation of the ordinance; and

(4) the City's net cost of enforcing the ordinance.

H. Construction and Severability

Severability is intended throughout and within the provisions of this ordinance. If any provision, including, inter alia, any exception, part, phrase or term or the application to any person or circumstances is held to be invalid, other provisions or the application to other persons or circumstances shall not be affected thereby. It is intended that the ordinance would not be applied where its application would be unconstitutional.

All provisions of the Methuen Municipal Code, as amended, which are consistent with this ordinance, shall continue in effect, but all provisions of said Code inconsistent herewith, are repealed.

(Ord. #563, Eff. March 6th, 1996; as further amended by Ord. #597, Eff. December 16th, 1996)

Section 9-95. Prohibiting Stockpiling of Snow Near Public Ways

No business or commercial establishment shall stockpile snow on or adjacent to a public way in such a manner as to cause any of the following conditions to exist:

1) To reduce the sight distance of vehicles which may enter or exit such property or adjacent properties onto the public way.

2) To create an artificial and dangerous condition or an attractive nuisance.

3) To cause a dangerous condition on the public way by means of an icing condition.

4) To cause, during melting, an unsafe condition on the public way due to excessive drainage.

If such stockpiling shall exist, the Director of Public Works, or his agent, shall serve written notice on the owner, directing the condition to be abated by a date certain.

Any person, firm, or corporation refusing to obey such notice shall be subject to a fine of Twenty-Five Dollars ($25.00) per day. Each day, or part thereof, shall constitute a new offense.

(Ord. #581, Eff. October 3rd, 1996)

Section 9-96. Criminal History Background Checks

A. Purpose

The City Council finds that it is necessary and appropriate that any organization, providing recreational or sporting activities for children within the City of Methuen, conduct criminal history background checks of its employees and/or volunteers, who have supervisory or disciplinary control over minors.

The City Council also finds that children are vulnerable to persons having authority over them and that it is important for children to be protected and for parents to be better assured that children participating in recreational or sporting activities are protected.

B. Definitions

As used herein, the words "Child" or "Children" shall mean a person or persons under eighteen (18) years of age.

C. Background Check

Any organization, which provides recreational or sporting activities for children and which employs or uses the services of employees and/or volunteers in positions in which the employee or volunteer has supervisory or disciplinary power over a child or children, shall request, from the Criminal History Systems Board, a criminal history check of each volunteer or employee.

An organization, subject to the provisions of this Ordinance, shall be deemed to have complied with the provisions of this sub-section if the required criminal history checks are submitted to the Criminal History Systems Board by the organization's state or national parent organization.

D. Exemptions

The provisions of this Ordinance shall not apply to: (1) any organization which is licensed under Federal or Massachusetts law and which, as part of the licensing procedure, is required to conduct criminal background checks of employees or volunteers; (2) medical facilities; (3) religious organizations, except in regard to activities that are predominantly recreational or sporting in nature; (4) any organization which is not authorized to receive criminal history checks from the Criminal History Systems Board; and (5) an individual who has, during any calendar year, been background checked by another organization if said other organization posts the cleared individual's name with the Recreation Director.

E. Time of Checks

Background checks must be completed at the time that an employee or volunteer begins to engage in activities regulated by this Ordinance.

F. Required Filings

(1) An organization, which is subject to the provisions of this ordinance, shall annually, on or before January 15th, file with the Recreation Director:

a. A copy of its written policy and procedure for conducting such criminal history checks, including provisions to prevent improper disclosure or dissemination of an individual's criminal history;

b) A statement, signed by the head of the entity or organization, certifying compliance with the provisions of this Ordinance.

(2) An organization, which is subject to the provisions of this Ordinance, shall, annually, at least ten (10) days prior to its first scheduled use of a municipal facility, file with the Recreation Director a statement, signed by the head of the entity or organization, certifying that it has complied with the provisions of Section 9-96, Sub-Section C.

G. Notification

Annually, on or before February 1st, the Recreation Director shall, in writing, provide the Chief of Police and the School Department with:

(1) A list of organizations that have complied with the filing requirements of this Ordinance; and

(2) A list of organizations which are known not to be in compliance with the filing requirements of this Ordinance.

H. Violations and Penalty

An organization which is subject to the provisions of this Ordinance shall be subject to a civil penalty of One Hundred Dollars ($100.00) for:

(1) Failing to make the required annual filing with the Recreational Director;

(2) Failing to conduct a required criminal history check on an employee or volunteer;

(3) Failing, after reasonable notice, to permit the Recreational Director to inspect relevant records for the purpose of determining compliance with the provisions of this Ordinance.

I. Denial of Use of Municipal Facilities

An organization which is subject to the provisions of this Ordinance and which does not comply with all provisions of same shall be denied the use of any municipal facility until in compliance.

J. Awareness Training

Annually, the Recreation Director shall conduct one or more training sessions to familiarize organizations and the public of the requirements of this Ordinance. Such training shall include providing suggested (though not mandated) sample policies, guidelines and forms for use by the organization. Subject to the appropriation of necessary funding, such training session or sessions shall be advertised in a newspaper of general circulation in the community.

K. Determination of Employee and/or Volunteer Positions Subject to Required Background Checks

Recognizing the diverse and changing nature of organizations which may be subject to this Ordinance, the City Council hereby directs and authorizes the Recreation Director to, at least annually, develop reasonable regulations to determine:

(1) Which organizations are subject to the provisions of this Ordinance; and

(2) Which employees or volunteers of such organizations are subject to the requirement of a background check.

In developing such regulations, consideration shall be given to the nature of the activities provided by the various organizations and the specific duties of the various employee or volunteer positions within an organization. Regulations developed under this sub-section shall become effective March 24th, 1997.

(Ord. #599, Effective March 24th, 1997)

Section 9-97. Banning Snowmobiles on Cemeteries, Parks, Playgrounds and School Playgrounds in the City of Methuen

The use of snowmobiles is hereby prohibited in the City of Methuen for operation on the following municipal properties: cemeteries, parks, playgrounds and school playgrounds.

Any person found operating a snowmobile on the foregoing described municipal properties shall be subject to a fine of Three Hundred Dollars ($300.00) per incident.

The City of Methuen shall post this restriction in a convenient location in all cemeteries, parks, playgrounds and school playgrounds of the City of Methuen.

(Ord. #633, Eff. April 1st, 1998)

CHAPTER 9A MUNICIPAL ENFORCEMENT ORDINANCE

Section	Item
Section 9A-1.	Authority
Section 9A-2.	Purpose and Goals
Section 9A-3.	Complaints Response
Section 9A-4.	Procedures
Section 9A-5.	Service of Orders
Section 9A-6A.	Contents of Orders
Section 9A-6B.	Revocation or Modification
Section 9A-7A.	Appeals
Section 9A-7B.	Administrative Appeal Procedures
Section 9A-7C.	Administrative Appeal Final Order
Section 9A-8.	Cost Recoveries and Collection of Fines
Section 9A-9.	Severability
Section 9A-10.	Miscellaneous

Chapter 9A Municipal Enforcement Ordinance

Section 9A- 1 Authority

When a state or municipal code violation exists, related to health, safety, peace and environment, as further outlined below, the City is authorized to issue a written or verbal warning, notice and order to correct, citation and/or cease and desist to any person, business or corporation responsible for code compliance based on jurisdiction, departmental discretion, available resources and severity of violation.

Section 9A-2 Purpose and Goals

The purpose of this ordinance is to provide a clear and comprehensive process for enforcement of the following sections of the City of Methuen City Code:
Chapter 9 – Public Peace, Safety and Order (Sections 9-11 through 9-97);
Chapter 10 – Building Construction Standards (Section 10-1);
Chapter 10A - Building and Property Maintenance (Sections 10A-11 through 10A-36);
Chapter 11 - Zoning;
Chapter 12- Wetlands Protection (Sections 12-1 through 12-12); and
Chapter 13 (Sections 13-10 through 13-90).

To the extent that this ordinance directly conflicts with other sections of the City's Code this ordinance shall control. To the extent this section is more restrictive than another section of the City's code or a state or federal law, rule or regulation, this section shall control. To the extent this ordinance directly conflicts with any state or federal law, rule or regulation that state or federal law, rule or regulation shall control.

It is the policy of the City to emphasize compliance by education and prevention as a first step. This policy is designed to ensure code compliance and timely action that is available to all persons and is uniform in its implementation. While warnings and voluntary compliance are desirable as a first step, enforcement and civil penalties should be used for remedial purposes as needed and used at the discretion of the appropriate city official to assure and effect code compliance. Abatement or remediation should be pursued when appropriate and feasible. Uniform and efficient procedures, with consistent application within each department or division thereof, should be used to accomplish these goals.

In order to create the "Municipal Enforcement Ordinance", the City Council hereby adopts the following and incorporates them in the "Municipal Enforcement Ordinance":

1. The Massachusetts Building Code, 780 CMR Code of Massachusetts, as may be amended;

2. The Massachusetts State Sanitary Code, 105 CMR, Sections 400 and 410, as may be amended, and;

3. The Massachusetts Fire Prevention Code, 527 CMR, Section 1.00 and MGL Chapter 148-148A, NFPA National Fire Code, as may be amended.

4. The Massachusetts Wetlands Protection Act, 310 CMR 10.00 as may be amended.

Any person violating any applicable state regulation or city ordinance shall be subject to enforcement action, including but not limited to verbal or written warnings, notices and orders to correct, citations, permit suspension or revocation and/or a cease and desists. Any fine issued will be in accordance with Section 1-20 of the Methuen Municipal Code or a specific board or state regulation as specified in the citation. No warning needs to be issued in high-risk, imminent threats or emergencies.

Section 9A-3 Complaints Response

When a city department receives a complaint that is within that department's jurisdiction and scope of work, they will log the complaint in a department complaint log and follow up on the subject complaint in a timely manner based on severity of the complaint and available resources.

Section 9A-4 Procedures

A. In order to discourage violations of this Chapter and otherwise promote compliance with applicable state regulations and City ordinances, a City official, within their appropriate jurisdiction and in response to field observations, may determine that a violation or violations has occurred or are occurring and at the official's discretion of the enforcing agency and may take one or more of the following actions:

1. Verbal or written warning where appropriate;

2. Order abatement by means of a notice and order to correct, verbally or in writing;

3. Issue citations;

4. Suspend, revoke or modify any permit previously issued by their own jurisdiction, board or commission or deny said permit application when other efforts to achieve compliance have failed;

5. Issue Cease and Desist Orders;

6. If such abatement is not completed by the person, agency or business responsible for code compliance in a timely manner, the city may undertake the abatement and charge the reasonable costs of such work via property liens;

7. Judicial enforcement.

B. Verbal warnings and orders shall be logged and followed up with a written warning within a reasonable time thereafter if the violation(s) has not been abated, and the site may be re-inspected at the department's determination.

The City may use any and all available means, including but not limited to, liens, withholding permits or licenses or engaging the services of a collection agency in order to collect any fines, penalties, fees or costs owed under this chapter.

Section 9A-5 Service of Orders

A. Service of a warning, citation, notice and order to correct or cease and desist shall be made on a person responsible for code compliance by one or more of the following methods:

1. Delivery to the person identified by the department as being responsible for code compliance, or by leaving a copy of the warning, citation, notice and order to correct or cease and desist at that person's house of usual abode with a person of suitable age and discretion who resides there;

2. By posting the warning, citation or notice and order to correct in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for below, if a mailing address is available.

4. Service by mail may be made for a warning, citation or a notice and order to correct by mailing one copy by ordinary first class mail to the person identified by the department as being responsible for code compliance at his last known address, at the address of the violation, or at the address of the place of business of the person identified by the department as being responsible for code compliance. The taxpayer's address as shown on the tax records of the City shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the violation occurred. Service by mail shall be presumed effective upon the third business day following the day upon which the warning, citation or notice and order to correct was placed in the mail.

B. The failure of a city department, board or commission to make or attempt service on any person named in the warning, citation, notice and order to correct or cease and desist order shall not invalidate any proceedings as to any other person duly served.

Section 9A-6A Contents of Orders

A. If a notice or order to correct or a cease and desist is issued, the notice and order to correct and/or cease and desist shall contain the following information:

1. The address, when available, the City tax parcel number or location of the civil code violation;

2. A statement of the specific provisions of the regulation, ordinance, permit condition, notice and order to correct provision or cease and desist order that was or is being violated;

3. A statement of the corrective or abatement action required to be taken and that all required permits to perform the corrective action must be obtained from the proper issuing agency;

4. A statement advising that, if any required work is not commenced or completed within the time specified by the notice and order to correct, the city may proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and several personal obligation of any persons responsible for code compliance;

5. A statement advising that, if any assessed penalty, fee or cost is not paid on or before the due date, the city may charge the unpaid amount as a lien against the property where the violation occurred;

6. A statement advising that a failure to correct the violations cited in the notice and order to correct could lead to the denial of subsequent City permit applications on the subject property; and

7. A statement advising the person responsible for code compliance of his duty to notify the city of any actions taken to achieve compliance with the notice and order to correct;

8. A statement that failure to appeal a citation within seven (7) days renders the citation a final determination that the conditions described in the citation existed and constituted a civil code violation and the cited party is liable as a person responsible for compliance.

B. If a written warning or citation is issued, they shall include all of the following information:

1. Identification of the location of the violation;

2. A brief description of the violation or violations found;

3. A statement of the specific ordinance, resolution, regulation, public rule, permit condition, notice and order to correct provision, or cease and desist order provision that was violated;

4. A statement that the citation represents a determination that a state or municipal violation has occurred and that the cited party is subject to civil fines;

5. A statement of the amount of the civil fine assessed and that the fine must be paid within twenty-one (21) days;

6. A statement of the options provided in this chapter for responding to the citation and the procedures necessary to exercise these options;

7. A statement that failure to appeal the citation within twenty-one (21) days renders the citation a final determination that the conditions described in the citation existed and constituted a civil code violation and that the cited party is liable as a person responsible for compliance; and

8. A statement advising that a failure to respond or appeal may be referred for legal action.

Section 9A-6B Revocation or Modification

Whenever there is new information or a change in circumstances, the city department issuing the citation, notice and order to correct or cease and desist may add to, rescind in whole or in part or otherwise modify a citation, notice and order to correct or cease and desist by issuing a supplemental citation, notice and order to correct or cease and desist. The supplemental citation, notice and order to correct or cease and desist shall be governed by the same procedures applicable to all citations, notice and orders to correct or cease and desists contained in this Ordinance. The city department issuing the citation, notice and order to correct or cease and desist may revoke or modify a citation, notice and order to correct or cease and desist issued under this chapter if the original was issued in error or if a party to such citation, notice and order to correct or cease and desist was incorrectly named. Such revocation or modification shall identify the reasons and underlying facts for revocation or modification.

Section 9A-7A Appeals

A. Any person issued a notice and order to correct or cease and desist and any owner of the land where the violation for which a notice and order to correct or cease and desist is issued may file a notice of appeal in writing with the issuing department within seven (7) of the service of the notice and order to correct or cease and desist.

B. Any person issued a citation may appeal the citation by signing the citation, indicating on the citation that a hearing is requested, and returning the citation to the issuing department within twenty-one (21) days of its service.

Section 9A-7B Administrative Appeal Procedures

All citations, notices and orders to correct and cease and desists are subject to appeal and will be afforded a hearing for due process as follows:

A. The appeal hearing shall be conducted as provided for by rules promulgated under this section, except that where specific provisions in this chapter conflict with those rules, the

provisions of this chapter shall govern. At said hearing all parties will be given an opportunity to be heard and to present witnesses and documentary evidence as to why the notice or order to correct should be modified or withdrawn. All affected parties will be informed of the date, time and place of the hearing and of their right to inspect and copy all records concerning the matter to be heard. Parties may be represented by an attorney. Parties have a right to inspect and obtain copies of all relevant records concerning the matter to be heard.

B. Enforcement of any notice and order to correct of a city department issued pursuant to this chapter shall be stayed as to the appealing party during the pending of any administrative appeal under this chapter, except when determined that the violation poses a threat and so states in any notice and order to correct or cease and desist issued.

C. The City will hold appeal hearings once per month in city hall and once an appeal has been filed, all affected parties will be notified and a hearing will be scheduled before a hearing officer.

D. To the extent that a person who has been issued a citation, notice and order to correct or a cease and desist letter has exercised concurrent rights to appeal in another forum, filing the notice of such appeal with the department that issued the original citation, notice and order to correct or cease and desist letter shall stay any further proceedings until the final resolution of that appeal.

Section 9A-7C Administrative Appeal Final Order

A. Following review of the evidence submitted, the hearing officer shall make written findings and conclusions and shall affirm, modify or annul the citation, notice and order to correct or cease and desist order at issue.

B. The hearing officer’s final order shall be final and conclusive unless proceedings for review of the decision are properly commenced in the appropriate court of competent jurisdiction within thirty (30) days by the appellant.

Section 9A- 8 Cost Recoveries and Collection of Fines

A. In addition to the other remedies available under this chapter, the city may charge the costs of pursuing compliance under this chapter to the person responsible for said compliance, including but not limited to, legal and incidental expenses and interest to the extent these costs exceed the amount of the penalty paid. Such costs are due and payable thirty days from mailing of the invoice.

B. For purposes of this section, "legal and incidental expenses" shall include but are not limited to:

1. Personnel costs, both direct and indirect, including attorney's fees and costs incurred to document the violation as soon as the violation occurs;

2. Hauling, storage and disposal expenses;

3. Actual expenses and costs of the City in preparing notices, specifications and contracts and in accomplishing or contracting and inspecting the work and the costs of any required printing or mailing; and

C. All costs assessed by the City in pursuing compliance with this chapter create a joint and several personal obligations in all persons responsible for code compliance. The City may collect the costs of compliance efforts by any appropriate legal means including by a lien upon the relevant property.

D. All fines issued under all city ordinances or state regulations will be subject to the provisions listed in Methuen Municipal Code, Section 8-7: Municipal Charges Lien, Paragraph E - Applicable Charges and Fees.

E. The City may recover any and all expenses incurred, including costs of collection and enforcement, and may lien the subject property for such expenses.

Section 9A-9 Severability

If any provision of this regulation is declared invalid, unenforceable, unconstitutional or in violation of state law the other provisions shall not be affected thereby but shall continue in full force and effect.

Section 9A-10 Miscellaneous

A. The provisions of this ordinance detailing City department administration of municipal compliance procedures are intended only for the purpose of providing guidance to City employees and are not to be construed as creating a basis for appeal or a defense of any kind to an alleged violation or an independent cause action by a private party.

B. Issuance of a notice and order to correct in no way limits a City's authority to issue a citation or stop work order to a person previously cited through the notice and order to correct process pursuant to this chapter. Payment of the civil penalties assessed under the notice and order to correct does not relieve a person found to be responsible for compliance of his duty to correct the violation and/or to pay any and all civil fines or penalties accruing under citations or cease and desist orders issued pursuant to this chapter.

(Ord. #899, Effective November 18, 2015)

CHAPTER 10

BUILDING CONSTRUCTION STANDARDS

Section	Item
Sec. 10-1.	Certificate of Occupancy

CHAPTER 10 - BUILDING CONSTRUCTION STANDARDS

Section 10-1. Certificate of Occupancy

A building or structure hereafter shall not be used or occupied in whole or in part until a Certificate of Occupancy shall have been issued by the Building Commissioner. The certificate shall not be issued until all work has been completed in accordance with the provisions of the approved permits, and said Certificate has been approved by the Director of Public Works, for all new construction and no such permit shall be issued for rental units if any lien or outstanding taxes are due on said property, provided, however, that the Director of Public Works shall be required to issue within forty-eight hours after receipt of said permit request sufficient and detailed notice of his intent not to consent to said permit; permits shall be issued in accordance with state law in a timely fashion and all inspections shall be performed and the permit issued under the direction and coordination of the Director of Community Development.

CHAPTER 10A
BUILDING AND PROPERTY MAINTENANCE CODE

Article I. Title, Policy and Purposes

Section	Item
Sec. 10A-11.	Title
Sec. 10A-12.	Findings and Declaration of Policy
Sec. 10A-13.	Purpose

Article II. Building and Property Maintenance

Section	Item
Sec. 10A-21.	Maintenance Required
Sec. 10A-22.	Maintenance Standards
	A. Maintenance of Structures
	B. Maintenance of Accessory Structures
	C. Maintenance of Premises and Landscape Elements

Article III. Administrative Provisions

Section	Item
Sec. 10A-31.	Public Health Director
Sec. 10A-32.	Unfit Building or Property
Sec. 10A-33.	Result of Hearing
Sec. 10A-34.	Failure to Comply
Sec. 10A-35.	Costs
Sec. 10A-36.	Penalty

Article IV. Maintenance of Abandoned and Foreclosing Residential Properties

Section	Item
Sec. 10A-40.	Regulating the Maintenance of Abandoned and Foreclosing Residential Properties

CHAPTER 10A - BUILDING AND PROPERTY MAINTENANCE CODE

Article I. Title, Policy and Purposes

Section 10A-11. Title

This ordinance shall be known as "The Building and Property Maintenance Code".

Section 10A-12. Findings and Declaration of Policy

It is hereby found and declared that there exist in the Town structures used for residential and non-residential use which are, or may become in the future, sub-standard with respect to structure, equipment or maintenance, or further, that such conditions, including but not limited to, structural deterioration, lack of maintenance and appearance of exterior of premises, infestation, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards, inadequate provisions for light and air, unsanitary conditions and overcrowding, constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the Town. It is further found and declared that, by reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same, and that, by reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained the desirability and amenities of residential and non-residential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

Section 10A-13. Purpose

The purpose of this code is to protect the public health, safety, morals, and welfare by establishing minimum standards governing the maintenance, appearance, condition, and occupancy of residential and non-residential premises; to establish minimum standards governing utilities, facilities, and other physical components and conditions essential to make the aforesaid facilities fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and operators, and distinct and separate responsibilities and duties upon occupants; to authorize and establish procedures for the inspection of residential and non-

residential premises; to fix penalties for the violations of this code; and to provide for the repair, demolition, or vacation of premises unfit for human habitation or occupancy or use.

Article II. Building and Property Maintenance

Section 10A-21. Maintenance Required

All buildings and structures, and all parts thereof, shall be maintained in a safe, sanitary and non-hazardous manner. All means of egress, devices, safeguards and equipment shall be kept in good working order. The exterior of all premises and the condition of all buildings, structures, and components thereon shall be maintained so as to prevent and repair deterioration, so that the appearance thereof shall reflect a level of maintenance in conformity with all applicable laws and ordinance regulations of the Commonwealth and the Town of Methuen and so as to insure that the property itself may be preserved safely and that hazards to public health and safety are avoided.

Section 10A-22. Maintenance Standards

A. Maintenance of Structures

Each owner and occupant shall keep all exterior components of every structure in good repair, including but not limited to, walls, roofs, chimney, cornices, gutters, downspouts, drains, porches, steps, landings, fire escapes, exterior stairs, windows, shutters, doors, storefronts, signs, marquees and awnings.

(1) All surfaces shall be covered with a protective coating, such as paint, plastic, or other material which preserves the structure and does not contribute to deterioration.

(2) All surfaces shall be maintained free of deterioration, including but not limited to, broken glass, loose or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling, or deteriorated paint.

(3) Overhanging structures, including canopies, marquees, signs, awnings, exterior stairways, fire escapes, and other structures with overhanging extensions shall be maintained in good repair, be securely anchored to the structure, and be protected from rust and other signs of decay by application of a weather protective material such as paint. Non-operative or broken electrical signs shall be repaired or removed. All obsolete signs and sign structures shall be removed.

(4) Except for display merchandise in non-residential buildings, no storage of materials, goods, stock, or inventory shall be permitted in building openings ordinarily exposed to public view unless such areas are screened form public view. All such screening shall be of clean material and will be maintained in a good state of repair.

B. Maintenance of Accessory Structures

Each accessory structure shall be subject to the Maintenance Standards set forth above. Further, each structure shall:

(1) Provide weatherproof usable space and shall not harbor rodents, termites or other vermin.

(2) In residential zones, all outdoor storage for a continuous period exceeding fifteen days shall be within enclosed buildings or it shall be effectively screened from view. However, the storage of functional items such as children's play structures, firewood and operable vehicles and bicycles shall be exempt from this provision.

(3) Inoperable vehicles must be removed from the premises.

C. Maintenance of Premises and Landscape Elements

(1) All premises and landscape elements shall be maintained in a safe and sanitary condition, including but not limited to, steps, walks, driveways, fences, retaining walls, trees, shrubs, grass and weeds. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced, or removed.

(2) All paved driveways and walks which exist within the public right-of-way shall be maintained in safe condition.

(3) All fences, retaining walls or similar structures shall be firmly anchored in the ground and maintained in good structural repair. Wooden elements or other elements subject to deterioration from weathering shall be maintained with chemicals or paint to preserve the element and to retard deterioration.

(4) Weeds, grass and shrubs shall be kept trimmed and from becoming overgrown.

(5) Trees and shrubs which have branches projecting into the public right-of-way, including public sidewalks, public places, or public highways, shall be kept trimmed to prevent interference with any person or vehicle lawfully using the right-of-way.

(6) Trees and shrubs afflicted with a form of decay or vegetation sickness which can be transmitted to other trees or shrubs shall be removed or shall be treated or sprayed by the owner or occupant of the property so as to eliminate the risk of any such decay or vegetation sickness being transmitted to other trees. Dead trees in proximity to rights-of-ways, buildings, structures, or congregations of people which may endanger such objects shall be removed.

(7) All yards, courts, or lots shall be kept free of accumulations of trash, garbage, waste, rubbish, refuse, junk, and other noxious or offensive materials or substances which may cause a fire hazard or may act as a breeding place for vermin or insects. Storage of miscellaneous items must be within enclosed structures or screened.

(8) All portions of all premises shall be graded so that there is no pooling of water or recurrent entrance of water into any basement or cellar.

Section 10A-23. **Requirements - Automatic Door Openers**

All newly constructed commercial buildings or any part thereof open to and used by the public shall be required to have Automatic Door Openers as defined in 521 CMR 5.00. Said Automatic Door Openers shall be in further compliance with the applicable provisions of the State Building Code (780 CMR 1017.4.3 and 521 CMR 26 of the Architectural Access Board, or any amendments thereto).

(Ord. #828, Effective December 2, 2008)

Article III. Administrative Provisions

Section 10A-31. Public Health Director

The Public Health Director shall be responsible for all inspections, enforcement, and investigations on violations of the provisions of this code, subject to direction, oversight, and determination of the Board of Health. Said Director may utilize the services of the agents of the Health Department in the enforcement of this code.

Section 10A-32. Unfit Building or Property

It is declared that violations of this code shall constitute a nuisance to the persons and property abutting an unfit building or property.

The Director, upon written complaint filed by a resident or an employee or agent of the Health Department, may cause to be made a code review of a property thought to violate this ordinance. The term "resident", as used herein, shall be synonymous with a party in interest as defined in General Laws, Chapter 40A.

If the Director, upon investigation, determines that a violation of this code exists, he/she shall cause to be served upon the owner of and parties in interest in such building or property a Notice of Order. Such order shall list the violations, the general activities to correct the violations, the time frame within which the violations shall be corrected, and shall further direct that the owner should submit a proposed remedial plan to be approved by the Director of Public Health. The notice shall also state that a hearing on this matter may be held before the Board of Health on a determination of whether or not a violation exists, and, if so, what cures are necessary regarding the violations.

The owner or parties in interest shall possess the right to file a request for hearing with the Board of Health on or before seven days of receipt of notice of the order, and, at a hearing thereon, shall have the right to file an answer to the order, to appear in person, to have an attorney present, and to give testimony on the order and any violations thereon.

Section 10A-33. Result of Hearing

If, after such notice and hearing, the Board of Health determines that there are violations of this code, then it may issue orders appropriate and fit under Sections 122, 123 and 125 of General Laws, Chapter 111, authorizing and ordering an abatement of the violations, as well as authorizing entry for the purpose of abatement by officers and employees of the Town of Methuen.

Such orders may include requiring the repair, alteration, or improvement of said building to be made by the owner within a reasonable time, which time shall be set forth in the order, or, if the building is in such condition as to make it dangerous to the health and safety of persons on or near the premises, then to refer the matter to the Building Commissioner for appropriate proceedings under the General Laws.

Should an appeal not be made of the Director's order, then such order shall have the force and effect of an order of the Board of Health under Section 30 and Section 122 of Chapter 111 of the General Laws.

Section 10A-34. Failure to Comply

If the owner fails to comply with the order to repair, alter, or improve the building or property, and, if the Board of Health so authorizes, said Director may cause such building or property to be repaired, altered, or improved as provided for under said Section 125 of Chapter 111 of the General Laws.

Section 10A-35. Costs

The owner of the property shall be responsible under Section 125 of Chapter 111 of the General Laws for any costs to which the municipality is exposed in abating the violations of this ordinance and said Director shall, on behalf of the Board of Health, seek recovery in contract for said costs and may further lien the premises as provided for in General Laws, Chapter 111, Section 125.

Section 10A-36. Penalty

Any person, firm or corporation violating any unappealed order of the Director, or, an appealed and affirmed order of the Director by said Board of Health shall be fined One Hundred Fifty Dollars ($150.00) per day per violation for each day said owner shall continue to fail to comply with said order. For purposes of convenience, an order may list more than on violation and more than one required corrective action. Each failure to comply, with a separate required corrective action, shall constitute a separate offense.

(Ord. #657, Effective November 18th, 1998; as further amended by Ord. #709 Eff. December 20th, 2000; as further amended by Ord. #759, Eff. July 1st, 2003)

Article IV. Maintenance of Abandoned and Foreclosing Residential Properties

Section 10A-40. Regulating the Maintenance of Abandoned and Foreclosing Residential

Properties

a) *Purpose*. It is the intent of this Ordinance to protect and preserve public safety, security, and quiet enjoyment of occupants, abutters, and neighborhoods by (i) requiring all residential property owners, including lenders, trustees, and service companies, to properly maintain abandoned and/or foreclosing properties (ii) regulating the maintenance of abandoned and/or foreclosing, residential properties to prevent blighted and unsecured residences.

The Commissioner of the Inspectional Service Department has enforcement authority pursuant to, *inter alia*, M.G.L. c. 143, s. 3, the State Building Code, and the Zoning Code of the City of Methuen.

b) *Definitions*. When used in this section, unless a contrary intention clearly appears, the following terms shall have the following meanings:

Abandoned means any property that is vacant.

City means City of Methuen.

Commissioner means Commissioner of the Inspectional Services Department.

Days mean consecutive calendar days.

"*Evidence of vacancy*" means any condition that would lead a reasonable person to believe that the property is vacant

Foreclosing means the process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

"*Initiation of the foreclosure process*" means taking any of the following actions: (i) taking possession of a residential property pursuant to M.G.L. c.244, s. 1; (ii) publishing the first foreclosure notice of a residential property pursuant to M.G.L. c. 244, s. 14; or (iii) commencing a foreclosure action on a residential property in a court of competent jurisdiction**.**

Local means within twenty (20) driving miles distance of the property in question.

Mortgagee means the creditor, including but not limited to, service companies and lenders, in a mortgage agreement.

Mortgagee in possession ***means a mortgagee that has taken over control and/or occupancy of a property upon default of the borrower to collect income from the property and/or prepare for foreclosure.***

Owner means every person, entity, service company, property manager or realtor, who individually or severally with others:

1) has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
2) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, trustee or guardian of the estate of the holder of legal title; or
3) is a mortgagee in possession of any such property; or
4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
5) is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. Owner also means every person who operates a rooming house; or
6) is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.
7) Any person or entity listed in the most recent real estate records or their duly authorized agent, attorney, purchaser, devisee, trustee, or any duly authorized person or entity having vested or equitable interest in the use, structure or lot in question as recorded in an appropriate Registry of Deeds.

Property means any real property, or portion thereof, located in the City of Methuen, including building or structures situated on the property.

Residential Property means. Property used for human habitation containing one or more dwelling units.

Vacant means a structure or building not legally occupied.

c) Registration of Abandoned and/or Foreclosing Residential Properties
Duty to Provide Written Notice of Abandoned Property and/or Mortgage Foreclosure.

All owners must register abandoned and/or foreclosing residential properties with the Commissioner of the Inspectional Services Department on forms provided by the Commissioner. All registration must state the individual owner's or agent's phone number and mailing address located within the Commonwealth as required by *M.G.L. c. 59, s. 57D, M.G.L. c. 156D, s. 5.02,* and *950 CMR 113.20*. The mailing address may not be a P.O. Box. This registration must also certify that the property was inspected and identify whether the property is abandoned. If the property is abandoned, the registration must designate a local individual or local property management company responsible for the security and maintenance of the property. This designation must state the individual or company's name, phone number, and local mailing address. The mailing address may

not be a P.O. Box. This registration must be received within seven days of abandonment or within seven days of the initiation of the foreclosure process as defined in subsection (b).

All property registrations are valid for one year. An annual registration fee of on-hundred dollars and no cents ($100.00) must accompany the registration form. The fee and registration are valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1st of each year and must certify whether the foreclosing and/or foreclosed property remains abandoned or not.

Once the property is no longer abandoned or is sold, the owner must provide proof of sale by a copy of the recorded deed or written notice of occupancy to the Commissioner of the Inspectional Services Department.

d) Maintenance Requirements.

Properties subject to this section must be maintained in accordance with all applicable Sanitary Codes, Building Codes, and local regulation. The local owner or local property management company must inspect and maintain the property on a monthly basis for the duration of the abandonment.

Adherence to this section does not relieve the property owner of any applicable obligations set forth in Code regulations, Covenant Conditions and Restrictions and/or Home Owners Association rules and regulations.

e) Inspections.

The Inspectional Services Department shall have the authority and the duty to inspect properties subject to this section for compliance and to issue citations for any violations. The Inspectional Services Department shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that this section is enforced.

f) Enforcement and Penalties.

Failure to initially register with the Commissioner is punishable by a fine of three hundred dollars and no cents ($300.00).

If applicable, failure to properly identify the name of the local individual or property management company is punishable by a fine of three hundred dollars and no cents (300.00).

Failure to maintain the property is punishable by a fine up to three hundred dollars and no cents ($300.00) for each month the property is not maintained.

Violations of this chapter shall be treated as a strict liability offense regardless of intent.

g) *Appeal*. Any person aggrieved by the requirements of this section or by a decision issued under this section by the Inspectional Services Department, may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth.

h) *Applicability*. If any provision of this section imposes greater restrictions or obligations than those imposed by any other general law, special law, regulation, rule, ordinance, by-law, order, or policy then the provisions of this section control.

i) *Regulatory Authority*. The Commissioner of the Inspectional Services Department has the authority to promulgate rules and regulations necessary to implement and enforce this section.

j) *Severability*. If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

k) *Implementation*. The provisions of this section are effective immediately upon passage and all provisions shall be enforced immediately but no monetary fine shall be imposed pursuant hereto until ninety (90) days after passage.

l) *Notice.* A copy of this ordinance is to be mailed to all loan institutions, banks, real estate offices, and management companies located in and/or having legal or equitable interest in residential property located in the City of Methuen.

(Ord. #822, Effective May 7, 2008)

CHAPTER 11 - ZONING

Section	Item
Sec. 11-I.	Title, authority and purpose
Sec. 11-II	Definitions
Sec. 11-III	Establishment of districts
Sec. 11-IV.	Interpretation and application
Sec. 11-V.	Use regulations
Sec. 11-VI.	Dimensional controls
Sec. 11-VII.	Sign and illumination regulations
Sec. 11-VIII.	Parking and loading requirements
Sec. 11-XIX.	Non-conforming uses, structures and lots
Sec. 11-X.	Administration and enforcement
Sec. 11-XI.	Special permits
Sec. 11-XI-A	Adult Entertainment Facilities
Sec. 11-XI-D	Residential Golf Course Development
Sec. 11-XII.	Site plan approval - non-residential buildings over 5,000 square feet and two buildings on same lot
Sec. 11-XII.	Adoption, amendment, validity and effective date

Sec. 11-XIII-A-B	Rezoning Notices
Sec. 11-XIV.	Schedule of fees

CHAPTER 11 - COMPREHENSIVE ZONING ORDINANCE OF 1989

Ordinance #345 Adopting the Comprehensive Ordinance of 1989, approved July 10th, 1989 and effective August 9th, 1989, as amended subsequent to that date, is affirmed and incorporated into the Municipal Code of Methuen and shall continue in full force and effect.

CHAPTER 12

WETLANDS PROTECTION

Section	Item
Sec. 12-1.	Application
Sec. 12-2.	Hearing
Sec. 12-2.1.	Permit and conditions
Sec. 12-2.2.	Relationship to Chapter 131, Section 40
Sec. 12-3.	Emergency projects
Sec. 12-4.	Pre-acquisition violation
Sec. 12-5.	Regulations
Sec. 12-6.	Burden of proof
Sec. 12-7.	Definitions
Sec. 12-8.	Security
Sec. 12-9.	Enforcement
Sec. 12-9A.	Right of entry
Sec. 12-10.	Filing fees
Sec. 12-11.	Feeding or baiting of migratory waterfowl

Sec. 12-12. Employment of outside consultants

CHAPTER 12 - WETLANDS PROTECTION

Section 12-1. Application

The purpose of this ordinance is to protect the wetlands of the City of Methuen by controlling activities deemed to have a significant effect upon wetland values, including but not limited to the following: public or private water supply, ground water, flood control, erosion control, storm damage prevention, water pollution, fisheries, shellfish, wildlife, wildlife habitats, water recharge areas, flood plains, recreation and aesthetics (collectively, the "interests protected by this ordinance").

No person shall remove, fill, dredge, alter or build upon or within one hundred feet of any bank, fresh water wetland, coastal wetland, beach, dune, flat, marsh, meadow, bog, swamp, or on any estuary, creek, river, stream, pond or lake, or any land under said water or any land subject to tidal action, coastal storm flowage, flooding or inundation, or within one hundred feet of the one hundred year storm line, other than in the course of maintaining, repairing or replacing but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sanitary sewers, public roadways, storm drainage systems, telephone, telegraph and other telecommunication services, provided however, that such person shall file with the Conservation Commission within forty-eight hours, a notice or as-built plan of such repair or replacement and listing individuals involved, work undertaken, location and date without filing written application for a permit so to remove, fill, dredge, alter or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a permit issued pursuant to this ordinance.

Such application may be identical in form to a notice of intent filed pursuant to Chapter 131, Section 40 of the General Laws and shall be sent by certified mail to the Methuen Conservation Commission (the "Commission"), shall be accompanied by a filing fee as provided for in Section 12-10, payable to the City of Methuen, and may be filed before other permits, variances and approvals required by the Zoning Ordinance, Subdivision Control Law or any other ordinance or regulation have been obtained. Copies of the application shall be sent at the same time, by certified mail, to the Director of Public Works, the Community Development Board and the Board of Health. Upon written request of any person, the Commission shall, within twenty-one days, make a written determination as to whether this ordinance is applicable to any land or work thereon. When the person requesting a determination is other than the owner, notice of the determination shall be sent to the owner as well as to the requesting person.

(As Amended by Ord. #274, Eff. Dec. 2, 1987.)

Section 12-2. Hearing

The Commission shall hold a public hearing on the application within twenty-one days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five days prior to the hearing, by publication in a newspaper of general circulation in Methuen and by mailing a notice to the applicant, the Board of Health, the Director of Public Works, Community Development Board and to such other persons as follows: to all other abutters within one hundred feet of the property line of the land where the activity is proposed, at the mailing addresses shown on the most recent applicable tax list of the assessors, including, but not limited to, owners of land directly opposite said proposed activity on any public or private street or way, and in another municipality or across a body of water. The Commission, its agents, officers and employees, may enter upon privately owned land for the purpose of performing their duties under this ordinance and may make or cause to be made such exam or survey as deemed necessary.

A final, definitive vote may be taken on the application on the night of the public hearing.

The remaining provisions of said Ordinance shall remain in full force and effect.

(As amended by Ord. #610, Eff. June 4th, 1997; as amended by Ord. #690, Eff. February 17th, 2000, as amended by Ord. #885, Eff. February 4th, 2015)

Section 12-2.1. Permit and Conditions

A. If, after the public hearing, the Commission determines that the area which is the subject of the application is significant to the interests protected by this ordinance, the Commission shall, within twenty-one days of such hearing, issue or deny a permit for the work requested. If it issues a permit after making such determination, the Commission shall impose such conditions as it determines are necessary or desirable for protection of those interests, and all work shall be done in accordance with those conditions. If the Commission determines that the area which is the subject of the application is not significant to the interests protected by this ordinance, or that the proposed activity does not require the imposition of conditions, it shall issue a permit without conditions within twenty-one days of the public hearing. Permits shall have a maximum initial term of three years. Any request for an extension must be made at least thirty days prior to expiration, otherwise all work shall be completed prior to expiration.

B. In the event that a negative order of conditions should issue, the Conservation Commission shall state, in detail, its reasons why the proposal does not conform to the rules and regulations of the commission or the wetlands ordinance.

Should the applicant thereafter modify its plans and submittals in the notice of intent to conform to the rules and regulations and the wetlands ordinance, then, and in that

instance, it may request, and the Conservation Commission shall grant, a hearing, at which an amendment to allow approval or modification of the order of conditions shall be considered.

Such hearing on the amended notice of intent and order of conditions shall be duly publicized in a newspaper of general circulation, as well as service upon the abutters.

If, after the hearing, the commission finds that the plans, as modified, now meet the rules and regulations, as well as the ordinance, it shall revoke its negative order of conditions and grant a positive order of conditions.

This provision shall be applicable to all filings for the years 1987 and 1988 retroactively, and, prospectively as to all new filings.

(As amended by Ord. #316, effective December 12th, 1988)

Section 12-2.2. Relationship to Chapter 131, Section 40

The Commission shall not impose additional or more stringent conditions pursuant to Chapter 131, Section 40 of the General Laws than it imposes pursuant to this ordinance, nor shall it require a notice of intention pursuant to Section 40 to provide materials or data in addition to those required pursuant to this ordinance, except as provided herein.

Section 12-3. Emergency Projects

This ordinance shall not apply to any emergency project as defined in Chapter 131, Section 40 of the General Laws, provided however, that a written notice shall be sent to the Conservation Commission within forty-eight hours after the emergency was declared as per terms and conditions stated in Section 12-1 of this ordinance.

Section 12-4. Pre-Acquisition Violation

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this ordinance or in violation of any permit issued pursuant to this ordinance shall forthwith comply with any such order or restore such land to this condition prior to any such violation; provided however, that no action, civil or criminal, shall be brought against such person unless commenced within three years following the date of acquisition of the real estate by such person.

Section 12-5. Regulations

After due notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this ordinance. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this ordinance.

Section 12-6. Burden of Proof

The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not harm the interests protected by this ordinance. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interests protected by this ordinance shall be sufficient to cause for the Commission to deny a permit or grant a permit with conditions, or, in the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence.

Section 12-7. Definitions

The following definitions shall apply in the interpretation and implementation of this ordinance.

Section 12-7.1.

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to City ordinances, administrative agencies, public or quasi-public corporations or bodies, the City of Methuen, and any other legal entity, its legal representatives, agents or assigns.

Section 12-7.2.

The term "alter" shall include, without limitation, the following actions when undertaken in areas subject to this ordinance:

(a) Removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind;

(b) Changing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood retention characteristics;

(c) Drainage or other disturbance of water level or water table;

(d) Dumping, discharging or filling with any material which may degrade water quality;

(e) Driving of piles, erection of buildings or structures of any kind;

(f) Placing of obstructions whether or not they interfere with the flow of water;

(g) Destruction of plant life, including cutting of trees;

(h) Changing of water temperature, bio-chemical oxygen demand or other

physical or chemical characteristics of the water.

Section 12-7.3.

The term "banks" shall mean that part of land adjoining any body of water which confines the water.

Section 12-7.4.

The Commission may adopt additional definitions not inconsistent with this Section 12-7 in its regulations promulgated pursuant to Section 12-5 of this ordinance.

Section 12-8. Security

The Commission may require, as a permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

(a) By a bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the City of Methuen upon default;

(b) By a conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered, in the case of registered land).

Section 12-9. Enforcement

Any person who violates any provision of this ordinance or of any condition of a permit issued pursuant to it shall be punished by a fine of not more than One Hundred Dollars ($100.00). Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. This ordinance may be enforced by a City Police Officer or other officer having Police powers. Upon request of the Commission, the Mayor and City Solicitor shall take such legal action as may be necessary to enforce this ordinance and permits issued pursuant to it.

For the purposes of this section, each day, or part thereof, shall constitute a separate offense where:

(a) A person has filled a buffer zone or resource area and fails to obey, within the time periods specified, the original and subsequent enforcement orders to remove such fill.

(b) A person has removed soils from a buffer zone or resource area and fails to obey, within the time periods specified, the original and subsequent enforcement orders to replace such soil.

(c) A person has dredged a buffer zone or resource area and fails to obey, within the time periods specified, the original and subsequent enforcement orders to replace the materials dredged.

(d) A person has altered a buffer zone or resource area and fails to obey, within the time periods specified, the original and subsequent enforcement orders to re-constitute the area.

(e) Where a person builds upon a buffer zone or resource area and fails to obey the original and subsequent enforcement orders to remove such structure or item so built.

It being the explicit intention of this ordinance to establish a continuing offense penalty in accordance with the Grant decision of the Supreme Judicial Court.

(Ord. #322, effective March 15th, 1989)

Section 12-9(A). Right of Entry

1. In the discharge of duties under Chapter 12, Methuen Municipal Code, the enforcing authority shall have the authority to enter at any reasonable hour any premises to enforce the provisions of this Chapter.

If any owner, occupant or other person refuses, impedes, inhibits, or obstructs entry and free access to every part of the premises where inspection for compliance with this Chapter is sought, the enforcing authority may:

(a) Seek in a court of competent jurisdiction a search warrant so as to apprise the owner, occupant or other person concerning the nature of the inspection and justification for such inspection.

(b) Revoke or suspend an order of conditions or determination of applicability authorized under this Chapter as it applies to the premises.

2. Any person who makes application for an order of conditions or a determination of applicability shall be presumed, for all purposes, to have granted authority to the Conservation Commission members, individually and/or collectively, and their agents, servants and employees to enter said premises at reasonable hours for the purposes of inspecting the same relative to their determination on said application or compliance with the order of conditions and the determination of applicability.

(Ord. #321, effective March 15th, 1989)

Section 12-10. Filing Fees

Filing fees, under the provisions of this ordinance, shall be as follows:

Application	Project Type	Fee
Notice of Intent **(NOI)**	**Category 1** ***Category 2** ***Category 3** ***Category 4** **Category 5** *** PLUS for Alteration of :** **Buffer Zones…… 0.05/sq/ft** **Land Subject to Flooding …... 0.10/sq/ft** **Land Under Water…….. 0.25/sq/ft** **Bank ……. 2.00/lin/ft** **Bordering Veg. Wetlands …… 1.00/sq/ft**	**$55.00** per activity **$100.00** per activity **$150.00** per activity **$250.00** per activity **$2.00** per linear foot**, (w/ minimum fee of $50.00)**
Request for Determination of Applicability (RDA)	Addition, accessory structures, pool, septic and earthwork New single family dwelling and associated work Addition, parking lot, earthwork to non-residence New non-residential building & associated work	**$55.00** per activity **$100.00** per lot* **$100.00** per activity* **$200.00** per activity* * PLUS Buffer Zone Fee
Certificate of Compliance (COC)	Single Family Residence Non-Residential Project Subdivision Project	**$50.00** **$100.00** **$200.00**
Extension Permit	First three years Year four and beyond	**$25.00** per year **$100.00** per year
Enforcement Order	*To recommence work* Residence New Residence Other	**$50.00** **$100.00** **$200.00**
True Attested Documents		**$25.00** per document
Agent Site Visit	Single Family Lot Non-Residential Project or Subdivision	**$50.00** **$100.00**
Request to Amend OOC	**Category 1 Project** **Category 2 Project** **Category 3 Project** **Category 4 Project**	**$25.00** **$50.00** **$200.00** **$300.00**

1. Category 1.

a. Any work on a single family residential lot including a house addition, deck, garage, garden, pool, shed, or driveway. Activities excluded from

Category 1 include driveways reviewable under 310 CMR 10.53(3)(e) (See Category 2f); construction of an unattached single family house; and construction of a dock, pier, or other coastal engineering structure.

b. Site preparation of each single family house lot, including removal of vegetation, excavation and grading, where actual construction of the house is not proposed under the Notice of Intent.

c. Control of nuisance vegetation by removal, herbicide treatment or other means, from a resource area, on each single family lot, as allowable under 310 CMR 10.53(4).

d. Resource improvement allowed under 310 CMR 10.53(4), other than removal of aquatic nuisance vegetation, as allowed under 310 10.53(4).

e. Construction, repair, replacement or upgrading of a subsurface septic system or any part of such a system.

f. Activities associated with installation of a monitoring well, other than construction of an access roadway thereto.

g. New agriculture, including forestry on land in forest use (310 CMR 10.53(3)(r) and (s)), and aquacultural projects.

2. Category 2:

a. Construction of each single family house (including single family houses in a subdivision), any part of which is in a buffer zone or resource area. Any activities associated with the construction of said house(s), including associated site preparation and construction of retention/detention basins, utilities, septic systems, roadways and driveways other than those roadways or driveways reviewable under 310 CMR 10.53(3)(e)(See Category 2f), shall not be subject to additional fees if all said activities are reviewed under a single Notice of Intent. (For apartment/condominium type buildings see Category 3.)

b. Parking lot of any size.

c. The placement of sand for purposes of beach nourishment.

d. Any projects reviewable under 310 CMR 10.24(7)(a) through (c).

e. Any activities reviewable under 310 CMR 10.53(3)(d) and 310 CMR 10.53(3)(f) through (l), except for those subject to 310 CMR 10.03(7)(c)4.b. Where more than one activity is proposed within an identical footprint (*e.g.*, construction of a sewer within the footprint of a new roadway), only one fee shall be payable.

f. Construction of each crossing for a driveway associated with an unattached single family house, reviewable under 310 CMR 10.53(3)(e).

g. Any point source discharge.

h. Control of nuisance vegetation, other than on a single family lot, by removal, herbicide treatment or other means, reviewable under 310 CMR 10.53(4).

i. Raising or lowering of surface water levels for flood control or any other purpose.

j. Any other activity not described in Categories 1, 3, 4 or 5.

k. The exploration for (but not development, construction, expansion, maintenance, operation or replacement of) public water supply wells or

wellfields derived from groundwater, reviewable under 310 CMR 10.53(3)(o).

3. Category 3:

a. Site preparation, for any development other than an unattached single family house(s), including the removal of vegetation, excavation and grading, where actual construction is not proposed in the Notice of Intent.

b. Construction of each building for any commercial, industrial, institutional, or apartment/condominium/townhouse-type development, any part of which is in a buffer zone or resource area. Any activities associated with the construction of said building, including associated site preparation and construction of retention/detention basins, septic systems, parking lots, utilities, point source discharges, package sewage treatment plants, and roadways and driveways other than those roadways or driveways reviewable under 310 CMR 10.53(3)(e), shall not be subject to additional fees if all said activities are reviewed under a single Notice of Intent.

c. Construction of each roadway or driveway, not reviewable under 310 CMR 10.53(3)(e), and not associated with construction of an unattached single family house.

d. Any activity associated with the clean up of hazardous waste, except as otherwise noted in Category 4, including excavation, destruction of vegetation, change in subsurface hydrology, placement of collection wells or other structures for collection and treatment of contaminated soil and/or water.

e. The development, construction, expansion, maintenance, operation, or replacement of (but not exploration for) public water supply wells or wellfields derived from groundwater, reviewable under 310 CMR 10.53(3)(o).

4. Category 4:

a. Construction of each crossing for a limited project access roadway or driveway reviewable under 310 CMR 10.53(3)(e) associated with a commercial, industrial, or institutional development or with any residential construction (other than a roadway or driveway associated with construction of an unattached single family house).

b. Construction, modification, or repair of a flood control structure such as a dam, reservoir, tidegate, sluiceway, or appurtenant works.

c. Creation, operation, maintenance or expansion of a public or private landfill.

d. Creation, operation, maintenance or expansion of a public or private sand and/or gravel operation including but not limited to excavation, filling, and stockpiling.

e. Construction of new railroad lines or extensions of existing lines, including ballast area, placement of track, signals and switches and other related structures.

f. Construction, reconstruction, expansion, or maintenance of any bridge, except to gain access to a single family house lot.

g. Any alteration of a resource area(s) to divert water for the clean up of a hazardous waste site, for non-exempt mosquito control projects, or for any other purpose not expressly identified elsewhere in this fee schedule.

h. Any activities, including the construction of structures, associated with a dredging operation conducted on land under a waterbody, waterway, or the ocean. If the dredging is directly associated with the construction of a new dock, pier or other structure identified in Category 5, only the Category 5 fee shall apply.

i. Construction of, or the discharge from, a package sewage treatment plant.

j. Airport vegetation removal projects reviewable under 310 CMR 10.24(7)(c)5. and 10.53(3)(n).

k. Landfill closure projects reviewable under 310 CMR 10.24(7)(c)4. and 10.53(3)(p).

l. Any activities, including the construction of structures, associated with the assessment, monitoring, containment, mitigation, and remediation of, or other response to, a release or threat of release of oil and/or hazardous material reviewable under 310 CMR 10.24(7)(c)6. or 310 CMR 10.53(3)(q).

5. Category 5: Construction, reconstruction, repair or replacement of docks, piers, revetments, dikes, or other engineering structures on coastal or inland resource areas, including the placement of rip rap or other material on coastal or inland resource areas.

Section 12-11. Feeding or Baiting of Migratory Waterfowl

No person, except the Director of the Division of Fisheries and Wildlife, or his agent, designee, as authorized pursuant to Chapter 131 of the General Laws, shall feed or bait any waterfowl or of the family of Anatidae (including, but not restricted to ducks, geese and swans) at any place within the City of Methuen. As used in this paragraph, "feeding" and "baiting" shall mean placing, exposing, depositing, distributing, or scattering, directly or indirectly, of shelled, shucked, or unshucked corn, wheat, or other grain, bread, salt, or any other feed or nutritive substances, in any manner or form, so as to constitute for such birds a lure, attraction, or enticement to, on, or over any such areas where such feed items have been placed, exposed, deposited, distributed, or scattered.

Nothing in this ordinance shall be construed to limit the feeding of domesticated waterfowl, as defined by the Division of Marine Fisheries and Wildlife, by a farmer as defined in Section 1A of Chapter 128 on property owned or leased by him, or the feeding of waterfowl or other birds by propagators licensed under Section 23 of Chapter 131 of the General Laws when such waterfowl or other birds are confined in such a manner as may be required pursuant to said Section 23 and any Rules and Regulations issued under authority thereof; or the feeding by any person or his agents, invitees or licensees of waterfowl lawfully kept as a pet by that person.

Notwithstanding any of the above, the Director of the Division of Fisheries and Wildlife, or his agent or designee, may authorize the emergency feeding of waterfowl and other birds when, in his opinion, such action is necessary in order to alleviate undue losses and suffering of such birds due to unusual weather conditions and other circumstances. The Director may authorize such action by such means as he deems necessary and expedient, but such means shall include the immediate notification of the City Council thereof by first class mail.

Any person who violates any provision of this ordinance shall be subject to a fine of Fifty Dollars ($50.00) for each offense thereof.

This ordinance may be enforced by Police Officers, Conservation Officers, Shellfish Constables, Harbormasters, Assistant Harbormasters, agents of the Board of Health, Environmental Police Officers, and other enforcement officers of the Division of Law Enforcement and by Deputy Environmental Police Officers.

Upon approval of this ordinance, the City Council shall cause one copy thereof to be mailed to the Director of the Division of Fisheries and Wildlife and one copy to the Director of the Division of Law Enforcement.

(Amended by Ordinance #274, Eff. Dec. 2nd, 1987; as further amended by Ordinance #520, Eff. October 19th, 1994)

Section 12-12. Employment of Outside Consultants

In the instance where an applicant before the Conservation Commission desires that an outside consultative review be performed by the Conservation Commission due to the magnitude of the proposed project, the Conservation Commission, upon the payment of a fee covering the costs for the same, may retain an outside individual or firm to aid in its review of the application before the body. The Commission shall provide, by rule or regulation, a method whereby it chooses a pool of outside consultants to be used to implement this section. Said outside consultants shall only be used where (1) there is no conflict of interest between the consultant and the applicant before the Conservation Commission; and (2) the consultant shall have a minimum qualification of an educational degree in or related to the field at issue and three or more years of practice in the field at issue.

Any monies received from an applicant shall be placed in an account established by the City Treasurer and shall be kept separate and apart from other monies. The special account, including interest, if any, shall be expended at the direction of the Conservation Commission without further appropriation, provided, however, that such funds are to be expended by it only in connection with reviewing the application related to the fee which was submitted. Any excess amount in the account attributable to the specific project, including accrued interest, at the completion of such review shall be repaid to the applicant or to the applicant's successor in interest and a final report of said account shall be made available to the applicant or applicant's successor in interest. The City Accountant shall submit an annual report of said special account to the City Council and the Mayor for their review.

(Ord. #591 Eff. Nov. 7th, 1996; as further amended by Ord. #754, Eff. July 1st, 2003)

CHAPTER 13

LICENSING

Section	Item
Preamble	Standards Governing Licensing
Sec. 13-10.	Taxicabs and other vehicles for hire
Sec. 13-11.	Company Licenses
Sec. 13-12	Vehicle for Hire – Insurance Requirements
Sec. 13-13	Responsibilities of Owners
Sec. 13-14	Vehicle Markings and Physical Characteristics
Sec. 13-15	General Operation of Licensed Vehicles
Sec. 13-16	Operation of Taxicabs
Sec. 13-17	Fares – Vehicles for Hire
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Sec. 13-19	Operators Licenses – Vehicles for Hire
Sec. 13-20.	Second-hand dealers
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Sec. 13-30.	Flea markets
Sec. 13-40.	Saturday licensing of public amusements
Sec. 13-50.	Door to door sales for future delivery
Sec. 13-60.	Mandatory server training for all liquor establishments
Sec. 13-70.	Banning late-night entertainment licenses
Sec. 13-71.	Mandating public notification of entertainment license applications
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Sec. 13-90.	Regulating Class II and Class III automobile businesses

CHAPTER 13 - LICENSING

Preamble

Standard Governing Issuance of Licenses Under Chapter 13, Methuen Municipal Code

Unless otherwise specifically provided for in the General Laws of the Commonwealth or the provisions of specific licenses as mentioned in Chapter 13, the following standards shall govern:

A. Applications for Licenses

Any request for a permit or license under Chapter 13 of this code shall be made in writing on a form prepared and/or approved by the City Clerk. Such application shall completely and truthfully divulge all information sought thereon for the purposes of determining whether or not the license of permit shall issue. Any application not completely filled out shall constitute just cause to reject the same for acceptance by the City Clerk. Further any application which, in the opinion of the Methuen City Council is subsequently found not to have divulged completely and fully the information sought thereon, may, if the City Council feels that it was material to the original issuance, constitute reason to revoke at a later date such license or permit.

B. Issuance of Licenses

The City Council may, at a duly called meeting, approve such application and issue a license or permit thereon to any person so named in the application, upon such terms and conditions as they, in their opinion, believe protect the interests of the citizens of the City of Methuen.

C. Revocation - Temporary and Permanent

Licenses granted under this chapter may be suspended by the Chief of Police if the licensee or permit holder is violating any statute, ordinance or condition of the license or permit, and, such temporary suspension may be for a period not to exceed two (2) weeks. During the time of such suspension, the City Council, may, if it so chooses, conduct a hearing to determine whether or not it should revoke such license or permit. Such licenses or permits may

be revoked by the City Council for violation of statute, ordinance or condition of the license or permit relating to the operation of the business licensed thereunder and may include, as reasons therefore, failure of the licensee or permit holder to carry on the business at the place designated in the license or permit, failure to completely and truthfully and materially answer all questions on the application, or for other cause deemed sufficient by the Methuen City Council.

D. Rights of Licenses or Permit Holder

The issuance of any license or permit hereunder implies no intention to create rights generally for the holder to engage or to continue to engage in the transaction of business authorized by such license or permit, but is enacted with only the view to serve the public need and in such a manner as to protect the public good. The holder of such license or permit shall have no property rights in this or any other document or paper evidencing the granting of the license or permit and the City, acting by and through its City Council, shall, upon the expiration, suspension, revocation, cancellation or forfeiture of such license or permit, be entitled, upon demand, to immediate possession thereof.

In addition to the revocation provisions as mentioned above, the City Council may, after a hearing duly called thereon, modify, suspend, revoke or cancel the license or permit where the public necessity so requires.

E. Pledging

Any license or permit granted under Chapter 13 may not be pledged by the license or permit holder for a loan unless the approval of such loan and pledge is given by the City Council; nor may such license be transferred from one location to another or from one holder to another except with the express permission of the City Council.

F. Display of Licenses

Such licenses, when duly issued and approved by the City Council, shall be signed by the City Clerk and a copy thereof maintained by the licensee or permit holder and prominently displayed upon the licensed premises.

G. Coverage of License or Permit

A license or permit issued under this Chapter shall not protect the holder thereof from criminal or civil prosecution when such license or permit is attempted to be used in a building or place other than that designated in the license or permit unless consent to such is granted by the City Council.

H. Change of Ordinance and Conditions

Any person holding a license or permit under Chapter 13 which is used in a business activity under approval of the City Council shall be required to comply with any changes to the particular ordinance section for his/her license or permit and any and all further conditions enacted thereunder by the City Council. This provision shall likewise be applicable to licenses and permits issued which have not as of the date of the change of the ordinance or condition expired.

(Ord. #260, Approved May 18th, 1987, Eff. June 17th, 1987)

CHAPTER 13

LICENSING

Section 13-10 Vehicles for hire – General Provisions

A. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this sub-section:

Taxicab: A metered or unmetered motor vehicle with a seating capacity of eight (8) or less that is operated for hire by or on behalf of the named insured or by an employee, but does not pickup, transport, or discharge passengers along a route.

Livery, Also Known as a Car Service: An unmarked (see Section 13-14, B) for hire motor vehicle which is described as having some or all of the following elements:

(1) Is hired on a prearranged basis
(2) Does not pick up hail fares on the street
(3) Does not contain a rate meter, and does not charge for services based upon miles traveled if the trip is less than twenty-five (25) miles
(4) Operates on a scheduled business day, and is returned to the vehicle's base of operation for a continuous period of a least four hours in each twenty-four (24) hour period
(5) Is operated by the named insured, an employee, or an independent contractor of the named insured, In attendance as a chauffeur
(6) Operates from a base with two-way communication
(7) Primary payment method is by billing or credit card.
(8) Not for drop-off and pickup unless being utilized by an employment agency or non-profit group, or for interstate travel that takes fares at least twenty (20) miles out of the city.
(9) Is utilized by car dealerships to transport clients and utilizes a livery registration plate.
(10) Is utilized by a Not for Profit organization for the transportation of persons under 17 years of age or mentally or physically handicapped individuals.

Limousine: An unmarked luxury sedan that is operated for hire which is:

(1) Hired on a prearranged hourly basis for weddings, funerals, religious ceremonies or other social functions;
(2) Hired on an exclusive, dedicated basis for the duration of the event, not for drop-off and pick up; and

(3) Operated by the named insured, an employee, or a independent contractor of the named insured, in attendance as a chauffeur at the beginning and ending of the function.

Vehicle for Hire: Shall be used herein when referring to all of the aforementioned vehicles.

B. Purpose and Authority.

Vehicles for hire are licensed by the City of Methuen to ensure the safety of the public. This ordinance is adopted pursuant to M.G.L. c.40, §22.

C. Scope.

Unless otherwise specifically provided, the articles contained herein shall apply to every vehicle for hire and vehicle for hire driver licensed by the City of Methuen.

D. Limits.

It is hereby declared that the sections, paragraphs, sentences, clauses, and phrases included in this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by a valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

E. Amendments

The Methuen City Council reserves the right to amend this ordinance after proper public notice and hearing.

F. Effective Date.

This ordinance shall be effective on April 7, 2002.

Section 13-11 Vehicle for Hire Company Licenses

A. Company License - Required

No person shall set up, employ or use for the conveyance of passengers for hire, any motor vehicle, coach, cab or other means of conveyance, without a license from the Methuen City Council.

B. Same - Licenses Granted by Council

The City Council may grant vehicle for hire licenses for a term of one year upon such terms and to such persons as it may deem expedient to set up, employ or use for the conveyance of persons within the City, for hire, vehicles for hire, which licenses shall be revoked or suspended at any time by the City Council for any violation of the provisions of this section or any other ordinances of the City, and may be revoked by the City Council for other causes, and a record of such licenses shall be kept by the City Clerk.

C. Same - Qualifications of Licensee

Every person granted a vehicle for hire license under this section shall be duly established in the particular type of business for which the license has been granted (i.e. taxi, livery, limousine), making it a substantial part of his/her daily labors, and shall own property, either personal or real, in the City, not exempt from attachment, or be an inhabitant of the City.

D. Same - Vehicle License Application & Fees

No vehicle for hire license shall be issued unless the person owning or in possession of such vehicle for hire shall file with the City Clerk, a petition addressed to the City Council, in a format proscribed by the City Clerk, setting forth the name and residence of the applicant, who in no event shall be less than eighteen years of age. The petition shall also state the make, the year, the vehicle identification number and type of vehicle, and owner of each vehicle to be used, and the state registration number. All statements in the petition shall be sworn to. If the petition is made by a corporation the same shall be sworn to by the President and Treasurer of the corporation and shall set forth the names of all the officers and directors of the corporation. Further, if the petition is made by the owner, tenant or legal occupant of a condominium unit as defined under Chapter 183A of the General Laws, the same shall be accompanied by a written statement of a vote of the organization of unit owners as defined in Chapter 183A, Section 1 consenting to said petition.

(Ord. #868, Eff. Sept. 17th, 2012)

The annual fee for a vehicle for hire company license shall be two hundred and fifty dollars ($250) per vehicle and shall be due and payable to the City of Methuen for the issuance and/or renewal of any such license. This fee is non-refundable and shall be paid via check or money order only. This fee shall be waived for not for profit organizations.

E. Same - Vehicle License Renewal

Vehicle licenses shall be renewable on an annual basis, with each license expiring on December 31st of each year.

F. Same - Limitation of Number of Taxi Licenses

The total number of taxicab company licenses, which may be granted and outstanding at any one time in the City, shall not exceed four (4). The total number of taxi vehicles allowed to be licensed in the City shall be forty (40) at any one time.

G. Same - Sale, Etc. of Vehicle for Hire License

No vehicle for hire license shall be sold, transferred or assigned without the consent of the City Council.

Section 13-12 Vehicle for Hire Insurance Requirements

A. Insurance Policy - Required

No license required by this section shall be issued until the applicant has acquired a policy of insurance and has delivered to the City Clerk a copy thereof issued by an insurance company authorized to transact business specified in sub-division (b) of Section 47 of Chapter 175 of the General Laws, covering the motor vehicle to be operated by the applicant under his license, conforming to the provisions of Sections 112 and 113 of Chapter 175 of the General Laws, nor until the applicant has also delivered to the City Clerk a certificate of the insurance company issuing the policy showing that the policy shall not be cancelled or in any manner amended, changed or altered without giving the City Clerk five days notice thereof.

B. Same - Liability Coverage Requirements

Every licensed vehicle for hire owner shall, at all times, carry liability insurance which provides indemnity for or protection to the insured, and any person responsible for the operation of the insured's vehicle with his/her express or implied consent against loss by reason of the liability to pay damages to others for bodily injuries, including death at any time resulting therefrom, sustained during the term of the policy by any person, other than employees of the insured, or, of such other person responsible as aforesaid, who are entitled to payments for benefits under the provisions of M.G.L., c.152, and arising out of the ownership, operation, maintenance, control or use upon the ways of the Commonwealth of such vehicle, to the amount or limit of at least Two Hundred and Fifty Thousand Dollars ($250,000) on account of injury to or death of any one person, and, subject to such limits as respects injury to or death of any one person, of at least Five Hundred Thousand Dollars ($500,000) on account of any one accident resulting in injury or death of more than one person. In addition, the owner shall carry a property damage policy in the amount of Fifty Thousand Dollars ($50,000)

C. Same - Certified Statement of Letter Acceptable in Lieu of Certificate

The City Clerk may accept a statement in writing from an insurance company certifying that a policy of insurance is to be issued to the applicant and identifying the vehicles insured in lieu of the certificate of insurance. Said certificate of insurance shall include in its body whether the vehicle is being insured as a taxicab, livery, or limousine. The certificate of insurance shall be filed with the City Clerk immediately following preparation and issuance of the policy of insurance and also include the notice of cancellation of insurance to the City Clerk as specified in Section 12-12 A above.

D. Same - Notice Required of Actions Instituted Against Policy

A licensee or a person responsible for the operation of a licensee's vehicle with the express of implied consent shall immediately, upon the services of any writ or summons in any action for the payment of the judgment in which is secured by such policy, give written notice to the Chief of Police of the bringing of such action.

E. Same - Name of Insurer Furnished on Request

The City Clerk shall, upon request of any person, furnish the name of the company issuing an insurance policy referred to in the four preceding sub-sections covering any particular vehicle licensed and shall exhibit the certificate of insurance to any such person or his duly authorized representative.

F. Same - Termination of License Upon Cancellation or Expiration

Any license issued under this section shall terminate upon the canceling or the expiring of the policy of insurance required by Section 13-12, A, covering the car licensed.

Section 13-13 Responsibilities of Vehicle for Hire Owners

A. Vehicle Compliance

Each and every holder of a license issued pursuant to this ordinance shall be responsible for ensuring that each of said licensee’s vehicles is maintained and operated in full compliance with these articles. Owners shall not allow operation of any vehicle that is unsafe for passenger service.

B. Daily Vehicle Inspection

Each and every holder of a vehicle for hire company license issued pursuant to this ordinance shall personally, or by an agent, inspect, repair and clean the interior and exterior of such vehicle on each day that the vehicle is operated. Such inspection shall be for

the purposes of ascertaining vehicle compliance with these articles. The time, place and person performing such inspection shall be recorded on the daily log.

C. Maintenance of Daily Log

Each and every holder of a vehicle license issued pursuant this ordinance shall supervise the recording and maintenance of a daily log for each vehicle as required by Section 13-15, L. Such licensee must verify daily that the daily log has been properly prepared

and accept the daily log for filing at the end of each day. Daily logs shall be retained for a period of not less than four (4) years. Such log shall, upon request, be open to inspection by the Chief of Police or any police officer designated by said Chief of Police. Daily log format shall be approved by the Police Department.

D. Driver Training and Supervision

Each and every holder of a company license issued pursuant this ordinance shall be responsible for training and supervising each and every driver operating any of said licensee's vehicles. Such training shall include but not be limited to: use of radio and/or cellular telephone, preparation of a daily log, proper vehicle operation, vehicle maintenance and review of the provisions of these articles. A failure to properly and adequately train any taxicab driver may result in disciplinary action if such driver is found to have violated any provision of this ordinance.

E. Licensed Operator Required; Only Fare-Paying Passengers Allowed

No persons owning or in possession of a vehicle for hire licensed under this chapter shall authorize, permit or allow such licensed vehicle to be operated by any person except a licensed public vehicle for hire operator; nor shall any person drive or have charge of any such licensed vehicle except a person licensed under this Chapter to operate such vehicles. Except in cases of emergency, no person other than a fare-paying passenger shall ride with or accompany any vehicle for hire operator in any vehicle for hire licensed under this section.

F. Drivers Eligible for Employment in the U.S.

Each and every holder of a license issued pursuant to this Chapter shall be responsible for verifying as to each and every driver, operating any of said licensee's vehicles eligibility for employment in the United States as per Title 8, USC, § 1324A.

G. Driver Dress Code

Each and every holder of a license issued pursuant this ordinance shall be required to inform each and every driver operating any of said licensee's vehicles, as to the standards for dress and appearance as provided by this ordinance. Further, the licensee shall be responsible for enforcing driver compliance with such standards.

H. Driver Refused if Intoxicated

A driver shall be refused work by the holder of a license issued pursuant this ordinance if in the opinion of the licensee, the driver is in an intoxicated or otherwise unstable state.

I. Reporting of Vehicle Accidents

Each and every holder of a license issued pursuant this ordinance shall ensure that the Police Department is notified in writing of any motor vehicle accident involving any of said licensee's vehicles for hire drivers. The driver shall make the official notification.

J. Change of Car Used as Vehicle for Hire

When vehicle for hire owners change cars, they shall bring the new registration certificate to the Police Department and the City Clerk's office, who shall make a copy of the same. After being properly recorded, the new car shall become a licensed vehicle for hire.

K. Child Restraints

Each and every holder of a license issued pursuant this ordinance shall have available, upon the request of any passenger, a child passenger safety seat for the transportation of a child under five (5) years of age or weighing less than forty (40) pounds, in accordance with M.G.L. Chapter 90 §7AA.

L. Notice to be Given of Employee Termination

When a licensed driver vacates their position or is terminated the company owner shall inform the Police Department's Licensing Officer within five working days of the termination date.

Section 13-14 Vehicle Markings and Physical Characteristics of Vehicles for Hire

A. Failure to Comply

Failure to comply with Methuen City Ordinance Chapter 13 regarding vehicle markings and physical characteristics may result in the immediate suspension or revocation of any vehicle license issued pursuant to this ordinance.

B. Livery Markings Prohibited

A licensed livery vehicle shall bear no external markings of any type, unless otherwise determined by the Chief of Police. Nor shall such a vehicle be equipped with any distinguishing lights or other externally mounted instruments so as to distinguish it from any private passenger vehicle.

C. Random Compliance Checks

The Chief of Police or his/her designee may at any time order a random compliance check of any vehicle for hire business or vehicle licensed in the City of Methuen. Said compliance checks shall not limit a police officer's ability to stop any vehicle for hire, at any time, for any reasonable suspicion of violations of City ordinances, State statutes, or this ordinance. Said compliance checks may include an audit of any vehicle for hire companies insurance policy.

D. Vehicle Inspection Reveals Unsafe Vehicle

If a random vehicle compliance inspection reveals a licensed vehicle to be unsafe for transportation, the vehicle license shall be suspended upon written notice to the licensee of the inspection findings. The vehicle shall be immediately removed from service, the license sticker issued pursuant to Section 13-14, M shall be removed and out-of service stickers shall be placed on the top portion of the windshield and the top portion of the rear window of said vehicle.

The vehicle shall remain out of service until the defect has been corrected and a representative of the police department has re-inspected and approved said vehicle to be fit for service. Only an authorized representative of the police department shall remove an out-of-service sticker. Removal of an out-of-service sticker by anyone other than an authorized representative of the police department may result in the revocation of the vehicle license and/or the vehicle for hire operators license of any driver found to have removed such sticker.

E. External Marking Requirements for Taxicabs

No taxicab shall operate without permanent decals or painted markings on each side of the vehicle as to license number, trade or business name and the word **"*Methuen*".** In accordance with M.G.L. c.40. §22, the trade or business name and the word **"*Methuen*"** shall be painted in letters not less than four inches high and one-half inch wide. The trade or business name and the word **"*Methuen*"** shall be painted in the same color. The trade or business name shall be painted on the front door on each side. The word **"*Methuen*"** shall be on the rear fender on each side. The license number shall be painted on the rear fender on each side of the vehicle. Removable magnetic decals are expressly forbidden.

F. Limitations on Additional Markings On Taxicabs

No advertising may appear on a taxicab in such a fashion as to interfere with the required emergency lights. The location of such advertising shall be approved by the Chief of Police. No other business information may appear on a taxicab except for the telephone numbers of the taxicab or taxicab dispatching company, the hours of daily operation, acceptance of credit cards, availability of customer cellular telephone and air conditioning.

G. Taxicab Color and Logo Design, Resemblance to Other Licensed Taxicabs Prohibited

A licensee shall not paint or otherwise mark a licensed taxicab so as to resemble any Methuen licensed taxicabs operated by another licensee. However, all licensed taxicabs operated by the same licensee shall be painted with identical colors and markings distinguishable from other licensed taxicabs. Colors shall be coordinated through the Police Department.

H. Two-Way Radio/Cellular Telephone Requirement

Every taxicab shall be equipped with a two-way radio or a cellular telephone. Such two-way radio or cellular telephone shall be used to report crimes and/or suspicious activities as required by Section 13-20, J.

I. Roof Light on Taxicab

Every taxicab shall be equipped with a light attached to the roof of the cab. The police department shall approve the type and style of the roof light. The roof light shall be used at all times the vehicle is within the City of Methuen and must be clearly visible from the front.

The lights shall be three-zoned indicating: “ON CALL”, “OFF DUTY”, and ‘TAXI VACANT”. If the taxicab is available for hire, the “TAXI VACANT” zone is lit. If the taxicab is en route to the response of a radio call, the “ON CALL” zone is lit. If the taxicab is not available for any fare, the “OFF DUTY” zone is lit.

This light shall also include a trouble light. This device will flash by the touching of a button or switch by the driver from inside the cab. The switch or button shall be within the immediate reach of the driver. The purpose of such device is to indicate that the driver requests assistance from the police. The type, color, and installation of said trouble light shall be approved by the Police Department.

J. Items Required in Licensed Vehicle

Each vehicle for hire licensed by the City of Methuen shall carry a copy of the following in said vehicle:

a. The most recent edition of this ordinance. This ordinance must be shown to passengers upon request;

b. Change for a $10.00 bill;

c. A road map of the City of Methuen;

d. A road map of Massachusetts; and

e. Blank receipt forms.

K. Visible Driver Identification

Every vehicle for hire licensed by the City of Methuen shall have displayed on the visor, glove box or other suitable viewing area, a card approximately 3 inches by 5 inches and provided by the police department. Said card shall contain a photograph of the driver and the following words:

“The Surname and Driver
Certificate Number of this Driver are:”

L. Mechanical and Physical Condition Of Licensed Vehicles

Each vehicle for hire licensed by the City of Methuen shall be maintained at all times in compliance with the requirements set forth in the Massachusetts 540 CMR 4.04 and the following standards:

1. Interior

Interior surfaces must be intact. Seats must be free of tears. Floors must be free of holes and covered completely with carpet and/or rubber matting.

Interior surfaces and windows must be clean.

Seats must be functioning properly and all seat belts must be operable and available for use by passengers.

Windows and doors must be operable from the passenger compartment at all times.

2. Exterior

Vehicle body, bumpers, doors, trim and grill are free of cracks, breaks and surface rust longer than twelve inches in length or fifty square inches total, when all are added together.

All tires must meet Registry of Motor Vehicle Standards for tread depth.

All safety equipment of any type, including lights, signals, glass, windshield wipers and bumpers must be intact and operational.

All safety lights and other required lights must he intact and operational.

M. Licensing Stickers to be Issued;

Every vehicle for hire licensed for operation in the City shall be given a licensing sticker which shall be placed in the lower corner of the windshield on the driver's side.

Section 13-15 Operation of Licensed Vehicles for Hire Generally

A. Operation in Conformity with the Law

Drivers of vehicles licensed pursuant to this ordinance shall at all times operate them in accordance with the laws of the Commonwealth of Massachusetts and the Ordinances of the City of Methuen. A driver shall not knowingly give direction, information or

transportation to a person seeking a place or person for illegal purposes including, but not limited to, the purchase or acquisition of controlled substances within the meaning of M.G.L. Chapter 94C.

B. Use of Alcohol and Controlled Substances Prohibited

No driver shall, while on duty, take or be under the influence of or consume any alcoholic beverages. No driver shall, whether on or off duty, purchase, sell, use or possess any controlled substance as defined by M.G.L. Chapter 94C.

C. Use of Prescription Drugs

No driver shall, while on duty, take or be under the influence of any prescription drug which may impair the drivers ability to operate said vehicle safely.

D. Operation of Unsafe Vehicle Prohibited

A driver shall not knowingly operate a taxicab or livery that is unsafe for passenger service.

E. Transportation By Direct Route

Drivers of licensed vehicles for hire shall, except when a passenger directs otherwise, transport passengers via the most direct route to the passengers specified destination. The driver shall always obtain permission from the passenger to transport said passenger via any route other than the most direct route.

F. Refusal to Transport Generally

The driver of a vehicle licensed pursuant to this ordinance shall not refuse transportation to any person except for the reasons set forth in subparagraphs (1) through (6) and as otherwise provided in this ordinance:

1. When a person is noisy or disorderly, or the driver has reason to believe that such a person is under the influence of alcohol or drugs unless said driver is directed to transport said person by a police officer, after securing identification of said person and having ascertained such person's ability to pay the driver;

2. When the person represents a threat to the safety of the driver or to his or her ability to drive the vehicle in a safe manner;

3. When a person is unconscious or deceased and placed in the vehicle by others;

4. When to do so would constitute assisting in a crime;

5. When a passenger is unduly discourteous to the driver or emits an offending odor;

Drivers are to make a daily log entry if they encounter any of the above situations.

G. Front Seat Passenger Prohibited

No person other than the licensed driver of a licensed vehicle for hire shall ride or sit in the front seat of said vehicle unless the rear seat is fully occupied by passengers. This provision shall not apply to passengers who must sit in the front seat for physical or health reasons, or for an authorized trainee having a letter of permission from the Chief of Police.

H. Transportation of Disabled Persons

1. Animals:

At his or her discretion, a driver may accept or refuse a call when a person is escorting an animal, except if:

a. The animal is properly and adequately secured in a kennel case or other suitable container which would not cause danger to the taxi driver and the interior of the taxicab, or;

b. The person is blind, deaf or otherwise disabled and is accompanied by a properly harnessed muzzled guide dog. No charge shall be made for transporting an animal if accompanied by a passenger;

c. Any driver who is afraid or allergic to animals shall declare his allergy or fear at initial licensing and drive only partitioned vehicles. The driver may not refuse to carry an animal if the vehicle is partitioned.

2. Wheelchairs:

No driver shall refuse transportation to a person with a wheelchair which folds up. Said person must be able to get into and out of the taxicab without assistance from the driver. Once said person is in the taxicab, the driver, without extra charge, shall fold up the wheelchair and place it in the trunk or in the rear of the taxicab.

I. Smoking in Licensed Vehicles

Drivers of licensed vehicles for hire shall not smoke cigars, cigarettes or pipes while transporting passengers if requested by a passenger to refrain from smoking. Drivers of licensed vehicles for hire displaying a "No Smoking" sign shall not be required to transport a passenger who insists on smoking a cigar, cigarette or pipe after being requested to refrain from smoking.

J. Receipt Requirements

Upon the request of any passenger, a driver shall provide a receipt to such passenger. Such receipt shall detail the date, time, point of origin and destination as well as the fare charged for such transportation.

K. Daily Log

Drivers shall complete a daily log for each shift documenting every fare from point of origin to point of destination. This daily log shall include:

a. Car number, operator's name, time of vehicle inspection;

b. The time and place of pick-up and the time and place of destination;

c. The number of passengers;

d. The fee collected; and

e. Articles found in taxicab after the departure of passenger(s).

At the end of every shift, the driver shall submit the daily log to the licensee for filing and storage.

Section 13-16 Operation of Taxicabs

A. Interfering with Places of Public Assembly

No drivers of a taxicab shall seek a fare by repeatedly and persistently driving said taxicab to and from a short distance or otherwise interfere with the proper and orderly access to or egress from any theater, hall, hotel, public resort, railroad, bus or train station or other place of public assembly.

B. Accepting a Hail

A licensed taxicab driver may accept a fare while driving through any public street or place.

C. Unattended Vehicle

Every driver of any licensed taxicab shall remain with said vehicle while it is idling. At no time shall a driver park their vehicle in a restricted location.

D. Soliciting Passengers While in Attendance of Vehicle

No taxicab driver shall ask anyone if he/she wants a taxicab unless said driver is sitting in the drivers seat or is within one arms length of the taxicab. The destination shall be ascertained after the fare is seated.

E. Refusal to Transport Due to Destination or Short Fare Prohibited

No driver shall inquire as to the destination of a passenger unless the driver is sitting on the driver's seat and the passenger is seated in the taxicab. A driver shall not refuse to transport a passenger due to the passenger's destination or a short fare. Drivers of radio dispatched calls may inquire as to destination within one (1) hour prior to driver shift change.

Nothing in this rule is intended to prevent a telephone operator from inquiring into a fare's name and intended destination for scheduling purposes.

F. Taxicab Previously Engaged

No driver of any licensed taxicab shall pickup or carry any passenger after the taxicab has been occupied until the first passenger is discharged unless the first passenger consents. Such prior passenger shall not be obliged or requested to pay extra fare for refusing such consent.

G. Refusal to Transport

A taxicab driver shall not refuse transportation to any person except in compliance with subparagraphs (1) through (3) and as otherwise provided in these rules and regulations:

1. When the driver has been dispatched on another call and his/her roof light is off or his/her "ON CALL" light is on;

2. When the driver has stopped work and is returning to the garage of record; the roof light is off, or his/her "OFF DUTY" light is on;

3. When it is necessary to take the taxicab out of service for repairs or to replace defective equipment, and the roof light is off, or the "OFF DUTY" light is on.

H. Parking of Private Liveries and Taxicabs

No more than one vehicle for hire, for each dwelling unit on a lot, is permitted to be parked or garaged in a residential district.

"Residential district", as used herein, shall have the same meaning as the following districts in the Methuen Comprehensive Zoning Ordinance: AG/CON; RA; RB; RC; RD; RG; MA; and MB.

I. Horn Usage

When picking up passengers vehicle for hire drivers shall refrain from excessive usage of their vehicle's horn. Horns shall, at all times, be used in conformity with Methuen City Ordinance Chapter 9 §9-62 and MGL Chapter 90 §16.

Section 13-17 Vehicle for Hire Fares to be Charged

A. Determination of Fare -- Notice to Passenger

Every vehicle licensed pursuant to this ordinance shall post inside the vehicle a schedule of fares to be charged for transportation by such vehicle which schedule shall be kept on file with the police department. In addition, every taxicab shall display inside the vehicle a notice to passengers that drivers are forbidden by law to demand a greater fare than that determined by the posted schedule of fares.

B. Rates - Established

The rates to be charged for a conveyance of a passenger in a taxicab within the municipal limits of the City shall be no greater than the following:

$ 1.10 for the first 1/7th of a mile, or fraction thereof;
$ .20 for each added 1/7th of a mile, or fraction thereof;
A maximum charge of $ 12.00 each hour of waiting time.

These rates shall be in effect twenty-four hours each day, provided that the provisions of this section shall not apply to taxicabs hired for funerals, weddings, christenings and touring; and that, as to these, the maximum rates shall be $12.00 per hour for any waiting time.

Upon the City Council's approval of a fare increase the licensee must post a notice of such increase along with a schedule of the fares to be charged pursuant to such increase, inside the vehicle, for five (5) consecutive business days.

Section 13-18 Vehicle for Hire Fines

A. Livery Used as Taxicab

Any livery vehicle found to be operating illegally as a taxicab shall result in the issuance of a non-criminal disposition fine of two hundred and fifty dollars and/or the immediate suspension of said vehicles permit for a period not exceeding thirty (30) days. Out-of service stickers shall be placed on the top portion of the windshield and the top portion of the rear window of said vehicle at the time of suspension.

Only an authorized representative of the police department shall remove an out-of-service sticker. Removal of an out-of-service sticker by anyone other than an authorized representative of the police department may result in further action, including, but not limited to, the revocation of the vehicle for hire operators license of any driver found to have removed such sticker, and the license of the vehicle in question.

All fines shall be made payable to the City of Methuen at the City Clerk's Office.

B. General Fines

Any violations of this ordinance, with the exception of the specific violation of Section 13-18, A, may result in the issuance of a non-criminal disposition fine of one hundred dollars and shall be payable to the City of Methuen at the City Clerk's Office.

C. Suspension or Revocation

The Chief of Police shall have the right to suspend or revoke any public vehicle for hire operators license held by any person who violates any of the regulations set forth in this ordinance or other ordinance of the City or law of the Commonwealth relative to taxicabs, liveries, and limousines or the operation of motor vehicles in general.

Section 13-19 Vehicle for Hire Operators Licenses

A. Authority of Police to Issue Public Vehicle for Hire Operators Licenses

The Chief of Police is hereby empowered to delegate and authorize proper officials of the Police Department of the City to issue annual Public Vehicle for Hire Operators Licenses to suitable persons who are qualified as operators of vehicles for hire under the terms of this Section.

B. Approval of Application

All applications for public vehicle for hire operators licenses shall require the approval of the Chief of Police or his/her designee.

C. Unsuitable Persons Generally

Among other elements of an applicant's background, The Chief of Police may consider unsuitable and an improper person to hold a public vehicle for hire operator's license any person who has a criminal record or has within the last five (5) years, any of the following

- Conviction of a felony.
- Violations of parole or probation.
- Convictions of illegal gambling and/or lottery.
- Conviction of a sex offense and/or is currently a registered sex offender.
- Conviction of assault and battery on or disobeying the directives of a Police Officer.
- Conviction of narcotics and/or alcohol related offenses.
- Conviction of firearms violations.
- Conviction of five (5) or more moving violations of motor vehicle laws.
- Pending criminal court cases. (May re-apply following disposition of case)

D. Operator's Licensing & Fees

Any applicant for a public vehicle for hire operator's license to drive a vehicle for hire shall present for examination, a valid license as a motor vehicle operator, issued to him/her by the state of his/her residence, and the date and number thereof shall be entered on his/her application.

The annual non-refundable application fee for any vehicle for hire operators license shall be one hundred twenty dollars ($125), fifty dollars ($50) for any applicant who drives solely for not for profit organizations, and shall be due and payable via check or money order to the City Methuen. This fee will include the cost of fingerprints of the operator, photographs of the operator and an identification badge. A photograph will be attached to the operator's license when issued and a photograph will be included in the operator's file at police headquarters. A third photograph will be attached to the visible driver identification as required in Section 13-14, K. The photograph of a driver of a public vehicle for hire shall be attached to the license in such a manner that it cannot be removed and another photograph substituted without detection. Each license shall contain a description of the licensee. All licenses issued to public vehicle for hire drivers shall be called for within thirty days after filing the application.

E. Vehicle for Hire Operator's License Renewal

Vehicle for hire operators licenses shall be renewable on an annual basis, on the anniversary date of the original license.

F. Lost or Stolen Vehicle for Hire Operator's License

The fee for a replacement vehicle for hire operators license shall be twenty-five dollars ($25) and shall be due payable to the City of Methuen upon the issuance of any such license.

G. Rights and Responsibilities of Drivers of Vehicles for Hire

1. Driver Compliance

Each and every holder of a vehicle for hire operators license issued pursuant to this ordinance shall be responsible for full compliance with these articles.

2. Surrender of License Upon Cessation of Driving

Any licensee who shall cease to be the driver of a vehicle for hire, shall at once surrender his or her operator's license to the Licensing Officer of the police department.

3. Notice to be Given Upon Change of Address, Employment, or Employer

When a licensed driver changes his or her address, place of employment, or employer, they shall within five (5) working days of such change, notify the Police Licensing Officer.

4. Notice of Arrest

If, for any reason, a licensed driver is arrested they shall within five (5) working days of the arrest, notify the Licensing Officer.

5. Right to Operate Taxicab and/or Livery

Only a driver possessing a valid vehicle for hire operators license issued by the City of Methuen pursuant to this ordinance shall be permitted to operate a Methuen licensed vehicle for hire.

6. License Photo

The driver of a licensed vehicle for hire shall appear as in his or her photograph as displayed on said vehicle for hire operators license and the Driver Identification required by Section 13-14, K. A new photograph shall be required to be taken at the police department without delay if the driver's appearance has changed.

7. Vehicle for Hire Operator's License Displayed

Every driver having charge of any vehicle licensed pursuant to this ordinance shall have his or her vehicle for hire operators license attached to their vehicle sun visor or to their outer garment or otherwise readily visible on their person, to be displayed upon request by a passenger or police officer.

8. Clothing and Cleanliness

Drivers shall dress neatly and be clean of body. The following are expressly forbidden:

a. Clothing containing a hole or holes in need of repair.

b. Bathing trunks or other swimwear, or jogging trunks.

c. Torn or ripped shorts

d. Footwear that could obstruct operation of vehicle.

9. Drivers Answerable to Police Officers

Drivers shall be responsible for answering fully any and all inquiries put to them by any police officer. This responsibility shall include production of said driver's vehicle for hire operators license, daily log and any other documents or things required to be in the possession of said driver or maintained in such vehicle.

10. Reporting of Crimes and Suspicious Activities

Every driver shall report to the police any crimes or any suspicious activities of passengers or other persons that he or she may observe.

11. Reporting of Accidents By Driver

Drivers shall provide written notice to the police department of motor vehicle accidents in which such driver is involved while in the course of his or her duties as a driver. Said notice shall be provided within twenty-four (24) hours of said accident.

12. Articles Found in Licensed Vehicles

Any driver who finds in a vehicle any article presumably belonging to a passenger shall, within twenty-four (24) hours, report the finding thereof to the Chief of Police, or the Licensing Officer, and deliver the same to him or her.

(Ordinance #733, Eff. April 7, 2002, repealing and replacing prior 13-10 & 13-11; as further amended by Ord. #760, Eff. July 1st, 2003)

Section 13-20. Secondhand Dealers

A. License Required

The City Council may, as provided by Section 54 of Chapter 140 of the General Laws, license suitable persons to be dealers in secondhand articles and keepers of shops for the purchase, sale and barter of such articles, pursuant to law.

B. Investigation of Applicants - Report

All applicants for a license required by the preceding sub-section shall first be referred to the Chief of Police, and be reported upon by him as to whether he is of good reputation, has ever held a similar license, and if such license was revoked, suspended or surrendered and the reason therefor.

C. Fee

The license fee per year or any part thereof for dealers in secondhand articles shall be as follows:

Furniture and Clothing	$ 50.00
Jewelry	$ 50.00
Coins and other precious metals	$ 50.00
Any other articles	$ 50.00

D. Expiration

All licenses required by sub-section A. shall expire on the thirtieth day of April following the date of issuance.

E. Revocation

Licenses provided for by this section may be suspended by the Chief of Police if the licensee is violating any statute, ordinance or police rule or regulation relating to licensee's business for a period of two weeks, pending a final determination by the Council on revocation of such. Upon the suspension by the Chief of Police, the Council shall conduct a hearing to determine whether or not it should revoke such license. Said hearing shall be held within two weeks following the suspension.

Such licenses will be revoked for violation of any statute, ordinance or police rule or regulation relating to the business of the licensee, for failure of the licensee to carry on the business at the place designated in his license or for any other cause deemed sufficient by the City Council.

F. Record to be Kept of Articles Purchased; Information to be Shown; Inspection

Every shopkeeper or dealer regulated by this section shall keep a bound book, the size and style of which shall be approved by the Chief of Police, in which shall be written at the time of every purchase of any such article a description thereof, and the name, age and residence of the person from whom such purchase was made. Such book shall at all times be open to the inspection of the Chief of Police or any person designated by him.

G. Articles to be numbered at Time of Purchase

Every shopkeeper or dealer regulated by this section shall, at the time of making any purchase, attach a number to each article bought, and shall make entry of such number in the book provided for by sub-section F.

H. Daily Reports to Police; Information to be Shown

Every shopkeeper or dealers regulated by this section shall make note and deliver to the Police Department every Monday before the hour of 10:00 A.M. a legible and correct list containing an accurate description of all articles purchased during the preceding business week, and the respective numbers of such articles as provided by sub-section G., the prices paid therefor and the time when such articles were purchased. If, during the preceding business week, no articles have been purchased by such shopkeeper or dealer, he shall make out and deliver to the Police Department a report of such fact. Provided, however, that as to any articles purchased in bulk from an estate, the following reporting provisions shall apply: Every shopkeeper or dealer regulated by this section, where such purchases are made in bulk from an estate auction or liquidation sale, shall make note and deliver to the Police Department on the first day of each month before the hour of 10:00 A.M. a legible and correct list containing an accurate description of all articles purchased during the preceding business month and the respective numbers of such articles as provided by sub-section G., the prices paid therefor and the time when such articles were purchased. If no articles are purchased from an estate or liquidation sale in the previous month, he shall make note of such and deliver a copy of a report of such fact to the Police Department.

I. Articles Not to be Sold Within Certain Time

No shopkeeper or dealer regulated by this section shall permit to be sold any article purchased or received by him until at least a period of fourteen days from the date of its purchase or receipt has elapsed. No shopkeeper or dealer shall purchase any article on condition of selling it back again at a stipulated price. Dealers in clothing shall only be compelled to hold articles seven days.

J. Dealing with Minors

No shopkeeper or dealer under the provisions of this section, shall, directly or indirectly, purchase or receive by way of barter or exchange, anything in the line of secondhand articles from a minor, knowing or having reason to believe him/her to be such.

(Ord. #251, Eff. Feb. 4th, 1987; as amended by Ord. #455, Eff. Dec. 16th, 1992; as amended by Ord. #753, Eff. July 1,. 2003)

Section 13-21. Junk Dealers and Collectors

A. Examination of Premises and Vehicles

Any place, vehicle or receptacle used for the collection or keeping of junk may be examined at all times by the Chief of Police or by any person authorized by him.

B. Junk Collector's Badge

At the time of issuance of a license for the collection of junk, the City Clerk shall supply the license with a badge for which the City Clerk shall collect the sum of Ten dollars ($10.00) each.

Each licensee as a junk collector shall, while exercising his license, wear the badge so provided, which badge shall state the character and number of the license. The wearing of the badge is hereby made the condition of a license for the collection of junk, and failure upon the part of the licensee to wear the badge while in the exercise of his license, shall be cause for the revocation of the license.

C. Time Restriction on Collection of Junk

No person shall collect junk within the limits of the City earlier than 8:00 A.M., nor later than 8:00 P.M.

D. Dealing with Minors

No person to whom a junk dealer's or junk collector's license shall be granted and issued shall directly or indirectly, either purchase or receive by way of barter, or exchange any junk from a minor, knowing or having reason to believe him/her to be such.

E. Record Book of Junk Dealers

Every junk dealer licensed under the provisions of this section shall keep books, the size and style of which shall be approved by the Chief of Police, in which shall be written at the time of every purchase or exchange of any article of junk, a description thereof and the name, age and residence of the person from whom the purchase or exchange was made. Such books shall be open at all times for inspection by the Chief of Police or any person designated by him.

F. Licenses Required

The City Council may, as provided by Section 54 of Chapter 140 of the General Laws, license suitable persons to be junk dealers and junk collectors, to collect, by purchase or otherwise, junk, old metals and secondhand articles from place to place within the limits of the City.

G. Application

A person desiring a license as a junk dealer or collector of junk shall make application therefor in writing on a blank to be provided by the City Clerk. The application shall be sworn to before a Justice of the Peace or Notary Public and any untruthful statement contained therein shall be cause for revocation of the license granted.

H. Investigative Report of Applicant

A license for junk dealers or the collection of junk shall not be granted until an investigation shall have been made by the Police Department to determine if the applicant is a proper person to exercise the license applied for.

I. Duration

Licenses for junk dealers or the collection of junk shall be granted in the month of April to take effect on the first day of May following. The license shall be signed by the City Clerk and shall continue in force until April 30th following.

J. Certain Persons Not to be Issued License

A license for a junk dealer or the collection of junk shall not be granted or issued to a person under the age of eighteen, or any person who within one year previous to the date of application has been convicted for violation of the terms and conditions of a similar license held by him. A license shall be issued only to a person or firm, the members of which have resided in the City for one year next preceding the date of application.

K. License for Each Collector Required

Not more than one person shall collect junk under a single license. A person employed as an agent by a junk collector shall not collect junk within the limits of the City unless he has been licensed to collect junk.

L. Fees

Every applicant for a license under the provisions of this section shall pay the City Clerk at the time of making application for such license, the following amounts:

a. Junk collector $ 15.00

b. Junk dealer $ 75.00

In the event the license applied for is not granted, the City Clerk shall refund to the applicant the amount deposited.

(Ord. #753, Eff. July 1st, 2003)

M. Revocation

Licenses provided for by this section may be suspended by the Chief of Police if the licensee is violating any statute, ordinance or police rule or regulation relating to licensee's business for a period of two weeks, pending a final determination by the Council on revocation of such. Upon the suspension by the Chief of Police, the Council shall conduct a hearing to determine whether or not it should revoke such license. Said hearing shall be held within two weeks following the suspension.

Such licenses will be revoked for violation of any statute, ordinance or police rule or regulation relating to the business of the licensee, for failure of the licensee to carry on the business at the place designated in his license or for any other cause deemed sufficient by the City Council.

Section 13-30. Flea Markets

A. Definitions

"Flea market" shall mean and include a garage sale, lawn sale, attic sale, rummage sale or any similar casual sale of secondhand tangible personal property and goods, which is advertised by any means whereby the public at-large is, or can be made, aware of said sale. It shall include sales by a single individual or group of individuals.

"Personal property" shall mean all secondhand goods and articles as defined in Chapter 140 of the Massachusetts General Laws and as further defined in Article 2 of Chapter 106 Massachusetts General Laws.

"Operator" shall mean the individual in control of the flea market. Said term further including partnerships, associations and corporations.

B. Permits

It shall be unlawful for any person, with the exception of those persons listed in Paragraph O. of this section, to conduct a flea market in the City of Methuen without first receiving a license from the City Council to so operate said flea market.

All said operators will also be considered secondhand dealers and are further bound by all restrictions contained in Chapter 13, Section 13-20.

C. Fees

The fee for such operator shall be as follows:

For non-commercial purposes, Two Dollars ($2.00) per day or portion thereof licensed and allowed to conduct such flea market up to a maximum of Seventy-five Dollars ($75.00).

For commercial operators, Seventy-five ($75.00) per annum per person or entity licensed and allowed to conduct said flea market.

Societies, associations or corporations organized solely for religious or charitable purposes, and their agents, shall not be required to pay a fee for such license.

D. Licensing

Such license may be granted in April of each year to take effect on May first, following. Each license issued under this ordinance must be predominantly displayed on the premises upon which the flea market sale is conducted throughout the entire period of the licensed sale.

E. Application

Any person seeking to be licensed to operate a flea market shall file with the City Clerk an application as prescribed by said Clerk which shall contain as a minimum the following information:

(a) The name of the person, firm, group, corporation, association or organization conducting said sale.

(b) The name of the owner of the property on which said sale is to be conducted, and consent of owner if applicant is other than the owner.

(c) Location at which sale is to be conducted.

(d) Number of days of the sale.

(e) The date and nature of any past sales.

(f) Relationship or connection applicant may have had with any other person, firm, group, corporation, association or organization conducting said sale and the date or dates of such sale.

(g) Whether or not applicant has been issued any other vendor's license by any local, state or federal agencies, and, whether or not such license, if issued, has ever been revoked or suspended.

(h) A sworn statement or affirmation by the individual signing that the information therein given is full and true and known to him/her to be so.

F. Issuance of License

The City Council may, at any duly held meeting, issue a flea market license to any person, upon such terms and conditions as they, in their opinion, believe protects the interest of the citizens of the City.

G. Rights of Licensee

The issuance of this license hereunder implies no intention to create rights, generally for the holder to engage or continue in the transaction of the business activity authorized by this license, but is enacted with the view only to serve the public need and in such a manner as to protect the public good. The holder of this license shall have no property right in this or any other document or paper evidencing the granting of this license, and the City shall, upon the expiration, suspension, revocation, cancellation, or forfeiture of this license, be entitled, upon demand, to the immediate possession thereof.

Whenever, in the opinion of the City Council, the holder of such license fails to maintain compliance with the provisions herein, or, that any violation of the laws of the Commonwealth, ordinances of the City, or rules and regulations of the City Council or any other municipal official, now or hereafter enacted, shall be violated, the City Council may, after a hearing thereon, modify, suspend, revoke or cancel this license.

H. Examination

The property, whether real or personal, utilized in the conduct and exercise of this license may be examined at any and all times by the Chief of Police or any other person authorized by him to insure that the laws of the Commonwealth and the terms of this license are being complied with by the licensee.

I. Identification

The holder of the license, or his designee, shall at all times keep upon his person a badge or other suitable emblem so as to indicate that he is the individual responsible for properly operating and maintaining said flea market during hours of operation.

J. Records

The holder of this license shall at all times maintain a separate bound record book for each dealer, the size and style of which shall be approved by the Chief of Police, in which shall be written the names of all participants engaged in selling any merchandise and the type, style and quantity of said merchandise. Each book shall also contain a written record of each purchase, sale, or swap which shall include the identification and description of each item. A copy of all pages covering the previous business week shall be delivered to the Criminal Investigation Division of the Methuen Police Department no later than 10:00 A.M. on each

Monday. Such books shall be opened at all times for the inspection of the Chief of Police or any person designated by him.

K. Pledging

This license may not be pledged by the licensee for a loan unless the approval of such loan and pledge is given by the City Council; nor may such license be transferred from one location to another, or from one holder to another, except with the express permission of the City Council.

L. Signature on License

Such licenses, when duly issued and approved by the City Council, shall be signed by the City Clerk and a copy thereof maintained as part of his files.

M. Coverage of License

A license issued under this ordinance shall not protect the holder thereof in a building or place other than designated in the license, unless consent to removal is granted by the City Council.

N. Revocation

The City Council may, upon reasonable notice to the holder thereof, conduct a hearing to determine whether or not the license issued under this ordinance shall be suspended or revoked for violation of any provisions of this ordinance or any rules and regulations enacted hereunder.

O. Exemptions

(a) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

(b) Persons acting in accordance with their powers and duties as public officials.

(c) Any private individual selling or advertising for sale an item or items which he/she personally owns, if said sale does not exceed twenty-five (25) items and said sales shall not occur more than four (4) times in any calendar year.

(Ord. #134, Eff. July 6th, 1983; as amended by Ord. #211, Eff. December 18th, 1985; as further amended by Ord. #455, Eff. December 16th, 1992; as further amended by Ord. #753, Eff. July 1st, 2003; as further amended by Ord. #834, Eff. September 2, 2009)

Section 13-40. Saturday Licensing of Public Amusements

A. Prohibition

No person, firm, corporation, group, or association owning, controlling or managing any property in the City shall cause to be operated or allow to be operated any concert, dance, exhibition cabaret, or public show of any description to be conducted on their premises on Saturdays unless and until a license therefore has been issued by the Mayor.

B. Application

All applications for an amusement/ entertainment license, be it under Chapter 140, Section 181, or Chapter 136, Section 4 of the General Laws, or Chapter 13, Section 13-40 of the Methuen Municipal Code, shall be required to request, by check-off, information on the specific activity to occur at the proposed event, specifically including the categories as follows: dancing by patrons, dancing by entertainers, use of recorded or live music, use of amplification systems, use of theatrical displays, use of floor shows, use of light shows of any description, as well as dynamic audio or visual. No application shall be favorably acted upon which does not provide a detailed explanation regarding such categories on the application form. Said application shall indicate that, unless specifically waived by the Mayor, there shall be required on all amusement/entertainment licensed events a liability policy in the amount of One Million Dollars ($1,000,000).

The application shall also state whether as part of the concert, dance, exhibition, cabaret or public show any person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any female person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

Upon request of the Mayor, the applicant shall furnish additional information concerning the type of concert, dance, exhibition, cabaret, or public show sought to be licensed, the conditions of the premises, and the actions to be taken in order to prevent danger to the public safety, health or order. Once a license has been granted to an applicant, the licensee shall continue to provide such information to the Mayor upon his request with regard to any particular concert, dance, exhibition, cabaret, or public show or with regard to the conduct of the premises in general.

C. Issuance or Denial of Permit; Public Hearing

Within forty-five (45) days following receipt of an application for a license under this section, the Mayor (1) may grant a license, or (2) shall provide the opportunity for a hearing on the application by written notice to the applicant given seven (7) days prior to the hearing date.

Within forty-five (45) days next following the final date of such opportunity for a hearing, the Mayor shall (1) grant or, (2) deliver to the applicant a written notice denying

the license and stating in writing the reasons for such denial. No application having been denied as aforesaid and no similar application thereto may be filed within one (1) year of said denial, except in the discretion of the Mayor.

D. Conditions for Issuance of License

The Mayor shall grant a license under this section unless he finds that the license, taken alone or in combination with other licensed activities on the premises, would adversely affect the public health, safety or order, in that the concert, dance, exhibition, cabaret, or public show cannot be conducted in a manner so as to (1) protect employees, patrons, and members of the public inside or outside the premises from disruptive conduct, from criminal activity, or from health, safety or fire hazards; (2) prevent an unreasonable increase in the level of noise in the area caused by the licensed activity or caused by patrons entering or leaving the premises; or (3) prevent an unreasonable increase in the level of pedestrian or vehicular traffic in the area of the premises or an unreasonable increase in the number of vehicles to be parked in the area of the premises.

The Mayor may modify, suspend or revoke a license granted pursuant to the provisions of this section after providing an opportunity for a hearing preceded by a written notice to the licensee ten (10) days prior to the hearing date. The Mayor may not modify, suspend or revoke such license unless he finds that the license, taken alone or in combination with other licensed activities on the premises, has adversely affected the public health, safety or order as stated in the preceding paragraph.

E. Modification or Suspension of License

In any case in which the Mayor modifies, suspends or revokes a license, he shall notify the licensee in writing of such action and said written notice shall be accompanied by a statement of reasons.

In order to preserve and protect the public health, safety and order as aforesaid, the Mayor may place conditions upon the license and promulgate rules and regulations for such licenses. The Mayor may modify, suspend or revoke a license pursuant to this section for any violation of his rules and regulations or for any violation of law and may petition the superior court department of the trial court to enjoin any violation of this section.

The Mayor may adopt a rule requiring licensees under this section to prohibit minors from attending any concert, dance, exhibition, cabaret or public show of any description in which or at which any person appears in a manner of attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or in which or at which any female person appears in a manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

F. Expiration of License; Fee

A license issued under this section, unless sooner revoked, shall expire on December thirty-first of each year. The fee for any license or for any renewal thereof shall not exceed One Hundred Dollars ($100.00).

G. Exemptions

This section shall not apply to facilities licensed under Chapter 140, Section 183A Massachusetts General Laws, where such concert, dance, exhibition, cabaret or public show is carried on solely as part of and not independent of a license issued under Chapter 140, Sections 2 and 21A to 21E, or Chapter 138, Section 12, Massachusetts General Laws.

(Ord. #257, Approved May 4th, 1987, Eff. June 3rd, 1987)

Section 13-50. Door-to-Door Sales for Future Delivery

Any person or persons violating this section may be arrested without warrant and/or summoned before a court of competent jurisdiction, and punished by a fine of not more than One Hundred ($100.00) Dollars.

Section 50-1 Findings and intent

This ordinance is intended to regulate door-to-door sales by licensing sales agents and promulgating reasonable time and manner restrictions on door-to-door solicitation.

Section 50-2 Definitions

The following words and phrases shall have the following meanings:

DOOR-TO-DOOR SALES – The in-person solicitation by a person by entry upon residential property, including multifamily or duplex residential property, 1. Seeking to obtain orders for the present of future delivery of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever; or 2. Seeking to obtain prospective customers for application or purchase of insurance of any type or character; or 3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or 4. Seeking to obtain gifts or contributions or money, clothing or any other valuable thing for the support or benefits of any association, organization, corporation or project, not otherwise exempt under this chapter.

DOOR-TO-DOOR SALES PERMIT – A permit issued to a sales agent to engage in door-to-door sales in accordance with this article.

SALES ORGANIZATION – Any entity engaged in the supervision, recruitment, retention or employment of a salesperson or salespersons, including any person or representative thereof for door-to-door sales of goods, services, periodicals for future delivery.

SALESPERSON – Any person engaged in door-to-door sales of goods or services for present or future delivery or seeking gifts or contributions of money or any other item(s) of value.

SALES SUPERVISOR – Any person who directs or supervises a salesperson or salespersons engaged in door-to-door sales.

SOLICITATION-

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever; or

2. Seeking to obtain prospective customers for application or purchase of insurance of any type or character; or

3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or 4. Seeking to obtain gifts or contributions or money, clothing or any other valuable thing for the support or benefits of any association, organization, corporation or project, not otherwise exempt under this chapter

Section 50-3 Administration

The City of Methuen door-to-door sales permit process shall be administered by the City of Methuen Police Department.

Section 50-4 Application Requirements

A. Each salesperson must apply individually to the Methuen Police Department during posted administrative hours by submitting a completed application, which shall require:

1. Government issued photographic identification
2. Date of birth
3. Social security number
4. Permanent residential address
5. Home telephone number
6. Temporary local address
7. Current cell phone number
8. Sales organization information
9. Sales supervisor identity
10. Make, model, color and registration number of any vehicle(s) used to transport the sales agent, his/her supervisor or sales materials.
11. Such other identifying information as may be reasonably required
12. Submission of (2) "passport" type photo's. IE: A color photo printed on photo quality paper, 2x2 inches in size, sized such that the head is between 1 inch and 1 3/8 inches from the bottom of the chin to the top of the head, taken within the last 6 months to reflect the applicants current appearance, with a plain white or off-white background, taken directly facing the camera with a neutral expression and both eyes open.
13. Submission of non-refundable permit fee.

B. An application fee to be established and adjusted from time to time by the City Council shall accompany each City Methuen sales permit application.

Section 50-5 Background Check

A) Subject to the provisions of the Massachusetts Criminal Records Offender Statute, M.G.L. Chapter 6, Section 167 et seq., and regulations promulgated thereunder, the City of Methuen shall conduct a criminal records check of each applicant for a City of Methuen door-to-door sales permit to determine the applicant's fitness and suitability to

conduct door-to-door sales.

B) An inquiry shall be completed to determine whether a sales agent, or supervisor is a missing person.

Section 50-6 Door-to-Door sales regulations

A. No salesperson shall engage in door-to-door sales without first having applied for and received a City of Methuen door-to-door sales permit.

B. No sales organization shall allow any salesperson to engage in door-to-door sales who has not applied for and received a City of Methuen door-to-door sales permit.

C. No sales supervisor shall direct, supervise or allow any salesperson to engage in door-to-door sales who has not applied for and received a City of Methuen door-to-door sales permit.

D. Each salesperson shall wear affixed to their outer clothing the City of Methuen door-to-door sales permit at all times while engaged in door-to-door sales.

E. No salesperson or supervisor shall use any vehicle to transport persons or materials for door-to-door sales unless said vehicle is identified in the City of Methuen door-to-door sales permit application and the exterior of said vehicle is marked with the name of the sales organization and the words "door-to-door sales." All required information shall be in letters a minimum of four inches in height on both sides of the vehicle.

F. The fee for the door-to-door sales permit shall be $35.00. Fee's are non-refundable and shall remain with the Methuen Police Department.

G. $25.00 deposit is required for the door-to-door sales permit; returned to person upon return of door-to-door permit to Methuen Police Department.

H. After 30 days, the Methuen Police Department will no longer refund the $25.00 deposit. However, parties are still required to return the door-to-door sales permit upon conclusion of the 30 days to the Methuen Police Department or be subject to criminal charges.

I. Any applicant not in violation of any provision of this article may obtain an extension of the door-to-door sales permit for a non-refundable fee of $20.00 for each additional 30 days, provided that a criminal record check is conducted for each extension sought. The $25.00 deposit will be refunded upon expiration and return of the extended sales permit to the Methuen Police Department. No deposit refund shall be issued without return of the sales permit.

J. Door to door sales shall be restricted to the hours of 10:00 A.M. thru 7:00 P.M., Monday thru Saturday. Door to door sales shall be prohibited on Sundays.

Section 50-7 Denial and revocation

A. The Chief of Police or designee may deny issuance or revoke any door-to-door sales permit after notice for any of the following causes:

1. Fraud, misrepresentation or any false statements made to the police department in furnishing the information required by section 50-4.
2. Any violation of this article.
3. Conviction of the permit holder of any felony within the past 10 years of the date of application.
4. Conviction of the permit holder of any misdemeanor within the past 5 years of the date of application.
5. Conducting solicitation in an unlawful manner or in such a manner as to constitute a breach of the peace or to be a menace to the health, safety or general welfare of the people of the City.

B. Notice of denial or revocation of a permit shall be given in writing, stating the reasons therefor. Such notice shall be mailed to the permit seeker or holder at the address given in the application.

Section 50-8 Transfer; use by other person

A permit issued pursuant to this article shall not be assigned or transferred. Nor shall a permit be used by any person other than the person to whom the permit was issued.

Section 50-9 Signs prohibiting solicitation; trespass

A. It shall be unlawful for any salesperson to enter the premises or remain on property displaying a “No Trespassing” or “No Solicitation” sign.

B. It shall be unlawful for any salesperson to ignore a no solicitation directive or remain on private property after a resident or resident’s representative has indicated that the salesperson is not welcome.

Section 50-10. “Do Not Knock Registry”.

(a) The Police Department Designee shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Chief of Police or his designee, that a door-to-door salesperson, hawker, peddler or any other person, including corporate or business entities, wishing to sell wares or services in all districts, in locations which are not stationary are not permitted on the premises (hereinafter referred to as the “Do Not Knock Registry”). Notification shall be by completion of a form available at the Police Department.

(b) The Chief of Police or designee shall distribute the current "Do Not Knock Registry" to a person or entity licensed under this chapter at the time of issuance of the license. The licensee shall not peddle, canvass, or conduct door-to-door sales at any premises identified on the then current "Do Not Knock Registry".

(c) Any canvasser, peddler, itinerant vender or owner or employee of a door-to-door sales enterprise who violates any provision of this section shall be:

1) Subject to an ordinance violation fine of $300.00 per offense and/or
2) Subject to a one-year revocation of any license issued pursuant to the within article.

Section 50-11 Exemptions

A. No license shall be required under this ordinance for any students who reside in/or attend a school within the City of Methuen and minors participating in City of Methuen recognized/chartered/sponsored youth organizations, for the purpose of participating in organization sponsored fundraiser drives. Section 50-6J as it pertains to hours of door-to-door sales shall pertain to this exemption additionally allowing door-to-door sales on Sundays from 12:00 P.M. thru 6:00 P.M.

B. Under Section 50-4(A), a minor, (not exempt under section 50-A), who does not possess government issued photographic identification may present an original birth certificate or an affidavit signed under the penalties of perjury by the minor's parent or guardian attesting to the minor's date of birth.

C. The provisions of this Ordinance shall not apply to any person who goes door-to-door to sell goods or periodicals on behalf of any group organized for any political purpose or for any purpose described in Section 4, Chapter 180 of the General Laws, nor shall this section apply to a person engaged in any activity governed by Section 69 of the General Laws. However under Section 50-4(B) and Section 50-6, the license fee shall only be waived for any salesperson engaged in door-to-door sales for a non-profit organization upon presentation of written evidence of status under Internal Revenue Service Code (IRC 501 (c) (3).

D. The provisions of Section 50-5 regarding CORI certifications shall not apply to individuals under the age of fourteen (14) years of age providing a sales supervisor for the individual(s) has complied with the provisions of this section, and filled out an "Affidavit of Supervision" listing all participants names and addresses, and that the individuals are individually known to the supervisor, and will be supervised in their door-to-door solicitation and will be responsible for their conduct.

E. No license shall be required under this ordinance for any person going door-to-door for the purpose of advocating any religious, political, social or other position or belief protected by the federal or state constitution. (This exemption does not apply and such person is required to obtain a license if the exercise of the person's constitutional rights are merely incidental to a commercial activity.)

Section 50-12 Violations and penalties

A. Each violation of any provision of this article shall be punished by a fine not to exceed $300.00.

B. Upon the occurrence of a second violation of this article by any salesperson, the issuing authority shall permanently revoke that salesperson's City of Methuen door-to-door sales permit.

Section 50-13 Severability

The invalidity of any portion or portions of this article shall not invalidate any other portion, provision or section thereof.

(Ord. #293, Approved July 5th, 1988, Effective July 5th, 988; as amended by Ord. #421, Approved Aug. 5th, 1991, Effective Sept. 4th, 1991, as amended by Ord. #851, Approved June 6, 2011)

Section 13-60. An Ordinance Relating to Mandatory Server Training for all Liquor Establishments

A. Purpose

The City Council recognizes the need to make all liquor establishments more responsible for the procedures they use when dispensing/selling alcoholic beverages. Specifically, to insure that management and employees of such establishments understand the consequences of unlawful serving practices - recognize and implement strict policies and procedures therewith.

B. Requirement

Any person, firm or corporation licensed under the provisions of Chapter 138, Section 12 or 15, including seasonal sales and further including malt and wine sales, shall participate in a program designed to train employees who engage in either package sales or pouring in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors. This program will be based on the type of license issued.

Said person, firm or corporation shall participate only in programs which have been approved by the Methuen Licensing Board.

C. Compliance; Training

All personnel shall be required to participate in a training program based upon the type of license issued and as determined by the Licensing Board. Licensees must comply with this ordinance from the date of its adoption and have one hundred percent (100%) of their employees trained and certified by December 31st, 1994. After that time, new

employees of any licensee will have forty-five (45) days from the date of employment to become certified.

D. Certificate; Posting

All establishments shall maintain and exhibit, in visible location during operating hours, a roster or certificate of trained and certified personnel. An updated roster shall be submitted with the annual application for renewal of the license. The roster shall include:

1) Employee name
2) Employee date of birth
3) Employee social security number
4) Type of training (license)
5) Date valid
6) Date of expiration
7) Date of hire

E. Re-certification

All personnel shall be required to be re-certified once every three (3) years through an approved program.

F. Penalties

Failure to comply with this ordinance will result in a show cause hearing before the Licensing Board who shall determine what action, including without hereby limiting, revocation or suspension of the license, is appropriate.

(Ord #509, Eff. June 1st, 1994; as further amended by Order #810, eff. March 22, 2007)

Section 13.70. Late-Night Entertainment Licensing

Unless otherwise restricted, no holder of a license issued by the City of Methuen pursuant to Massachusetts General Laws, Chapter 140, Sections 177A, 181 and 183A, shall permit any activity licensed thereunder to be conducted between the hours of 2:00 A.M. and 6:00 A.M. The Mayor shall cause to be printed on all such entertainment and amusement applications a copy of this ordinance.

(Ord. #645, Eff. May 21st, 1998)

Section 13.71. Mandating Public Notification of Entertainment Applications

No application for a public entertainment/amusement proposed to be licensed under Massachusetts General Laws, Chapter 136, Section 4, Chapter 140, Section 181, Chapter

140, Section 183A, or Chapter 13 of the Methuen Municipal Code, shall be finally and favorably acted upon where the estimated patron count would exceed seven hundred fifty (750) unless the following has occurred prior to same:

(1) Notice of said application, together with all accompanying documents, has, a minimum of seventy-two (72) hours prior to the application, been filed in the office of the City Council Clerk.

(2) Notification by newspaper and prepaid postage mail to parties in interest as defined by Section 11, Chapter 40A of the Massachusetts General Laws, has been accomplished no later than ten (10) days prior to the approval.

The provisions of this ordinance may only be waived by the Mayor or the Licensing Board, as applicable, where they determine an emergency necessitates and requires immediate action.

(Ord. #643, Eff. May 21st, 1998)

Section 13.80. Automatic Amusement Devices

In accordance with Massachusetts General Laws, Chapter 140, Section 177A, as amended, any individual or business desiring to keep and operate an automatic amusement device for hire, gain or reward shall secure an annual license from the City Council. The City Council shall not grant a license for any automatic amusement device which presents a risk of misuse as a gaming device.

Automatic amusement devices that present a risk of misuse as gaming devices are those that have one or more of the following:

- The device involves matching random numbers, patterns or cards
- The device accumulates more than twenty-six (26) plays
- The device is equipped with a “knock off” switch, button, or similar device
- The device has a mechanism for adjusting the odds
- The device has a remote control feature that can reset the device from another location
- The device is capable of returning money to the player, other than the change for the excess amount put in

- The device permits a player to pay for more than one game at a time.

If a device has one or more of the above characteristics it **MUST** be assigned Massachusetts Approval Number granted by the Massachusetts Division of Standards pursuant to the provisions of G.L. c. 94, §283 before it may be considered for licensing by the Licensing Board. This will ensure the Licensing Board as well as the Methuen Police Department that said device is accepted for use in the Commonwealth of Massachusetts, and so may be subject to licensing by the Licensing Board.

Each game on the device shall cost exactly the same amount for each player and no player may change any aspect of the game by paying a different amount than any other player before or during the game. There shall be no metering device that accounts for both money/points in and money/points out.

The maximum number of automatic amusement devices allowed on any single business premises shall be four (4) except in the case of duly licensed arcades and amusement parks. Any individual or business desiring more than four (4) automatic amusement devices on a single business premises shall require a special permit from the Licensing Board. All licenses for automatic amusement devices granted by the City Council shall be subject to inspection by the Methuen Police Department to insure conformance with this amusement device ordinance and the submitted application information. Any unlicensed automatic amusement device shall be subject to immediate seizure by the Methuen Police Department.

(Ord. #703, Eff. September 6th, 2000, as further amended by Order #906, eff. July 6, 2016)

Section 13-90. Regulating Class II and Class III Automobile Businesses

A. In accordance with its authority under Chapter 140, Section 59 of the Massachusetts General Laws, the Methuen City Council hereby enacts the following regulations to govern the size of premises of licenses within a Class III area.

B. Specifically, no license for the original issuance to the extent permitted or for any renewal of a Class III license shall be granted unless and until the Licensing Board shall have sought and obtained from the Police Chief and the Fire Chief a report specifying the maximum recommended number of Class III vehicles permitted on the site. The Board shall not approve an amount above the maximum recommended amount herein unless it shall, as part of its decision, explain in detail its reasoning in writing. Said report shall identify appropriate aisles in accordance with public and fire safety codes as well as optimum access points for firefighters fighting a conflagration at the scene.

C. Additionally, the Board shall, prior to the issuance of Class III licenses, seek and obtain a report from the Conservation Commission or its designee identifying any environmental concerns on or near the site, and, specifically, matters relating to

the Wetlands Protection Act and Ordinance. Said report shall identify and make recommendation on whether or not a license should be granted to the premises and, if so, upon what conditions.

D. Licenses herein shall be approved for the storage of Class III type vehicles for the applicant where said applicant holds the item in bailment or ownership. In the instance where a vehicle is stored for other than bailment or ownership of the applicant, the applicant shall notify the Board and shall request an amendment to the license.

E. Stacking of vehicles on top of each other in a Class III business is prohibited.

(1) All license applications, be it original or renewal, shall identify thereon the Manager who shall be in control of the facility and who shall, to himself or designee, be available to public safety personnel twenty-four hours a day and shall provide a telephone number and address for contact.

(2) Any facility licensed under a Class III or Class II business shall be subject to inspection by the Inspectional Services Division and by the Police and Fire Departments. If one of the aforementioned inspectional units discovers a violation of a serious nature, it shall document the notice of violations, providing a copy to the applicant and a copy to the Licensing Board. In the instance where there are two documented violations in any given twelve month period, the Licensing Board shall forthwith conduct a hearing to determine whether or not to revoke the license or take other appropriate action.

F. In the instance where a residential business or commercial structure is utilizing a well system and is within one thousand (1,000) feet of the property line of the Class III business, any license issued for such Class III business by the Licensing Board shall contain therein a condition requiring, at the applicant's cost, annual potable water testing of such well in accordance with E.P.A. standards if required to do so by the Board of Health.

G. If a Class III business stores tires on the premises, they shall be stored in a location on the premises outside of a building and in an area as approved by the Fire Chief. The tire storage area shall be no larger than ten (10) feet wide, ten (10) feet deep and six (6) feet high. Said Class III business must have an on-going program for the removal of the tires which shall be annually approved by the Chief.

H.. In the instance where a Class II business additionally is licensed for a Class III operation or, as a result of conducting a Class II business, performs Class III type work or storage on the site, the above cited requirements shall additionally apply to the renewal of a license of that business.

I. A Class III business license holder shall, at or before the next renewal, where it is visible from an abutting residential property or public or private way shall erect a screen out of natural objects or well constructed and properly maintained fences at least six feet high and in a manner acceptable to the Licensing Board that blocks the view from adjacent areas

J. In the instance where an individual, corporation, or other entity operating under a Class III license granted by the Licensing Board intends to sell such business or transfer it to a family member, said licensee shall be required to obtain a certificate of compliance. No new license shall be granted for a Class III business on the premises unless and until such certificate is granted. Said certificate of compliance shall accompany the new license application and shall be issued jointly by the Inspectional Services Division of Community Development, Police Department and the Fire Department if the premises are in compliance with all applicable requirements imposed by statute, regulation, ordinance or conditions. A certificate of compliance fee in the amount of Two Hundred Dollars ($200.00) shall be charged for the inspection so performed and the cost of such inspection and certificate shall be borne by the applicant

K. The provisions of Paragraph A.1. regarding maximum recommended vehicles shall likewise apply to a Class II business.

L. Class III facilities shall undergo an annual license compliance review performed by the Fire and Police Departments in conjunction with the Inspectional Services Division of Community Development. There shall be no fee for the annual inspection except where the premises fail the inspection review and require a re-inspection, the re-inspection fee shall be Two Hundred Dollars ($200.00).

(Ord. #698, Eff. May 31st, 2000)

CHAPTER 14

SEWERS

Article	Item
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CHAPTER 14 - SEWERS

Article I. Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

"The Act" shall mean the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) and Public Law 93-243.

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter.

"Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

"Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Combined Sewer" shall mean a sewer receiving both wastewater and surface runoff.

"District" shall mean the Greater Lawrence Sanitary District.

"Director" shall mean the Director of Public Works of Methuen.

"Domestic Wastewater" shall mean the wastewater derived principally from dwellings, business buildings, institutions and the like. It may or may not contain ground-water, surface water, or storm runoff.

"EPA" shall mean the Environmental Protection Agency of the United States Government.

“Excessive" shall mean amounts or concentrations of a constituent of wastewater which in the judgment of the Director; (a) will cause damage to any City facility; (b) will be

harmful to a wastewater treatment process; (c) cannot be removed in the District treatment works to the degree required to meet the limiting standards of the EPA and/or State effluent standards; (d) can otherwise endanger life, limb or public property; and, (e) can constitute a nuisance.

"Facilities" shall include structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing, or disposal of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of such structures and conduits including treatment and disposal works, necessary intercepting, outfall, and outlet sewers, equipment, furnishings thereof and other appurtenances connected therewith.

"Garbage" shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food. It is composed largely of putrescible organic matter and its natural moisture content.

"Incompatible Pollutant" shall mean any pollutant, other than biochemical oxygen demand, suspended solids, pH, coliform bacteria, or additional pollutants identified in the permit, which the treatment works was not designed to treat and does not remove to a substantial degree.

"Industrial Wastewater" shall mean the waste- water in which the liquid wastes from industrial manufacturing processes, laboratory, trade or business predominates as distinct from domestic wastewater.

"Industry" shall mean an establishment with facilities for mechanical, testing, trade, or manufacturing purposes.

"Person" shall mean any individual, firm, company, association, society, corporation, group, or municipality.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter (gm/1) of solution.

"Properly Shredded Garbage" shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

"Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"Receiving Waters" shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving discharge of wastewater.

"Sanitary Sewer" shall mean a sewer which carries wastewater, and to which storm, surface and ground-waters are not intentionally admitted.

"Sewer" shall mean a pipe or conduit for carrying wastewater.

“Shall" is mandatory; "may" is permissive.

"Slug" shall mean any discharge of water, wastewater, or industrial waste which is concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, or flow, during normal operation.

"Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes waste-water and industrial wastes, other than unpolluted cooling water.

"Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering, and are referred to as non-filterable residue in the laboratory test prescribed in "Standard Methods for the Examination of Water and Wastewater".

"State" shall mean the Massachusetts Division of Water Pollution Control.

"Wastes" shall mean substances in liquid, solid or gaseous form that can be carried in water.

"Wastewater" shall mean the spent water of a community and may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any groundwater, surface water, and storm water that may be present.

"Wastewater Treatment Works" shall mean any arrangement of devices and structures used for treating wastewater.

"Wastewater Works" shall mean all structures, equipment, and processes for collecting, pumping, treating, and disposing of wastewater.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Article II. Building Sewers and Connections

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Director at least forty-five (45) days prior to the proposed change or connection.

B. The owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. A permit and inspection fee of Fifty Dollars ($50.00) for a Sewer Permit shall be paid to the City at the time the application is filed. Approval of commercial and industrial permits must be obtained from the District or after review and recommendation by the District before a permit can be issued.

(Amended by Ord. #289, effective July 13th, 1989)

B.1. In addition to the information required to be submitted in Article II, Section B, to the Director, in the instance where there is a conversion from a private sub-service disposal system proposed to be made for a connection into a sewer system, the Director shall insure that the Plumbing Inspector has made a pre-sewer entry inspection and has approved the same. Said Plumbing Inspector, in issuing the inspection approval, shall insure that the plumbing system of the building proposed to be connected has an adequate drain waste vent system so as to insure proper trapping and ventilation.

(Ord. #539, Eff. May 18th, 1995)

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this ordinance. Any costs involved in examinations and tests shall be paid by the person making the application for a permit.

F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9, shall apply.

G. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

J. The applicant for the Building Sewer Permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The sewer connection shall be made under the supervision of the Director or his representative.

K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Article III. Use of Public Sewers

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Director, to a storm sewer, combined sewer, or natural outlet.

C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(3) Any water or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

D. Solid or viscous substances in quantities or of such size capable

of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ash, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paun manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

E. No person shall discharge or cause to be discharged the following described substances, materials, water, or wastes if it appears likely in the opinion of the Director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capa of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one-hundred fifty (150) F, sixty-five (65) C.

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one-hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one-hundred fifty (150) F (0 and 65 C).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the District.

(4) Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the District for such materials.

(6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established be the District as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District in compliance with applicable State or Federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5.

(9) Materials which exert or cause:

(a) Unusual concentration of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions.)

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

F. Industries who desire to discharge industrial wastewaters into City facilities or facilities appurtenant thereto, shall make their requests in writing to the District.

G. Limiting acceptable amounts and concentrations of the constituents of wastewater to be discharged to City facilities are such as to meet the District Rules and Regulations adopted June 1971, and as amended.

H. If any wastewater liquid from septic tanks, waters, or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section D. of this Article, and which in the judgment of the District, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District may:

(a) Reject the wastes.

(b) Require pretreatment to an acceptable condition for discharge to the public sewers.

(c) Require control over the quantities and rates of discharge, and/or,

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section J. of this Article.

If the District permits the pretreatment of equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District, and subject to the requirements of all applicable codes, ordinances, and laws.

I. Grease, oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily and easily accessible for cleaning and inspection.

J. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

K. When required by the District, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

L. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(1) All industries discharging into a public sewer shall perform such monitoring of their discharges as the Director or District and/or other duly

authorized employees of the City may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Director or District. Such records shall be made available upon request by the Director or District to other agencies having jurisdiction over discharges to the receiving waters.

M. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment subject to payment, therefor, by the industrial concern.

N. Future connections to facilities constructed by the City shall be designed by criteria established by the Director and constructed by the person desiring the additional connection after review and approval of the plans and specifications by the Director.

Article IV. Protection from Damage

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Article V. Powers and Authority of Inspectors

A. The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance.

The Director, or his representative, shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment.

B. While performing the necessary work on private properties referred to in Article V, Section A., above, the Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees, except such as may be caused by negligence or failure of the company to maintain safe conditions as required in Article III, Section I.

C. The Director and other duly authorized employees of the City bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection,

observation, measurement, sampling, repair and maintenance of any portion of the wastewater works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Article VI. Penalties

A. Any person found to be violating any provisions of this ordinance shall be served by the City with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in Article VI, Section A, shall be guilty of a misdemeanor and on conviction thereof, shall be fined in the amount not exceeding Twenty Dollars ($20.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

Article VII. Sewer User Charges

A. Sewer Fees and Charges; Public Hearings; Council Action

The City Council of the City of Methuen may establish such fees, charges and costs for the operation of the sewer system provided that no such fee, charge or cost may be implemented until a public hearing shall be held by it. Said hearing shall be held within forty-five (45) days of the submission to the City Council of a resolution to establish such fee, charge or cost. Said public hearing shall be advertised in a newspaper of general circulation in said City at least seven (7) days prior to the hearing. The City Council shall take action on such proposed fee, charge or cost within thirty (30) days after said hearing. Provided that no such increase shall take effect excepting as may be approved by a two-thirds vote of the full City Council.

B. No adjustments are to be granted for water used which is not eventually disposed of in a sanitary sewer, unless the customer:

(a) In the case of maintenance of lawns and the like, at his own expense, installs a water meter to measure such usage; or

(b) In the case of swimming pools, such adjustment may be made for filling the pool on the basis of either (1) reading the existing water meter by City personnel before and after filling, or (2) by determining the capacity of the pool by City personnel. The Director of Public Works is empowered to utilize either of the above methods in determining the amount to be adjusted.

C. That, for the purposes of abatement, the Director of Public Works shall be determined to be the officer having control of the Sewer Department (Division) within the meaning of Chapter 83, Section 16E of the General Laws.

Article VIII. Validity

A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

B. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Article IX. Sewers and Drains

Any drain or sewer laid in any land or way, public or private, which is opened or proposed to be opened for public travel and accommodation shall be a main drain or common sewer.

(1973 Ord., as amended by Ord. #46, March, 1976, as further amended by Ord. #50, Oct., 1976, as further amended by Ord. #56, Aug., 1977; as further amended by Ord., #96, Sept. 1981; and as further amended by Ord. #289, June, 1988; and as further amended by Initiative Petition (an Ordinance Abolishing the Sewer and Water Commission, Abolishing the Sewer and Water Enterprise Fund, and Establishing a Procedure for Rates and Charges for Sewer and Water) approved by the voters November, 1991; and as further amended by Ord. #443, June, 1992).

Article X. Mandating Sewer Connections

A. All new construction of residential and commercial buildings upon land abutting a public or private way in which there is a common sewer shall connect the same therewith by a sufficient drain. This requirement shall apply to all lots on a subdivision where such subdivision abuts a public or private way in which there is a common sewer.

B. The owner or occupant of any building upon land abutting a public or private way in which there is a common sewer and whose septic system has failed shall connect the same therewith by a sufficient drain within three months of said failure.

C. A variance from the requirements of Sections A. and B. herein may be granted by the Board of Health on the following conditions: that said land, by reason of its grade or level or any other cause, cannot be drained into such sewer, until such incapacity is removed, and, further, provided that the present septic system will be repaired or replaced which meets the requirements of the Board of Health; said variance to be only for so long as said system continues to meet those requirements as they may be amended or revised.

(Ord. #575, Eff. July 31st, 1996)

Article XI. Pumping Station Maintenance Fee

A. It shall be the policy of the City of Methuen not to accept pumping stations which have been established as part of the subdivision process excepting in the instance where the individual seeking the municipal acceptance of the same shall, simultaneously with the request, submit to the City of Methuen the sum of Twenty-five Thousand Dollars ($25,000.00) to represent the maintenance fee for the pumping station. Said monies shall be held in a separate account and utilized under authority of the Mayor and Department of Public Works Director for the maintenance of such pumping station.

B. The Community Development Department is directed to notify all parties during the permitting process who may utilize a pumping station that said pumping station will not be accepted unless said fee is paid.

(Ord. #739, Eff. June 20, 2002)

CHAPTER 15

WATER

Section	Item
Sec. 15-1.	Water main extensions
Sec. 15-2.	Sale of water to bordering communities
Sec. 15-3.	Contract for sale of water
Sec. 15-4.	Cross connection control
Sec. 15-5.	Water fees and charges; public hearings; Council action
Sec. 15-6.	Reserved
Sec. 15-7.	Abatements
Sec. 15-8.	Procedure for shutting off the flow of water on failure to pay lawful charges
Sec. 15-9.	Water use restriction

CHAPTER 15 - WATER

Section 15.1. Water Main Extensions

The City of Methuen during and/or after installation of a water main extension shall take a water lien from all owners abutting said water main extension and connected therewith so as to insure the guarantee of an annual income return of four percent (4%) of the actual cost of construction, said lien to remain in full force and effect for a period of twenty (20) years or until such date as the four percent (4%) annual income return is realized, whichever occurs sooner, said four percent (4%) annual income return to be charged equally to those abutting owners connecting therewith immediately after original construction and thereafter no further water lien shall be taken by the City on said water main extension.

The City shall adjust said water lien so as to insure the four percent (4%) annual income return when other abutting owners connect thereto. The adjusted rate shall continue in full force and effect as set forth above and shall terminate in accordance with the above provisions.

Said water liens shall be implemented by the City of Methuen by a water lien agreement entered into by the City through its water department and abutting property owners connecting into said water main extension.

(1973 Ord., Added by Ord. #39, October, 1975)

Section 15-2. Sale of Water to Bordering Communities

In accordance with the provisions of Chapter 106 of the Acts and Resolves of 1985, the City of Methuen, acting by and through the Mayor, and subject to the approval of the City Council, may contract with bordering communities for the sale of water to such communities and its inhabitants; provided, however, that no contract shall be submitted to the City Council unless the following conditions are met:

That a report is submitted to the City Council which demonstrates:

B. That the sale of water to such community will be at a rate equal to or greater than that charged to the City of Methuen inhabitants.

C. That no re-sale of water from such receiving community shall be allowed without prior approval of the City of Methuen.

D. That the sale of water as to quantity and pressure shall exist on a "Methuen first priority".

E. That no sale of water to a bordering community will act to substantially deter business and commercial development in Methuen.

Section 15-3. Contract for Sale of Water

No contract for the private sale of water, excepting transmission of water through subsurface distribution to Methuen businesses or residences, shall be made without the same being made under a written contract with the person or company purchasing such water. Such written contract shall be governed by the provisions of Chapters 7, 7-A and 7-B of the Methuen Municipal Code and a copy of the same, upon execution, shall be delivered to the City Accountant and City Council. All monies paid to the City for such sale shall be reported forthwith to the City Accountant.

(1973 Ord. as amended by Ord. #39, Oct. 1975; as amended by Ord. #274, Eff. Dec. 2nd, 1987.)

Section 15-4. Cross Connection Control

4.1 Purpose.

The purpose of this ordinance is:

4.1.1 To protect the public potable water supply served by the Methuen Water Department from the possibility of contamination or pollution by isolating such contaminants or pollutants which could backflow or backsiphon into the public water system.

4.1.2 To promote the elimination or control of existing cross connections, actual or potential, between its customers in-plant potable water system, and non-potable systems.

4.1.3 To provide for the maintenance of a continuing program of cross connection control which will effectively prevent the contamination or pollution of all potable water systems by cross connection.

4.2 Authority.

As provided in the Federal Drinking Water Act of 1974, (Public Law 93-523), and the Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22, the water surveyor has the primary responsibility for preventing water from unapproved sources or any other substances from entering the public potable water system.

4.3 Responsibility.

The Director of Public Works shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of the premises, the Director of Public Works determines that an approved backflow prevention device is required at the City's water service connection or as in- plant protection on any customer's premises, the Director of Public Works, or his delegated representative, shall issue a cross connection violation form to said customer to install approved backflow prevention devices. The customer shall, within a time frame determined by the Director of Public Works, install such approved device or devices at his own expense, and failure or refusal or inability on the part of the customer to install said device or devices within the specified time frame shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

4.4 Definitions.

4.4.1 Air Gap Separation: The method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.

4.4.2 Approved: Accepted by the Reviewing Authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

4.4.3 Approved Backflow Prevention Device or Devices: A method to prevent backflow approved by the Department for use in Massachusetts.

4.4.4 Atmospheric Vacuum Breaker: An Approved backflow device used to prevent back siphonage which is not designed for use under static line pressure.

4.4.5 Auxiliary Water Supply: Any water supply of unknown or questionable quality on or available to the premises other than the supplier's approved public potable water supply.

4.4.6 Back Pressure: Pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.

4.4.7 Back Siphonage: A form of backflow due to reduced or sub-atmospheric pressure within a water system.

4.4.8 Backflow: The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than the intended source.

4.4.9 Backflow Preventer with Intermediate Atmospheric Vent: A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere, in which the check valves are forced loaded to a normally closed position and the venting means is force loaded to a normally open position.

4.4.10 Barometric Loop: A loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.

4.4.11 Contaminant: Any physical, chemical, biological or radiological substance or matter in water.

4.4.12 Cross Connection: Any actual or potential connection between a distribution pipe of potable water from a public water system and any waste pipe, soil pipe, sewer, drain, or other unapproved source.

4.4.13 Cross Connection Violation Form: A violation form designated by the Department, which is sent to the owner by the water supplier with copies sent to the Department, Plumbing Inspector and Board of Health delineating cross connection violations found on the owner's premises and a procedure for corrective action.

4.4.14 Delegated Agent or Representative: Any individual approved by the Director of Public Works who holds a current certificate as a backflow prevention device tester from the Commonwealth of Massachusetts.

4.4.15 Department: The Massachusetts Department of Environmental Protection (D.E.P.).

4.4.16 Director of Public Works: The Director of Public Works in charge of the Methuen Water Department is invested with the authority and responsibility for

the implementation of an effective cross connection control program and for the enforcement of the provisions of this ordinance.

4.4.17 Double Check Valve Assembly: A backflow prevention device which incorporates an assembly of check valves, with shut-off valves at each end and appurtenances for testing.

4.4.18 In-Plant Protection: The location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system and the potable water system within the premises.

4.4.19 Owner: Any person maintaining a cross connection installation or owning or occupying premises on which cross connections can or do exist.

4.4.20 Permit: A document issued by the Director of Public Works which allows a cross connection.

4.4.21 Person: Any individual, corporation, company, association, trust, partnership, the Commonwealth, a municipality, district, or other subdivision or instrumentality of the United States, except that nothing herein shall be constructed to refer to or to include any American Indian tribe or the United States Secretary of the Interior in his capacity as trustee of Indian lands.

4.4.22 Pressure Vacuum Breaker: An approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.

4.4.23 Reduced Pressure Backflow Preventer: An approved backflow prevention device incorporating (1) two more check valves, (2) an automatically operating differential relief valve located between the two checks, (3) two shut-off valves, and (4) necessary appurtenances for testing.

4.4.24 Residential Dual Check: An assembly of two spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

4.4.25 Reviewing Authority: The Department, its designee, or the local plumbing inspector, authorized by M.G.L. c. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device.

4.5 Administration

4.5.1 The Director of Public Works will operate an active cross connection control program. The Director of Public Works will have a delegated agent or representative that will test all backflow preventers according to 310 CMR 22.22 schedules. The program will include the keeping of necessary records, which fulfills the requirements of 310 CMR 22.22.

4.5.2 The owner shall allow his property to be inspected for possible cross connections and shall follow the provisions of the Director of Public Works' program and the Department's regulations.

4.6 Requirements

4.6.1 Director of Public Works

4.6.1.1 On new installations, the Director of Public Works will provide on-site evaluations and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, and notify the owner of plan approval requirements by the appropriate reviewing authority.

4.6.1.2 For premises existing prior to the start of this program, the Director of Public Works will perform surveys of the premises and reviews of as-built plans and issue a cross connection violation form to the owner detailing any corrective action required, the method of achieving the correction, and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved.

4.6.1.3 The Director of Public Works will not allow any cross connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.

4.6.1.4 If the Director of Public Works determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

4.6.1.5 The Director of Public Works will begin initial premise inspections to determine the nature of existing or potential hazards, following the approval of this program by this Department, during calendar year 1988. Initial focus will be on high hazard industries and commercial premises.

4.6.1.6 The Director of Public Works strongly recommends that all new and retrofit installations of reduced pressure preventers and double check valve assemblies include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as

water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may "stir up" debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

4.6.2 Owner

4.6.2.1 The Owner shall be responsible for the elimination or protection of all cross connections on his premises.

4.6.2.2 The Owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross connections and installations of backflow prevention devices.

4.6.2.3 The Owner shall have any device that fails an inspection or test repaired by a licensed plumber.

4.6.2.4 The Owner shall inform the Director of Public Works of any proposed or modified cross connection and also any existing cross connections of which the owner is aware but has not been found by the Director of Public Works or his designated agent.

4.6.2.5 The Owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

4.6.2.6 The Owner shall install backflow preventers in a manner approved by the Department and by the Director of Public Works.

4.6.2.7 The Owner shall install only reduced pressure backflow preventers and double check valve assemblies approved by D.E.P.

4.6.2.8 All non-residential facilities that have a separate water source shall not connect to the public water supply without approval from the Director of Public Works. The Owner shall install a reduced pressure device at the service entrance if another water system exists at the premises.

4.6.2.9 The owner of any residential premises having a private well or other private water source will not be allowed a physical connection with the public water supply system.

4.6.2.10 The Owner shall be responsible for the payment of all fees for permits, device tests, re-tests and re-inspections for non-compliance.

4.6.2.11 The Owner shall be responsible for providing labor on the premises as

necessary to allow inspection and testing of devices by the Director of Public Works or his designated agent.

4.6.2.12 The Owner shall be responsible for having complete repair kits for each device on the premises. If the device cannot be repaired, the Owner must replace the device.

4.7 Existing In-use Backflow Prevention Devices

Any existing backflow preventer shall be allowed by the Director of Public Works to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure backflow preventer, or a reduced pressure backflow preventer must be installed in the event that no backflow device was present.

4.8 Periodic Testing

4.8.1 Double check valve assemblies shall be tested annually. Reduced pressure backflow preventers shall be tested semi-annually by the Director of Public Works or his/her delegated agent.

4.8.2 Periodic testing shall be performed by the Director of Public Works' certified tester or his delegated representative.

4.8.3 The testing shall be conducted during the Director of Public Works regular business hours. Exceptions to this, when at the request of the Owner, may require additional charges to cover the increased costs to the Director of Public Works or his delegated agent.

4.8.4 Any backflow preventer which fails during a periodic test must be repaired or replaced by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be re-tested at the Owner's expense to insure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a date of not more than fourteen days after the test date will be established. Parallel installation of two devices is an effective means of the Owner insuring that uninterrupted water service remains during testing or repair of devices and is strongly recommended when the owner desires such continuity.

4.8.5 Backflow prevention devices will be tested more frequently than specified previously in Section 4.9.1 in cases where there is a history of test failures and the Director of Public Works feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the Owner.

4.9 Enforcement

4.9.1 Whoever maintains a cross connection without a permit, or after revocation of the permit to maintain such connection, and whoever maintains a cross connection without installing the appropriate backflow prevention device required by 310 CMR 22.22 and by the reviewing authority, shall be:

(a) Punished by a fine of not more than $25,000 for each day such violation occurs or continues, or, by imprisonment for not more than one year, or, both such fine and imprisonment; or

(b) Subject to a civil penalty not to exceed $25,000 per day for each day that such violation occurs or continues.

4.9.2 Any violation of 310 CMR 22.22 shall be subject to the administrative penalty provisions of 310 CMR 5.00.

4.9.3 Upon due notice to the person maintaining the connection, the Director of Public Works may revoke any permit whenever, in the opinion of the Director of Public works, the cross connection or the maintenance thereof no longer complies with 310 CMR 22.22.

4.9.4 In order to ensure the delivery of a safe water supply, the Director of Public Works may issue a written order to cease supplying water to any premises if one or more cross connections are maintained in violation of the requirements of 310 CMR 22.22, or requiring any person to take such actions as are reasonable and necessary to prevent or to eliminate cross connections.

4.9.5 Cross connection violations shall require a corrective action plan to be submitted to the Cross Connection Office within thirty days of the violation discovery. If the Owner of any premises does not initiate corrective actions by the prescribed deadline, then the Director of Public Works will terminate service to the premises.

4.9.6 Owners of cross connection devices must consent to the testing of any device on their premises within fourteen days of notice from the Director of Public Works or his/her agent. If consent is not granted within the fourteen day notice, the Director of Public Works may impose a fine of Five Hundred Dollars per day for each day that consent to test is denied and/or water service will be terminated.

4.9.7 Failure to repair a failed device within fourteen days constitutes a violation and the Director of Public Works may impose a fine of Five Hundred Dollars per day for each day that consent to test is denied and/or water service will be terminated.

4.10 Records and Reports

4.10.1 Records. The Director of Public Works or his/her agent shall initiate and maintain the following: (1) Master files of customer cross connection surveys, violations and backflow device tests; (2) Master files of all approved installations; and (3) All correspondence received by or submitted to the Department.

4.10.2 Reports. The Director of Public Works or his/her agent shall submit the following to the Department: (1) The quarterly CCCP report; and (2) The cross connection annual report.

4.11 Fees

Permit and testing fees are established by the Director of Public Works.

(Ord. #311, Eff. Nov. 21st, 1988; as amended by Ord. #356, Eff. Nov. 15th, 1989; as further amended by Ord. #631, Eff. March 9th, 1998)

Section 15-5. Water Fees and Charges; Public Hearings; Council Action

The City Council of the City of Methuen may establish such fees, charges and costs for the operation of the water system provided that no such fee, charge or cost may be implemented until a public hearing shall be held by it. Said hearing shall be held within forty-five (45) days of the submission to the City Council of a resolution to establish such fee, charge or cost. Said public hearing shall be advertised in a newspaper of general circulation in said City at least seven (7) days prior to the hearing. The City Council shall take action on such proposed fee, charge or cost within thirty (30) days after said hearing. Provided that no such increase shall take effect excepting as may be approved by a two-thirds vote of the full City Council. [Initiative Petition (an Ordinance Abolishing the Sewer and Water Commission, Abolishing the Sewer and Water Enterprise Fund, and Establishing a Procedure for Rates and Charges for Sewer and Water) approved by the voters November, 1991]

Section 15-6. Reserved

Section 15-7. Abatements

For the purposes of abatement, the Director of Public Works shall be determined to be the officer having control of the Water Department within the meaning of Chapter 40, Section 42E of the General Laws.

Section 15-8. Procedure for Shutting Off the Flow of Water on Failure to Pay Lawful Charges

A. Statement of Purpose

The citizens of Methuen, acting in referendum, accepted the provisions of General Laws, Chapter 44, Section 53F -1/2, providing for enterprise fund accounting of water

service costs. Inherent in the proper functioning of such system is the timely payment of the lawful rates and charges by all water customers to insure the financial health of the service provided to the inhabitants.

B. Statement of Lawful Authority

The citizens of Methuen, acting by and through their duly elected representatives, accepted the provisions of General Laws, Chapter 40, Sections 42A to 42F. Section 42B of General Laws, Chapter 40, authorizes, in addition to a lien process, the collection through any lawful means, "including the shutting off of water, which may be deemed advisable".

C. Implementation of Water Shut-Off Program

By this ordinance, the Director of Public Works, upon approval of the Mayor, is authorized to shut off water service which the Mayor deems advisable within the meaning of General Laws, Chapter 40, Section 42B, provided that, after the termination of the lien established under General Laws, Chapter 40, Section 42B, the City shall not shut off said water as to any person not liable therefor who has succeeded to the title or interest of the person incurring such rate or charge.

D. Procedure for Shutting Off the Flow of Water on Failure to Pay Lawful Charges

Upon authorization of the Mayor, the Director of Public Works shall cause to be served a notice of payment default and service shut-off upon a person in arrears on a rate or charge in excess of six months. Such notice shall comply with Paragraph H. herein and shall be served by certified mail. Said notice shall advise the person that the water service may be shut off if the overdue amount is not paid within thirty days thereafter. Said notice shall advise the person that he/she may request a hearing within seventy-two hours of receipt of the notice before the Treasurer/Tax Collector to contest the amount in arrears as being incorrect. Subsequent to the thirty days, if no hearing is requested or if a hearing is requested and the Treasurer/Tax Collector finally determines the account is in arrears and the amount of the arrearage, the Mayor may order the immediate shut-off of service.

E. Entry to Terminate Service

Upon a proper order issued by the Mayor, the Director of Public Works, or his agents, may shut off the flow of water from its mains or pipes to the premises of any customer who has failed or refused to pay the lawful charges of the City for water previously consumed. The Director, or his employees or agents, may, upon any business day between the hours of Eight Ante-Meridian and Four Post-Meridian, enter upon the premises of a customer whose payments are in arrears and close a valve, remove or disconnect a meter or pipe or fitting, if necessary, for the purposes of shutting off the flow of water as above authorized.

F. Unlawful Interference

It shall be unlawful for any person to:

A. Hinder or interfere with the Director of Public Works, or his employees or agents, while they are in the process of shutting off the flow of water service in accordance with Paragraph E. herein; or

B. Re-establish said flow of water after it is disconnected without the approval of the Director of Public Works.

Any person violating the provisions of this paragraph shall be subject to a fine of Three Hundred Dollars ($300.00).

G. Prohibitions Against Shutting Off Water

A. The City shall not shut off the water service to any domicile occupied by a person who is seriously ill if the Director of Public Works or the Mayor receives written notice from the Director of Public Health or a registered physician verifying the fact of such illness.

B. The City of Methuen shall not knowingly shut off the flow of water to any residential building in which the occupant thereof is not the customer of record of the City without first complying with the notice provisions of Paragraphs D. and H. herein.

C. The City of Methuen shall not knowingly shut off the water service in which is domiciled a minor child under the age of twenty-four months or a citizen over the age of sixty-five years.

H. Notice of Default and Service Shut-Off

The notice of default and service shut-off shall provide the following information:

A. The amount then due and payable for such water service, together with interest and penalties.

B. The date on or after which such service will be shut off.

C. The date on which said notice is given.

D. The right of the owner or occupant(s) of such building to pay the amount due together with interest and penalties thereof to avoid cessation of service and the right of the person paying to recover this amount from the person to whom they would otherwise pay their rent.

E. The appeal right to the Treasurer/Tax Collector as per Paragraph D. herein.

As to tenants of a building, this notice shall be posted in a common hallway of such building.

I. Restoration of Service

After shut-off of service, the owner or occupant(s) of the building may make a payment satisfying the arrearage and, upon such payment, the City shall cause the service to be restored upon payment of a re-connection fee in an amount determined by the Director of Public Works, the same not to exceed Fifty Dollars ($50.00).

(Ord. #443, Eff. July 8th, 1992; as amended by Ord. #527, Eff. February 2nd, 1995)

Section 15.9. Water Use Restriction

A. Authority

This ordinance is adopted by the City under its police powers to protect public health and welfare and its powers under Massachusetts General Laws, Chapter 40, Section 21, et seq and implements the City's authority to regulate water usage pursuant to Massachusetts General Laws, Chapter 41, Section 69B. This ordinance also implements the City's authority under Massachusetts General Laws, Chapter 40, Section 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

B. Purpose

The purpose of this ordinance is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the City or by the Department of Environmental Protection.

C. Definitions

"Person" shall mean any individual, corporation, trust, partnership or association, or other entity.

"State of Water Supply Emergency" shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under Massachusetts General Laws, Chapter 21G, Sections 15-17.

"State of Water Supply Conservation" shall mean a State of Water Supply Conservation declared by the City pursuant to Sub-Section D. of this ordinance.

"Water Users or Water Consumers" shall mean all public and private users of the City's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

D. Declaration of a State of Water Supply Conservation

The City, through its Mayor, may declare a State of Water Supply Conservation upon the determination by the Director of Public Works that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under Section F. of this ordinance before it may be enforced.

E. Restricted Water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions, or requirements shall be included in the public notice required under Section F.

(1) Odd/Even Day Outdoor Watering

Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.

(2) Outdoor Watering Ban

Outdoor watering is prohibited.

(3) Outdoor Watering Hours

Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.

(4) Filling Swimming Pools

Filling of swimming pools is prohibited.

(5) Automatic Sprinkler Use

The use of automatic sprinkler systems is prohibited.

F. Public Notification of a State of Water Supply Conservation; Notification of DEP

Notification of any provision, restriction, requirement or condition imposed by the City as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the City, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply conservation. Any restriction imposed under Section E. hereof shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

G. Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by the Mayor upon a determination by the Director of Public Works that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by Section F.

H. State of Water Supply Emergency; Compliance with DEP Orders

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

I. Penalties

Any person violating this ordinance shall be liable to the City in the amount of Fifty Dollars ($50.00) for the first violation and One Hundred Dollars ($100.00) for each subsequent violation which shall inure to the City for such uses as the Mayor may direct. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. Each day of violation shall constitute a separate offense.

J. Severability

The invalidity of any portion of this ordinance shall not invalidate any other portion or provision hereof.

(Ord. #697, Eff. May 3rd, 2000)

CHAPTER 16

STREETS, HIGHWAYS, SIDEWALKS AND BRIDGES

Article I. Highways and Bridges

Section	Item
Division 1.	**Laying Out, Alteration and Discontinuance**
Sec. 16-1.	Width of new streets
Sec. 16-2.	Measurements and boundaries to be laid out by Engineering Division of the Department of Public Works; plans to be prepared; report
Sec. 16-3.	Contents of report; accompanying agreements, etc.
Sec. 16-4.	Notice of intention; hearing
Sec. 16-5.	Sewers, drains, etc.
Sec. 16-6.	Acceptance of private ways; standards of construction
Division 2.	**Care and Control of Ways**
	Subdivision I. Names and Signs
Sec. 16-7.	Existing street names accepted; council to name new streets
Sec. 16-7A.	Establishing street acceptance protocol
Sec. 16-8.	Director of Public Works to erect street signs
	Subdivision II. Opening and Digging Up Ways
Sec. 16-9.	Excavation of public streets
Sec. 16-10.	Replacement of earth, etc.
Sec. 16-11.	Surface restoration
Sec. 16-12.	Backfilling
Sec. 16-13.	Streets not to be occupied, etc., except under permit; bond
Sec. 16-14.	Barriers and railings
Sec. 16-15.	Conditions of bonds
	Subdivision III. Moving Buildings
Sec. 16-16.	Permit required; contents; bonds
	Subdivision IV. Signs, Awnings, Etc
Sec. 16-17.	Permit required; prohibition
Sec. 16-18.	Same - application and contents

Article II. Streets and Refuse

Division 1.	**Street Cleaning and Removal of Refuse**
Sec. 16-19.	Receptacles for dirt, paper, rubbish, trash, etc.
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Sec. 16-20.	Sprinkling, gravel, cinders
Division 2.	**Street Lighting**
Sec. 16-21.	Location
Sec. 16-22.	Lighting or extinguishing without permission

Article III. Sidewalks

Division 1.	**Construction**
Sec. 16-23.	Supervision and report of cost
Sec. 16-24.	Plans and specifications
Sec. 16-25.	Private construction; bond
Division 2	**Assessments**
Sec. 16-26.	One-half of the cost to be paid by owner
Sec. 16-27.	Basis of assessment

Article IV. Private Ways

Sec. 16-28.	Temporary repairs
Sec. 16-29.	Repairs and reconstruction
Sec. 16-30.	Sight distance

CHAPTER 16 - STREETS, HIGHWAYS, SIDEWALKS AND BRIDGES

Article I. Highways and Bridges

Division 1. Laying Out, Alteration and Discontinuance

Section 16-1. Width of New Streets

No street or way, except an old way which contains all services and where it would be physically impossible to comply strictly with the law and provided that these requirements are approved by the Community Development Board, shall hereafter be approved by the Community Development Board or laid out, established or accepted by the City of a width less than forty feet. Provided, that this provision shall not apply to streets controlled by the Subdivision Control Regulation. All petitions for the relocation, laying out and establishment, widening, alteration or discontinuance of streets and ways shall be presented to the City Council, which shall by itself, or by such other officers as it may lawfully designate for the purpose, determine whether or not the common convenience and necessity require that such street or way shall be relocated, laid out and established, widened, altered or discontinued.

Section 16-2. Measurements and Boundaries to be Laid Out by Engineering Division of the Department of Public Works; Plans to be Prepared; Report

In case the City Council shall determine that such street or way should be relocated, laid out and established, widened, altered or discontinued, it shall cause the measurements and boundaries of that street or way as proposed to be relocated, laid out and established, widened, altered or discontinued to be distinctly marked out on the premises by the Engineering Division of the Department of Public Works, and a plan thereof made by the Division showing the grade and location of such alterations, together with report specifying the manner in which such relocating, laying out and establishment, widening, altering or is continuing shall be completed. Provided further, that the Subdivision Control Laws, where applicable, shall be fully complied with.

Section 16-3. Contents of Report; Accompanying Agreements, Etc.

The report specified in the preceding section shall state the names of the owners of all lands affected thereby and in anyways subject to sustain damage or receive benefit by the relocating, laying out and establishing, widening, altering or discontinuing of such street or way, together with the amount of damage or benefit proper and reasonable to be awarded to or assessed on each of the owners. The report shall, in addition, in every case be accompanied by an agreement referring thereto, signed by all parties who claim no damage, and by all parties who will accept specific damages, with the amounts thereof; and shall include the names of all

other parties who decline to release or to state their prospective damages, and the names of all parties who, in the judgment of the officer or officers making the report, should be assessed for benefits conferred, together with the estimated amounts thereof.

Section 16-4. Notice of Intention; Hearing

Before any order for relocating, laying out and establishing, widening, altering or discontinuing any street or way shall be passed by the City Council, a written notice of the intention of the City Council to relocate, lay out and establish, widen, alter or discontinue such street or way shall be given and served in the manner provided by law, and such notice shall specify a time and place for hearing, before the City Council, to all persons and corporations interested. After the hearing shall have been held, the City Council may proceed to act upon an order for the relocating, laying out and establishing, widening, altering or discontinuing of such street or way.

Section 16-5. Sewers, Drains, Etc.

No street or way not shown on any plans approved, attested and filed according to law in the office of the Engineering Division of the Department of Public Works by the Community Development Board shall hereafter be laid out and established or accepted as a public street or way in the City, unless the sewers or drains therein or the culverts crossing such streets or ways are constructed in accordance with the directions of or are approved by the Director of the Department of Public Works in regard to the dimensions, materials and grades thereof.

Section 16-6. Acceptance of Private Ways; Standards of Construction

No street or way constructed on or through private lands by any person other than the City shall hereafter be laid out and established or accepted as a public street or way by the City Council unless the owner of the land over through which such private street or way is constructed shall have complied with, and such private street or way shall conform to, the requirements and specifications of the Community Development Board as provided by law or regulation.

No street or way constructed on private lands by the owners thereof shall be hereafter laid out or accepted as a public street, unless previously constructed and completed in accordance with the Construction Standards of the City of Methuen, pursuant to the subdivision Control Regulations.

Division 2. Care and Control of Ways

Subdivision I. Names and Signs

Section 16-7. Existing Street Names Accepted; Council to Name New Streets

The several streets, courts, avenues, squares, lanes and ways in the City shall

continue to be known and called by the names by which they are now known and called, until the same shall be altered by the City Council. The City Council shall give names to all streets, courts, avenues, squares, lanes and ways hereafter laid out and established or accepted, and may change such names at any time, subject to the provisions of law.

Section 16-7A Street Acceptance Protocol

Whenever the City Council formally accepts a street, the Department of Public Works, through its Director, shall arrange to coordinate the following:

1. Residents should be notified of any winter rules (i.e. snow emergencies).

2. Residents should be made aware of the trash policy, including the date and type of trash accepted.

3. The Department of Public Works shall deliver recycling bins curbside to the residents.

4. A mailer shall be prepared through the City Clerk's office advising the residents on the method to register to vote. Said mailer should also apprise residents of the polling location.

5. The Mayor, in coordination with the Department Heads, shall arrange to deliver Welcome Correspondence containing the names and telephone numbers of essential services the City provides.

Section 16-8. Director of Public Works to Erect Street Signs

It shall be the duty of the Director of Public Works to cause suitable and legible signs, plainly setting forth the name of each street, court, avenue, square, lane or way, to be placed and maintained on or near the corners of all such streets, courts, avenues, squares, lanes and ways. Provided, however, that this shall not waiver the responsibilities of individuals governed pursuant to the provisions of the Subdivision Control Regulations of the City.

Subdivision II. Opening or Digging Up Ways

Section 16-9. Excavation of Public Streets

A. Any person, company or corporation, excavating public streets or ways for sewers, drains, water pipes, driveways, conduits or any other purposes, before starting work, shall apply in writing on forms provided for the purpose to the Department of Public Works (DPW) for a permit for the same. Such person shall execute and deliver to the City Clerk an indemnity bond in a sum satisfactory to the Director of Public Works to insure against all damages and loss

to the City or any third party therefrom, and for the performance of the work in accordance with said permit and for the payments hereafter set forth. All excavations shall be filled in and finished as directed by and to the satisfaction of the Director of Public Works, or other person designated as having authority for such inspection by the City. The requirements of this section shall not be deemed met until the Director, or a person acting at his direction, signs or by other means denotes on the excavation permit that such work has been completed to the satisfaction of the municipality.

(See also 16-15, Blanket Bonds)

B. No permit to excavate any public way in order to enter any common sewer shall be granted, until all sewer assessments or charges levied against or imposed upon the premises, shall have been paid by such applicant so far as the same are due and payable.

Any such person offending against any of the provisions of the ordinance shall forfeit and pay for each offense a fine of not less than Twenty Dollars ($20.00) nor more than Fifty Dollars ($50.00).

C. Any person excavating land, or any person in charge of such excavation and any owner of land which has been excavated shall erect barriers or take other suitable measures within two (2) days after such owners have been notified in writing by the Department of Public Works, that, in their opinion, such excavation constitutes a hazard to public safety.

The penalty for violation of this ordinance shall be a fine of not less than Fifty Dollars ($50.00), nor more than Two Hundred dollars ($200.00) per day for every day such person is in violation of such notice commencing within the fourth day thereof.

D. Provided further that the surfaces of such street or way paved shall not thereafter for a period of five years from the completion of such paving be opened or dug up without a special license therefor granted by the City Council after the applicant has filed a bond of the kind and in the manner hereinafter described. Provided, however, that the Director of Public Works may issue such license in a clearly defined emergency situation.

E. The fee for the permit as provided in this section shall be Thirty Dollars ($30.00).

Section 16-10. Replacement of Earth, Etc.

If the street, way or common in which the excavation is made is unpaved or unimproved, the backfilling on the line of excavation shall not exceed three inches in elevation above the undisturbed grounds at sides bordering the excavation, and the person making such excavation shall fill the same and shall be responsible for any settlement in such backfilling and shall repair the same whenever notified so to do by the Director of Public Works.

Section 16-11. Surface Restoration

If the street, way, sidewalk or common in which the excavation is made has been paved or improved, then the person making the excavation shall cause the same to be refilled in the following manner:

A. Gravel Roads

The top fifteen (15) inches of trench backfill shall be eleven (11) inches of processed gravel and four (4) inches on top of the gravel will be made with dense graded crushed stone that will consist of crusher-run coarse aggregates of crushed stone or gravel and fine aggregates of natural sand or stone screenings uniformly pre-mixed. This material is to be placed in a maximum of six (6) inch layers and thoroughly compacted mechanically to the grade of the existing surface.

B. Secondary Roads

A twelve (12) inch layer of processed gravel shall be placed and thoroughly compacted mechanically to within two (2) inches of the finish grade. The last two (2) inches shall be made with bituminous concrete (cold patch allowed) to form a temporary patch. For the permanent patch three (3) weeks after the excavation has been completed, the Contractor shall return and excavate to seven (7) inches below the finish grade and form a permanent patch with four (4) inches of dense graded crushed stone that will consist of crusher-run course aggregates of crushed stone or gravel and fine aggregates of natural sand or stone screenings uniformly pre-mixed and three (3) inches of bituminous concrete. The infrared method shall be used for all streets requiring a City Council special license (so-called five year roads) under section 16-9(d) and on those roads which in the determination of the Director of Public Works require such method. The Contractor shall notify the Engineer twenty-four (24) hours in advance before placing the permanent patch and receiving approval. The trench shall be maintained by the Contractor for a period of two (2) years after completion of the permanent patch.

C. High Volume Roads

A twelve (12) inch layer of processed gravel shall be placed and thoroughly compacted mechanically to within two (2) inches of the finish grade. The last two (2) inches shall be made with bituminous concrete to form a temporary patch for at least thirty (30) days. For the permanent patch, the trench shall be cut back twelve (12) inches on all sides and excavated to ten (10) inches below the finish grade. The trench will then be brought to finish grade with four (4) inches of dense graded crushed stone that will consist of crusher-run coarse aggregates of crushed stone or gravel and fine aggregates of natural sand or stone screenings uniformly pre-mixed and six (6) inches of bituminous concrete. The infrared method may be substituted for the placement of six (6) inches of bituminous concrete. The Contractor shall notify the Engineer at least twenty-four (24) hours in advance before placing the permanent patch and receiving approval. The trench shall be maintained by the Contractor for a period of two (2) years after completion of the permanent patch.

D. State Roads

The provisions of this Section shall be determined and enforced by the Director of Public Works. Said Director may amend from time to time the provisions of this Section as he feels best serves the public interests; provided however, that such changes are delivered and posted with the City Council thirty (30) days before the effective date of such regulations.

Section 16-12. Backfilling

All material used for backfilling shall be reasonably free from stones, muck, rubbish or other unsuitable material, shall be deposited by hand in layers not over six (6) inches in depth to a point one (1) foot over the pipe and each layer thoroughly compacted mechanically. The following section of trench shall be backfilled in one (1) foot layers and thoroughly mechanically compacted to a point fifteen (15) inches below the existing road grade. Backfilling shall be prosecuted as the work progresses and shall be kept complete up to such point of open excavation as shall be determined by the Director of Public Works or his designee.

Section 16-13. Streets not to be Occupied, Etc., Except Under Permit; Bond

No person, other than a department of the City in the necessary performance of its duty shall occupy or obstruct any street, way, sidewalk or common by erecting thereon any staging for building, or depositing or storing thereon any material, wares or merchandise, except as otherwise permitted by this Code, or any coal, wood, lumber, brick, stone, sand or other construction material, or any ashes, dirt, rubbish or any other substance, or obstruct or occupy any portion of any street, way, sidewalk or common for the purpose of erecting, repairing or moving any building or structure without obtaining a permit therefor from the Director of Public Works. The permit shall state the space in the street or other public place that may be occupied or obstructed, and the time allowed for such occupancy or obstruction, and shall contain such other lawful restrictions and regulations for the protection, convenience and safety of the public as the Director of Public Works may deem necessary. Before such permit shall be granted, the applicant therefor shall execute and deliver to the City a bond in such form as the City Solicitor shall approve and in a sum and with such surety as shall be satisfactory to the City Council, such bond to be conditioned to indemnify and save harmless the City form all costs, actions, suits and claims whatsoever arising from any and all work, occupation or obstruction authorized by the license, and to be further conditioned to restore the street or other public place so occupied or obstructed to its original condition, within the time specified in the license and to the satisfaction of the Director of Public Works.

If the surface of the street or public place is not to be disturbed by the occupancy or obstruction under such a permit, the applicant for a permit under this section may deposit with the City Clerk, in place of the indemnity bond called for, a public liability insurance policy approved as to form by the City Solicitor and issued by an insurance company authorized to do business in the Commonwealth, insuring the City for not less than five thousand dollars, or such other amount as determined by the Director of Public Works, against all claims, loss, costs, damage to persons or property and expense arising out of any action under such permits.

(See also 16-15, Blanket Bonds)

Section 16-14. Barriers and Railings

Whenever any public street, way, sidewalk or common shall, under any license granted as provided in the preceding sections, be broken, disturbed, dug or torn up or in any other manner occupied, obstructed, encumbered or rendered unsafe or inconvenient for travel, the person so licensed shall place and at all times maintain until the completion of the work or the termination of the occupancy or obstruction a suitable railing, barrier, warning sign or light around the portion of the street, way, sidewalk, or common so opened, occupied, obstructed or encumbered, and shall keep one or more barriers, as according to State Specifications, placed in some safe and suitable manner, through the whole of every night so long as such opening, occupation, obstruction or encumbrance shall continue. The licensee shall place signs and cones for the protection of the workers and the motoring public in accordance with the Massachusetts Department of Public Works' approved Safety Manual.

Section 16-15. Conditions of Bonds

The bond required by Section 16-13 to be given by any person for the replacing in proper and safe condition of streets, ways, sidewalks, or commons broken, disturbed, dug or torn up shall remain in force for two years after such work has been completed.

Instead of the bonds required of any person under the provisions of all or any of the preceding sections, such person may, by special arrangement with the City Council, file a blanket bond, so-called, in form approved by the City Solicitor, with surety satisfactory to the City Council. Such bond shall comprehend and include the various provisions of this Code under which permits shall be granted and to which permits it purports to relate as fully and completely as if a separate bond were given for each such permit, and the conditions thereof and the obligation of the principle and surety thereunder shall be in all respects the same as if separate bonds were given for each such permit, except that the aggregate sums required according as the City Council may order or direct.

Subdivision III. Moving Buildings

Section 16-16. Permit Required; Contents; Bond

No building or structure shall be moved over or through any public street or way in the City except under a permit granted by the Mayor; and every such permit shall state the streets or ways through or over which and the time within which the building or other structures shall be moved; and also every other provision and condition which the Mayor shall deem necessary. Every person obtaining such a permit shall file with the City Clerk a bond in such form as the City Solicitor shall approve and in such sum and with such surety or sureties as the Mayor shall approve, conditioned to comply with all terms of the permit granted and to indemnify and hold harmless the City from all costs, actions, suits, claims, damages or expenses whatsoever arising from or which it may suffer by reason of the moving of such building or other structure.

Subdivision IV. Signs, Awnings, Etc.

Section 16-17. Permit- Required; Prohibition

No stepping stones, racks for bicycles, gasoline supply stations or apparatus, and no goods, wares or merchandise, while being received in original packages or while being packed for delivery after actual sale thereof shall be erected, constructed or placed on any public way in the City, except on the authority of a written permit granted by the Director of Public Works, such permit to be revocable at any time and to prescribe such reasonable restrictions and regulations as to such erection, construction or placing, and also as to the size and location of such goods, wares or merchandise as the Director of Public Works shall determine and direct. No political banners shall be erected or maintained across a street or way.

Section 16-18. Same - Application and Contents

Every application for a permit to erect, construct, maintain or place on or over any public way in the City any stepping stone, bicycle rack, gasoline supply station or apparatus, goods, wares, or other merchandise, or other structure, device or thing shall be in writing and shall state in detail the street location desired, the character of the object for which the permit is sought, the material of which it is to be constructed or of which it is to consist, its required location and height above the sidewalk or way and the distance it will project over the same, what other portion, if any, of the sidewalk or way is desired to be used and at what times in the case of the temporary deposit of goods, wares or merchandise, the proposed manner of supporting or attaching to a building any erection or structure, and the dimensions and weight thereof. Every application for a permit to erect or construct an illuminated sign shall also state how it is to be illuminated, the number of candle power per square foot of sign surface it is proposed to use and the number of hours per day it will be illuminated.

Article II. Streets and Refuse

Division 1. Street Cleaning and Removal of Refuse

Section 16-19. Receptacles for Dirt, Paper, Rubbish, Trash, Etc.

No person shall place or permit to remain on any street, sidewalk or other public place any box, can, crate, cask, barrel, board, sign or any other thing, except barrels or other approved receptacles containing house dirt, paper or rubbish to be removed in accordance with the rules and regulations of the Board of Health and Director of Public Works, and then, only on such day or days of the week as may be appointed for the regular collection by the Board of Health and Director of Public Works of such house dirt, paper or rubbish, on or in the several streets or sections of the City. All house dirt, paper or other loose material or rubbish deposited in barrels or other receptacles and placed in or near streets, sidewalks or other public places for collection or removal as hereinbefore provided shall be so packed and placed as to prevent any such house dirt, paper or other loose material or rubbish, from being blown or otherwise deposited upon the streets, sidewalks or other public places upon the property of others; and all

such barrels or other receptacles shall be removed within forty-eight (48) hours from the streets, sidewalks or other public places after the collection or removal of their contents has been accomplished.

(For criminal provisions, refer to Section 9-75 of the Municipal Code)

Section 16-19A. Street and Sidewalk Cleaning Requirements for Commercial Businesses

Every commercial business in the City of Methuen shall be responsible to insure that refuse generated from their establishment and by their customers is cleaned up from public property within one hundred (100) feet of the property line of the establishment. Such clean up shall occur weekly. A violation of this ordinance shall, for the first and second offense, cause the issuance of a warning. For the third and all offenses thereafter, a Twenty-Five Dollar ($25.00) fine shall be assessed. This ordinance shall be enforceable by the agents of the Board of Health.

Section 16-20. Sprinkling, Gravel, Cinders

No person shall without the written permission and under the direction of the Director of Public Works, except as otherwise provided in this Code, sprinkle, put or place any earth, dirt, gravel, sand, cinders, ashes, sawdust, salt or mixture of salt or any other substance in or on any street, sidewalk or other public place.

Division 2. Street Lighting

Section 16-21. Location

The City Council shall, except as otherwise provided in the Subdivision Control Regulation, have the authority to designate the location of all poles, posts, stands, underground conduits and other supports of electric and other lights or utilities, except as may be otherwise expressly provided by law, contract or agreement.

Section 16-22. Lighting or Extinguishing Without Permission

No person shall light or extinguish any light or lamp established or maintained by or for the City except by order or permission of the Director of Public Works.

Article III. Sidewalks

Division 1. Construction

Section 16-23. Supervision and Report of Cost

All sidewalks ordered constructed or completed by the City Council shall be so constructed or completed by the Department of Public Works of the City under the direction and supervision of the Director of Public Works who shall keep a careful and accurate account of the cost and expense attending such construction or completion and shall, as soon as the work is finished, certify to the City Council the whole cost and expense thereof.

Section 16-24. Plans and Specifications

The Engineering Division, or other person employed by the Department of Public Works shall make and prepare all needed plans and specifications for the construction of all sidewalks constructed by order of the City Council, which plans shall be filed in the office of the City Clerk. After being so filed, the plans shall be deposited and kept in the office of the Engineering Division which shall be deemed a part of the City Clerk's office for the keeping of such plans.

Section 16-25. Private Construction; Bond

No sidewalk shall be constructed, completed or repaired by any person, other than the Department of Public Works or any firm acting under a contract with the Department, until after the Engineering Division shall have prepared or approved plans and specifications therefor and filed the same, all as provided in the preceding section.

No such work shall be begun prior to the execution and delivery to the City of a bond in the form and upon the conditions set forth in the previous section, nor prior to the issuance of a permit therefor by the Director of Public Works. All work done under this Section shall be under the supervision and subject to the control of the Department of Public Works.

Provided further, that this section shall not apply to sidewalks constructed pursuant to the provisions of the Subdivision Control Law.

Division 2. Assessments

Section 16-26. One-Half of Cost to be Paid by Owner

One-half of the entire cost and expense of all sidewalks constructed or completed by the City under the provisions of the preceding section shall be assessed proportionally on all owners of land abutting in such sidewalks, less any amounts previously assessed in respect to such abutting land and paid for the cost of construction in any other manner of such sidewalks.

Section 16-27. Basis of Assessment

The Director of Public Works shall, as soon as the work of constructing or completing any such sidewalk is finished, certify to the City Council, for the purpose of assessments, the total cost of such construction or completion, the frontage of all estates abutting on such sidewalks, the names of the owners thereof, all amounts previously assessed, in respect to such abutting estates and paid for the cost of constructing such sidewalks in any other manner, and the proportional amount of the assessment to be levied on the owner of each of such abutting estates.

Article IV. Private Ways

Section 16-28. Temporary Repairs

A. Procedures

The abutters of a private way may petition the City Council for a determination as to whether or not the municipality shall declare that public necessity requires repair of said way. Said petition shall contain a minimum of seventy-five per cent of the abutters to the way. The City Council shall thereafter transmit the petition to the Mayor for his report and recommendation. Upon receipt of said recommendation, but not later than ninety days from the petition date, the City Council or committee thereof shall convene a public hearing to determine the merits of said petition. Due notice of the hearing on such shall be mailed to all abutters not later than seven days prior to the hearing. The City Council shall, within thirty days thereafter, vote to deny the petition or approve such on the grounds that repairs are required of public necessity. The City Council shall further determine the amount of cash deposit required from each petitioning abutter prior to the commencement of said work.

B. Extent of Repairs

The City may make temporary repairs on private ways which have been opened for public use for six years or more. Such repairs shall include the installation and construction of drainage, if necessary, and further, shall include the filling of holes in the sub-surface of such ways and repairs to the surface materials thereof; and materials for such repairs, where practicable, shall be the same as or similar to those used for the existing surfaces of such ways, but may include the oiling or tarring of said ways and the covering of such oil or tar with sand and gravel.

C. Charges

The Director of Public Works shall, within six months after the completion of the improvements, determine the value of such to the abutters of the private way and assess upon each parcel thereof a proportionate share of the cost of such improvement and shall include in such cost all damages awarded therefor due to a suit for sustained real or personal injury, but no such assessment shall exceed the amount of such adjudged benefit or advantage.

D. Liability

As a condition to such repairs, and prior to such, all abutters shall sign releases to save the municipality harmless from any damages caused by the repairs.

Section 16-29. Repairs and Reconstruction

A. Procedure

The abutters of a private way may petition the City Council for a determination as to whether or not the municipality shall declare that public necessity requires repair of said way. Said petition shall contain a minimum of seventy-five per cent of the abutters to the way. The City Council shall thereafter transmit the petition to the Mayor for his report and recommendation. Upon receipt of said recommendation, but not later than ninety days from the petition date, the City Council or committee thereof shall convene a public hearing to determine

the merits of said petition. Due notice of the hearing on such shall be mailed to all abutters not later than seven days prior to the hearing. The City Council shall, within thirty days thereafter, vote to deny the petition or approve such on the grounds that repairs are required of public necessity. The City Council shall further determine the amount of cash deposit required from each petitioning abutter prior to the commencement of said work.

B. Extent of Repairs and Reconstruction

The City may construct, reconstruct re-surface and repair any private way which has been used by the public for fifty years or more, provided that all owners of land abutting on such way petition the City to do such work. Such repairs shall include the filling of holes in the sub-surface of such ways and repairs to the surface materials thereof; and materials for such repairs, where practicable, shall be the same as or similar to those used for the existing surfaces of such ways, but may include the oiling or tarring of said ways, the covering of such oil or tar with sand and gravel and bituminous concrete paving.

C. Charges

The Director of Public Works shall, within six months after the completion of the improvements, determine the value of such to the abutters of the private way and assess upon each parcel thereof a proportionate share of the cost of such improvement and shall include in such cost all damages awarded therefore due to a suit for substained real or personal injury, but no such assessment shall exceed the amount of such adjudged benefit or advantage.

D. Liability

As a condition to such repairs, and prior to such, all abutters shall sign releases to save the municipality harmless from any damages caused by the repairs.

Section 16-30. Sight Distance

In order to insure safe vehicular and pedestrian traffic movement entering onto and exiting from public ways of the City of Methuen, the following standards shall apply.

Each property owner maintaining an access/egress point on his/her property shall not allow, install or permit an interference with the horizontal sight distance of said access/egress point. Nor shall any property owner with property abutting a public way allow, permit or suffer an interference with the horizontal sight distance of access/egress points of abutting properties.

An interference with horizontal sight distance shall be determined to exist where a fence, shrubbery, or wild growth that reduces horizontal sight distance below authorized speed limits as follows:

- speed limits up to 30 mph shall have a minimum sight distance of
  200 feet in both directions

- speed limits up to 40 mph shall have a minimum sight distance of 275 feet in both directions

The measurements and calculations of such areas shall be established per the Massachusetts Highway Department Highway Design Manual, Section 4.1.4 et seq., "Horizontal Sight Distance".

A. Complaints; Investigation Action

Any person believing that a violation of this ordinance exists may request a review of the horizontal sight distance. Upon receiving such request, the Engineering Division of the Department of Public Works shall conduct a study of such sight distance.

If the Engineering Division determines a violation of this ordinance exists, the Director of Public Works shall notify the offending party and provide fourteen days notice to cure the same. This section may be amended to extend the time period to thirty days, upon the discretion of the Director of Public Works.

Any person, firm, corporation or other entity failing to comply with an order of the Director issued hereunder shall be subject to a fine of Twenty-Five Dollars ($25.00) per day such refusal continues, each day or part thereof constituting a separate offense.

(1973 Ord., as amended by Ord. #40, Eff. Oct. 20th 1975 and as further revised by Ord. #188, Eff. May 1st, 1985; Ord. #453, Eff. November 5th, 1992; Ord. #595, Eff. January 16th, 1997; as further amended by Ord. #654, Eff. December 7th, 1998; as further amended by Ord. #766, Eff. November 4th, 2003)

CHAPTER 17

NON-CRIMINAL DISPOSITION OF MUNICIPAL

ORDINANCE, RULE OR REGULATION VIOLATIONS

Section	Item
Sec. 17-1.	Authorization
Sec. 17-2.	Authority of enforcing officer
Sec. 17-3.	Notice to appear
Sec. 17-4.	Delivery of notice
Sec. 17-5.	Notice of violation; filing with court
Sec. 17-6.	Non-criminal dockets
Sec. 17-7.	Appearance and confession
Sec. 17-8.	Appearance not to be considered a criminal proceeding
Sec. 17-9.	Appearance to contest; hearing
Sec. 17-10.	Hearing and disposition
Sec. 17-11.	Proceeding not to be criminal
Sec. 17-12.	Failure to appear; issuance of complaint
Sec. 17-13.	Notice; form
Sec. 17-14.	Fines; collection
Sec. 17-15.	Criminal penalties
Sec. 17-16	Term “District Court” includes N.E. Housing Court
Sec. 17-17	Ticketing for Violation of Subdivision Approvals

CHAPTER 17-NON-CRIMINAL DISPOSITION OF MUNICIPAL ORD/ RULE/ REGULATION VIOLATIONS

Section 17-1. Authorization

Pursuant to the provisions of Chapter 40, Section 21D of the General Laws of the Commonwealth of Massachusetts, this ordinance is established to govern the non-criminal disposition of ordinance, rule and regulation violations.

Section 17-2. Authority of Enforcing Officer

Any person taking cognizance of a violation of a specific ordinance, rule or regulation which he is empowered to enforce as an alternative to initiating criminal proceedings may seek non-criminal disposition of the matter as provided for in Section 17-3.

Section 17-3. Notice to Appear

The enforcing officer as provided for in Section 17-2 shall give to the offender a written notice to appear before the Clerk of the District Court at a specific time and date, not later than twenty-one days after the date of such notice.

Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific ordinance, rule or regulation violated and the time and place for his required appearance. Such notice shall be signed by the enforcing person and shall be signed by the offender whenever practicable in acknowledgment that such notice has been received.

Section 17-4. Delivery of Notice

The enforcing person shall, if possible, deliver to the offender a copy of the notice specified in Section 17-3 at the time and place of the violation.

If the above specified delivery of notice is not possible, then the notice shall be mailed or delivered by the enforcing person, or by his commanding officer, or the head of his department, or by any person authorized by such commanding officer or department head to the offender's last known address within fifteen (15) days after said violation.

Such notice, as so mailed, shall be deemed a sufficient notice, and a certificate of the person so mailing such notice that it has been mailed in accordance with this section shall be prima facie evidence thereof.

Section 17-5. Notice of Violation; Filing with Court

At or before the completion of each tour of duty, or at the beginning of the first subsequent tour of duty, the enforcing person shall give to his commanding officer or department head those copies of each notice of such violations as he has taken cognizance of during such tour which have not already been delivered or mailed by him aforesaid.

Said commanding officer or department head shall retain and safely preserve one copy and shall, at the time not later than the next court day after such delivery or mailing, deliver the other copy to the Clerk of the Lawrence District Court.

Section 17-6. Non-Criminal Dockets

Pursuant to the provisions of Chapter 40, Section 21D, the Clerk of the District Court shall maintain a separate docket of all notices to appear issued pursuant to this Chapter.

Section 17-7. Appearance and Confession

Any person notified to appear before the Clerk of the District Court, as hereinbefore provided, may so appear and confess the offense charged, either personally or through a duly authorized agent, or by mailing to the Cityl Clerk of the City of Methuen, together with the notice, such specific sum of money, not exceeding three hundred dollars as the City shall fix as penalty for violation of the ordinance, by-law, rule or regulation. Such payment shall, if mailed, be made only by postal note, money order or check. Upon receipt of such notice, the City Clerk shall forthwith notify the District Court Clerk of such payment and the receipt by the District Court Clerk of such notification shall operate as a final disposition of the case.

Section 17-8. Appearance Not to be Considered a Criminal Proceeding

An appearance under this ordinance shall not be deemed to be a criminal proceeding.

No person so notified to appear before the Clerk of the District Court shall be required to report to any probation officer, and no record of the case shall be entered in any probation records.

Section 17-9. Appearance to Contest; Hearing

If any person so notified to appear desires to contest the violation alleged in the notice to appear, and also to avail himself of the procedure established pursuant to this Chapter, he may, within twenty-one (21) days after
the date of the notice, request a hearing in writing.

Section 17-10. Hearing and Disposition

The hearing specified in Section 17-9 shall be held before a District Court Judge, Clerk or Assistant Clerk, as the Court shall direct, and if the Judge, Clerk or Assistant Clerk shall, after hearing, find that the violation occurred and that it was committed by the person so notified to appear, the person so notified shall be permitted to dispose of the case by paying the specific sum of money fixed as a penalty as aforesaid, or such lesser amount as the Judge, Clerk or Assistant Clerk shall order, which payment shall operate as a final disposition of the case. If the Judge, Clerk or Assistant Clerk shall, after hearing, find that the violation alleged did not occur, or was not committed by the person notified to appear, that finding shall be entered in the docket, which shall operate as final disposition of the case.

Section 17-11. Proceeding Not to be Criminal

Proceedings held pursuant to this section shall not be deemed to be criminal proceedings. No person disposing of a case by payment of such a penalty shall be required to report to any probation officer as a result of such violation, nor shall any record of the case be entered in the probation records.

Section 17-12. Failure to Appear; Issuance of Complaint

If any person so notified to appear before the Clerk of a District Court fails to pay the fine provided hereunder within the time specified, or, having appeared, does not confess the offense before the Clerk, or pay the sum of money fixed as a penalty after a hearing and finding, as provided in Section 17-10, the Clerk shall notify the enforcing person who issued the original notice, who shall determine whether to apply for the issuance of a complaint for the violation of the appropriate ordinance, rule or regulation.

Section 17-13. Notice; Form

The notice to appear provided for herein shall be printed in such form as the Chief Justice of the District Courts shall prescribe for the District Courts.

Said notice may also include a notice of violations pursuant to Section 11C of Chapter 85, Section 18A of Chapter 90, Section 16A of Chapter 270 and Section 173A of Chapter 140, all of the Massachusetts General Laws; provided, however, that this procedure shall not be used for the enforcement of municipal traffic rules and regulations. Chapter 90C of the General Laws shall be the exclusive method of enforcement of municipal traffic rules and regulations.

Section 17-14. Fines; Collection

Any fines imposed under the provisions of Chapter 17 of the Methuen Municipal Code shall inure to the benefit of the City for such use as the City may direct.

Section 17-15. Criminal Penalties

This Chapter shall not be interpreted to limit the means or method of punishing violators of municipal ordinances,/ rules or regulations, and the enforcing officials, as an alternative to acting under this Chapter, may seek criminal penalties where appropriate or necessary.

Section 17-16. The term "District Court" shall include the Northeast Housing Court.

(Ord. #317, Effective February 2nd, 1989; as amended by Ord. #422, Effective September 4th, 1991; as further amended by Ord. #635, Effective April 1st, 1998)

Section 17-17. Ticketing for Violation of Subdivision Approvals

In the instance where the Community Development Board shall determine that there has been a violation of the Subdivision Rules and Regulations, including the approval and endorsement of subdivisions, said Board shall cause to be served upon the responsible party a Notice to Correct specifying a date on which the correction of the violation shall be made.

In the instance where the responsible party does not correct said violation within the period specified, the responsible party shall be subject to a fine of One Hundred Dollars ($100.00) per day or each part thereof during which said violation continues. The Community Development Board may utilize the non-criminal disposition of Chapter 17 in assessing such fine.

(Ord. #738, Effective June 6, 2002)

CHAPTER 18

PUBLIC PARKS, PLAYGROUNDS AND BEACHES

Article I. Parks

Section	Item
Sec. 18-1.	Supervision
Sec. 18-2.	Director of Public Works
Sec. 18-3.	Enforcement of ordinances
Sec. 18-4.	Regulations
Sec. 18-5.	Amusement for gain
Sec. 18-6.	Assemblies
Sec. 18-7.	Definitions

Article II. Regulations Concerning Use of City Parks

Sec. 18-8.	Requirements concerning use of grounds and facilities
Sec. 18-9.	Prohibited acts
Sec. 18-10.	Hours for use
Sec. 18-11.	Other regulations
Sec. 18-12.	Residence
Sec. 18-13.	Rates
Sec. 18-14.	Penalties

Article III. Special Conditions Governing Use

Sec. 18-15.	Riverside Park
Sec. 18-16.	Spiggot Falls Riverwalk Park
Sec. 18-17	Tenney Street Park
Sec. 18-18	Fees For Park and Cemetery Usage
Sec. 18-19	Running Track Facility-Pop Warner Field at Stadium Complex

CHAPTER 18 - PUBLIC PARKS, PLAYGROUNDS AND BEACHES

Article 1. Parks

Section 18-1. Supervision

All parks in the City shall be operated and maintained under the supervision of the Director of Public Works.

Section 18-2. Director of Public Works

The Director of Public Works shall see to the operation and maintenance of the City parks, and he shall perform his duties subject to the supervision of the Mayor.

Section 18-3. Enforcement of Ordinances

The Director of Public Works shall see to the enforcement of all ordinances relating to the parks. He shall enforce all rules relating to the use of City owned parks.

Section 18-4. Regulations

It shall be unlawful for any person to violate any regulation governing conduct in the City parks which have been promulgated by the Director and the Mayor, and approved by the City Council.

Section 18-5. Amusement for Gain

No amusement for gain or for which a charge is made can be conducted in a park without the consent of the Mayor, and such amusement must be conducted in accordance with any ordinance pertaining thereto.

Section 18-6. Assemblies

No person shall engage in, participate in, aid, form or organize any assembly or group of people or make any speeches, or conduct any musical program or festivities, in any park, unless such permit has been obtained from the Mayor, and unless such permit is carried by the person heading or leading such activity; provided, however, that the provisions hereof shall not apply to students' work when constituting a part of their educational activities and under the immediate direction and supervision of the proper school authorities; nor to any governmental agency within the scope of its functions.

Applications for a park permit shall be filed with the Mayor not less than twenty days before the date on which it is proposed to conduct any such activity. Such application shall be sworn to and shall state:

(a) the name of the person or organization wishing to conduct such activity;

(b) if the activity is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization;

(c) the name, address and telephone number of the person who will be the chairman of such activity and who will be responsible for its conduct;

(d) the name, address and telephone number of the person or organization to whom the permit is desired to be issued;

(e) the date when such activity is to be conducted;

(f) the park or portion thereof for which such permit is desired;

(g) an estimate of the anticipated attendance; and

(h) the hour when such activity will start and terminate.

The Mayor shall grant and issue such park permit if:

(a) the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

(b) the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

(c) the facilities desired have not been reserved for other use at the day and hour required in the application;

(d) the conduct of such activity will not substantially interrupt the safe and orderly movement of traffic;

(e) the conduct of such activity will not require the diversion of so great a number of police officers to the City to properly police such activity and the areas contiguous thereto, as to prevent normal police protection to the City;

(f) the conduct of such activity is not reasonably likely to cause injury to persons or property, incite violence, crime or disorderly conduct; and

(g) such activity is not to be held for the sole purpose of advertising any product goods, or event, and is not designed to be held purely for private profit.

Each park permit shall state the following:

(a) date of such activity;

(b) park or portion thereof to be used; and

(c) hour when such activity will start and terminate.

Section 18-7. Definitions

For the purpose of this ordinance, the term "Park" shall mean and include parks, playgrounds and beaches owned by the municipality.

Article II. Regulations Concerning Use of City Parks.

Section 18-8. Requirements Concerning Use of Grounds and Facilities

Each person, firm or corporation using the public parks and grounds shall clean up all debris, extinguish all fires when such fires are permitted, and leave the premises in good order, and the facilities in a neat and sanitary condition.

Section 18-9. Prohibited Acts

It shall be unlawful for any person, firm or corporation using such parks to either perform or permit to be performed any of the following acts:

(a) willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines, or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(b) throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(c) bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse; or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

(d) disturb the peace, or use any profane, obscene or blasphemous language.

(e) endanger the safety of any person by any conduct or act.

(f) commit any assault, battery, or engage in fighting.

(g) carry, possess, or drink any alcoholic liquor in any park.

(h) violate any rule for the use of the park, made or approved by the Mayor and Director of Public Works.

(i) prevent any person from using the park, or any of its facilities, or interfere with such use in compliance with this ordinance and the rules applicable to such use.

(j) swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore, and in compliance with such regulations as are herein set forth or may hereafter be adopted.

(k) dress or undress on any beach, or in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

(l) No parent, guardian or other adult person in the custody or care of a minor under the age of twelve years shall permit such child to utilize the City beach at Forest Lake unattended. Any officer or employee of the City, upon discovering an unattended child under the age of twelve years, shall contact the parent, guardian or adult custodian of such child and such child shall be removed by said individual from the City beach area.

(Amended by Ord. #380, Eff. June 6th, 1990)

Section 18-10 Hours for Use

The parks shall be open weekends from Memorial Day to October first of any year during the hours of 10:00 A.M. and sunset and on weekdays during the summer as may be determined by the Director of Public Works. It shall be unlawful for any person, or persons (other than City personnel conducting City business therein) to occupy or be present in said parks during any hours in which the park is not open to the public.

Any section or part of the parks may be declared closed to the public by the Director of Public Works at any time and for any interval of time, either temporarily or at regular or stated intervals.

Hours for public swimming shall be from 10:00 A.M. until sunset on the days that the beach area is open; except that the Director of Public Works may close the swimming area

during inclement weather, where unsanitary water conditions exist, or for other reasons affecting the public health, convenience or safety.

The City Forest beach area shall be open for use, in addition to any other operation, on weekends, from Memorial Day through the end of June in any given year.

(Amended by Ord. #515, Effective August 31st, 1994)

Section 18-11. Other Regulations

(a) Sales - It shall be unlawful for any person other than employees or officials of the municipality or those granted permission by the Mayor, to vend, sell, peddle or offer for sale any commodity or article within the park.

(b) Animals - It shall be unlawful to bring any animal into the City Forest area, provided, however, that leashed dogs are permitted in the Forest Lake Park excepting for the swimming area and the boat ramp. Provided further, that horses may be allowed in the Forest Lake Park provided that they are only used on the horse trails at said park.

(c) The Director of Public Works, pursuant to the provisions of Chapter 45 of the General Laws and other applicable sections, may make any other regulations as shall benefit and protect the municipal parks.

(d) The Mayor shall not submit to the City Council any proposed use and/ or restriction of the bandstand at the Raymond Martin Park unless and until they shall have been reviewed for comment by the Methuen Cultural Council.

(Amended by Ord. #357, Eff. Nov. 15th, 1989; as further amended by Ord. #446, Eff. September 6th, 1992)

Section 18-12. Residence

Admission in the City Forest and such other areas designated and posted by the Mayor, pursuant to Section 3-2 (g) of the Methuen Home Rule Charter, shall be limited to residents of the City of Methuen.

(1983 Ord. as amended by Ord. #143, Eff. Oct. 19th, 1983)

Section 18-13. Rates

The rates for permit fees into the City Forest area shall be set and established by the Mayor as he may from time to time deem appropriate.

Section 18-14. Penalties

Any person who violates any provision of this ordinance or any condition of a permit issued pursuant to it shall be punished by a fine of not more than One Hundred Dollars ($100.00). Provided, however, that violations of Section 18-9, sub-sections (a), (b) and (c) shall be punished at a fine of Three Hundred Dollars ($300.00). Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. This ordinance may be enforced by a City Police Officer.

Article III. Special Conditions Governing Use

Section 18-15. Riverside Park

(a) No person shall rollerblade, ride a bicycle or skateboard in or on Riverside Park, nor shall any person ignite, operate or use an open fire, including gas grills, hibachis or the like; nor shall any animals, leashed or unleashed, be allowed on said park.

Rules and regulations governing City parks and playgrounds shall be uniform throughout the City of Methuen.

(b) The Department of Public Works shall cause to be posted and maintained a suitable sign prohibiting such use.

(c) Any person violating this ordinance shall be fined according to the provisions of Chapter 18, Section 18-14 of the Methuen Municipal Code.

(d) Fees for Wedding Ceremonies in Parks. A fee of $100.00 for wedding ceremonies at Riverside Park with a stipulation that the park is to be cleaned after its use.

Section 18-16. Spiggot Falls Riverwalk Park

(a) No person shall rollerblade, ride a bicycle or skate board in or on Spiggot Falls Riverwalk Park, nor shall any person ignite, operate or use an open fire, including gas grills, hibachis or the like; nor shall any animals, leashed or unleashed, be allowed in said park.

Rules and regulations governing City parks and playgrounds shall be uniform throughout the City of Methuen.

(b) The Department of Public Works shall cause to be posted a suitable sign prohibiting such use.

(c) Any person violating this ordinance shall be fined according to the provisions of Chapter 18, Section 18-14 of the Methuen Municipal Code.

(d) Fees for Wedding Ceremonies in Parks. A fee of $100.00 for wedding ceremonies at Riverwalk Park with a stipulation that the park is to be cleaned after its use.

(Ord. #347, Eff. Sept. 5th, 1989; as amended by Ord. #383, Eff. July 6th, 1990; as amended by Ord. #389, Eff. Aug. 1st, 1990; as amended by Ord. #469, Eff. May 5th, 1993; as further amended by Ord. #490, Eff. September 7th, 1993; as further amended by Ord. #647, Eff. June 3rd, 1998; as further amended by Ord. #650, Eff. July 1st, 1998 as further amended by Ord. #755, Eff. July 1st, 2003)

Section 18-17. Tenney Street Park

(a) No person shall allow or permit their dog whether leashed or unleashed upon the Tenney Street Park.

(b) The Department of Public Works shall post a sign at the entrance to the Tenney Street Park advising persons of the prohibition on bringing or allowing their dogs in the park.

(c) Any person violating this section shall be fined according to the provisions of Chapter 18, Section 18-14.

(Ord.#751, Eff. May 7th, 2003)

Section 18-18. Fees For Park and Cemetery Usage.

For fees for park and cemetery usage, see Chapter 8.

(Ord. #755, Eff. July 1st, 2003)

Section 18-19. Running Track Facility-Pop Warner Field at Stadium Complex.

(a) No person shall use roller blades, roller-skates, skate-boards, bicycles, tricycles, on the Running Track surface located at the Pop Warner Field at the Stadium Complex, nor shall any person use any other self-propelled or motorized recreational wheeled apparatus on said track surface.

The rules and regulations regarding City parks and playgrounds shall be uniform throughout the City of Methuen.

(b) The Department of Public Works shall cause to be posted a suitable signs prohibiting the aforementioned uses.

(c) Any person violating this ordinance shall be fined according to the provisions of Chapter 18, Section 18-14 of the Methuen Municipal Code.

(Ord. #807, Eff. Immediately, 2006)

Section 18-20. Use of Nicholson Stadium Complex

(a) The Nicholson Stadium Complex is hereby defined as the Nicholson Stadium turf field and the lower turf fields adjacent to Nicholson Stadium.

(b) No unauthorized use of the Stadium Complex is allowed. Permit applications may be obtained at the Methuen Recreation Dept.

(c) No food of any kind may be brought into the Stadium Complex, including peanuts, seeds or gum.

(d) No sports drinks may be brought into the Stadium Complex, but authorized users may bring water.

(e) No pet, whether leashed or unleashed, are permitted on the grounds of the Stadium Complex.

(f) No bicycles, skateboards, strollers, scooters or unauthorized vehicles may be used within the Stadium Complex.

(g) No tobacco products of any kind may be used in the Stadium Complex.

(h) The Department of Public Works shall cause to be posted a suitable signs prohibiting the aforementioned uses.

(i) Any person violating this ordinance shall be fined according to the provisions of Chapter 18, Section 18-14 of the Methuen Municipal Code. Violations of this Section may be enforced by the Recreation Director of the City of Methuen.

(Ord. #897, Eff. October 21, 2015)

Section 18-21. Use of Riverside Drive Boat Ramp and Adjoining Area

Location and Intent of Use:

This facility is located at 1110 Riverside Drive, Methuen, Ma. 01844, Parcel ID 418-162-19A, Book and page number 7365-347.

The use of this facility is limited to the launching and retrieval of watercraft and fishing in areas that are not prohibited by this ordinance or 320 CMR 2.00.

2.1: Definitions
2.2: Prohibitions
2.3: Penalties
2.4: Hours of Operation

2.1: Definitions

Unless the context otherwise requires, the following words shall have the following meanings:

Amphibious Vehicle means any motored vehicle that is designed to operate both on land and in the water including but not limited to those vehicles commonly referred to as

DUCK boats, LARCs, Stalwarts, hybrids and United States Coast Guard Certified Amphibians.

Intended Use of a Public Access Facility means the launching and retrieval of any trailered or cartop watercraft and parking of the vehicle used to launch and retrieve watercraft in a properly marked parking area.

Intended Use of a Shore Fishing Area means recreational fishing.

Intended Use of a Sport Fishing Pier means recreational fishing.

Public Access Facility, or Facility, means, in this bylaw, the Riverside Drive Boat Ramp, the associated parking area and adjacent land owned by the City, the adjacent waterway, and sport fishing piers and shore fishing areas, as designated by the City.

Watercraft means a vessel of any kind, except seaplanes and amphibious vehicles, which is used or capable of being used as a means of transportation.

2.2: Prohibitions

Unless otherwise authorized by special or general permit issued pursuant to 320 CMR 2.03 or by the Chief of Police, it is unlawful for any person to conduct the following uses or activities within the Public Access Facility:

i. camp, swim, sleep overnight, picnic, grilling, open flames, loiter, gamble or drink alcoholic beverages;

ii. litter, vandalize property, have a fire, post a sign or notice or have unleashed pets;

iii. ride bicycles, motorcycles, snowmobiles, all terrain or other vehicles within a public access area except as required for the intended use of the Facility;

iv. use the Facility for any purpose other than its intended use;

v. use any parking area for a purpose other than the parking of vehicles used to launch and retrieve watercraft in conjunction with the intended use of the Facility;

vi. park a motor vehicle and or trailer in a manner inconsistent with the striping pattern, signage or other means used to delineate the proper places to park;

vii. exceed any posted speed limit, or violate any traffic pattern or traffic control measure;

viii. conduct any business, commercial or trade activity that is inconsistent with the intended use of the Facility;

ix. sell or otherwise deal in wares of any sort or advertise any business, commercial activity or trade;

x. conduct any rental transactions, or park or engage in any activity related to rental transactions;

xi. conduct or participate in any tournament, contest or organized sporting, fishing or boating event, without a designated permit issued by the Chief of Police or designee;

xii. wash motor vehicles, boats or any other personal property or equipment, or flush motors or other equipment;

xiii. fish within a 50-foot radius of any boat launching ramp or associated pier or float system;

xiv. store any watercraft, trailers, equipment or other personal items, beach, dock or tie up any watercraft for more than 10 minutes, or use docks, piers or floats by watercraft not launching or retrieving;

xv. operate watercraft at other than headway speed or waterski within 300 feet of boat launching ramp or associated pier or float system;

xvi. operate personal watercraft except for the initial launch and retrieval;

xvii. close, gate or obstruct the entrance or take any action or conduct any activity that prevents or impedes access to, or the intended use of the Facility;

xviii. load or unload powered watercraft onto or off of boat trailers by means of propulsion systems in violation of posted measures-that prohibit such activities at the Facility;

xix. falsify any information on an application for a special or general permit;

2.3 Penalties

Any motor vehicle, trailer, watercraft or other article of personal property abandoned or left for more than 12 hours at the Facility, or parked in a manner in violation of this ordinance, may be towed or removed at the owner's expense.

Any person violating this ordinance may be fined according to the provisions of Chapter 18, Section 18-14 of the Methuen Municipal Code, or issued a notice of violation in accordance

with the provisions of Chapter 17 of the Methuen Municipal Code. For purposes of Chapter 17, the Building Inspector, staff of the Parks Department, and any police officer shall be an enforcing person.

2.4: **Hours of Operation**

i. The hours of operation for the Facility shall be from 5:00 am to 9:00 pm.

ii. The Facility shall be closed for the season from November 1st to April 1st annually.

(Ord. #907, Eff. July 6, 2016)

CHAPTER 19

SOIL REMOVAL ORDINANCE

Section	Item
Section I.	General Provisions
Section II.	Power and Authority
Section III	Filing Procedures
Section IV	Permit Requirements
Section V	Violations
Section VI.	Exceptions

CHAPTER 19 - SOIL REMOVAL ORDINANCE

Section I. General Provisions

A. Statement

Except as hereinafter provided, removal of earth from any land within the City of Methuen is prohibited, except as allowed by the issuance of a permit, after a public hearing by the Soil Removal Board, hereinafter referred to as the "Board", who shall issue such permit in accordance with the provisions of this ordinance.

B. Definitions

For the purpose of this ordinance, "soil" shall include top soil, loam, gravel, sand, clay, rock, sod, ground cover, and other allied materials; "owner" shall refer to the person(s), firm(s), or organization(s) holding title to the property in question.

C. Request for Determination of Applicability

An owner may request the Board to determine the applicability of this ordinance regarding soil removal activity.

D. Topsoil

Except when, in the opinion of the Board, removal of topsoil from property is necessary, topsoil will be retained on the property and re-spread by the property owner.

E. Violation

For violation of Section I and Section V of this ordinance the penalty shall be Fifty Dollars ($50.00) for the first offense, and Two Hundred dollars ($200.00) for each subsequent offense. Under this ordinance, each individual truckload removed will be considered a violation.

F. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent project and such holding shall not affect the validity of the remaining portion hereof.

G. Existing Permits

All current soil removal operations begun under valid permits, shall be governed by previously existing rules and codes, except that Section IV., Paragraph B shall become effective immediately to the extent practical.

H. Combined Hearings

Earth removal hearings may be combined at the option of the Board, with hearings under the Wetlands Protection Act, if such is required for the proposed work and/or with any other hearing required for said work, the Board, sitting jointly with the other agency concerned, provided that the hearing notice, as published by law, clearly states that a combined hearing is to be held, and separate decisions are issued according to the rules and regulations for each agency.

Section II. Power and Authority

A. Jurisdiction

Exclusive jurisdiction to issue permits shall be vested in a board appointed by the Mayor and subject to confirmation by Council. Said board shall consist of five individuals who shall be appointed for three year terms, so nearly arranged that as nearly one-third of their number shall be appointed annually. Said board shall act and be known as the Soil Removal Board and shall have the same powers as the Soil Conservation Board established on March 11th, 1969 under Chapter 40, Section 21, Massachusetts General Laws.

The Mayor shall annually designate the chairman thereof.

B. Inspector

The Mayor shall be responsible for, and may designate an Inspector who may be the Building Commissioner to assist the Soil Removal Board in implementing this ordinance.

C. On-Site Inspections

Members of the Board and the Inspector shall have the right to enter for inspection purposes premises for which Soil Removal permits have been issued, applications received, soil removal operations are taking place or have taken place in the past.

(As amended by Ord, #176, Eff. Feb. 20th, 1985)

Section III. Filing Procedures

A. To be considered for each permit, the owner must present three (3) copies to the Board of the following items:

(1) A plan showing ultimate use of the land conforming to existing zoning ordinances.

(2) This plan must show the area and proof of ownership; the proposed work area; source and type of cover for restoration; typical cross sections of cuts; fills and slopes; location of existing or proposed structures, proposed excavation or fill elevations and drainage facilities.

(3) A topographic map in five (5) foot elevation increments indicating existing contours and proposed final contours.

(4) A study and report indicating the effect of the proposed soil removal on water tables and the effect of the resulting changes in water run-off on the height of all encompassed, bordering and downstream surface water. Effect on both the lowest and highest water levels occurring during the year shall be considered by this study.

(5) A complete list of the names and addresses of all current abutters to the property where such removal is proposed.

(6) The names of all contractors authorized by the owner to remove materials from the property and a copy of the working agreement indicating the owner as the party responsible for restoration and maintaining the safety requirements in Section IV-B.

(7) A filing fee of Twenty-Five Dollars ($25.00) is required for a soil removal permit. The fee shall be waived when the applicant is the City of Methuen.

B. No permit shall be issued until the above requirements of Section III, Paragraph A, 1 through 7 are met. In the event that the above information is shown to be inaccurate or incomplete, the application shall be suspended until all provisions have been met.

C. A public hearing shall be held within twenty-one days of receipt of the application on which contains all necessary data required as per this Section III, Paragraph A, 1 through 7.

D. At least ten days prior to the hearing, notice must be sent to all abutters and the property owner by the Board. This notice must appear in a local daily newspaper of wide circulation in Methuen. The expense of the advertisement is to be borne by the owner.

E. For purposes of determining abutters under this ordinance, all contiguous land registered under names of individuals, corporations or trusts having common interest shall be considered as a single parcel. All persons owning land having at least one common boundary (including roads, bridges or waterways) with such single parcel shall be considered as abutters for the purposes of this ordinance.

F. After the public hearing, the Board must within twenty-one days approve or deny the permit.

G. Should a permit be denied, the Board will supply good and sufficient reason for such a denial. If the reason for denial is removed, the owner may re-apply without prejudice for another permit.

H. Each permit shall be issued subject to all applicable requirements under Section IV and to all specific conditions or restrictions the Board may deem necessary. The Board may at any time review existing permits and add or remove restrictions according to changed conditions by agreement with the permittee.

I. No permit will be issued if any requirement under Section IV cannot be met or if the Board finds that the proposed work will affect the public health, safety or welfare of the inhabitants of the City of Methuen.

J. Each permit shall contain an expiration date but may be extended by written request to the Board, provided no violations exist. Permit shall expire one year from the date of issue or when the work is completed, whichever comes first. Permits are automatically invalidated by expiration of the bond. Expiration of the permit shall not affect the obligation of the holder thereof to comply with all conditions and requirements of the permit nor release him or the surety on his bond from the obligations thereof.

Section IV. Permit Requirements

A. The following Operational Standards are required:

(1) During the life of the permit the following buffer areas are to be left in their natural state. All areas within:

(a) 100 feet of a public way and/or wetlands.

(b) At a distance suitable to obtain a finished slope of not greater than two to one to the lowest ground elevation.

(c) All areas within a distance determined by the Board of any occupied dwelling.

Natural vegetation shall be left and maintained in the buffer area(s) as determined by the Board, for screening and noise reduction purposes.

(2) Work hours shall be limited to 7:00 A.M. to 6:00 P.M. Monday through Friday unless otherwise specified. Operation of trucks (in and out) and all machinery including, but not limited to, dozers, shovels, loaders, chain saws, shredders, screens, etc., shall be limited to these hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the vehicles.

(3) The working area shall not exceed five (5) acres at any given time, exception shall apply where the operation is further regulated by the provisions of Public Law 89-577 regulated by the U.S. Department of Interior, Mining Enforcement and Safety Administration Office.

(4) All topsoil shall be stripped from the work area and a sufficient amount stockpiled for use in restoring the area after the soil removal operations have ceased.

(5) During operations, when excavation is located closer than two hundred (200) feet from a residential area or one hundred (100) feet from a public way and where the excavation will have depth of more than fifteen (15) feet with a slope in excess of 1 to 1, a fence of at least four (4) feet high shall be erected to access to this area. To insure the public safety, the Board may require the posting of signs reading "DANGER", "KEEP OUT" and/or "NO TRESPASSING - POLICE TAKE NOTICE".

(6) No area shall be excavated so as to cause the accumulation of free standing water except as part of the final plan approved by the Community Development Board and the Conservation Commission. Permanent drainage shall be provided as needed in accordance with good conservation practices. In the event that a serious ponding of water results form soil removal operation, the owner will consult with the Board for proper drainage or retention of the water.

(7) Trees and other ground cover should be removed before deeper excavations are begun. Care should be taken to remove any overhanging lip and maintain the slope at 1 to 1, during excavation.

(8) Frequent inspections and continual maintenance of erosion and sedimentation controls should be performed. In the event the Board finds serious erosion taking place on any soil removal site, it shall have the power to order grading, seeding, mulching and planting. All necessary care should be taken to halt erosion. Such erosion prevention will be at the expense of the owner.

B. Any site where work is being done in accordance with this ordinance shall display a sign of one (1) square feet bearing the words "Methuen Soil Removal Board Permit Number ..." assigned to the project.

B. The following Restorational Standards are required:

A. All final bankings shall be graded to a slope no steeper than two (2) feet horizontal to one (1) foot vertical.

B. In soil removal areas, ledge shall not be left exposed above the approved grade and boulders and all cleared trees, stumps, and brush shall be removed, shedded or completely buried and covered with a minimum of two (2) feet of soil.

C. No trees, stumps, or other material subject to decay shall be buried at an elevation below the maximum water table.

D. Following excavation and as soon as possible thereafter, ground levels and grades shall be established as shown on the completed topographical plan. Retained topsoil shall be spread to a minimum depth of four (4) inches. The entire area should be seeded, mulched, and cared for until a firm ground cover is established.

E. The owner shall be responsible for repair of any erosion damage and must make repairs whenever needed even after expiration of his permit and until the release of his bond.

C. A bond shall be required when the extent of the work is significant in the opinion of the Board. A bond shall be posted with the City Clerk and a covenant approved by the City Solicitor, with a penal sum and surety satisfactory to the said Board, conditional upon the faithful performance by the applicant of the conditions of the permit. Such bond shall not be less than One Thousand Dollars ($1,000.00) per acre of working area; (i.e., any area in condition other than its natural state or reconditioned state in accordance with Sections III and IV of this ordinance).

D. When it has been determined by the Board that all general requirements under Section IV (B) have been met as well as any specific conditions which may have been imposed by the Board and when the permittee states in writing that the project is in every way complete, the Board will sign a conditional release. One (1) year from the date of conditional release, if no damage or deterioration to the finished project has developed, the Board shall sign a final release. If slumping, gullying, or other form of erosion appears at any time within the year following the conditional release, or if the ground cover fails to become established in any area, the permittee is responsible for repairs. Following repairs, the Board will sign another conditional release. Final release will be signed when no further damage appears one (1) year after the most recent conditional release and only then will the bond be released.

E. The owner must provide liability insurance protecting himself and all others in the event of an accident and the City of Methuen must be listed as co-insured and a certificate of said insurance must be provided to the Board before work can begin. Any person(s) or corporation(s) working under contractual agreements with the owner may also provide liability insurance.

Section V. Violations

A. Upon verbal or written notification of violation of any conditions of the permit or any section of this ordinance to any member of the Board or to the Inspector, such claim of violation shall be immediately investigated by a member of the Board or the Inspector. If, in the opinion of the member or Inspector, this or any other violation has been committed, said member or Inspector shall be obligated and empowered to issue a Request for Compliance to the violation.

B. The Board may, upon finding a violation and if the violation continues after the issuance of a Request for Compliance, issue a Cease and Desist to order immediate termination of the soil removal activity, and a public hearing will be held.

C. The Board shall, after due hearing and proof of violation of any term of the permit or this ordinance, revoke the permit. If said violation involves removal of material from the premises, all material shall be returned to proper grade or the penalties defined in Section I of this ordinance shall be levied.

D. If said infraction involves violation of the natural buffer areas, material and loam shall be replaced to the natural buffer areas, and the trees destroyed shall be replaced with suitable trees of the size, type and spacing approved by the Board.

E. If all corrections cannot or are not made within a reasonable time stipulated by the Board, the bond will be forfeited and the penal sum provided therein paid to the City of Methuen to be used to restore the property as required by this ordinance.

F. Any person who purchases, inherits, or otherwise acquires real estate upon which work has been done in violation of any permit issued hereunder shall forthwith comply with any requirement or restore such real estate to its condition prior to any such violation.

Section VI. Exceptions

A. The provisions of this ordinance do not apply to:

(1) Any soil removal done in compliance with the requirements of a subdivision plan that has been approved by the Community Development Board.

(2) The removal of earth in the course of excavation, grading or landscaping incidental to the construction of a building for which a building permit has been issued or for the construction of a driveway or parking lot.

(3) Any permitted uses required for plowing and planting or any soil conservation practices of normal farm, garden, orchard, nurseries or lawn making operations. The disposal or sale of earth from farm property shall require a permit.

(4) Any excavation which comes under the term of public use, such as cemeteries, road constructions, and maintenance of water, sewer, septic systems, gas, electric or telephone facilities.

B. At any time that the Board determines that the soil removal is not only for purposes A., 1 through 4 above, the Board shall require that an application for a permit be filed under this ordinance before any further removal of earth is allowed.

C. When said permit involves proposed soil removal area of less than one (1) acre and also the removal of less than five hundred (500) cubic yards of soil, the Board may waive the requirements of Section III, A, 3 and 4, and Section IV, C.

D. In the event of serious erosion and/or danger to public safety, any such exempt operation may be declared no longer exempt by the Board and shall be required to obtain a permit before further work is done and/or to correct any existing violations under this ordinance.

(1973 Ord., added by Ord. 49, July, 1976)

CHAPTER 20

MUNICIPAL PROPERTY

Section	Item
	Article I. Sale of Personal Property
Sec. 20-1.	**Disposing of surplus supplies**
Sec. 20-2.	**Acquisition and disposition of real property**
	Article II. Sale of Real Property
Sec. 20-10	**Definitions**
Sec. 20-11.	**Invalidation of transfer**
Sec. 20-12.	**Procedure for sale - Council**
Sec. 20-13.	**Procedure for public auction**
Sec. 20-14.	**Notice to boards**
Sec. 20-15.	**Deeds**
Sec. 20-16.	**Re-Sale**
Sec. 20-17.	**Disqualification system for the sale of public properties**
Sec. 20-18.	**Reserved**
Sec. 20-19.	**Reserved**
Sec. 20-20.	**Sale, lease or rental of municipal property/abutter notification**
Sec. 20-21.	**Prohibiting Emergency Preambles regarding sale, lease or rental of municipal property**

CHAPTER 20 - MUNICIPAL PROPERTY

Article I. Sale of Personal Property

Section 20-1. Disposing of Surplus Supplies

A. Governing Statement

It is the intent of this ordinance to establish an orderly procedure for the disposition of surplus supplies of the municipality, consistent with law, and, to this extent, the provisions of General Laws, Chapter 30B, Section 15, as amended, and the "Municipal County, District and Local Authority procurement of Supplies, Services and Real Property" manual of the office of the Inspector General, as supplemented, is hereby incorporated herein.

(1973 Ord. as amended by Ord. #51, Jan., 1977; as further amended by Ord. #460, Dec. 7th, 1992; as further amended by Ord. #759, Eff. April 16th, 2003)

Section 20-2. Acquisition and Disposition of Real Property

A. Definitions

"Real property" shall be defined as including land and buildings, together with appurtenant structures and fixtures attached to said land and buildings meeting the threshold bid requirements of General Laws Chapter 30(b)

"Interest in real property" includes, but is not limited to, a title, lease, mortgage, lease purchase agreement, rental agreement, tenancy-at-will, or easement, including sale after tax foreclosure, but not including a license or permit, nor shall it apply to eminent domain proceedings, tax title takings nor redemptions or auctions of tax title property authorized under General Laws, Chapter 60.

B. RFP Process - Acquisition

(1) The municipality shall utilize a request for proposal format in the acquisition of real estate. The chief procurement officer shall, prior to submitting to the process, develop a written specification and evaluation criteria. Said RFP shall specifically define submission requirements and contract terms and conditions. The submission requirements must require that the selected proposer will be required to submit a disclosure of beneficial interests pursuant to General Laws, Chapter 7, Section 40J. A copy of said form will be provided as part of the proposal packet.

(2) Advertising Requirements. All proposals shall be advertised in a newspaper of general circulation at least once a week for two consecutive weeks preceding the day established for proposal opening.

If the proposed acquisition involves more than 2,500 square feet, an advertisement must also be published at least thirty days before the opening of proposals in the Central Register and published by the Secretary of State.

(3) Exceptions to Advertising Requirement. The advertising requirement may be shortened or waived in the instance where an emergency exists or there is a determination as to uniqueness requirements in accordance with the provisions of the General Laws, Chapter 30B and Chapter 7, Section 40J. Provided, however, that all Central Register requirements are met in this instance.

(4) Subsequent to the opening and evaluation of proposals, and, upon selection of the proposer, the municipality shall submit the name and amount of the transaction, to be recorded in the Central Register, together with the statement of beneficial interests as required under General Laws, Chapter 7, Section 40J.

(5) The municipality shall retain the following records of any transaction for the acquisition of real property interests: requests for proposals; public advertisement; all Central Register notices; all proposals received; evaluation materials; statement of beneficial interests; and the contract for acquisition itself.

C. Disposition of Real Property

The following procedure shall apply to disposition by sale or rental of real property or an interest in real property owned by the municipality where the same meets the bid threshold requirements of General Laws, Chapter 30B.

1. No real property of the City of Methuen shall be offered for sale, rental or exchange of interest unless and until the City Council of the City of Methuen, pursuant to General Laws, Chapter 40, Section 3, or other applicable section, shall have determined the property to be surplus; nor shall any such property be disposed of should it have been previously assigned to a particular purpose or use unless the controlling agency thereof submits the same as surplus under the provisions of General Laws, Chapter 40, Section 15A.

(a) Prior to offering said property for sale, and, in conjunction with the authorization to declare surplus, the Mayor shall submit to the City Council a certificate of the Board of Assessors stating the property's value. Such property shall be offered for sale or exchange by way of a request for proposal process. Said proposal shall contain a property description and evaluation criteria, together with applicable submission requirements, including informing proposers that the selected proposer must comply with the provisions of Chapter 7, Section 40J regarding disclosure of beneficial interest with the Deputy

Commissioner of the Division of Capital Planning and Operations. Said proposal shall further contain the contract terms and conditions involved in the exchange.

(b) All proposals shall be advertised in a newspaper of general circulation at least once a week for two consecutive weeks preceding the date established for opening of proposals.

(c) The municipality shall open and register the proposals, conduct an evaluation on the same, and, upon selection, publish the disclosure statement as required in the Central Register, together with disclosure of beneficial interests aforementioned.

(d) The municipality shall retain the following records regarding said transaction: the surplus declaration; the request for proposal; public advertisement; Central Register notice; all proposals received; evaluation materials; copy of the statement of beneficial interest; and the contract.

(Ord. #460, Eff. Dec. 7th, 1992)

Article II. Sale of Real Property.

Section 20-10. Definitions

"City-Owned Land": City-owned land, as used herein, shall mean all municipally owned property subject to sale under the provisions of Section 3 of Chapter 40, Massachusetts General Law.

"Publish": Publish, as used herein, shall mean the notice of public auction printed in a newspaper of general circulation in the City of Methuen.

"Abutters": Abutters, as used herein, shall mean owners of land directly opposite on any public or private street or way and abutters to abutters within three hundred (300) feet of the property line of the City-owned land proposed for sale.

Section 20-11. Invalidation of Transfer

Except as otherwise provided for in the General Laws, the Charter, or City Ordinances, no City-owned land shall be sold nor shall any document witnessing the same create or cause a valid and binding transfer unless the procedures in this chapter are complied with.

Section 20-12. Procedure for Sale - Council

All City-owned land shall, prior to sale, require the approval by vote of the City Council in the form of a resolution.

Such resolution shall include the following items:

(a) An adequate description of the property to be sold.

(b) A declaration that the property is considered surplus.

(c) A clause providing for sale at public auction at or near the fair market value.

(d) A clause providing that the costs of recording the transfer shall be borne by the purchaser.

(e) A clause providing that the City reserves the right to reject any and all bids.

Section 20-13. Procedure for Public Auction

The Mayor, or his designated agent, shall, no later than seven (7) days prior to the sale, publish notice of the public auction of the City-owned land approved for sale under Section 12. The Mayor, or his designated agent, shall notify all abutters by mail of said proposed auction no later than five (5) days prior to the sale.

The notice provided herein shall include the information as provided for in sub-sections (a) through (f) of Section 12, and, in a clause that no sale shall be binding on the municipality unless the provisions of this ordinance have been complied with.

Section 20-14. Notice to Boards

Prior to the sale, the Mayor of the City, or his designated agent, shall submit, in writing, a request for determination of use of any proposed property for sale to the Community Development Department, Department of Public Works and Conservation Commission.

No sale shall be held unless reports from the above listed agencies have been made or fourteen (14) days have passed since the request for same, whichever occurs sooner.

Unless otherwise provided by vote of the City Council, all recommendations, restrictions and covenants proposed by the boards and commissions shall be added in as conditions of the transfer of the properties as if they had been voted upon by the City Council in their authorization vote. Such conditions shall be included in the advertisements as provided for in Section 20-13 above and further shall be placed within the instruments of transfer.

Section 20-15. Deeds

All deeds of transfer shall be in a suitable form as determined by the City Solicitor and shall be executed by the Mayor.

Section 20-16. Re-Sale

If at the time of original offering, as per this ordinance, the Mayor determines that no suitable bid was offered, he may thereafter sell the same by any reasonable means, including private sale.

(Ord. #128, Adopted Dec. 1982, as amended by Ord. #189, Eff. May 1985)

Section 20-17. Disqualification System for the Sale of Public Properties

Any officer or board which executes a deed to convey property acquired by the City by foreclosure of tax title under Section 80 of Chapter 60, M.G.L., or Section 3 of Chapter 40, M.G.L., shall not execute such deed to any person unless such person has submitted to said board or officer a statement signed under the pains and penalties of perjury that neither he nor any person who would gain equity in the property as a result of such conveyance has ever been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the aiding, counseling or procuring of a willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim for fire insurance, or is delinquent in the payment of real estate taxes to the City in which the property is being sold, or if delinquent, that a pending application for abatement of such tax, or a pending petition before the appellate tax board or the county commissioners has been filed in good faith. If there is more than one grantee of such deed, each grantee must file such statement, and no such deed shall be valid unless it contains a recitation that the board or officer granting the deed has received such statement.

(Ord. #223, Adopted March 17th, 1986, Eff. April 16th, 1986)

Section 20-20. Sale, Lease or Rental of Municipal Property/Abutter Notification

No resolution, ordinance or contract relating to the sale, lease or rental of municipal property shall be presented to the City Council unless fourteen (14) days prior thereto abutters of said property are notified of the contemplated action and advised of their rights to appear before the City Council.

Notice herein shall mean the mailing of such notice, postage prepaid, to each abutter which shall be synonymous with "parties in interest" as defined in General Laws, Chapter 40A, Section 11.

(Ord. #450, Eff. October 21st, 1992)

Section 20-21. Prohibiting Emergency Preambles Regarding Sale, Lease or Rental of Municipal Property

No resolution, ordinance or contract relating to the sale, lease or rental of municipal property shall have affixed thereto an emergency preamble under the provisions of

Article 2, Section 2-9(b) of the Methuen Home Rule Charter.

(Ord. #510, Eff. June 1st, 1994)

CHAPTER 21

FAIR HOUSING

Section	Item
Sec. 21-1.	Finding of the City Council
Sec. 21-2.	Public policy
Sec. 21-3.	Exercise of Police power
Sec. 21-4.	Unlawful housing practices
Sec. 21-5.	Enforcement: complaints and grievances
Sec. 21-6.	Severability

CHAPTER 21 - FAIR HOUSING

Section 21-1. Finding of the City Council

The practice of discrimination against individuals is a matter of grave public concern. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of our people and undermines the foundations of a free democratic state. The denial of equal opportunities because of such discrimination could deprive large segments of the population of the City of Methuen of the ability to maintain decent standards of living and intensifies group conflicts, thereby resulting in grave injury to the Public Safety, Health and Welfare if an ordinance of this nature was not enacted.

Section 21-2. Public Policy

It is hereby declared to be the public policy of the City of Methuen to foster the equal opportunities of all individuals in the City in accordance with their fullest capacities and abilities, regardless of their race, color, sex, national origin, religion, age, marital status, political affiliation, mental and/or physical handicap, whether the individual receives public assistance, and because of he/she has a child or children and to safeguard their right to be free from such discrimination in housing.

Section 21-3. Exercise of Police Power

This ordinance shall be deemed an exercise of the Police power of the said City for the protection of public welfare, prosperity, health and peace of its people.

Section 21-4. Unlawful Housing Practices

It shall be an unlawful housing practice:

A. For any owner, lessee, sub-lessee, assignee, managing agent, real estate broker, or other person having the right to sell, rent, lease, or manage a housing accommodation or an agent of any of those such persons:

1. To discriminate and to directly or indirectly make or cause to be made any written or oral inquiry concerning the race, color, sex, national origin, religion, age, marital status, political affiliation, mental and/or physical handicap or if there is a child or children in the family of any prospective purchaser, applicant, occupant, or tenant of such housing accommodation;

2. To discriminate or to directly or indirectly refuse to sell, rent, lease, let or otherwise deny to or withhold from any individual, such housing accommodation because of race, color, sex, national origin, religion, age, marital status, political affiliation, mental and/or physical handicap or if there is a child or children in the family or because the individual receives public assistance;

3. To discriminate or to directly or indirectly cause to be printed or published, circulated, broadcasted, issued, used, displayed, posted, or mailed any written, printed or painted or oral communication, notice or advertisement relating to the sale, rental, lease or let of such housing accommodation which, indicates any specification, qualification, or discrimination, based upon race, color, sex, national origin, age, marital status, political affiliation, mental and/or physical handicap or if there is a child or children in the family or whether the individual receives public assistance.

4. To directly or indirectly discriminate against any person because of his or her race, color, sex, national origin, religion, age, marital status, political affiliation, mental and/or physical handicap or if there is a child or children in the family or because the individual receives public assistance, in the terms, conditions, or privileges of the sale, rental, lease, or let of any such housing accommodation or in the furnishing of facilities or services in connection therewith.

B. For any person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, whether secured or unsecured;

1. To discriminate or to directly or indirectly make or cause to be made any written or oral inquiry concerning the race or color, sex, national origin, religion, age, marital status, political affiliation, mental and/or physical handicap or if there is a child or children in the family, of anyone seeking such financial assistance, or of existing or prospective occupants or tenants of such housing accommodation, nor shall any such person to whom such application is made, directly or indirectly discriminate in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance against any applicant because of the race, color, sex, national origin, religion, age, marital status, political affiliation, mental and/or physical handicap or if there is a child or children in the family or whether the individual receives public assistance of such applicant or of the existing or prospective occupants or tenants thereof;

2. To discriminate or to directly or indirectly deny or limit such application for financial assistance on the basis of any appraiser's, whether independent or not, evaluation of the property or neighborhood under consideration, when such

evaluation is based on discriminatory criteria.

C. For any person, agent, firm, corporation or association whether or not a acting for monetary gain, to directly or indirectly induce, attempt to induce, prevent or attempt to prevent the sale, purchase, rental, or letting of any housing accommodation by:

1. Implicit or explicit representations regarding the existing or potential proximity of real property owned, used, or occupied by persons of any particular race or color, sex, national origin, religion, age, marital status, political affiliation, mental and/or physical handicap or whether the individual receives public assistance;

2. Implicit or explicit representations regarding the effects or consequences of any such existing or potential proximity including, but not limited to, the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities;

3. Implicit or explicit false representations regarding the availability of suitable housing within a particular neighborhood or area, or failure to disclose or offer to show all properties listed or held for sale, rent, lease or let within a requested price range, regardless of location, so as to promote the continuance or maintenance of segregate housing or so as to retard, obstruct, or discourage integrated housing on or in any street, block or neighborhood.

D. Except where based on a valid affirmative action program or record keeping or reporting requirements:

1. For any person, agent, manager, owner, or developer of any apartment or housing unit, complex, or development, whether commercial or residential to directly or indirectly make or keep a record of any applicant's, prospective owner's or tenant's race, color, sex, national origin, religion, age, marital status, political affiliation, mental and/ or physical handicap or if there is a child or children in the family or whether the individual receives public assistance;

2. To use any form of housing or loan application which contains questions or entries directly or indirectly pertaining to race, color, sex, national origin, religion, age, marital status, political affiliation, mental and/or physical handicap;

3. Establish, announce, or follow a pattern, practice, or policy of denying, excluding or limiting by any means whatsoever housing accommodations to any group because of their race, color, sex, national origin, religion, age, marital status, political affiliation, mental and/or physical handicap or if there is a child or children in the family whether they receive public assistance.

E. For any person to discriminate in any manner against any individual or to

retaliate against such individual because he or she has opposed any practice forbidden by this ordinance or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this ordinance.

F. For any person, whether or not acting for monetary gain, to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful housing practice, or to obstruct or prevent any person from complying with the provision of this ordinance or any regulations or order issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful housing practice.

G. Nothing contained in this section shall be construed to prevent the operation or establishment of housing facilities designed for the exclusive use of the aged or elderly and/or handicapped, nor to prohibit the establishment of programs assigned to meet the needs or circumstances of handicapped persons.

Section 21-5. Enforcement: Complaints and Grievances

The City of Methuen Affirmative Action Officer shall be designated by the Mayor to advise citizens of their rights under this ordinance and to refer cases of possible discrimination to the Massachusetts Commission Against Discrimination.

The above-mentioned provision, however, does not preclude the injured citizen from filing his/her complaint directly with the Massachusetts Commission Against Discrimination.

Section 21-6. Severability

If any provision or section of this ordinance shall be held to be invalid, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

(Ord. #136, Effective Aug. 4th, 1983)

CHAPTER 22

GOVERNING STATES OF EMERGENCY IN METHUEN

Section	Item
Sec. 22-1.	Definitions
Sec. 22-2.	Declaration of States of Emergency
Sec. 22-3.	Cooperation with Federal and State Authorities
Sec. 22-4.	Authority and Responsibility of the City
Sec. 22-5.	Issuance of Executive Orders
Sec. 22-6.	Appointment of Volunteers
Sec. 22-7.	Establishment of Civil Defense Agency
Sec. 22-8.	Authority of Local Civil Defense
Sec. 22-9.	Appropriations
Sec. 22-10.	Utilization of Local Forces
Sec. 22-11.	City Council Authority
Sec. 22-12.	Severability

CHAPTER 22 - GOVERNING STATES OF EMERGENCY IN METHUEN

Section 22-1. Definitions

In this ordinance, unless the context otherwise requires, the following words shall have the following meanings:

"Emergency service" shall mean the preparation for and the carrying out of all emergency functions, for the purpose of minimizing and repairing injury and damage resulting from disasters caused by fire, flood, blizzard, earthquake or other natural causes; said functions shall include specifically, but without limiting the generality of the foregoing: fire-fighting and police services, medical and health services, rescue, public works, evacuation of persons from stricken areas, and emergency transportation.

"Local organization for civil defense" shall mean an organization created in accordance with the provisions of Chapter 639 of the Acts and Resolves of 1950 and this ordinance to perform local emergency service functions.

Section 22-2. Declaration of States of Emergency

Because of the existing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from natural occurrences, such as floods, blizzards, fire or earthquakes, in order to insure that the preparations of the City will be adequate to deal with such disasters, and generally to provide for and protect the public peace, health, security and safety, and to preserve the lives and property of the people of the City, the Mayor is hereby authorized to declare "states of emergency" which are caused by natural disasters and such states of emergency may apply to the City or selected portions thereof.

Such declaration, when issued, shall be in writing and (1) recorded with the City Clerk, and (2) communicated to the media for distribution to the citizenry.

Whenever the Mayor has proclaimed the existence of such a state of emergency, he may employ every agency and all the Departments and divisions of the City to protect the lives and property of its citizens and to enforce the law.

After the proclamation has been made in the event of a disaster, the Mayor may:

(a) Impose a curfew under Chapter 40, Section 37A, Massachusetts General Laws.

(b) Prohibit establishments licensed under Chapter 138, Massachusetts General Laws, to sell, give away or deliver any alcoholic beverages on the licensed premises for a period not exceeding three days at any one time under this ordinance and Chapter 138, Section 68, Massachusetts General Laws.

(c) Seek and secure the aid and assistance of all available county, state and federal authorities in protecting the public safety and health.

(d) Order all or any portions of the public ways of the City closed to all but public safety vehicles, and in conjunction therewith, to cause to be removed any persons or vehicles or property on said public ways in violation of such closing; the cost of which to be borne by the individual property owners.

This section, however, shall not apply to the City Council and their staff while proceeding to or returning from a duly called Council meeting.

(e) Order evacuated, in conjunction with the Building Commissioner and/or the Board of Survey, all properties in the City of Methuen under this ordinance and Chapter 143, Massachusetts General Laws, and 780 CMR, Section 124 et seq.

(f) In conjunction with the Building Commissioner, have right of entry to any building, structure, or premises in the municipality to protect the public safety.

(g) Use and make use of public buildings, excepting Sanborn Hall, to house and shelter any citizens evacuated from their properties.

(h) Take any action reasonably necessary to protect the public safety.

Section 22-3. Cooperation with Federal and State Authorities

The Mayor shall have the power and authority to cooperate with state and federal authorities in matters pertaining to the common welfare, and also so to cooperate with the military forces of the United States and of the state, and to take any measures which he may deem proper to carry into effect any request of the President of the United States or the Governor of the Commonwealth for action looking to the public safety.

Section 22-4. Authority and Responsibility of the City

During the effective period of so much of this ordinance as is contingent upon the declaration of a state of emergency as hereinbefore set forth, the Mayor, in addition to any other authority vested in him by law, shall have and may exercise any and all authority over persons and property, necessary or expedient for meeting said state of emergency, which the City Council, in the exercise of its authority, may confer upon him, and specifically, but without limiting the generality of the foregoing, the Mayor shall have and may exercise such authority relative to any of the following:

(a) Health and/or safety of all citizens and individuals within the territorial limits of the City.

(b) Maintenance, extension or interconnection of services of public utility or public service companies, including public utility services owned or operated by the City.

(c) Policing, protection or preservation of all property, public or private, by the owner or person in control thereof, or otherwise.

(d) Assemblages, parades or pedestrian travel, in order to protect the physical safety of persons or property.

(e) Regulation of the manner and method of purchasing or contracting for supplies, equipment or other property or personal or other services, and of contracting for or carrying out public works, for the City or any of its agencies or political subdivisions.

(f) Receipt, handling or allocation of supplies, equipment or material granted, loaned, or allocated by the state or federal government to the City.

Section 22-5. Issuance of Executive Orders

The Mayor may exercise any power, authority or discretion conferred on him by any provision of this ordinance pertaining to such section as requires preparation in anticipation of a declaration of a state of emergency by the issuance or promulgation of executive orders or general regulations, or through such department or agency of the City, including the local organization for civil defense. Any department, agency or person so directed shall act in conformity with any regulations prescribed by the Mayor for its or his conduct.

Section 22-6. Appointment of Volunteers

The Mayor may appoint, train and equip unpaid volunteer aid and may establish and equip such other volunteer, unpaid public protection units as may be approved by said civil defense agency under Chapter 639 of the Acts and Resolves of 1950, and may appoint and train their members.

Section 22-7. Establishment of Civil Defense Agency

There is hereby established under this ordinance and Chapter 639 of the Acts and Resolves of 1950, a local organization for civil defense in accordance with the state civil defense plan and program.

The organization for civil defense shall have a director, who shall be appointed by the Mayor and subject to confirmation by the City Council, who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense, subject to the direction and control of such appointment authority. The local organization for civil defense shall perform civil defense functions within the territorial limits of the City, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of Section 7 of Chapter 639 of the Acts and Resolves of 1950.

In carrying out the provisions of this ordinance and Chapter 639 of the Acts and Resolves of 1950 in which any disaster as described in Section 1 of Chapter 639 occurs, the Mayor shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. The Mayor is authorized to exercise the powers vested under this ordinance and Chapter 639 of the Acts and Resolves of 1950 in the light of the exigencies of the extreme emergency situation, without regard to time-consuming procedures and formalities prescribed by law, excepting mandatory constitutional requirements, pertaining to the performance of public works, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds.

Section 22-8. Authority of Local Civil Defense

The Director of the local organization for civil defense may, in collaboration with other public and private agencies within the Commonwealth, develop or cause to be developed mutual aid arrangements for reciprocal emergency defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state civil defense plan and program, and in time of emergency, it shall be the duty of the local organization for civil defense to render assistance in accordance with the provisions of such mutual aid arrangements. The Director of the local organization for civil defense may, subject to the approval of the Mayor, enter into mutual aid arrangements with civil defense agencies or organizations in other states for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted.

Section 22-9. Appropriations

The City Council shall have the power to make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such City for the payment of expenses of its local organization for civil defense.

Whenever the federal or state government or any agency or officer thereof, or any person, firm, or corporation shall offer to the City services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of civil defense, the City, acting through its Mayor, may accept such offer, and upon acceptance, the Mayor may authorize any officer of the City to receive such services, equipment, supplies, materials or funds on behalf of the City, or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

Section 22-10. Utilization of Local Forces

In carrying out the provisions of this ordinance the Mayor is directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the City to the maximum extent practicable.

The Mayor may assign to a City agency any activity concerned with disaster preparedness and relief of a nature related to the existing powers and duties of such agency, and it shall thereupon become the duty of such agency to undertake and carry out such activity on behalf of the City.

Section 22-11. City Council Authority

Upon the issuance of the state of emergency by the Mayor, he/she shall forthwith cause to be served upon the Chairman of the City Council a copy of such proclamation.

The City Council, acting hereunder, may call a meeting and thereat, rescind, repeal or modify such declaration as it believes is in the best interests of the public safety and health.

Section 22-12. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given effect without the invalid provision of application; and to this end, the provisions of this ordinance are declared to be severable.

(Ord. #258, Approved May 4th, 1987, Eff. June 3rd, 1987)

CHAPTER 23

AN ORDINANCE REGULATING DOGS

Section	Item
Sec. 23-1.	Definitions
Sec. 23-2.	Registration and Licenses
Sec. 23-3.	Kennel Licenses
Sec. 23-4.	Sale or Other Delivery of Unlicensed Dog by Kennel License
Sec. 23-5.	Inspection of Kennels; Revocation, Suspension and Reinstatement of License; Nuisance
Sec. 23-6.	Licensee Convicted of Violation of Statutes Relating to Offenses Against Animals
Sec. 23-7.	Change of Owner or Keeper of Licensed Dog; Dog Brought Into Methuen
Sec. 23-8.	Importation of Dogs and Cats for Commercial Resale; Health Certificates; Violations
Sec. 23-9.	Fees; Certificate or Statement That Dog Has Been Spayed; Dogs Serving Blind or Deaf Persons; Refunds
Sec. 23-10.	Shelters; Sale or Gift of Dog or Cat Not Spayed or Neutered
Sec. 23-11.	Violation of Ordinance
Sec. 23-12.	Application of Law; Exception
Sec. 23-13.	Application of Law; Licensed Pet Shops Exempted
Sec. 23-14.	Symptoms of Rabies Printed on License; Description Supplied by Department of Health
Sec. 23-15.	Vaccination Against Rabies; Revaccination; Penalty
Sec. 23-16.	Issuance of Licenses; Disposition of Fees
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Sec. 23-19.	Animal Control Officers; Reimbursement for Services; Contracts with Corporation to Perform Duties of Officers; Turning Over or Sale of Animals; Penalty
Sec. 23-20.	Issuance of Warrant to Officers; Duties; Confinement of Dogs; Allowance for Care
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Sec. 23-25.	Indemnification of Law Enforcement Officers; Damages Caused by Dogs Used in Performance of Official Duties
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CHAPTER 23 - AN ORDINANCE REGULATING DOGS

Section 23-1. Definitions

The definitions of "adoption", "commissioner", "director", "dog fund", "Animal Control Officer", "keeper", "kennel", "license period", "livestock or fowl", "research institution", and "shelter", as provided for in Chapter 140, Section 136A, Massachusetts General Laws, are incorporated herein as part of this ordinance.

Section 23-2. Registration and Licenses

A person who, at the commencement of a license period, is, or who, during any license period, becomes the owner or keeper of a dog six months old or over which is not duly licensed, and the owner or keeper of a dog when it becomes six months old during a license period, shall cause it to be registered, numbered, described and licensed until the end of such license period, and the owner or keeper of a dog so registered, numbered, described and licensed during any license period, in order to own or keep such dog after the beginning of the succeeding license period, shall, before the beginning thereof, cause it to be registered, numbered, described and licensed for such period. The registering, numbering, describing and licensing of a dog shall be kept in the office of the City Clerk.

The City Clerk shall not grant such license for any dog unless the owner thereof provides such City Clerk either a veterinarian's certification that such dog has been vaccinated in accordance with the provisions of Section 14, or has been certified exempt from such provision as hereinafter provided, or a notarized letter from a veterinarian that a certification was issued or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.

A dog licensing official may grant an exemption from the provisions of Section 14 for any dog which has not yet attained the age of six months, any dog which the Board of Health, for a specified period of time, declared exempt upon presentation of a veterinarian's certificate stating that because of an infirmity, other physical condition or regimen of therapy, that inoculation is thereby deemed inadvisable, or any dog in transit, or dog brought into the Commonwealth temporarily for the sole purpose of showing in dog shows or exhibition.

The license shall be in a form prescribed by the City Clerk and shall be subject to the condition expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing livestock or fowls. The owner of any dog may add descriptive words, not over ten in number, upon the license form to indicate the color, breed, weight and special markings of the licensed dog. The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable material, to

which shall be securely attached a tag in a form prescribed by the City Clerk, and upon which shall appear the license number, the name of the City and the year of issue. Such tags shall be furnished in the same manner as the license blanks, and if any such tag shall be lost, the owner or keeper of such dog shall forthwith secure a substitute tag from the City Clerk. This section shall not apply to a person having a kennel license.

Section 23-3. Kennel Licenses

Every person maintaining a kennel shall have a kennel license. Any owner or keeper of less than four dogs, three months old or over, who does not maintain a kennel may select to secure a kennel license in lieu of licensing such dogs under Section 2, and during such time as he/she does not license such dogs thereunder, shall have a kennel license and shall be subject to this section and to Sections 4 and 5 and to so much of Section 11 as relates to violations of this section, Section 4 and Section 5, to the same extent as though he/she were maintaining a kennel; all references being to Chapter 140, Massachusetts General Laws. Kennel licenses under this section shall be issued by the City Clerk.

Such license shall be in a form prescribed by the City Clerk. Such license shall be in lieu of any other license for any dog while kept at such kennel during any portion of the period for which such kennel license is issued. The holder of a license for a kennel shall cause each dog kept therein to wear, while it is at large, a collar or harness of leather or other suitable material, to which shall be securely attached a tag upon which shall appear the number of such kennel license, the name of the City and the year of issue. Such tags shall be in a form prescribed by the City Clerk and shall be furnished to such owner or keeper by the City Clerk in quantities not less than the number of dogs kept in such kennel. The fee for each license for a kennel shall be Ten Dollars ($10.00) if not more than four dogs are kept in said kennel, Twenty-Five Dollars ($25.00) if more than four but not more than ten dogs are kept therein, and Fifty Dollars ($50.00) if more than ten dogs are kept therein; provided, that, for the purpose of determining the amount of such fee for any kennel, dogs under the age of six months shall not be counted in the number of dogs kept therein. The name and address of the owner of each dog kept in any kennel, if other than the person maintaining the kennel, shall be kept on file thereat and available to inspection by any Animal Control Officer, natural resource officer, deputy natural resource officer, fish and game warden, or police officer.

The City Clerk shall, upon application, issue, without charge, a kennel license to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals.

Any holder of a license for a kennel in the City may remove his/her kennel to a location in any other City in Essex County, with the written approval of such new location of the mayor or selectmen of the City to which he/she removes his/her kennel. Before such removal, he/she shall deliver to the Clerk of the City into which he/she intends to remove his/her kennel the written approval of the mayor or selectmen thereof and his/her original license, and the Clerk shall thereupon, on payment of a fee, issue to him a new license covering the new location for the balance of the period of the original license.

Section 23-4. Sale or Other Delivery of Unlicensed Dog by Kennel Licensee

Every holder of a kennel license, on delivering an unlicensed dog to a purchaser or to any other person, shall attach to such dog a collar or harness which shall carry a tag marked with the name and address of such kennel license, and a number, which number shall be properly recorded on the records of such licensee, and shall also furnish to the person to whom the dog is delivered a certificate bearing the same number and a description of the dog. Such certificate shall bear the date of purchase, exchange or gift and, with the tag, shall, for a period of two weeks following such date, be a legal substitute for a license. The purchaser or other recipient of a dog shall, within two weeks of the purchase or receipt of such dog, either return the same to the licensee from whom it was received, together with the collar or harness, tag and certificate, or return to such licensee said tag, and a certificate signed by the Clerk of the City where the dog is to be kept and certifying that the dog has been licensed in the name of such purchaser or recipient or of some other person. If any such purchaser or recipient fails to comply with the preceding sentence, such licensee shall notify the City Clerk of the purchase, exchange or gift of such dog and shall furnish to such Clerk the date thereof, and the name and address of the purchaser or recipient.

Section 23-5. Inspection of Kennels; Revocation, Suspension and Reinstatement of License; Nuisance

The Chief of Police or the Animal Control Officer may at any time inspect or cause to be inspected any kennel and if, in their or his/her judgment, the same is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, the City Clerk shall by order revoke or suspend, and in case of suspension, may reinstate such license. Upon the petition of twenty-five citizens, filed with the Mayor, setting forth that they are aggrieved or annoyed to an unreasonable extent, by one or more dogs at a kennel maintained in the City because of the excessive barking or vicious disposition of said dogs or other conditions connected with such kennel constituting a public nuisance, said Mayor, within seven days after the filing of such petition, shall give notice to all parties in interest of a public hearing to be held within fourteen days after the date of such notice. Within seven days after such public hearing, said Mayor shall make an order either revoking or suspending such kennel license or otherwise regulating said kennel, or dismissing said petition. Written notice of any order under this section, revoking, suspending or reinstating a license shall be mailed forthwith to the City Clerk and to the holder of such license. Within ten days after such order, the holder of such license may bring a petition in the district court within the judicial district of which such kennel is maintained, addressed to the justice of the court, praying that the order may be reviewed by the court, and, after such notice to the officer or officers involved as the court may deem necessary, it shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. The decision of the court shall be final and conclusive upon the parties. Any person maintaining a kennel after the license therefore has been so revoked, or while such license is so suspended, shall be punished by a fine of not more than Fifty Dollars ($50.00) for each day or part thereof they remain in violation; each day or part thereof constituting a new offense.

Section 23-6. Licensee Convicted of Violation of Statutes Relating to Offenses Against Animals

Unless otherwise specifically provided by law, every license and tag issued under the provisions of Sections 137 and 137A of Chapter 140, Massachusetts General Laws, or this ordinance relative to the licensing of dogs made under the authority of this Chapter, held by any person found guilty of, or penalized in any manner for, a violation of any provision of Sections 77, 80A, 94 or 95 of Chapter 272, Massachusetts General Laws, shall be void, and shall immediately be surrendered to the authority issuing such license and tag.

The Clerk of the court in whose jurisdiction such finding has been made shall notify the City Clerk.

No person shall be given a license and tag under authority of this ordinance or Sections 137 and 137A of Chapter 140, Massachusetts General Laws, during a period of two years from the date of his/her being found guilty or penalized as aforesaid, and any such license and tag so issued shall be void and shall be surrendered on demand of any authority granting such license and tag. No fee received for a license and tag made void under this section shall be refunded to the holder thereof.

Section 23-7. Change of Owner or Keeper of Licensed Dog; Dog Brought Into Methuen

A person who, during any license period, becomes the owner or keeper of a dog which is duly licensed in the City shall forthwith give notice, in writing, to the City Clerk that he/she has become such owner or keeper and said City Clerk shall change the record of such license to show the name and address of the new owner or keeper. Any person bringing or causing to be brought from another municipality any dog licensed under the laws thereof which is three months old or over or will be three months old before the expiration of thirty days therefrom shall, on or before the expiration of thirty days following the arrival of such dog within the City, cause such to be registered, numbered, described and licensed for the remainder of the then current license period.

Section 23-8. Importation of Dogs and Cats for Commercial Resale; Health Certificates; Violations

All dogs or cats brought or shipped into the City for commercial resale shall be inoculated against distemper not more than thirty nor less than seven days before entry and shall be accompanied by an official health certificate issued by an accredited veterinarian and a copy sent to the Commissioner of Agriculture. If such certificate is unavailable in the state of origin, then a similar examination and certification shall be made within fourteen days of the arrival of the animal in the City.

An official health certificate shall mean a legible certificate or form issued by an accredited veterinarian and approved by the chief livestock official of the state or county of origin, containing the names and addresses of the consignor and consignee, or in the case of

examination after entry into the Commonwealth, the name of the consignee. The certificate or form shall also show age, sex, breed and description of each dog or cat and that the dogs are free from visual evidence of communicable disease such as kennel cough, Infectious Tracheo-bronchitis, canine distemper, external and intestinal parasites, including coccidiosis, and that cats are free from external parasites, including ear mites, and intestinal parasites, distemper, feline panleukipenia, and feline respiratory infections and feline distemper.

Dogs or cats purchased within the City for resale by commercial establishments or pet shops shall be accompanied by a health certificate issued by an accredited veterinarian. The certificate shall show age, sex, breed, and description of each dog or cat and that the dogs are free from visual evidence of communicable diseases such as kennel cough, Infectious Tracheo-bronchitis, canine distemper, external and internal parasites, including coccidiosis, and that cats are free from external parasites, including ear mites, intestinal parasites, and feline respiratory infections and feline distemper.

No commercial establishment, pet shop, firm or corporation shall import into the City, for sale or resale in the Commonwealth, any cat or dog less than eight weeks of age.

All dogs or cats imported for resale shall be held in isolation by the importer for a period of five days prior to offering for sale.

All dogs or cats sold in the City by a commercial establishment, pet shop, firm or corporation shall be accompanied by a health record indicating dates and types of vaccine administered.

Whoever is convicted of a violation of any of these sections may be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Three Hundred Dollars ($300.00) for each such offense for each day or part thereof they remain in violation; each day or part thereof constituting a new offense. In addition thereto, or in lieu thereof, the City Clerk may, after notice and hearing, revoke or suspend a pet shop, kennel, and boarding kennel license providing any person, firm or corporation maintaining such pet shop, kennel and boarding kennel violates any of these regulations.

Any person, firm or corporation aggrieved by an order under this section may, by petition, appeal within thirty days to the superior court where said person resides, or where the firm or corporation is located. Such person shall, in substance, state the findings by the Clerk and the grounds of appeal and said court shall consider said proceedings de novo and the parties thereto shall have right of exception and appeal.

Nothing in this ordinance shall be construed to prohibit the temporary importation of dogs for racing or field trials or the temporary importation of dogs or cats for show purposes, nor shall it prohibit the importation of dogs and cats as pets by individual owners.

Section 23-9. Fees; Certificate or Statement That Dog Has Been Spayed; Dogs Serving Blind or Deaf Persons; Refunds

"The fee for every license shall, except as otherwise provided, be Fifteen Dollars ($15.00) for a male dog, unless a certificate of a registered veterinarian who performed the operation neutering said dog and thereby depriving it of the power of propagation has been shown to the City Clerk, in which case the fee shall be Ten Dollars ($10.00).

The fee for every license shall, except as otherwise provided, be Fifteen Dollars ($15.00) for a female dog, unless a certificate of a registered veterinarian who performed the operation spaying said dog and thereby depriving it of the power of propagation has been shown to the City Clerk, in which case the fee shall be Ten Dollars ($10.00)."

If the City Clerk is satisfied that the certificate of the veterinarian who spayed the dog cannot be obtained, he/she may accept in lieu thereof a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth, describing the dog and stating that he/she has examined such dog and that it appears to have been, and in his/her opinion has been, spayed and thereby deprived of the power of propagation or a receipt of a bill from the veterinarian who performed the operation that spayed such female dog. No fee shall be charged for a license for a dog specially trained to lead or serve a blind person; provided, that the Massachusetts Commission for the Blind certifies that such dog is so trained and actually in the service of a blind person. No fee shall be charged for a license for a dog professionally trained in the hearing dog business to serve a deaf person; provided, that the Director of the Office of Deafness certifies that such dog is so trained and actually in the service of the deaf person. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the City, or other disposal, of the dog, nor shall any license fee or part thereof paid by mistake be paid or recovered back after it has been paid over to the City.

(Amended by Ord. #523, Eff. December 21st, 1994; as further Amended by Ord. #753, Eff. July 1, 2003)

Section 23-10. Shelters; Sale or Gift of Dog or Cat Not Spayed or Neutered

No shelter shall sell or give away any dog or cat that has not been spayed or neutered, unless a deposit of not less than Ten Dollars ($10.00) nor more than Thirty Dollars ($30.00) for spaying or neutering such dog or cat has been tendered to the shelter. The shelter may make appropriate arrangements for the spaying or neutering of such dog or cat by a licensed veterinarian, or may return the deposit to the person purchasing or receiving the dog or cat upon presentation of a written statement or receipt from a veterinarian or clinic that the dog or cat has been spayed or neutered by a licensed veterinarian.

Any dog or cat six months of age or older at the time it is sold or given away by the shelter shall be so spayed or neutered within sixty days, or the deposit shall be deemed unclaimed. Any dog or cat under six months of age at the time it is sold or given away by the shelter shall be so spayed or neutered within sixty days after reaching six months of age, or the deposit shall be deemed unclaimed.

Any deposit not claimed under this section shall be used only for the following purposes:

(1) a public education program to prevent overpopulation of dogs or cats;

(2) a program to spay or neuter dogs or cats;

(3) a follow-up program to assure that animals sold or given away by the shelter are spayed or neutered; or

(4) costs incurred under this section.

Section 23-11. Violation of Ordinance

Whoever violates any provision of Sections 2, 3, 4 or 7 shall forfeit not less than Fifty Dollars ($50.00) for each day or part thereof they remain in violation; each day or part thereof constituting a new offense; which money shall be paid to the Treasurer. If the dog as to which such violation occurs was unlicensed at the time of such violation, the court shall impose the forfeiture provided herein.

Section 23-12. Application of Law; Exception

Sections 2 to 11, inclusive, shall not apply to any institution licensed under the provisions of Chapter 49A, Massachusetts General Laws.

Section 23-13 Application of Law; Licensed Pet Shops Exempted

Sections 2 to 11, inclusive, shall not apply to any pet shop, the owner of which is licensed under the provisions of Section 39A of Chapter 129, Massachusetts General Laws.

Section 23-14. Symptoms of Rabies Printed on License; Description Supplied by Department of Health

Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon. Such description shall be supplied by the Department of Public Health of the Commonwealth to the Director of Accounts upon application therefor.

Section 23-15. Vaccination Against Rabies; Revaccination; Penalty

Whoever is the owner or keeper of a dog six months of age or older shall cause such dog to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health of the Commonwealth. Such owner or keeper shall procure a veterinarian's certification that such dog has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.

Unvaccinated dogs acquired or brought into the City shall be vaccinated within thirty days after acquisition or entry into the City or upon reaching the age of six months, whichever comes later.

Vaccinated dogs shall be re-vaccinated periodically in accordance with rules and regulations adopted and promulgated by the Department of Public Health of the Commonwealth.

Whoever violates the provisions of this section shall be punished by a fine of not more than Fifty Dollars ($50.00) for each day or part thereof they remain in violation; each day or part thereof constituting a new offense.

Section 23-16. Issuance of Licenses; Disposition of Fees

The City Clerk shall issue said licenses and tags, receive the money therefore and pay into the treasury of the City within the first five working days of each month, or more often, and shall certify under penalties of perjury to the amounts of money thus received and paid over by him. All such licenses shall bear the date of issue and no other. The City Clerk shall make a record, in books kept therefore, of each license issued by him, of the name of the owner or keeper of each dog licensed, and of the name, registered number and description of each such dog, and such books shall be open to public inspection during the usual office hours of such City Clerk. All blanks for such licenses and tags and all such record books shall be paid for out of the dog fund. All payments required hereunder shall be subject to the provisions of Section 52 of Chapter 41, Massachusetts General Laws.

Section 23-17. Accounts of Treasurer

The City Treasurer shall keep an accurate and separate account of all money received and expended by him under the provisions of this Chapter relating to dogs.

Section 23-18. Lists of Dogs; Refusal to Answer Person Listing Dogs; False Answers

Persons authorized or directed by Section 4 of Chapter 51, Massachusetts General Laws, or by any special law, to make lists of residents three years of age or older shall make a list of all dogs owned by the inhabitants at the time of making lists required under such section and return the same in duplicate to the City Clerk. An owner or keeper of a dog who refuses to answer or answers falsely to persons directed or authorized to make a list of the owners of dogs shall be punished by a fine of not less than One Hundred Dollars ($100.00) which shall be paid into the City Treasury.

Section 23-19. Animal Control Officers; Reimbursement for Services; Contracts with Corporation to Perform Duties of Officers; Turning Over or Sale of Animals; Penalty

The Mayor shall annually, on May first, designate one or more Animal Control Officers, who may be police officers or constables and who, except as herein provided, shall hold

office for one year or until their successors are qualified. Any Animal Control Officer who fails to comply with the terms of his/her warrant shall forthwith be removed from office by the Mayor. Animal Control Officers, other than those employed under regular pay, shall receive from the Treasurer Two Dollars ($2.00) for each dog killed, as provided in Section 20, in full compensation for their services; provided, however, that any Animal Control Officer shall, prior to engaging in execution of animals, have completed, under the supervision of a veterinarian registered under the provisions of Section 55 or 56C of Chapter 112, Massachusetts General

Laws, a course of instruction in humane techniques for the execution of animals. Each Animal Control Officer, before disposing of any dog in his/her possession, shall check its description against the descriptions issued on dogs licensed within the City. Bills for such services shall be approved by the Mayor. Each Animal Control Officer appointed under this section shall also attend to all complaints or other matters pertaining to dogs in the City, in addition to the duties imposed upon him by his/her warrant, and shall be paid for such services by the City Treasurer upon bills approved by the Mayor. The Mayor may, instead of appointing Animal Control Officers as hereinbefore provided, enter into a contract with a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse, to perform the duties required of Animal Control Officers, which contract shall be subject to the approval of the City Solicitor. In any such case, the payments to such corporation under the terms of the contract shall be in full for all services rendered by it in such capacity.

No Animal Control Officer shall be a licensed animal dealer registered with the United States Department of Agriculture, and no Animal Control Officer, either privately or in the course of carrying out his/her official assignments as an agent for his/her municipality, shall give, sell or turn over any animal which may come into his/her custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture. The City shall not give, sell or turn over any animal which may come into its custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture. Whoever violates the provisions of this paragraph shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Three Hundred Dollars ($300.00).

Section 23-20. Issuance of Warrant to Officers; Duties; Confinement of Dogs; Allowance for Care

The Mayor shall annually, within ten days after June first, issue a warrant to such Animal Control Officer or officers directing him or them to seek out, catch and confine all dogs within the City which then have not been licensed, collared or harnessed, and tagged, as required by this Chapter, and to enter and prosecute a complaint for failure to comply with the provisions of this Chapter against the owners or keepers thereof, if known, and to kill or cause to be killed by methods of execution other than gunshot, except in case of emergency, T-61, so-called, an euthanasia solution not under the control of the Federal Drug Enforcement administration, unless by a veterinarian, succinylcholine cholide, any drugs that have curariform-like action, electrocution or any other method which causes an unnecessarily cruel death each such dog which after being detained by or for him for a period of ten days shall not then have been licensed, collared or harnessed, and tagged; provided that, at the end of ten days, such Animal

Control Officer may make available for adoption any male or any spayed female dog not found to be diseased, for a sum not less than Three Dollars ($3.00) and shall keep an account of all moneys received by him for such adoption and shall forthwith pay over such sums to the City Treasurer who shall deposit the same in the dog fund. Before delivery of any dog so adopted, such Animal Control Officer shall require the purchaser to show identification and to procure a license and tag for such dog from the City Clerk. Dogs confined under authority of this section shall be confined in a place suitable for the detention and care of dogs and kept in a sanitary condition, or they may be placed in the care of the holder of a kennel license or of a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse. The Mayor, from time to time, shall cause all such places to be inspected and shall make necessary orders in relation thereto. An Animal Control Officer having custody of a confined dog shall be allowed the sum of Three Dollars ($3.00) per day for the care of such dog, payable by the owner or keeper thereof, if known, otherwise, from the dog fund.

Every Animal Control Officer shall make, keep, and maintain systems of records or forms which fully and correctly disclose the following information concerning each animal in his/her custody:

The date and location of each apprehension; a description of each animal; place of confinement; if tagged, the name and address of owners of such animal; name and address of new owner, including the date of sale or transfer of such animal; and, if animal is destroyed, the Animal Control Officer shall record the method and date of destruction and the name of the person who executed such animal. Every Animal Control Officer shall forward a copy of said record to the City Clerk as soon as possible. Copies of such record shall, for a period of two years, be kept in the office of the City Clerk.

Section 23-21. Emergency Treatment of Dogs or Cats Injured on Ways; Payment to Veterinarians

Any veterinarian registered under the provisions of Sections 55 or 55A of Chapter 112, Massachusetts General Laws, who renders emergency care or treatment to, or disposes of, a dog or cat that is injured on any way, shall receive payment from the owner of such dog or cat, if known, or if not known, from the dog fund, in an amount not to exceed Twenty Dollars ($20.00) for such care, treatment or disposal; provided, however, such emergency care, treatment or disposal shall be for the purpose of maintaining life, stabilizing the animal or alleviating suffering until the owner or keeper of such dog or cat is identified or for a period of twenty-four hours, whichever is sooner. Any veterinarian who renders such emergency care or treatment to, or disposes of such dog or cat shall notify the Animal Control Officer, and, upon notification, such Animal Control Officer shall assume control of such dog or cat.

Section 23-22. Returns by Officers

Each police officer, constable or Animal Control Officer to whom such warrant is issued shall make returns, on or before October first, on or before January first, and on or before April first, in each year, and at the expiration of his/her term of office, to the Mayor, and shall state in said returns the number of dogs which he/she has caught, confined or killed, or made

available for adoption, the names of the owners or keepers thereof and whether all unlicensed dogs in his/her City have been caught, confined or killed, or adopted, and the names of persons against whom complaints have been made under the provisions of this Chapter relating to dogs, and whether complaints have been entered against all of the persons who have failed to comply therewith since the previous report.

Section 23-23. Form of Warrants to Officers

The aforementioned warrant shall be in the following form:

CITY OF METHUEN

(Seal)

Essex, ss.

To _____, Constable of the City of Methuen

In the name of the City of Methuen, you are hereby required to proceed forthwith to seek out, catch and confine all dogs within said City not duly licensed, collared or harnessed, and tagged, according to the provisions of Chapter 23 of the Methuen Municipal Code, and you are further required to make and enter complaint against the owner or keeper of every such dog, and to kill or cause to be killed by methods of execution other than gunshot, except in case of emergency, T-61, so-called, an euthanasia solution not under the control of the Federal Drug Enforcement Administration, unless by a veterinarian, succinylcholine cholide, any drugs that have a curariform-like action, electrocution, or any other method which causes an unnecessarily cruel death, each dog which after being detained for a period of ten days, shall not then have been duly licensed, collared or harnessed, and tagged, except that any male or any spayed female dog not found to be diseased may be made available for adoption for not less than Three Dollars ($3.00), and you shall keep an account of any such adoption and forthwith pay over the money to the City Treasurer. Before delivery of any dog so adopted, you shall require the purchaser to show identification and to register and procure a license and tag for such dog from the City Clerk, in accordance with the provisions of Section 2 of Chapter 23, Methuen Municipal Code.

HEREOF FAIL NOT, and make due return of this warrant with your doings therein, on or before the first day of October next, on or before the first day of January next, and on or before the first day of April next, and at the expiration of your term of office, stating the number of dogs caught, confined and/or killed, or adopted, and the name of the owners or keepers thereof, and whether all unlicensed dogs in said City have been caught, confined and/or killed, or adopted, and the names of persons against whom complaints have been made under the provisions of said Chapter 23 of the Methuen Municipal Code, and whether complaints have been made and entered against all the persons who have failed to comply with the provisions of said Chapter 23.

Given under my hand and seal at _____ aforesaid, the _____ day of _____ in the year two thousand and _____.

_____
Mayor of the City of Methuen

Section 23-24. Liability for Damage Caused by Dog; Minors; Presumption and Burden of Proof

If any dog shall do any damage to either the body or property of any person, the owner or keeper, or if the owner or keeper be a minor, the parent or guardian of such minor, shall be liable for such damage, unless such damage shall have been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog. If a minor, on whose behalf an action under this section is brought, is under seven years of age at the time the damage was done, it shall be presumed that such minor was not committing a trespass or other tort, or teasing, tormenting or abusing such dog, and the burden of proof thereof shall be upon the defendant in such action.

Section 23-25. Indemnification of Law Enforcement Officers; Damages Caused by Dogs Used in Performance of Official Duties

If an action is brought against a law enforcement officer because of damage caused by a dog which said officer was caring for or maintaining in connection with his/her office duties, the City employing said officer shall indemnify him for expenses or damages incurred in the settlement or defense of such action; provided that such settlement or defense shall have been made by the City Solicitor.

Section 23-26. Killing Dogs Under Certain Conditions; Wounded Dogs

Any person may kill a dog which suddenly assaults him/her while he/she is peaceably standing, walking or riding outside the enclosure of its owner or keeper; and any person may kill a dog found out of the enclosure of its owner or keeper and not under his/her immediate care in the act of worrying, wounding or killing persons, livestock or fowls, and if any person shall kill or attempt to kill a dog so found, and in the act of worrying, wounding or killing persons, livestock or fowls, he/she shall not be held liable for cruelty to the dog unless it shall be shown that he/she intended to be cruel to the dog, or that he/she acted with a wanton and reckless disregard for the suffering of the dog. Prompt killing of a wounded dog, or a prompt report to the
owner or to an Animal Control Officer of the wounding of the dog, shall be considered evidence of sufficient regard for the suffering of the dog.

Section 23-27. Vicious Dogs; Nuisance; Barking or Other Disturbance; Annoyance to Sick Person

If any person shall make complaint, in writing, to the Chief of Police that any dog owned or harbored within his/her jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity, such Chief of Police shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within ten days after such order, the owner or keeper of such dog may

bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved, as the magistrate deems necessary, the magistrate shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. Any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the Chief of Police or district court, as the case may be, shall be punished by a fine of not more than One Hundred Dollars ($100.00) for the first offense and not more than Two Hundred Dollars ($200.00) for a second or subsequent offense.

The act of a dog in attacking or biting another dog or other animal may be made the subject of a complaint under the provisions of this section.

Magistrates shall exercise their authority hereunder subject to the limitations of Section 62C of Chapter 221, Massachusetts General Laws.

Section 23-28. Killing Unrestrained Dogs or Dogs in Wild State

Any police officer, constable or Animal Control Officer shall kill a dog which the Chief of Police, or, upon review, the district court, shall have ordered to be restrained if such dog is again found outside the enclosure of its owner or keeper and not under his/her immediate care, and may kill a dog which is living in a wild state.

Section 23-28A. Dangerous and Vicious Dogs Regulation

A. In addition to the remedies provided in the above entitled sections, and, specifically that relating to Section 23-27, the Chief of Police, or his designee, upon a complaint in writing, may determine that a dog is a "dangerous dog" or "vicious dog" within the meaning of this section and, as a result thereof, require compliance by the owner of such dangerous or vicious dog of the provisions herein listed. In the instance where the Chief of Police, or his designee, shall determine that a dog is dangerous within the meaning of the ordinance, he/she shall, within a period of forty-eight (48) hours, serve written notice to the Methuen City Council listing the name and address of the animal, including its owner, and providing the reasoning for the determination, consistent with the ordinance.

(a) Definition. A "dangerous dog" or "vicious dog", as used in this section, shall mean:

(1) Any dog that has bitten or attacked any person or has attempted to bite or attack any person. A dog shall be deemed to be attempting to attack, if it is restrained by a leash, fence or other means, and it is clear from the dog's excited actions that only the presence of the leash, fence, or other means of restraint is preventing the dog from making an immediate attack; or

(2) Any dog with a propensity, tendency or disposition to attack, to cause injury to, or to otherwise threaten the safety of domestic animals; or any dog which attacks a human being or domestic animal on two or more occasions without provocation and without justification; or

(3) Any dog whether leashed or not, which, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or

(4) Any dog owned or harbored primarily or in the part for the purpose of dog fighting or any dog trained for dog fighting; or

(5) Any dog owned or harbored on property known for drug trafficking or gang activity and shows an aggressive temperament; or

(6) The determination that a dog is dangerous or vicious under this section shall be in the discretion of the Chief of Police and/or the Animal Control Officer and the Chief of Police and/or Animal Control Officer shall notify the owner(s), direct abutters of the owner (s) and owners of land directly opposite on any public or private street or way of any such determination.

(b) Exceptions where dog shall not be considered dangerous or vicious:

1. A human being who, at the time the injury was sustained, was committing criminal trespass or other tort upon premises occupied by the owner of the dog, or tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime.

2. A domestic animal, which, at the time the injury was sustained, was tormenting, abusing or assaulting the dog.

3. A domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner, and the injury was to a species or type of domestic animal appropriate to the work of the dog.

4. The dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault.

5. The actions of the dog under consideration occurred under official duties as a military, correctional, or law enforcement dog.

6. In the discretion of the Chief of Police, or his designed, Animal Control Officer, the dog acted in reaction to pain or injury; or was protecting itself, its kennel or its offspring.

B. Duties of Owner when dog is determined to be dangerous.

a) Outdoor Confinement: While on the owner's property, a dangerous or vicious dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure must be at least ten (10) feet from the property line, must have a minimum dimension of five (5) feet by ten (10) feet, and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two (2) feet. The enclosure must also provide protection from the elements for the dog. Animal Control Officer shall verify compliance with this section by an on-site inspection and, if necessary, shall require Owner to further secure structure.

The Owner or keeper shall display signs on his/her premises facing out from all sides of the premises warning that there is a dangerous or vicious dog on the property. This sign should be visible and capable of being read from a public highway or thoroughfare or within 20 feet of its placement. In addition, the owner shall conspicuously display a sign with a symbol warning children who cannot read of the presence of a dangerous dog.

A dangerous dog may be off the owner's premises if it is muzzled and restrained by an approved lead not exceeding four (4) feet in length and is under the control of an adult, able-bodied person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

(b) Indoor confinement. No vicious dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(c) Insurance. The owner or custodian of any vicious dog shall maintain a policy of insurance in an amount not less than $100,000 per incident insuring such person against any claim, loss damage, or injury to humans being resulting from the acts of such dog. Such person shall produce evidence of the required insurance, which may include a rider or binder, upon the request of the Chief of Police, or his designed, an Animal Control Officer. This section shall not apply to dogs kept by law-enforcement agencies.

(d) Licensing Surcharge. The annual licensing fee for a dangerous dog shall include a $50.00 surcharge in addition to the regular licensing fee. The surcharge required by this provision shall be enforced by the Animal Control Officer.

(d) An owner may transport a dangerous or vicious dog within the City limits for medical or veterinary care provided said animal is properly restrained by

being both muzzled and leashed, with the leash not to exceed a length of four (4) feet.

C. Duties of Municipal Agents when dog is deemed dangerous.

(a) When a dog is deemed to be dangerous or vicious, the Chief of Police, his/her designee, shall order the Owner to submit written verification to confirm any or all of the following;

1. Spay or neutering, if the animal is not already altered. The animal will be exempt from such an order if a veterinarian certifies in a written statement that the animal is unfit for alterations because of medical condition(s).

2. Microchip identification, the mode of which shall be designated by the Animal Control Officer, if the animal is not already micro chipped.

3. Behavior training from an approved trainer as determined by the Animal Control Officer and/or the Chief of Police or his designee; the cost of said training shall be borne by the owner.

4. Rabies vaccination, as required by Chapter 140 § 145B of the General Laws, if the animal is not up to date on its annual vaccinations, as certified by a licensed veterinarian.

(b) The owner of any dangerous or vicious dog, if said animal is found on property not owned or controlled by its owner, or not restrained in a secure area per Section B (a), shall be subject to a fine of fifty dollars ($100.00) for the first offense and a fine of one hundred dollars ($100.00), for second offenses, a mandatory hearing shall be held by the Chief of Police or his designee to determine whether said animal shall be forever banned within the limits of the City of Methuen. Upon re-location of the animal the owner thereof shall notify the Animal Control Officer of the new location. Said Officer shall then forward all documentation maintained by the City of Methuen, regarding the animal to his/her official counterpart at the new location.

(c) Owners of dangerous or vicious dogs found within the City of Methuen and not properly registered shall be subject to a fine of fifty dollars ($50.00). Said animal shall be forever banned from within the limits of the City unless the Owner within ten (10) days of said finding registers said dog.

(d) Each day there exists a violation of any of the provisions of this ordinance the same shall constitute and be punishable as a separate offense.

(e) Any dog for which the Chief of Police, or his designed, Animal Control Officer of the City or county has verified report of having attacked or bitten any person shall be considered a dangerous or vicious dog. A copy of any such report shall be

forwarded to the City Clerk for filing and such dog shall not be re-registered in the City unless the owner is in full compliance with this ordinance.

(f) Compliance with the requirements of this section shall not be a defense to an order of disposal of a vicious dog pursuant to Massachusetts General Laws Chapter 140, Section 157.

(g) All notice and hearing procedures will be carried out in conformance with Massachusetts General Laws, Chapter 140, Section 157.

(h) Owners of all potentially dangerous dogs or dogs previously designated as potentially dangerous who re-locate or move to the City of Methuen from another community shall notify the Animal Control Officer and Advisory Committee of a description of such dog and said designation. Failure to so notify may result in fine as provided in Section C(c).

(i) Owners of all potentially dangerous dogs or dogs previously designated as potentially dangerous who relocate or move from the City of Methuen to another community shall notify the Animal Control Officer and Advisory Committee of the City of Methuen and the Animal Control Officer of that community to which the owners are moving, or person have like duties, of a description of such dog and said designation.

Section 23-28B. Potentially Dangerous Dogs

(a) Definition. A "potentially dangerous dog" as used in this section, shall mean:

1. Any dog that acts in a highly aggressive manner, when unprovoked, within a fenced yard or enclosure and appears to the Animal Control Officer to be able to jump over or escape. Vocalization or barking, without more, shall not cause a dog to be deemed of a highly aggressive manner.

2. Any dog owned by a person cited more than once, in a 12-month period, for allowing said dog to run at large in any public streets or places in the City or upon the premises of anyone other than the owner or keeper without said owner's or occupant's permission.

3. The determination that a dog is potentially dangerous under this section shall be in the discretion of the Animal Control Officer and/or the Chief of Police, or his designee, shall notify the owner of any such determination.

(b) Duties of Animal Control when dog is deemed potentially dangerous. When a dog is deemed to be potentially dangerous, the Chief of Police, or his/her designee may order the Owner to submit written verification to confirm any or all of the following:

1. A dog may be spayed or neutered, if the animal is not already altered. The animal will be exempt from such an order if a veterinarian certifies in a written statement that the animal is unfit for alterations because of medical conditions.

2. Microchip identification, if the animal is not already micro chipped or other acceptable permitting as approved by the City.

3. Behavior training from an approved trainer, as determined by the Animal Control Officer and/or the Chief of Police or his designee. The costs of said training shall be borne by the Owner: and

4. Rabies vaccination as required by Chapter 140 § 145B of the General Laws, if the animal is not up to date on its annual vaccinations, as certified by a licensed veterinarian.

5. The owner provides adequate security to the premises where the potentially dangerous dog is kept, as specifically described in writing to the owner by the Animal Control Officer. Said owner must comply within 60 days of receiving description.

6. After two (2) years of compliance the dog will not be considered potentially dangerous.

(c) Persons responsible. No person under the age of 18 shall own, handle, control or be responsible for a potentially dangerous dog.

(d) Signs. All owners, keepers, or haborers of potentially dangerous dogs shall display in prominent place on their premises a sign easily readable by the public, using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such dog.

(e) Licensing surcharge. The annual licensing fee for a potentially dangerous dog shall include a $25 surcharge in addition to the regular licensing fee. The Animal Control Officer shall enforce the surcharge required by this provision.

(f) Penalties. After 30 days of being notified that a dog is potentially dangerous, any owner found not in compliance with any of the provisions of this section, except for section b (5) for which violations found after 60 days of said notification, shall be subject to a $100 fine for any first offense; $200 for any second offense; and $300 for any offense thereafter. Each day that the owner is not in compliance shall constitute a separate offense. Failure to so comply after due notice may result in application by the City for hearing before the clerk of the District Court and/or any other enforcement measures as further provided in Massachusetts General Laws, Chapter 40, § 21D and Chapter 17 of the Methuen Municipal Code.

Section 23-28C. Advisory Committee (Deleted)

Section 23-29. Treble Damages for Injuries Caused by Dogs Ordered to be Restrained

If a dog which the Chief of Police, or, upon review, the district court, shall have ordered to be restrained shall wound any person, or shall worry, wound or kill any livestock or fowls, the owner or keeper of such dog shall be liable in tort to the person injured thereby in treble the amount of damages sustained by him.

Section 23-30. Killing Dogs Which Have Worried or Killed Stock or Fowl; Bond

The Mayor, or his/her agents thereto authorized in writing, may, after written notice to the owner or keeper, enter upon the premises of the owner or keeper of any dog known to them to have worried or killed livestock or fowls, and then and there kill such dog, unless such owner or keeper whose premises are thus entered for the said purpose shall give a bond in the sum of Four Hundred Dollars ($400.00), with sufficient sureties, approved by the Mayor, conditioned that the dog shall be restrained for twelve months next ensuing. And if the owner or keeper of the dog declares his/her intention to give such a bond, said Chief of Police, or his/her agents, shall allow him/her seven days, exclusive of Sunday and holidays, in which to procure and prepare the same and to present it to them, or to file it with the City Clerk.

Section 23-31. Damages Caused by Dogs and Paid by City; Compensation for Appraisers

Whoever suffers loss by the worrying, maiming or killing of his/her livestock or fowls by dogs, outside the premises of the owners or keepers of such dogs, may, if the damage is done in the City, inform the officer of police who shall be designated to receive such information by the authority appointing the police, and, if the damage is done in the City, may inform the Mayor, or, if he/she is absent or ill, the Chairman of the City Council, who shall proceed to the premises where the damage was done and determine whether the same was inflicted by dogs, and if so, appraise the amount thereof if it does not exceed Three Hundred Dollars ($300.00). If, in the opinion of said officer of police or the Mayor, the amount of said damage exceeds Three Hundred Dollars ($300.00), the damage shall be appraised on oath by three persons, of whom one shall be such officer of police, one shall be appointed by the person alleged to be damaged, and the third shall be appointed by the other two. The said appraisers shall consider and include in such damages the labor and time necessarily expended in the finding and collecting of the livestock or fowls injured or separated and the value of those lost or otherwise damaged by dogs. The said officer of police or the Mayor shall return a certificate of the damages found to the Treasurer within ten days after such appraisal is made. The Treasurer shall thereupon submit the same to the Mayor who, within thirty days, shall examine all bills for damages, and may, upon his/her own motion or upon request of an interested party, summon the appraisers and all parties interested and make such investigation as they may think proper, and shall issue an order upon the Treasurer for such amounts, if any, as they decide to be just and shall notify all interested parties of their decision. The Treasurer shall pay all orders drawn upon him in full, for the above purpose, and for the expenses of appraisal out of any money in the City Treasury, and payments made therefore shall be charged to the dog fund. The appraisers shall receive from the City

Three Dollars ($3.00) each for every such examination made by them, and also Twenty Cents ($.20) a mile one way for their necessary travel.

Section 23-32. Damages Caused by Dogs Not Reimbursable; Amount of Awards

No owner of livestock or fowls shall be reimbursed for damages inflicted by his/her own dog or dogs; nor shall he/she be reimbursed for any damage by any dog if, at the time such damage was inflicted, he/she was himself/herself the owner or keeper of an unlicensed dog of the age of three months or older. No reimbursement shall be made on account of damages by
a dog to deer, elk, cottontail rabbits, northern hares, pheasants, quail, partridge and other livestock or fowls determined by the Department of Fisheries, Wildlife and Environmental Law Enforcement to be wild unless they are kept by, or under permit from, said department, nor unless they shall be kept in proper houses or in suitable enclosed yards. No reimbursement shall be made for damage by a dog to dogs, cats and other pets. Awards shall in no case exceed the fair cash market value of such livestock or fowls.

Section 23-33. Reward for Killing Dog or For Evidence Determining Owner

The City Council may offer a reward of not more than Twenty-Five Dollars ($25.00) for the killing of any dog found worrying, maiming or killing livestock or fowls, thereby causing damages for which their owner may become entitled to compensation under Section 32, or for evidence which shall determine to the satisfaction of such City Council who is the owner or keeper of a dog which has been found to have so worried, maimed or killed any livestock or fowls.

Section 23-34. Notice to Kill Dog Which Has Caused Damage

If the City Council determines, after notice to parties interested and a hearing, who is the owner or keeper of any dog which is found to have worried, maimed or killed any livestock or fowls, thereby causing damages for which their owner may become entitled to compensation from the dog fund under Section 32, they shall serve upon the owner or keeper of such dog a notice directing him within twenty-four hours to kill or confine the dog.

Section 23-35. Failure to Kill, Confine or Restrain Dog After Notice

A person who owns or keeps a dog, and who has received such notice and does not, within twenty-four hours, kill such dog or thereafter, keep it on his/her premises or under the immediate restraint and control of some person, shall be punished by a fine of not more than Twenty-Five Dollars ($25.00); and any Police Officer, constable or Animal Control Officer may kill such dog if it is found outside of the enclosure of its owner or keeper and not under his/her immediate care.

Section 23-36. Investigators; Investigation of Damages Caused by Dogs; Settlement; Action Against Owner or Keeper; Payments Over to City

The Mayor shall appoint one, and may appoint not more than four suitable persons, all residents of the City, any one of whom shall, at the request of said Mayor or officer of the police designated as provided in Section 32, investigate any case of damages done by a dog of which the Mayor or officer shall have been informed as provided in said section; and, if he/she believes that the evidence is sufficient to sustain an action against the owner or keeper of the dog as provided in said section, and, believes that such owner or keeper is able to satisfy any judgment recovered in such action, he/she shall bring the action, unless the owner or keeper, before action brought, pays him/her such amount in settlement of the damage as he/she deems reasonable. Such action may be brought in his/her own name and in the county where he/she resides, and he/she shall prosecute it. The persons so appointed shall also have, throughout their respective counties, the same powers and authority as police officers, constables or dog officers appointed under provisions of Section 19, acting under Sections 2 et seq. All damages received or recovered under this section shall be paid over to the Treasurer and placed to the credit of the dog fund. The Treasurer shall pay out of the dog fund such reasonable compensation as the Mayor shall allow for services and necessary expenses under this section and the reasonable expense of prosecuting the said actions. The persons appointed hereunder may be removed at any time by the Mayor.

Section 23-37. Election of Remedy by Person Damaged

The owner of livestock or fowls which have been worried, maimed or killed by dogs shall have his/her election to proceed under Section 31 or Sections 27 to 29 inclusive; but, having signified his/her election by proceeding in either mode, he/she shall not have the other remedy.

Section 23-38. Ordering Dogs to be Muzzled or Restrained; Killing Unmuzzled or Unrestrained Dogs

The Mayor may order that all dogs shall be muzzled or restrained from running at large during such time as shall be prescribed by such order. After passing such order and posting a certified copy thereof in two or more public places in the City, or, if a daily newspaper is published in such City, by publishing such copy once in such newspaper, the Mayor may issue his/her warrant to one or more of the police officers or constables of such City, who shall, after twenty-four hours from the publication of such notice, kill all dogs found unmuzzled or running

at large contrary to such order, and shall receive such compensation therefore as is provided in Section 19. Notwithstanding the foregoing, a Police Officer or constable may, in his/her discretion, hold any such dog for a period not in excess of ten days. If the owner thereof claims such dog and pays to such officer or constable the sum of Five Dollars ($5.00), together with One Dollar and Fifty Cents ($1.50) for each day that it is so held, it shall be returned to the owner. The fee of Five Dollars ($5.00) shall be paid over to the City and the remaining moneys shall be retained by such officer or constable as his/her fee.

Section 23-39. Order to Muzzle or Restrain Dogs

Upon complaints against a dog amounting to repeated threatening acts of aggression, reported dog bites to humans and/or attacks to other animals (domestic, livestock or wild), the following provisions of this section shall be enforced.

The Mayor, upon notice from the Animal Control Officer and Chief of Police, shall cause service of a muzzle/restrain order to be made upon the owner/keeper of the dog by causing a certified copy thereof to be delivered to him/her.

The conditions of muzzle/restrain are as follows:

A. No owner or person having the care of said dog shall permit it to be off of the owner's or keeper's premises, unless it is wearing a muzzle. A muzzle shall be defined as a device constructed of strong, soft material or a metal material constructed to restrict the function of the dog's jaw.

The muzzle must be made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

B. While on the owner's or keeper's premises, the dog shall be kept in a penned area. Such area shall be set back a minimum of twenty (20) feet from the front line of said property.

C. Any person who violates this regulation shall be fined the amount of Three Hundred Dollars ($300.00) for each offense. For each offense subsequent to the first offense, in addition to the prescribed fine, the owner shall be subject to impoundment and forfeiture of the animal.

D. All dogs found in violation of this section shall be taken into custody and impounded by the City Animal Control Officer for a period of three (3) days. In order to reclaim an impounded animal, the owner must seek release of the animal from custody. If any animal is not so claimed and a fine therefor paid after three (3) days, such dog shall be sent to the Society for the Prevention of Cruelty of Animals for final disposal, and said fine shall be collected by the entry and prosecution of a complaint by the Animal Control Officer in the District Court pursuant to Massachusetts General Laws, Chapter 140, Section 173A.

Section 23-40. Penalty on Officer; Report of Refusal or Neglect of Officer to Perform Duties

A City officer who refuses or willfully neglects to perform the duties imposed upon him by the provisions of this Chapter relating to dogs shall be punished by a fine of not more than One Hundred Dollars ($100.00), which shall be paid into the City Treasury. Whoever is aggrieved by such refusal or neglect may report the same forthwith to the district attorney of his/her district.

Section 23-41. Liability to City of Owner or Keeper of Dog; Action

The owner or keeper of a dog which has done damage to livestock or fowls shall be liable in tort to the City for all damages so done which the Mayor has ordered to be paid as provided in this Chapter. The Treasurer may, and if so ordered by the Mayor, bring such action.

Section 23-42. Disposition of Balance of Dog Fund

Money received by the Treasurer under the preceding sections relating to dogs, and not paid out for damages, license blanks or books, record books, anti-rabies vaccine, or other purposes as required under said sections, shall be expended for the support of public libraries or schools.

Section 23-43. Disposition of Complaint for Violation of Dog Control Laws

Whenever a complaint is sought in a district court for a violation of an ordinance made under the provisions of Section 43, the Clerk shall send a written notice to the person complained against, stating that such a complaint has been sought and will issue unless such person appears before such Clerk and confesses the offense either personally or through an agent duly authorized, in writing, or by mailing to such Clerk, with the notice, the fine provided therein. If it is the first offense subject to this section committed by such person within a calendar year, the Clerk shall dismiss the charge without the payment of any fine; if it is the second offense so committed in such City in the calendar year, the payment to the Clerk of a fine of One Hundred Dollars ($100.00) shall operate as a final disposition of the case; if it is the third offense so committed in a calendar year, payment of a fine of Two Hundred Dollars ($200.00) shall operate as a final disposition of the case; and if it is the fourth or subsequent offense so committed in such City in the calendar year, the payment of a fine of Three Hundred Dollars ($300.00) shall operate as a final disposition of the case. Such payment shall be made only by postal note, money order or check.

Proceedings under this section shall not be deemed criminal; and no person notified to appear before the Clerk of a district court as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in the probation records.

If a person notified to appear, as hereinbefore provided, fails to appear or pay the fine within twenty-one days of the sending of the notice, or having appeared, does not desire to

avail himself of the procedure established by this section, the Clerk shall issue the complaint and the procedure established for criminal cases shall be followed.

If any person fails to appear in accordance with the summons issued upon such complaint, the Clerk of the court shall send such person, by registered mail, return receipt requested, a notice that the complaint is pending, and that, if the person fails to appear within twenty-one days from the sending of such notice, a warrant for his/her arrest will be issued.

Section 23-44. Killing of Dogs by Carbon Monoxide Fumes

No dog whose killing is authorized under the provisions of this Chapter shall be put to death in a carbon monoxide chamber unless such chamber is supplied with gas by an engine or gas generator that will produce a minimum of four percent concentration of carbon monoxide within five minutes, the gas used is cooled and filtered before entering such chamber, and the temperature of the gas inside such chamber does not exceed a temperature of eighty-five degrees Fahrenheit.

Section 23-45. Restraint of Dogs in Public Highway Rest Areas; Penalty

Whoever is the owner or keeper of a dog shall restrain said dog by a chain or leash when in an officially designated public highway rest area. Whoever violates the provisions of this section shall be punished by a fine of not more than Fifty Dollars ($50.00).

Section 23-46. Restrictions Concerning Dogs

A. Restraint Required

No person shall own or keep a dog in the City of Methuen, outside of the confines of the owner's or keeper's property, any dog which is not held firmly on a leash not exceeding six feet (6 ft.) in length.

B. Prosecution and Penalty.

The Animal Control Officer is the enforcing officer of this ordinance, and he/she shall enter and prosecute a complaint against the owner or keeper of any dog, if such owner or keeper violates the provisions of this ordinance or any part thereof.

Whenever a complaint is sought in a district court for a violation of this ordinance, made under the provisions of Section one hundred and seventy-three of Chapter one hundred forty of the General Laws, the Clerk shall send a written notice to the person complained against stating that such a complaint has been sought and will issue unless such person appears before such Clerk, with the notice and the fine provided herein. Payment to the Clerk of a fine of Twenty-Five Dollars ($25.00) shall operate as a final disposition of the case under this section. Such payment shall be made only by postal note, money order or check.

Proceedings under this section shall not be deemed criminal; and no person notified to appear before the Clerk of a district court as provided herein shall be required to report to any probation officer; and no record of the case shall be entered in the probation records.

If a person notified to appear, as hereinbefore provided, fails to appear or pay the fine within twenty-one days of the sending of the notice, or having appeared, does not desire to avail himself/herself of the procedure established by this section, the Clerk shall issue the complaint and the procedure established for criminal cases shall be followed.

If any person fails to appear in accordance with the summons issued upon such complaint, the Clerk of the court shall send such person, by registered mail, return receipt requested, a notice that the complaint is pending and that, if the person fails to appear within twenty-one (21) days from the sending of such notice, a warrant for his/her arrest will be issued.

Section 23-47. Ordinance Regulating Dogs

A. Authority

This ordinance is promulgated under the provisions of Chapter 140, Section 173, Massachusetts General Laws.

B. Restrictions

No person owning or keeping a dog in the City of Methuen shall cause, allow or permit such animal to enter the private property of another person without said person's permission, nor cause, suffer or allow such animal to run free without a leash.

C. Violations

Any person violating the above ordinance shall be subject to a fine in the amount of Ten Dollars ($10.00) as provided for under Chapter 140, Section 173, Massachusetts General Laws. In addition, the Animal Control Officer of the City of Methuen, pursuant to the provisions of Chapter 140, Massachusetts General Laws, may take into his/her custody such dog as provided for under said statute.

D. Notice

The Animal Control Officer is specifically directed, upon the receipt of a complaint by an individual suffering damage to his/her person or property as a result of injury caused by a dog, to advise said person that under the provisions of Chapter 140, Section 155, Massachusetts General Laws, the owner or keeper of a dog shall be liable for damage caused to the body or property of any person. Such Animal Control Officer shall further provide full and total cooperation to the individual should he/she seek to recover damages as a result of such injuries.

Section 23-48. Banning Dog Defecation on Public Grounds and Private Property

No person owning or having custody or control of a dog owned or kept in the City shall permit such a dog to soil, defile or commit any nuisance on or in any public park, beach or grounds of a public building, including school grounds unless such person picks up the dog waste and disposes of it in a sanitary manner; nor shall any person owning or having custody or control of a dog owned or kept in the City permit such dog to soil, defile or commit any nuisance on private property not under the person's ownership or control unless such person picks up the dog waste and disposes of it in a sanitary manner. This section shall not apply to a physically handicapped person in sole custody or control of a dog. Violation of this section shall be punishable by a fine of One Hundred Dollars ($100.00) per offense.

Section 23-49. Banning Dogs from School Grounds

No person owing or having custody or control of a dog shall allow or permit such dog, whether leashed or unleashed, to enter upon the grounds of any school site in the City of Methuen.

Any person so allowing a dog, leashed or unleashed, to enter upon such school grounds shall be subject to a fine of One Hundred Dollars ($100.00) per offense.

Section 23-50 Banning Dogs From Public Cemeteries

No person owning or having custody or control of a dog shall allow or permit such dog, whether leashed or unleashed, to enter upon the grounds of any public cemetery in the City of Methuen.

Any person so allowing a dog, leashed or unleashed, to enter upon such grounds shall be subject to a fine of One Hundred dollars ($100.00) per offense.

The provisions of this ordinance however shall not apply to the owner and his/her canine where (1) the dog is specially trained to lead or serve a blind person provided that the Massachusetts Commission for the Blind certifies that such dog is so trained and actually in the service of the blind person, (2) a dog professionally trained to serve a deaf person, provided that the Director of the office of Deafness certifies that such dog is so trained and actually in the service of the deaf person and (3) nor shall the ordinance apply to an owner or his/her service dog if required by medical necessity and a licensed physician certifies to such need.

The Department of Public Works shall erect and maintain signs on the grounds of all public cemeteries advising the public of this ordinance and the fines that may issue thereunder.

(1973 Ord., Sec. 9.11; amended by Ord. #30, Eff. Oct. 21st, 1974; amended by Ord. #302, Eff. Nov. 16th, 1988; amended by Ord. #336, Eff. April 3rd, 1989; further amended by Ord. #492, Eff. Oct. 4th, 1993; as further amended by Ord. #564, Eff. March 6th, 1996; as amended by Ord. #587, Eff. Nov. 6th, 1996; as further amended by Ord. #659, Eff. December 5th, 1998; as further amended by Ord. #779, Eff. August 6th, 2004; as further amended by Ord. #808, Eff. January 17th, 2007))

CHAPTER 24

METHUEN HISTORIC DISTRICT ORDINANCE

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CHAPTER 24 - METHUEN HISTORIC DISTRICT ORDINANCE

Section 24-1. Enactment

This ordinance shall be known and may be cited as the Methuen Historic District Ordinance and is adopted pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended.

Section 24-2. Purpose

The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of the buildings and places significant in the history of the City of Methuen or their architecture and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

Section 24-3. Historic District

There is hereby established under provisions of Chapter 40C of the General Laws an Historic District to be known as the "Searles, Tenney, Nevins Historic District". The district shall be bounded as shown on map #1 entitled "Searles, Tenney, Nevins Historic District", hereto attached and made part of this Ordinance.

Section 24-4. Definitions

As used in this chapter, the word "altered" includes the words "rebuilt", "reconstructed", "restored", "removed" and "demolished" and the phrase "changed in exterior color"; the word "building" means a combination of materials forming a shelter for persons, animals or property; the word "Commission" means the Commission acting as the historic district Commission; the word "constructed" includes the words "built", "erected", "installed", "enlarged", and "moved"; the words "exterior architectural feature" mean such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, color and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures; the words "person aggrieved" mean the applicant, an owner of adjoining property, an owner of property within the same historic district as property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts; and the word "structure" means a combination of materials other than a building, including a sign, fence, wall, tower, terrace, step, paving, manmade embankment, dam, bridge, canal, raceway, walk or driveway.

Section 24-5. Historic District Commission Membership

There is hereby established under chapter 40C of the General Laws a Historic District Commission consisting of seven members and three alternate members, appointed by the Mayor, including two members, where possible, submitted by the Methuen Historical Commission, one member submitted by the Boston Society of Architects, one member submitted by the Northeast Association of Realtors, Inc., three members and one alternate member submitted by the Society for the Preservation of New England Antiquities or a Methuen Historical Society or preservation association. If for any reason the above-mentioned organizations fail to submit the requested nominees, the Mayor is empowered to designate ex-officio members in their places. Where possible, one or more of the members shall be a resident or property owner in a Historic District established in Methuen pursuant to the Historic Districts Act.

When the Commission is first established, two members and one alternate shall be appointed for one year, two members and one alternate shall be appointed for two years, and two members and one alternate shall be appointed for three years. The Mayor shall fill vacancies within 60 days by appointment for the unexpired term. In the case of absence, inability to act, or unwillingness to act because of self-interest as a member, the chairman shall designate an alternate member of the Commission to act for a specified time. All members shall serve without compensation, and, subject to available funding, shall be entitled for reimbursement of expenses incurred while attending to Commission business out of town. The expense limit shall be set by the normal budgetary process and requested though the budget of the Office of Economic and Community Development. The Commission shall elect annually a chairperson and vice-chairperson from its own number and a secretary from within or without its number.

All appointments to the Commission shall be confirmed by the City Council.

Additional membership suggestions: lawyer, professional historian, additional residents of the district, Planning Board Member, Conservation Commission Member, Tourism Committee or Commission Member, individuals interested in historic preservation.

Section 24-6. Duties and Power of the Commission

The Commission shall have all the powers and duties of Historic District Commissions as provided by the Historic Districts Act, General Laws, Chapter 40C, and of subsequent amendments thereto unless specifically limited by this ordinance.

(A) Rules and Regulations: the Commission shall adopt rules and regulations not inconsistent with the provisions of the Historic Districts Act.

(B) The Commission may, subject to appropriation and with the approval of the Mayor, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work.

(C) The Commission may receive and accept appropriations, grants and gifts, including real estate and property, for the furthering of the purposes of this ordinance.

(D) General regulatory powers: the Commission shall have control over new construction, reconstructions, alterations, movements, and demolitions of all exterior architectural features of buildings and structures within the district which are visible from any public street, public way, public park, or public waterway within the district, except as limited by the ordinance. For purposes of this ordinance, any structure partially within the district shall be considered wholly within the district.

(E) Signs: the Commission shall approve the placement of permanent or temporary signs on or about any building or building site within the district. Note that all provisions of the Methuen Zoning Ordinance relating to signs must first be followed. The Commission's primary interest in reviewing signs is to pass on the appropriateness of their placement, design, size, color, and execution.

The Commission shall within its rules and regulations establish guidelines to review every sign for appropriateness in the context of its immediate environment. Signs erected or put into place prior to the effective date of the establishment of the district shall be exempt from the Commission's control; new signs to be erected as replacements for older ones after the establishment of the district shall be under the Commission's control and should conform to its guidelines.

(F) Considerations: in passing upon matters before it, the Commission shall consider, among other things, the historic and architectural significance of the site, building or structure, the general design arrangement of the features involved, and the relationship of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Commission may, in appropriate cases, impose dimensional and set-back requirements in addition to those required by the applicable zoning ordinance.

(G) The Commission may determine from time to time, after public hearing, that certain categories of exterior architectural features, structures or signs may be constructed or altered without review by the Commission. The Commission may after public hearing, set forth the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of the district but no such determination shall limit the right of the applicant to present other designs to the Commission for its approval.

Section 24-7. Limitations and Exemptions

(A) The Commission shall not make any recommendation or requirement with regard to new construction, reconstruction or additions except for purpose of preventing developments incongruous to the historic aspects of architectural characteristics of the surroundings and of the district.

(B) The following are exempt from the control of the Commission:

1. Ordinary maintenance and repair of any exterior architectural feature if such repair and maintenance does not involve a fundamental change in design and materials
2. Any constructions, demolitions or alterations under a permit issued by the Building Inspector or similar agent prior to the effective date of the establishment of the district.
3. Any constructions, demolitions or alterations under orders issued by the Building Inspector or similar agent for the purpose of public safety.
4. Landscaping with plants, trees or shrubs.
5. Terraces, walks, sidewalks, and other similar structures not including driveways and parking lots provided that the structure is at grade level.
6. Storm doors and windows, screen doors and windows, air conditioners.
7. A reconstruction substantially similar in exterior design of the building, structure or exterior architectural feature damaged or destroyed by fire, storm, or other disaster providing that such reconstruction is begun within one year thereafter and carried forward with due diligence.
8. Traffic control devices necessary for public safety including, but not limited to, traffic signs and lights, guardrails and pedestrian crosswalks.

Section 24-8. Procedures

(A) Except as this ordinance provides in sections 6 and 7, no building or structure within the district shall be constructed or altered in any way that affects the exterior architectural features unless the Commission shall first have issued a Certificate of Appropriateness, a Certificate of Non-Applicability or a Certificate of Hardship with respect to such construction or alteration. Nor shall any building permit for demolition be issued for any

building or structure within the district until the Commission has issued a certificate required by this section.

(B) The applicant shall file a copy of one application for a certificate with the Building Inspector and one with the City Clerk. As many additional copies as deemed appropriate by the Rules and Regulations of the Commission shall be filed with the Commission. Applications shall be in the form specified by the Commission, to include plans and elevations signed by an architect or draftsperson, drawn to scale detailed enough to show architectural design of the structure and its relationship to existing buildings or structures, and other materials deemed necessary by the Commission. Plot and site plans should be filed when applications for certificates are made for improvements affecting appearances of walls, fences, steps, and paving. In the case of demolition or removal, the application must include a statement of the proposed condition and appearance of the property thereafter. The Commission may charge an applicant a filing fee, at a rate it sets, for an application for a certificate it issues.

(C) Within 14 days of the filing of an application for certificate, the Commission shall determine whether the application involves any exterior architectural features, which are subject to the approval of the Commission.

(D) If the application requires the Commission's review, or at the request of the applicant, the Commission shall hold a public hearing, unless waived according to the provisions of the General Laws, Chapter 40C amended. Public notice of the time, place and purpose of the hearing shall be given at least 14 days in advance and the Commission must notify by mail affected parties as provided in the General Laws, Chapter 40C amended.

(E) The Commission shall decide upon the determination of any application within 60 days of its filing or within such further time as the applicant may allow in writing.

(F) A Certificate of Appropriateness shall be issued to the applicant if the Commission determines that the proposed construction or alteration will be appropriate or compatible with the preservation or protection of the district. In the case of a disapproval of an application for a Certificate of Appropriateness, the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefore as set forth in the records of the Commission, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design. Prior to the issuance of any disapproval, the Commission may notify the applicant of its proposed action, accompanied by recommendations of changes in the applicant's proposal, which, if made, would make the application acceptable to the Commission. If within 14 days of receipt of such notice, the

applicant files written modification of his application in conformity with the recommended changes of the Commission, the Commission shall issue a Certificate of Appropriateness to the applicant.

(G) Upon request, the Commission may issue a Certificate of Non-Applicability to any applicant whose request does not require Commission approval.

(H) If an application is deemed inappropriate or if application is made for a Certificate of Hardship, the Commission may issue a Certificate of Hardship if conditions especially affecting the building or structure involved, but not affecting the district generally, would make failure to approve an application involve a substantial hardship, financial or otherwise, to the applicant, and approval would not involve a substantial detriment to the public welfare.

(I) A Certificate of Hardship shall also be issued in the event that the Commission does not make a determination on an application within the time specified in section 8E of this Ordinance

(J) Each certificate shall be dated and signed and the Commission shall keep a permanent record of its determinations and of the vote of each member participating therein, and shall file a copy or notice of certificates and determinations of disapproval with the City Clerk and Building Inspector.

(K) Any "person aggrieved" may, within 20 days of the decision by the Commission, appeal to a superior court sitting in equity. The Commission must pay costs only if it appears to the court that the Commission has acted with gross negligence, bad faith or malice.

(L) Should a property owner cause, suffer or permit the alteration or act in a fashion which appears to give the impression that he will so alter the structure, without a Certificate of Appropriateness or Hardship, the Commission may fine the owner not less then ten dollars nor more than five hundred dollars, each day constituting a separate offense and the Commission may commence an appropriate court action to prohibit such alteration.

Section 24-9. Provisions

The City of Methuen shall be subject to the provisions of this ordinance notwithstanding any city ordinance to the contrary.

Section 24-10. Amendments

This ordinance may be amended from time to time by a two-thirds vote of the City Council subject to the procedure as set forth in the General Laws, Chapter 40C, and section 3.

Section 24-11. Cases of Invalidity/Unconstitutionality

In case any section, paragraph or part of this ordinance is for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 24-12. Clarification of Position

It is recognized in this report that the Secretary of State's Office has taken the position that Ordinance #652 did not validly repeal Chapters 24 and 24A of the Methuen Municipal Code. This report and any record enacted hereunder is not intended to in any way impact the determination and decision of the Secretary of State and the Massachusetts Historical Commission on this issue.

Section 24-13. Requests for Review

Any person aggrieved by a determination of the Commission may, within twenty days after the filing of the notice of such determination with the City Clerk, file a written request with the Commission for a review by a person or persons of competence and experience in such matters, designated by the Merrimack Valley Planning Commission.

The finding of the person or persons making such review shall be filed with the City Clerk within forty-five days after the request, and shall be binding on the applicant and the Commission, unless a further appeal is sought in the Superior Court as provided in Chapter 40C, section twelve A.

(Ord. # 714, eff. May 17, 2001, as further amended by Ord. 875, eff. March 5, 2014)

CHAPTER 25

DEMOLITION DELAY ORDINANCE

Section	Item
Sec. 25-1	Intent and Purpose
Sec. 25-2	Definitions
Sec. 25-3	Regulated Buildings and Structures
Sec. 25-4	Methuen Preservation Committee
Sec. 25-5	Procedure
Sec. 25-6	Determination of Applicability
Sec. 25-7	Emergency Demolition
Sec. 25-8	Non-Compliance
Sec. 25-9	Severability

CHAPTER 25 - DEMOLITION DELAY ORDINANCE

Section 25-1 Intent and Purpose

This ordinance is adopted for the purpose of preserving and protecting significant buildings within the City which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City; to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate, or restore such buildings rather than demolish them. To achieve these purposes, the Methuen Preservation Committee (hereinafter the "Committee") is empowered to advise the Building Commissioner with respect to the issuance of permits for demolition of significant buildings.

Section 25-2 Definitions

1. Building – Any combination of materials capable of being used as a shelter for persons, animals or property.

2. Committee – The Methuen Preservation Committee.

3. Commissioner – The Methuen Building Commissioner.

4. Demolition Permit – the permit issued by the Commissioner as required by the state building code for the demolition or removal of a building or structure; and

5. Historically Significant Building or Structure – Any building or structure which is (1) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the city, the Commonwealth of Massachusetts or the United States of America; or (2) is historically or architecturally important by reason of period, age, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

Section 25-3 Regulated Buildings and Structures

1. A building or structure listed on, or is within an area listed on, the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application for listing on either of said Registers; or

2. A building or structure listed in the Inventory of the Historic Assets of the Commonwealth, or designated by the Committee for inclusion in said inventory including those buildings listed for which complete surveys may be pending; or

3. A building or structure determined by vote of the Committee to be historically or architecturally significant in terms of period, style, and method of building construction based on the following criteria:

   a. Properties listed on the State Register of Historic Places and the Inventory of Historic Assets of the Commonwealth for the City of Methuen.

   b. Properties in existence on or before 1875.

5. No demolition permit shall be issued for a regulated building or structure without full compliance with the provisions of this ordinance.

Section 25-4 Methuen Preservation Committee

There is hereby established a committee to be known as the Methuen Preservation Committee consisting of three members each of whom shall be appointed for three years with their terms so arranged that the terms of one member shall expire in January of each year. The Mayor shall further annually, in January, choose the chairman thereof. The members shall be appointed by the Mayor on the basis of their education, training or knowledge of historic properties. Such appointments shall be subject to confirmation by the City Council.

Section 25-5 Procedure

1. The Commissioner shall forward a copy of each demolition permit application for all regulated buildings or structures identified in section (c) of this section to the Committee within seven (7) days after the filing of such application. No demolition permit shall be issued at that time.

2. Within thirty (30) days after the receipt of such application, the Committee shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Committee if he or she makes a timely request in writing to the Committee.

3. A. If the Committee determines that the building or structure is not historically significant, it shall so notify the Commissioner and the applicant in writing and the Commissioner may issue a demolition permit.

B. If the Committee determines that the building or structure is historically significant, it shall notify the Commissioner and the applicant in writing that a demolition plan review must be made prior to the issuance of a demolition permit. If the Committee fails to notify the Commissioner and the applicant of its determination within sixty (60) days after its receipt of the application, then the building or structure shall be deemed not historically significant and the Commissioner may issue a demolition permit.

4. Within thirty (30) days after the applicant is notified that the Committee has determined that a building or structure is historically significant, the applicant for the permit shall submit to the Committee seven (7) copies of a demolition plan which shall include the following information; (i) a map showing the location of the building or structure to be demolished with reference to lot lines and to neighboring buildings or structures; (ii) photographs of all street façade elevations; (iii) a description of the building or structure to be demolished; (iv) the reason for the proposed demolition and data supporting said reasons, including, where applicable, data sufficient to establish any economic justification for demolition; and (v) a brief description of the proposed reuse of the parcel on which the building or structure to be demolished is located.

5. The Committee shall hold a public hearing, within 30 days of receipt of the demolition plan, referenced in paragraph four, with respect to the application for a demolition permit, and shall give public notice of the time, place, and purposes thereof at least fourteen (14) days before said hearing in such manner as it may determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the Committee to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Community Development Board, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Committee shall deem entitled to notice. Within sixty (60) days after its receipt of the demolition plan, the Committee shall file a written report with the Commissioner on the demolition plan which shall include the following: (i) a description of age, architectural style, historic association and importance of the building or structure to be demolished; (ii) a determination as to whether or not the building or structure should preferably be preserved. The Committee shall determine that a building or structure should preferably be preserved only if it finds that the building or structure is an historically significant building or structure which, because of the important contribution made by such building or structure to the City's historical and/or architectural resources, it is in the public interest to preserve, rehabilitate or restore.

6. If, following the demolition plan review, the Committee does not determine that the building or structure should preferably be preserved, or if the Committee fails to file report with the Commissioner within the time limit set out in subparagraph (5) next above, then the Commissioner may issue a demolition permit.

7. If, following the demolition plan review, the Committee determines that the building or structure should preferably be preserved, then the Commissioner shall not issue a demolition permit for a period of six (6) months from the date of the filing of the Committee's report unless the Committee informs the Commissioner prior to the expiration of such six (6) month period that it is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure, or has agreed to accept a demolition permit on specific conditions approved by the Committee. During the six (6) month review period, the Committee shall invite the Applicant to participate in an investigation of alternatives to demolition.

Section 25-6 Determination of Applicability

An owner of a regulated building or structure may petition the Committee for a determination of applicability of the ordinance. Within sixty (60) days after the receipt of such application, the Committee determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Committee if he or she makes a timely request in writing to the Committee. The determination by the Committee of whether a regulated building or structure is historically significant shall be made in writing signed by the Committee and shall be binding on the Committee for a period of 5 years from the date thereof.

Section 25-7. Emergency Demolition

If the condition of a building or structure poses a serious and imminent threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request the issuance of an emergency demolition permit from the Commissioner. If possible, and as soon as practical, after the receipt of such a request, the Commissioner shall arrange to have the property inspected by a board consisting of himself, the Chairman of the Committee and the Chairman of the Board of Health, and the Chief of the Fire Department, or their respective designees. After inspection of the building or structure and, to the extent possible, consultation with this Board, the Commissioner shall determine whether the condition of the building or structure represents a serious and imminent threat to public health or safety and whether there is any reasonable alternative to immediate demolition of the building or structure which would protect the public health or safety. If the Commissioner finds that the condition of the building or structure poses a serious and imminent threat to public health or safety, and that there is no reasonable alternative to the immediate demolition permit under the provisions of this paragraph (f), they shall prepare a written report describing the condition of the building or structure and the basis for his decision to issue an emergency demolition permit with the Committee. Nothing in this paragraph (f) shall be inconsistent with the procedures for the demolition and/or securing of building and structures established by Chapter 143, section 6-10, of the Massachusetts General laws. In the event that a Board of Survey is convened under the provisions of Section 8 of said Chapter 143 with regard to any building or structure identified in paragraph (c) of this section, the Commissioner shall request the Chairman of the Committee or his designee to accompany that Board of Survey during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the Committee.

Section 25-8 Non-Compliance

1. The Committee and the Building Commissioner are each authorized to institute any and all proceedings in law or equity, as they deem necessary and appropriate to obtain compliance with the requirements of this bylaw, or to prevent a violation thereof.

2. No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this bylaw for a period of twenty-two months after the date of the completion of such demolition. As used herein “premises” includes the parcel of land upon which the demolished significant building is located.

3. Upon a determination of the Committee that a building is a preferably-preserved significant building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Commissioner. Should the owner fail to secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition for the purposes of section H2.

4. Anyone who demolished a building or structure identified in paragraph (C) of this section without first obtaining, and complying fully with the provisions of, a demolition permit, shall be subject to a fine of not less than one hundred (500) dollars nor more than three hundred (1,000) dollars.

Section 25-9. Severability

If any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by a Court authority, every other section, paragraph and part shall continue in full force and effect.

(Ord. # 734, eff. February 21, 2002; Ord. # 811, eff. April 4, 2007 Repealed Ord. # 734, as further amended by Ord. 857, eff. March 7, 2012)

CHAPTER 26
DEVELOPER'S WATCH LIST ORDINANCE

Section	Item
Sec. 26-1	Purpose
Sec. 26-2	Violations
Sec. 26-3	Policy
Sec. 26-4	Procedure
Sec. 26-5	Action Upon Receipt of Application
Sec. 26-6	Watch List Requirements
Sec. 26-7	Parties Responsible
Sec. 26-8	Term
Sec. 26-9	Applicability
Sec. 26-10	Definitions

CHAPTER 26 - DEVELOPERS WATCHLIST ORDINANCE

Section 26-1. Purposes

This ordinance is enacted for the purposes as outlined in this Section and with the goal of:

1. Insuring proper and appropriate development of the remaining land in Methuen;
2. To provide guidance as to inappropriate conduct in the development of land;
3. To determine those who might violate basic land development requirements;
4. To inform the public of those individuals who are violators of regulations of land use, and;
5. To affirm the support of the municipality for proper land use and development.

This ordinance recognizes that not every alleged violation related to land development may or should result in the imposition of the procedures outlined herein. This ordinance is enacted to deal with substantive derogations from the requirements imposed on subdivision, special permit, variance, site plan permits or approvals, orders of condition or determinations of applicability.

Section 26-2. Violations

The following conduct in the development of land is considered inconsistent with the policy of Methuen and shall subject the violator to public notice and action:

1. Violation of statute, ordinance, permit or conditions in the development of land requirements imposed under subdivision, special permit, variance and site plan permits or approvals, orders of condition or determinations of applicability;

2. Improper disturbing or destruction of environmentally sensitive areas such as wetlands;
3. Failure to comply with cease and desist orders issued as to the development;
4. Abandoning a development and failing to complete all board or commission requirements of said development.

Section 26-3. Policy

It shall be the policy of the City of Methuen to entertain an application by any Board or Commission of the community, any state or federal officials and any ten (10) or more “parties in interest” to determine whether an individual or entity in developing land has violated any provision of Section 2.
The term “parties in interest” shall mean;

1) ten or more lot owners in the affected subdivision where the subdivision has more than 15 lots,
2) a majority of the lot owners in the affected subdivision where the subdivision has 15 or less lots.
3) ten or more "parties in interest" as the term is defined in GL Chapter 40A Section 11.

Section 26-4. Procedure

The individuals or entities listed in section 3 above may file an application with the Department of Economic and Community Development to determine if a person in developing land in Methuen has violated this ordinance. Said application shall include the name or position of the person making the application, together with their address, the name of the person and/or corporation or other business entity, together with the address, allegedly committing the violation, and the date of the violation as may be applicable. In the instance where an application is filed, the applicant shall specify in detail the nature of the violation and the appropriate remedy, if known.

Section 26-5. Action Upon Receipt of Application

In the instance where an application is filed, the Director of Economic and Community Development shall forthwith notify the person or entity charged with the violation of the filing of the application and shall provide them ten (10) days to respond by remedying the violation, identifying why there is not a violation, or specifying an acceptable time line for the correction of the violation.

If the Director of Economic and Community Development is not satisfied with the response of the alleged violator, he or she shall establish a public hearing within thirty (30) days of the filing of the application with newspaper notice no less than seven days before the hearing as well as notice to the applicant and the alleged violator. The public hearing shall be conducted by a five member Review Board which shall consist of one member each from the; Conservation Commission, Zoning Board of Appeals, Community Development, Historic District Commission and Board of Health. The designee from these Boards shall be chosen by their Chairman. In the instance where a Board has filed the application, no person voting on the application may sit on this Review Board. Where a board is disqualified under this ordinance from sitting the replacement shall be chosen by the Mayor to sit for that hearing on the Review Board. The board shall be convened upon the call of the Economic and Community Development Director and shall as its first order of business be to choose a Chairman and establish its rules of proceedings.

At the public hearing, the Review Board shall entertain the application, together with the testimony of any member of the public or officer or employee of the City or a state or federal agency, and shall further entertain any testimony or information offered by the alleged violator or his representatives. Following the closing of the public hearing, the Review Board shall within ten (10) days determine whether or not there has been a violation, as identified in Section 2 hereof, committed by the person or entity and, if so, forward such determination to the Mayor for review. Unless the Mayor shall within seven (7) days of receipt of this determination

overturn such decision, it shall become final and binding. In the instance of a determination of violation, the Director of Economic and Community Development shall forthwith publish the findings of said Review Board, identifying the violator, the nature of the violation and the fact that said person/corporation is formally placed upon a Development Watch List. Said notification shall further; 1) be forwarded to all Boards charged with issuing permits, approvals or authorizations
in the land development area, including, but not limited to, Conservation Commission, Zoning Board of Appeals, Historic District Commission and the Board of Health, 2) posted in the Building Commissioners office and 3) posted on the City's website. Additionally, a book of proceedings, including the application, the findings and all evidence from the hearing of the Review Board shall be submitted to the City Clerk. Said City Clerk shall post a notice of finding of violation and notify members of the public that they may review the book of proceedings in his or her office.

Section 26-6. Watch List Requirements

1. In the instance where a person is placed upon a Watch List, said individual may not obtain a subdivision approval, variance for subdividing land, site plan approval, special permit, order of conditions (municipal) or determination of applicability (municipal) without the posting of an adequate performance bond and unless otherwise provided in law, said bond shall be a cash bond.

2. In the instance when any person or entity is placed upon a Developer Watch List, each and every time said individual or entity files for such subdivision approval, variance for subdividing land, site plan approval, special permit, order of conditions (municipal) or determination of applicability (municipal) all land use permitting boards shall be notified and provided with a copy of the application. Additionally, the original applicants for the violation determination together with any other requesting parties shall receive a notice and copy of the application.

3. As to any person or entity on a watch list no bond release or reduction shall be granted or allowed prior to the holding of a public hearing. Such public hearing shall provide the opportunity to any interested party to comment publicly on the request to reduce the bond.
4. No approvals of completion of work, including Certificates of Compliance, Approvals of Subdivisions, or any historic authorizations may occur unless and until a notice is given to each Board involved in land development in Methuen, together with notice to the original applicant for the violation and any other party requesting notice. Said notice shall advise those individuals or entities of the day, date and place on which such acceptance, release or reduction may occur and advising the parties of their right to appear and object to such action.

Section 26-7. Parties Responsible

This Ordinance recognizes that as a common business practice a developer will create a corporation or other like entity that solely exists for a particular development. Said practice is commonly developed to shield an individual or individuals from liability or responsibility occurring from improper development. This Ordinance is specifically enacted to hold the business entities and the individuals responsible. Therefore, if the principal violator of this Ordinance was a corporation, then the provisions of this Ordinance shall nevertheless apply to

any person designated at the time of the violation by the corporation as its President, Vice President, Treasurer, Clerk, or Board of Director. This shall also apply to any stockholder of more than ten per cent of the stock and/or the designated or principal agent of the corporation or other entity unless such person can offer evidence at the hearing that said person did not have control of the corporate entity or the ability to require the entity to comply with the provisions of this Ordinance and specifically, with the conditions established in law for the development.

Section 26-8. Term

Any individual or entity placed upon a Watch List shall remain on said Watch List and be subject to the provisions of this ordinance for a period of five (5) years unless, after a duly called public hearing with notice to the original applicant for the violation, said Review Board shall reduce the term for good cause shown and the Mayor shall approve such reduction in term.

Section 26-9. Applicability

This ordinance shall apply to all future development and to all existing approvals, permits, orders or endorsements if the same have not been completed and the applicable acceptance or compliance certification has not issued.

Section 26-10. Definitions

As used herein the term “abandon” or “abandoning” shall mean the act of leaving incomplete a development willfully and without an intent to return.

(Ord. #736, eff. May 16, 2002)

CHAPTER 27
REGISTERED SEX OFFENDER RESTRICTIONS

Section	Item
Sec. 27-1	Definitions
Sec. 27-2	Residency Restrictions
Sec. 27-3	Safety Zones
Sec. 27-4	Postings (added after original)
Sec. 27-5	Exemptions
Sec. 27-6	Enforcement
Sec. 27-7	Task Force
Sec. 27-8	Severability

CHAPTER 27, REGISTERED SEX OFFENDER RESTRICTIONS

SECTION 1. DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning**:**

"***Registered Sex Offender***" for the purposes of this Chapter shall mean: (a) any person who is designated as a sexually violent predator pursuant to Chapter 6, § 178C of the Massachusetts General Laws and who is required to register as a sex offender pursuant to the guidelines of the Sex Offender Registry Board; (b) any person who is required to register as a Sex Offender pursuant to Chapter 6, § 178C of the Massachusetts General Laws and who is finally classified as a Level 3 offender pursuant to the guidelines of the Sex Offender Registry; and (c) any person who is required to register as a Sex Offender pursuant to Chapter 6, § 178C of the Massachusetts General Laws, who is finally classified as a Level 2 offender pursuant to the guidelines of the Sex Offender Registry, and who has committed a Sex Offense against a Child, an Elder and/or a Mentally Retarded Person.

"***Sex offender***" and "***Sex offense***" shall have the same meaning as provided for in MGL Chapter 6, § 178C.

"*Child*" or "*Children*" shall mean persons under eighteen (18) years of age.

"*Elder*" or "***Elderly***" shall mean persons over fifty-five (55) years of age.

"*Mentally Retarded Person*" shall mean, pursuant to MGL c. 123B, § 1, a person who, as a result of inadequately developed or impaired intelligence, as determined by clinical authorities as described in the regulations of the Department of Mental Retardation, is substantially limited in his or her ability to learn or adapt, as judged by established standards available for the evaluation of a person's ability to function in the community.

"***Park***" includes active and passive public land designated for recreational or athletic use by the City of Methuen, the Commonwealth of Massachusetts or any other governmental subdivision, and located within the City of Methuen.

"***School***" any public or private educational facility that provides educational instruction to Children in grades pre-K through 12. For the purposes of definition of School a public library shall be considered an educational facility and is thereby incorporated herein this definition.

"***Day Care Center***" any establishment, whether public, private or parochial, which provides care for Children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Office of Child Care Services.

"***Recreational facility***" includes, but is not limited to, a playground, a forest preserve, jogging trail or running track, hiking trail, beach, water Park, wading pool, soccer field, baseball field, football field, basketball court or hockey rink, mini-golf business, video arcade, laser tag establishment, Boys and Girls Club(s), skate park, dance or gymnastic studio, movie theater, martial arts school or family-oriented pool hall, whether publicly or privately owned, to which the public has a right of access as an invitee and which is located within the City of Methuen.

"***Loiter***" means remaining in or around property and/or buildings designated herein for more than fifteen (15) minutes.

"***Elderly Housing Facility***" includes any building, which provides a group residence for the Elderly and is located within the City of Methuen. "*Elderly Housing Facility"* means a building or buildings on the same lot containing four (4) or more dwelling units restricted to occupancy by households having one or more members fifty-five (55) years of age or older.

"***Facility for the Mentally Retarded*** " includes facilities under the jurisdiction of the Department of Mental Retardation, and which is located within the City of Methuen.

"***Permanent Residence***" A place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.

"***Temporary Residence***" A place where a person lives, abides, lodges, or resides for a period of less than five (5) consecutive days or fourteen (14) days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person's permanent residence.

"***Establishing a Residence***" means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

SECTION 2. RESIDENCY RESTRICTIONS

A. ***Prohibition***. A Registered Sex Offender is prohibited from establishing a Permanent Residence or Temporary Residence within one thousand (1,000) feet of any School, Public

Library, Day Care Center, Park, other Recreational Facility, Elderly Housing Facility or Facility for the Mentally Retarded.

B. ***Evidentiary matters; measurements***. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the outer property line of the Permanent or Temporary Residence to the nearest outer property line of any School, Day Care Center, Park, Recreational Facility, Elderly Housing Facility or Facility for the Mentally Retarded.

C. ***Exceptions***. A Registered Sex Offender residing within one thousand (1,000) feet of any School, Public Library, Day Care Center, Park, Recreational Facility, Elderly Housing Facility or Facility for the Mentally Retarded does not commit a violation of this section if any of the following apply:

1. The Registered Sex Offender established the Permanent Residence prior to the effective date of this ordinance, and

a. Permanent Residence was established by purchasing the real property where the residence is established, as long as the Registered Sex Offender continues to reside therein, and does not move to another restricted location in Methuen different from, the Permanent Residence established prior to the effective date of this ordinance, or

b. Permanent Residence was established through a valid, fixed-term, written lease or rental agreement, executed prior to the effective date of this ordinance, as long as the Registered Sex Offender continues to reside within, and does not move to another restricted location in Methuen different from, the Permanent Residence established prior to the effective date of this ordinance, or

c. Permanent Residence was established through a verbal lease or rental agreement at the will of the landlord, as long as the Registered Sex Offender continues to reside within, and does not move to another restricted location in Methuen different from, the Permanent Residence established prior to the effective date of this ordinance.

2. The Registered Sex Offender is a minor living with his or her parent(s) or legal guardian(s), which parent(s) or legal guardian(s) has (have) established a Permanent Residence pursuant to §1.C.1.

3. The School, Day Care Center, Park, Recreational Facility, Elderly Housing Facility or Facility for the Mentally Retarded within one thousand (1,000) feet of the Registered Sex Offender's Permanent Residence was opened after the Registered Sex Offender established the Permanent Residence.

D. ***Forfeiture of exception.*** If, either after the effective date of this ordinance or after a new School, Day Care Center, Park, Recreational Facility, Elderly Housing Facility or Facility for the Mentally Retarded opens, a complaint or an indictment is issued by a court against a Registered Sex Offender otherwise protected by an exception under this subsection C,

that such Sex Offender has committed another Sex Offense, he/she will immediately forfeit that exception and be required to comply with this section.

E. ***Notice to move.*** A Registered Sex Offender who resides on a permanent or temporary basis within one thousand (1,000) feet of any School, Day Care Center, Park, Recreational Facility, Elderly Housing Facility or Facility for the Mentally Retarded shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the Registered Sex Offender's noncompliance with this ordinance, move from said location to a new location, but said location may not be within one thousand (1,000) feet of any School, Day Care Center, Park, Recreational Facility, Elderly Housing Facility or Facility for the Mentally Retarded. It shall constitute a separate violation for each day beyond the thirty (30) days the Registered Sex Offender continues to reside within one thousand (1,000) feet of any School, Day Care Center, Park, Recreational Facility, Elderly Housing Facility or Facility for the Mentally Retarded. Furthermore, it shall be a violation each day that a Registered Sex Offender shall move from one location in the City to another that is within one thousand (1,000) feet of any School, Day Care Center, Park, Recreational Facility, Elderly Housing Facility or Facility for the Mentally Retarded.

F. ***Penalties****.*

Any violation of this section shall be enforced by non-criminal disposition pursuant to MGL c. 40, § 21D, as follows:

1. First Offense by Registered Sex Offender: Non-criminal fine of $150.00 and notification to offender that he/she has thirty (30) days to move.

2. Subsequent Offense by Registered Sex Offender: Non-criminal fine of $300.00 and notification to offender's parole officer and/or probation officer, and the Commonwealth's Sex Offender Registry Board, that the Sex Offender has violated a municipal ordinance.

SECTION 3. SAFETY ZONES

A. ***Prohibitions***.

1. A Registered Sex Offender is prohibited from entering upon the premises of a School or Day Care Center unless previously authorized specifically in writing by the School administration or Day Care Center owner.

2. A Registered Sex Offender is prohibited from entering upon the premises of an Elderly Housing Facility or Facility for the Mentally Retarded unless previously authorized in writing by the on-site manager of the Elderly Housing Facility or Facility for the Mentally Retarded. In the case of those dwellings under the ownership, administration, or operation to the Methuen Housing Authority a Registered Sex Offender is prohibited from entering upon the premises thereof

unless previously authorized in writing by the executive director of the Methuen Housing Authority to do so.

3. A Registered Sex Offender is prohibited from entering upon the premises of a Park or any Recreational Facility.

4. A Registered Sex Offender is prohibited, after having received notice from the Methuen Police Department that he/she is loitering within five hundred (500) feet of a School, a Day Care Center, a Park, any Recreational Facility, Elderly Housing Facility or Facility for the Mentally Retarded, from continuing to so loiter or from returning thereto. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the location where the Registered Sex Offender is or was present to the outer property line of the School, a Day Care Center, a Park, any Recreational Facility, Elderly Housing Facility or Facility for the Mentally Retarded.

B. ***Exceptions****.*

1. The prohibitions defined in §A-1 through §A-4, shall not be construed or enforced so as to prohibit a Registered Sex Offender from exercising his or her right to vote in any federal, state or municipal election, or from attending any religious service.

2. The prohibitions defined in §A-1 and § A-4 do not apply to a Registered Sex Offender's place of residence when such residence is excepted under §2.

C. ***Penalties.*** Any violation of this section may be enforced by a non-criminal disposition pursuant to MGL c. 40, § 21D, resulting in: (1) a non-criminal fine of $150.00 for a first violation; and (2) a non-criminal fine of $300.00 for each additional violation of this section. In lieu of non-criminal disposition, Registered Sex Offenders who commit an additional violation under this section, except for those who are not yet seventeen (17) years of age when they commit any such additional violation, may be subject to immediate arrest under state law. A Registered Sex Offender commits a separate offense for each and every violation of this section.

SECTION 4. POSTINGS (added after original)

A. Permanent bulletin boards shall be installed for the purposes of posting of Registered level 3 sex offenders within the main entrance of the following public buildings:

1. Searles Building;
2. Quinn Building (separate location from the police department);
3. Nevins Library;
4. Administrative area of every public school and public day care facility;

B. Official postings of Level 3 Sexual Offenders shall be displayed in an accessible and prominent location on the official website of the City of Methuen.

SECTION 5. EXEMPTIONS

The provisions of this ordinance shall not be applicable to Registered Sex Offenders incarcerated in any facilities owned, maintained and/or operated by the City of Methuen.

SECTION 6. ENFORCEMENT

A. The Methuen Police Department shall be charged with the enforcement of this chapter.

B. A written list describing the prohibited areas defined in this ordinance as well as a map depicting the residency restriction areas and a map depicting the safety zones shall be created by the City and maintained by the Methuen Department of Public Works. The list, the maps and a copy of this ordinance shall will be available to the public at the Methuen Police Department and the Methuen City Clerk's Office, and on the City of Methuen's website.

SECTION 7. TASK FORCE (added after original)

There shall be hereby created a special task force for the purpose of reviewing the sex offender laws of the Commonwealth of Massachusetts and the recommendation of legislative changes to strengthen local ordinances to be submitted to the State legislative delegation of the City of Methuen no later than December 1, 2008. Said task force shall consist of the Chief of Police; one (1) member of the Police Department to be designated by the Chief; two (2) members of the City Council to be designated by the Chairman, one (1) member designated by the Superintendent of Methuen Schools, and one (1) member of the Public Safety Commission designated by the Commission Chairman.

SECTION 8. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or other part of this ordinance shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this ordinance, and it shall be construed to have been the legislative intent to enact this ordinance without such unconstitutional or invalid parts therein.

(Ord. #824, eff. Sept. 3, 2008)

CHAPTER 28
TRENCH SAFETY ORDINANCE

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Sec. 28-2	Purpose
Sec. 28-3	Definitions
Sec. 28-4	Necessity of a Trench Permit
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CHAPTER 28 TRENCH SAFETY ORDINANCE

SECTION I. PREAMBLE

In fulfillment of the obligations of the City under *Excavation and Trench Safety Regulation* M.G.L. c. 82A §1 and 520 CMR 14.00 et seq. (the "Regulations"), the City of Methuen hereby establishes a Trench Permitting procedure, sets the application fees and penalties for violators, and establishes the Local Permitting Authority for the same as follows:

1. Building Commissioner, Department of Inspectional Services for all matters relating to building or vertical construction;
2. Director of Public Health, Health Department for all matters related to Title 5 and the applicable provisions of c. 111 of the General Laws and the installation of wells,
3. Chief Engineer, Department of Public Works, Engineering Department, for all matters relating to the installation of underground utilities or horizontal construction.

SECTION II. PURPOSE

The purpose and intent of this Ordinance is to:

a. Protect the safety of the citizens of the Commonwealth from the hazards inherent in trenches; and
b. Provide for penalties for individuals who violate any provision of these regulations.

SECTION III. DEFINITIONS

APPLICATION FEE: A seventy-five dollar ($75.00) non-refundable processing fee which shall accompany each application for a Trench Permit.

EMERGENCY: An unforeseen condition in which the safety of the public is in imminent danger because of a threat to life or health or where immediate correction is required to maintain or restore essential public utility service.

EXCAVATOR: Any entity including, but not limited to, a person, partnership, joint venture, trust, corporation, association, public utility, company or state or local Government body or public agency which performs excavation operations including the excavation of trenches.

GENERAL PUBLIC: All natural persons not engaged in the creation of a trench.

PERMIT HOLDER: The excavator who is responsible for acquiring a permit from the Permitting Authority.

PERMITTING AUTHORITY: A municipality or agency thereof, or public agency required to administer the provisions of 520 C.M.R. 14.03.

PUBLIC AGENCY: A department, agency, board, commission, authority, or other instrumentality of the Commonwealth or political subdivision of the Commonwealth or two or more subdivisions thereof.

SERIOUS INJURY: A personal injury that results in death, dismemberment, significant disfigurement, permanent loss of the use of a body organ, member, function, or system, a compound fracture, or other significant injury that requires immediate admission and overnight hospitalization and observation by a licensed physician.

TRENCH: An excavation which is narrow in relation to its length, made below the surface ground in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet.

UNATTENDED TRENCH: A trench where neither the permit holder, excavator, nor any of the people who work in or at the trench are present.

SECTION IV. NECESSITY OF A TRENCH PERMIT

No person shall, except in an emergency, make a trench excavation, in any public way, public property, or privately owned land within the City of Methuen until a permit is obtained from the appropriately designated permitting authority.

SECTION V. REQUIREMENTS OF A TRENCH PERMIT

The permit holder shall be responsible for obtaining the appropriate permit for the excavation of trenches for each project from the appropriate permitting authority. In order to obtain a permit, the following information must be submitted to

the permitting authority:

(a) Completed application;
(b) Certificate of insurance;
(c) Required fee in accordance with 520 CMR 14.03 (6) where applicable

SECTION VI. APPLICATION PROCEDURE

Completed and signed Trench Applications shall be filed with the appropriate Permitting Authorities for review. Said Permitting Authority shall promptly review the Application and shall include any permit conditions deemed appropriate.

If the Application is approved, a Trench Permit containing such conditions and supplemental instructions, as the Permitting Authority reasonably deems appropriate, shall promptly issue upon the satisfaction of any conditions precedent which the Permitting Authority may establish. If the Application is denied, the Permitting Authority shall communicate in writing to Applicant the reasons for said denial.

SECTION VII. Revocation and Suspension of Permit by Permitting Authority

The Permitting Authority may, after a hearing, suspend or revoke a permit issued pursuant 520 CMR 14.03. All hearings under this section shall be held in accordance with G.L. c. 30A and 801 CMR 1.02. Each permitting authority shall have the discretion to establish the grounds consistent with this regulation for a suspension or revocation however such suspension or revocation shall not be imposed in a manner which directly, substantially or specifically regulates the occupational safety or health of any employee engaged in employment covered by the Federal Occupational Safety and Health Act.

SECTION VIII. Immediate Shutdown by State or Local Authorities

Whenever the Permitting Authority, or an inspector from either the Department of Public Safety or the Division of Occupational Safety deems a condition at a trench site to be a threat to public safety he may order that the area around the trench be made safe for the general public and may further order the immediate shutdown of the site until such time as the condition has been corrected to the satisfaction of the authority responsible for the immediate shutdown.

Conditions which warrant immediate shutdown of a trench site by the local permitting authority, an inspector from the Department of Public Safety or the Division of Occupational Safety may include:

1. A fatality or serious injury to a member of the general public;

2. Failure to use protections for the General Public in accordance with this regulation or an ineffective use of any protection for the General Public allowed by 520 CMR 14.04;

3. Failure to obtain a permit from the permitting authority;

4. Any other condition that constitutes a serious threat to life, limb or property of the general public as determined by the permitting authority, an inspector from the Department of Public Safety, or the Division of Occupational Safety.

SECTION IX. Re-Inspection following Immediate Shutdown

The trench site shall remain closed until all necessary repairs and corrections have been made to the satisfaction of the authority responsible for the immediate shutdown, provided however, that the Department of Public Safety and Division of Occupational Safety shall have concurrent jurisdiction to authorize the reopening of a trench shut down by either agency.

Reopening of the site may not occur until the authority ordering the immediate shutdown has inspected the site and found to be safe for reopening and operation.

SECTION X. Appeal from Immediate Shutdown

Any person aggrieved by the decision by the Department of Public Safety, the Division of Occupational Safety, or the permitting authority to shut down a trench site pursuant to 520 CMR 14.05 may make an appeal for a hearing to the entity responsible for the immediate shutdown. The site shall remain shut down during the appeal period. Such appeal shall be made in writing within 10 calendar days. Upon receipt of the appeal, a hearing shall be scheduled promptly. All hearings under this provision shall be held in accordance with G.L. c. 30A and 801 CMR 1.02. Any person aggrieved by a decision after hearing may appeal to the Superior Court in accordance with G.L. c. 30A § 14.

SECTION XI. Serious Injury/Fatality

An excavator shall report all serious injuries or fatalities which occur at the location of a trench to the Methuen Police Department within one hour from the time the serious injury occurred.

In the event that a serious injury or fatality occurs, the trench site shall be immediately secured. The site surrounding the trench shall not be disturbed, cleaned, or altered in any way except by a public authority or as necessary for the preservation of life and property or the removal of the injured person(s) until receiving express authorization from an inspector of the Department of Public Safety.

(Ord. 829 eff. April 6, 2009)

HOME RULE CHARTER OF THE CITY OF METHUEN

Published by Order #3718
of the Methuen City Council
in accordance with Chapter 43B,
Section 12, Massachusetts
General Laws

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1988-1990

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SUMMARY OF CHARTERS IN THE CITY OF METHUEN

The City of Methuen was originally organized as a Town by Chapter 12 of the Acts and Resolves of 1725, "Being an act for dividing the City of Haverhill and erecting a new Town there and in parts adjacent by the name of Methuen"; the name of the Town being given by Governor Dummer after Lord Methuen.

- The City functioned under a Selectmen/Open Town Meeting form of government from 1726 until 1917.

- The General Court, by Chapter 116 of the Acts and Resolves of 1916, established a Selectmen/Representative Town Meeting form of government.

- The General Court, thereafter, by Chapter 289 of 1917, allowed the Town to organize as a City.

- On January 7th, 1921, the Supreme Judicial Court, in the case of Attorney General ex rel. Mann vs. City of Methuen, 236 Mass. 564, found that the City Charter had not been appropriately adopted under the Constitution of the Commonwealth. Though the Court did not strike down the Charter, it left open the legality of all City action thereafter.

- The General Court subsequently enacted Chapter 241 of 1921, providing for the establishment of a Selectmen/Representative Town Meeting form of government. This Charter existed from 1921 to 1973.

- On January 1st, 1973, Methuen's first Home Rule Charter became effective. Said Charter established a strong Town Administrator with a twenty-one member Town Council. Said Charter was written by the first Home Rule Charter Commission. This "Town Form" was declared to be, in law, a City by the Appeals Court on December 12th, 1978 in the case of Chadwick vs. Scarth, 6 Mass. App. 725.

- On January 1st, 1978, Methuen's second Home Rule Charter became effective. Said Charter, while keeping the Town Manager/Town Council form of government, reduced the Town Manager's power by requiring Council approval of such matters as contracts and appointments.

- On May 4th, 1993, at a Special Town Election, the citizens accepted Chapter 332 of the Acts and Resolves of 1992 providing for a Mayor and lifetime term limitations for the Mayor and City Council.

For a complete listing of all Charter amendments, see Chronology of Charter Amendments, (Appendix I).

ARTICLE 1 - Incorporation; Short Title; Power

Section 1-1 Incorporation.

The Inhabitants of the municipality of Methuen, within the corporate limits established by law, shall continue to be a body corporate and politic under the name "City of Methuen".

Section 1-2 Short Title.

This instrument shall be known, and may be cited as the Methuen Home Rule Charter.

Section 1-3 Form of Government.

The administration of the fiscal, prudential, and municipal affairs of the City, with the government thereof, shall be vested in an executive branch, to consist of the Mayor, and a legislative branch, to consist of the City Council. The executive branch shall never exercise any legislative power, and the legislative branch shall never exercise any executive powers. Except as may otherwise be specifically authorized by the Charter, no member of the City Council, nor any committee thereof, shall take any part in the conduct of the administrative business of the City.

Section 1-4 Powers of the Municipality.

Subject only to express limitations on the exercise of any power or function by a municipality in the Constitution or the statutes of the Commonwealth, it is the intent and the purpose of the voters in Methuen, through the adoption of the Charter, to secure for the City all powers it is possible to secure under the Constitution and statutes of the Commonwealth, as fully and as completely as though each such power was specifically and individually enumerated herein.

Methuen will constitutionally have a city form of government and the General Laws that apply only to cities, or treat cities differently than towns, will automatically apply to Methuen. For example, Methuen will conform to the debt limit, bond and notes issuances, etc. of Chapter 44, the Municipal Finance Act, as it applies to cities.

Section 1-5 Construction.

The powers of the municipality under the Charter are to be construed liberally in favor of the City, and the specific mention of particular powers is not intended to limit, in any way, the general powers of the municipality as stated in Section 1-4.

Section 1-6 Intergovernmental Relations.

Subject only to express limitations in the construction of statutes of the Commonwealth, the City may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the Commonwealth, or any political subdivision or agency thereof, or the United States government or any agency thereof.

ARTICLE 2 - Legislative Branch

Section 2-1 Composition; Eligibility; Election and Term.

(a) Composition – There shall be a City Council consisting of nine members which shall exercise the legislative powers of the City. Six Councillors shall be nominated and elected from the voters by districts, two Councillors to be elected from each of the three districts of the City. Three Councillors shall be nominated and elected at large. Precincts 1, 2, 6 and 10, to be known as the Central District; Precincts 3, 7, 9 and 12, to be known as the East District; and Precincts 4, 5, 8 and 11, to be known as the West District. (Increase in number of precincts from 9 to 12 approved by Legislature, June 10th, 1986, Chapter 88 of the Acts and Resolves of 1986). The City Council shall be the judge of the election and qualification of its members.

(b) Eligibility – Only voters who at all times during their term of office shall be and remain residents of the City shall be eligible to hold the office of Councillor. A member of the City Council shall, notwithstanding his removal from one district to another, continue to serve and to perform his official duties during his term of office.

(c) Election and Term – The term of office of all members of the City Council shall be for two years, beginning on the first secular day in January after their election and until their successors are qualified. No person shall hold office of City Councillor for more than three consecutive terms. (Consecutive term limits approved by the Legislature, September 24th, 1999, Chapter 82 of the Acts and Resolves of 1999 and adopted by the Voters November 2nd, 1999. This Act eliminated lifetime term limits.)

Section 2-2 Organization.

After the Councillors elect have been sworn, the City Council shall be called together by the oldest member elected who shall preside. The City Council shall then elect, from among its members, a Chairman and Vice Chairman to serve at the pleasure of the City Council. The Chairman shall preside at all meetings of the City Council and perform such other functions as may be assigned by the Charter, by ordinance, or by vote of the City Council. The Vice Chairman shall act as Chairman of the Council

during the absence or disability of the Chairman. (Elimination of appointed Councillor on School Committee approved by voters November 3rd, 1981; see Resolution #758).

Section 2-3 Compensation; Expenses.

The City Council shall, by ordinance, establish an annual salary and expense allowance for its members.

No ordinance increasing such salary or expense allowance shall be effective, however, unless it shall have been adopted by a two-thirds vote of the full Council during the first eighteen months of the term for which Councillors are elected and the new salary and expense schedule is to be effective upon the commencement of the terms of office of the next City Council to be elected.

Section 2-4 General Powers and Duties.

Except as otherwise provided by law or by the Charter, all powers of the City shall be vested in the City Council which shall provide for their exercise and for the performance of all duties and obligations imposed on the City by law.

Section 2-5 Prohibitions.

No Councillor shall, while a member of the City Council, hold any other office or position the salary or compensation for which is payable out of the City treasury. No former Councillor shall hold any compensated appointive City office or City employment until one year after the expiration of his service on the City Council. This provision shall not prevent a City officer or employee who has taken a leave of absence from such duties in order to serve as a member of the City Council from returning to such office or employment following service as a member of the City Council.

Section 2-6 Filling of Vacancies.

If a vacancy occurs in the office of Councillor-at-Large or in the office of District Councillor, whether by failure to elect or otherwise, the remaining Councillors shall, within twenty-one days following the date such vacancy is declared to exist, act to fill the said vacancy. The Council shall elect, as acting Councillor whichever of the defeated candidates for the seat in which the vacancy is declared to exist, that person who received the highest number of votes at the last regular City election immediately preceding the date the vacancy is declared to exist, and who received at least twenty (20) percent of the total votes cast for the office at such election, and who remains eligible and willing to serve.

There being no such person, the Council shall choose from among the voters entitled to vote for such Councillor, an acting Councillor to serve for the balance of the unexpired term. If such choice is not made as hereinbefore provided within the said twenty-one days, the choice shall be made by the Councillor senior in length of service, or if there be more than one such, by the Councillor senior both in age and in terms of service. Any person so chosen shall be sworn and commence to serve forthwith. No vacancy shall be filled, in the manner hereinbefore provided, if a regular City election is to be held within one hundred twenty days following the date the vacancy is declared to exist.

Section 2-7 Exercise of Powers; Quorum; Rules of Procedure.

(a) Exercise of Powers - Except as otherwise prohibited by law or the Charter, the legislative powers of the City Council may be exercised in a manner determined by it.

(b) Quorum - A majority of the full City Council shall constitute a quorum. The affirmative vote of a majority of the full City Council shall be necessary to adopt any appropriation order. Except as otherwise provided by law or the Charter, any other motion or measure may be adopted by a majority vote of those present.

(c) Rules of Procedure - The City Council shall, from time to time, establish rules for its proceedings. Regular meetings of the City Council shall be held at a time and place fixed by ordinance but which shall be not less frequent than once monthly. Special meetings of the City Council may be held on the call of the Chairman of the City Council, or on the call of any three or more members, by written notice delivered to the place of residence or business of each member at least forty-eight hours in advance of the time set. Except as otherwise authorized by General Laws, all sessions of the City Council shall be open to the public and press. Every matter coming before the City Council for action shall be put to a vote, the result of which shall be duly recorded. A full, accurate, and up-to-date record of the proceedings of the City Council shall be kept and shall be open to inspection by the public.

Section 2-8 Council Staff.

(a) City Accountant - The City Council shall, on or before January fifteenth in odd numbered years, elect, by ballot or otherwise, a City Accountant to hold office for a term of two years and until his/her successor is qualified. (Odd numbered year appointment by amendment approved by the Legislature June 28th, 1996 as Chapter 145 of the Acts and Resolves of 1996. Amendment submitted by City Council Order #3738, approved February 5th, 1996.)

The City Accountant shall keep and have charge of the accounts of the City. He shall regularly audit the books and accounts of all City agencies, and he shall have such powers

and perform such other duties as the City Council may prescribe in addition to such duties as may be prescribed by law.

(b) Clerk of the Council - The City Council shall, on or before January fifteenth in odd numbered years, elect, by ballot or otherwise, a Clerk of the Council to hold office for a term of two years or until his/her successor is qualified. The Clerk of the Council shall give notice of all meetings of the City Council to its members and to the public, keep a record of its proceedings and perform such duties as may be assigned by the Charter, by ordinance, or by other vote of the City Council. (Odd numbered year appointment by amendment approved by the Legislature June 28th, 1996 as Chapter 145 of the Acts and Resolves of 1996. Amendment submitted by City Council Order #3738, approved February 5th, 1996.)

(c) City Solicitor - The City Council shall, on or before January fifteenth in odd numbered years, elect, by ballot or otherwise, a City Solicitor to hold office for a term of two years and until his/her successor is qualified. (Odd numbered year appointment by amendment approved by the Legislature June 28th, 1996 as Chapter 145 of the Acts and Resolves of 1996. Amendment submitted by City Council Order #3738, approved February 5th, 1996.)

The City Solicitor shall represent the municipality in all court matters, advise the City Council and municipal boards and officers upon all legal questions and perform such other duties as the City Council may prescribe in addition to such duties as may be prescribed by law. (Appointment by the City Council approved by voters November 5th, 1985; see Resolution #1380 and Chapter 182 of the Acts and Resolves of 1985).

(d) Salaries - The City Council shall set the salaries of the City Accountant, Clerk of the Council, Mayor and City Solicitor. (Approved by voters November 5th, 1985; see Resolution #1380 and Chapter 182 of the Acts and Resolves of 1985).

Section 2-9 Measures; Emergency Measures; Charter Objection.

(a) In General - No measure shall be passed finally on the date on which it is introduced, except in cases of special emergency involving the health or safety of the people or their property. Except as otherwise provided by the Charter, every adopted measure shall become effective at the expiration of thirty days after adoption or at any later date specified therein. Measures not subject to referendum shall become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the Charter, or as provided in the initiative and referendum procedures.

(b) Emergency Measures - An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble

which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the City Council.

Any emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege shall be passed as an emergency measure, and except as provided in General Laws, Chapter 166, Sections 70 and 71 (relating to utility lines), no such grant, renewal or extension shall be made otherwise than by ordinance. After its adoption, an emergency measure shall be published as prescribed for other adopted measures. It shall become effective upon adoption or at such later time as it may specify.

(c) Charter Objection – On the first occasion that the question on adoption of a measure is put to the City Council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the City Council, whether regular or special. If two or more other members shall join the member in objection, such postponement shall be until the next regular meeting; but for an emergency measure, at least four members in all must object. This procedure shall not be used more than once for any matter bearing a single docket number notwithstanding any amendment to the original matter.

Section 2-10 Delegation of Powers.

The City Council may delegate to one or more City agencies, the powers vested in the City Council by the laws of the Commonwealth to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and permits by any such City agency, and may, in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

Section 2-11 Inquiries and Investigations.

The City Council may require any City officer or member of a board or commission to appear before it, and give such information as it may require in relation to his office, its function, and performance. The City Council shall give at least forty-eight hours written notice of the general scope of the inquiry which is to be made to any person it shall require to appear before it under this section.

The City Council may make investigations into the affairs of the City and into the conduct of any City agency, and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.

ARTICLE 3 - EXECUTIVE BRANCH

Section 3-1 Mayor – Qualifications; Term of Office; Compensation.

B. Mayor; Qualifications – The Chief Executive Officer of the City shall be a Mayor, elected by and from the qualified voters of the City. Any voter domiciled in the City shall be eligible to hold the office of Mayor. He shall devote his full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business activity whether or not such business activity is pursued for gain, profit or other pecuniary advantage, during his term.

(b) Term of Office – The term of office of Mayor shall be two years, beginning on the first Monday of January following his election and until his successor is qualified. No person shall hold the office of Mayor for more than three consecutive terms. (Consecutive term limits approved by the Legislature September 24th, 1999, Chapter 82 of the Acts and Resolves of 1999 and adopted by the Voters November 2nd, 1999).

(c) Compensation – The City Council shall, by ordinance, establish an annual salary for the Mayor.

Section 3-2 Executive Authority and Duties.

The executive powers of the City shall be vested solely in the Mayor, and may be exercised by him/her either personally or through the several City agencies under his/her general supervision and control. The Mayor shall see that all of the provisions of the General Laws, of this Charter, of votes of the City Council which require enforcement by him/her or officers subject to his direction and supervision are faithfully carried out and shall cause a record of all his/her official duties to be kept. He/she shall have the following authority and duties:

(a) He/she shall supervise and direct the administration of all departments, commissions, boards and offices, except the City Council, the School Committee, the City Accountant, the City Solicitor and Clerk of the Council.

(b) He/she shall fix the compensation of all City officers and employees appointed by him within the limits established by City ordinances and existing appropriations.

(c) He/she shall attend all regular meetings of the City Council, unless excused at his/her own request, and shall have a voice but no vote in all of its deliberations.

(d) He/she shall keep full and complete records of his/her office, and shall render as often as may be required by the City.

Council, but not less than once a year, a full report of all operations during the period reported on, which report shall be made available to the public.

(e) He/she shall keep the City Council fully advised as to the needs of the City and shall recommend to the City Council for adoption such measures requiring action by them as he/she may deem necessary or expedient.

(f) He/she shall have full jurisdiction over the rental and use of all City facilities under his/her control. He/she shall be responsible for the maintenance and repair of all City property under his/her control.

(g) He/she shall be responsible for the appointment, subject to the approval of the City Council, of any necessary building and facilities committees having to do with the preparation of plans and supervision of work on all construction, reconstruction, alterations, improvements and other undertakings authorized by the City Council, provided, however, that the approval of the School Committee shall be obtained for school construction or improvement plans.

(h) He/she shall keep a full and complete inventory of all property of the City, both real and personal.

(i) He/she shall negotiate and may execute contracts involving any subject within his/her jurisdiction. All contracts shall be awarded by the Mayor, however, all contracts, prior to said award, shall meet with approval, by vote, of the majority of the City Council.

(j) He/she shall be responsible for the purchasing of all supplies, materials and equipment for all departments and activities of the City, but not including food for schools, school books and other instructional materials, supplies and equipment; library books and related printed and audio-visual subject material, unless otherwise requested by the School Committee or the Library Trustees.

(k) The City of Methuen shall have a board of no less than three (3) Assessors appointed by the Mayor and he/she shall designate one of his appointees as Chairman thereof.

(l) He/she shall perform any other duties required by the ordinances or other votes of the City Council.

(m) He/she shall exercise general supervision and direction over all City agencies unless otherwise provided by law. Each City agency shall furnish to him/her, forthwith upon his/her request, any information, materials or otherwise as he may request and as needs of his/her office and the interests of the City require.

Section 3-3. Appointments by the Mayor.

Except as otherwise provided by this Charter, the Mayor shall appoint, upon merit and fitness alone, and may remove subject to the provisions of the civil service laws, the provisions of this Charter, or other pertinent statutes where applicable, all officers and employees of the City, except employees of the School Department. All appointments of Department Heads, Assistant Department Heads, Division Heads, Police Superior Officers of the rank of Sergeant and above, Fire Department Superior Officers of the rank of Lieutenant and above, the Conservation Commission Agent, and all Boards and Commissions shall be subject to confirmation by a majority vote of the full City Council. The Mayor shall submit, in writing, to the City council, at least ten days prior to the next regular meeting when the appointment is to be made, the name of any person he desires to appoint to a City position. (Approved by the voters November 5th, 1996; see Resolution #3745 and Chapter 148 of the Acts and Resolves of 1996).

Section 3-4. Temporary Appointments to City Offices.

Whenever a vacancy, either temporary or permanent, occurs in a City office and the needs of the City require that such office be filled, the Mayor may designate the head of another City agency or a City officer or employee, or some other person, especially fitted by merit and fitness, to perform the duties of the office on a temporary basis until such time as the position can be filled as otherwise provided by law, Charter or ordinance. The Mayor shall file a certificate, in substantially the following form, with the City Clerk whenever he/she makes a designation under this section:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the City of Methuen.

Section 3-5. Communications; Special Meetings.

(a) Communications to the City Council - Within six weeks following the start of each fiscal year, the Mayor shall submit to City Council, and make available for public distribution, a complete report on the financial and administrative activities and status of the City for the preceding fiscal year.

He/she shall from time to time, and, whenever requested by the City Council, by written communication, keep the City Council fully informed of the financial condition and administrative issues of the City and shall recommend to them such measures for their consideration as, in his/her judgment, the needs of the City require.

(b) Special Meetings of the City Council - The Mayor may at any time call a special meeting of the City Council for any purpose by causing a notice thereof to be delivered in hand or residence of each member of the City Council. Such notice shall, except in an emergency as determined by the Mayor, be delivered at least forty-eight (48) hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held.

Section 3-6. Approval of Mayor; Exception (Veto).

Every order, ordinance, resolution or vote adopted or passed by the City Council relative to the affairs of the City shall be presented to the Mayor for his/her approval. If approved, he/she must sign it. If not, he/she shall return it, with his/her written objections, to the City Council who shall, again, consider it. To override the Mayor's objections, a two-thirds vote is required. Further, the failure of the Mayor to submit his/her disapproval of the measure with written objections within ten (10) days after it is presented to him/her shall be deemed valid and in full force and effect. This section shall not apply to emergency measures as provided in Sections 2-9(a) and 2-9(b) of this Charter.

Section 3-7. Temporary Absence of Mayor.

(a) Acting Mayor - Whenever, by reason of sickness, absence from City or other unexpected cause, the Mayor shall be unable to perform the duties of his/her office for a period of three (3) successive working days or more, the City Council shall appoint from among its members an Acting Mayor to serve in the Mayor's absence.

(b) Powers of an Acting Mayor - The Acting Mayor shall have all the powers of the Mayor except that he shall not make any permanent appointment or removal to or from any office unless the disability of the Mayor shall have continued for sixty (60) days or more without having resigned, nor shall he approve or disapprove of any measure passed by the City Council unless the time within the Mayor must act would expire before the return of the Mayor.

Section 3-8. Vacancy in Office of Mayor.

(a) Special Election - If a vacancy in the office of Mayor occurs in the first year of the term for which the Mayor is elected, whether by reason of death, resignation, removal from

office, incapacity, or otherwise, the City Council shall forthwith order a special election to be held within sixty (60) days following the date the vacancy is created to fill such vacancy for the balance of the then unexpired term.

(b) Council Election – If a vacancy in the office occurs in the second year of the term for which the Mayor was elected, whether by reason of death, resignation, removal from office, or otherwise, a meeting of the City council shall be called forthwith and they shall elect, by a majority vote, one of its members as Mayor for the unexpired term. Failing to so elect at said meeting, or, thirty (30) days thereafter, the Chairman of the City Council shall become Acting Mayor for the unexpired term. Upon the qualification of the City Council member or Chairman of the City Council as the Mayor under this section, a vacancy shall exist in his seat on the City Council which shall be filled in the manner provided in Section 2-6.

(c) Powers; Term of Office – The Mayor elected under Section 3-8(a) or 3-8(b) shall have all the powers of the Mayor. He shall serve for the balance of the term unexpired at the time of his election to the office.

Section 3-9. Terms of Office – Department Heads.

The terms of office of Department Heads of the City of Methuen shall be three years. The term "Department Heads", as used herein, shall mean the Fire Chief, Director of Public Works, Veterans' Service Agent, City Clerk, Treasurer/Tax Collector, and the Executive Director of the Council on Aging and such other officers who may be designated as Department Heads under City ordinances. (Approved by the voters November 5th, 1996; see Resolution #3745 and Chapter 148 of the Acts and Resolves of 1996).

ARTICLE 4 - School Committee

Section 4-1. Composition; Eligibility; Election; Term.

(a) Composition – There shall be a School Committee consisting of seven members, six of whom shall be nominated and elected at large, and the Mayor who shall serve as the seventh member of the School Committee. The Mayor shall also serve as the Chairman thereof with full power to vote. The School Committee shall exercise control and management of the public schools of the City. (Mayor as ex-officio Chairman approved by the voters November 5th, 1996; see Resolution #3745 and Chapter 148 of the Acts and Resolves of 1996).

(b) Eligibility – Only voters shall be eligible to hold office of School Committeeman.

(c) Election and Term – The terms of School Committeemen shall be two years, beginning the first secular day in January after election and until their successors are qualified. No person shall hold the office of school committee member for more than three consecutive years. (Establishment of term limits approved by the Legislature, September 24th, 1999, Chapter 82 of the Acts and resolves of 1999 and adopted by the Voters November 2nd, 1999).

Section 4-2 Organization.

The School Committee shall annually organize by the election from among its members a Chairman, a Vice Chairman and a Secretary. The Vice Chairman shall preside at all meetings of the committee in the event of the absence or the disability of the Chairman.

Section 4-3 General Powers and Duties.

The School Committee shall have the powers and duties which School Committees have under the General Laws and may have such additional powers and duties as the City Council may, by ordinance, from time to time assign. The powers of the School Committee shall include, but not be limited to, the power to: (1) appoint a Superintendent; (2) appoint all other officers and employees connected with the schools, except as otherwise provided by this Charter, fix their compensation and define their duties, make rules concerning their tenure of office and discharge them; (3) furnish all school buildings with proper fixtures, furnishings and equipment; and (4) make all reasonable rules and regulations consistent with law, for the management of the public schools of the City and for conducting the business of the Committee.

Section 4-4 Location and Erection of Schools; Approvals Required.

No site for a school building shall be acquired by the City unless the approval of the site by the School Committee is first obtained. No plans for the construction of or alterations in a school building shall be accepted, and no work shall be begun on the construction or alteration of a school building unless with the approval of the School Committee and the Mayor. The Mayor shall notify the School Committee in writing prior to or at the time of each change in plans after work is begun. This section shall not require such approval for the making of ordinary repairs.

Section 4-5 Prohibitions.

No member of the School Committee shall, during the term for which he was elected, hold any other compensated City office or City employment under the jurisdiction of the School Committee, nor shall he be eligible for appointment to any compensated City office or City employment under the jurisdiction of the School Committee until one year after the term for

which he was elected has expired. This provision shall not prevent a City officer or employee, under the jurisdiction of the School Committee, who has taken a leave of absence from such duties in order to serve as a member of the School Committee from returning to such office or employment following such services as a member of the School Committee.

Section 4-6 Filling of Vacancies.

If a vacancy occurs in the office of School Committeeman, whether by failure to elect or otherwise, the remaining School Committeemen shall, within twenty-one days following the date such vacancy is declared to exist, act to fill the said vacancy. The School Committee shall elect as acting School Committeeman whichever of the defeated candidates for election to the School Committee who received the highest number of votes at the last regular City election immediately preceding the date the vacancy is declared to exist and who received at least twenty (20) percent of the total votes cast for the office at such election, and who remains eligible and willing to serve. There being no such person, the School Committee shall choose from among the voters an acting School Committeeman to serve the balance of the unexpired term. If such choice is not made as hereinbefore provided within the said twenty-one days, the choice shall be made by the School Committeeman senior in length of service, or if there be more than one such, by the School Committeeman senior both in age and in terms of service. Any person so chosen shall be sworn and commence to serve forthwith. No vacancy shall be filled, in the manner hereinbefore provided, if a regular City election is to be held within one hundred twenty days following the date the vacancy is declared to exist.

Section 4-7 Budget Hearing.

(a) At least thirty (30) days before the meeting at which the School Committee is to vote on the budget request which it will submit to the Mayor for inclusion in the budget he is required to submit to the City Council, the School Committee shall cause to be published in a local newspaper a general summary of their proposed budget. The summary shall indicate specifically areas of increase from the present budget, if any, and the reasons for such changes and a notice stating (1) the times and places where complete copies of their proposed budget will be available for public examination, and (2) the date, not less than seven nor more than fourteen days following such publication, and the place at which a public hearing will be held by the School Committee on their proposed budget.

(b) The School Committee shall submit its annual budget to the City Council for approval in the following format: Expenditures for each individual school building in the City, including administration, if any, shall be broken down categorically by line item. Example: Teacher salaries, custodial salaries, teacher aide salaries, teacher supplies, maintenance supplies, etc.

ARTICLE 5 - Financial Procedures

Section 5-1 Submission of Budget; Budget Message.

Within the period prescribed by state statute, the Mayor shall submit to the City Council a proposed budget for the ensuing fiscal year which shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year, and accompanying budget message, and supporting documents, including the estimated effect of the proposed budget on the tax rate. The proposed budget, including departmental requests, shall be in the same format as prescribed by the Mayor.

The message of the Mayor shall explain the budget for all City agencies both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current fiscal year in financial policies, expenditures and revenues, together with the reasons for such changes; summarize the City's debt position and include such other material as the Mayor deems desirable or the City Council may reasonably require.

Section 5-2 Action on the Budget.

(a) Public Hearing - The City Council shall publish in one or more newspapers of general circulation in the City the general summary of the proposed budget as submitted by the Mayor by a notice stating: (1) the times and places where copies of the proposed budget are available for inspection by the public, and (2) the date, time and place, not less than two weeks after such publication, when a public hearing on said proposed budget will be held by the City Council.

(b) Adoption of the Budget - The City Council shall adopt the budget, with or without amendments, within forty-five days following the date the budget is filed with the Clerk of the Council. In amending the budget, it may delete or decrease any programs or amounts except expenditures required by law or for debt service, but except on the recommendation of the Mayor, it shall not increase any item in or the total of the proposed budget.

If the City Council fails to take action with respect to any item in the budget within forty-five days after receipt of the budget, such amount shall, without any action by the City Council, become a part of the appropriations for the year, and be available for the purposes specified.

Section 5-3 Capital Improvement Program.

(a) Submission - The Mayor shall prepare and submit annually to the City Council a five-year capital improvement program at least thirty days prior to the final date for submission of the operating budget.

(b) Contents - The capital improvement program shall include: (1) a clear summary of its contents; (2) a list of all capital improvements proposed to be undertaken during the next five
fiscal years with supporting data; (3) cost estimates, method of financing, and recommended time schedules; and (4) the estimated annual cost of operating and maintaining the facilities included. The above information shall be revised and extended each year.

(c) Public Hearing - The City Council shall publish in one or more newspapers of general circulation in the City the general summary of the capital improvement program and a notice stating: (1) the times and places where copies of the capital improvement program are available for inspection by the public; and, (2) the date, time and place not less than two weeks after such publication, when a public hearing on said program will be held by the City Council.

(d) Adoption - After the public hearing and on or before the twentieth day of the last month of the current fiscal year, the City Council shall, by resolution, adopt the capital improvement program, with or without amendment, provided that each amendment must be voted separately and that any increase in the capital improvement program as submitted must clearly identify the method of financing proposed to accomplish this increase.

Section 5-4 Provision for Outside Audit.

At least once in every three years an outside audit of the books and accounts shall be made. In the event that the Commonwealth shall fail in any such period to provide for an audit to be conducted, within ninety days following the date a written request for them to do so is made by the City Council, the City Council shall provide for such an audit to be made by a certified public accountant, or firm of such accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the City government or of any of its affairs or employees.

Section 5-5 Annual Audit of Department Heads.

There will be a financial audit done by a private public accountant or firm of all department heads who are responsible for any negotiating or any individual who awards any contracts or investments in the interest of the City.

This audit shall be done annually and if this audit finds that there is no wrongdoing as far as the residents of the City are concerned, a report stating such shall be placed

on file with the City Clerk. If any wrongdoing is found, then the private accountant shall forward to the District Attorney's office of Essex County, any such evidence of wrongdoing for his necessary action.

Section 5-6 Chief Financial Officer Obtaining Five (5) Quotes from Banks.

The Treasurer shall obtain not less than five (5) quotes on interest rates from separate corporate financial institutions when borrowing or investing City funds and shall file such records of transaction with the City Council. This section does not pertain to bond issues.

ARTICLE 6 - Administrative Departments

Section 6-1 Reorganization Plans by City Council.

Except as otherwise prohibited by law or the Charter, the City Council may, by ordinance, reorganize, consolidate or abolish any existing City agency, in whole or in part; establish new City agencies and prescribe the functions of any City agencies. All City agencies under the direction and supervision of the Mayor shall be headed and administered by officers appointed by him.

Section 6-2 Reorganization Plans by Mayor.

(a) The Mayor may, from time to time, prepare and submit to the City Council, reorganization plans which may, subject to applicable law and the Charter, reorganize, consolidate or abolish any City agency, in whole or in part, or establish new City agencies, as he deems necessary or expedient. Such reorganization plan shall be accompanied by an explanatory message when submitted.

(b) Every such reorganization plan shall, upon receipt by the Clerk of the Council, be referred to an appropriate committee of the City Council which shall, not more than thirty days later, hold a public hearing on the matter and shall, within ten days following such hearing, report either that it approves or that it disapproves of the plan. A reorganization plan shall become effective ninety days after the date it is received by the City Council, unless the City Council has, prior to that date, voted to disapprove the reorganization plan, or, unless a later effective date is specified in the plan. A reorganization plan presented by the Mayor to the City Council under this section may not be amended by it, but shall either be approved or rejected as submitted and shall not be subject to the objection as provided in Section 2-9(c).

Section 6-3 Publication of Reorganization Plan.

An up-to-date record of any reorganization plan under this article shall be kept on file in the office of the City Clerk and copies of all such plans shall be included as an appendix in any publication of the ordinances of the City.

ARTICLE 7 - Nominations and Elections

Section 7-1 City Elections; General and Preliminary.

The regular City election shall be held on the first Tuesday following the first Monday in November of each odd- numbered year.

On the fourth Tuesday preceding every regular City election, there shall be held a preliminary election for the purpose of nominating candidates.

Section 7-2 Preliminary Elections.

(a) Signature Requirements - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: For an office which is to be filled by vote of the whole City, not less than one hundred and fifty signatures, not less than fifty from each of the three districts. For an office which is elected by the voters in a district, not less than fifty signatures from said district.

(b) Ballot Position - The order in which names of candidates appear on the ballot for each office shall be determined by a drawing by lot conducted by the City Clerk in the presence of such candidates or their representatives as may choose to attend such drawings.

(c) Determination of Candidates for Election – The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names may be printed on the official ballot to be used at the regular election at which such office is to be filled, and no acceptance of a nomination at a preliminary election shall be necessary to its validity.

If two or more persons are to be elected to the same office at such regular election, the several persons in number equal to twice the number so to be elected receiving

at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names may be printed on the official ballot.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes, which but for said tie vote would entitle a person receiving the same to have his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence, there be printed thereon candidates to a number exceeding twice the number to be elected.

(d) Nominations of Candidates; Conditions Making Preliminary Election Unnecessary - If, at the expiration of the time for filing petitions of candidates to be voted for at any preliminary election, not more than twice as many such petitions have been filed with the City Clerk for an office as are to be elected to such office, the candidates whose petitions have thus been filed shall be deemed to have been nominated to said office and their names shall be voted on for such office at the succeeding regular election, and the City Clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If, in consequence, it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any district or districts of the City, no preliminary election shall be held in any such district or districts.

Section 7-3 Regular Election.

(a) Information to Voters - If the candidate in a regular City election is an incumbent of the office to which he seeks election, against his name shall appear the phrase "candidate for re-election".

(b) Ballot Position - The order in which names of candidates appear on the ballot for each office in a regular City election shall be determined by a drawing by lot conducted by the City Clerk in the presence of such candidates or their representatives as may choose to attend.

Section 7-4 Precincts and Districts.

The territory of Methuen shall be divided into twelve precincts, so established as to consist of as nearly equal a number of inhabitants as it is possible in compact and contiguous territory; bounded insofar as possible by the center line of known streets or ways or by other well defined limits. The twelve precincts shall be separated into three districts. The Central District shall include Precincts 1, 2, 6 and 10; the East District shall include Precincts 3, 7, 9 and 12; and the West District shall include Precincts 4, 5, 8 and 11. (Increase in precincts from 9 to 12 approved by the Legislature June 10th, 1986 - Chapter 88 of the Acts and Resolves of 1986; see Resolution #1473).

Section 7-5 Application of State Laws.

Except as expressly provided in the Charter and authorized by statute, all City elections shall be governed by the laws of the Commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary and regular elections, the submission of Charter amendments and other propositions, the counting of votes and the declaration of results.

ARTICLE 8 - Free petition; Initiative; Referendum; Recall

Section 8-1 Free Petition.

a) Individual Petitions, Action Discretionary - The City Council and the School Committee shall receive all petitions which are addressed to them and signed by a voter and may, in their discretion, take such action in regard to such petitions as they deem necessary and appropriate.

b) Group Petitions; Action Required - The City Council (or the School Committee), as the case may be, shall hold a public hearing and act by taking a vote on the merits of every petition which is addressed to it and which is signed by at least one hundred fifty voters. The hearing shall be held by the City Council or the School Committee, or, in either case, by a committee or sub-committee thereof and the action by the City Council or School Committee shall be taken not later than three months after the petition is filed with the City Clerk. Hearings on two or more petitions filed under this section may be held at the same time and place. The City Clerk shall mail notice of the hearing to the ten petitioners whose names first appear on each petition at least seven days before the hearing. Notice by publication at least seven days prior to all such hearings shall also be made, and shall be at public expense. No hearing shall be heard upon any one subject matter more than once in any given twelve month period.

Section 8-2 Citizen Initiative Measures.

a) Commencement of Proceedings – Initiative procedures shall be started by the filing of an initiative petition with the City Clerk. The petition shall be addressed to the City Council or the School Committee, shall contain a request for passage of a particular measure set forth in the petition and shall be signed by not less than ten per cent of the total number of voters.

Signatures to initiative petitions need not be all on one paper. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the City Clerk as one instrument, with the endorsement thereon of the names and addresses of the persons designated as filing the same. With each signature to the petitions, shall be stated the place of residence of the signer, giving the street and number, if any.

Within five days after the filing of said petition the registrars of voters shall ascertain by what number of voters the petition is signed, and what percentage that number is of the total number of voters and shall attach thereto their certificate showing the result of such examination.

The City Clerk shall forthwith transmit the said certificate with the said petition to the City Council or to the School Committee, according as the petition is addressed and at the same time shall send a copy of said certificate to the persons designated on the petition as filing the same.

When such certificate has been so transmitted, said petition shall be deemed to be valid unless written objections are made with regard to the signatures thereon by a voter within forty-eight hours after such certification by filing such objections with the City Council or the School Committee, and a copy thereof with the registrars of voters. Any such objection shall be determined forthwith.

b) Referral to City Solicitor - If the City Clerk determines that a sufficient number of signers are voters, he shall transmit a copy of the petition to the City Solicitor.

Within fifteen days after his receipt of the petition the City Solicitor shall advise the City Clerk in writing whether the measure may be proposed by initiative procedures and whether it may lawfully be passed by the City Council or the School Committee. If the opinion of the Solicitor is that the measure may not lawfully be passed, he shall state his reason or reasons therefore in his reply. The City Clerk shall forthwith furnish a copy of the City Solicitor's opinion to the person designated on the petition as filing the same.

c) Initiative Petition; Requirements for Passage and Submission to Electorate - If any initiative petition is signed by voters equal in number to at least ten per cent of the total number of voters, and, in the opinion of the City Solicitor, such measure may lawfully be passed by the City Council or the School Committee, the City Council or the School Committee, within twenty days after the date of the certificate of the registrars to that effect: (1) shall pass said measure without alteration, subject to the referendum vote provided by this Charter; or (2) the City Council shall call a special election to be held on a date fixed by it not less than thirty nor more than forty-five days after the date of the certificate hereinbefore mentioned, and shall submit the proposed measure without alteration to a vote of the voters at that election; provided, that if any
City election is otherwise to occur within one hundred and twenty days after the date of said certificate, the City Council may, at its discretion, omit the calling of a special election and submit the proposed measure to the voters at such approaching election.

The ballots used when voting upon a proposed measure under this section shall state the nature of the measure in terms sufficient to show the substance thereof.

Section 8-3 Citizen Referendum Procedures.

Referendum Petition; Effect on Final Passage – If within twenty days after the final passage of any measure, except a revenue loan order, by the City Council or by the School Committee, a petition signed by voters equal in number to at least ten per cent of the total number of voters, and addressed to the City Council or to the School Committee, as the case may

be, protesting against such measure or any part thereof taking effect, is filed with the City Clerk, the same shall thereupon and thereby be suspended from taking effect; and the City Council or the School Committee, as the case may be, shall immediately reconsider such measure or part thereof; and if such measure or part thereof is not entirely rescinded, the City Council shall submit the same, by the method herein provided, to a vote of the voters either at the next regular City election, or at a special election which may, in its discretion, be called for the purpose and such measure or part thereof shall forthwith become null and void unless a majority of the voters voting on the same at such election vote in favor thereof.

The petition described in this section shall be termed a referendum petition and section 8-2 (a) shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace "measure" in said section whenever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

In addition to the requirements for filing as mentioned above, the following shall apply: referendum petitions shall be on a form as prepared by the City Clerk and such petition forms may not be issued on any referendum matter until the same has been finally passed in accordance with Article 2, Section 2-9(a) of the Methuen Home Rule Charter. Failure to comply with the above procedure shall invalidate any petition otherwise proper in form and substance. (Approved by voters November 5, 1985; see resolution #1359).

Section 8-4 Submission of Proposed Measure to Voters.

The City Council may, of its own motion, and shall upon request of the School Committee if a measure originates with that committee and pertains to the affairs under its administration, submit to a vote of the voters for adoption or rejection at a general or special City election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

Section 8-5 Measures with Conflicting Provisions.

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

Section 8-6 Recall Petitions.

(a) Who Can Be Recalled - The holder of any elective City office may be recalled therefrom by the voters as herein provided.

(b) Recall Petition - Any one hundred fifty voters may file with the City Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for the recall. The City Clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall printed forms of which he shall keep available. The

blanks shall be issued by the City Clerk with his signature and the official seal attached hereto. They shall be dated, shall be addressed to the City Council and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the City Clerk. The recall petition shall be returned and filed with the City Clerk within sixty days after the filing of the affidavit, and shall have been signed by at least fifty per cent of the number of voters of the City who have voted in the last preceding local election, or in the case of a district councilman, of the district, who shall add to their signatures the street and number, if any, of their residences.

The City Clerk shall within twenty-four hours of receipt submit the petition to the registrars of voters and the registrars shall forthwith certify thereon the number of signatures which are names of voters.

(c) City Council's Action on Receiving Petition - If the petition shall be found and certified by the City Clerk to be sufficient, he shall submit the same with his certificate to the City Council without delay, and the City Council shall forthwith give written notice of the receipt
of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than forty-five nor more than sixty days after the date of the City Clerk's certificate that a sufficient petition is filed; provided, however, that if any other City election is to occur within sixty days after the date of the certificate, the city council shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

(d) Nomination of Candidates - Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the City Clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

(e) Incumbent Holds Office Until Election – The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this section. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

(f) Propositions on Ballot - Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)
Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions. Under the proposition shall appear the word "Candidates", the directions to voters required by Section 42 of Chapter 54 of the General Laws, and beneath this, names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative, the ballots for candidates need not be counted.

(g) Re-appointment of Person Recalled - No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any city office within two years after such recall or such resignation.

ARTICLE 9 - General Provisions

Section 9-1 Certificate of Election and Appointment.

Every person who is elected or appointed shall receive a certificate of such election or appointment from the City Clerk which shall bear the date of its expiration. Except as otherwise provided by law, before performing any act under his election or appointment, he shall take and subscribe to an oath to qualify him to enter upon the duties of office. A record of the taking of such oath shall be made by the City Clerk. Any oath required by this section may be administered by any officer authorized by law to administer oaths. Records of transaction of all officers and boards shall be open to the inspection of the public.

Section 9-2 Rules and Regulations.

A copy of all rules and regulations adopted by any City agency shall be filed in the office of the City Clerk and made available for review by any person who requests such information.

Section 9-3 Re-enactment and Publication of Ordinances.

The City Council shall, at five year intervals, cause to be prepared by a special committee of the City Council appointed for that purpose proposed revisions or recodifications of all ordinances of the City which shall be presented to the City Council for re-enactment. Such revision or recodification shall be prepared under the supervision of the City Solicitor, or, if the City Council so directs, by special counsel retained for that purpose. Copies of the revised ordinances shall be made available for distribution, provided, however, that a charge not to exceed the actual cost per copy of reproduction may be charged.

Section 9-4 Liability of City Offices and Agencies.

All City officers and members of City agencies shall be deemed to be public or municipal officers or officials. Subject to appropriation, the City may indemnify any such officer or member for expenses or damages incurred in the defense or settlement of a claim against him which arose while acting within the scope of his official duties or employment, but only to the extent and subject to the limitations imposed by the General Laws.

Section 9-5 Prohibition.

No member of the executive or legislative branch or of the School Committee shall appear as counsel before any City office or agency.

Section 9-6 Meetings of Qualified Voters.

General meetings of the voters may be held from time to time, according to the right secured to the people by the Constitution of the Commonwealth; and all such meetings may, and upon the request in writing of one hundred voters setting forth the purpose thereof, shall be duly called by the City Council.

Section 9-7 Severability.

If any provision of the Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 9-8 Specific Provisions Shall Prevail.

To the extent that any specific provision of the Charter will conflict with any provisions expressed in the Charter in general terms, the specific provisions shall prevail.

Section 9-9 References to General Laws.

All references to the General Laws contained in the Charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any re-arrangement of the General Laws enacted subsequent to the adoption of the Charter.

Section 9-10 Removals and Suspensions.

(a) In General - Any appointed officer or full-time salaried employee of the City, not subject to the provisions of the state civil service law, whether appointed for a fixed or an indefinite term, may be suspended or removed from office by the appointing authority for good cause. The term cause shall include, but not be limited to, the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

(b) Suspension - Any appointed officer or full-time salaried employee of the City may be suspended from the office by the appointing authority if such action is deemed by them to be necessary to protect the interest of the City. However, no suspension shall be for more than fifteen days.

Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

(c) Removal - The appointing authority, when removing any such officer or employee, shall act in accordance with the following procedure:

1. A written notice of intent to remove and a statement of the cause or causes therefore shall be delivered by registered mail to the last known address of the person sought to be removed.

2. Within five days of delivery of such notice, the officer or employee may request a public or closed hearing to be held by the City Council at which he may be represented by counsel, who shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing. Such hearing shall be conducted under the rules of evidence.

3. Between one and ten days after the public or closed hearing is adjourned, the City Council shall direct the appointing authority to take final action by either removing the officer or employee or notifying him that the notice has been rescinded.

4. After delivery of this notice of intent to remove, if the officer or employee fails to request a hearing, the appointing authority shall take final action either by removing the officer or employee or notifying him that the notice has been rescinded.

Nothing in this section shall be construed as granting a right to such a hearing to:

(a) A person who holds a position for a fixed term, when his term expires; and

(b) A person who is a member of Local 3699, American Federation of State, County and Municipal Employees, AFL-CIO, Methuen Support Staff Employees Unit. Said member shall be governed by the disciplinary Procedure of said Unit's collective bargaining agreement with the City Of Methuen. (Chapter 76 of the Acts and Resolves of 1996)

Section 9-11 Procedures.

(a) Meetings - All multiple member bodies of the City, whether elected or appointed or otherwise constituted, shall meet regularly at such times and places within the City as they may prescribe. Except in emergencies, special meetings of any multiple member body shall be held on the call of the respective chairman or by one-third of the members thereof by written notice delivered to the residence or place of business of each member at least forty-eight hours in advance of the time set. A copy of the said notice shall also be posted on the City bulletin board(s). Special meetings of any multiple member body shall also be called within one week after the date of the filing with the City Clerk of a petition signed by at least one hundred voters

and which states the purpose or purposes for which the meeting is to be called. Except in cases of special emergency as otherwise authorized by the General Laws, all meetings of all multiple member bodies shall be open and public; however, the multiple member body may recess for the purpose of discussing in a closed or executive session limited to its own membership, any matter which would tend to defame or prejudice the character or reputation of any person, which would affect the public security, or which might have a direct fiscal effect on the city, provided that the general subject matter for consideration is expressed in the motion calling for such session.

(b) Agendas - Except in cases of special emergency, at least forty-eight hours before any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before it at the meeting shall be posted. No action taken on a matter not included in the posted agenda shall be effective unless the body first adopts by special vote a resolution declaring that an emergency exists and that the particular matter must be acted upon at that meeting for the immediate preservation of the peace, health, safety or convenience of the City.

(c) Rules and Journal - Each multiple member body shall determine its own rules and order of business unless otherwise provided by the Charter or by law and shall provide for keeping a journal of its proceedings. These rules and journals shall be a public record kept available in a place convenient to the public at all times and certified copies shall be kept available in the City Clerk's office.

(d) Voting - Except on procedural matters, all votes of all multiple member bodies shall be taken by a call of the roll and the ayes and nays shall be recorded in the journal, provided, however, that if the vote is unanimous only that fact need be recorded.

(e) Quorum - A majority of the members of a multiple member body shall constitute a quorum, but a smaller number may adjourn from time to time and compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the body. No other action shall be valid or binding unless ratified by the affirmative vote of the majority of the full body.

Section 9-12 Definitions.

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the Charter shall have the following meanings:

(a) Charter - The word "Charter" shall mean this Charter and any amendments to it made through any of the methods provided under Article LXXXIX of the amendments to the State Constitution.

(b) Days - The word "days" shall refer to business days, not including Saturdays, Sundays, and Legal Holidays, when the time set is seven days or less; when more than seven

days, every day shall be included when counting days.

(c) Emergency - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

(d) Full Council - The words "full Council" shall mean the entire authorized complement of the City Council notwithstanding any vacancies which might exist.

(e) Initiative Measure - The words "initiative measure" shall mean a measure proposed by initiative procedures under the Charter, including a specific item in a City budget or School Committee budget but excluding:

1. Proceedings relating to the organization or operation of the City Council or School Committee;

2. An emergency measure passed in conformity with the Charter;

3. The City budget as a whole or the School Committee budget as a whole;

4. A revenue loan order;

5. An appropriation for the payment of the City debts or obligations;

6. Any appropriation of funds necessary to implement a written agreement executed under General Laws, Chapter 149, Section 178I (relating to collective bargaining);

7. Any proceeding or part thereof, relating to the election, employment, appointment, suspension, transfer, demotion, removal or discharge of any City officer or employee;

8. Any proceeding repealing or rescinding a measure, or a part thereof, which is protested by referendum procedures.

(f) Majority Vote - The words "majority vote" shall mean a majority of those present and voting, provided, that a quorum of the body is present.

(g) Measure - The word "measure" shall mean an ordinance passed or which could be passed by the City Council or an order, resolution, vote or other proceeding passed or which could be passed by the City Council or School Committee.

(h) Multiple Member Body - The words "multiple member body" shall mean any body consisting of two or more persons, whether elected, appointed or otherwise constituted.

(i) Municipality - Methuen shall have a municipal form of government.

(j) Number and Gender - The singular number may be extended and applied to several persons or things; words imparting the plural number may include the singular; and words imparting the masculine gender shall include the feminine gender.

(k) Referendum Measure - The words "referendum measure" shall mean a measure protested by referendum procedures under the Charter, including a specific item in the City budget or School Committee budget, but excluding items #1 through 7 mentioned under the definition of (e) Initiative Measures, and:

(l) any proceeding providing for the submission or referral of a matter to the voters at an election.

(m) City - The word "City" shall mean the name "City of Methuen".

(n) City Agency - The words "City agency" shall mean any board, commission, committee, department, or office of the City government.

(0) Voters - The word "voters" shall mean registered voters of the City of Methuen.

ARTICLE 10 - Transitional Provision

Section 10-1 Continuation.

All by-laws, ordinances, resolutions, of the previous City Council votes, and rules and regulations of the City which are in force at the time the Charter is adopted, not inconsistent with the provisions of the Charter, shall continue in force until amended or repealed.

Section 10-2 Continuation of Government.

All City agencies shall continue to perform their duties until re-appointed, re-elected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred.

Section 10-3 Continuation of Administrative Personnel.

Any person holding an office or position in the administrative service of the City, or any person serving in the employment of the City shall retain such office or position and shall continue to perform his duties until provisions shall have been made in accordance with the Charter for the performance of the said duties by another person or agency; provided, however, that no person in the permanent full time service of employment of the City shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.

Section 10-4 Transfer of Records and Property.

All records, property, and equipment whatsoever of any City agency or part thereof, the powers and duties of which are assigned in whole or part to another City agency shall be transferred forthwith to the City agency to which such powers and duties are assigned.

Section 10-5 Effect on Obligations, Taxes and other Legal Acts.

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the City before its adoption of the Charter, and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the City, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the Charter; and

no legal act done by or in favor of the City shall be rendered invalid by its adoption of the Charter.

Section 10-6 Council Salary.

The salary to be paid to each member of the City Council elected at the first election shall be determined by the City Council but under no circumstances shall exceed $1,000.00 per annum. This salary if any shall continue until changed by ordinance under the provisions of Section 2-3 of the Charter.

Section 10-7 Time of Taking Effect.

This Charter shall become fully effective on January 1, 1978 but it shall take partial effect in accordance with the following schedule:

(a) The first regular election shall be held in accordance with Article 7-1 of this proposed Charter on the first Tuesday following the first Monday in November 1977. All of the provisions of the Charter which relate to the conduct of regular City elections including a preliminary election with regard to the City Council shall take effect as stated in the Charter.

(b) The School Committee shall only elect three members at large in November of 1977 for a term of two years. The three School Committeemen elected at the regular City election of April, 1977 shall continue to serve until the election of November, 1979. At that time, six School Committeemen will be elected every two years in accordance with the Charter proposed.

(c) The powers and duties of the City Council shall not become fully effective until the first secular day of January, 1978, but in the meantime, the City Council shall prepare for the transition to the new form of government as follows:

1. They shall establish qualifications and procedures to follow in the selection of a City Manager to serve under the Charter. The appointment of a City Manager shall be effective on the second Monday of January following their election.

2. They shall cause to be prepared rules and regulations governing the conduct of Council business. They shall study the requirements of the new Council and may prepare all necessary ordinances to be effective, for the orderly and convenient exercise of the administrative affairs of the City. They shall consider and prepare such agency reorganizations

as they deem advisable, such as a Community Development Authority and a Human Service Board, for their consideration at the first session of the Council after January 1, 1978 but shall take no such action until they have taken the oath of office on the first secular day of 1978.

(d) Representatives to Greater Lawrence Regional Vocational Technical High School.

The committee members elected by the City of Methuen to the Greater Lawrence Regional Vocational Technical High School district shall be elected in the following manner.

1. The committee member to be elected at the April, 1977 election shall serve until the end of 1979 and his replacement shall be elected at the November, 1979 election.

2. The committee member whose term would have expired after the April, 1979 election shall serve until the end of 1979 and his replacement shall also be elected in the November, 1979 election.

Thereafter, both representatives that Methuen is entitled to will be elected at the regular election held every two years in accordance with this Charter.

(e) Representatives to Nevins Library.

The representatives elected by the City of Methuen to the Nevins Memorial Library will be elected in the following manner:

1. The delegate who will be elected in April, 1977 will serve until the end of 1979 and his replacement will be elected in the November, 1979 election.

2. The delegate who would have been elected in the April, 1978 election will continue serving as a holdover and he will serve until the end of 1979 and his replacement will be elected at the November, 1979 election.

Thereafter, both representatives will be elected in the regular manner.

(f) Any officials elected under the previous Charter shall remain in office until January 1, 1978 unless specific provisions for their continuance is provided for in this Charter.

(g) Community Development Department.

The City Council, within sixty (60) days after taking office, shall file a special act with the Great and General Court of the Commonwealth of Massachusetts to create a Community Development Department which will combine the Methuen Housing Authority, Methuen Redevelopment Authority, Methuen Planning Board and any other boards and commissions that the City Council feels is necessary to coordinate the present responsibilities of these boards and commissions.

(h) Elimination of Fiscal Autonomy for the Methuen School Department.

The City Council shall, within thirty (30) days after taking office in January 1978, submit home rule legislation which shall eliminate fiscal autonomy for the Methuen School Department. Such legislation shall allow the City Council, by a 4/5 vote, to reduce the budget as submitted by the Methuen School Department.

(i) The City Manager appointed in January following the election at which the Charter is adopted shall assist the City Council in the establishment of the new Charter as they may request him to do.

(j) The Councillors in office at the time of the first November election shall continue to serve in that office until December 31st of that year. They shall be responsible for general operation of the government and shall continue to perform all of the powers, duties and functions of their office as though, this, the Charter, had not been adopted except that they shall coordinate all of their long-range plans with the new members of the new City Council.

Section 10-8 Disposition of Special Acts.

(a) Partial Repeal of Certain Special Acts – The following special acts, insofar as they confer power upon the City of Methuen which the City would not otherwise hold under the Charter, General Laws or the Constitution, are retained; otherwise, they are hereby repealed, it being the explicit intention of this paragraph that portions of any special acts retained which limit or restrict a power conferred or the manner in which it is to be exercised be repealed and that powers so conferred are to be exercised in accordance with the Charter.

Chapter 310 of the acts of 1892; Chapter 176 of the acts of 1909; Chapter 57 of the acts of 1968.

(b) Special Act Specifically Retained – The following act is hereby recognized, confirmed and retained: Chapter 12 of the acts of 1725.

Section 10-9 City Solicitor Appointment/Time of Taking Effect.

The provisions of Section 2-8(c) relative to the appointment of the City Solicitor shall take effect on July 1st, 1986, provided, however, that the City Council shall, upon the effective date of the act, assume supervision and direction of the City Solicitor and he/she shall become directly responsible and accountable to the City Council. (Approved by voters November 5, 1985, see Resolution #1380 Chapter 182 of the Acts and Resolves 1985.)

CHRONOLOGY OF CHARTER AMENDMENTS

1. Home Rule Charter adopted April 23rd, 1977, effective January 1st, 1978.

2. Article 2, City Council, Section 2-2, Organization. Amendment approved by the voters November 3rd, 1981. Amendment submitted to voters by the City Council, Resolution #758, approved March 16th, 1981.

This section originally read as follows:

Section 2-2 Organization.

After the Councillors Elect have been sworn, the City Council shall be called together by the oldest member elected who shall preside. The City Council shall then elect, from among its members, a chairman and vice chairman to serve at the pleasure of the City Council. The chairman shall preside at all meetings of the City Council, and perform such other functions as may be assigned by the Charter, by ordinance or by vote of the City Council. The vice chairman shall act as chairman of the Council during the absence or disability of the chairman. The City Council shall elect from among its members one Councillor to sit as a voting member of the School Committee. This member shall serve at the pleasure of the City Council.

3. Article 4, School Committee, Section 4-1, sub-section (a), Composition. Amendment approved by the voters November 3rd, 1981. Amendment submitted to voters by the City Council, Resolution #758, approved March 16th, 1981.

This section originally read as follows:

(a) Composition - There shall be a School Committee of seven members. Six of these members to be nominated and elected at-large. The seventh member shall be a member of the City Council elected by the City Council. The School Committee shall exercise control and management of the public schools of the City. All school committeemen shall be nominated and elected by the voters at large.

4. Article 8, Referendum Petitions, Section 8-3. Amendment approved by the voters November 5th, 1985. Amendment submitted to voters by the City Council, Resolution #1359, approved February 25th, 1985. Said amendment added the last two sentences at the end of the second paragraph.

5. Appointment of City Solicitor. Amendment approved by the voters November 5th, 1985. Amendment submitted to the voters by the City Council, Resolution #1380, approved August 5th, 1985 and enacted by the General Court as Chapter 182 of the Acts and Resolves of 1985.

Said Act:

(a) Struck sub-section (c) of Article 2, Section 2-8, and replaced the same with the present section;

(b) Moved former sub-section (c) to new sub-section (d);

(c) Added new Article 10, Section 10-9.

6. Number of Precincts Increased. Amendment approved by the legislature June 10th, 1986 as Chapter 88 of the Acts and Resolves of 1986. Amendment submitted by the City Council, Resolution #1473, approved April 16th, 1986.

Amendment changed:

(a) Article 2, Section 2-1, sub-section (a), which originally read:

"Precincts 1, 2 and 6 to be known as the central district; precincts 3, 7 and 9 to be known as the east district; and precincts 4, 5 and 8 to be known as the west district".

(b) Article 7, Section 7-4, which originally read:

"Section 7-4 Precincts and Districts.

The territory of the City shall be divided into nine precincts so established as to consist of as nearly equal a number of inhabitants as it is possible in compact and contiguous

territory; bounded insofar as possible by the center line of known streets or ways or by other well defined limits.

The nine precincts shall be separated into three districts. The central district shall include precincts 1, 2 and 6; the east district shall include precincts 3, 7 and 9; and the west district shall include precincts 4, 5 and 8.".

7. Election of a Mayor and Establishment of Limitation of Terms of City Councillors. Chapter 332 of the Acts and Resolves of 1992 accepted by the voters on May 4th, 1993 replaced the City Manager with a Mayor and placed term limits on the Mayor and City Councillors.

8. Section 9-10 of Article 9, Removals and Suspensions. The following was added: "Nothing in this section shall be construed as granting a right to such a hearing to a person who is a member of Local 3699, American Federation of State, County and Municipal Employees, AFL-CIO, Methuen Support Staff Employees Unit. Said member shall be governed by the disciplin-ary procedure of said Unit's collective bargaining agreement with the City of Methuen." Chapter 76 of the Acts and Resolves of 1996.

9. Article 2, Sections 2-8(a), (b) and (c), Appointment of City Accountant, Clerk of the Council and City Solicitor. Amendment approved by the legislature approved June 28th, 1996 as Chapter 145 of the Acts and Resolves of 1996. Amendment submitted by the City Council, Order #3738, approved February 5th, 1996.

Amendment changed:

(a) Article 2, Section 2-8, sub-section (a), which originally read:

"(a) City Accountant - As soon as practicable after the Council has been organized, the City Council shall elect, by ballot or otherwise, a City Accountant to hold office for a term of two years and until his successor is qualified."

(b) Article 2, Section 2-8, sub-section (b), which originally read:

"(b) Clerk of the Council - The City Council shall elect, by ballot or otherwise, a Clerk of the Council, who may be the City Clerk, to hold office at the pleasure of the Council."

(c) Article 2, Section 2-8, sub-section (c), which originally read:

"(c) City Solicitor - The City Council shall, on or before July 1st in the year it organizes under Article 2, Section 2-2, elect, by ballot or otherwise, a City Solicitor to hold office for a term of two years and until his/her successor is qualified."

10. Article 3, Section 3-3, Appointments by the Mayor. Amendment approved by the voters November 5th, 1996; see Resolution #3745 and Chapter 148 of the Acts and Resolves of 1996.

This section originally read as follows:

"Section 3-3. Appointments by the Mayor.

Except as otherwise provided by this Charter, the Mayor shall appoint, upon merit and fitness alone, and may remove subject to the provisions of the civil service laws, the provisions of this Charter, or other pertinent statutes where applicable, all officers and employees of the Town, except employees of the School Department. All appointments made by the Mayor shall be subject to confirmation by a majority vote of the full Council. The Mayor shall submit, in writing, to the Town council, at least ten days prior to the next regular meeting when the appointment is to be made, the name of any person he desires to appoint to a Town position."

11. Article 3, a new section 3-9, Terms of Office - Department Heads was added. Amendment approved by the voters November 5th, 1996; see Resolution #3745 and Chapter 148 of the Acts and Resolves of 1996.

12. Article 4, School Committee, Section 4-1, sub-section (a), Composition. Amendment approved by the voters November 5th, 1996; see Resolution #3745 and Chapter 148 of the Acts and Resolves of 1996.

This sub-section originally read as follows:

"(a) Composition - There shall be a School Committee of seven members who shall be nominated and elected at large. The School Committee shall exercise control and

management of the public schools of the City." (Approved by the voters November 3rd, 1981; see Resolution #758).

13. Article 2, Legislative Branch, Section 2-1, Sub-section (c), Election and Term

Amendment approved by the Legislature September 24th, 1999, Chapter 82 of the Acts and Resolves of 1999, and adopted by the Voters November 2nd, 1999.

The second sentence thereof originally read as follows:

"No person shall hold the office of City Councillor for more than three consecutive or non-consecutive terms".

14. Article 3, Executive Branch, Section 3-1, Sub-section (b), Term of Office

Amendment approved by the Legislature September 24th, 1999, Chapter 82 of the Acts and Resolves of 1999, and adopted by the Voters November 2nd, 1999.

The following sentence was added to Sub-section (b):

"No person shall hold the office of Mayor for more than three consecutive terms".

B. Article 4, School Committee, Section 4-1, Sub-section (c), Election and Term

Amendment approved by the Legislature September 24th, 1999, Chapter 82 of the Acts and Resolves of 1999, and adopted by the Voters November 2nd, 1999.

The following sentence was added to Sub-section (c):

"No person shall hold the office of School Committee member for more than three consecutive terms".

APPENDIX I-A - CHARTER AMENDMENTS

1. Town Council Organization.

Approved by voters November 3rd, 1981
Resolution No. 758, Approved March 16th, 1981

ARTICLE 2.
Legislative Branch.

Section 2-2 Organization.

After the Councillors elect have been sworn, the Town Council shall be called together by the oldest member elected who shall preside. The Town Council shall then elect, from among its members, a chairman and vice-chairman to serve at the pleasure of the Town Council. The chairman shall preside at all meetings of the Town Council and perform such other functions as may be assigned by the charter, by ordinance or by vote of the Town Council. The vice-chairman shall act as chairman of the Council during the absence or disability of the chairman.

2. School Committee Representation.

Approved by voters November 3rd, 1981
Resolution No. 758, Approved March 16th, 1981

ARTICLE 4.
School Committee.

Section 4-1 Composition; Eligibility; Election, Term.

a) Composition - There shall be a school committee of seven members who shall be nominated and elected at-large. The school committee shall exercise control and management of the public schools of the Town.

3. Referendum Petitions.

Approved by voters November 5th, 1985
Resolution No. 1359, approved February 25th, 1985

Section 8-3 Citizen Referendum Procedures.

Article 8, Section 8-3 of the Methuen Home Rule Charter is amended by placing in the second paragraph thereof, at the end of such paragraph, the following:

In addition to the requirements for filing as mentioned above, the following shall apply: referendum petitions shall be on a form as prepared by the Town Clerk and such petition forms may not be issued on any referendum matter until the same has been finally passed in accordance with Article 2, Section 2-9(a) of the Methuen Home Rule Charter. Failure to comply with the above procedure shall invalidate any petition otherwise proper in form and substance.

4. Appointment of Town Solicitor.

Approved by voters November 5th, 1985
Resolution No. 1380, Approved August 5th, 1985

ARTICLE 2, SECTION 8(c)

b) Town Solicitor - The Town Council shall, on or before July 1st in the year it organizes under Article 2, Section 2-2, elect, by ballot or otherwise, a Town Solicitor to hold office for a term of two years and until his/her successor is qualified.

The Town Solicitor shall represent the municipality in all court matters, advise the Town Council and municipal boards and officers upon all legal questions and perform such other duties as the Town Council may prescribe in addition to such duties as may

be prescribed by law.

ARTICLE 2, SECTION 8(d)

(d) Salaries - The Town Council shall set the salaries of the Town Accountant, Clerk of the Council, Town Manager and Town Solicitor.

ARTICLE 10, SECTION 10-9

Section 10-9. Town Solicitor Appointment/Time of Taking Effect

The provisions of Section 2-8(c) relative to the appointment of the Town Solicitor shall take effect on July 1st, 1986, provided, however, that the Town Council shall, upon the effective date of the act, assume supervision and direction of the Town Solicitor and he/she shall become directly responsible and accountable to the Town Council.

5. Precincts Enlarged to Twelve

Approved by legislature June 10th, 1986
Chapter 88 of the Acts and Resolves of 1986
Resolution No. 1473, approved April 16th, 1986

ARTICLE 2, SECTION 1(a)

Third Sentence:

Precincts 1, 2, 6 and 10, to be known as the Central
District; Precincts 3, 7, 9 and 12, to be known as the
East District; and Precincts 4, 5, 8 and 11, to be known as the West District.

ARTICLE 7, SECTION 7-4

Section 7-4 Precincts and Districts.

The territory of Methuen shall be divided into twelve precincts, so established as to consist of as nearly equal a number of inhabitants as it is possible in compact and contiguous territory; bounded insofar as possible by the center line of known streets or ways or by other well defined limits. The twelve precincts shall be separated into three districts. The Central District shall include Precincts 1, 2, 6 and 10; the East District shall include Precincts 3, 7, 9 and 12; and the West District shall include Precincts 4, 5, 8 and 11.

6. Election of Mayor and Term Limitations for Town Councillors

Approved by legislature January 6th, 1993 - Chapter 332 of the Acts and Resolves of

1992
Initiative Petition Presented to Town Council and placed on the ballot for November 3rd, 1992 by vote of the Town Council on October 5th, 1992
Order #3418, Resolution Calling for Special Election - Mayoral Act May 4th, 1993 and approved by the voters on vote of 4,172 "yes" and 2,109 "no"

ARTICLE 2, LEGISLATIVE BRANCH, SECTION 2-1(c)

(c) Election and Term - The term of office of all members of the Town Council shall be for two years, beginning on the first secular day in January after their election and until their successors are qualified. No person shall hold the office of Town Councillor for more than three consecutive or non-consecutive terms.

ARTICLE 3, EXECUTIVE BRANCH

Section 3-1. Mayor - Qualifications; Term of Office; Compensation.

(a) Mayor; Qualifications - The Chief Executive Officer of the Town shall be a Mayor, elected by and from the qualified voters of the Town. Any voter domiciled in the Town shall be eligible to hold the office of Mayor. He shall devote his full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business activity whether or not such business activity is pursued for gain, profit or other pecuniary advantage, during his term.

(b) Term of Office - The term of the office of Mayor shall be two years, beginning on the first Monday of January following his election and until his successor is qualified. No person shall hold the office of Mayor for more than three consecutive or non-consecutive terms.

(c) Compensation - The Town Council shall, by ordinance, establish an annual salary for the Mayor.

Section 3-2. Executive Authority and Duties.

The executive powers of the Town shall be vested solely in the Mayor, and may be exercised by him either personally or through the several Town agencies under his general supervision and control. The Mayor shall see that all of the provisions of the General Laws, of this Charter, of votes of the Town Council which require enforcement by him or officers subject to his direction and supervision are faithfully carried out and shall cause a record of all his official duties to be kept. He shall have the following authority and duties:

(a) He shall supervise and direct the administration of all departments, commissions, boards and offices, except the Town Council, the School Committee, the Town Accountant, the Town Solicitor, and Clerk of the Council.

(b) He shall fix the compensation of all Town officers and employees appointed by him within the limits established by Town ordinances and existing appropriations.

(c) He shall attend all regular meetings of the Town Council, unless excused at his own request, and shall have a voice but no vote in all of its deliberations.

(d) He shall keep full and complete records of his office, and shall render as often as may be required by the Town Council, but not less than once a year, a full report of all operations during the period reported on, which report shall be made available to the public.

(e) He shall keep the Town Council fully advised as to the needs of the Town and shall recommend to the Town Council for adoption such measures requiring action by them as he may deem necessary or expedient.

(f) He shall have full jurisdiction over the rental and use of all Town facilities under his control. He shall be responsible for the maintenance and repair of all Town property under his control.

(g) He shall be responsible for the appointment, subject to the approval of the Town Council, of any necessary building and facilities committees having to do with the preparation of plans and supervision of work on all construction, reconstruction, alterations, improvements and other undertakings authorized by the Town Council, provided, however, that the approval of the School Committee shall be obtained for school construction or improvement plans.

(h) He shall keep a full and complete inventory of all property of the Town, both real and personal.

(i) He shall negotiate and may execute contracts involving any subject within his jurisdiction. All contracts shall be awarded by the Mayor, however, all contracts, prior to said award, shall meet with approval, by vote, of the majority of the Town Council.

(j) He shall be responsible for the purchasing of all supplies, materials and equipment for all departments and activities of the Town, but not including food for schools, school books and other instructional materials, supplies and equipment; library books and related printed and audio-visual subject material, unless otherwise requested by the School Committee or the Library Trustees.

(k) The Town of Methuen shall have a board of no less than three (3) Assessors appointed by the Mayor and he shall designate one of his appointees as Chairman thereof.

(l) He shall perform any other duties required by the ordinances or other votes of the Town Council.

(m) He shall exercise general supervision and direction over all Town agencies unless otherwise provided by law. Each Town agency shall furnish to him, forthwith upon his

request, any information, materials or otherwise as he may request and as needs of his office and the interest of the Town require.

Section 3-3. Appointments by the Mayor.

Except as otherwise provided by this Charter, the Mayor shall appoint, upon merit and fitness alone, and may remove subject to the provisions of the civil service laws, the provisions of this Charter, or other pertinent statutes where applicable, all officers and employees of the Town, except employees of the School Department. All appointments made by the Mayor shall be subject to confirmation by a majority vote of the full Council. The Mayor shall submit, in writing, to the Town council, at least ten days prior to the next regular meeting when the appointment is to be made, the name of any person he desires to appoint to a Town position.

Section 3-4. Temporary Appointments to Town Offices.

Whenever a vacancy, either temporary or permanent, occurs in a Town office and the needs of the Town require that such office be filled, the Mayor may designate the head of another Town agency or a Town officer or employee, or some other person, especially fitted by merit and fitness, to perform the duties of the office on a temporary basis until such time as the position can be filled as otherwise provided by law, Charter or ordinance. The Mayor shall file a certificate, in substantially the following form, with the Town Clerk whenever he makes a designation under this section:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the Town of Methuen.

Section 3-5. Communications; Special Meetings.

(a) Communications to the Town Council - Within six weeks following the start of each fiscal year, the Mayor shall submit to the Town Council, and make available for public distribution, a complete report on the financial and administrative activities and status of the Town for the preceding fiscal year. He shall from time to time, and, whenever requested by the Town Council, by written communication, keep the Town Council fully informed of the financial condition and administrative issues of the Town and shall recommend to them such measures for their consideration as, in his judgment, the needs of the Town require.

(b) Special Meetings of the Town Council - The Mayor may at any time call a special meeting of the Town Council for any purpose by causing a notice thereof to be delivered in hand or residence of each member of the Town Council. Such notice shall, except in an emergency as determined by the Mayor, be delivered at least forty-eight (48) hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held.

Section 3-6. Approval of Mayor; Exception (Veto).

Every order, ordinance, resolution or vote adopted or passed by the Town Council relative to the affairs of the Town shall be presented to the Mayor for his approval. If approved, he must sign it. If not, he shall return it, with his written objections, to the Town Council who shall, again, consider it. To override the Mayor's objections, a two-thirds vote is required. Further, the failure of the Mayor to submit his disapproval of the measure with written objections within ten (10) days after it is presented to him shall be deemed valid and in full force and effect. This section shall not apply to emergency measures as provided in Sections 2-9(a) and 2-9(b) of this Charter.

Section 3-7. Temporary Absence of Mayor.

(a) Acting Mayor - Whenever, by reason of sickness, absence from Town, or other unexpected cause, the Mayor shall be unable to perform the duties of his office for a period of three (3) successive working days or more, the Town Council shall appoint from among its members an Acting Mayor to serve in the Mayor's absence.

(b) Powers of an Acting Mayor - The Acting Mayor shall have all the powers of the Mayor except that he shall not make any permanent appointment or removal to or from any office unless the disability of the Mayor shall have continued for sixty (60) days or more without having resigned, nor shall he approve or disapprove of any measure passed by the Town Council unless the time within the Mayor must act would expire before the return of the Mayor.

Section 3-8. Vacancy in Office of Mayor.

(a) Special Election - If a vacancy in the office of Mayor occurs in the first year of the term for which the Mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the Town Council shall forthwith order a special election to be held within thirty (30) days following the date the vacancy is created to fill such vacancy for the balance of the then unexpired term.

(b) Council Election - If a vacancy in the office occurs in the second year of the term for which the Mayor was elected, whether by reason of death, resignation, removal from office, or otherwise, a meeting of the Town council shall be called forthwith and they shall elect, by a majority vote, one of its members as Mayor for the unexpired term. Failing to so elect at said meeting, or, thirty (30) days thereafter, the Chairman of the Town Council shall become Acting Mayor for the unexpired term. Upon the qualification of the Town Council member or Chairman of the Town Council as the Mayor under this section, a vacancy shall exist in his seat on the Town Council which shall be filled in the manner provided in Section 2-6.

(c) Powers; Term of Office - The Mayor elected under Section 3-8(a) or 3-8(b) shall have all the powers of the Mayor. He shall serve for the balance of the term unexpired at the time of his election to the office.

7. Section 9-10 of Article 9, Removals and Suspensions.

The following was added: "Nothing in this section shall be construed as granting a right to such a hearing to a person who is a member of Local 3699, American Federation of State, County and Municipal Employees, AFL-CIO, Methuen Support Staff Employees Unit. Said member shall be governed by the disciplinary procedure of said Unit's collective bargaining agreement with the Town of Methuen. Chapter 76 of the Acts and Resolves of 1996.

8. Article 2, Sections 2-8(a), (b) and (c), Appointment of City Accountant, Clerk of the Council and City Solicitor.

Amendment approved by the legislature approved June 28th, 1996 as Chapter 145 of the Acts and Resolves of 1996. Amendment submitted by the City Council, Order #3738, approved February 5th, 1996.

Amendment changed:

(a) Article 2, Section 2-8, sub-section (a), which originally read:

> "(a) City Accountant - As soon as practicable after the Council has been organized, the City Council shall elect, by ballot or otherwise, a City Accountant to hold office for a term of two years and until his successor is qualified."

(b) Article 2, Section 2-8, sub-section (b), which originally read:

> "(b) Clerk of the Council - The City Council shall elect, by ballot or otherwise, a Clerk of the Council, who may be the City Clerk, to hold office at the pleasure of the Council."

(c) Article 2, Section 2-8, sub-section (c), which originally read:

> "(c) City Solicitor - The City Council shall, on or before July 1st in the year it organizes under Article 2, Section 2-2, elect, by ballot or otherwise, a City Solicitor to hold office for a term of two years and until his/her successor is qualified."

9. Article 3, Section 3-3, Appointments by the Mayor.

Amendment approved by the voters November 5th, 1996; see Resolution #3745 and Chapter 148 of the Acts and Resolves of 1996.

This section originally read as follows:

Section 3-3. Appointments by the Mayor.

Except as otherwise provided by this Charter, the Mayor shall appoint, upon merit and fitness alone, and may remove subject to the provisions of the civil service laws, the provisions of this Charter, or other pertinent statutes where applicable, all officers and employees of the Town, except employees of the School Department. All appointments made by the Mayor shall be subject to confirmation by a majority vote of the full Council. The Mayor shall submit, in writing, to the Town Council, at least ten days prior to the next regular meeting when the appointment is to be made, the name of any person he desires to appoint to a Town position.

10. Article 3, Section 3-9, Terms of Office - Department Heads.

New section added to the Charter. Amendment approved by the voters November 5th, 1996; see Resolution #3745 and Chapter 148 of the Acts and Resolves of 1996.

11. Article 4, School Committee, Section 4-1, Sub-section (a), Composition.

Amendment approved by the voters November 5th, 1996; see
Resolution #3745 and Chapter 148 of the Acts and Resolves of 1996.

This sub-section originally read as follows:

(a) Composition - There shall be a School Committee of seven members who shall be nominated and elected at large. The School Committee shall exercise control and management of the public schools of the City. (Approved by the voters November 3rd, 1981; see Resolution #758).

12. Article 2, Legislative Branch, Section 2-1, Sub-section (c), Election and Term

Amendment approved by the Legislature September 24th, 1999, Chapter 82 of the Acts and Resolves of 1999, and adopted by the Voters November 2nd, 1999.

The second sentence thereof originally read as follows:

"No person shall hold the office of City Councillor for more than three consecutive or non-consecutive terms."

13. Article 3, Executive Branch, Section 3-1, Sub-section (b), Term of Office

Amendment approved by the Legislature September 24th, 1999, Chapter 82 of the Acts and Resolves of 1999, and adopted by the Voters November 2nd, 1999.

The following sentence was added to Sub-section (b):

"No person shall hold the office of Mayor for more than three consecutive terms".

14. Article 4, School Committee, Section 4-1, Sub-section (c), Election and Term

Amendment approved by the Legislature September 24th, 1999, Chapter 82 of the Acts and Resolves of 1999, and adopted by the Voters November 2nd, 1999.

The following sentence was added to Sub-section (c):

"No person shall hold the office of School Committee member for more than three consecutive terms".

APPENDIX II - PERMISSIVE LEGISLATION

CHAPTER- ACTS	TITLE	DATE	VOTED	CLERK'S PAGE
Acts of 1845	Steam Engines	11-9-1846	To Accept	161
Acts of 1863 Ch. 218, S.9	Raising State Tax	9-21-1863	To Accept	271
Acts of 1869 Ch. 366	Impounding Cattle	2-18-1871	To Accept	446
Acts of 1869 Ch. 336	Impounding Cattle	3-7-1870	To Accept	424
Acts of 1871 Ch. 158	Election of Road Commissioners	3-4-1872	Not to Accept	4
Acts of 1871 Ch. 158	Election of Road Commissioners	3-2-1874	To Pass Over	52
Acts of 1867 Ch. 242	Shade Trees	3-2-1874	To Adopt	54
Acts of 1871 Ch. 158	Election of Road Commissioners	3-2-1875	To Adopt	77
Acts of 1883 Ch. 229	Tellers for Voting	3-3-1884	*	289
	*Read at Town Meeting appointed tellers to count votes			
Acts of 1888 Ch. 331	Catching of Pickerel	3-4-1889	To Adopt	432
	Purchase of fire Apparatus	3-4-1889	Passed Over	432
	Division into voting Precincts	3-6-1893	Passed Over	569
Acts of 1885 Ch. 309	Licenses for groves for amusements	3-6-1893	To Accept	569

CHAPTER- ACTS	TITLE	DATE	VOTED	CLERK'S PAGE
Acts of 1908	Protection of Forest Fires	3-20-1909	To Accept	538
Acts of 1892 Amend. Ch. 310	Water Act	3-20-1909	To Accept	537
Acts of 1909	Sale of Fruit, etc. on Sunday	6-2-1909	Passed Over	544
Acts of 1909 Ch. 176	No explanation of what the act concerns	6-2-1909	To Accept	543
Ballot Question	Workmen's Comp. Ch. 807 of 1913	3-2-1914	To Accept	158
Ballot Question 183	Abolition of Party Enrollment	11-3-1914	To Accept	
Ballot Question	Saturday Half Holiday for Laborers	11-3-1914	Not Accepted	183
Ballot Question	Vacation of laborers	11-3-1914	Not Accepted	183
Acts of 1916 Ballot Question Special Election	Act Providing for precinct voting limited Town mtgs., a referendum, and an annual moderator in the Town of Methuen	7-29-1916	To Accept	241
Acts of 1917 Ch. 289 Ballot Question	Act to incorporate Town of Methuen	11-6-1917	To Accept	293
Acts of 1890 Ch. 386	Election of Town Officers	1-7-1891	To Accept	486
Ballot Question	To supply Methuen with water	6-27-1891	Not Accepted	516
Ballot Question	To supply Methuen with water	10-14-1891	Not Accepted	520

CHAPTER- ACTS	TITLE	DATE	VOTED	CLERK'S BK & PG
Acts of 1950 Ch. 820	Authorizing increases in the annual amounts of certain pensions, retirement allowances annuities payable by the Town to certain former employees and persons claiming under them	3-26-1951	Accepted	5 - 34
Acts of 1945 Ch. 156	Sick leave for laborers and Foremen	3-26-1951	Accepted	5 - 34
Acts of 1951 Ch. 781	Increasing the amounts of pensions and retirement allowances payable to certain former public employees	3-12-1952	Accepted	5 - 74
Acts of 1952 Ch. 536	Increasing the amounts of pensions and retirement allowances payable to certain former public employees	3-11-1953	Accepted	5 - 130
Acts of 1952 Ch. 624	Increasing the amounts of pensions retirement allowances and annuities Payable to certain former public Employees	3-11-1953	Accepted	5 - 130
Acts of 1930 Ch. 351	Police Department Uniforms	3-11-1953	Accepted	5 - 130
Acts of 1930 Ch. 351	Fire Department Uniforms	3-10-1954	Accepted	5 - 167
Acts of 1955 Ch. 670	Increasing the amount of pensions retirement allowances and annuities Payable to certain former public Employees	3-26-1956	Accepted	5 - 270
Acts of 1956 Ch. 730 Ballot Question	Shall Chapter 32B of the General Laws authorizing any county city, town or district to provide a plan of group life insurance, group accidental death and dismemberment insurance, and group general or blanket hospital surgical and medical insurance for certain persons			

	in the service of such county, city, town or district and their dependents, be accepted by this Town?	3-4-1957	Accepted	1 – 309
CHAPTER- ACTS	**TITLE**	**DATE**	**VOTED**	**CLERK'S PAGE**
Acts of 1956 Ch. 605	Increasing the amounts of pensions, retirement allowances and annuities payable to certain former public employees separated from service after April 1, 1951	3-20-1957	Accepted	5-329
Acts of 1947 Ch. 265	Accept the provisions of Section 110A, Ch. 41 and amend the salary and wage plan by setting up a standard work week for Town office employees (Saturday closing)	3-12-1958	Accepted	5-377
Acts of 1957	Increasing amount of pensions of certain retired Police Officers and Fire-Fighters	3-12-1958	Accepted	5-377
Acts of 1956 Ch. 374	Pensions for widows of Policemen and Firemen under noncontrib. Retirement	3-17-1958	Accepted	5 - 381
Acts of 1954 Ch. 268	Creditable Service in the retirement of Certain Police Officers and Firemen in certain Cities and Towns	3-11-1959	Accepted	6 - 43
Acts of 1959 Ch. 121	Authorizing Advance Payments to Certain Employees of Cities, Towns or Counties who are eligible for retirement	3-15-1961	Accepted	6 - 166
Acts of 1955 Ch. 223, Sec. 1	Providing Compensatory Time Off to Police Officers	3-25-1964	Accepted	7 - 51
Acts of 1961 Ch. 490 as Amended	Veteran Retirement 25 years of service	6-21-1965	Voted by Selectmen 6-21-1965	Select-men's rec. Bk 8,Pg 209
Acts of 1957, Ch.40, Sec. 8C	Conservation Commission	1967	Accepted	Town Meeting Pg. 255

Acts of 1953 Ch. 628, Sec.1	Indemnification of Retired Police Officers & Fire	3-15-1969	Accepted	8 - 147

CHAPTER- ACTS	**TITLE**	**DATE**	**VOTED**	**CLERK'S PAGE**
Acts of 1965 Ch. 452 Ballot Question	42 Hour Work Week Firefighters	11-3-1970	Voted	8 - 252
Ch. 41, Sec. 100D Repealed Acts of 1978 Ch. 512, Sec.10	Indemnification of Officers and Employees of Mun. for Damages arising from operation of municipally owned motor vehicles	3-13-1971	Accepted	8 - 297
Ch. 41, Sec. 100A Repealed Acts of 1931 Ch. 458, Sec.4	Indemnification of Officers and Employees for Damages or Expenses arising out of operation of vehicles or equipment owned by the municipality	3-13-1971	Accepted	8 - 297
Acts of 1970 Ch. 835	As Amended, Known as the Police Pay Incentive Bill	3-13-1971	Accepted	8 - 299
Acts of 1966	Firefighters Residence	3-24-1971	Accepted	8 - 308
Acts of 1963 Ch. 190	Accept Ch. 40, Sec. 6J “Town to Purchase Storm Work Clothes, including rubber boots and other work clothes for its employees"	4-17-1973	Voted	Res.#13
Acts of 1972 Ch. 220, Sec.2	Accept Ch. 40, Sec. 8G “Authorizing Town of Methuen to enter into an agreement with another city or town, or other cities and towns, to provide mutual aid programs for Police departments to increase the capability of such departments to protect the lives, safety and property of the people in the area designated in the agreement"	5-22-1973	Voted	Res.#20
Acts of 1975 Ch. 284	Authorizing the appropriation of money for the payment of unpaid bills of previous fiscal years due to			

	insufficient appropriation in the fiscal year bills were incurred	9-4-1973	Voted	Res.#37

CHAPTER- ACTS	TITLE	DATE	VOTED	CLERK'S PAGE
Acts of 1959 Ch. 595	Political subdivisions contribution for insurance premiums of retired employees authorizing Methuen to pay one-half the premium cost payable by retired employees	7-1-1974	Voted	Res.#112
Acts of 1978 Ch. 478, Sec. 40	Providing for violations of parking regulations	12-16-1974	Voted	Res.#147
Acts of 1961 Ch. 381 Repealed Acts of 1961 Ch. 319	Private Ways	11-3-1975	Voted	Document Folder
Acts of 1975 Ch. 806	Provision for continued group insurance to spouses and dependents of employee killed while performing his duty; further to provide for payment by the Town of one-half of the amount of the premium to be paid by the surviving spouse of an insured employee or injured employee	6-28-1976	Voted	Res. #273
Acts of 1977 Ch. 586	Acceptance of Act making certain unpaid Annual sewer charges a tax lien	11-6-1978	Voted	Res. #470
Acts of 1977 Ch. 665	Establishing Recretion/Leisure Services Revolving Fund	11-20-1978	Voted	Res. #474
Acts of 1969 Ch. 148	Authorizing the Exemption of Enginemen and members of the Fire Dept. from jury duty	8-6-1979	Voted	Res. #545
Acts of 1980	Accepting Ch. 217 of the A & R of			

Ch. 217	1980 – Purchases by Towns and Districts	9-3-1980	Voted	Res. #684
Acts of 1980 Ch. 384	Establishing an Energy Resources Commission	10-6-1980	Voted	Res. #698

CHAPTER- ACTS	**TITLE**	**DATE**	**VOTED**	**CLERK'S PAGE**
Acts of 1977 Ch. 639	Creation of a Community School-Adult and Continuing Education Revolving Account for the Methuen School Department	10-28-1980	Voted	Res. #707
Acts of 1980 Ch. 416 Sec.2	Qualifications of Assessors	12-15-1980	Voted	Res. #721
Acts of 1909 Ch. 41 Sec.69B	Establishing Water Enterprise Fund	6-1-1981	Voted	Res. #785
Ch. 32B, Sec.17	Continuation of health insurance coverage for laid off Town employees	9-21-81	Voted	Res. #822
Ch. 41, Sec. 100G	Payment of funeral and burial Expenses of Police and Firemen	11-2-81	Voted	Res. #839
Ch. 90, Sec. 20A 1/2, 20C and 20D	Designation of Parking Clerk for implementing local processing of collection of moving and parking violation revenues	12-7-81	Voted	Res. #852
Ch. 148, Sec. 26C	Smoke Detectors	2-16-82	Voted	Res. #879
Ch. 743 of A & R of 1981	Changing eligibility of certain surviving spouses, minors and elderly persons	3-15-82	Voted	Res. #894
Ch. 39, Sec. 7	Utilization of Councillors in other functions within Town management structure	5-3-82	Voted	Res. #915
Ch. 40, Secs. 42A - 42F	Method for collection of delinquent water charges	5-3-82	Voted	Res. #916
Ch. 339 of	Offsetting annual ordinary operating			

A & R of 1981	costs by estimated receipts from fees charged to users of services provided	6-7-82	Voted	Res. #933
Ch. 48, Sec. 57 G	Annual base rate of compensation to be paid to Fire and Police Chiefs	10-18-82	Voted	Res. #988
Ch. 152, Sec.69	Workmen's Compensation/Teachers	11-1-82	Voted	Res. #998

CHAPTER- ACTS	**TITLE**	**DATE**	**VOTED**	**CLERK'S PAGE**
Ch. 44, Sec.16A	Facsimile Signature-Manager	2-8-83	Voted	Res. #1029
Ch. 60A, Sec. 1	Veterans-Excise Tax	4-4-83	Voted	Res. #1048
Ch. 138, Sec. 12B	Nude Entertainment	5-2-83	Voted	Res. #1078
Ch. 53, Sec.9A	Nomination Papers	10-19-83	Voted	Res. #1109
Ch. 59, Sec.5	Tax Abatements	9-19-83	Voted	Res. #1111
Ch. 148, Sec. 26G	Sprinkler Systems	1-18-84	Voted	Res. #1148
Ch. 40, Sec.8J	Handicapped Commission	6-6-84	Voted	Res. #1192
Ch. 40, Sec. 4H	Equipment Purchase	3-18-85	Voted	Res. #1308
Ch. 64G, Sec. 3A, Amended by Sec 6, Ch. 145, of 1985	Establishment of an Excise Tax on Hotels, Lodging Houses and Motels	9-23-85	Voted	Res. #1404
Ch. 70A, Sec.5 Amended by Sec. 4-6, Ch. 188 of 1985	Equal Education Opportunity Grant	10-7-85	Voted	Res. #1406
Ch. 188, Sec. 13, Acts of 1985	Professional Development Grant Program	10-7-85	Voted	Res. #1407
Ch. 188, Sec. 16, Acts of 1985	Minimum Salary of $8,000 for School Teachers	10-7-85	Voted	Res. #1408
Ch. 40, Sec. 57	Authorizing Town Council to enact ordinance to deny, revoke or suspend any local license, including renewals and transfers upon determining that person seeking license or permit has			

	not paid any local taxes, fees, assessments or betterments.	3-3-86	Voted	Res. #1465
Ch. 147, Sec. 10F	Parking Control Officer	5-6-87	Voted	Res. #1663
Ch. 59, Sec. 5, Clause 17D (Ch. 73, Sec. 1 of 1986)	Abatements–Widows, etc.	5-6-87	Voted	Res. #1666
CHAPTER- ACTS	**TITLE**	**DATE**	**VOTED**	**CLERK'S PAGE**
Ch. 59, Sec. 5 Clause 41C (Ch.73, Sec. 3 of 1986)	Abatements – Elderly	5-6-87	Voted	Res. #1667
Ch. 60, Sec. 23 (Ch. 250, of 1987)	Increase Fee for Certificate of Lien to $25	12-7-87	Voted	Res. #1768
Ch. 188, Sec. 13 of 1985	Voke School – E.E.O.G.	3-21-88	Voted	Res. #1810
Ch. 32B, Sec. 9F (Ch. 705, Sec. 4 of 1986)	Increase Life Insurance Benefit for Retirees of Methuen to $5,000	4-19-88	Voted	Res. #1815
Ch. 188, Sec. 16	School Teachers' Minimum Salary	4-19-88	Voted	Res. #1817
Ch. 188, Sec. 4-6	E.E.O.G., Chap. 70A Sec. 5	4-19-88	Voted	Res. #1818
Ch. 71, Sec. 17A (Ch. 236 of 1981) #1819	Allowing School District to Maintain Culinary Arts Revolving Fund	4-19-88	Voted	Res.
Ch. 697, Sec. 18, 31 and 33 of 1987	Retirement Acts	8-1-88	Voted	Res. #1880
Ch. 697, Sec. 64 of 1987	Retirement Cap	11-21-88	Voted	Res. #1921
Ch. 188 of 1985	E.E.O.G.	2-6-89	Voted	Res. #1940
Ch. 308 of 1985 (G.L. Ch. 140, Sec. 147A	Regulation of Dogs	4-3-89	Voted	Ord. #336

Ch. 499, Sec. 1 of 1987 (G.L. Ch 59, Sec. 5, Clause 5b	Veterans' Organization Clause	10-11-89	Voted	Res. #2038
Ch. 188 of 1985	Voke School	10-19-89	Voted	Res. #2047
Ch. 653, Sec. 40 of 1989 (G.L. Ch. 59, Sec. 2A)	Change of Assessment Dates	5-2-90	Voted	Res. #3017
CHAPTER- ACTS	**TITLE**	**DATE**	**VOTED**	**CLERK'S PAGE**
Ch. 491, Sec. 2 of 1984 (G.L. Ch. 138, Sec. 17A)	Seasonal Liquor Licenses	6-20-90	Voted	Res. #3040
Ch. 32B, Sec.7A G.L.	Employee Health	7-2-90	Voted	Res. #3066
Ch. 291 of 1990	E911	3-13-91	Voted	Res. #3149
Ch. 653, Sec. 41 of 1989 (G.L. Ch. 59, Sec. 57C)	Quarterly Tax Bills	4-1-91	Voted	Res. #3186
Ch. 254, Sec. 90G-3/4 of 1990 (Chapter 32)	Creditable Service Beyond Age of 70 – Municipal Employees	7-1-91	Voted	Res. #3210
Ch. 151, Sec. 28 of 1993 (G.L. Ch. 40, Sec. 3)	School Rental Receipts	9-20-93	Voted	Res. #3483
Ch. 481, Sec. 2 of 1993 (G.L. Ch. 138, Sec. 12)	Licensing of CommonVictualers for the Sale of Liqueurs and Cordials	5-16-94	Voted	Res. #3562
Ch. 71, Sec. 83 of 1993	Education Reform Act - Providing Teachers Early Retirement Incentive	5-16-94	Voted	Res. #3564
Ch. 32B, Sec. 7A	Subsidiary or Additional Rate for Health Insurance	2-6-95	Voted	Res. #3637
Ch. 32, Sec. 90A	Authorizing Increasing the Allowance of Former Employees Retired for Accidental Disability	10-16-95	Voted	Res. #3704

Ch. 90, Sec. 7L	Standing in School Buses	11-9-95	Voted	Res. #3713
Ch. 59, Sec. 5 and 58, Amended by Ch. 181, Sec. 1 and 1 of Acts of 1995	Elderly Abatements	12-18-95	Voted	Res. #3727

CHAPTER- ACTS	**TITLE**	**DATE**	**VOTED**	**CLERK'S PAGE**
Ch. 143, Sec. 3Z	Part-Time Inspector of Buildings, Building Commissioner, Local Inspector or Alternate Inspector, Other Employment	6-3-96	Voted	Res. #3775
Ch.32, Sec. 90C	Retirement Allowance Increase - Superannuated Retirement	8-5-96	Voted	Res. #3788
Ch. 32, Sec. 90D	Retirement Allowance Increase - Ordinary Disability	8-5-96	Voted	Res. #3789
Ch. 32, Sec. 3 as amended by Chapter 71 of the Acts of 1996	Authorizing Certain Public Employees Creditable Retirement Service Time for Active Service in the Armed Forces	8-5-96	Voted	Res. #3792
Ch. 32, Sec. 90A	Increasing Retirement Allowance of Individuals Retiring on Accidental Disability	8-5-96	Voted	Res. #3795
Ch. 60, Sec. 3C	Voluntary Check-off for Town Scholarship Fund	8-4-97	Voted	Res. #3905
Ch. 32. Sec. 103, as amended by Chapter 17 of the Acts of 1997	Annual Cost-of-Living Adjust-ments for Retirees	3-16-98	Voted	Res. #3973
Ch. 94, Sec. 288 of the Acts and Resolves of 1998	"Pop-up" Adjustment of Pension Allowance	11-16-98	Voted	Res. #4044
Ch.456 of the Acts and Resolves of 1998	Granting Cost-of-Living Adjustments to Non-	6-10-99	Voted	Res. #4112

	Contributory Retirees			
Ch. 127, Sec. 31 of the Acts and Resolves of 1999	Cost-of-Living Adjustment in Excess of allowance Under Ch. 32, Sec. 103C	1/18/00	Voted	Res. #4203
Ch. 59, Sec. 5(17D)	Establishing Cost of Living Adjustment for Senior Citizens, Surviving Spouses and Minors - FY 2000	3/20/00	Voted	Res. #4226
CHAPTER- ACTS	**TITLE**	**DATE**	**VOTED**	**CLERK'S PAGE**
Ch. 59, Sec. 5K	Providing Senior Citizens Tax Work-off Abatements	5/1/00	Voted	Res. #4234
Ch. 148, Sec. 26I	Accepting Chapter 148, Section 26I, Automatic Sprinkler Systems	5/1/00	Voted	Res. #4237
Ch. 39, Sec. 7	Accepting Law Authorizing City Council to Serve in Other Public Offices in Unpaid Status	9/21/00	Voted	Res. #4267
Ch. 32, Sec. 90C	Increasing Retirement Allowance	10/2/00	Voted	Res. #4270
Ch. 32, Sec. 20(6)	Compensation of Retirement Board Members	11/9/00	Voted	Res. #4216
Ch. 59, Sec. 5	Establishing CPI Increase Exemption	4/2/01	Voted	Res. #4302
Ch. 380 of Acts and Resolves of 2000	Further Regulating Certain Real Estate Tax Exemptions	4/2/01	Voted	Res. #4303
Ch. 267, Sec. 3-7 of the Acts and Resolves of 2000	Providing a Surcharge on Local Property Tax to Provide for a Community Preservation Fund	7/9/01	Voted	Res. #4323
Ch. 44, Sec. 53E ½	Re-authorizing School Revolving Funds	9/4/01	Voted	Res. #4330
Ch. 32, Sec. 90C	Increasing Retirement Allowances	9/4/01	Voted	Res. #4333

Ch. 59, Sec. 5(17D)	Establishing CPI Increase Exemption	9/4/01	Voted	Res. #4334
Ch. 142	Dispatch Communications Lease Agreement	11/21/01	Voted	Res. #
Ch. 41, Sec. 8B Ch. 40 M.G.L.	Elderly Persons Privacy	02/21/02	Voted	
Ch. 157	Assistant City Clerk Compensation	07/03/02	Voted	
Ch. 173 Amend Ch. 142 Of Acts of 2001	Lease Agreement Measurements	07/26/02	Voted	Res. #4367
CHAPTER- ACTS	**TITLE**	**DATE**	**VOTED**	**CLERK'S PAGE**
Ch. 184, Sec. 51 Acts & Resolves Of 2002 Amended by Ch. 59, Sec. 5 (41C)	Reducing the Requisite Age Eligibility	07/01/02	Voted	
Ch. 197, Sec. 7 Ch. 40A M.G.L.	Zoning Permits Land Transfer of Development Rights	08/03/02	Voted	
Ch. 44, Sec. 53E ½	Rescinding Order #4247 and Establishing a School Ice Rink Revolving Fund	4/1/02	Voted	Res. #4369
Ch. 59, Sec. 5(17D)	Establishing CPI Increase Exemption	4/16/02	Voted	Res. #4374
Ch. 116 of the Acts and Resolves of 2002	Accepting Early Retirement Incentive Program	7/23/02	Voted	Res. #4388
Ch. 60, Sec. 23B	Accepting Certificate of Liens Fee Schedule	8/5/02	Voted	Res. #4391
Ch. 471	Retirement Allowance	01/01/03	Voted	Res. #4401
Ch. 478	Firefighters- Maximum	01/01/03	Voted	Res.

	Age Requirement – Exemption			#
Ch. 503	Deputy Chief of Police	01/01/03	Voted	Res. #
Ch. 32B, Sec. 19	Accepting "Health Carriers. contracts, public employee committees; agreements with public authorities"	9/16/02	Voted	Res. #4406
Ch. 184, Sec. 51 of the Acts and Resolves of 2002	Adjusting Clause 41C of Sec.5 of Chapter 59 (age eligibility)	3/5/03	Voted	Res. #4436
Ch. 59, Sec. (17D)	Establishing CPI Increase Exemption	9/02/03	Voted	Res. #4463

CHAPTER- ACTS	**TITLE**	**DATE**	**VOTED**	**CLERK'S PAGE**
Ch. 32, Sec. 90C	Increasing Retirement Allowances	9/18/03	Voted	Res. #4467
Ch. 26, Sec. 116 of the Acts and Resolves of 2003	Providing Relief and Flexibility to Municipal Officials	10/20/03	Voted	Res. #4475
Ch. 46, Sec. 128 of the Acts and Resolves of 2003	Un-funded Pension Liability Deferral	12/01/03	Voted	Res. #4481
Ch. 90, Sec. 20A of the	Accepting Chapter 90 Parking Regulations Liability Deferral	04/05/04	Voted	Res. #4499
Ch. 40, Sec. 5G	Establishing a Municipal Waterways Improvement & Maintenance Fund	04/05/4	Voted	Res. #4500
Ch. 59, Sec. 2D	Rejecting the Provisions Of Chapter 59, Section 2D	05/03/04	Voted	Res. #4505
Ch. 151 Acts & Resolves of 2004	City Elections – Overseas Absentee Ballots – Validation	07/01/04	Voted	
Ch. 44, Sec. 53E ½	Re-Authorizing Schools	09/07/04	Voted	Res.

	Revolving Fund			#4520
Ch. 137 Acts and Resolves of 2003	Accepting Chapter 137	11/01/04	Voted	Res. #4527
Ch.	Establishing an Arlington Neighborhood Community Center Revolving Fund	11/01/4	Voted	Res. #4531
	Establishing an High School Study Committee	11/15/4	Voted	Res. #4532

CHAPTER- ACTS	**TITLE**	**DATE**	**VOTED**	**CLERK'S PAGE**
Ch. 123 Acts & Resolves of 2005	Carbon Monoxide Alarms And Smoke Detectors – Residential Building Installation	11/04/5	Voted	
	Resolution Submitting Home Rule Petition Purpose of Amending Chapter 94C, Section 32J (Drug sales in Parks)	09/06/05	Voted	Res. #4582
	Resolution for Indemnification of Public Officials	12/05/05	Voted	Res. #4598
	Resolution Submitting Home Rule Petition Purpose of Waiving Certain Provisions Matthew A. Kraunelis	12/05/05	Voted	Res. #4601
Ch. 44, Sec. 53E ½	Re-Authorizing Schools Revolving Fund	02/06/06	Voted	Res. #4604
	Resolution Submitting Home Rule Petition Purpose of Waiving Certain Provisions Sean W. Richards	03/06/06	Voted	Res. #4612

Ch. 157, Sec. 1 of the Acts and Resolves of 2006	Accepting Chapter 157 Section 1 Disability Retirement Benefits for Veterans	06/21/06	Voted	Res. #4624
Ch. 44, Sec. 31 "State of Emergency"	Accepting Chapter 44 Section 31 State Emergency by Governor – Liabilities In Excess of Appropriations Forbidden, Exceptions	05/22/06	Voted	Res. #4625
	Resolution Submitting Home Rule Petition Purpose of Waiving Certain Provisions Jeffrey L. Beohner John Zaccari	09/05/06	Voted	Res. #4644
Ch. 44, Sec. 53E ½	Re-Authorizing Schools Revolving Fund	10/05/06	Voted	Res. #4646
Ch. 55, Sec. 64 of the Acts and Resolves of 2006	Accepting Chapter 55 Section 64 Accidental Death Benefits Increase	10/18/06	Voted	Res. #4651
Ch. 79 Acts and Resolves of 2006	Accepting Chapter 79 Regulating Meetings of Municipal Boards Chapter 39, Section 23D	11/15/06	Voted	Res. #4656
Ch. 184, Sec. 51 Of the Acts & Resolves of 2002 Amended by Ch. 59, Sec. 55(41C)	Increase the Exemption Amount Under Clause 41C Senior Exemption Options	11/22/06	Voted	Res. #4664
Ch. 59, Sec. 5 Clause (17D)	Establishing the CPI Increase of an Exemption Under Clause 17D	01/03/07	Voted	Res. #4665

Ch. 59, Sec. 5L	Deferral of Taxes Due by Member of the National Guard Chapter 59, Section 5L	12/18/06	Voted	Res. #4667
	Resolution of Partial Waiver of Fees Chapter 8, Section 8-15	03/05/07	Voted	Res. #4678
	Resolution Providing Establishment of Certain Fees & Increase Existing Fees by Dept. Public Works	03/05/07	Voted	Res. #4681
	Resolution of Partial Waiver of Fees Chapter 14 & Chapter 15	04/02/07	Voted	Res. #4690
	Resolution Stating Opposition of the Methuen City Council to Repeal of Chapter 166A	04/17/07	Voted	Res. #4693
	Resolution of Partial Waiver of Fees Chapter 8, 14 & Chapter 15	04/02/07	Voted	Res. #4694
	Resolution City of Methuen Internet & Computer Policy	04/02/07	Voted	Res. #4714
Ch. 44, Sec. 53 E ½	Resolution Re-Authorization School Revolving Funds	09/04/07	Voted	Res. #4719
Ch. 54, Sec. 16A	Resolution Accepting Chapter 54, Section 16A	09/04/07	Voted	Res. #4721
Ch. 40 and 30B	Resolution Submitting Home Rule Petition Purpose of Waiving Certain Provisions Chapter 40 & 30B Waived Public Hearing	09/04/07	Voted	Res. #4722
Ch. 68 of the	An Act to Reduce The Stress	09/24/07	Voted	Res.

Acts of 2007	on Local Property Taxes Through Enhanced Pension Fund Investment Chapter 68			#4727
	Resolution Establishing Sewer / Water Task Force Committee	10/01/07	Voted	Res. #4735
Ch. 141	Resolution Submitting Home Rule Petition Purpose of Exempting the Position of Chief of Police In the City of Methuen	11/19/07	Voted	Res. #4744
	Resolution Providing Annual Performance Evaluation Dpt. Heads	11/19/07	Voted	Res. #4749
Ch. 59, Sec. 5 Clause 17D	Resolution Establishing the CPI Increase of an Exemption Chapter 59, Section 5	12/17/07	Voted	Res. #4756
Ch. 44, Sec. 53 E ½	Resolution Establishing School 21st Century Community Learning Centers School "E Rate" Revolving Fund	02/04/08	Voted	Res. #4767
	Resolution Establishing Sewer / Water Task Force Committee 2 Advisory Committee	02/04/07	Voted	Res. #4768
Ch. 40B	A Resolution Authorizing the Creation of a "Chapter 40B Audit Commission"	05/05/08	Voted	Res. #4785
Ch. 44, Sec. 53 E ½	Resolution Establishing School 21st Century Community Learning Centers School "E Rate"	06/16/08	Voted	Res. #4799

	Revolving Fund			
Ch. 44, Sec. 53 E ½	Resolution Re-Authorizing School Revolving Fund	08/04/08	Voted	Res. #4803
	Resolution Veterans for Preference for City Employment	09/04/08	Voted	Res. #4806
Ch. 43D Sec. 11 of Ch. 205 Acts of 2006	Resolution Authorizing Priority Development Site Designation	09/15/08	Voted	Res. #4823
	Resolution Increasing Tax Collector's Demand Fee from $5.00 to $25.00	11/17/08	Voted	Res. #4829
	Resolution Creation Committee to Study Consolidation Certain Functions City & School Dept.	11/17/08	Voted	Res. #4830
Ch. 43D Sec. 11 of Ch. 205 Acts of 2006	Resolution Authorizing Priority Development Site Designation	11/17/08	Voted	Res. #4833
	Resolution Providing for Submitting Home Rule Petition Purpose of Exempting the Karen Toto	11/17/08	Voted	Res. #4834
Ch. 59, Sec. 5 Clause 17D	Resolution Establishing the CPI Increase of an Exemption	12/09/08	Voted	Res. #4838
Ch. 44, Sec. 53 E ½	Resolution Re-Authorizing School Revolving Fund Other Student Activities	01/20/09	Voted	Res. #4848
Ch. 44, Sec. 31	Resolution Declaring An Emergency	01/20/09	Voted	Res. #4852

	Resolution Use of City Owned Facilities	02/02/09	Voted	Res. #4855
Ch. 53	Resolution Providing for Submitting Home Rule Petition Purpose of Waiving Certain Provisions	02/02/09	Voted	Res. #4856
	Resolution Notices Residents	03/03/09	Voted	Res. #4859
	Resolution Establishment Agricultural Water Rate	04/06/09	Voted	Res. #4863
Ch. 40 and 30B	Resolution Providing for Submitting Home Rule Petition Purpose of Waiving Certain Provisions Head Start	04/06/09	Voted	Res. #4864
Ch. 71 and 37M	Resolution Establishing A Committee to Determine Feasibility Joint Purchasing Department	02/02/09	Voted	Res. #4868
Ch. 40 and 30B	Resolution Providing for Submitting Home Rule Petition Purpose of Waiving Certain Provisions	06/23/09	Voted	Res. #4879
	Resolution Approving Establishment Stabilization Fund School Dept.	06/27/09	Voted	Res. #4883
	Resolution Approving Establishment Stabilization Fund Greater Lawrence Vocational School District	07/13/09	Voted	Res. #4886
	Resolution of Full Waiver of Fees Chapter 8	07/13/07	Voted	Res. #4890
Ch. 44, Sec. 53 E ½	Resolution Re-Authorizing School Revolving Fund	09/08/09	Voted	Res. #4896

Ch. 44	Resolution Providing for Submitting Home Rule Petition Purpose of Waiving Certain Provisions	11/16/09	Voted	Res. #4912
Ch. 59, Sec. 5 Clause 17D	Resolution Establishing the CPI Increase of an Exemption	12/07/09	Voted	Res. #4914
	Resolution Establishing Sub-Committee Study Feasibility 5% Meal Tax	01/19/10	Voted	Res. #4925
	Resolution Establishing Committee of the City Council known as Finance Committee	02/18/10	Voted	Res. #4931
	Resolution Establishing Ad Hoc Committee of the City Council known as Personnel Review Committee	04/05/10	Voted	Res. #4939
	Resolution Providing for Submitting Home Rule Petition Purpose of Waiving Certain Provisions Christopher J. Lane	06/07/10	Voted	Res. #4955
Ch. 44, Sec. 53 E ½	Resolution Re-Authorizing School Revolving Fund Other Student Activities	08/02/10	Voted	Res. #4965
Ch. 188, Sec. 66	Resolution Accepting Chapter 188 § 66 of the Acts of 2010 Municipal Early Retirement Incentive Program	09/20/10	Voted	Res. #4976
Ch. 32, Sec. 4 Ch.116, Sec. 6	Resolution Accepting Amendment to Military Service Credit Chapter 32 § 4 (1)(h) of the Acts of 2010	10/20/10 09/20/10	Voted	Res. #4973

	"An Act Providing for Local Government Workforce Reduction Through An Early Retirement Incentive Program for Certain Employees" Chapter 116, Section 6			
	Resolution Accepting Section 66 of Chapter 118 Of the Acts of 2010 Municipal Early Retirement Incentive Program	10/20/10	Voted	Res. #4976
Ch. 40 and 30B	Resolution Order Authorizing the Filing Home Rule	11/22/10	Voted	Res. #4987
	Resolution Adoption & Utilization of a Health Care Growth Index	11/22/10	Voted	Res. #4998
Ch. 63, Sec. 42B	Resolution Accepting Extension Manufacturing Limited Liability Companies Chapter 63, Section 42B	1/19/11	Voted	Res. #4999
Ch. 40 and 30B	Resolution Order Authorizing the Filing Home Rule Petition Under Chapter 40, Section 30B	11/22/10	Voted	Res. #5002
Ch. 188, Sec. 65 Of the Acts of 2010	Resolution Accepting Chapter 188, Section 65 Abandoned Property	04/19/11	Voted	Res. #5015
Ch. 44, Sec. 53 E ½	Resolution Re-Authorizing School Revolving Fund	09/22/11	Voted	Res. #5045
Ch. 40, Sec. 22F	Resolution Accepting Chapter 40, Sec. 22F An Act Authorizing License Fees & Service Charges	09/22/11	Voted	Res. #5046
	Resolution Building Task Force	01/17/12	Voted	Res. #5060

Ch. 188, Sec. 19	Resolution Accepting Chapter 188 § 19 of the Acts of 2010 An Act Relative to Municipal Relief	02/06/12	Voted	Res. #5066
Ch. 131, Sec. 27&28	Resolution Accepting Chapter 131 § 27&28 of the Acts of 2010 Supplemental Pension Allowance To Surviving Spouses of Disable Employees	02/06/12	Voted	Res. #5067
Ch. 176, Sec. 29&30	Resolution Accepting Chapter 176 § 29&30 of the Acts of 2011 Increasing Minimum Monthly Allowance in G.L. c. 32 Sec. 12	05/07/12	Voted	Res. #5075
Ch. 64L, Sec. 2 (a)	Resolution Accepting Chapter 64L, Sec. 2 (a) of the Acts of 2010 Order to Impose Local Option Meals Excise Tax in the City of Methuen	05/21/12	Voted	Res. #5079
Ch. 44, Sec. 53 E ½	Resolution Re-Authorizing School Revolving Fund	08/06/12	Voted	Res. #5086
	Resolution Providing for Continuation of Government In the Event the Mayor's Absence, Article 3, Section 3-7	09/22/11	Voted	Res. #5094
	Resolution Providing for Submitting Home Rule Petition Purpose of Waiving Certain Provisions Five Member Board of Health	11/05/12	Voted	Res. #5095A
Ch. 40 and 30B	Resolution Providing for Submitting Home Rule Petition Purpose of Waiving Certain Provisions David Eddy	11/19/12	Voted	Res. #5095 B
Ch. 40 and 30B	Resolution Providing for Submitting Home Rule	11/19/12	Voted	Res. #5105

	Petition Purpose of Waiving Certain Provisions Martin B. Parayno			
Ch. 44, Sec. 53 E ½	Resolution Re-Authorizing School Revolving Fund	09/03/13	Voted	Res. #5126
Ch. 32, Sec. 20A	Civil Action Against Board Member Expenses & Damages Indemnification	11/7/13	Voted	Res. #5130
	Resolution Providing Waiver Building Permit Fees St Lucy Rectory Modification Project	02/20/14	Voted	Res. #5151
	Resolution Establishing a Stadium Renovation/ Improvement Project Committee	04/22/14	Voted	Res. #5160
	Resolution Establishing a Methuen Public School Scholarship Trust Fund	04/22/14	Voted	Res. #5163
Ch. 44, Sec. 53 E ½	Resolution Re-Authorizing School Revolving Fund	08/04/14	Voted	Res. #5177
	Resolution Providing Waiver Building Permit Fees St Monica's Project 212 Lawrence Street	08/04/14	Voted	Res. #5180
	Resolution Providing Waiver Building Permit Fees The Clubhouse Nicholson Stadium	09/02/14	Voted	Res. #5196
	Resolution Providing Waiver Building Permit Fees St Ann's Home Construction Project 100A Haverhill Street	02/17/15	Voted	Res. #5221
	Resolution Providing Waiver Building Permit Fees Henry C. Nevins Home Renovations/Construction Project 10 Ingalls Court	02/17/15	Voted	Res. #5222

	Outside Section 260 Health Care Cost Net School Spending	2/17/15	Voted	Res. #5223
	Resolution Amending FY 2015 General Government Budget – DPW Personal Services Junior Custodian(s)	03/16/15	Voted	Res. #5225
	Resolution Amending Order #5222 Waiver Building Permit Fees Henry C. Nevins Home Renovations/Construction Project 10 Ingalls Court	04/21/15	Voted	Res. #5228
Ch. 40U	Allow the City of Methuen Impose Municipal Fines Chapter 40U			Res. #5234
	Resolution Providing Waiver Building Permit Fees Methuen Rail Trail Alliance	08/03/15	Voted	Res. #5241
Ch. 60A, Sec. 1	Resolution Accepting Chapter 60A, Section 1 Paragraph 8, Excise Tax Motor Vehicle Owned Registered Members Armed Force	08/03/15	Voted	Res. #5245
Ch. 32, Sec. 90A	Authorizing Increasing the Retirement Allowance Under Chapter 32, Section 90A	09/08/15	Voted	Res. #5246
Ch. 44, Sec. 53 E ½	Resolution Re-Authorizing School Revolving Fund	09/21/15	Voted	Res. #5251
Ch. 10, Sec. 58 Of the Acts 2015	Resolution Accepting the Snow/Ice Authorizing Schedule Chapter 10, Section 58 of the Acts of 2015	09/21/15	Voted	Res. #5255
Ch. 60A, Sec. 1	Resolution Amending Order #5245	10/03/16	Voted	Res. #5…

	Chapter 60A, Section 1 Paragraph 8, Excise Tax Motor Vehicle Owned Registered Active Members Armed Force			
Ch. 40, Sec. 57 Sub-Secs. 33-34	Resolution Accepting Chapter 40, Section 57 Sub-Sections 33 and 34	12/21/16	Voted	Res. #5325
Ch. 41, Sec. 53	Chapter 41, Section 53 Of the Act to Modernize Municipal Of the Acts Finance and Government			

CHAPTER- ACTS	**TITLE**	**DATE**	**VOTED**	**CLERK'S PAGE**

APPENDIX II-A - SPECIAL LAWS RELATIVE TO METHUEN

YEAR	CHAPTER	ITEM
1725	12	An act for dividing the Town of Haverhill and erecting a new town there, and in parts adjacent, by the name of Methuen.
1726	9	An act for apportioning and assessing a tax of twenty thousand pounds.
1727	19	An act for apportioning and assessing a tax of six thousand pounds.
1728	17	An act for raising and settling a public revenue.
1729	14	An act for apportioning and assessing a tax of eight thousand pounds.
1729-30	4	An act for apportioning and assessing a tax of eight thousand two hundred eighty pounds.
1730	7	An act for apportioning and assessing a tax of eight thousand pounds and for assessing a penalty for not sending a representative as is required by law.
1731-32	4	An act for apportioning and assessing a tax of six thousand eight hundred eighteen pounds.
1732-33	5	An act for apportioning and assessing a tax of eight thousand seven hundred sixteen shillings.
1733-34	3	An Act for apportioning and assessing a tax of seven thousand nine hundred eighty-seven pounds, sixteen shillings.
1734-35	13	An act for apportioning and assessing a tax of six thousand fifteen pounds, twelve shillings.
1735-36	13	An Act for apportioning and assessing a tax of thirty thousand ninety-nine pounds, fourteen shillings, three pence.
1736-37	7	An act for apportioning and assessing a tax of twenty-nine thousand nine hundred fifty-three pounds, seven shillings, six pence.
1736-37	8	An act for supplying the treasury with the sum of eighteen thousand pounds in bills of credit.

YEAR	CHAPTER	ITEM
1737-38	5	An act for supplying the treasury with the sum the sum of twenty thousand pounds in bills of credit.
1737-38	14	An act for apportioning and assessing a tax of forty-four thousand nine hundred thirty pounds, one shilling, three pence.
1737-38	15	An act for supplying the treasury with the sum of six thousand pounds in bills of credit.
1738	1	An act for supplying the treasury with the sum of six thousand pounds in bills of credit.
1738-39	13	An act for apportioning and assessing a tax of thirteen thousand pounds in bills of credit.
1740-41	8	An act for apportioning and assessing a tax of twenty-four thousand pounds in bills of credit.
1750-51	12	Order remitting to the Town of Methuen the fine for not sending a representative.
1751-52	135	Order accepting the report of the committee on the petition of the first parish of Methuen.
1756-57	159	Vote for the removal of French inhabitants from Gloucester to Wenham and Methuen.
1759-60 to	347	Order empowering John Muir and family to move from Methuen Gloucester.
1775-76	896	Resolve granting sixteen pounds, two shillings, four pence for provisions supplied to the Army.
1777-78	635	Resolve on the petition of the inhabitants of Methuen that they be set off from paying to the support of Reverend Sergeant.
1778-79	26	Setting off a number of inhabitants of Town of Methuen in the County of Essex into a separate parish.
1779-80	75	Resolves for raising two thousand men to reinforce the continental army by draft, lot or voluntary enlistment with an additional bounty of one hundred acres of land (eight men from Methuen).

1779-80 the	138	Resolve for procuring shirts, shoes, etc. from the inhabitants for army.
YEAR	**CHAPTER**	**ITEM**
1780	11	Resolves for raising three thousand nine hundred thirty-four six months' men for reinforcing the continental army (seventeen men from Methuen).
1780	103	Resolves for raising four thousand seven hundred twenty-six three months' men for the continental army and for forming a brigade under Gen. Fellows (twenty men from Methuen).
1780	121	Resolve for procuring one thousand twenty horses for the continental army by purchase or hire (four horses from Methuen).
1780	205	Resolves requiring the inhabitants of several towns to furnish cattle for the continental army (eight thousand seven hundred eighty pounds of beef from Methuen).
1789	40	In addition to and for the explanation of an act passed in 1779 entitled "setting off a number of inhabitants of Town of Methuen in the county of Essex into a separate parish
1790	App. 4	An act in addition to "An act for setting off a number of the inhabitants of the Town of Methuen into a separate parish."
		An act to set off John Tippet from the second to the first parish in Methuen.
1791	2	An act to set off John Ladd from the first to the second parish in Methuen.
1792	63	Incorporating certain persons for purpose of building a bridge over Merrimack river between Andover and Methuen
1854	224	An act to set off a part of the Town of Methuen and annex the same to the City of Lawrence.
1877	25	An act to confirm certain acts of the Town of Methuen (re: celebration of Town's 150th anniversary).
1885	47	An act to incorporate the Nevins Memorial in the Town of Methuen (library corp.).
1889	306	An act to exempt certain property of the First Baptist Society in Methuen from taxation.

1891	331	An act to supply the Town of Methuen with water.
1892	218	An act to incorporate the Lowell, Lawrence Haverhill Street Railway Co. and to allow it to lay rail in Methuen.
YEAR	**CHAPTER**	**ITEM**
1892	375	An act to repeal Chapter 331, Act of 1891, entitled "An act to supply the Town of Methuen with water".
1894	194	An act to authorize the Town of Methuen to make an additional water loan.
1895	395	An act to authorize the Town of Methuen to make an additional water loan.
1897	255	An act to authorize the Town of Methuen to make an additional water loan.
1900	227	An act to authorize the Town of Methuen to make an additional water loan.
1902	222	An act to authorize the Town of Methuen to pay sum of money to the father or guardian of Ernest H. Gaunt.
1902	502	An act to authorize the Rockingham County Light & Power Company to furnish electricity at the state line to certain street railway companies.
1903	218	An act to authorize the Town of Methuen to elect a Board of Public Works to have control of its water works, sewer system and public lighting.
1905	389	An act to provide an increased water supply for the City of Lawrence (and to allow it to sell to sell water to Methuen).
1906	331	An act to incorporate the Henry C. Nevins Home for the Aged and Incurable.
1908	415	An act to authorize the Town of Methuen to borrow money for water supply purposes.
1909	176	An act relative to the Methuen Water Co.
1909	427	An act to authorize the Town of Methuen to make an additional water loan.

1910	418	An act to authorize the Town of Methuen to make an additional water loan.
1911	Res. 106	Plans and estimates for proposed highway from Lawrence to Methuen

YEAR	**CHAPTER**	**ITEM**
1911	50	An act to authorize the transfer of the property of the Walnut Grove Cemetery, an association, to the Walnut Grove Cemetery, Inc.
1912	591	An act to provide for the construction of highway along the Merrimack River from Lawrence to Methuen.
1913	712	An act to provide for the completion of a state highway in the towns of Dracut and Methuen.
1914	532	Methuen made part of Lawrence District Court.
1915	269	An act to authorize the Town of Methuen to pay a sum of money to Jeanette Pollard.
1916	203	An act to provide further for the improvement by the Mass. Highway Commission of a state highway in the Towns of Dracut and Methuen.
1916	116	Representative town meeting.
1917	316	An act to contract with Salem, NH for sale, use and conveyance of water.
1917	289	Incorporated as a city.
1921	435	Repeal of incorporation of a city.
1921	240	Act to extend revenue loans.
1921	241	Representative town meeting.
1921	19 (see Also Ch.1)	Act authorizing call of town meeting.
1921	244	Authorizing town to incur indebtedness for school purposes.
1922	364	Establishing salary of trial justice in Methuen.

1922	546	Appropriation to investigate needs for water supply in Methuen by D.P.H.
1922	Res. 53	Investigation of water supply in Methuen.
1923	260	Authorizing town to incur indebtedness for school purposes.

YEAR	**CHAPTER**	**ITEM**
1923	494	Appropriation for investigation of sewerage in Merrimack River.
1923	Res. 49	Investigation of sewerage in Merrimack River D.P.H.
1924	229	Abolition of district court sessions in Methuen and transfer to District Court of Lawrence.
1924	Res.61	Investigation of new water supply in Methuen
1925	70	Establishment of reserve police force.
1925	Res. 28	Further investigation as to water supply.
1926	49	Placing of Albert Slack, Clerk to Board of Selectmen, under Civil Service.
1927	343	Appropriation for investigation of water supply.
1927	Res.30,31	Investigation of water supply.
1929	324	Water supply, additional for and improvement of its water systems.
1930	261	Annexation of part of Methuen to Lawrence.
1930	194	Town Hall, remodeling of, borrowing of money for.
1931	Res. 32	Investigation of construction of state highway in Methuen.
1931	460	Appropriation for investigation of new state highway in Methuen.
1934	200	Borrowing of money by the Town of Methuen for water supply uses.
1934	76	Janitors of municipal buildings subject to Civil Service.
1935	446	Methuen included in Merrimack River Valley Sewerage District.
1936	420	Same as 1935, Chapter 446.

1936	87	Certain officers of town to be town meeting members.
1937	Res. 24	State highway improvements, investigation of.
1937	Res. 60	Providing for investigation and study by special commission relative to certain problems in Merrimack Valley.

YEAR	**CHAPTER**	**ITEM**
1939	103	Establishment authorized for reserve force in fire department.
1940-41		Missing.
1944		Missing.
1945	187	Authorizing payment of wages due from 1942 to certain employees.
1945	201	Permanent intermittent police force, establishment.
1946	332	Annexation to, of part of City of Lawrence, authorized.
1947	653	Methuen, included in Merrimack River Valley Sewerage District.
1950	577	Pensions payable to certain former public employees.
1950	451	Borrowing of money for school purposes.
1953 and	178	Authorizing cemetery commissioner of Methuen to appropriate dedicate to the public use a portion of cemetery land a/k/a "Daddy Frye's Cemetery".
1953	318	Authorizing town to pay money to Roland Robinson.
1953	394	Authorizing town to pay a sum of money to Harry Noorigian.
1953	554	Transfer of powers and duties of park commissioners to tree warden.
1955	Res. 105	Study by state D.P.W. relative to draining and filling of Mystic Pond.
1957 police	306	Authorizing payment of death benefits to retired members of department.

1959	191	Payment of retirement benefits to Methuen firefighters.
1959	10	Authorizing submission of question on new junior high school to voters.
1960	330	Formation of regional school district(vocational).
1960	377	Contract for water supply from Lawrence extended.
1961	88	Lawrence and Methuen Incinerator, authority created.
YEAR	**CHAPTER**	**ITEM**
1961	274	Formation of regional school district(vocational).
1962	199	Authorizing issuance of all alcoholic beverages license to #4027 Knights of Columbus.
1964	36	Validation of regional school district (vocational).
1964	29	Authorizing establishment of selectmen/town manager plan.
1965	651	Payment of Money to Mae E. Press.
1966	333	Supervision of Hillside Manor, Civil Service status.
1967	712	Authorizing establishment of City of Methuen
1967	845	Corrective changes to Acts and Resolves 1967 Section 712.
1968	160	Norman McLeod interchange designated.
1968	57	Tree warden and moth superintendent offices merged.
1969	265	Commissioner of veterans affairs placed under Civil Service.
1969	352	Authorizing sum of money to be paid to Joseph Laorenza.
1969	605	Payment of money for overtime work of school custodians.
1970	358	Office of Town engineer exempted from Civil Service.
1971	589	Chief of Police made appointing authority, ballot question.
1971	45	James Stanley overpass designated.
1972	39	William A. Dickinson area designated.

1973	419	Chief of Police exempt from Civil Service, authorized.
1973	Res. 24	State D.P.W. investigation relative to construction of bridge.
1973	420	Authorizing exemption of town accountant from Civil Service.
1974	377	Study of economics and environmental impact of oil refinery.
1974	384	Authorizing payment of certain unpaid bills.
1975	13	Authorizing payment of money to John and Marilyn Mugavaro.
YEAR	**CHAPTER**	**ITEM**
1975	6	Authorizing payment of money to Carl Reuter.
1976	383	Authorizing town to sell certain park land to Malden Mills.
1977	532	Drawing of water from Merrimack River by town authorized.
1977	Res. 27	Problems in Spicket River to be studied.
1977	12	Authorizing payment of certain unpaid bills.
1978	309	Facilities engineer in school department exempt from Civil Service.
1978	550	Establishment of Community Development Department.
1979	Res. 15	Study of Flooding – Merrimack River
1979	785	Authorizing Methuen to acquire land in Lawrence and lay sewerage mains on such and to connect with sewerage disposal system of Lawrence
1981	151	Bond anticipation notes
1981	334	Civil Service Exemptions - Assessors, Accounting, Town Clerk and Solicitor's Department
1981	589	John F. Kiley, Payment for Necropsy on son
1982	606	Tenney Estate Land - Acquisition
1983	528	Merrimack River Flooding - Disaster Relief
1983	616	Tenney Estate Land - Acquisition

1984	4	Authorizing Lease of Corliss School
1984	61	Abatements from flood of Merrimack River
1985	106	Sale of water supply - Merrimack River
1985	182	Town Solicitor - Hiring
1986	88	Number of Precincts increased in the Town of Methuen from nine to twelve
1986	257	Felix Victor Bezeredy - Civil Service appointment
YEAR	**CHAPTER**	**ITEM**
1986	488	Antonio Franciosa Memorial Bridge
1987	30	Representative Nicholas J. Buglione Bridge
1987	358	Insurance Benefits - Local 122, Federation of State, City and Town Employees
1988	266	Rocco J. Bonanno Sr. Memorial Bridge
1989	185	Easement to Development & Marketing Group
1989	537	Civil Service Exemption - School Business Manager and Supervisor of Attendance
1989	539	Methuen Sewer and Water Commission
1990	161	Amending Chapter 550 of 1978 – Community Development Board Size
1990	194	Authorizing Conveyance of Land – Methuen Youth Center
1990	205	Amending Chapter 539 of 1989 - Sewer and Water Commission Size
1990	349	Park & Ride Facility - Pelham Street
1991	184	Charter Amendment to Provide for Earlier Preliminary Elections (Defeated by Voters November 1991)
1991	324	Firefighters' Memorial Bridge
1991	361	Easements to Tennessee Gas Pipeline Co.

1992	29	Honorable Frank S. Giles Memorial Bridge
1992	113	Civil Service Exemption – Executive Director of Council on Aging
1992	213	Validating Contract of the Town – Watertown Engineering Corp.
1992	277	Commission on Disability - Alternate Members
1992	332	Election of Mayor and Term Limitations of Town Councillors
1993	95	Methuen Housing Authority - Election of Members and Term Limitations

YEAR	**CHAPTER**	**ITEM**
1993	104	Authorizing the Town to Grant a Lease with an Option to Purchase a Certain Parcel of Land - Burnham Road (Methuen Youth Center)
1993	197	Police Department - Seniority of David San Antonio and Timothy Henrick
1993	372	Public Health Director - Civil Service Exemption
1993	373	Providing for Alternate Members on the Conservation Commission
1993	378	Authorizing Alternate Members for the Historical Commission
1993	463	Fire Station Repairs - John Jennings, Inc.
1994	61	Authorizing Town to Convey Certain Land to the Methuen Housing Authority
1994	229	Robert Monahan Retirement
1994	313	Payment by the Methuen Firefighters' Relief Association, Inc. of Certain Retirement Benefits
1995	141	Validating D & K Realty Trust Lease
1996	76	Methuen Support Staff Employees Unit, Local 3699, AFSCME – Article 9, Section 9-10 of the Methuen Home Rule Charter (Disciplinary Procedure)
1996	145	Town Council Employees – Appointment Date

1996	148	Authority of the Mayor
1996	274	Authorizing the Town of Methuen to Guaranty a Borrowing by the Nevins Memorial Library
1996	322	Authorizing the Town of Methuen to Convey Certain Land to Malden Mills Industries, Inc.
1997	89	Timothy Henrick Retirement and Pension
1997	130	Malden Mills Land Conveyance
1997	213	Greater Lawrence Sanitary District biosolid processing facility

YEAR	**CHAPTER**	**ITEM**
1998	37	Increased Retirement Allowances for Former Employees - Non-Contributory Retirement System
1998	39	Billy Perry's Spouse's Accidental Death Benefit, Pension and Adjustment
1998	400	Act Providing for Associate Members of the Youth Commission in the City Known as the Town of Methuen
1999	82	Act Providing for Term Limits for Elected Officials in the City Known as the Town of Methuen (Adopted by the Voters November 2nd, 1999)
2000	223	An Act Authorizing the City Known as the Town of Methuen to grant Certain Easements
2000	293	An Act Designating State Highway Route 213 as the Loop Connector
2001	142	An Act Authorizing the City Known as the Town of Methuen to Enter into a Lease Agreement With Dispatch Communications
2002	41	An Act Protecting the Privacy of Elderly Persons
2002	42	An Act Exempting Herbert Stacey and Timothy Getchell From the Maximum Age Requirements as a Police Officer in the City of Methuen
2002	157	An Act Relative to Assistance Clerks in Certain Towns

2002	173	An Act Relative to a Certain Lease Agreement of the City known as the Town of Methuen
2002	184	An Act Making Appropriation for the Fiscal Year 2003 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements
2002	197	An Act Facilitating the Use of Land Transfer of Development Rights
2002	471	An Act Relative to the Retirement Allowance of David San Antonio

YEAR	**CHAPTER**	**ITEM**
2002		An Act Authorizing the City of Methuen to Pay Certain Employees Thereof Wages Due them For the Fiscal Year 2001
2002	478	An Act Exempting David Lahey and Steven M. Moriarty From The Maximum Age Requirement as Firefighters in the City of Methuen
2002	503	An Act Exempting the Position of Deputy Chief of Police in the City of Methuen from the Civil Service Laws
2003	60	Designating a Certain Bridge in the City Known as the Town of Methuen as the Patriots' Bridge
2003	46	An Act Providing Relief and Flexibility to Municipal Officials Early Retirement Incentive
2003	115	Authorizing the City of Methuen to Pay Certain Moral Obligations
2004	61	Relative to Certain Housing in the City Known as the Town of Methuen, Ashford School Property
2004	80	Designating a Certain Bridge in the City Known as the Town of Methuen as the Joseph S. Franciosa Bridge
2004	164	An Act Increasing the Number of the Permanent Intermittent Police Force in the City of Methuen
2004	151	An Act Regulating Late Counting of Certain Overseas Absentee Ballots in City Elections

2005		An Act for the Purpose of Amending Chapter 94C, Section 32J Drug Sales in Parks
2005	72	An Act Canceling the Preliminary Election in the City of Methuen
2005	123	An Act Relative to the Installation of Carbon Monoxide Alarms and Smoke Detectors in Residential Buildings
2006	3	An Act Authorizing the Appointment of Mathew A. Kraunelis to the Position of Chief of Staff to the Mayor of the City of Methuen
2006	60	An Act Providing for Alternate Members on the Community Development Board of the City of Methuen
2006	79	An Act Further Regulating Meetings of Municipal Boards

YEAR	**CHAPTER**	**ITEM**
2006	218	An Act Exempting Sean W. Richards from the Maximum Age Requirement for Appointment as a Police Officer in the City of Methuen
2006	400	An Act Authorizing Jeffrey C. Beohner and John Zaccari from the Maximum Age Requirement for Applying for Civil Service Appointment as a Police Officer in the City of Methuen
2007		An Act Providing for the Deferral of Taxes Due by Member of the Mass. National Guard While on Active Duty Outside the Commonwealth
2008	123	An Act Authorizing the City of Methuen to Lease a Portion of a Certain Building to the Methuen Municipal Employees Federal Credit Union
2008	141	An Act Exempting the Position of Chief of Police in the city known as the Town of Methuen from the Civil Service Law.
2012	455	An Act Establishing a 5-Member Board of Health in the City of Methuen.

APPENDIX III AMENDMENTS TO 1973 ORDINANCES

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
1	Enacting Clause	Adopted	Chapter A
2	Council Meetings (summer months)	Adopted	Chapter 2 Sec. 2-1
3	Building Moratorium	Adopted	
4	Zoning By-Law Amendment	Adopted	Revised
5	Assessors' Term	Adopted	
6	Oak Street - Dead-Ending	Adopted	Repealed
7	Milk Street - Dead-Ending	Adopted	Repealed
8	Swimming Pool Fences	Adopted	Chapter 9 Sec. 9-74
9	Motor Boat Engines	See Ord. #19	
10	Personnel By-Law Amendment	Adopted	Chapter 6
11	Zoning By-Law Amendment	Defeated	
12	Public Drinking	Adopted	Chapter 9 Sec. 9-33
13	Inspection of Rental Units	Defeated	
14	Hitchhiking Prohibited	Adopted	Chapter 9 Sec. 9-34
15	Rubbish Storage	Adopted	Chapter 9 Sec. 9-75
16	Soliciting Business	Adopted	Chapter 9 Sec. 9-35
17	Loafing and Loitering	Adopted	Chapter 9 Sec. 9-36

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
18	Personnel By-Law Amendment	Adopted	Chapter 6
19	Internal Combustion Engines	Adopted	Chapter 9 Sec. 9-22
20	Zoning By-Law Amendment	Adopted	Chapter 11
21	Zoning By-Law Amendment	Adopted	Chapter 11
22	Personnel By-Law Amendment	Adopted	Chapter 6
23	Personnel By-Law Amendment	Adopted	Chapter 6
24	Personnel By-Law Amendment	Adopted	Chapter 6
25	Personnel By-Law Amendment	Adopted	Chapter 6
26	Personnel By-Law Amendment	Adopted	Chapter 6
27	Air-Tight Containers	Adopted	Chapter 9, Sec. 9-84
28	Solicitor's Term	Adopted	Chapter 3, Sec. 3-6
29	Personnel By-Law Amendment	Adopted	Chapter 6
30	Dog Leashing – Fine	Adopted	Chapter 9, Sec. 9-12
31	Fire Prevention Code	Adopted	Chapter 9, Sec. 9-83
32	Personnel By-Law Amendment	Adopted	Chapter 6
33	Personnel By-Law Amendment	Adopted	Chapter 6
34	Personnel By-Law Amendment	Adopted	Chapter 6
35	Personnel By-Law Amendment	Adopted	Chapter 6
36	Personnel By-Law Amendment	Adopted	Chapter 6

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
37	Personnel By-Law Amendment	Adopted	Chapter 6
38	Peeping Tom	Adopted	Chapter 9, Sec. 9-38
39	Water Main Extensions	Adopted	Chapter15, Sec. 15-10
40	Excavation of Public Streets	Adopted	Chapter16, Sec. 16-9
41	Zoning By-Law Amendment	Adopted	Chapter 11
42	Towing Vehicles – Snow Emergency	Adopted	Chapter 9, Sec. 9-53
43	Personnel By-Law Amendment	Adopted	Chapter 6
44	Personnel By-Law Amendment	Adopted	Chapter 6
45	Personnel By-Law Amendment	Adopted	Chapter 6
46	Sewer User Charges	Adopted	Chapter14, Sec. 14-10
47	Zoning By-Law Amendment	Adopted	Chapter 11
48	Zoning By-Law Amendment	Adopted	Chapter 11
49	Soil Removal Ordinance	Adopted	Chapter 19
50	Sewer User Charges Amendment	Adopted	Chapter 14 Sec. 14-7
51	Sale of Surplus Property	Adopted	Chapter 9, Sec. 9-30
52	Repeal of Ordinances #6 and #7	Adopted	
53	Zoning By-Law Amendment	Adopted	Chapter 11 Sec. 9-23

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
54	Dump - Permits and Charges	Adopted	Chapter 9,
55	Personnel By-Law Amendment	Adopted	Chapter 6
56	Sewer User Charges Amendment	Adopted	Chapter 14 Sec. 14-7
57	Dump - Permits and Charges	Adopted	Chapter 9, Sec. 9-23
58	Personnel By-Law Amendment	Adopted	Chapter 6
59	Personnel By-Law Amendment	Adopted	Chapter 6
60	Personnel By-Law Amendment	Adopted	Chapter 6
61	Personnel By-Law Amendment	Adopted	Chapter 6
62	Personnel By-Law Amendment	Adopted	Chapter 6
63	Council on Aging, Term	Adopted	Chapter 3, Sec. 3-30
64	Community Development Department	Adopted	Chapter 3, Sec. 3-11
65	Personnel By-Law Amendment	Adopted	Chapter 6
66	Community Development Department Amendment	Adopted	Chapter 3, Sec. 3-11
67	Building, Planning and Construction Committee	Adopted	Chapter 3, Sec. 3-11 (E)3
68	Cultural Affairs Commission	Adopted	Chapter 3, Sec. 3-29
69	Sidewalks	Adopted	Chapter 9,

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
70	Personnel By-Law Amendment	Adopted	Chapter 6
71	Personnel By-Law Amendment	Adopted	Chapter 6
72	Personnel By-Law Amendment	Adopted	Chapter 6
73	Zoning By-Law	Adopted	Chapter 11
74	Personnel By-Law Amendment	Adopted	Chapter 6
75	Zoning By-Law Amendment	Adopted	Chapter 11
76	Zoning By-Law Amendment	Adopted	Chapter 11
77	Certificate of Occupancy	Adopted	Chapter 10 Sec. 10-10
78	Personnel By-Law Amendment	Adopted	Chapter 6
79	Zoning By-Law Amendment	Adopted	Chapter 11
80	Zoning By-Law Amendment	Adopted	Chapter 11
81	Zoning By-Law Amendment	Adopted	Chapter 11
82	Common Nuisance	Adopted	Chapter 9, Sec. 9-37
83	Personnel By-Law Amendment	Adopted	Chapter 6
84	Zoning By-Law Amendment	Adopted	Chapter 11
85	Zoning By-Law Amendment	Adopted	Chapter 11
86	Personnel By-Law Amendment	Adopted	Chapter 6
87	Personnel By-Law Amendment	Adopted	Chapter 6

88	Personnel By-Law Amendment	Adopted	Chapter 6

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
89	Personnel By-Law Amendment	Adopted	Chapter 6
90	Personnel By-Law Amendment	Adopted	Chapter 6
91	Personnel By-Law Amendment	Adopted	Chapter 6
92	Personnel By-Law Amendment	Adopted	Chapter 6
93	Personnel By-Law Amendment	Adopted	Chapter 6
94	Personnel By-Law Amendment	Adopted	Chapter 6
95	Personnel By-Law Amendment	Adopted	Chapter 6
96	Sewer User Charges Amendment	Adopted	Chapter 14 Sec. 14-7
97	Personnel By-Law Amendment	Adopted	Chapter 6
98	Personnel By-Law Amendment	Adopted	Chapter 6
99	Personnel By-Law Amendment	Adopted	Chapter 6
100	Personnel By-Law Amendment	Adopted	Chapter 6
101	Personnel By-Law Amendment	Adopted	Chapter 6
102	Zoning By-Law Amendment (“DeLucia” Farm)	Adopted	Chapter 11
103	Handicapped Parking	Adopted	Chapter 9, Sec. 55
104	Personnel Amendment, Wage & Salary Classification Plan	Adopted	Chapter 6
105	Personnel Amendment, Wage & Salary Classification Plan	Adopted	Chapter 6

106	Personnel Amendment (Academic Credits - Fire Chief)	Adopted	Chapter 6

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
107	Amending Handicapped Parking	Adopted	Chapter 9, Sec. 9-55
108	Personnel Amendment (Ass't Supt. – DPW) .	Adopted	Chapter 6
109	Personnel Amendment, Wage & Salary Classification Plan (Police Matron)	Adopted	Chapter 6
110	Zoning By-Law Amendment (Map)	Adopted	Chapter 11
111	Personnel Amendment (City Accountant)	Adopted	Chapter 6
112	Personnel Amendment, Wage & Salary Classification Plan (Supt. of Highways and Environmental Management)	Adopted	Chapter 6
113	Personnel Amendment (Supt. Water Div., Highways and Environmental Management)	Adopted	Chapter 6
114	Repair of Vehicles on Public Ways	Adopted	Chapter 9, Sec. 9-56
115	Methuen Arts & Cultural Affairs Council	Adopted	Chapter 3, Sec. 3-29
116	Repeal of Ord. #68 (Creating Cultural Affairs Commission)	Adopted	
117	Zoning Amendment (Piggeries)	Adopted	Chapter 11
118	Zoning Amendment (Day Care)	Adopted	Chapter 11
119	Personnel Amendment, Wage & Salary Classification Plan	Adopted	Chapter 6

120	Personnel Amendment, Wage & Salary Classification Plan	Adopted	Chapter 6
121	Prohibiting Improper Use of Fire Hydrants	Adopted	Chapter 9, Sec. 9-57
122	Personnel Amendment, Wage & Salary Classification Plan (Water Registrar)	Adopted	Chapter 6

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
123	Automatic Amusement Device License Fee	Adopted	Chapter 8, Sec. 8-5
124	Personnel Amendment, Wage & Salary Classification Plan (C.O.L.)	Adopted	Chapter 6
125	Personnel Amendment, Wage & Salary Classification Plan (Accountant and Council Clerk)	Adopted	Chapter 6
126	Personnel Amendment, Repealing Ord. #99, 100, 101 and 111 (Accountant and Council Clerk)	Adopted	
127	Security Alarm Systems	Adopted	Chapter 9, Sec. 9-85
128	Sale of Real Property	Adopted	Chapter 20 Art. II
129	Amendment to Ord. #127, Security Alarm Systems	Adopted	Chapter 9, Sec. 9-85
130	Personnel Amendment	Adopted	Chapter 6
131	Zoning Amendment (Map)	Adopted	Chapter 11
132	Personnel Amendment, Wage & Salary Classification Plan (Assistant to the City Manager)	Adopted	Chapter 6
133	Zoning Amendment (Map)	Adopted	Chapter 11
134	Regulating Flea Markets	Adopted	Chapter 13 Sec. 13-30
135	Adult Zoning	Adopted	Chapter 11

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
136	Fair Housing	Adopted	Chapter 21
137	Personnel Amendment, Wage & Salary Classification Plan	Adopted	Chapter 6
138	Personnel Amendment (Ord. #78 – Vacation Buy-Back and Career Incentive)	Adopted	Chapter 6, Sec. 6-12A Sec. 6-22
139	Personnel Amendment, Wage & Salary Classification Plan (Highway and Sewer System Foreman)	Adopted	Chapter 6
140	City Council Salary	Adopted	None
141	Recodification	Adopted	New Code
142	Personnel Amendment	Adopted	Chapter 6

APPENDIX IV - AMENDMENTS TO 1983 CODE

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
143	City Property Admission – Residence	Adopted	Chapter 18 Sec. 18-12
144	Vacation Buy-Back	Adopted	Chapter 6, Sec. 6-12A
145	Wage and Salary Classification Plan	Adopted	Chapter 6, Sec. 6-5
146	Fees - Building, Plumbing & Licensing	Adopted	Chapter 8, Sec. 2, Sec. 4, Sec. 5
147	Overtime Compensation	Adopted	Chapter 6, Sec. 6-10
148	Negligent or Intentional Use of Fire	Adopted	Chapter 9, Sec. 9-86
149	Forest Lake Outlet	Adopted	Chapter 9, Sec. 9-87
150	Authorizing Sale of Searles School	Adopted	Special
151	Creating Handicapped Commission	Adopted	Chapter 3, Sec. 3-31
152	Wage & Salary Classification Plan	Adopted	Chapter 6, Sec. 6-5
153	Zoning Map Amendment	Adopted	Chapter 11
154	Alcohol on Public Property	Adopted	Chapter 9, Sec. 9-39
155	Amending Ordinance #150 (Sale of Searles School)	Adopted	Special

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
156	Zoning Map Amendment	Adopted	Chapter 11
157	Personnel Ordinance – Assessor	Adopted	Chapter 6, Sec. 6-5
158	Personnel Ordinance - Clerk (ZBA)	Adopted	Chapter 6, Sec. 6-5
159	Personnel Ordinance – Police Matron	Adopted	Chapter 6, Sec. 6-5
160	Personnel Ordinance – Lifeguard	Adopted	Chapter 6, Sec. 6-5
161	Amending Ordinance #151 (Handicapped Commission)	Adopted	Chapter 3, Sec. 3-31
162	Personnel Ordinance – Foreman	Adopted	Chapter 6, Sec. 6-5
163	Amending Ordinance #154 (Alcohol on Public Property)	Adopted	Chapter 9, Sec. 9-39
164	Personnel Ordinance – City Clerk	Adopted	Chapter 6, Sec. 6-5
165	Transfer of Land – MHA	Adopted	Special
166	Amending Ordinance #155 (Sale of Searles School)	Adopted	Special
167	Amending Ordinance #150 (Sale of Searles School)	Adopted	Special
168	Zoning Map Amendment	Adopted	Chapter 11
169	City Council Salary	Adopted	Chapter 2, Sec. 2-20
170	Handicapped Parking (Amendment)	Adopted	Chapter 9, Sec. 9-55

171	Personnel Ordinance -Clerk Stenographer	Adopted	Chapter 6, Sec. 6-5

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
172	Personnel Ordinance -Middle Management	Adopted	Chapter 6, Sec. 6-5, 6-11, 6-12B;6-14
173	Personnel Ordinance – Foreman	Adopted	Chapter 6, Sec. 6-5
174	Personnel Ordinance – Custodian	Adopted	Chapter 6, Sec. 6-5
175	Personnel Ordinance -Council Employees	Adopted	Chapter 6, Sec. 6-5; 6-11; 6-22
176	Amending Chapter 19, Section II, Paragraph A (Soil Removal)	Adopted	Chapter 19 Sec. II, Para. A
177	Academic Credits – Fire Chief	Adopted	Chapter 6, Sec. 6-22-A
178	Amending Ordinance #167 (Sale of Searles School)	Adopted	Special
179	Personnel Ordinance – Department Heads	Adopted	Chapter 6, Sec. 6-5;6-11; 6-13(k);6-14; 6-22
180	Personnel Ordinance -Part-Time Employees	Adopted	Chapter 6, Sec. 6-5
181	Amending Ordinance #169 (Council Salary)	Adopted, Subject to Voter Approval	Chapter 2, Sec. 2-20
182	Amending Ordinance #132 (Assistant to City Manager)	Adopted	Chapter 6, Sec. 6-5

183	Personnel Ordinance – Council Employees	Adopted	Chapter 6, Sec. 6-5

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
184	Zoning Map Amendment	Adopted	Chapter 11
185	Personnel Ordinance – Assessors Clerk	Adopted	Chapter 6, Sec. 6-5
186	Personnel Ordinance – Executive Secretary	Adopted	Chapter 6, Sec. 6-5
187	Boards and Commissions Cost Reimbursement	Adopted	Chapter 3, Sec. 3-50
188	Amending Chapter 16 (Streets, Highways, Sidewalks and Bridges)	Adopted	Chapter 16 Sec. 16-11
189	Amending Chapter 20 (Sale of Land)	Adopted	Chapter 20 Art. 2, Sec. 14
190	Sale of Land (Gaunt)	Adopted	Special
191	Personnel Ordinance – Assessors	Adopted	Chapter 6, Sec. 6-5
192	Career Incentive (Fire Chief)	Adopted	Chapter 6, Sec. 6-22-B
193	Personnel Ordinance – Planner	Adopted	Chapter 6, Sec. 6-5
194	Personnel Ordinance – Title List Changes	Adopted	Chapter 6, Sec. 6-5
195	Personnel Ordinance – Clerical Aide (Temporary Seasonal)	Adopted	Chapter 6, Sec. 6-5
196	Transfer of City Owned Property (Corliss School)	Adopted	Special
197	Personnel Ordinance – Assistant Local Building Inspector (Part-Time)	Adopted	Chapter 6, Sec. 6-5

198	Director of Finance	Adopted	Chapter 3, Art. II, Sec. 3-8

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
199	Zoning Amendment	Adopted	Chapter 11
200	Personnel Ordinance – Assessors/Appraiser	Adopted	Chapter 6, Sec. 6-5
201	Amending Chapters 7 and 7A (Municipal Contracts and Other Contracts)	Adopted	Chapters 7 and 7A
202	Zoning Map Amendment	Adopted	Chapter 11
203	Zoning Map Amendment (Lowell Street - Merrimack Park Drive-In Theater)	Adopted	Chapter 11
204	Sale of Land (Emmet Avenue)	Adopted	Special
205	Re-Districting the City of Methuen	Adopted	Special
206	Amending Ordinance #205 (Re-Districting)	Adopted	Special
207	Rescinding Ord. #198 (Director of Finance)	Adopted	Chapter 3, Art. II, Sec. 3-8
208	Personnel Ordinance (City Accountant/ Finance Director)	Adopted	Chapter 6, Sec. 5
209	Personnel Ordinance (Appraiser)	Adopted	Chapter 6, Sec. 5
210	Number Not Used		
211	Amendment – Flea Markets	Adopted	Chapter 13 Sec. 13-30
212	Amendment - Methuen Arts and Cultural Affairs Council	Adopted	Chapter 3, Sec. 3-29
213	Amendment – Municipal Handicapped Commission	Adopted	Chapter 3, Sec. 3-31

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
214	Zoning Map Amendment (Woodland Street)	Adopted	Chapter 11
215	Amendment – City Solicitor	Adopted	Chapters 2 3 and 6
216	Residency Requirement	Adopted	Chapter 3, Sec. 3-40
217	Personnel Ordinance (Appraiser)	Adopted	Chapter 6, Sec. 5
218	Personnel Ordinance (City Accountant/ Finance Director)	Adopted	Chapter 6, Sec. 5
219	Personnel Ordinance (Head Clerk – Assessors)	Adopted	Chapter 6, Sec. 5
220	Amending Re-Districting Plan	Adopted	Special
221	Amendment – Handicapped Parking	Adopted	Chapter 9, Sec. 9-55
222	Amendment – Fees	Adopted	Chapter 8, Sec. 6
223	Amendment - Sale of Real Property	Adopted	Chapter 20, Art. II, Sec. 17
224	Zoning Map Amendment (Methuen Industrial Park)	Adopted	Chapter 11
225	Forest Lake Outlet Gate Tender	Adopted	Chapter 9, Sec. 9-87
226	Personnel Ordinance (Local 122 Employees)	Adopted	Chapter 6, Sec. 5
227	Personnel Ordinance (Legal Secretary)	Adopted	Chapter 6,

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
228	Transfer and Sale of Land – Addison Avenue	Adopted	Special
229	Personnel Ordinance (Chief Engineer/City Engineer)	Adopted	Chapter 6, Sec. 5
230	Public Advertisement for Boards and Commissions	Adopted	Chapter 3, Sec. 3-60
231	Fire Prevention Code	Adopted	Chapter 9, Sec. 9-83
232	Personnel Ordinance – Treasurer/Tax Collector, Building Inspector, Exec. Director/Council on Aging, Administrative Ass't. to Manager (Personnel), Conservation Inspector	Adopted	Chapter 6, Sec. 5
233	Personnel Ordinance – Data Processing Manager and Apprentice Helper	Adopted	Chapter 6, Sec. 5
234	Personnel Ordinance – Schedule A-1	Adopted	Chapter 6, Sec. 5
235	Personnel Ordinance - Schedule A-3 and B	Adopted	Chapter 6, Sec. 5
236	Tourism Committee	Adopted	Chapter 3, Sec. 3-32
237	Restriction on Re-appointments (10 yrs)	Adopted	Chapter 3, Sec. 3-70
238	Personnel Ordinance – Schedule A-2	Adopted	Chapter 6, Sec. 5
239	Personnel Ordinance – Schedule C	Adopted	Chapter 6, Sec. 5

240	Personnel Ordinance – Schedule A (unaffiliated)	Adopted	Chapter 6, Sec. 5
241	Sale of Property – Methuen 495 Realty Trust	Adopted	Special

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
242	Personnel Ordinance – Schedule B	Adopted	Chapter 6, Sec.
243	Regulation of Loud-Speakers, etc.	Adopted	Chapter 9, Sec. 9-61
244	City of Methuen – Name	Adopted	Chapter 1, Sec. 1-10, and 1-11
245	Personnel Ordinance – Schedule B	Adopted	Chapter 6, Sec. 5
246	Personnel Ordinance – Schedule C	Adopted	Chapter 6, Sec. 5
247	Contract Execution Authorizaton	Adopted	Chapter 7C
248	Personnel Ordinance – Schedule C	Adopted	Chapter 6, Sec. 5
249	Unregistered Vehicles – Removal	Adopted	Chapter 9, Sec. 9-58
250	Sale of Property - St. Pierre	Adopted	Special
251	Junk Dealers – Amendment	Adopted	Chapter 13, Sec. 13-20
252	Personnel Ordinance – Schedule G	Adopted	Chapter 6, Sec. 5
253	City Council Salary	Adopted	Chapter 2, Sec. 2-3
254	Sale of Property – Charles Hey	Adopted	Special

255	Personnel Ordinance – Schedule D	Adopted	Chapter 6, Sec. 5

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
256	Prohibiting Trash Left by Non-Residents	Adopted	Chapter 9, Sec. 9-76
257	Saturday Licensing of Public Amusements	Adopted	Chapter 13, Sec. 13-40
258	Comprehensive Ordinance Governing States of Emergency in Methuen	Adopted	Chapter 22
259	Wage & Salary Classification Plan - MMEA	Adopted	Chapter 6, Sec. 5
260	Standards Governing Issuance of Licenses	Adopted	Chapter 13
261	Zoning Amendment – Flood Plan District Regs	Adopted	Chapter 11
262	Compensation Plan	Adopted	Chapter 6, Sec. 6-5
263	Wage and Salary Compensation Plan Schedule A-3	Adopted	Chapter 6
264	Licensing	Adopted	Chapter 13, Sec. 10
265	Amending Chapter 6, Sec. 6-12 (B)	Adopted	Chapter 6 Sec. 6-12
266	Cleaning Allowance – Police Chief and Fire Chief	Adopted	Chapter 6 Sec. 6-22C
267	Zoning Amendment – Beauty Parlors	Adopted	Chapter 11
268	Sale of Property – Perley Street	Adopted	Special

269	Forest Lake	Adopted	Chapter 3 Sec. 3-9
270	Compensation Plan – Schedule A (unaffiliated)	Adopted	Chapter 5 Sec. 6-5

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
271	Amending Chapter 3, Sec. 3-70 – Ten Year Limit (Bds. & Comms.)	Adopted	Chapter 3 Sec. 3-70
272	Wage and Salary Classification Plan	Adopted	Chapter 6
273	Noise Pollution Control	Adopted	Chapter 9 Sec. 9-62
274	Omnibus Revision – MMC	Adopted	Chapter 5, Sec. 5-3; Chapter 6A; Chapter 12, Sec. 12-1; Chapter 15, Sec. 15-2 and 15-3
275	Amending Chapter 2, Sec. 2-1	Adopted	Special
276	Licensing – Rates	Adopted	Chapter 13 Sec. 13-10
277	Voting Precincts (Amending #205)	Adopted	Special
278	Designating Polling Places	Adopted	Special
279	Residency	Adopted	Chapter 6
280	Fire Alarm Systems	Adopted	Chapter 9
281	Zoning Amendment	Adopted	Chapter 11

282	Amending Chapter 2 Section 2-20, Council Salary	Adopted	Chapter 2 Sec. 2-20
283	Municipal Charges Lien	Adopted	Chapter 8 Sec. 8-7

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
284	Amending Chapter 2, Section 2-24	Adopted	Chapter 2 Sec. 2-24
285	Methuen Police Special Services Units (Schedule G)	Adopted	Chapter 6 Sec. 6-5
286	Amending Chapter 6, Section 6-22 (Career Incentive–Council Employees)	Adopted	Chapter 6 Sec. 6-22
287	Amending Ordinance #225 (Forest Lake Outlet and Gate Tender)	Adopted	Chapter 9 Sec. 9-87
288	Comprehensive Zoning Ordinance of 1988	Adopted *(Rescinded by Voters 9-27-88. See Ord. #294)	Chapter 11
289	Amending Chapter 14, Article II, Section B - Permit & Inspection Fee	Adopted	Chapter 14, Art. II, Sec. B
290	Wage & Salary Classification Plan – Local 122	Adopted	Chapter 6, Sec. 6-5
291	Wage & Salary Classification Plan – Head Dispatcher (Police)	Adopted	Chapter 6, Sec. 6-5
292	Fence Ordinance	Adopted	Chapter 9, Sec. 9-88
293	Door to Door Solicitors	Adopted	Chapter 13, Sec. 13-50
294	Referendum Ordinance to 88-10, Zoning	Adopted	Special

295	Wage & Salary Classification Plan – Ass't City Clerk and Ass't City Treasurer	Adopted	Chapter 6, Sec. 6-5
296	Amending Referendum Ord. #294	Adopted	Special
297	Overtime Compensation	Adopted	Special
298	Sale of Property – Brookdale Avenue	Adopted	Special

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
299	Sale of Property – Enfield Avenue	Adopted	Special
300	Uniform Rates for Unpaid Municipal Charges and Bills	Adopted	Chapter 8, Sec. 8-8
301	Transfer of Police Bus	Adopted	Special
302	Ordinance Regulating Dogs	Adopted	Chapter 9, Sec. 9-12A
303	Zoning Ordinance, V-D	Adopted	Chapter 11
304	Zoning Ordinance, III-D	Adopted	Chapter 11 Map
305	Zoning Ordinance, III-D	Adopted	Chapter 11 Map
306	Zoning Ordinance, III-D	Adopted	Chapter 11 Map
307	Zoning Ordinance, III-D	Adopted	Chapter 11 Map
308	Transfer of Police Dept. Volkswagen	Adopted	Special
309	Zoning Ordinance, V-D	Adopted	Chapter 11
310	Zoning Ordinance, V-D	Adopted	Chapter 11
311	Cross Connection Control	Adopted	Chapter 15,

			Sec. 15-4
312	Zoning Ordinance, VI-B5	Adopted	Chapter 11
313	Numbering of Dwellings/Businesses	Adopted	Chapter 9, Sec. 9-90
314	Change of City Council Meetings/ December 1988	Adopted	Special

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
315	Contract Ordinance on K-8 Grammar School	Adopted	Special as to Chapter 7 Sec. 7-9
316	Wetlands Ordinance Amendment	Adopted	Chapter 12, Sec. 12-2.1
317	Non-Criminal Disposition Ordinance Amendment	Adopted	Chapter 17, Sec. 17-13
318	Police Contractual Time	Adopted	Special
319	First Reading Procedure/City Council	Adopted	Chapter 2, Sec. 2-18
320	Self-Service Storage Facilities	Adopted	Chapter 9, Sec. 9-42
321	Wetlands Ordinance Amendment	Adopted	Chapter 12, Sec. 12-9(A)
322	Wetlands Ordinance Amendment	Adopted	Chapter 12, Sec. 12-9
323	Wage & Salary Classification Plan Council Employees	Adopted	Chapter 6, Sec. 6-5
324	Wage & Salary Classification Plan Local 396, I.B.P.O.	Adopted	Chapter 6, Sec. 6-5
325	Wage & Salary Classification Plan	Adopted	Chapter 6,

	Department Heads		Sec. 6-5
326	Wage & Salary Classification Plan Police Superior Officers	Adopted	Chapter 6, Sec. 6-5
327	Fees - Sealer of Weights	Adopted	Chapter 8, Sec. 8-9
328	Zoning Ordinance, III-D	Adopted	Chapter 11 Map

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
329	Zoning Ordinance, V-D	Adopted	Chapter 11
330	Licensing - Private Livery	Adopted	Chapter 13, Sec. 13-10
331	Personnel Ordinance – Travel Allowance	Adopted	Chapter 6, Sec. 6-21
332	Wage & Salary Classification Plan Middle Management	Adopted	Chapter 6, Sec. 6-5
333	Wage & Salary Classification Plan Police Special Services	Adopted	Chapter 6, Sec. 6-5
334	Land Swap - Garcia/Transfer Station	Adopted	Special
335	Wage & Salary Classification Plan Department Heads	Adopted	Chapter 6, Sec. 6-5
336	Dog Regulation Ordinance	Adopted	Chapter 23
337	Wage & Salary Classification Plan School Traffic Officer	Adopted	Chapter 6, Sec. 6-5
338	Wage & Salary Classification Plan – Local 122	Adopted	Chapter 6, Sec. 6-5
339	Zoning Ordinance, V-D (Restaurants and eating places)	Adopted	Chapter 11

340	Change of Meeting Date – City Council (July 1989)	Adopted	Special
341	Zoning Ordinance, V-D (Hotel/Motel)	Adopted	Chapter 11
342	Wage & Salary Classification Plan – MMEA	Adopted	Chapter 6, Sec. 6-5

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
343	Wage & Salary Classification Plan - Local 1691, I.A.F.F.	Adopted	Chapter 6, Sec. 6-5
344	Wage & Salary Classification Plan – Assessors	Adopted	Chapter 6, Sec. 6-5
345	Comprehensive Zoning Ordinance	Adopted	Chapter 11
346	Personnel Ordinance – Local 123	Adopted	Chapter 6, Sec. 6-5
347	Amending Chapter 18, M.M.C. (adding Sec. 18-15)	Adopted	Chapter 18, Sec. 18-15
348	Nevins Moratorium	Adopted	Special
349	Historic District Study Committee	Adopted	Chapter 3, Sec. 22(A)
350	Change of Council Meeting Date	Adopted	Special
351	Personnel Ordinance – Administrative Ass't - Purchasing Agent and Data Processing Manager	Adopted	Chapter 6, Sec. 6-5
352	Personnel Ordinance – Local 122	Adopted	Chapter 6, Sec. 6-5
353	Waiver of Chapter 3, Sec. 20A, Residency - Council on Aging Director	Adopted	Special

354	Sale of Land – Garcia	Adopted	Special
355	Sale of Land - Pride's Crossing	Adopted	Special
356	Cross Connection Control	Adopted	Chapter 15, Sec. 15-4, Sub-Sec. 4.9.4 and 4.10.7

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
357	Raymond Martin Park Use Restriction	Adopted	Chapter 18, Sec. 1, Sub-Sec. (d)
358	Additional Conflict of Interest	Adopted	Chapter 4A
359	Historic District Ordinance	Adopted	Chapter 24
360	Knox (Key) Box	Adopted	Chapter 9, Sec. 85, Sub-Sec. F
361	Conflict of Interest	Adopted	Chapter 4A
362	Zoning Amendment - Outdoor Storage	Adopted	Chapter 11, Table of Uses
363	Zoning Amendment – Map	Adopted	Chapter 11
364	Personnel Ordinance – Middle Management	Adopted	Chapter 6, Sec. 6-5
365	Personnel Ordinance -Middle Management	Adopted	Chapter 6, Sec. 6-13, 6-14, 6-17, 6-22, 6-22D
366	Personnel Ordinance – Council Employees	Adopted	Chapter 6,

			Sec. 6-5
367	Personnel Ordinance – Council Employees	Adopted	Chapter 6, Sec. 6-13, 6-22
368	Personnel Ordinance – Department Head	Adopted	Chapter 6, Sec. 6-5
369	Personnel Ordinance – Department Heads	Adopted	Chapter 6, Sec. 6-13, 6-22
370	Personnel Ordinance – Methuen Municipal Employees Association (Public Works Secretary)	Adopted	Chapter 6, Sec. 6-5

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
371	Methuen Sewer and Water Commission	Adopted	Chapter 3, Sec. 3-9A
372	Personnel Ordinance -Appraiser	Adopted	Chapter 6, Sec. 6-5
373	Personnel Ordinance – City Manager	Adopted	Chapter 6A
374	Ten Year Limit – Board Appointments	Adopted	Chapter 3, Sec. 3-70
375	Elimination of Title – Director of Finance	Adopted	Chapter 6, Sec. 6-5
376	Personnel Ordinance -City Manager	Adopted	Chapter 6A
377	Personnel Ordinance – Department Heads (City Clerk)	Adopted	Chapter 6, Sec. 6-13, 6-22
378	Personnel Ordinance – Head Lifeguard, Water Safety Instructor, Lifeguard, Ass't Swim Instructor, Tennis Instructor, Recreation Leader	Adopted	Chapter 6, Sec. 6-5
379	Livery Licenses – Insurance Requirements	Adopted	Chapter 13, Sec. 13-10(h)
380	Forest Lake – Adult Supervision	Adopted	Chapter 18,

			Sec. 18-9(l)
381	Board of Assessors – Five Members	Adopted	Chapter 3, Sec. 3-12
382	Security Alarms – Penalty	Adopted	Chapter 9, Sec. 9-85(e)
383	Riverside Park – Prohibited Uses	Adopted	Chapter 18, Sec. 18-15(a)(1)
384	Noise Pollution Control – Hours Extended	Adopted	Chapter 9, Sec. 9-62, D(2)c

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
385	Zoning Amendment – Map (Spruce Street)	Adopted	Chapter 11
386	Zoning Amendment – Municipal Parking	Adopted	Chapter 11
387	Zoning Amendment – Map (Lowell Street)	Adopted	Chapter 11
388	Zoning Amendment – Larchmont Estates	Adopted	Chapter 11
389	Littering Fines Increase	Adopted	Chapter 18,
390	Re-Zoning Over 50 Acres – Notice	Adopted	Chapter 11
391	Simultaneous Hearing - Conservation Commission and Community Development Board	Adopted	Chapter 11
392	Noise Pollution Control	Adopted	Chapter 9, Sec. 9-62, D(2)c
393	Zoning Ordinance – Massachusetts/ New Hampshire State Line	Adopted	Chapter 11
394	Public Hearings/Charter Amendments	Adopted	Chapter 2, Sec. 2-16
395	Noise Pollution Control (Definitions)	Adopted	Chapter 9,

			Sec. 9-62, C
396	Special Ordinance – Fire Lanes (Twin Oaks Condos)	Adopted	Special
397	Personnel Ordinance – Clerk/Typist	Adopted	Chapter 6, Sec. 6-5
398	Zoning Amendment – Map (West Broadway)	Adopted	Chapter 11
399	Fire Lane Ordinance	Adopted	Chapter 9, Sec. 9-91

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
400	Community Development Board Size	Adopted	Chapter 3, Sec. 3-11
401	Sewer and Water Commission Size	Adopted	Chapter 3, Sec. 3-9A
402	Noise Pollution Control	Adopted	Chapter 9, Sec. 9-62, D, 2(h)
403	Personnel Ordinance – Council Employees	Adopted	Chapter 6, Sec. 6-13
404	Personnel Ordinance -Council Employees	Adopted	Chapter 6, Sec. 6-5
405	Personnel Ordinance -Public Health Nurse	Adopted	Chapter 6, Sec. 6-5
406	Personnel Ordinance -Middle Management	Adopted	Chapter 6, Sec. 6-5
407	Personnel Ordinance -Middle Management	Adopted	Chapter 6, Sec. 6-13

408	Home Rule Petitions/State Laws - Public Hearings	Adopted	Chapter 2, Sec. 2-15
409	Fire Lane Ordinance	Adopted	Chapter 9, Sec. 9-91
410	Personnel Ordinance – Salary Increases (City Manager's Recommendation)	Adopted	Chapter 6, Sec. 6-6
411	Personnel Ordinance -Department Heads	Adopted	Chapter 6, Sec. 6-13
412	Personnel Ordinance -Department Heads	Adopted	Chapter 6, Sec. 6-5
413	Tenney Gate House Restoration Committee	Adopted	Special

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
414	Personnel Ordinance – Unaffiliated	Adopted	Chapter 6, Sec. 6-5
415	Zoning Amendment – Map (Merrimack Street)	Adopted	Chapter 11
416	Methuen Historic District Ordinance	Adopted	Chapter 24A
417	Fire Alarm Systems	Adopted	Chapter 9, Sec. 9-88, B
418	Ordinance Regulating Fences (Chase & Tenney Streets)	Adopted	Special (as to Chapter 9, Sec. 9-89)
419	Personnel Ordinance – Commonwealth Residency (Wendy Strondak)	Adopted	Special (as to Chapter 6, Sec. 6-20A)
420	Personnel Ordinance – Treasurer/Tax Collector and City Clerk	Adopted	Chapter 6, Sec. 6-5
421	Ordinance Regulating Door to Door Sales	Adopted	Chapter 13,

	for Future Delivery		Sec. 13-50
422	Non-criminal Disposition of Municipal Ordinance, Rule or Regulation Violations	Adopted	Chapter 17
423	Zoning Amendment – Auto Repairs, Body Work, Upholstery Fully Enclosed	Adopted	Chapter 11
424	Personnel Ordinance – Account Clerk	Adopted	Chapter 6, Sec. 6-5
425	Authorizing Filing Home Rule Petition - Disability Commission	Adopted	Chapter 3, Sec. 3-31
426	Amending Chapter 4A – Additional Conflict of Interest	Adopted	Chapter 4A

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
427	Zoning Amendment – Residential/Recreational District (Merrimack Golf Realty Trust)	Adopted	Chapter 11
428	Authorizing Transfer of Property Abutting Ashford School	Adopted	Special
429	Zoning Amendment – Auto Repairs, Body Work, Upholstery Fully Enclosed	Adopted	Chapter 11
430	Zoning Amendment – Edgewood Avenue	Adopted	Chapter 11
431	Personnel Ordinance -Department Heads	Adopted	Chapter 6, Sec. 6-5
432	Ordinance Regulating Rolling Paper Sales	Adopted	Chapter 9, Sec. 9-40
433	Regulating Forest Lake Outlet and Establishing Positions of Gate Tenders	Adopted	Chapter 9, Sec. 9-87
434	Authorizing Towing of Vehicles in Handicapped Parking Spaces	Adopted	Chapter 9, Sec. 9-55A

435	Providing Penalty for Violating Executive Session	Adopted	Chapter 9, Sec. 39A
436	Handicapped Parking Fines	Adopted	Chapter 9, Sec. 9-55
437	Disability Commission	Adopted	Chapter 3, Sec. 3-31
438	Amending Chapter 2, Sec. 2-1 – Regular Meetings of City Council	Adopted	Special
439	Personnel Ordinance – Animal Inspector	Adopted	Chapter 6, Sec. 6-5
440	Personnel Ordinance – Public Health Physician	Adopted	Chapter 6, Sec. 6-5

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
441	Amending Chapter 3, Sec. 3-9 – Division of Management (DPW)	Adopted	Chapter 3, Sec. 3-9, C., 1.A
442	Authorizing Use of the Searles Building by the Democratic Town Committee	Adopted	Special
443	Providing for Procedure Relative to Water and Sewer Abatements	Adopted	Chapter 15, Sec. 15-7 and Chapter 14, Art. VII, G.
444	Amending Chapter 9, Sec. 9-55, Handicapped Parking	Adopted	Chapter 9, Sec. 9-55
445	Regulating Establishment of Fence - 58 Walton Avenue	Adopted	Special
446	Amending Chapter 18, Sec. 18-11 - Public Parks, Playgrounds and Beaches	Adopted	Chapter 18, Sec. 18-11
447	Personnel Ordinance – Administrative Ass't/ Elder Affairs	Adopted	Chapter 6, Sec. 6-5

448	Prohibiting Underage Sale of Malt Beverages	Adopted	Chapter 9, Sec. 9-39A
449	Personnel Ordinance - Assistant City Accountant	Adopted	Chapter 6, Sec. 6-5
450	Requiring Abutter Notice on Rental, Sale or Lease of Municipal Property	Adopted	Chapter 20, Sec. 20-20
451	Ordinance Prohibiting Fishing and Swimming - Kaunas Street Boat Ramp	Adopted	Special
452	Ordinance Barring Further Communication Towers on Reservoir Hill	Adopted	Special
453	Sight Distance	Adopted	Chapter 16, Sec. 16-30

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
454	Prohibiting Operation of Dirt Bikes	Adopted	Chapter 9, Sec. 9-92
455	Amending Chapter 13, Flea Markets	Adopted	Chapter 13, Sec. 13-20 and Sec. 13-30
456	Changing Title of Inspector of Buildings - Building Commissioner	Adopted	Chapter 6
457	Changing Title of Assistant Building Inspector - Local Inspector (Building)	Adopted	Chapter 6
458	Amending Zoning Map – 411 Merrimack Street	Adopted	Chapter 11
459	Personnel Ordinance – Local 122, Federation of State, City and City Employees	Adopted	Chapter 6, Sec. 6-5

460	Municipal Property Acquisition and Disposition	Adopted	Chapter 20, Sec. 20-1 and Sec. 20-2
461	Amending Zoning Ordinance – Table of Permitted signs/Projecting Signs	Adopted	Chapter 11, Sec. VII-G
462	Amending Chapter 7 – Municipal Contracts	Adopted	Chapter 7
463	Residency - Board of Health Physician	Adopted	Chapter 3, Sec. 3-40
464	Personnel Ordinance – Middle Management	Adopted	Chapter 6, Sec. 6-5
465	Personnel Ordinance – Department Heads	Adopted	Chapter 6, Sec. 6-5
466	Personnel Ordinance – Council Employees	Adopted	Chapter 6, Sec. 6-5

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
467	Amending Noise Pollution Control Ordinance	Adopted	Chapter 9, Sec. 9-62
468	Election Re-Districting	Adopted	Special
469	Riverside Park July 4th Celebration - Hawkers/Peddlers	Adopted	Chapter 18, Sec. 18-15, Art. III
470	Amending Chapter 7 – Municipal Contracts	Adopted	Chapter 7, Sec. 7-15
471	Amending Chapter 7 – Municipal Contracts/ Massachusetts First Procurement Policy	Adopted	Chapter 7, Sec. 7-13
472	Amending Zoning Ordinance – Pet Grooming Grooming Shops	Adopted	Chapter 11, Sec. V-D

473	Amending Zoning Ordinance – Special Permits	Adopted	Chapter 11, Sec. V-A and Sec. XI-C
474	Amending Re-Districting Plan	Adopted	Special
475	Re-Zoning 100-102 Broadway	Adopted	Chapter 11
476	Personnel Ordinance – Mayor	Adopted	Chapter 6A
477	Security Alarm Systems - Penalties	Adopted	Chapter 9, Sec. 9-85
478	Personnel Ordinance – Executive Director of Council on Aging	Adopted	Chapter 6, Sec. 6-5
479	Personnel Ordinance -Water Registrar	Adopted	Chapter 6, Sec. 6-5
480	Personnel Ordinance -Data Analyst	Adopted	Chapter 6, Sec. 6-5

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
481	Amending Ordinance #474 – Re-Districting Plan	Adopted	Special
482	Handicapped Parking	Adopted	Chapter 9, Sec. 9-55
483	Dog Regulation Ordinance	Adopted	Chapter 23, Sec. 23-46
484	Personnel Ordinance -Account Clerk	Adopted	Chapter 6, Sec. 6-5
485	Personnel Ordinance – Water Meter Installer/ Reader	Adopted	Chapter 6, Sec. 6-5
486	Department of Records (City Clerk) - Licensing Board	Adopted	Chapter 3, Sec. 3-10

487	Providing for a Re-Connection Fee	Adopted	Special
488	Amending Effective Date of Re-Districting Plan	Adopted	Special
489	Amending Zoning Map – Merrimack Street	Adopted	Chapter 11
490	Repealing Ordinance #469 – July 4th Celebration Permits for Hawkers and Peddlers	Adopted	Chapter 18, Art. III, Sec. 18-15
491	Personnel Ordinance – Reserve Police Officers	Adopted	Chapter 6, Sec. 6-5
492	Rescinding Ordinance #483 – Dog Regulation Ordinance (Order to Muzzle or Restrain Dogs)	Adopted	Chapter 23, Sec. 23-39
493	Fence Height – Alpha Facility (651 Lowell Street)	Adopted	Special
494	Municipal Contracts	Adopted	Chapter 7, Sec. 7-7
495	Harbormaster	Adopted	Special

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
496	Regular Meetings of the City Council	Adopted	Chapter 2, Sec. 2-1
497	Zoning Ordinance – Shopping Centers	Adopted	Chapter 11, Sec. V-T
498	Zoning Ordinance – Political Signs	Adopted	Chapter 11
499	Regular Meeting Times of Methuen City Council	Adopted	Chapter 2, Sec. 2-1
500	Zoning Ordinance – Accessory Apartment	Adopted	Chapter 11
501	Alternate Members – Conservation Commission	Adopted	Chapter 3, Sec. 3-17

502	Alternate Members – Historical Commission	Adopted	Chapter 3, Sec. 3-22
503	Funding Five Member Board of Assessors	Adopted	Special
504	Expanding Right of Municipality to Deny, Revoke or Suspend Licenses or Permits for Failure To Pay Municipal Taxes, Fees, Assessments, Betterments, or Other Municipal Charges	Adopted	Chapter 8, Sec. 8-6
505	Personnel Ordinance – Insurance Analyst	Adopted	Chapter 6, Sec. 6-5
506	Amending Noise Pollution Control Ordinance	Adopted	Chapter 9, Sec. 9-62
507	Parking of Private Liveries and Taxicabs	Adopted	Chapter 13, Sec, 13-10
508	Zoning Amendment – Renfrew Street	Adopted	Chapter 11
509	Mandatory Server Training for Liquor Establishments	Adopted	Chapter 13, Sec. 13-60

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
510	Prohibiting Emergency Preambles Regarding Sale, Lease or Rental of Municipal Property	Adopted	Chapter 20, Sec. 20-21
511	Zoning Amendment – Limitation Period on Business or Professional Offices in the City of Methuen	Adopted	Chapter 11
512	Travel and Participation in Training Sessions Where Private Entities Provide Financing	Adopted	Chapter 3, Sec. 3-80
513	Ambulance Rates and Charges	Adopted	Chapter 8, Sec. 8-5A
514	Childsafe Construction Sites	Adopted	Chapter 9,

			Sec. 9-93
515	Use of the City Forest	Adopted	Chapter 18, Sec. 18-10
516	Declaring Constitutional Open Space/ Venice Road	Adopted	Special
517	Promoting Integrity and Honesty in the Award of Public Contracts	Adopted	Chapter 7, Sec. 7-16
518	Security Alarm Systems	Adopted	Chapter 9, Sec. 9-85 & Sec. 9-88
519	Personnel Ordinance – Water Meter Installer Reader and Water Meter Reader	Adopted	Chapter 6, Sec. 6-5
520	Feeding or Baiting of Migratory Waterfowl	Adopted	Chapter 12, Sec. 12-11
521	Waiving of Provisions of Ordinance #496 (City Council Meetings)	Adopted	Chapter 2, Sec. 2-1
522	Regulating Establishment of Fence - 2 Joy Terrace	Adopted	Special

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
523	Dog License Fees	Adopted	Chapter 23, Sec. 23-9
524	Personnel Ordinance – Reserve Police Officers	Adopted	Chapter 6, Sec. 6-5
525	City Clerk Fees	Adopted	Chapter 8, Sec. 8-1
526	Personnel Ordinance -Board of Assessors	Adopted	Chapter 6, Sec. 6-5

527	Water Service Shut-Off	Adopted	Chapter 15, Sec. 15-8
528	Personnel Ordinance -Reserve Firefighters	Adopted	Chapter 6, Sec. 6-5
529	Posting Requirements for City Appointments	Adopted	Chapter 6, Sec. 6-23
530	Preventing Possession of and Use of Rhino Ammunition	Adopted	Special
531	Council Approval of Contractual Employee Agreements	Failed	Chapters 7 and 7A
532	Changing Meeting Date of City Council	Adopted	Special
533	Amending Traffic Rules and Regulations - Resident Sticker and Visitor Permit Parking	Adopted	Special
534	Personnel Ordinance – Local 122 (DPW)	Adopted	Chapter 6, Sec. 6-5
535	Personnel Ordinance -Head Filter Operator	Adopted	Chapter 6, Sec. 6-5
536	Personnel Ordinance -Middle Management	Adopted	Chapter 6, Sec. 6-5

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
537	Personnel Ordinance – Council Employees	Adopted	Chapter 6, Sec. 6-5
538	Banning Garbage Rummaging	Adopted	Chapter 9, Sec. 9-24
539	Pre-Sewer Entry Inspection	Adopted	Chapter 14, Art. II, Sec. B.1
540	Personnel Ordinance – Creating Position of Deputy Tree Warden	Adopted	Chapter 6, Sec. 6-5

541	Regulating Establishment of Fence - 486 Lowell Street	Adopted	Special
542	Regulating Establishment of Fence - 3 Whitney Street	Adopted	Special
543	Regulating Establishment of Fence - 31 Torino Street	Adopted	Special
544	Personnel Ordinance – Executive Director, Council on Aging	Adopted	Chapter 6, Sec. 6-5
545	Banning Possession or Use of Self-Contained Propellant Cans Near Parades	Adopted	Chapter 9, Sec. 40A
546	Personnel Ordinance – Water Registrar	Adopted	Chapter 6, Sec. 5
547	Personnel Ordinance -City Clerk (C.O.L.)	Adopted	Chapter 6, Sec. 5
548	Zoning Amendment – Open Space	Adopted by Council; Defeated by voters 11/1995	N/A
549	Re-Districting Notification	Adopted	Chapter 2, Sec. 14

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
550	Swimming Pool Fence – Latching	Adopted	Chapter 9, Sec. 74
551	Temporary Absence of Mayor	Adopted	Chapter 3, Sec. 2A
552	Personnel Ordinance -Part-Time Lab Technician	Adopted	Chapter 6, Sec. 5
553	Personnel Ordinance -Public Health Nurse	Adopted	Chapter 6, Sec. 5

554	Banning Recycling Waste Scavenging	Adopted	Chapter 9, Sec. 25
555	Banning Destruction of Political Signs	Adopted	Chapter 9, Sec. 40B
556	Zoning Ordinance – Political Signs	Adopted	Chapter 11
557	Prohibiting Alteration of the Tenney Wall	Adopted	Special
558	Prohibiting Parking of Trucks on Residential Streets	Adopted	Chapter 9, Sec. 63
559	Banning Graffiti	Adopted	Chapter 9, Sec. 26
560	Prohibiting the Blocking of Sidewalks	Adopted	Chapter 9, Sec. 27
561	Zoning Ordinance – Druid Hill	Adopted	Chapter 11
562	Bidding of Snow Removal	Adopted	Special
563	Youth Curfew	Adopted	Chapter 9, Sec. 94
564	Dog Defecation	Adopted	Chapter 9, Sec. 77

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
565	Permitting Adult Entertainment	Adopted	Chapter 11
566	Contract Authority – Mayor	Adopted	Chapter 7, Sec. 3 and Chapter 7A
567	Budget Submission	Adopted	Chapter 5, Sec. 3
568	Malden Mills Fence	Adopted	Special

569	Zoning Ordinance – Malden Mills	Adopted	Chapter 11
570	Personnel Ordinance – Cell Matrons/Monitors	Adopted	Chapter 6, Sec. 5
571	Plumbing and Gas Fees	Adopted	Chapter 8, Sec. 4
572	Fence Ordinance – 3 Lavoie Avenue	Adopted	Special
573	Community Development Re-organization	Adopted	Chapter 3, Sec. 11
574	Personnel Ordinance -Board of Assessors	Adopted	Chapter 6, Sec. 5
575	Sewer Connections	Adopted	Chapter 14, Article X
576	Personnel Ordinance – Ass't. Director of Community Development and Ass't. Director of Planning	Adopted	Chapter 6, Sec. 5
577	Fence Ordinance – 1 Goldsmith Court	Adopted	Special
578	Zoning Amendment and Map – Tri-Star Plaza	Adopted	Chapter 11
579	Fence Ordinance - 5 Ayers Village Road	Adopted	Special

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
580	Prohibiting Parking of Manufactured Homes in Public Streets in Residential Districts	Adopted	Traffic Rules & Regulations
581	Prohibiting Stockpiling of Snow Near Public Ways	Adopted	Chapter 9, Sec. 95
582	Residency - Eugene J. O'Neill, Director of Community Development	Adopted	Special

583	Methuen Housing Authority Co-operative Agreements	Adopted	Chapter 8, Sec. 10
584	Personnel Ordinance – Ass't.Appraiser/ Data Analyst	Adopted	Chapter 6, Sec. 5
585	Personnel Ordinance – Groundskeeper, Local 122	Adopted	Chapter 6, Sec. 5
586	Amendment – Banning Possession or Use of Self-Contained Propellant Cans Near Parades (Police Officers Exempt)	Adopted	Chapter 9, Sec. 40A
587	Amending Chapter 23 – Dog Restrictions	Adopted	Chapter 23, Sec. 15, 46, 47, 28A
588	Amending Chapter 18 – Spiggott Falls Riverwalk Park Dedication Concert	Adopted	Special
589	Amendment - Numbering of Dwellings/ Businesses	Adopted	Chapter 9, Sec. 90
590	Establishing a Uniform Policy on Code Enforcement	Adopted	
591	Employment of Outside Consultants (Conservation Commission)	Adopted	Chapter 12, Sec. 12

ORDINANCE NUMBER	**TITLE**	**ACTION**	**PRESENT SECTION**
592	Mailers on Referendum Measures	Adopted	Chapter 2, Sec. 13

APPENDIX V - INITIATIVE PETITIONS ADOPTED BY THE MUNICIPALITY

APP. V – 1	An Ordinance Abolishing the Sewer and Water Commission, Abolishing the Sewer and Water Enterprise Fund, and Establishing a Procedure for Rates and Charges for Sewer and Water
APP. V – 2	An Act Providing for Election of a Mayor in the City Known as the Town of Methuen and Establishment of Limitation of Terms of Town Councillors

APP. V – 1

An Ordinance Abolishing the Sewer and Water Commission, Abolishing the Sewer and Water Enterprise Fund, and Establishing a Procedure for Rates and Charges for Sewer and Water

Section 1 Repealing Sections

A. Ordinance No. 371 (Methuen Municipal Code, Chapter 3, Section 3-9A) entitled "Methuen Sewer and Water Commission" is hereby repealed.

B. Order No. 1942, Resolution "Establishing a Sewer Enterprise Fund", is hereby revoked.

C. Order No. 785, Resolution "Establishing a Water Enterprise Fund", is hereby revoked.

D. The City Clerk, in and pursuant to Chapter 4, Section 5, Massachusetts General Laws, and/or other pertinent authority, is hereby directed to prepare and transmit a return relating to Sections 1B., 1C., and 2. hereof.

Section 2 Acceptance Section

The provisions of Chapter 44, Section 53F-1/2 of the General Laws, entitled "Enterprise Funds" are hereby accepted by the City of Methuen for the purposes of establishing two separate accounts classified as enterprise funds; said two separate accounts being a water enterprise fund and a sewer enterprise fund.

Section 3 <u>Enactments</u>

The Methuen Municipal Code of the City of Methuen is hereby amended as follows:

A. In Chapter 15, after Section 15-4, by adding the following Section 15-5:

<u>Section 15-5</u> Water Fees and Charges; Public Hearings; Council Action

A. The City Council of the City of Methuen may establish such fees, charges and costs for the operation of the water system provided that no such fee, charge or cost may be implemented until a public hearing shall be held by it. Said hearing shall be held within forty-five (45) days of the submission to the City Council of a

resolution to establish such fee, charge or cost. Said public hearing shall be advertised in a newspaper of general circulation in said City at least seven (7) days prior to the hearing. The City Council shall take action on such proposed fee, charge or cost within thirty (30) days after said hearing. Provided that no such increase shall take effect excepting as may be approved by a two-thirds vote of the full City Council.

B. In Chapter 14 of the Methuen Municipal Code by striking therefrom, in Article VII, Sections A through E, and by inserting therein the following Section A:

A. Sewer Fees and Charges; Public Hearings; Council Action

The City Council of the City of Methuen may establish such fees, charges and costs for the operation of the sewer system provided that no such fee, charge or cost may be implemented until a public hearing shall be held by it. Said hearing shall be held within forty-five (45) days of the submission to the City Council of a resolution to establish such fee, charge or cost. Said public hearing shall be advertised in a newspaper of general circulation in said City at least seven (7) days prior to the hearing. The City Council shall take action on such proposed fee, charge or cost within thirty (30) days after said hearing. Provided that no such increase shall take effect excepting as may be approved by a two-thirds vote of the full City Council.

C. Public Hearings

In addition to the requirements that shall exist in Chapter 44, Section 53F-1/2 of the General Laws regarding budgets for the sewer enterprise fund and the water enterprise fund, the City Council shall be required to hold a public hearing, separate and apart from the general budget public hearing, on said separate budgets; said public hearing to be advertised in a news-paper of general circulation in said City at least seven days prior to the hearing.

(Initiative Petition Approved by the Voters November 5th, 1991; 7,652 yes; 2,383 no)

APP. V – 2

An Act Providing for Election of a Mayor in the City Known as the Town of Methuen and Establishment of Limitation of Terms of Town Councillors

This initiative petition called upon the citizens to determine whether or not they should forward to the Massachusetts legislature an Act Providing for the Election of a Mayor in the City Known as the Town of Methuen and Establishment of Limitation of Terms of City Councillors.

The Methuen City Council, on October 5th, 1992, adopted an Order Calling for a Binding Question asking the inhabitants if they should petition the legislature to enact the aforesaid Act. On November 3rd, 1992, the inhabitants approved said question by a vote of 13,264 "yes" and 5,900 "no" and said Act was forwarded to the legislature.

Said Act further called for a re-submittal to the citizens for a final vote on determining whether or not to establish the position of Mayor and, by Order #3418 adopted by the City Council on January 19th, 1993, a special election was called for said purpose. Said election was held on May 4th, 1993 and by vote of 4,172 "yes" and 2,109 "no", the citizens approved said Act.

This Act eliminated the position of City Manager and substituted an elected mayoral form of government. Said Mayor would serve for two-year terms with a maximum of three terms served. The powers of the Mayor are similar to that of a City Manager excepting that the Mayor would have the authority to veto ordinances or resolutions proposed by the City Council. In addition to the Mayor, a provision was created limiting the terms of City Councillors to no more than three consecutive or non-consecutive two year terms.

(SEE APPENDIX I-A, CHARTER AMENDMENTS, CHARTER AMENDMENT NO. 6)

APPENDIX VI - AMENDMENTS TO 1997 CODE

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
593	Amending Zoning Ordinance and Map	Adopted	Chapter 11
594	Providing for Ballot Summaries	Adopted	Chapter 2, Section 2-11
595	Establishing Street Acceptance Protocol	Adopted	Chapter 16, Section 16-7
596	Establishing a Fine for Negligent Disposal of Garbage and Refuse	Adopted	Chapter 9, Section 9-78
597	Amending Ordinance #563, Youth Curfew	Adopted	Chapter 9, Section 9-94
598	Fence - 18 Woodland Street	Adopted	Special
599	Criminal History Background Checks	Adopted	Chapter 9, Section 96
600	Personnel Ordinance - Mayor	Adopted	Chapter 6A, Section 2
601	Enacting Ordinance for Municipal	Adopted	Chapter A
602	Direct Mail Notice to Abutters of Zoning Changes	Adopted	Chapter 2, Section 2-12
603	Providing for Direct Abutter Notification - Historic District Commission	Adopted	Chapter 24A, Section 24A-8
604	Prohibiting Dual Membership	Adopted	Chapter 2, Section 2-4

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
605	Amending Chapter 9, Section 9-58 - Prohibiting Unregistered Vehicles or Trailers on Public Ways	Adopted	Chapter 9, Section 9-58
606	Amending Wage & Salary Classification Plan - Director of Public Works	Adopted	Chapter 6, Section 6-5
607	Amending Wage & Salary Classification Plan - Seasonal Laborers	Adopted	Chapter 6, Section 6-5
608	Changing Meeting Date of City Council	Adopted	Special
609	Zoning Amendment - Central Business District	Adopted	Chapter 11
610	Regulating Public Hearing and Voting	Adopted	Chapter 2, Section 2-4 Chapter 12, Section 12-2
611	Fence Ordinance - 15 Fairview Avenue	Adopted	Special
612	Banning Sale of Spray Paint to Minors	Adopted	Chapter 9, Section 9-40C
613	Removal of Graffiti from Public and Private Property	Adopted	Chapter 9, Section 9-25A
614	Amending Handicapped Parking Ordinance - Consultation with the Disability Commission	Adopted	Chapter 9, Section 9-55
615	Fence Ordinance - 16 Monroe Avenue	Adopted	Special
616	Fence Ordinance - 16 Huntington Avenue	Adopted	Special
617	Fence Ordinance - 86 Comet Road Extension	Adopted	Special

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
618	Amending Wage and Salary Classification Plan - Recreational Leaders	Adopted	Chapter 6, Section 6-5
619	Amending Zoning Ordinance and Map	Adopted	Chapter 11
620	Amending Wage and Salary Classification Plan - Lifeguards	Adopted	Chapter 6, Section 6-5
621	Amending Wage and Salary Classification Plan - Community Development Director	Adopted	Chapter 6, Section 6-5
622	Amending Wage and Salary Classification Plan - Assistant Treasurer	Adopted	Chapter 6, Section 6-5
623	Amending Wage and Salary Classification Plan - Conservation Inspector	Adopted	Chapter 6, Section 6-5
624	Amending Wage and Salary Classification Plan - Information Systems Technician 1	Adopted	Chapter 6, Section 6-5
625	Establishing New Designations for Polling Places	Adopted	Special
626	Amending Wage and Salary Classification Plan - Human Resource Director	Adopted	Chapter 6, Section 6-5
627	None		
628	Noise Pollution	Adopted	Chapter 9, Section 9-64
629	Adjusting the Ambulance Rates	Adopted	Chapter 8, Section 8-5A
630	Amending Travel Policy	Adopted	Chapter 6, Section 6-21
631	Amending Cross Connection Control	Adopted	Chapter 15, Section 15-4

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
632	Amending Wage and Salary Classification Plan - Department Heads	Adopted	Chapter 6, Section 6-5
633	Banning Snowmobiles on Cemeteries, Parks, Playgrounds and School Playgrounds	Adopted	Chapter 9, Section 9-96
634	Prohibiting Dual Membership	Adopted	Chapter 2, Section 2-4
635	Amendment to Non-Criminal Disposition of Municipal Ordinance, Rule or Regulation Violations	Adopted	Chapter 17, Section 17-3
636	Amending Wage and Salary Classification Plan - Council Employees	Adopted	Chapter 6, Section 6-5
637	Expanding Authority of the Methuen Youth Commission	Adopted	Chapter 3, Section 3-26
638	Establishing a Fence at 62 Forest Street	Adopted	Special
639	Fences - Use as Clothesline Prohibited	Adopted	Chapter 9, Section 9-28
640	Establishing a Fence at 1 Rock Hill Place	Adopted	Special
641	Amending Personnel Ordinance	Adopted	Chapter 6, Section 6-5
642	Amendment to Application for Amuse-ment/Entertainment Licenses	Adopted	Chapter 13, Section 13-40
643	Mandating Public Notification of Entertainment License Applications	Adopted	Chapter 13, Section 13-71
644	Establishing a Fence at 84 Weybosset Street	Adopted	Special

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
645	Banning Late-Night Entertainment Licenses	Adopted	Chapter 13, Section 13-70
646	Establishing a Fence at 14 Pearl Street	Adopted	Special
647	Amendment to Riverside Park Ordinance	Adopted	Chapter 18, Section 18-15
648	Temporary Prohibition on Granting of Licenses, Permits or Other Authorizations - Cellular Towers	Adopted	Special
649	Establishing a Fence at 44 Woburn Street	Adopted	Special
650	Amending Chapter 18, Public Parks Playgrounds and Beaches - Spiggot Falls Riverwalk Park	Adopted	Chapter 18, Section 18-16
651	Amending Zoning Ordinance - Lot 5, Birch Hill Estates	Adopted	Chapter 11
652	Repealing Chapters 24 and 24A - Historic District Ordinance and Methuen Historic District Ordinance	Adopted	Chapters 24 and 24A
653	Extension of Prohibitions on Granting of Permits and Licenses as provided for in Ordinance #648	Adopted	Special
654	Amending Chapter 16 - Commercial Waste Pick-up	Adopted	Chapter 16, Section 19A
655	Amending Wage and Salary Classification Plan - Executive Director, Council on Aging	Adopted	Chapter 6, Section 5
656	Amending Wage and Salary Classification Plan - Activity Coordinator (Elder Affairs)	Adopted	Chapter 6,

657	Establishing a Building and Property Maintenance Code	Adopted	Chapter 10A

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
658	Amending Zoning Ordinance - Wireless Communications	Adopted	Chapter 11
659	Banning Dogs from School Grounds	Adopted	Chapter 23, Section 49
660	Prohibiting Use of Utility Poles for Commercial Advertisements	Adopted	Chapter 9, Section 29
661	Tripling the Fines for Public Drinking in Municipal Parks and Playgrounds	Adopted	Chapter18, Section 14
662	Amending Wage and Salary Classification Plan - Director of Veterans' Affairs	Adopted	Chapter 6, Section 5
663	Amending Chapter 6, Section 6-24 - Posting Requirements	Adopted	Chapter 6, Section 24
664	Establishing a Fence at 2 Haroun Lane	Adopted	Special
665	Amending Zoning Ordinance - Wireless Communications	Adopted	Chapter 11
666	Amending Chapter 7, Section 7-3 - Contract Authority	Adopted	Chapter 7, Section 3
667	Amending Wage and Salary Classification Plan - Administrative Aide to Chief of Police	Adopted	Chapter 6, Section 5
668	Creating a Methuen Board of Library Commissioners	Adopted	Chapter 3, Section 40
669	Amending Wage and Salary Classification Plan - Superintendent of Recreation	Adopted	Chapter 6, Section 5
670	Establishing a Fence at 100A Haverhill	Adopted	Special

	Street		
671	Establishing a Regular City Council Meeting Date	Adopted	Special

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
672	Establishing a Fence at 575 Prospect Street	Adopted	Special
673	Amending Wage and Salary Classification Plan – Hydrant & Valve Maintenance Man/ Laborer (DPW)	Adopted	Chapter 6, Section 5
674	Establishing a Fence at 243 Pelham Street	Adopted	Special
675	Waiving Chapter 7, Section 7-16 – Bid or Proposal Process	Adopted	Special
676	Amending Wage and Salary Classification Plan – Senior Clerk/Steno & Typist – P/T Council Office	Adopted	Chapter 6, Section 5
677	Re-establishing Career Incentive Benefits for Department Heads and City Council Employees	Adopted	Chapter 6, Section 22
678	Amending Zoning Ordinance – Table of Use Regulations, Section V-D (Bakeries)	Adopted	Chapter 11
679	Amending Zoning Map – Hampstead Street	Adopted	Chapter 11
680	Amending Wage and Salary Classification Plan – Executive Director, Department of Elder Affairs	Adopted	Chapter 6, Section 5
681	Establishing a Fence at 361 Forest Street	Adopted	Special
682	Governing the Establishing and Erecting of Off-Premise Sign – 478 Merrimack Street	Adopted	Special
683	Amending Zoning Ordinance – Neighbor-	Adopted	Chapter 11

	hood Business Zone – Haverhill Street		
684	Establishing a Fence at 255 Hampstead Street	Adopted	Special

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
685	Establishing a Fence at 126 Merrimack Street	Adopted	Special
686	Amending Chapter 13, Licensing - Compliance Checks and Fines	Adopted	Chapter 13, Sections 10 and 11
687	Changing Meeting Time of the Methuen City Council Meeting of January 3rd, 2000	Adopted	Special
688	Establishing a Fence at 5 Walton Street	Adopted	Special
689	Re-Instating Contract Authority of the Mayor	Adopted	Chapter 7, Section 7-3(4)
690	Amending Ordinance #610, an Ordinance Regulating Public Hearing and Voting	Adopted	Chapter 2, Section 2-4; Chapter 12, Section 12-12
691	Amending Chapter 7 – Municipal Contracts	Adopted	Chapter 7, Section 7
692	Amending Wage and Salary Classification Plan – Department Heads (Chief of Staff)	Adopted	Chapter 6, Section 5
693	Changing City Council Meeting Date	Adopted	Special
694	Banning Unregistered Vehicles Stored on Properties	Adopted	Chapter 9, Section 65
695	Amending Ambulance Rates and Charges	Adopted	Chapter 8, Section 8-5A

696	Repealing Ordinance #557 – an Ordinance Prohibiting Alteration of the Tenney School Wall	Adopted	Special
697	Water Use Restriction	Adopted	Chapter 15, Section 9

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
698	Regulating Class II and Class III Automobile Businesses	Adopted	Chapter 13, Section 90
699	Changing City Council Meeting Date	Adopted	Special
700	Occupancy Permit	Adopted	Chapter 9, Section 78
701	Establishing a Fence at 3 Adams Avenue	Adopted	Special
702	Amending Wage and Salary Classification Plan – Lifeguards	Adopted	Chapter 6, Section 5
703	Automatic Amusement Devices	Adopted	Chapter 13, Section 80
704	Establishing a Fence at 175 Howe Street	Adopted	Special
705	Amending Wage and Salary Classification Plan – Cell Monitors	Adopted	Chapter 6, Section 5
706	Amending Zoning Map – 231-233 Broadway (RG to CBD)	Adopted	Chapter 11
707	Amending the Comprehensive Zoning Ordinance of 1989 – Dimensional Variances	Adopted	Chapter 11
708	Amending the Comprehensive Zoning Woodland Street	Adopted	Chapter 11
709	Amending Chapter 10A – Complaint Process	Adopted	Chapter 10A

710	Amending Wage and Salary Classification - Human Resources Director	Adopted	Chapter 6, Section 5
711	Amending Chapter 2, Section 2-1 – Regular Meetings of the City Council	Adopted	Chapter 2, Section 1
712	Changing City Council Meeting Date From July 2, 2001 to July 9, 2001	Adopted	Special

APPENDIX VII - AMENDMENTS TO 2000 CODE

ORDINANCE NUMBER	TITLE	ACTION	PRESENT SECTION
713	Establishing Wage and Benefits for Council Employees for Fiscal Years 2001-2003	Adopted	Chapter 6 Sec. 6-13A; 6-13(k); 6-22; 13B; 6-12
714	Methuen Historic District	Adopted	Chapter 24
715	Prohibiting Above Ground Storage of Class I Flammable Liquid Storage Tanks	Adopted	Chapter 9 Section 9-43
716	Amending Zoning Map – Adding Lots into General Residence District	Adopted	Chapter 11
717	Establishing a Fence at 5& 7 Hampshire Road	Adopted	Special
718	Repealing and Replacing Ordinance #549 – Redistricting Notification	Adopted	Chapter 2 Section 2-14
719	Establishing the 2002 Re-Precincting	Adopted	Home Rule Charter Art. 2 Sec. 2-9(b)
720	Eliminating the Requirement for Boston Regional Newspaper Advertising for Employment	Adopted	Chapter 6 Section 6-23
721	Amending Noise Pollution Control Ord.	Adopted	Chapter 9 Sec. 9-62

722	Amending Chapter 9 Re Motorized Skateboards and/or Motorized Scooters	Adopted	Chapter 9 Section 9-92A
723	Amending the Fence Ordinance	Adopted	Chapter 9 Section 9-89
724	Establishing a Fence at 266 Hampstead St	Adopted	Special
725	Establishment and Erection of Two Off-Premises Advertising Signs	Adopted	Special
726	Addendum to Budget Resolution #4317	Adopted	Chapter 8 Section 8-2; 8-3; 8-4; 8-5B
727	Establishing a Fence at 210 Pelham Street	Adopted	Special
728	Regarding the Mailer for the Community Preservation Act	Adopted	Chapter 2 Section 2-13
729	Establishing a Fence on Property Located at 69 Broadway	Adopted	Special
730	Amending Chapter 7 of the Methuen Municipal Code – Regulating Bidding On Public Construction Projects in the City of Methuen	Adopted	Chapter 7 Section 7-17
731	Establishing the Council Meeting Date	Adopted	Special
732	Amending Zoning Ordinance and Map Woodburn Drive, Conrad Street, Clayton Avenue, Memorial Drive from RD to AG/CON	Adopted	Chapter 11
733	Repealing and Replacing Chapter 13-10 and 13-11 Taxicabs and Other Vehicles for Hire and Licensing of Public Vehicles for Hire Operators	Adopted	Chapter 13 Sec. 10 & 11
734	Providing for a Demolition Delay	Adopted	Chapter 25
735	Amending Chapter 8, Section 8-5A Ambulance Rates and Charges	Adopted	Chapter 8-5A

736	Providing for a Land Use Developer's Watchlist	Adopted	Chapter 26 Sec. 1-10
737	Establishing Disposal Fees	Adopted	Chapter 8 Sec. 8-11
738	Providing Non-Criminal Disposition Ticketing For Violation of Community Development Board Subdivision Approvals	Adopted	Chapter 17 Sec. 17-17
739	An Ordinance Amending Chapter 14 of the Methuen Municipal Code - Pumping Station Acceptance Maintenance Fee	Adopted	Chapter 14 ART. XI
740	Establishing a Fence on Property Located at 47 Sawyer Street	Adopted	Special
741	An Ordinance Providing for Department Head Cost of Living Adjustments	Adopted	Chapter 6
742	Establishing a Fence on Property Located at 488 Lowell Street	Adopted	Special
743	Establishing a Fence on Property Located at 34 Tyler Street	Adopted	Special
744	Establishing a Fence on Property Located at 2 Sawyer Street	Adopted	Special
745	Establishing a Fence on Property Located at 187 Maple Street	Adopted	Special
746	Establishing a Fence on Property Located at 26 Keach Street	Adopted	Special
747	Revocation of Order #541 – Establishing a Fence on Property Located at 486 Lowell St	Adopted	Special
748	Providing for New Construction in	Adopted	Chapter 11

	Existing Neighborhoods to be Consistent with Such Area		
749	Creating a Waiver Provision From the Fence Ordinance	Adopted	Chapter 9 Sec. 9.89
750	Amending Those Portions of the Municipal Code As To Unnecessary And Costly Advertising	Adopted	Chapter 7 Sec. 7-16 Chapter 20 Sec. 20-1
751	Prohibiting Dogs on the Tenney Street Park	Adopted	Chapter 18 Sec. 17
752	Amendment to the Comprehensive Zoning Ordinance – Add Section XI-D	Adopted	Chapter 11
753	Amendment to Chapter 8, Sec. 8-11 City Clerk's Fees; Chapter 13, Sec. 13-20, Secondhand Dealers; Sec. 13-21, Junk Dealer/Collector Fees; Sec. 13-30, Flea Markets; Chapter 23, Sec. 23-9, Dog Licenses	Adopted	Ch. 8, Sec. 8-1 Ch. 13, Sec. 13-20 Ch. 13, Sec. 13-21 Chapter 13, Sec. 13-30,
754	Amending Filing Fees for Wetlands Protection ordinance	Adopted	Chapter 12 Sec. 12-10
755	Amending Chapters 8 and 18 – Fees	Adopted	Chapter 8 Sec. 8-12; 8-13 Chapter 18 Sec. 18-15(d) Sec. 18-16(d) Sec. 18-18
756	Setting Fees for Fire Department	Adopted	Chapter 8 Sec. 8-5B
757	Fees for Services Provided by Assessor's Office	Adopted	Chapter 8 Sec. 8-14
758	Building Permit Fees	Adopted	Chapter 8 Sec. 8-2
759	Amending Municipal Code Fee and Fine Schedules	Adopted	Chapter 9 Chapter 10
760	Governing Police Regulated Fines and Fees	Adopted	Chapter 13

			Sec. 13-19(d) Chapter 9 Sec. 9-85E
761	Amending Ambulance Rates and Charges	Adopted	Chapter 8 Sec. 8-5
762	Wage and Salary Schedule – Director of Planning & Community Development; Economic Development Director	Adopted	Chapter 6 Sec. 6-5
763	Amendment to the Comprehensive Zoning Ordinance – Danielian Way	Adopted	Chapter 11
764	Restricting By Time Usage of Motorized Skateboards and/or Scooters	Adopted	Chapter 9 Sec. 9-92A
765	Amendment to the Comprehensive Zoning Ordinance – Ashford School	Adopted	Chapter 11
766	Requiring the Use of Infrared Method of Street Patching for Secondary Roads	Adopted	Chapter 16 Sec. 16-11
767	Regarding Unreasonable Noise in the City of Methuen	Adopted	Chapter 9 Sec. 9-65
768	Amendment to the Comprehensive Zoning Ordinance – Remediation of Construction Errors and Cost Recovery For Investigating Such Errors	Adopted	Chapter 11
769	Amending Chapter 9 of the Methuen Municipal Code – Prohibited Parking on Municipal Lots; Parking Ordinance (Fines); Parking Violation Fines	Adopted	Chapter 9 Sec. 9-58 Sec. 9-59
770	Amending Chapter 9, Section 9-55, Section D, Penalties, of the Methuen Municipal Code – Handicapped Parking	Adopted	Chapter 9 Sec. 9-55D
771	Amending Chapter 9, Section 9.65 of the Methuen Municipal Code – Unreasonable	Adopted	Chapter 9 Sec. 9.65

	Noise From Motor Vehicles or Motorcycles		
772	Ordinance Prohibiting Unregistered and Uninspected Vehicles From Being Stored on Premises	Adopted	Chapter 9 Sec. 9-66
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778	Banning Dogs From Public Cemeteries	Adopted	Chapter 23 Sec. 23-50
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780	Amending the Comprehensive Zoning Ordinance of the City of Methuen – Merrimac Street Area	Adopted	Chapter 11
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808	Ordinance Amending Chapter 23 of the MMC – Proposed Amendments Methuen Dog Ordinance – Section 23-28A, B, C	Adopted	Chapter 18 Sections 23-28 (28A, 28B, 28C)

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884	An Ordinance Establishing Regulations Relative to the Storage, Disposal, and Maintenance of Refuse Containers on Property Owned by the City of Methuen Dumpsters Ordinance	Adopted	Chapter 9 Section 9-73A
885	Ordinance Amending Chapter 12, Sec 12-2 Wetlands Protection: Hearing	Adopted	Chapter 12 Section 12-2
886	Ordinance Amending Chapter 6, Sec 6-5 Compensation Plan	Adopted	Chapter 6 Section 6-5 Section 6-8 Section 6-12 Section 6-12B Section 6-13 Section 6-20A Section 6-21

887	Ordinance Amending Chapter 3, Article III Sec 3-23, License Board CORI Check	Adopted	Chapter 3 Section 3-23
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889	Ordinance Amending Chapter 8, Sec 8-1 City Clerk's Fees	Adopted	Chapter 8 Section 8-1
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893	Ordinance Amending the Wage and Salary Classification Schedule Middle Management Deputy Director of Budget and Finance	Adopted	Chapter 6 Section 6-5 Res #5235
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895	Ordinance Amending the Wage and Salary Classification Schedule AFSCME Unit B Code Enforcement Officer	Adopted	Chapter 6 Section 6-5 Res #5235
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896	Ordinance Amending Wage/Salary Classification Plan Unaffiliated Schedule AFSCME Unit B- Police Matron/Monitor	Adopted	Chapter 6 Section 6-5
897	Ordinance Establishing Regulations Relative to the Use of the Nicholson Stadium Complex	Adopted	Chapter 18 Section 18-20
898	Ordinance Changing The Meeting Date from November 2, 2015 To November 9, 2015	Adopted	Chapter 2 Section 2-1
899	Ordinance Establishing a Municipal Enforcement	Adopted	Chapter 9A
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906	Ordinance Amending Chapter 13 Section 13-80 of the Methuen Municipal Code Automatic Amusement Licenses	Adopted	Chapter 13 Section 13-80
907	Ordinance Amending Chapter 18 Section 18-21 of the Methuen Municipal Code Use of Riverside Drive Boat Ramp and Adjoining Area	Adopted	Chapter 18 Section 18-21
908	Ordinance Amending the Wage and Salary Classification Plan Unaffiliated, Recreation Leaders/ Tennis Instructors	Adopted	Chapter 6 Section 6-5
909	Ordinance Amending Wage/Salary Classification Plan Schedule A-3 Middle Management and AFSCME Administrative Assistant- Council on Aging Superintendent of Recreation and Administrator Aide/Grant Administrator Activities Coordinator, Senior Center Civil Engineer II and Senior Engineering Aide	Adopted	Chapter 6 Section 6-5
910	Ordinance Amending Comprehensive Zoning Ordinance of the City of Methuen 195 Howe Street	Adopted	Chapter
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912	An Ordinance Amending Wage & Salary Classification Schedule, AFSCME	Adopted	Chapter 6 Section 6-5

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913	An Ordinance Amending the Comprehensive Zoning Ordinance of the City of Methuen – 293 Broadway	Adopted	Chapter
914	An Ordinance Amending the Comprehensive Zoning Ordinance of the City of Methuen – Section VII-E Special provisions Temporary and Directional Signs	Adopted	Chapter
915	A Special Ordinance Changing the Meeting Date from July 3, 2017 to Monday, July 10, 2017	Adopted	Chapter Section 2-1
916	An Ordinance Amending the Comprehensive Zoning Ordinance of the City of Methuen – Howe Street – RR to MA	Adopted	Chapter
	Resolution Submitting a Home Rule Petition for the Purposes of Waiving Certain Provisions of Methuen Home Rule Charter: Article 2, Section 2-5 Sean Fountain	06/..05/17	Voted Res. #5345
917	An Ordinance Amending the Wage & Salary Classification Plan, Unaffiliated, DPW Temporary/Seasonal Help	Adopted	Chapter Section 6-5
918	Ordinance Amending Wage/Salary Classification Plan Schedule A-3 Middle Management and AFSCME Assistant Treasurer, Assistant Tax Collector and Employee Benefits Manager Workers Compensation Agent Unaffiliated Classification Plan Ordinance Amending the Wage and Salary Classification Plan, Middle Management and Unaffiliated	Adopted	Chapter 6 Section 6-5
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	of Methuen Home Rule Charter: Article 2, Section 2-5 Jamie Atkinson		
919	An Ordinance Amending the Wage & Salary Classification Plan, Unaffiliated, DPW Temporary/ Recreation Supervisors	Adopted	Chapter Section 6-5
920	Proposed Comprehensive Zoning Ordinance Amendment to Add a New Section: Temporary Moratorium on Recreational Marijuana Establishments	Adopted	
921	General Ordinance – Adding new Section Ref: "Marijuana Establishments"		
922	An Ordinance Amending the Wage & Salary Classification Plan, Schedule A-1, Councilor Employees, Council Clerk	Adopted	Chapter Section 6-5
923	An Ordinance Amending the Wage & Salary Classification Plan, AFSCME Employees, City Clerk	Adopted	Chapter Section 6-5
924	Ordinance Adopting the Methuen Center Smart Growth Overlay District		
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927	A Special Ordinance Changing the Meeting Date from July 2, 2018 to Monday, July 10, 2018	Adopted	Chapter Section 2-1
927A	An Ordinance Establishing Procedures for the Disbursement of Funds from "Other Special Revenue Funds/Disability Commission	Adopted	Chapter Section 3-31A
928	An Ordinance Amending Chapter 6,	Adopted	Chapter 6

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929	Ordinance Amending Wage and Salary Classification Plan – DPW Local 123 Superintendent of Environmental Management, Superintendent of Vehicle Maintenance, Superintendent of Building Maintenance	Adopted	Chapter Section 6-5
930	Ordinance Amending Wage/Salary Classification Plan Schedule A-3 Middle Management Employee Benefits Manager Purchasing Director	Adopted	Chapter 6 Section 6-5
931	A Special Ordinance Changing the Meeting Date from September 04, 2018 to September 06, 2018	Adopted	Chapter Section 2-1
932	Ordinance Adopting the Stretch Energy Code Green Communities	Adopted	Chapter
933	Ordinance to Extend the Temporary Zoning Moratorium on Marijuana Establishments – Section XI-D(22)	Adopted	Chapter
934	Ordinance Zoning Ordinance Amendment to Section V-D – Table of Use Regulations to allow Manufacturing, Industrial by Special Permit of the Community Development Board (SP CD) in a Limited Business (BL) District	Adopted	Chapter

TO-19-2 An Ordinance Establishing the City Council Fiscal Analyst Position– (request of committee) (request to become effective upon passage)

Tabled;TO-18-14 Ordinance Amending Section 7-A of the Methuen Municipal Code – Other Contracts (Req. of Clr. McCarty) **VIEW ORDINANCE DETAILS**

Tabled; TO-18-15 Ordinance Amending Section 2-10 of the Methuen Municipal Code – Compensation – City Council (Req. of Clr. McCarty) **VIEW ORDINANCE DETAILS**
VIEW CITY COUNCIL SALARY COMPARABLES

TO-19-1 An Ordinance Amending the Zoning Ordinance of the City of Methuen 251 Hampstead Street from Rural Residential (RR) District to a Business Highway (BH) District

TO-19-2 An Ordinance Establishing the City Council Fiscal Analyst Position– (request of committee) **VIEW ORDINANCE**

TO-19-3 Ordinance Amending MMC Chapter 9, Article II, Regarding Hotel/Motel

TO-19-4 An Ordinance Ref: Marijuana prohibited in public places

TO-19-5 An Ordinance Amending the Wage & Salary Classification plan for the Human Resources Director position (EPA REQUESTED) **VIEW ORDINANCE**

TO-19-6 An Ordinance for the Regulation of Adult Use and Medical Marijuana Establishments, Replacing Section XI-D, Paragraphs 21 and 22 and Amending Section V-D (Table of Uses) of the Comprehensive Zoning Ordinance of the City of Methuen. (Request to send to DECD to set Joint Public Hearing) **VIEW ORDINANCE**

TO-19-7 An Ordinance Establishing the Position of Engineering Department Administrator (EPA REQUESTED) **VIEW ORDINANCE**

TO-19-8 An Ordinance Establishing the Position of Assistant City Solicitor (EPA REQUESTED) **VIEW ORDINANCE**

TO-19-9 An Ordinance Establishing the Position of Outreach/Social Worker/Elder Services (EPA REQUESTED) **VIEW ORDINANCE**

TO-19-10 A Special Ordinance Changing the Methuen City Council Regular Meeting Date January 6th 2020 to January 7th 2020 (EPA REQUESTED)

TO-19-6 An Ordinance for the Regulation of Adult Use and Medical Marijuana Establishments, Replacing Section XI-D, Paragraphs 21 and 22 and Amending Section V-D (Table of Uses) of the Comprehensive Zoning Ordinance of the City of Methuen. (Request to send to DECD to set Joint Public Hearing)

TO-19-7An Ordinance Creating the Position of Chief Administrative and Financial Officer

TO-19-8 An Ordinance Creating the Position of Assistant Solicitor

TO-19-9 An Ordinance Creating the Position of Engineering Department Administrator

TO-19-10 An Ordinance Creating an Outreach and Intake Specialist (Senior Center)

TO-19-11 An Ordinance Creating Information and Referral Worker (Senior Center)

TO-19-12 An Ordinance Amending the Wage & Salary Classification plan for approved new FY 20 budgeted positions

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