

Chapter 1

General Provisions

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Sec. 1-1. How Code designated and cited.

The bylaws contained in this chapter and the following chapters and sections shall constitute and be designated "The Code of the Town of Stoneham, Massachusetts", and may be so cited. Such bylaws may also be cited as "Stoneham Town Code."

Sec. 1-2. Rules of construction.

In the construction of this Code and of all other bylaws of the town, the following rules of construction shall be observed, unless the construction thereby attained would be inconsistent with the manifest intent of the town or repugnant to the context of the bylaw:

Board of Selectmen or Selectmen. The term "Board of Selectmen" or the word "Selectmen" shall be construed to mean the Board of Selectmen of the Town of Stoneham.

Commonwealth. The word "Commonwealth" shall mean the Commonwealth of Massachusetts.

Computation of time. The time in which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that shall be excluded.

Gender. Words used in the masculine gender shall include the feminine and neuter.

State law reference—G.L. c. 4, sec. 6.

General Laws or *G.L.* The words "General Laws" or "G.L." shall mean and refer to the General Laws of Massachusetts.

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

State law reference—G.L. c. 4, sec. 6.

Month. The word "month" shall mean a calendar month.

State law reference—G.L. c. 4, sec. 7.

Number. Words importing the singular shall include the plural; words importing the plural shall include the singular.

State law reference—G.L. c. 4, sec. 6.

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

Person. The word "person", shall include a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

State law reference—G.L. c. 4, sec. 7.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

State law reference—G.L. c. 4, sec. 7.

Street, highway. The words "street" and "highway" shall be construed as including avenues, courts, lanes, alleys, squares, places, sidewalks and all other public ways in the town.

State law reference—Highway, etc., G.L. c. 4, sec. 7.

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

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. The words "the town" shall mean the Town of Stoneham in the County of Middlesex and Commonwealth of Massachusetts.

Written or in writing. The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

State law reference—G.L. c. 4, sec. 7.

Year. The word "year" shall mean a calendar year.

State law reference—G.L. c. 4, sec. 7.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. General penalty; continuing violations.

Any person who violates a provision of any bylaw or rule and regulation of the town, whether included in this Code or any hereafter enacted, whereby any act or thing is enjoined or prohibited or required, shall, unless other provision is expressly made, be liable to a penalty not exceeding Three Hundred Dollars (\$300) for each offense.

Each day any violation of this Code or of any other bylaw of the town shall continue shall constitute a separate offense. (1932 Bylaws, Art. 13, Sec. 1; 5-2-88, Art. 9)

State law reference—Authorizing town to affix a penalty not exceeding Three Hundred Dollars (\$300) for each offense, G.L. c. 40, sec. 21.

Cross reference—Prosecution of bylaw violations by town counsel, Sec. 2-49.

Sec. 1-4A. Non-criminal disposition.

Violations of the following Town bylaws, rules and regulations, may be enforced by non-criminal disposition in the manner provided by General Laws, Chapter 40, Section 21D. For purposes of this bylaw, the specific penalty which is to apply for a violation shall be listed below. In addition to police officers of the Town of Stoneham, who shall have authority to enforce all of the below referenced bylaws, rules and regulations, the municipal officer(s), if any, listed below shall also have authority to enforce the respective bylaw, rule or regulation by non-criminal disposition. Each day any violation continues shall constitute a separate violation. (10-27-03, Art. 14).

Editor's Note - See Chapter 8 Sec. 8 Unlawful Parking.

BYLAWS

Section	Subject	Additional Enforcing Person(s)	Fine
Chap. 2 - Sec. 44	Numbering of Buildings	Fire Chief or Fire Prevention Officer	\$50.00
Chap. 3 - Sec. 7	Leash Required	Dog Officer	1st Offense - \$25.00 2nd Offense - \$40.00 3rd Offense - \$50.00
Chap. 6 - Sec.1	Depositing of offensive or injurious substances	Board of Health or its agent	\$50.00
Chap. 6 - Sec. 2	Deposit of substance subject to Decomposition	Board of Health or its agent	\$50.00
Chap. 6 - Sec. 4	Sewer Use Ordinance	Board of Health or its agent, Superintendent of Public Works	\$50.00
Chap. 7 - Sec. 13	Flea Market	None	\$50.00
Chap. 7 - Sec. 14	Automatic Amusement Devices	None	\$50.00
Chap. 8 - Sec 8	Unlawful Parking	None	\$50.00
Chap. 9 - Sec. 5	Discharging firearm, air rifle, etc.	None	\$50.00
Chap. 9 - Sec. 9	Interfering with hydrants, fire alarms, etc	Fire Chief or Fire Prevention Officer	\$50.00
Chap. 9 - Sec. 9.1	Fire Lanes	Fire Chief or Fire Prevention Officer	\$50.00
Chap. 13 - Sec. 1	Excavations	Building Inspector	\$50.00
Chap. 13 - Sec. 2	Obstructions or dumping	Board of Health or its agent	\$50.00
Chap. 13 - Sec. 7	Placement of materials in erecting, repairing or removing buildings	Building Inspector	\$50.00
Chap. 13 - Sec. 8	Standing so as to obstruct passage	None	\$50.00
Chap. 13A - Sec.1	Earth Removal	Building Inspector	\$50.00
Chap. 13 - Sec. 11	Snow Removal		

Section	Subject	Additional Enforcing Person(s)	Fine
Chap. 13 - Sec. 12	Deposits of snow on certain sidewalks or streets	Director of Public Works or his representative(s) as designated in writing by the Town Administrator	1st Offense per season Nov. 1-Apr. 30 - \$25.00 - Written Warning 2nd Offense per season - \$25.00 Subsequent offenses per season - \$50.00 Each day of violation constitutes a separate violation \$50.00
Chap. 15 Sec. 4.2.2.2	Unregistered Motor Vehicle Per Lot	Building Inspector	\$50.00
Chap. 15 Sec. 5.3.6.2	Corner lot fences, residential	Building Inspector	\$50.00
Chap. 15 Sec. 5.3.6.3	Corner lot fences, business	Building Inspector	\$50.00
Chap. 15 Sec. 6.3.4.2.9	Maintenance of parking lots	Building Inspector	\$50.00
Chap. 15 Sec. 6.3.4.2.10	Snow storage	Building Inspector	\$50.00
Chap. 15 Sec. 6.3.5.2.1	Maintenance of screening	Building Inspector	\$50.00
Chap. 15 Sec. 6.5.2.4	Landscaping	Building Inspector	\$50.00
Chap. 15 Sec. 6.5.3.1(a)	Pool Enclosures	Building Inspector	\$50.00
Chap. 15 Sec. 6.6.2.2	Lighting	Building Inspector	\$50.00
Chap. 15 Sec. 6-7	Signs and Illuminations	Building Inspector	\$50.00
Chap. 15 Sec. 6.8.9.1	Hazardous materials	Building Inspector	\$50.00

Section	Subject	Additional Enforcing Person(s)	Fine
Chap. 16 - Sec. 20 thru 69	Vehicle for Hire Regulations	None	1st Offense in six month period - \$50.00 2nd Offense in six month period - \$100.00 3rd Offense and each subsequent offense thereafter, in a six month period - \$200.00
State law reference-Non-criminal disposition, G.L. c. 40, Sec. 21D.			
Chap. 20 - Sec. 2 thru 120	Board of Health Regulations Fire Regulations	Board of Health or its agent Fire Chief or Fire Prevention Officer	See Regulations \$50.00 for each day such violation continues after receipt of notice thereof
(5-8-89, Art. 10; 10-21-91, Art. 3; 5-7-92, Art. 4; 5-6-93; 5-1-95, Art. 10; 10-27-03, Art. 14)			
State law reference—Non-criminal disposition, G.L. c. 41, sec. 21D.			

Sec. 1-5. Severability.

It is hereby declared to be the intention of the town that the sections, paragraphs, sentences, clauses and phrases of this Code are severable; and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the town without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

Sec. 1-6. Town seal.

The town seal shall be as follows:

