

# 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:

*Select Board or Select Board Member.* The term "Select Board" or the word "Select Board Member" shall be construed to mean the Select Board 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. Any specific monetary fine or penalty that is set forth below shall be considered to apply only to a non-criminal disposition of such violation and shall not be construed as a limitation upon the monetary penalty recoverable pursuant to Section 1-4 above or other applicable law. (10-27-03, Art. 14; 5-5-14, Art. 16).

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

**BYLAWS**

<b>Section</b>	<b>Subject</b>	<b>Additional Enforcing Person(s)</b>	<b>Fine</b>
Chap. 2 - Sec. 44	Numbering of Buildings	Fire Chief or Fire Prevention Officer	\$50.00
Chap. 3 - Sec. 7	Leash Required	Animal Control Officer	1 <sup>st</sup> Offense - \$25.00 2 <sup>nd</sup> Offense - \$40.00 3 <sup>rd</sup> Offense - \$50.00
Chap. 3 – Sec 3-14	Prohibitions and restrictions on sale of dogs and cats	Animal Control Officer	1 <sup>st</sup> Offense within a 24- month period- Warning 2 <sup>nd</sup> Offense within a 24- month period - \$200.00 3 <sup>rd</sup> and Subsequent Offense within a 24- month period - \$300.00
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, Director of Public Works	\$50.00
Chapter 7 - Sec. 1-11	Junk and Secondhand Articles	None	See Chapter 7, Sec. 12
Chap. 7 - Sec. 13	Flea Market	None	\$50.00

Section	Subject	Additional Enforcing Person(s)	Fine
Chap. 7 - Sec. 14	Automatic Amusement Devices	None	\$50.00
Chap. 8 - Sec 8	Unlawful Parking	None	\$50.00
Chap. 8 - Sec. 9	Motor scooters, skateboards, other personal motorized vehicles	Traffic Directors	1 <sup>st</sup> Offense in 24-month period –Warning 2 <sup>nd</sup> Offense in 24-month period - \$50.00 3 <sup>rd</sup> Offense in 24-month period - \$100.00
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. 9 - Sec. 9-16	Littering on Town property	None	1 <sup>st</sup> Offense – Warning 2 <sup>nd</sup> Offense - \$200 3 <sup>rd</sup> Offense - \$300
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

Section	Subject	Additional Enforcing Person(s)	Fine
Chap. 13- Sec. 11B	Snow Removal	Director of Public Works or then Director's representative(s) as designated in writing by the Town Administrator	1 <sup>st</sup> Offense per season Nov. 1-Apr. 30 - Written Warning 2 <sup>nd</sup> Offense per season - \$25.00 Subsequent offenses per season - \$50.00
Chap. 13 – Sec. 12	Deposits of snow on certain sidewalks or streets	Director of Public Works or then Director's representative(s) as designated in writing by the Town Administrator	1 <sup>st</sup> Offense per season Nov. 1-Apr. 30 - Written Warning 2 <sup>nd</sup> Offense per season - \$100.00 3 <sup>rd</sup> Offense per Season-\$200.00 4 <sup>th</sup> Offense and each Subsequent offense per season - \$300.00(each day in violation is a subsequent offense)
Chap. 13 – Sec. 13	Printed Material Vending Machines	Director of Public Works or the Director's representative as designated in writing by the Town Administrator	1 <sup>st</sup> Offense in 24-month period - \$50 2 <sup>nd</sup> Offense in 24-month period- \$100 3 <sup>rd</sup> Offense and each subsequent offense in 24-month period-\$200

Section	Subject	Additional Enforcing Person(s)	Fine
Chap. 13A Sec. 1	Earth Removal	Director of Public Works or the Directors Representative(s) as designated in writing by the Town Administrator	1st Offense in 24-month period - \$50 2nd Offense in 24-month period \$100 3rd Offense and each subsequent offense in 24-month period \$200
Chap.14 Sec. 14-2	Restrictions of Water Use	Town Administrator or his designee	1st Offense within a 12-month period – Warning 2nd Offense within a 12-month period - \$50.00 3rd Offense and subsequent offenses within a 12-month period - \$100.00
Chap. 14 Sec. 14-5	Private Water Systems & Appurtenances	Town Administrator, the Director of Public Works or the Fire Chief	Prior to commencing enforcement written notice to comply with the bylaw must be given 1st Offense - \$100 per noncompliant hydrant 2nd Offense- \$200 per noncompliant hydrant 3rd and subsequent offenses - \$300 per noncompliant hydrant

Section	Subject	Additional Enforcing Person(s)	Fine
Chap. 15	Zoning Bylaws	Building Inspector	1st Offense in 24-month period - \$50 2nd Offense in 24 month period \$100 3rd Offense and each subsequent offense in 24 month period \$200
Chap. 16	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
Chap. 16	Social Host Responsibility	None	1st Offense - Warning 2nd Offense within a 12-month period - \$150.00 3rd Offense and subsequent offenses within a 12-month period - \$300.00



Section	Subject	Additional Enforcing Person(s)	Fine
Chap. 20	Board of Health Regulations	Board of Health or its health inspector or agent	See Regulations or otherwise as follows:
	Stoneham Fire Regulations	Fire Chief or Fire Prevention Officer	1 <sup>st</sup> Offense in 24-month period - \$50.00 2 <sup>nd</sup> Offense in 24-month period - \$100 3 <sup>rd</sup> Offense in 24-month period - \$200

(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; 5-5-14, Art. 16 )

**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:

**Sec. 1-7. Editorial Revisions.**

The Town Clerk is authorized to assign appropriate numbers or letters to by-law sections, subsections, paragraphs and subparagraphs where none are approved by Town Meeting; and if such numbering or lettering is approved by Town Meeting, to make non-substantive editorial revisions to the same to ensure consistent and appropriate sequencing and numbering; and to make non-substantive editorial revisions to references regarding such numbering or lettering as contained within the by-laws to ensure accuracy and conformity. (Art. 13 5-7-18)