

**GENERAL MUNICIPAL CODES
NAS SOUTH WEYMOUTH
JUNE 30, 2008**

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ARTICLE I - OVERVIEW OF GENERAL MUNICIPAL CODES

- 1.1 Authority
- 1.2 Scope; Interrelationship with Zoning and Reuse Plan
- 1.3 Adoption/Amendments
- 1.4 Administration
- 1.5 Capitalized Terms

1.1 Authority

These General Municipal Codes for NAS South Weymouth (the “Codes”) are adopted in accordance with Section 13(d) of Chapter 301 of the Massachusetts Acts and Resolves of 1998 as the same may now or hereafter be amended (the “Enabling Legislation”), which vests South Shore Tri-Town Development Corporation (the “Corporation”) with the broad regulatory authority to develop and adopt “[r]egulations for the effective implementation and enforcement of the Reuse Plan and zoning by-laws and revisions thereof.” These Codes shall be implemented and interpreted keeping in mind the purpose of the Enabling Legislation to “promote the expeditious and orderly conversion and redevelopment of NAS South Weymouth.”

1.2 Scope; Interrelationship with Zoning and Reuse Plan

The scope of the Codes and the intended interrelationship of the Codes with the Zoning and Land Use By-Laws for NAS South Weymouth (the “By-Laws”) and the Reuse Plan for NAS South Weymouth (the “Reuse Plan”) is set forth in Section 1.4.C of the By-Laws which provides as follows:

“The Regulations shall be consistent with [the] By-Laws and the Reuse Plan and shall provide additional substantive and procedural controls over the reuse of NAS South Weymouth; in the event of any inconsistency, the Reuse Plan and [the] By-Laws shall control.”

1.3 Adoption/Amendments

The procedure for adoption of the Codes is set forth in Section 13(d) of the Enabling Legislation, which provides that “[n]o regulation shall be adopted by said Corporation without first publishing notice of same in a newspaper of general circulation within the NAS South Weymouth Region, holding at least one public hearing in the NAS South Weymouth Redevelopment Area or in any one of the Towns of Abington, Rockland and Weymouth (the “Towns”), and affording the opportunity for public comment.” No separate approval by the Towns of any Codes adopted by the Corporation

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in accordance with Section 13(d) is required. Amendments to these Codes shall require the same procedure.

1.4 Administration

The provisions of these Codes shall apply in both the Central Redevelopment Area and the Perimeter Areas. With respect to provisions of these Codes regarding zoning, licenses, inspections and permits, the Corporation shall administer and enforce these Codes within the boundaries of the Central Redevelopment Area, and the Towns shall administer and enforce these Codes within the boundaries of that portion of the Perimeter Area within such Town. With respect to provisions of these Codes regarding police, fire, emergency medical and other municipal services, the Corporation shall administer and enforce these Codes in both the Central Redevelopment Area and the Perimeter Areas. Areas outside of NAS South Weymouth shall remain entirely within the jurisdiction of the Towns and shall continue to be administered by officials of the Towns in accordance with applicable laws, including the municipal laws and regulations applicable to the Towns.

1.5 Capitalized Terms

Capitalized terms used but not defined in these Codes shall have the meanings ascribed to such terms in the By-Laws or Reuse Plan.

ARTICLE II - GENERAL PROVISIONS

- 2.1 Definitions
- 2.2 When Rules of Construction Shall Not Apply
- 2.3 References to Titles, Articles, or Sections
- 2.4 Conflicting Provisions
- 2.5 Code Adoption Not to Affect Prior Offenses, Rights, etc.
- 2.6 Effect of Repeal of Code
- 2.7 Violations and Penalties - Municipal Infractions
- 2.8 Violations and Penalties - Criminal Complaint
- 2.9 Severability

2.1 Definitions

In the construction of these Codes, the following definitions shall apply unless such construction would be inconsistent with the manifest intent of the Corporation when enacting the Codes.

Applicable Animal Control Officer – The term “Applicable Animal Control Officer” shall mean the animal control officer designated by the Corporation pursuant to the authority granted to the Corporation in the Enabling Legislation.

Applicable Board of Health – The term “Applicable Board of Health” shall have the same meaning ascribed to such term in the Health Regulations for NAS South Weymouth.

Applicable Board of Licensing Commissioners - The term “Applicable Board of Licensing Commissioners” shall mean the Corporation with respect to the Central Redevelopment Area, and the board of licensing commissioners or similar entity of each Town with respect to the portion of the Perimeter Area located within such Town.

Applicable Department of Public Works – The term “Applicable Department of Public Works” shall mean the department of public works designated by the Corporation pursuant to the authority granted to the Corporation in the Enabling Legislation.

Applicable Fire Department – The term “Applicable Fire Department” shall mean the fire department designated by the Corporation pursuant to the authority granted to the Corporation in the Enabling Legislation.

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Applicable Gas Inspector - The term “Applicable Gas Inspector” shall mean the Corporation’s designated gas inspector with respect to the Central Redevelopment Area, and the gas inspector of each Town with respect to the portion of the Perimeter Area located within such Town.

Applicable Health Department – The term “Applicable Health Department” shall have the same meaning ascribed to such term in the Health Regulations for NAS South Weymouth.

Applicable Parking Clerk - The term “Applicable Parking Clerk” shall mean the parking clerk designated by the Corporation pursuant to the authority granted to the Corporation in the Enabling Legislation.

Applicable Plumbing Inspector - The term “Applicable Plumbing Inspector” shall mean the Corporation’s designated plumbing inspector with respect to the Central Redevelopment Area, and the plumbing inspector of each Town with respect to the portion of the Perimeter Area located within such Town.

Applicable Police Department – The term “Applicable Police Department” shall mean the police department designated by the Corporation pursuant to the authority granted to the Corporation in the Enabling Legislation.

Applicable Sealer of Weights and Measures - The term “Applicable Sealer of Weights and Measures” shall mean the Corporation’s designated sealer of weights and measures with respect to the Central Redevelopment Area, and the sealer of weights and measures of each Town with respect to the portion of the Perimeter Area located within such Town.

Applicable Subdivision Board – The term “Applicable Subdivision Board” shall have the same meaning ascribed to such term in the Subdivision Rules and Regulations for NAS South Weymouth.

Applicable Town Engineer – The term “Applicable Town Engineer” shall mean the Corporation’s designated town engineer with respect to the Central Redevelopment Area, and the town engineer of each Town with respect to the portion of the Perimeter Area located within such Town.

Applicable Wiring Inspector – The term “Applicable Wiring Inspector” shall mean the Corporation’s designated wiring inspector with respect to the Central Redevelopment Area, and the wiring inspector of each Town with respect to the portion of the Perimeter Area located within such Town.

By-Laws – See Article 1.2.

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Corporation – See Article 1.1.

Enabling Legislation – See Article 1.1.

EPA – The term “EPA” shall mean the United States Environmental Protection Agency.

Filing Office – The term “Filing Office” shall have the same meaning ascribed to such term in Section 2.2(D) of the Administrative Rules and Regulations for NAS South Weymouth.

Highway - The term “highway” shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass and causeway in NAS South Weymouth, dedicated or devoted to public use.

MassDEP – The term “MassDEP” shall mean the Commonwealth of Massachusetts Department of Environmental Protection.

Owner - The word “owner,” applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such property.

Person - The word “person” shall extend and be applied to associations, corporations, limited liability companies, firms, partnerships and other similar entities, bodies politic and corporate as well as to natural persons.

Personal property - The words “personal property” shall include all tangible and intangible property other than real property.

Property - The word “property” shall include real and personal property.

Real property - The words “real property” shall include all inherent natural resources and any man-made improvements thereon.

Reasonable time - In all cases where any Code shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

Reuse Plan – See Article 1.2.

Roadway - The word “roadway” shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

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Sidewalk - The word "sidewalk" shall mean that portion of a street between the curb line and the adjacent property intended for the use of pedestrians.

Street - The term "street" shall include any highway, alley, street, avenue or public place or square, bridge, viaduct, underpass, overpass, tunnel and causeway in NAS South Weymouth, dedicated or devoted to public use and includes any way to which the public has a right of access.

Towns – See Article 1.3.

Zoning Enforcement Officer – The term "Zoning Enforcement Officer" shall have the same meaning ascribed to such term in the Administrative Rules and Regulations for NAS South Weymouth.

2.2 When Rules of Construction Shall Not Apply

The rules of construction set forth in these Codes shall not be applied to any Code which shall contain any express provision excluding such construction, or when the subject matter or context of such Code may be repugnant thereto.

2.3 References to Titles, Articles, or Sections

All references to titles, articles, or sections are to the titles, articles and sections of these Codes unless otherwise specified.

2.4 Conflicting Provisions

- (a) If the provisions of different articles of these Codes conflict with or contravene each other, the provisions of each article shall prevail as to all matters and questions growing out of the subject matter of such article.
- (b) If conflicting provisions are found in different sections of the same article, the provisions of the section which is last in numerical order shall prevail.
- (c) To the extent that any provision of these Codes expressed in general terms shall conflict with any provision expressed in specific terms, the specific provision shall prevail.
- (d) In all cases in which provisions of these Codes conflict with one another the provision enacted most recently in time shall be deemed to prevail over any older provision.

2.5 Code Adoption Not to Affect Prior Offenses, Rights, etc.

- a) Nothing in these Codes shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of these Codes.
- (b) The adoption of these Codes shall not be interpreted as authorizing any use or the continuance of any use of a structure or premises in violation of any part of these Codes in effect on the date of adoption of these Codes, except as otherwise provided.

2.6 Effect of Repeal of Codes

- (a) The repeal of a Code shall not revive any Code in force before or at the time the Code repealed took effect.
- (b) The repeal of a Code shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the Code repealed.

2.7 Violations and Penalty - Municipal Infractions

- (a) Any Code of the Corporation or any rule or regulation of its officers, boards or departments, the violation of which is subject to a specific penalty, may, in the discretion of the appropriate enforcing person, be enforced in the method provided in M.G.L. c. 40, § 21D. The noncriminal fine for each such violation, if not otherwise specified, shall be fifty dollars (\$50).
- (b) “Enforcing person”, as used in this section, shall mean the Applicable Police Department, with respect to any offense, the applicable building inspector, a person designated by the applicable Conservation Commission, the director of the Applicable Health Department, the director of the Applicable Department of Public Works, the Applicable Animal Control Officer and such other officials as the Corporation or the Towns may from time to time designate, each with respect to violation of these Codes and rules and regulations within their respective jurisdictions. Each such person as is here designated an ‘enforcing person’ may, with the approval of the Corporation or the Towns, as appropriate, appoint a deputy enforcing person to serve in his or her absence or disability. The names of each enforcing person and of each deputy enforcing person shall be kept on file in the office of the Corporation and at the Applicable Police Department. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto. Police officers shall in all cases be considered enforcing persons for the purpose of this provision.
- (c) Unless otherwise provided, each day a violation continues shall constitute a separate and repeat violation once notice of the violation has been given.

2.8 Violations and Penalty - Criminal Complaint

Any Code of the Corporation or any rule or regulation of its officers, boards or departments, may, in accordance with the provisions of M.G.L. c. 40, § 21, also be enforced by criminal complaint in the district court. Except as otherwise provided by law, any person found guilty of violating any provision of this code in a criminal proceeding in the district court shall be subject to a fine within the limits otherwise prescribed by law. Each day a violation continues shall constitute a separate and repeat violation once notice of the violation has been given.

2.9 Severability

It is hereby declared to be the intention of the Corporation that the sections, paragraphs, sentences, clauses and words of these Codes are severable, and if any word, clause, sentence, paragraph or section of these Codes shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of these Codes, because the same would have been enacted by the Corporation without the incorporation in these Codes of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

ARTICLE III - APPOINTMENT OF QUALIFIED BOARDS AND OFFICERS

(Reserved For Future Use)

ARTICLE IV - PRESERVATION OF PUBLIC PEACE AND ORDER

- 4.1 Consumption of Alcoholic Beverages in Public
- 4.2 Posting of signs prohibited
- 4.3 Numbering of Buildings
- 4.4 Prohibitions concerning “fireworks” and other explosive devices
- 4.5 Prohibition concerning firearms including guns and cannons
- 4.6 Burglar alarm systems
- 4.7 Fire Alarm Signal Systems
- 4.8 Animals at Large
- 4.9 Displaying Non-Domesticated Animals for Entertainment
- 4.10 Dogs and Cats
- 4.11 Littering
- 4.12 Handbills and Circulars
- 4.13 Sex Offender Residency Restrictions

4.1 Consumption of Alcoholic Beverages in Public

(a) Definitions - The following words as used in this section, unless the context otherwise requires, shall have the following meanings:

Park - Any public park under the care and control of the Corporation.

Playground - Any playground under the care and control of the Corporation.

Private Parking Areas - Any private parking area throughout NAS South Weymouth to which the public has the general right of access.

Public Parking Areas - Any public parking area under the care and control of the Corporation.

Public Ways - All ways to which the public has a right of access.

(b) Consumption in public places without permission prohibited - No person shall drink or consume alcoholic beverages as defined in M.G.L. c. 138, § 1, while on, in or upon the public ways and places set forth in Section 4.1(a), above, or places to which members of the public have access as invitees or licensees, or a park, public parking area or playground under the care and control of the Corporation to which the public has a right of access, or on private land or place without the consent of the owner or person in control thereof.

(c) Evidence of violation - Possession of an open can, bottle or other container, which upon analysis by the Applicable Police Department is determined to contain an alcoholic beverage as defined in M.G.L. c. 138, § 1, shall be prima facie evidence of drinking or consuming said alcoholic beverage. All alcoholic beverages being used in violation of this section shall be seized and safely held until final adjudication of the charge against the person or persons summoned before the court.

(d) Arrest without warrant; penalty - A police officer may arrest without a warrant anyone who violates this section. Whoever violates any provision of this section shall be liable to a penalty of one hundred dollars (\$100) for each violation.

4.2 Posting of signs prohibited

(a) Posting of signs prohibited - No person, unless required by law so to do, shall make any marks, letters, figures of any kind or place any sign, advertisement or placard (political or otherwise) upon or against any wall, fence, utility pole, post, ledge, stone, tree, building or structure in NAS South Weymouth without the permission of the owner thereof, nor upon any sidewalk or in or upon any public way or upon any property of the Corporation without the consent of the Corporation or its designee.

(b) Penalties - Whoever violates any of the provisions of this section shall be punished by a fine of fifty dollars (\$50).

4.3 Numbering of Buildings

(a) Determination of numbers by the Corporation - The Corporation or its designee shall determine and designate the numbering of all houses, buildings or structures within NAS South Weymouth.

(b) Responsibility of owners - It shall be the responsibility of each owner/or occupant of each house, building or, structure within NAS South Weymouth to place thereon the number designated by the Corporation or its designee, and no person shall affix or suffer to remain on any house, building or structure a street number other than the one designated by the Corporation or its designee.

(c) Size, color, location and visibility of said numbers - Subject to any contrary provisions in the Architectural and Urban Design Standards and Guidelines, all houses, buildings or structures shall comply with the following:

1. The minimum height of said numbers shall be three (3) inches in height.
2. In order to be visible from the road, street or way, the number shall be of contrasting color and shall be reasonably visible to persons or vehicles approaching from either direction upon said road, street or way.

