

**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.

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3. The number shall be affixed to the street facing side of the house, building or structure.
4. If the numbers are unidentifiable from the road, street or way, or the house, building or structure is greater than one hundred (100) feet from the road, street or way, a post with the numbers affixed thereto shall be placed at the entrance of the driveway leading to the house, building or structure by the owner.

(d) New buildings - New buildings shall be identified in accordance with this section before a certificate of use and occupancy is issued therefor.

(e) Numbering violation - Any person found to be in violation of this section shall be served by the Applicable Fire Department, Applicable Police Department or Applicable Department of Public Works with a warning of violation and provided thirty (30) days for the satisfactory correction thereof. At the end of the thirty-day (30) period, and for each thirty-day (30) period thereafter where the violation continues, a notice of violation shall be issued.

(f) Penalty - The penalty for any violation of this section shall be fifty dollars (\$50). Upon notice of violation, an owner shall correct each violation within thirty (30) days. Each thirty (30) day period of noncompliance shall be deemed a separate offense.

#### **4.4 Prohibition concerning 'fireworks' and other explosive devices**

No person shall have in their possession, or use, or explode any combustible or explosive composition or substance or any other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. This prohibition is intended to include every item or device within the scope of the prohibition contained in M.G.L. c. 148, § 39. The penalty for violation of this section shall be one hundred dollars (\$100).

#### **4.5 Prohibition concerning firearms including guns and cannons**

No person, except a police officer in the performance of his or her duties, shall discharge any gun, firearm or cannon in any street or way or any other place in NAS South Weymouth except in defense of life or property. The Corporation may provide for exceptions to this restriction for the purpose of celebrating a patriotic or historical occasion. The penalty for violation of this section shall be one hundred dollars (\$100).

## **4.6 Burglar alarm systems**

### **(a) Definitions**

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

**Alarm System** - An assembly of equipment and devices or a single device, such as a solid-state unit which plugs directly into a one-hundred-ten-volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this section.

**False Alarm** - The activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence or willful misconduct of the user of an alarm system or his or her employees or agents; or any signal or oral communication transmitted to the Applicable Police Department when in fact there has been no unauthorized intrusion, robbery or burglary or attempt there at. For the purposes of this definition, activation of alarm systems by acts of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances, shall not be deemed to be a “false alarm.”

### **(b) Control and Curtailment of Signals Permitted by Alarm Systems**

1. Every alarm user shall submit to the chief of the Applicable Police Department the names and telephone numbers of at least two (2) other persons 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 installed. It shall be incumbent upon the owner of said premises to immediately notify the Applicable Police Department of any changes in the list of authorized employees so named in the business listing to respond to alarms.

2. All alarm systems which use an audible horn or bell shall be equipped with a device that will shut off such bell or horn within fifteen (15) minutes after activation of the alarm system. All alarm systems in NAS South Weymouth must have a shut-off device installed.

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3. Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7:00 p.m. and 6:00 a.m., which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the chief of the Applicable Police Department shall endeavor to contact the alarm user or members of the alarm user's family or those persons designated by the alarm user under in an effort to abate the nuisance. The Applicable Police Department shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

4. No alarm system which is designed to transmit emergency messages or signals of intrusion to the Applicable Police Department will be tested until the dispatcher of the Applicable Police Department has been notified.

(c) Penalties

1. Upon receipt of three (3) or more false alarms within a calendar year, the chief of the Applicable Police Department may order the user to discontinue the use of the alarm, or may disconnect any direct connections to the Applicable Police Department.

2. The user shall be assessed fifty dollars (\$50) as a false alarm service fee for each false alarm in excess of three (3) occurring within a calendar year. The chief of the Applicable Police Department shall notify the alarm user either by certified mail or by service in hand by a police officer of such violation, and said user shall submit payment within fifteen (15) days of said notice to the Corporation or the Towns, as applicable, for deposit to the general fund.

**4.7 Fire Alarm Signal Systems**

(a) Permit required; responsibility for system; applicability; duration:

1. Persons, organizations or other legal entities residing or having a place of business in NAS South Weymouth who seek to utilize or maintain private fire alarm signal systems directly to the fire station shall apply for and obtain an annual permit for same from the Applicable Fire Department. Said permit shall be issued by the chief of the Applicable Fire Department or his or her designee upon satisfactory inspection of the system.

2. The responsibility and cost for said system shall be that of the permit holder.

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3. The permit holder shall maintain the system in proper working condition in order for said permit to remain valid and the system to remain connected to the Applicable Fire Department.
  4. Said permits shall be issued on a fiscal year basis or for the balance thereof.
- (b) Fee schedule - The initial installation permit fee and the annual permit fee shall be established by the chief of the Applicable Fire Department.
- (c) Violations and penalties - Anyone violating the provisions of this section shall be subject to a fine of fifty dollars (\$50) for each day that said violations exist.

#### **4.8 Animals at Large**

No person shall suffer any horse, cattle, other grazing animals or fowl kept or controlled by him to run at large upon any of the streets or other places in NAS South Weymouth, either with or without a keeper.

#### **4.9 Displaying Non-Domesticated Animals for Entertainment**

- (a) No living non-domesticated animals shall be displayed for public entertainment or amusement in circuses, carnivals or other similar entities on any public or private property. As used in this paragraph, "displayed" shall include, but is not limited to, animal acts or performances, animal rides and competitive animal races.
- (b) This section shall not apply to domesticated animals including, but not limited to: dogs and cats.
- (c) This section shall not apply to exhibits deemed educational by the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA).
- (d) Definitions:

**Animals** - Any mammal, bird, reptile, amphibian, marsupials or fish with the exception of human beings.

**Domesticated Animal** - Any animal occurring naturally or historically in the United States, that through long association with humans, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to the extent that makes it unique and different from wild animals of its kind. (aka not domesticated)

**Wild Animal** - Any animal occurring naturally and traditionally within the United States that is not domesticated.

Exotic Animal - Any animal not occurring naturally or historically in the United States. The phrase includes, but is not limited to, all manner of lions, tigers, leopards, jaguars, cheetahs, elephants, zebras, camels, giraffes, reptiles, llamas, emus, and any crossbreed of these animals other than fish or insects.

Education - Non-profit groups, institutions or individuals who engage in teaching and instructing with intent and the effect of imparting knowledge to others through oral presentations and/or written hand-outs (whose sole purpose is to teach without entertainment), or entity deemed educational by the MSPCA, the New England Wildlife Center, other reputable animal humane/welfare organizations or accredited by AZA.

Entertainment - Any organization which replicates the traditional wild animal circus in which wild animals or exotic animals are required to perform tricks or participate as accompaniments in performances for the amusement of an audience.

#### **4.10 Dogs and Cats**

(a) Leashing required; length of leash

No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash. The length of a leash shall not exceed six (6) feet when off the property of the owner or keeper. An owner or keeper may use a leash of a greater length to restrain a dog on the property of an owner or keeper, provided that the dog is securely confined to the premises of the owner or keeper.

(b) Disturbing the peace

No person shall own or keep within NAS South Weymouth any dog which by biting, barking, howling or in any other manner disturbs the peace and quiet of any neighborhood or endangers the safety of any person or domesticated or farm animal.

(c) Restrictions – Defecation

An owner or keeper of a dog shall remove, and dispose of any feces left by such dog on any sidewalk, street, park or other public area or on any private property which is not owned or occupied by such owner. If a dog defecates on property other than that of the owner or keeper, the owner or keeper of the dog is responsible for the immediate removal of the feces.

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Feces shall only be disposed of at a place suitable and regularly reserved for the disposal of human feces or otherwise designated by the Applicable Board of Health, to include an amount of feces that can be disposed of in the regular trash located upon the property owned or possessed by the person in control of the dog, provided it is contained in a plastic or paper bag. It shall be unlawful for any person to allow dog feces to accumulate in any yard, pen, building, structure or premises so as to cause an annoyance or discomfort to the public.

Section 4.10 (c) of these Codes shall not apply to a person who, by reason of a physical disability, is unable to comply with requirements of such a section.

(d) Penalties

The Applicable Animal Control Officer is hereby authorized to seek a complaint against the owner or keeper of a dog who is found to have violated the provisions of this section. This section shall be subject to enforcement under the provisions of M.G.L. c. 40, § 21D.

The penalty for each violation shall be a fine of not more than fifty dollars (\$50).

(e) Order to restrain or muzzle; review of order by court

In addition to the foregoing penalties, the Applicable Animal Control Officer is also authorized and empowered to muzzle, restrain or order the owner or keeper of a dog to muzzle or restrain a dog pending a hearing before the chief of the Applicable Police Department as hereinafter provided, when the Applicable Animal Control Officer finds that a dog has bitten or threatened any person or domesticated farm animal; chased any vehicle upon any way open to public travel in NAS South Weymouth; or the owner had violated the provision of this section more than three (3) times in any calendar year. The owner or keeper of any dog that has been ordered to be restrained or muzzled under the provisions of this section may request the Applicable Animal Control Officer in writing to vacate such order. If such order is not vacated, the owner or keeper of such dog may bring a petition in District Court praying that the order of restraint may be reviewed by the court as provided in M.G.L. c. 140, § 157.

(f) Additional remedies

In addition to any other statutory authority as may be, including but not limited to M.G.L. c. 140, the Applicable Animal Control Officer may, with the approval of the chief of the Applicable Police Department, enter a complaint before the said chief for the purpose of obtaining an order with respect to the control of disposition of a dog found to be uncontrollable or whose owner or keeper is unresponsive to any other penalties contained in this section.

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(g) Penalties in addition to license fee; dogs in heat

In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog which is not licensed on or before April 30 in any year shall be subject to a late fee penalty of twenty-five dollars (\$25) in addition to the license fee upon the complaint of the Applicable Animal Control Officer. The owner of any unspayed and unleashed female dog found by the Applicable Animal Control Officer roaming at large in season (heat) off the premises of the owner or keeper shall be subject to a penalty of twenty-five dollars (\$25) and shall be deemed to warrant only the one (1) penalty.

(h) Duty of Animal Control Officer; registry required

It shall be the duty of the Applicable Animal Control Officer and every police officer to apprehend any dog found running around at large and to impound such dog. The Applicable Animal Control Officer, upon receiving any dog, shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed, the name and address of the owner and the number of the license tag shall be recorded.

(i) Notice of impoundment; reclamation; charges

Not later than three (3) days after the impounding of any dog, the owner shall be notified, or, if the owner of the dog is unknown, written notice shall be posted for three (3) days at one (1) or more conspicuous places in NAS South Weymouth describing the dog and the place and time of taking. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and of all costs and charges incurred by the Corporation or the Towns, as applicable, for impounding and maintenance of such dog. Charges shall be paid to the Corporation or the Towns, as applicable, for keeping any dog. The daily rate for keeping of a dog shall be set from time to time by the Corporation.

(j) Rabies vaccinations

Whoever is the owner or keeper of a dog or cat six (6) months of age or older shall cause such dog and cat to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the director of the Applicable Health Department. Such owner or keeper shall procure a veterinarian's certification that such dog and cat has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or notarized letter from a veterinarian that a certificate was issued, and a metal rabies tag bearing an expiration date indicating that such certification is still in effect. Unvaccinated dogs and cats acquired or brought into NAS South Weymouth shall be vaccinated within thirty (30) days after acquisition or entry into NAS South Weymouth or upon reaching the age of six (6) months, whichever ever comes later. The rabies tag shall be worn on a dog in the same manner as a dog license.

#### **4.11 Littering prohibited**

(a) General Prohibition against littering - It shall be unlawful for any person, firm or corporation, in person or by his agent, employee or servant, to cast, throw, sweep, sift or deposit in any manner in or upon any public way or other public place in NAS South Weymouth or any river, canal, public water, drain, sewer or receiving basin within the jurisdiction of the Corporation or the Towns any kind of dirt, rubbish, waste article, thing or substance whatsoever, whether liquid or solid; nor shall any person, firm or corporation cast, throw, sweep, sift or deposit any of the aforementioned items anywhere within the jurisdiction of the Corporation or the Towns in such manner that it may be carried or deposited in whole or in part by the action of the sun, wind, rain or snow, into any of the aforementioned places.

(b) Exceptions - This section shall not apply to the deposit of material under a permit authorized by any Code of the Corporation or to goods, wares or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade, or to articles or things deposited in or conducted into the municipal sewer system through lawful drains in accordance with the Codes of the Corporation relating thereto.

(c) Penalties - Any person, firm or corporation violating any of the provisions of this section shall be subject to a penalty of fifty dollars (\$50) for each offense.

#### **4.12 Handbill and Circulars**

No person shall distribute circulars, papers or advertisements upon the public highway without first receiving a permit from the Corporation or its designee.

#### **4.13 Sex Offender Residency Restrictions**

(a) Definitions - For the purposes of this section, the following terms shall have the respective meanings ascribed to them:

Adult Criminal Level 3 Sex Offender - A person convicted of a criminal sex offense and designated as a Level 3 sex offender by the Massachusetts Sex Offender Registry Board. The Board has determined that these individuals have a high risk to reoffend and that the degree of dangerousness posed to the public is such that a substantial public safety interest is served by active community notification.

GIS - Geographic information system.

School - A licensed or accredited public or private school or church school that offers instruction in pre-school, including a licensed daycare or other business

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permitted as a school by the Corporation or the Towns, or any of grades K through 12. This definition shall not include private residences in which students are taught by parents or tutors.

(b) Residency Restrictions - It shall be unlawful for any Adult Criminal Level 3 Sex Offender to establish a residence or any other living accommodations within one thousand five hundred (1,500) feet of the property on which any school, day care center, park, or recreational facility open to the public is located. The one thousand five hundred (1,500) feet restriction shall be measured in a straight line from the nearest property line upon which the house, apartment complex, condominium complex, motel, hotel or other residence is located to the property line of the nearest school, day care center, park, or recreational facility. Distances will be taken from the GIS system used by the Corporation or the Towns, which GIS system shall be presumed accurate and shall be evidence of a violation.

(c) Established Residents - Changes to property resulting in a school, day care center, park, or recreational facility within one thousand five hundred (1,500) feet of an Adult Criminal Level 3 Sex Offender's registered address which occur after an Adult Criminal Level 3 Sex Offender establishes residency shall not form the basis for finding that a criminal sex offender is in violation of Section 4.13.

(d) Notice to Move - Level 3 Registered Sex Offenders who reside on a permanent or temporary basis within one thousand five hundred (1,500) feet of any school, day care center, park, or recreational facility following passage of this section, 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 section, move from said location to a new location, but said new location may not be within one thousand five hundred (1,500) feet of any school, day care center, park, or recreational facility. The first day following the thirty day (30) written notice shall be considered the first violation. Following the first violation, every day that the Registered Sex Offender continues to reside within one thousand five hundred (1,500) feet of any school, day care center, park, or recreational facility shall be considered a violation each day.

(e) Penalties – Anyone who violates this section of the section shall be subject to the following penalties:

1. First Offense by Registered Sex Offender: Non-criminal fine of \$150.00
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 code.

**ARTICLE V - CODES AFFECTING USE OF PRIVATE PROPERTY**

- 5.1 Building Construction
- 5.2 Hazardous Materials
- 5.3 Underground Fuel Storage

**5.1 Building Construction**

(a) Permit Required; Conditions of Issuance

The Zoning Enforcement Officer shall grant permits for the erection, alteration, removal, relocation or demolition of structures pursuant to the Administrative Rules and Regulations for NAS South Weymouth. Structures may include infrastructure associated with the former NAS South Weymouth airfield runways, taxiways, aprons, hangar foundations/slabs/footings, etc. No structure or foundation shall be built, altered, removed, relocated or demolished without such a permit.

(b) Fees

There shall be payable to the Corporation or Towns, as appropriate, fees for building, electrical, plumbing and gas fitting permits for the erection, alteration, demolition or moving of structures or building systems. The fees shall be as set by the Corporation.

**5.2 Hazardous Materials**

(a) Purpose

The purpose of this section is to protect, preserve and maintain the environment and the public's health from contamination and exposure to hazardous materials. This includes maintaining the existing and potential groundwater supply, recharge areas and surface waters within NAS South Weymouth from contamination with hazardous materials. This section is not intended to supersede or replace those regulations set forth by MassDEP, EPA, Occupational Safety and Health Administration (OSHA) or any other local, state or federal regulation.

(b) Definitions

The following definitions shall apply in the interpretation and implementation of this section:

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Discharge - The disposal, deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into any waters, including ground waters.

Facility - A commercial or industrial establishment, including home businesses, that is registered in accordance with Section 5.2 (d) below.

Hazardous Materials - Hazardous materials include all toxic or hazardous substances regulated by M.G.L. c. 21E or other municipal, State and Federal environmental, health and safety ordinances, laws, rules and regulations governing the presence, release or threat of release of hazardous wastes, hazardous materials or oil or similar substances (collectively, the "Hazardous Substance Laws"), as such substances are defined in the Hazardous Substances Laws, including without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalines, and include products such as pesticides, herbicides, solvents and thinners in quantities greater than normal household, office or retail uses. Toxic or hazardous materials shall also include any product, waste or combination of substances which, because of its quantity, concentration or physical, chemical, toxic, radioactive or infectious characteristics, poses, in the opinion of the Corporation (in the case of the Central Redevelopment Area) or the Board of Health in the Town in which such material will be located (in the case of the Perimeter Areas), a substantial present or potential hazard to human health, safety or welfare or the environment when improperly treated, stored, transported, used, disposed of or otherwise managed. Toxic or hazardous materials include, without limitation, petroleum products, heavy metals, radioactive or infectious materials and all substances deemed as "toxic" or "hazardous" under M.G.L. c. 21C and 21E, using the Massachusetts Oil and Hazardous Substance List (310 CMR 40.000).

Reportable Discharge - The discharge of a reportable quantity (RQ) of a material as defined under the Massachusetts Contingency Plan, 310 CMR 40.000; the threshold quantity above which a spill or release of oil or a hazardous material must be reported to the MassDEP.

(c) Registration

1. Every owner or operator of a commercial or industrial establishment, including home businesses, storing hazardous materials with a total quantity for all types equal to or exceeding fifty (50) gallons liquid volume or twenty-five (25) pounds dry weight shall register with the director of the Applicable Health Department the types, quantities, locations and method of storage of said hazardous materials. Registration required by this provision shall be immediate and annually thereafter within thirty (30) days of November 1 of each year.

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2. Information required:

a. Registration shall be on a form designated by the director of the Applicable Health Department and shall indicate at a minimum:

(i) Name of applicant.

(ii) Facility address.

(iii) Type of material by hazard class and maximum quantity stored at any point in time of each type of hazardous material stored during the period of registration.

(iv) A diagram and description of the general storage or processing location of each material type within the facility.

(v) The size, type, age and location of all underground containers and the type of hazardous material stored in each.

(vi) Person to contact in the event of an emergency and telephone numbers(s) where that person can be contacted. This person must be knowledgeable in the types of hazardous materials used at this establishment, proper storage and handling procedures and emergency response procedures and authorized to act upon such procedures.

(vii) Any alternate person(s) to contact if primary contact is not available and the telephone number of each.

b. Further information may be required by the director of the Applicable Health Department to complete registration.

3. Owners or operators of commercial or industrial establishments, who have not previously registered in accordance with Section 5.2(c)(1) shall, if they meet the registration requirement, register initially within thirty (30) days of meeting such requirements and thirty (30) days of November 1 each year.

4. In addition to registration, owners or operators of commercial or industrial establishments registered in accordance with Section 5.2(c)(1) shall maintain on the premises an inventory, reconciled on a monthly basis, of purchase use, sale and disposal of hazardous materials and/or waste. The purpose of this account is to detect any product loss and to provide an ongoing record of all quantities of hazardous materials within NAS South Weymouth over the registration threshold.

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5. Upon the request of the director of the Applicable Health Department, owners or operators shall produce immediately the latest reconciled inventory.

6. If permitted within NAS South Weymouth, homeowners with underground storage tanks for home heating fuel (not within the confines of basement or other containment) shall register said tank(s) with the director of the Applicable Health Department. No other subsections of this section shall apply to homeowners.

7. In the event that a facility closes, moves to a new location or changes ownership, the owner or operator of the facility shall notify the director of the Applicable Health Department of said changes at least thirty (30) days prior to those changes. For those facilities that close, a closure inspection will be performed by the director of the Applicable Health Department. For those facilities that move or undergo change of ownership, a new registration form must be completed by the new owner in accordance with Section 5.2(d) of these Codes. An existing registration is not transferable between past and future owners and/or operators. Provisions of this section shall not operate to prevent the transfer, sale or change of ownership of a piece of property.

8. Emergency information:

a. Each facility must keep on file, at a location known and accessible to all emergency response personnel, Material Safety Data Sheets (MSDS) on all hazardous materials stored or used at the facility. These data sheets must be available to the director of the Applicable Health Department and the Applicable Fire Department during inspections, investigations or in the event of a hazardous materials emergency.

b. Each facility must keep on file an Emergency Response/Spill Contingency Plan at one (1) location known and accessible to all emergency response personnel. This plan must detail the procedures to be used for prevention and control of emergencies, the emergency equipment available on site, outside agencies and organizations who would be notified and/or may provide assistance in an emergency and an evacuation plan for personnel. Plans must be posted in a prominent location and be available for inspection by the director of the Applicable Health Department or the Applicable Fire Department. Plans must be updated every year.

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(d) Storage, Handling and Transportation

1. All hazardous materials and/or waste shall be stored so as to minimize any discharge of said material to ensure maximum protection of the environment and the public health, safety and welfare.
2. All facilities shall provide adequate employee training programs to ensure the proper use, storage, transportation and handling of hazardous materials and/or waste.
3. All hazardous materials shall be removed by a licensed carrier and disposed in accordance with State and Federal Laws and regulations.
4. All records pertaining to storage, removal and disposal of hazardous wastes shall be retained for no less than five (5) years and shall be made available for review by the agent or designated representative of the director of the Applicable Health Department upon request.

(e) Aboveground Storage

1. Hazardous materials and/or wastes shall be held on the premises in product-tight, approved containers for said materials. All containers shall be stored appropriately according to chemical/toxicity characteristics as outlined by state and federal regulations.

2. Hazardous waste accumulation areas must be posted with a sign that says "hazardous waste."

3. Labeling:

(a) All aboveground storage containers shall be labeled at a minimum with the following information:

(i) Hazardous materials:

1. Original manufacturer's label or equivalent;
2. Type of material (chemical name);
3. Hazards associated with the material;
4. Date placed on premises; and
5. Any necessary warnings.

(ii) Hazardous wastes:

1. The words "hazardous waste";
2. Type of waste (chemical name);
3. Hazards associated with the waste;

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4. Accumulation start date; and
5. Any necessary warnings.

4. Aboveground containers of hazardous materials and/or waste shall be stored on a surface impervious to the materials and/or wastes being stored. The storage shall not be in a location that would allow spilled material to exit the building via door, drain, sump or otherwise. If these conditions are not met then secondary containment, as outlined below for outdoor storage, will be required. An outdoor storage area must have secondary containment, such as a berm or dike which will hold any spills or leaks in the following amount: either ten percent (10%) of the total volume of the containers or one hundred ten percent (110%) of the largest container, whichever is larger.

5. Owners or operators of delivery trucks or tank trailers containing liquid hazardous materials which are parked overnight on a regular basis must obtain an assignment from the director of the Applicable Health Department approving the storage location. The owner or operator must make provisions for detection and containment of spillage from the parked vehicle acceptable to the director of the Applicable Health Department.

(f) Underground Storage

The following provisions shall apply to all underground liquid hazardous material storage systems:

1. Owners shall file with the director of the Applicable Health Department the size, type, age and location of each tank, leak detection and containment devices and the type of hazardous material stored in each. Evidence of the date of purchase and installation, including the Applicable Fire Department permit, if any, shall be included along with a sketch map showing the exact location of such tanks on the property.
2. Testing/removal:
  - a. All underground storage tanks must be tested according to state and federal regulations. The test methods used must be approved by the Applicable Fire Department.
  - b. Any steel, non-contained, underground storage system which is twenty (20) years or older must be tested on an annual basis or removed.
  - c. Owners of tanks for which evidence of installation is not available shall, at the order of the director of the Applicable Health Department, have such tank systems tested. If either the director of the Applicable

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Health Department or the chief of the Applicable Fire Department determines that the tank is not product tight, it shall be disposed of under the direction of the director of the Applicable Health Department or the chief of the Applicable Fire Department according to all state and federal regulations. All leaking tanks must be emptied by the owner or operator within twelve (12) hours of leak detection and removed by the owner or operator in a time period to be determined by the director of the Applicable Health Department. Such notification must be immediate to the chief of the Applicable Fire Department and the director of the Applicable Health Department.

d. Certification of testing shall be submitted to the director of the Applicable Health Department and the chief of the Applicable Fire Department within seven (7) days of testing.

e. All underground storage tanks removed must be cleaned and disposed of according to all local, state and federal regulations. A copy of disposal receipt must be submitted to the director of the Applicable Health Department within seven (7) days of removal.

f. All abandoned tanks must be removed with all deliberate speed. An abandoned tank is one taken out of service and/or no longer usable with present business. Any tank which remains unused for six (6) months shall be considered abandoned.

3. New installations.

a. Newly installed tanks shall be protected from internal and external corrosion and shall be of a design approved by the director of the Applicable Health Department and the chief of the Applicable Fire Department. These must meet all state and federal standards.

b. Tank installation on lots not having a permit prior to adoption of these Codes are not permitted within four (4) feet of maximum high water table or within one hundred (100) feet of a surface water body.

c. Any location which had a storage permit at the time these Codes were first adopted and which seeks an expansion of that pre-existing permit will require a variance of the provisions of this section for the expansion.

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(g) Enforcement

1. Protection. Other than that which is allowed by a permit issued by other local, state and/or federal laws, any discharge of hazardous materials within NAS South Weymouth is prohibited.
2. Reporting of discharges. Any person having knowledge of a reportable discharge of hazardous materials shall immediately report the discharge to the director of the Applicable Health Department, the Applicable Police Department and the Applicable Fire Department. A reportable discharge in the watershed protection district or involving the sanitary sewer requires immediate notification to the director of the Applicable Department of Public Works. Acceptable immediate notification shall be a phone call with a follow-up report in writing within twenty-four (24) hours.
3. Written notices of violation. Any violator of this section shall be notified in writing of said violations by the director of the Applicable Health Department. This written notice may specify corrective actions necessary, including containment and cleanup of discharged materials; preventative measures required to avoid future violations; requests for documentation; a compliance schedule and any other action deemed necessary by the director of the Applicable Health Department to meet the purpose of this section.
4. Right of entry. The director of the Applicable Health Department and its agents may enter upon privately owned property for the purposes of performing their duties under this section.
5. Penalty. Any person who violates any provision of this section shall be punished by a fine of not more than two hundred dollars (\$200). Each day or portion thereof during which violation continues shall constitute a separate offense; if more than one (1), each condition violated shall constitute a separate offense. This section may be enforced pursuant to M.G.L. c. 40, § 21D by a police officer or other officer having police powers as well as the director of the Applicable Health Department. Upon request of the director of the Applicable Health Department or the chief of the Applicable Fire Department, the Corporation or the Towns may take legal action as may be necessary to enforce this section.

(h) Fees

1. Any person registering storage of hazardous materials pursuant to this section shall pay to the Corporation or the Towns, as applicable, an annual registration fee of thirty dollars (\$30). Such fee shall be due on the same date as the annual registration. Failure to pay the registration fee shall constitute a violation with

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respect to the penalties provided in Section (g)(5) of this section. No fee shall be charged for homeowner underground storage tanks for home heating fuels.

2. The director of the Applicable Health Department may charge for expenses incurred in the enforcement of this section or any emergency actions necessary.

(i) Establishment of Rules and Regulations

The director of the Applicable Health Department may establish rules and regulations consistent with, and as may be necessary to promulgate, a comprehensive code for the safe storage, use and handling of hazardous materials to meet the stated purpose of these Codes.

(j) Variances

The Applicable Board of Health may vary the application of any provision of this section, unless otherwise required by law, in any case when, in its opinion, the applicant has demonstrated that an equivalent degree of environmental protection required under these Codes will still be achieved. The applicant, at his own expense, must notify abutters by certified mail at least ten (10) days before the Applicable Board of Health meeting at which the variance request will be considered. The notification shall state the variance sought and the reasons therefor. Any variance granted by the Applicable Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial.

### **5.3 Underground Fuel Storage**

(a) Purpose

The purpose of this section is to control the installation and maintenance of underground gasoline or fuel storage tanks over one thousand (1,000) gallons and to protect groundwater and surface water from contamination due to leakage. The provisions of this section are applicable only to underground tanks. Pursuant to Section 9.3 of the By-Laws, underground tanks are prohibited in the Water Resources Protection Overlay District.

(b) Definitions

As used in this section, the following terms shall have the meanings indicated:

Fire Chief - The chief of the Applicable Fire Department

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Noncorrosive Soil - Soil that, when tested by a qualified professional, is shown to have a resistivity greater than ten thousand (10,000) ohm-centimeters and that does not exhibit corrosive characteristics in a soil-chemistry analysis

One-Hundred-Year Floodplain – Areas of land that would be inundated by a flood having a one-percent (1%) chance of occurring in any given year.

Underground Tank - Any fuel storage containment system for naphthas, gasolines, kerosenes and mixtures of gasolines and oils which have densities of less than eighty-six hundredths (0.86) grams per cubic centimeter with a capacity in excess of one thousand (1,000) gallons, the top of which is located below the ground

(c) Registration of Existing Tanks; Notice; License Revocation; Abandonment

1. Tank registration: Every operator of an underground tank must file with the Filing Office the size, type, age, contents and location of its underground tanks.

2. Notification of Fire Department: The Filing Office must forthwith give the Fire Chief a copy of the information filed for each tank that is registered according to Subsection (a) of this Section.

3. Revocation of unexercised licenses: The Fire Chief may revoke unexercised licenses based under the provisions of M.G.L. c. 148, § 13. Licenses issued by the Fire Chief may be revoked if they are unexercised within six (6) months from the issuance of a new license.

4. Removal of hazardous conditions upon abandonment of underground tanks. The Fire Chief may order the elimination of hazardous conditions associated with the cessation of use and abandonment of underground tanks if the license holder has failed to do so within six (6) months of the cessation of activities. Reimbursement for such expenses shall be based on M.G.L. c. 148, § 13.

(d) Standards for Tank Design, Installation and Location

1. Tank design:

a. Unless proven otherwise by soil tests performed by qualified professionals, the soils in Massachusetts shall be assumed to be corrosive. Metallic tanks (except stainless steel) without cathodic protection or an underground secondary-containment system will be prohibited. Also prohibited, is Schedule 40 steel pipe, galvanized or black iron, or approved nonmetallic (except fiberglass-reinforced plastic) pipe. If a qualified professional demonstrates that the soils in which the tank is to be placed

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are noncorrosive as described in the definition of “noncorrosive soil” in Section (b), above, a steel tank with interior coating and other approved piping may be installed.

b. In corrosive soils, underground tanks must be constructed of noncorrodible materials, such as fiberglass-reinforced plastic (FRP) or its equivalent; steel with external-bonded noncorrodible material (i.e., fiberglass-reinforced plastic); a steel system cathodically protected by an impressed-current cathodic system, sacrificial anodes or equivalent protection; or a double-walled tank. These requirements are in accordance with Massachusetts Board of Fire Prevention regulations.

c. In corrosive soils, piping shall be constructed of noncorrodible materials, such as fiberglass-reinforced plastic or its equivalent, a steel system with cathodic protection or some other type of equivalent protection, in accordance with Massachusetts Board of Fire Protection regulations.

d. Cathodic protection systems shall be maintained and checked in accordance with Massachusetts Board of Fire Prevention regulations.

e. Commercial tanks must be equipped with striker plate below openings used for product measurement or filling.

2. Tank installation:

a. Fire Chief or his or her designee must inspect and approve underground tanks prior to their burial, in accordance with Massachusetts Board of Fire Protection regulations.

b. Tanks must be installed in accordance with the manufacturer's installation techniques. Damage to protective coatings or to the fiberglass-reinforced-plastic tank or surface must be repaired prior to covering the tank.

c. New underground tanks shall be tested for tightness, hydrostatically, or with air pressure at not less than three (3) pounds per square inch and not more than five (5) pounds per square inch after installation, but before being covered or placed in use in accordance with Massachusetts Board of Fire Prevention regulations.

d. Piping should be tested in accordance with Massachusetts Board of Fire Prevention regulations before being covered, enclosed or placed in use.

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e. Backfill material used to cover all new tank installations and repairs must be of the type and quality specified by the tank manufacturer's installation procedures and by pertinent regulations governing storage tank installation.

f. Underground tanks that are to be located in areas subject to flooding or below the maximum water-table elevation must be anchored according to manufacturer's instructions and to the satisfaction of the Fire Chief or his or her designee.

3. Tank location:

a. Underground tanks may not be installed within the one hundred-year (100) floodplain. In accordance with Section 9.3(G) of the By-Laws, underground tank installation is also prohibited within the NAS South Weymouth Water Resources Protection Districts.

b. Underground tanks that are to be installed within the watershed of a drinking-water reservoir or within the cone of depression of a public well [or, lacking a defined cone of depression, within one thousand (1,000) feet of a public water supply well] must submit, for review by the Fire Chief, the director of the Applicable Health Department, and the director of the Applicable Department of Public Works, a plan outlining the procedures or devices, such as product sensors and/or area monitoring devices, to be used to prevent water supply contamination. The plan must be endorsed by the persons noted above, prior to tank installation.

(e) Detection of Leakage; Testing

1. Inventory verification:

a. All underground tanks, except fuel-oil tanks and tanks connected with burning equipment, must be monitored for the prevention and detection of leakage of flammable and combustible liquids in accordance with the provisions of Massachusetts Board of Fire Prevention regulations.

b. The daily inventory records must be shown to the Fire Chief, or his or her designee, prior to the issuance of a permit or license renewal.

c. The owner and operator must participate in a program of regularly scheduled inventory verification, at least once every two (2) years, in accordance with Massachusetts Board of Fire Prevention regulations. The operator of tanks ten (10) years of age or older shall submit to the Fire

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Chief annually a report certifying that the inventory verification has been performed and stating the calculated gain/loss over the verification periods.

d. The Fire Chief may require the operator of an underground tank storage system to test the system for tightness, at the operator's expense, when accurate daily inventory records have not been maintained as specified in Subsection (a) of this section.

e. If daily inventory records indicate a loss of product in excess of five-tenths percent (0.5%) of the volume of product used or sold or an abnormal increase in the amount of water contained in the tank, steps must be taken immediately in accordance with Massachusetts Board of Fire Prevention Regulations to detect and stop the leak. The discrepancy must be reported to the Fire Chief.

2. Tank testing:

a. Unless the tank operator demonstrates to the Fire Chief and the director of the Applicable Health Department that its tanks are constructed of a material that will not corrode, have product sensors or have been repaired or tested within the last year, under-ground tanks shall be required, at the expense of the owner, to undergo one (1) of the following tests at five year intervals from the date of installation up to the 20<sup>th</sup> year, and annually thereafter: a Kent-Moore (Health Petro-Tite) test or a Sun-Mark leak-locator test or the equivalent as determined by the Fire Chief. The Fire Chief shall be given at least forty-eight (48) hours notice of the time, date and place of testing. Test results must be submitted to the Fire Chief.

b. The waiver from Subsection (b)(1) of this Section may not be granted for a tank that is located within any of the areas specified in Section 5.3(d)(3)(b).

c. If flammable fluids or their vapors have been detected in neighboring structures, sewers or wells on or off the property locations, the Fire Chief may require that any nearby tank, including underground residential tanks less than one thousand (1,000) gallons, be tested at the expense of each tank's owner.

(f) Procedure in Cases of Spills or Leaks

1. Leak reporting. Any person who is aware of a spill or abnormal loss of flammable fluids must report such spill or loss immediately to the Fire Chief. The

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Fire Chief must be responsible for other notification, including the director of the Applicable Health Department.

2. Equipment replacement/removal:

- a. After a leak is confirmed, underground tanks (or piping) must be emptied immediately and removed or repaired forthwith under the direction of the Fire Chief.
- b. A leaking tank that is twenty (20) years old or older that does not comply with the design standards in Section 5.3 (d)(1)(b) must be removed and may not be repaired. A permit for its removal must be obtained in accordance with M.G.L. c. 148, § 38A.
- c. A leaking tank that is less than twenty (20) years old must be repaired or removed. If the tank operator can show, to the satisfaction of the Fire Chief, that, in the case of steel tanks, the leak was from internal corrosion and that the tank can be repaired so as not to pose a continuing threat to the soils and waters of the Commonwealth, considering, at a minimum, the corrosivity of the soil, tank age and external condition, techniques to be used for the repair and the location of the tank, then the tank may be repaired. Operators of leaking fiberglass-reinforced-plastic tanks must demonstrate to the Fire Chief that the tank can be repaired according to manufacturer's instructions. Operators who do not meet these requirements must remove the tank.
- d. If it is necessary to replace an underground steel tank that has developed a corrosion-induced leak, all other steel tanks at the facility of the same age or older, whether they are leaking or not, shall be repaired or replaced with tanks that meet the requirements of Section 5.3(d)(1) of these Codes.

(g) Administration of Provisions

1. The provisions of this section shall be administered by the Fire Chief.
2. Variances from the specific requirements of this section may be authorized by the Applicable Board of Licensing Commissioners after notice and a public hearing.
3. Licenses issued in accordance with M.G.L. c. 148, § 13, for underground tanks must be renewed annually in April in the Filing Office. Tank owners must submit to the Fire Chief and the licensing authority a statement certifying satisfactory leak-detection results over the period of the license, in accordance with Section

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5.3(e)(2) of these Codes, and inventory verification, at least thirty (30) days before the issuance of a permit renewal for the time periods specified herein. Test results must accompany the license renewal application.

4. Fees necessary for the issuance and renewal of permits or licenses shall be set by the Fire Chief subject to review by the Corporation.

5. The Fire Chief or his or her designee may, at all reasonable times and upon reasonable notice to the occupant of the premises, enter any premises, public or private, for the purpose of investigating, sampling or inspecting any record, condition, equipment, practice or property relating to activities subject to this section and may, at any time and upon reasonable notice to the occupant of the premises, enter such premises for the purpose of protecting the public health or safety or to prevent damage to the environment.

## **ARTICLE VI - PUBLIC WORKS**

### **6.1 GARBAGE, RUBBISH, REFUSE, RECYCLING**

*(Reserved for Future Use)*

### **6.2 SANITARY SEWERS**

#### **6.2.1 Connections to Sanitary Sewers**

### **6.3 WATER SUPPLY**

#### **6.3.1 Restraint of Water Use**

### **6.4 STREETS, ROADS, ETC.**

#### **6.4.1 Excavations and Trench Safety**

#### **6.4.2 Private Ways, Signs required exception**

#### **6.4.3 Procedure for Acceptance of Public Ways and Parks**

#### **6.4.4 Maintenance of Traffic Signs**

#### **6.4.5 Obstructions in streets, etc.**

#### **6.4.6 Removal of Vehicles During Winter Storm, Emergency**

### **6.5 TREES AND OTHER PLANTING MATERIALS**

#### **6.5.1 Trees**

### **6.1 GARBAGE, RUBBISH, REFUSE, RECYCLING**

*(Reserved For Future Use)*

### **6.2 SANITARY SEWERS**

#### **6.2.1 Connections to Sanitary Sewers**

(a) Definitions - As used in this section, the following terms shall have the meanings indicated:

Habitable Structures - Includes any building or edifice used for habitation, employment, amusement and any other facilities requiring a potable water supply for sanitary or culinary purposes.

(b) Connection required

1. All habitable structures shall connect to such sewer by a sufficient drain before any use or occupancy is made thereof.

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2. All habitable structures abutting a public or private way and having access to sewers of the Corporation shall connect to such sewer by a sufficient drain at the time of completion of construction of the common sewer line in the way.

(c) Applicability to sales of habitable structures - Owners of habitable structures required to connect to the common sewer line pursuant to this section shall, prior to the transfer or conveyance thereof, comply with the provisions of this section.

(d) Violations and penalties - The penalties for violations of this section shall be as follows:

1. Any person found to be violating this section shall be served by the director of the Applicable Health Department 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 stated in such notice, permanently cease all violations.

2. Any person who shall continue any violation beyond the time limit provided for in this section shall be fined in the amount of twenty-five dollars (\$25) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense once initial notice of violation has been given.

3. Any person violating the provisions of this section shall be liable to the Corporation for any loss, expense or damage caused by such violation.

(e) Additional remedies - The provisions of this section may be enforced by civil action without limiting the prosecution of any violations hereof.

(f) Enforcement of other regulations - Nothing herein shall prevent or interfere with the enforcement of any other proceeding, rule, regulation, order or law concerning sewer connections.

## **6.3 WATER SUPPLY**

### **6.3.1 Restraint of Water Use**

So long as water is provided by the Town of Weymouth, any restraints on water usage imposed by the Town of Weymouth on its customers located outside of NAS South Weymouth shall apply to water supplied by the Town of Weymouth and utilized inside of NAS South Weymouth.

So long as water is provided by the Town of Weymouth, any water taker who violates this section shall be punished by a fine equal to the fine imposed by the Town of

Weymouth on customers located outside of NAS South Weymouth for violations of restraints on usage.

#### **6.4 STREETS, ROADS, ETC.**

##### **6.4.1 Excavations and Trench Safety**

(a) Permit required; fee

No person shall make any excavation within the limits of any public or private way (including sidewalk areas) in NAS South Weymouth except upon and in accordance with the conditions of a permit to be issued by the Applicable Department of Public Works, such permit to be issued only upon the written application stating the location and extent of the proposed excavation, and a fee as determined by the director of the Applicable Department of Public Works shall be charged for each permit issued. A certificate of liability insurance shall also be provided to Applicable Department of Public Works during the application process.

(b) Conditions of permit

It shall be a condition of each permit thus issued that the surface of the way shall be restored to its original condition and at the expense of the person to whom the permit is issued, also that the person to whom the permit is granted shall indemnify the Corporation or Towns, as applicable, against all claims of all persons who may be injured in their person or property by reason of such excavation. The director of the Applicable Department of Public Works may fix the time within which such permit shall remain in force and may prescribe what precautions shall be taken to guard the public against injury. The contractor or utility company or provider shall notify DIGSAFE prior to excavation. Also, a 72-hour notice shall be provided to the Applicable Department of Public Works prior to start of work, unless the work is performed on an emergency basis. The permit holder shall be responsible for repairing any damage to public or private utilities or to down trees, shrubs, poles, or signs which may be disturbed or damaged during the course of the work or on account thereof. Violation of any of the conditions of said permit shall render the same void.

(c) Guarantee Period

The permit holder shall be responsible for the maintenance of the street opening excavation/trench for one (1) year after the date of completing the installation. The permit holder may be required to completely re-excavate, refill, and re-pave any permanent restoration that fails within the one (1) year guarantee period. If additional work is undertaken at the same location within the one (1) year guarantee period, the most current permit holder of record shall be responsible for complying with this subsection.

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(d) Construction methods

The following construction methods shall be mandatory for all street openings:

1. Surface shall be cut carefully with a suitable cutting tool (pavement saw is preferred method).
2. Backfill material shall be as noted on the permit provided by the Applicable Department of Public Works. All gravel backfill shall be tamped and consolidated in twelve (12) to eighteen (18)-inch layers.
3. Pavement shall again be cut a minimum of twelve (12) inches beyond excavation limits and removed through to gravel sub-base.
4. Existing blacktop edges shall be painted with tackcoat emulsion.
5. Blacktop finish shall be applied in two (2) courses, giving a smooth joint. Infrared trench patch method is required.
6. All permanent pavement markings that are obliterated or damaged during construction shall be repainted under the direction of the Applicable Department of Public Works at the expense of the Applicant.

(e) Maintenance of access to property required

No person having the authority to dig up or obstruct any street shall do so in a manner which does not leave reasonable access for persons and vehicles to property abutting on such street or which does not have a reasonable passage through the street for fire apparatus. If the Corporation or the Towns are required to respond in any way, to provide police protection, to do temporary or permanent repairs, to install safety barriers or lights, etc., prior to the permit holder's receipt of a Certificate of Completion, the permit holder shall reimburse the Corporation or the Towns for all costs. A Certificate of Completion will not be issued until these costs are paid.

(f) Corporation or Town work; private utility cooperation

Whenever the Corporation or the Towns undertake the repair, resurfacing or other such improvement of streets, roads or sidewalks, the private utility companies shall provide for the maintenance and improvements of their infrastructure (manhole covers, service gate boxes, etc.). The infrastructure, located in the street, roads or sidewalks shall be repaired, replaced or otherwise identified, so that they are in good condition, easily accessible and raised to the proposed finish grade.

(g) Trench safety

In accordance with M.G.L. c. 82A and 520 CMR 14.00, no person shall, except in an emergency, make a trench excavation (as defined in 520 CMR 14.00) in any public way, public property, or privately owned land until a permit is obtained from the appropriately designated permitting authority. The Applicable Department of Public Works shall serve as the appropriate permitting authority, and shall determine the fee charged for each permit issued. The Corporation acknowledges the full applicability within NAS South Weymouth of the trench safety regulations published in 520 CMR 14.00, subject however, to the right reserved by the Corporation to adopt more restrictive rules and regulations.

**6.4.2 Private Ways, Signs required; exception**

Notwithstanding anything to the contrary in the Subdivision Rules and Regulations for NAS South Weymouth, no private way, lane or alley shall connect with a public highway of the Corporation unless at its junction with each highway it shall have a sign reading "Private Way" or "Not a Public Way," provided that this provision shall not apply to such private driveways not exceeding twelve (12) feet in width and which have a gate, gateway or barway at their junction with the public highway or are otherwise so constructed and located that, in the opinion of the Applicable Department of Public Works, they cannot reasonably be mistaken for public highway.

**6.4.3 Procedure for Acceptance of Public Ways and Parks**

(a) Pre-Application Inspection

After project completion, the applicant shall file with the Applicable Subdivision Board a statement stipulating that all work is complete, is constructed in compliance with the Subdivision Rules and Regulations of NAS South Weymouth and any other applicable regulations and policies of the Corporation, is free from defects, and is free and clear of any encumbrance or lien.

After project completion and prior to the submittal of a written request for acceptance of the way or park and associated improvements, a punch list of deficiencies shall be prepared by the Applicable Department of Public Works or other town agent(s) for review with the owner before acceptance of the way or park can be entertained.

(b) Application

All written requests for the acceptance of ways or parks, new or otherwise, must be presented to the director of the Applicable Department of Public Works for an inspection, review and report. The written request for acceptance of a way or park shall include:

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- A. A properly executed "Application for Acceptance of a Way or Park" form (developed by the Corporation) signed by the owner(s) of all land contained within the area(s) proposed for acceptance and eleven (11) copies;
- B. As-built plans and profiles (the "Plans of Acceptance") as described below;
- C. An electronic version of the Plans of Acceptance in accordance with Level 3 of the Commonwealth's Standard for Digital Plan Submission to Municipalities and two (2) copies;
- D. Legal description of the metes and bounds of the way or park (the "Order of Taking") and eleven (11) copies;
- E. A current list of abutters, as certified by the Applicable Filing Office;
- F. Addressed and stamped envelopes in a quantity sufficient to deliver a first-class mail notice to each abutter regarding the scheduling of the Corporation's public hearing on layout acceptance;
- G. Proper filing fee as established by the Corporation; and
- H. Project review fee, if applicable, as determined by the Corporation.

(c) Plans of Acceptance

One (1) copy of the Plans of Acceptance drawn in ink on mylar sheets (or if the way or park to be accepted is located in both Norfolk County and Plymouth County, two copies of the Plans of Acceptance drawn in ink on mylar sheets) and eleven (11) copies of the Plans of Acceptance on standard white paper twenty-four (24) inches wide by thirty-six (36) inches long at a scale of one (1) inch to forty (40) feet of each way or park shall be submitted by the applicant at the time application is made. The cost of preparing the Plans of Acceptance shall be borne by the applicant. The applicant shall provide additional copies of the Plans of Acceptance as required by the director of the Applicable Department of Public Works or the Applicable Subdivision Board.

The Plans of Acceptance shall be reviewed and accepted by all divisions of the Applicable Department of Public Works as well as the applicable health and building departments and the Applicable Subdivision Board, who in approving the Plans of Acceptance will sign the mylar sheets in the appropriate spaces provided.

Plans of Acceptance shall be prepared and certified by a registered land surveyor. Plans of Acceptance shall show all physical characteristics of the way or park presented for acceptance, i.e., all property lines; the names of the respective owners as of a date not earlier than January 1 of the year in which the application is filed; the correct locations of all buildings; all public and private utilities (water, sewer, storm drainage, electric, telephone, catv, gas, etc; shown in plan and profile views); all easements related to the street system (including easements for all storm drainage detention/retention pond areas); all survey data necessary to lay out the street including widths, lengths and bearings of all

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boundary lines of streets and easements, radii and tangent lines at layout intersections, central angles of all curves in street lines; and any other requirements for recording the plan at a registry of deeds. The Plans of Acceptance shall show and certify that all permanent monuments have been set in accordance with the Subdivision Rules and Regulations for NAS South Weymouth.

The deed reference and sheet, block and lot numbers shall be shown for each lot which abuts the way or park.

(d) Applicable Department of Public Works

Following receipt of a complete application package for acceptance of a way or park, the Applicable Department of Public Works shall review the application package and inspect the way or park to develop a punch list of deficiencies to be corrected in order to bring the area and/or plans into compliance with current specifications of the Corporation. The applicant shall correct any deficiencies to the satisfaction of the Applicable Department of Public Works, and all costs associated with such corrections shall be borne by the applicant. If the applicant is unable to correct deficiencies in a timely manner (during the course of the review process) due to the extent of the work required, poor weather conditions, etc., then a formal agreement shall be executed between the Applicable Department of Public Works or Applicable Subdivision Board and the applicant which shall set forth all necessary terms and conditions such as identifying the scope of work required to correct the deficiencies, an agreeable timeframe to complete the work, etc.

The Applicable Department of Public Works will notify all departments/officials that have plan approval responsibilities that Plans of Acceptance have been submitted for their review.

The Applicable Department of Public Works will assign a plan number to the Plans of Acceptance. However, as with all original plans with the potential to be recorded at the applicable registries of deeds and/or land court, the plan number will be added to the plan just inside of and near the center of the lower border in a small font size. Only copies of the original plan may receive plan numbers in larger font in the corners.

Once the Plans of Acceptance have been signed by all of the applicable departments/officials, and either any deficiencies have been corrected by the applicant or an agreement is to be executed between the Applicable Department of Public Works or Applicable Subdivision Board and the applicant, the Applicable Department of Public Works shall submit the acceptance application package to the Corporation for their review and approval.

