

City of Framingham

The City Council of Framingham



ORDER NO. 2024-025 REQUEST OF THE MAYOR

UPON THE REQUEST OF THE MAYOR, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

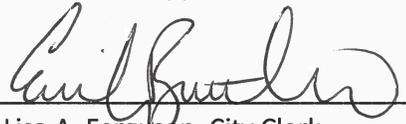
That the City Council, upon consideration of the matter, votes to accept by majority vote the non-substantive changes to the city's General Ordinances as required by the Framingham Charter Article IX: General Provisions §6 Periodic Review and Recodification of Ordinances as recommended by the Recodification Committee, as attached.

ROLL CALL VOTE:

YEAS: Alexander, Bryant, Cannon, King, Leombruno, Long, Mallach, Ottaviani,
Steiner, Ward, White Harvey
NAYS: None
ABSTAIN: None
ABSENT: All members were present in person
PASSED IN COUNCIL: April 30, 2024

A True Record, Attest:

5/2/2024
Date Approved


Lisa A. Ferguson, City Clerk
Emily L. Butler, Assistant City Clerk

~~5/2/24~~
Date Approved


Charlie Sisitsky, Mayor

Order No. 2024-025

AN ORDINANCE TO REVISE AND CONSOLIDATE, AMEND, SUPPLEMENT AND CODIFY THE GENERAL ORDINANCES OF THE CITY OF FRAMINGHAM

The City Council of the City of Framingham does hereby ordain as follows:

§ 1-9. Code adopted; existing ordinances continued.

The ordinances of the City of Framingham of a general and permanent nature adopted by the City Council of the City of Framingham, as revised and codified and consisting of Chapters 1 through 435, are hereby approved, adopted, ordained and enacted as the Code of the City of Framingham, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the existing compilation titled "General Ordinances," as amended and supplemented.

§ 1-10. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the City Clerk and shall remain there for use and examination by the public.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the City Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of Framingham" shall be understood and intended to include such additions and amendments.

§ 1-11. Publication.

The Clerk of the City of Framingham shall cause this ordinance to be posted or published in accordance with Article II, § 9(d), of the City Charter. The posting or publication of this ordinance, coupled with the filing of the Code in the office of the City Clerk as provided in § 1-10, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-12. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-13. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the City of Framingham which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect. The following sections of the General Ordinances have been excluded from the Code and are specifically repealed: Article V, Section 11, Mechanical Protection Devices, and Article VIII, Section 2, Display of Cash Totals.

§ 1-14. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-13 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to October 17, 2023.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. Any ordinance or portion of an ordinance pertaining to the rate and manner of payment of salaries and compensation of municipal officers and employees or establishing or classifying positions or relating to a pension plan or pension fund for municipal employees.
- N. Any ordinance or portion of an ordinance establishing traffic or parking regulations.
- O. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the City.
- P. Any ordinance or portion of an ordinance accepting or adopting the provisions of any general law or special act of the commonwealth.

§ 1-15. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the City of Framingham, no changes in the meaning or intent of such ordinances have been made except as provided for in Subsections B and C hereof. Certain grammatical changes and other minor no substantive changes were made in one or more of said pieces of legislation. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. Gender-neutral language. Gender-specific pronouns, such as but not limited to "he/she," "his/her" and "him/her," are amended to gender-neutral pronouns, "they," "their" and "them," and other gender-specific terms are amended to gender-neutral terms; for example, and not by way of limitation, "repairmen" is amended to "repairpersons" and "man-made" is amended to "human-made."
- C. Nomenclature. The following titles and terms are updated throughout the ordinances, unless otherwise required by the context:
- (1) "Town" when referring to Framingham is amended to "City."
 - (2) "By-law" and "bylaw" are amended to "ordinance."
 - (3) References to "this Charter" are amended to "the Charter."
 - (4) "Treasurer," "Collector of Taxes" and "Tax Collector" are amended to "Treasurer-Collector."
 - (5) "Chairman" and "Chairperson" are amended to "Chair."
 - (6) "Board of Licensing Commissioners" is amended to "Board of License Commissioners."
 - (7) "Inspectional Services Department" and "Building Department" are amended to "Inspectional Services Division."
 - (8) "Health Department," "Department of Health," "Public Health Department" and "Department of Public Health," when referring to the Town agency, are amended to "Division of Public Health."
 - (9) "Director of Health" is amended to "Director of Public Health."
 - (10) "Parks and Recreation Commission" is amended to "Park and Recreation Commission."
 - (11) "Division of Public Works" is amended to "Department of Public Works."
 - (12) "Department of Planning and Community Development" is amended to "Division of Planning and Community Development."
 - (13) "Occupancy permit," "certificate of use and occupancy" and "use and occupancy permit" are amended to "certificate of occupancy."
- D. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-16. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-17. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the City of Framingham to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to a penalty as provided in § 1-2 of the Code.

§ 1-18. When effective.

This ordinance shall take effect as provided by the City Charter.

**City of Framingham
Code Adoption Ordinance
Schedule A
(As Referenced in § 1-15D)**

Chapter 1, General Provisions.

1. The definition of "department director" in § 1-1 is amended to change the defined term to "department director or department head."
2. Section 1-1C and D are amended to change "the charter" and "this charter" to "the ordinances."
3. Section 1-2 is amended to delete the following wording and the table titled "City of Framingham Ordinance Fines": "The following table provides a reference to fines specified elsewhere in the Ordinances. The City Clerk shall update this table as necessary to correctly reference all fines specified elsewhere in the Ordinances. Any error or omission in this list does not invalidate the fine specified elsewhere."
4. Section 1-3C is amended to change "enforce the above sections" to "enforce the rule and/or regulation."
5. Section 1-5 is amended to delete the following: "except footnoted provisions that are taken verbatim from the text of the Charter which require the additional steps to be amended as required by the Charter."
6. Section 1-7 is amended to delete "within 30 days of their passage" from the end of the section.
7. Section 1-8 is amended to delete "within 30 days of their adoption" from the end of the section.

Chapter 5, Administration and Finance Division.

1. Section 5-1 is amended to read as follows: "See Article V, § 3, of the Framingham Home Rule Charter."
2. Original § 19.2, Chief Financial Officer (CFO)/Director of Administration and Finance, is repealed.
3. Section 5-2A (8) is amended to read as follows: "To assist the Mayor in preparing communications to the Council as required by Article III, § 6(a), of the Framingham Home Rule Charter."

Chapter 9, Aging, Council on.

1. Section 9-1 is amended to change "Commission on Aging" to "Department of Elder Affairs."
2. Section 9-2 is amended as follows: "The Council on Aging shall be appointed by and be responsible to the Mayor, and, within the limits of available funds, it may appoint such clerks and other employees as it may require to carry out its authorized programs."
3. Section 9-3 is amended to change "January" to "July."

Chapter 12, Agricultural Advisory Committee.

1. Section 12-1 is amended as follows: "The purpose of the Agricultural Advisory Committee shall be to:"

Chapter 17, Appointments, Guidelines for.

1. Section 17-4D is amended to change "Freedom of Information requests" to "records requests under MGL c. 66."
2. Section 17-5A is amended to change "City Bylaws" to "City Charter and ordinances."

Chapter 23, Bicycle, Pedestrian and Trails Committee.

1. Section 23-3C is amended as follows: "Work with the ADA Coordinator and City employees in the Mayor's office, Parks and Recreation Department, ~~Conservation Department~~, Department of Public Works, Division of Planning and Community Development, Framingham Public School Administration, and others from time to time as may be necessary to fulfill its duties and achieve its described purpose."
2. Section 23-3G is amended to change "our trail network" to "the City's trail network."

Chapter 41, Community Preservation Committee.

1. Section 41-2C is amended as follows: "Members designated by the Council are prohibited from holding any other position on a multiple-member body ~~nor~~ and shall not hold any position as a municipal officer while serving as a member of the Committee."

Code Adoption Ordinance

2. Section 41-3C (1) is amended to change "Parks Commissioners" to "Park and Recreation Commission."
3. Section 41-3C (4) is amended to read as follows: "Hold public informational hearings which shall be posted publicly and published for two consecutive weeks preceding each hearing in a newspaper of general circulation in the City and on the municipal bulletin board for the purpose of public input on proposed projects under the Committee's review for the fiscal year, prior to posting proposed project recommendations as required under Subsection F."

Chapter 44, Contracts and Purchasing.

1. Section 44-2F is amended to change "the minimum number of qualities, sizes and varieties of supplies" to "the minimum number, qualities, sizes and varieties of supplies"; to change "agent" to "Chief Procurement Officer"; and to change "laboratory, engineering facilities" to "laboratory and engineering facilities."
2. Section 44-8A (2) is amended to read as follows:

Certify that its contractors, subcontractors and lessees, if applicable, will ensure nondiscrimination, without regard to race, color, religious creed, national origin, age, sex, gender identity and expression, sexual orientation, genetic information, ancestry, military service, disability, or any other protected characteristic under applicable law in the areas of hiring, promotion, demotion, transfer, recruitment, layoff, termination, rate of compensation, in-service or apprenticeship training programs, and all other terms and conditions of employment as it pertains to the applicant, its contractors, subcontractors and lessees, if applicable;

3. Section 44-8A (3) is amended to read as follows: "Improve a blighted open area, decadent area, or a substandard area as defined in MGL c. 121B, § 1."
4. Section 44-10A is amended to change "Building Inspector" to "Building Commissioner."
5. Section 44-10F is amended to change "Licensing Commission" to "Board of License Commissioners" and to change "Massachusetts Committee on the Underground Economy" to "Massachusetts Council on the Underground Economy."

Chapter 48, Council.

1. Section 48-14 is amended to read as follows: "All Councilors shall file a financial disclosure with the City Clerk in accordance with Article IX, § 18, of the Framingham Home Rule Charter."

Chapter 54, Disability, Commission on.

1. Section 54-3A is amended as follows: "The terms of the members of said Commission shall be so arranged that the terms of 1/3 of the members expire each year, and members shall be appointed for terms of three years each."
2. Section 54-4 is amended as follows: "The duties and functions of the Commission shall be as follows:"

Chapter 60, Emergency Management Agency.

1. Section 60-2B is amended to change "work of the department" to "work of the Agency."
2. Section 60-2C is amended as follows:

The Director shall also have authority, subject to the approval of the Mayor, to appoint district coordinators and may accept and may receive, on behalf of the City, services, equipment, supplies, materials or funds by way of gifts, grant or loan, for purposes of emergency management, offered by the federal government or any agency or officer thereof or any person, firm or corporation, subject of the terms of the offer and the rules and regulations, if any, of the agency making the offer.

Chapter 110, Officers, Officials and Employees.

1. Section 110-1A is amended to delete "and the appointed multiple-member bodies as set forth in Section 2.3.4 below" from the end of the first sentence.
2. Section 110-1B is amended to read as follows: "The City shall have appointed positions that are considered a division head, department head, and other appointed staff positions. Vacancies in appointed positions shall be filled as provided in Article IX, § 15, of the Framingham Home Rule Charter."
3. Section 110-1C (1) is amended to change "Director of Parks and Recreation" to "Director of Parks, Recreation and Cultural Affairs."
4. Section 110-1C (4) is amended to change "Planning and Economic Development Division Head" to "Planning and Community Development Division Head."
5. Section 110-1E is amended to delete the Sign Review Board from the table; to change "Economic Development and Industrial Corporation" to "Economic Development Corporation" and to add a reference to Chapter 283 of the Acts of 2022; to change "Elderly and Disabled Tax Fund Committee" to "Elderly and Disabled Tax Relief Committee"; and to revise the second sentence as follows: "All appointments appointees to multiple-member bodies, with the exception of the Board of Assessors, must be residents of Framingham."

Code Adoption Ordinance

6. Section 110-3B is amended to read as follows: "All contracts entered into by, for or on behalf of the municipality by any officer or municipal agency shall be subject to the approval of the Mayor, unless otherwise provided by law."
7. Original Art. I, Sec. 6.2, is repealed (duplicate of Charter Art. IX, § 12).
8. Section 110-12B is amended to read as follows: "A multiple-member body, upon the request by vote of a group, shall make time on its agenda to hear the concerns and ideas of the neighborhood advisory group."
9. Section 110-23 is amended to delete "and attached to these ordinances as Appendix E."
10. Section 110-26 is amended to revise Subsection A to read as follows: "The appointment, term of office and general duties of the City Clerk are prescribed in Article II, § 8(b), of the Framingham Home Rule Charter" and to delete the following sentence from Subsection B: "The City Clerk shall furnish all officers, boards and committees with a copy of all votes affecting them."
11. Section 110-34 is amended as follows: "The Treasurer shall make a record, in a book kept for the purpose, of each appropriation, with the list of the warrants drawn against such appropriation, and shall also make a record, in a book kept for the purpose, of all bonds, notes, or other evidence of indebtedness of the City."
12. Section 110-41 is amended to read as follows: "The appointment and general duties of the City Solicitor are prescribed in Article III, § 3(e), of the Framingham Home Rule Charter."
13. Section 110-51 is amended to change "Public Works division head" to "head of the Public Works Department."
14. Section 110-55 is amended to read as follows: "The appointment and general duties of the Chief Operating Officer are prescribed in Article III, § 3(d), of the Framingham Home Rule Charter."
15. Section 110-56 is amended as follows: "The Auditor shall have such other powers and duties as may be provided by Charter, by ordinance or by other vote of the Council."

Chapter 115, Parks, Recreation and Cultural Affairs.

1. Section 115-1 is amended to change "Parks, Recreation and Culture Division" to "Parks, Recreation and Cultural Affairs Division."

Chapter 119, Personnel.

1. Section 119-4 is amended to read as follows: "The official classification plan of positions in the service of the City shall consist of the classes listed by titles in Schedule A. Schedule A will be on file with the City Clerk and available online within 30 days of being approved."
2. Section 119-5 is amended to read as follows:

The official schedule of pay rates of each position defined in the classification plan shall consist of the pay grades showing the minimum and maximum salaries or wages, with step rate increases therefor, to be paid to employees in positions allocated to the various classes in the classification plan. This is referred to as "Schedule B of the Personnel Ordinance," which is incorporated as a part hereof. Schedule B will be on file with the City Clerk and available online within 30 days of being approved. The pay grade for each class shall be the pay grade assigned to such class, as shown in Schedule A. Additional compensation shall be paid to employees in positions in certain classes, as provided in Schedule B or as authorized by the Mayor.

Chapter 138, Records.

1. Section 138-3 is amended as follows: "Rules and regulations adopted by any multiple-member body, department, division or office of the City of Framingham shall become effective five days after the date they are filed with the City Clerk and shall be posted on the municipal bulletin board in accordance with § 110-11."

Chapter 153, Sustainability Committee.

1. Subsection C in the definition of "Energy Task Force" in § 153-2 is amended to change "Parks, Recreation and Cultural Affairs Department" to "Parks, Recreation and Cultural Affairs Division."

Chapter 178, Women and Families, Commission on.

1. Section 178-4 is amended as follows: "The Mayor's appointments should seek, and ~~preference given,~~ to give preference to, members of a racial diversity reflective of Framingham's demographics..."

Chapter 183, Youth Council.

1. Section 183-8 is amended to change "Superintendents" to "Superintendents of Framingham Public School and Keefe Tech School."

Chapter 195, Alarm Systems.

1. Section 195-15A is amended to change "fines of up to \$100" to "a fine of \$100."

Chapter 198, Alcoholic Beverages.

1. Section 198-2 is amended to add the following wording at the beginning of the section: "This chapter applies to the following types of licenses relative to alcoholic beverages:"
2. Section 198-4 is amended to change "Board of License" to "Board of License Commissioners."

Chapter 206, Animals.

1. Section 206-9 is amended to revise the last sentence to read as follows: "Licenses not purchased between January 2 and February 28 are subject to a late fee of \$50."

Chapter 215, Boats and Personal Watercraft.

1. Section 215-1A is amended as follows: "All motorboats must (except when prevented by a narrow channel or when approaching or leaving the shore or other boats or passing under bridges or rounding sharp bends) keep 150 feet distant from anchored or moored boats, piers, rafts, floats, a line of floats outlining swimming areas, skin divers' flags, or the shore."

Chapter 220, Building Construction.

1. Section 220-4 is amended to change "Stretch Code" to "Stretch Energy Code."

Chapter 237, Disclosure Statements.

1. Section 237-4C is amended to read as follows: "Once filed by the applicant, the disclosure statement shall be circulated to all members of the Council, Zoning Board of Appeals and Planning Board who are eligible to vote upon the application for relief and to the Mayor or the Mayor's designee, the Council, or the Board of License Commissioners approving the contract or license."

Chapter 255, Farming.

1. Section 255-5 is amended to change "Zoning Enforcement Officer" to "Building Commissioner."

Chapter 260, Fire Lanes.

1. Section 260-2, Violations and penalties, is added to read as follows: "Violation of any provision of this chapter shall be punished by a fine of \$100."

Chapter 269, Fortune Telling.

1. Section 269-2, License restrictions, is added to read as follows: "Said license shall be granted only to applicants who have resided continuously in the City for at least 12 months immediately preceding the date of the application. No such license shall be transferred or assigned."
2. Section 269-3, Violations and penalties, is added to read as follows: "Violation of any provision of this chapter shall be punished by a fine of \$100."

Chapter 278, Hazardous Materials.

1. Section 278-4 is amended to change "49 CFR 107 215-225" to "49 CFR 107.215 to 107.227"; to change "49 U.S.C. § 1801 et seq." to "49 U.S.C. § 5101 et seq."; and to change "49 U.S.C. § 1811(b)" to "49 U.S.C. § 5125(e)."

Chapter 284, Historic Preservation.

1. Section 284-2 is amended to read as follows:

§ 284-2. Historic districts established.

There are hereby established under the provisions of and in accordance with the Historic Districts Act (MGL c. 40C) the following historic districts:

- A. The historic district to be known as the "Framingham Centre Common Historic District," bounded and described as shown on the map titled "Framingham Centre Common Historic District" available at the Division of Planning and Community Development.
- B. The historic district to be known as the "Jonathan Maynard Historic District," bounded and described as shown on the map titled "Jonathan Maynard Historic District" available at the Division of Planning and Community Development.
- C. The historic districts to be known as the "Sarah Clayes Historic District," the "Pike-Haven-Foster House Historic District" and the "H. H. Richardson Depot Historic District."
- D. The historic district to be known as the "John Hemenway House Historic District."

Code Adoption Ordinance

2. Section 284-3B is amended to change "Planning Department" to "Division of Planning and Community Development."
3. Section 284-11 is amended to read as follows: "It shall be the responsibility of the owner of record or their designee to assist in the facilitation of the above process by providing information, allowing access to the property and securing the premises; to participate in the investigation of preservation options; and to actively cooperate in seeking alternatives with the Commission and any interested parties."
4. Section 284-14 is amended as follows: "No building permit shall be issued with respect to any premises upon which a historically or architecturally significant building has been voluntarily demolished in violation of this article for a period of two years after the date of the completion of such demolition."

Chapter 290, Hunting and Firearms.

1. The definition of "firearm" in § 290-1 is amended as follows:

A "rifle" is a weapon having a rifled bore with a barrel length ~~equaled~~ equal to or greater than 16 inches, capable of discharging a shot or bullet for each pull of the trigger. A "shotgun" is a weapon having a smooth bore or a rifled bore with a barrel length ~~equaled~~ equal to or greater than 18 inches with an overall length equal to or greater than 26 inches, capable of discharging a shot or bullet with each pull of the trigger.

Chapter 299, Junk Dealers and Collectors.

1. Section 299-1 is amended to correct the reference to Massachusetts General Laws, Chapter 102, Sections 186 to 189, to MGL c. 140, §§ 202 to 205.
2. Section 299-3, Violations and penalties, is added to read as follows:

Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles in the City without a license, or in any other place or manner than that designated in the license or after notice that the license has been revoked, or violates any provision of this chapter shall be subject to a fine of \$20.

Chapter 308, Licenses and Permits.

1. Section 308-2 is amended as follows:

The Treasurer-Collector shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or

permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve-month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

2. Section 308-3A is amended as follows:

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Treasurer-Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Treasurer-Collector; provided, however, that written notice is given to the party and the Treasurer-Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice.

Chapter 312, Lodging Houses.

1. Section 312-4B is amended to change "Licensing Department" to "Board of License Commissioners."
2. Section 312-8 is amended to change "Commonwealth of Massachusetts, Department of Public Safety" to "Commonwealth of Massachusetts, Department of Fire Services" and to change "Electrical Inspector" to "Building Commissioner."
3. Section 312-15C is amended to revise the first sentence to read as follows: "Portable fire extinguishers other than wheeled types shall be securely installed with an approved bracket that is anchored to a permanent surface."
4. Section 312-20C is amended as follows: "Accumulation of ice and snow shall be removed from such areas, including required ways of egress, to provide safe walking surfaces ~~and shall be removed.~~"
5. Section 312-23C is amended to update the reference to 780 CMR 1028.0 to 780 CMR 10.00.
6. Section 312-25 is amended to update the reference to 780 CMR Table 106 to 780 CMR 1.00.

Chapter 318, Marijuana.

1. Section 318-9 is amended to read as follows: "A marijuana establishment or a medical marijuana treatment center shall comply with the applicable provisions contained in MGL c. 94G, MGL c. 94I, 105 CMR 590, 935 CMR 500 and 935 CMR 501."

2. Section 318-13 is amended as follows: "The license shall be valid from January 1 through December 31 of each year. Community impact fees shall be administered in accordance with MGL c. 94G, § 3(d), as amended."

Chapter 332, Noise.

1. The definition of "decibels" in § 332-2A is amended as follows: "Human beings can hear noise over a tremendously large range of air pressure, so ~~the use of~~ a decibel scale (from about 0 dB to 140 dB) is used for convenience."
2. The definition of "residential area" in § 332-3 is amended to change "zoning ordinance or bylaw" to "zoning ordinance."
3. Section 332-7 is amended as follows: "Vehicles in excess of 10,000 pounds engaged in interstate commerce as permitted by 40 CFR ~~303~~ 202 (EPA Noise emission standards)."

Chapter 336, Nuisances.

1. Subsections A, C and D of the definition of "owner" in § 336-2 are amended as follows:
 - A. Has legal title to any building, structure or property subject to this chapter.
 - C. Is a lessee under a written ~~letter~~ lease agreement.
 - D. ~~Has~~ Is a mortgagee in possession.

Chapter 343, Parking.

1. Section 343-2A is amended to read as follows:

Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, or any other place where the public has the right of access as invitees or licensees shall reserve parking spaces in said off-street parking areas in accordance with 521 CMR 23.00 and MGL c. 40, § 21(23), for any vehicle owned and/or operated by a person with a disability whose vehicle bears the distinguishing license plate or placard authorized by MGL c. 90, § 2. Parking for multiple dwellings, including residential condominiums, is subject to all provisions of the Architectural Access Board regulations (521 CMR) and this article.

Chapter 350, Peace and Good Order.

1. Article II, Dissemination of Matter Harmful to Minors, is amended in its entirety to read as follows:

§ 350-2. Violations and penalties.

- A. Whoever disseminates to a minor any matter harmful to minors, knowing it to be harmful to minors, or has in their possession any such matter with the intent to disseminate the same to minors shall be subject to a fine of \$200 for each dissemination, including but not limited to serial disseminations, which shall be considered each as separate and distinct disseminations in violation of this provision, being subject to a fine of \$200 per each distinct dissemination.
- B. Violations of this section shall be enforced by the Inspectional Services Division.
- C. The City shall retain all rights at law and equity to enforce this provision, in addition to issuing fines. City enforcement, including but not limited to the issuance of fines, shall not prevent or preclude the criminal prosecution of an individual under any state or federal law or regulation, by any local, state and/or federal law enforcement agency.

§ 350-3. Definitions.

The definitions of the words in this article shall be the same as those specified in MGL c. 272.

§ 350-4. Severability.

In the event that any provision of this article shall be deemed illegal or otherwise unenforceable by a court of competent jurisdiction, then only that specific provision shall not be enforced, and all other provisions shall remain in full force and effect.

Chapter 373, Signs.

1. Section 373-5 is amended to add the following wording at the beginning of the section: "The following types of signs do not require a permit:"
2. Section 373-10C(1)(c)[5][e] is amended as follows: "In all other districts, if the single pole is centered, ~~the width of the pole~~ it may not exceed 16 inches in width and eight inches in depth or diameter."
3. Section 373-10C(1)(c)[6][a] is amended as follows: "In the HC/RC District, ~~the width of~~ each pole may not exceed 14 inches in width and 14 inches in depth or diameter."
4. Section 373-11C is amended to read as follows: "Fees for sign permits shall be paid in accordance with the schedule of fees recommended by the Building Commissioner and approved by the City Council."
5. Original § 1.14, Modification, of Art. VII is repealed. (This section was no longer in effect after December 1, 2012.)
6. Section 373-15B is amended to revise the third sentence to read as follows: "If any person so notified to appear desires to contest the violation alleged in the notice to appear and also to avail themselves of the procedure established pursuant to this chapter, they may, within 21 days after the date of the notice, request a hearing in writing."

Chapter 390, Storm Sewers.

1. The definition of "illicit discharge detection and elimination" in § 390-2 is amended to correct the reference to the Code of Federal Regulations as follows: "Subsection (b)(3) of 40 CFR 122.34."
2. Section 390-7D (3) is amended as follows: "Any person determined by the applicable authority to be responsible for the discharge of any of the above substances to a catch basin may be held responsible for cleaning the catch basin and any other portions of the stormwater system impacted according to City standards and requirements or paying the cost for such cleaning."
3. Section 390-7D (6) is amended as follows: "~~It is prohibited for~~ Anyone with a private drainage system is prohibited from tying into the public stormwater disposal system without written approval from the applicable authority."
4. Section 390-8B (12) is amended to correct the reference to the Code of Federal Regulations as follows: "40 CFR 35.2005(b) (20)."
5. Section 390-20B is amended to read as follows: "Residential property owners shall have 90 days from the effective date of this article to comply with its provisions or petition the applicable authority for an extension."

Chapter 395, Streets, Sidewalks and Public Ways.

1. Section 395-16B is amended to change "Superintendent of Streets" to "Director of Public Works."
2. Section 395-27B is amended to change the fine from \$20 to \$25.
3. Section 395-36B is amended to delete the following:

For the period commencing as of the Governor's Order allowing the reopening of restaurants under Phase II of the COVID-19 Reopening Plan through May 1, 2021 only, the Board of License Commissioners may by vote authorize the administrative approval of Sidewalk Business Use License, Maintenance, and Indemnity Agreements by the Licensing Coordinator, and may vote to authorize any Commissioner to execute such agreements on behalf of the Licensing Commission.

Chapter 409, Transient Vendors, Hawkers and Peddlers.

1. Section 409-1 is amended to read as follows: "No person shall sell, solicit or display goods, articles, wares or merchandise upon the public ways of the City without first having obtained a license from the Board of License Commissioners."

2. Section 409-2A is amended to revise the first sentence as follows: "No person, either principal or agent, shall engage in a temporary transient business in this City selling goods, wares, periodicals or merchandise, or go door to door for any commercial selling purposes ~~or canvassing~~, without a license issued by the Board of License Commissioners."

Chapter 427, Wetlands Protection.

1. Subsection (2) of the definition of "agriculture" in § 427-10 is amended to update "Soil Conservation Service" to "Natural Resources Conservation Service" and to update "Department of Environmental Management" to "Department of Environmental Protection."
2. Subsection (2) of the definition of "alter" in § 427-10 is amended to update "Department of Food and Agriculture" to "Department of Agricultural Resources."
3. The definition of "interests identified in this chapter" in § 427-10 is amended as follows: "Public or private water supply, groundwater supply, flood control, storm damage prevention, prevention of pollution, erosion control and sedimentation control, protection of wildlife, ~~protection of wildlife habitat~~, passive recreation, aesthetics, agriculture and aquaculture, protection of fisheries, and protection of wildlife habitat."
4. The definitions of "marsh," "meadow (or wet meadow)," "swamp" and "wildlife habitat" in § 427-10 are all amended to read "Is defined in MGL c. 131, § 40."
5. The definitions of "rare species" and "wildlife" in § 427-10 are amended to update the reference to 321 CMR 8.00 to 321 CMR 10.00.
6. Section 427-12D is amended to add: "The fine for noncriminal disposition shall be \$300."