

PART IV REVISED ORDINANCES

Chapter 1 GENERAL PROVISIONS

Section 1-1. Citation, effect of Revised Ordinances.

The ordinances contained in this and the following chapters shall constitute and be designated as "The Revised Ordinances of the City of Everett, Massachusetts, 2007, as amended," and may be so cited. So far as their provisions are the same in effect as those of previously existing ordinances, they shall be construed as a continuation of such ordinances; but, subject to such limitations and the provisions of the following section, all ordinances of the city of a general and permanent nature in force on June 1, 2007, and not included in this Revision are repealed; but this repeal shall not apply to nor affect any order heretofore adopted accepting or adopting the provisions of any statute of the Commonwealth nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city; nor shall the repeal affect the administrative orders or resolutions of the city council not in conflict or inconsistent with the provisions of this Revision; nor shall it affect any ordinance or resolution fixing or establishing salaries of city officers or employees; nor shall it affect any right or franchise conferred by any ordinance or resolution of the city council to any person; nor shall such repeal affect the zoning ordinance or any ordinance making changes in the zoning map.

(Rev. Ords. 1976, Pt. 2, Ch. 1, § 1)

Section 1-2. Prospective effect of Revised Ordinances; continuation of offices; repealed ordinances not revived.

The Revised Ordinances of the City of Everett, 2007, as amended, and the repeal in section 1-1, or the repeal of any ordinance, shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect, nor any offense committed, nor any penalty or forfeiture incurred, nor any suit or prosecution pending at the time of such repeal for any offense committed, or for the recovery of any penalty or forfeiture incurred under any of the provisions so repealed; and all persons who, at the time when the repeal shall take effect, shall hold any office under any of the ordinances so repealed, shall continue to hold the same according to the tenure thereof, except those offices which may have been abolished, and those as to which a different provision shall have been made by the following ordinances; and no ordinances or part of any ordinance, which has been heretofore repealed, shall be revived by the repeal in the preceding section of any of the ordinances or parts of ordinances therein mentioned, and when any ordinance, repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause, or provision, unless it shall be so expressly provided therein.

(Rev. Ords. 1976, Pt. 2, Ch. 1, § 2)

Section 1-3. Rules of construction.

The following rules of construction shall be observed for this revision and every other ordinance, unless inconsistent with the manifest intention of the city council or the context of the ordinance or this Revision:

- (a) Charter. The word "Charter" shall mean the Charter of the City of Everett, Massachusetts, as printed in Part I of this volume.
- (b) City. The word "city" shall mean the City of Everett, Massachusetts.
- (c) Commonwealth. The word "Commonwealth" shall mean the Commonwealth of Massachusetts.
- (d) Gender. Words importing the masculine gender may include females and boards.
- (e) Joint authority. Words purporting to give a joint authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or persons.
- (f) Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.
- (g) Officer. The word "officer" shall include officers and boards in charge of departments and the members of such boards.
- (h) Owner. The word "owner" with reference to a building or land shall include any part owner, joint owner, tenant in common or joint tenant, of the whole or of a part of such building or land.
- (i) Person. The word "person" shall include firms and corporations.
- (j) Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.
- (k) Public grounds. The words "public grounds" shall include Glendale Park, the public lands under the charge of the park department, and those parts of public squares and places, which do not form, traveled parts of highways.
- (l) Revision. The words "Revision," "the Revision" or "this Revision" shall mean the "Revised Ordinances of the City of Everett, Massachusetts, 1991."
- (m) Sidewalk. The word "sidewalk" shall mean a strip within the public way in front or on the side of a house or lot of land lying between the property line and the street.
- (n) Signature. If the written signature of a person is required, it shall always be his own handwriting or if he is unable to write, his mark.

- (o) Statute references. Whenever reference is made to the General Laws or M.G.L. this shall mean and refer to the Massachusetts General Laws as amended.
- (p) Street. The word "street" shall include all public ways, avenues, alleys, lanes, courts and sidewalks, and those parts of public squares and places which form traveled parts of highways.
- (q) Tenant, occupant. The words "tenant" or "occupant" with reference to a building or land shall include any person who occupies the whole or a part of such building or land, either alone or with others.
- (r) Words of prohibition. Words prohibiting anything from being done, except in accordance with a license or permit or authority from a board or officer, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done. (Rev. Ords. 1976, Pt. 2, Ch. 1, § 3)

Section 1-4. Ordinances.

- (a) Manner of enactment.
An ordinance may originate in either the Board of Aldermen or the Common Council. The proposed ordinance, after its passage to be enrolled, shall be enrolled by the clerk of the originating branch, or by his direction, without interlineation, in the meeting records of that branch. The proposed ordinance shall then pass to the branch of the city council, not originating the ordinance, for a like procedure. The proposed ordinance shall then pass back to the originating branch for ordainment. After its passage for ordainment, it shall be entered, by the clerk of the branch, or by his direction, without interlineation, in the meeting records of that branch. The proposed ordinance shall then pass to the branch of city council, not originating the ordinance, for a like procedure.
- (b) The City Clerk shall thereupon present the ordinance to the Mayor, entering upon the records of the City Clerk the date and hour of such presentation. After the ordinance has been approved by the Mayor, or has otherwise become effective by law, the City Clerk shall cause the ordinance to be bound, in a book for that purpose, with proper margins and index, and to be lettered "Record of Ordinances of the City of Everett", which book shall be preserved in the office of the City Clerk and subject to public inspection.
- (c) Enacting clause.
All by-laws of the city shall be termed ordinances. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Everett, as follows:". (Rev. Ords. 1976, Pt. 2, Ch. 1, §§ 4--6) Charter reference(s)--Power to make ordinances, § 22.

Section 1-5. Custody of Ordinances.

A copy of these ordinances together with the zoning ordinances of the city shall be kept on file in the office of the city clerk, preserved in loose-leaf form, or in such other form as the city clerk may consider most expedient. It shall be the express duty of the city clerk, or

someone authorized by him, to insert in their designated places all amendments or ordinances which indicate the intention of the city council to make the same a part of the ordinances when the same have been printed or reprinted in page form, and to extract from these ordinances all provisions which may be from time to time repealed by the city council. The copy of these ordinances shall be available for all persons desiring to examine the same and shall be considered the official City Ordinances of Everett.

Section 1-6. Limitation on resubmission of certain petitions.

- (a) Every petition, permit, license or application for a permit or license which has been denied by the common council, board of aldermen or city council after due hearing shall not be heard again by the common council, board of aldermen or city council until the expiration of one (1) year from the date of such denial and except wherein the General Laws or special laws of the Commonwealth provide otherwise.
- (b) Every petition, permit, license or application for permit or license in which the petitioner or applicant has been given leave to withdraw shall not be heard again by the common council, board of aldermen or city council until the expiration of three (3) months from the date of being given leave to withdraw and except wherein the General Laws or special laws of the Commonwealth provide otherwise. (Rev. Ords. 1976, Pt. 2, Ch. 1, § 5A) Cross reference(s)--Licenses and business regulations, Ch. 12.

Section 1-7. Catchlines, history notes and references.

- (a) The catchlines of the several sections of the Revised Ordinances printed in boldface type are intended as mere catchwords to indicate the contents of the sections, and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.
- (b) Similarly the references and editor's notes appearing throughout the Revision are not intended to have any legal effect but are merely intended to assist the users of the Revision. (Rev. Ords. 1976, Pt. 2, Ch. 1, § 7)

Section 1-8. General penalty.

- (a) Whoever violates a provision of this Revision or any other ordinance or by-law of the city, whereby an act or thing is enjoined or prohibited, shall, unless other provisions are expressly made, be liable to a penalty for the first offense a twenty-five dollar (\$25.00) fine, second offense a fifty dollar (\$50.00) fine, third offense a one hundred dollar (\$100.00) fine, and fourth and subsequent offenses a three hundred dollar (\$300.00) fine.
- (b) If any violation continues, each day's violations shall be deemed a separate violation.
- (c) Such violation shall be noticed in the form of a ticket written by an enforcement agent under the authority of the Non Criminal Disposition Ordinance under Article II of these Revised Ordinances. (Rev. Ords. 1976, Pt. 2, Ch. 1, § 8; Ord. of 03-18-2004)

Charter reference(s)--Authority of city council to prescribe penalties for violation of municipal ordinances, § 22.
State law reference(s)--Penalty authorized, M.G.L.A. c. 40, § 21.

Section 1-9. Disposition of fines, etc.

All fines and penalties for the violation of any ordinance or any order of the city council shall, when recovered, enure to the use of the city, and be paid into the city treasury, unless otherwise directed by the laws of the Commonwealth or the ordinances of the city.
(Rev. Ords. 1976, Pt. 2, Ch. 1, § 9)

Section 1-10. Severability.

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

Section 1-11. Supplementation of Revision.

- (a) By contract or by city personnel, supplements to this Revision shall be prepared and printed every six (6) months. A supplement to the Revision shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Revision, and shall also include all amendments to the Charter during the period. The pages of a supplement shall be so numbered that they will fit properly into the Revision and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Revision will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Revision, any portions of the Revision that have been repealed shall be excluded from the Revision by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Revision, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified revision. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Revision printed in the supplement, and make changes in such catchlines, headings and titles;

- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Revision and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Revision which embody the substantive sections of the ordinance incorporated into the Revision); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Revision; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Revision.

Section 1-12. Amendments to Revision; amendatory language.

- (a) All ordinances passed subsequent to the adoption of this Revision that may amend, repeal or in any way affect the same may be numbered in accordance with the numbering system of this Revision and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Revision by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Revision and subsequent ordinances numbered or omitted are readopted as a new Revision by the city council.
- (b) Amendments to any of the provisions of this Revision shall be made by amending such provisions by specific reference to the section number of this Revision in substantially the following language: "That section _____ of the Revised Ordinances of the City of Everett, Massachusetts, is hereby amended to read as follows: . . . " The new provisions should then be set out in full as desired.
- (c) If a new section not heretofore existing in the Revision is to be added, the following language should be used: "That the Revised Ordinances of the City of Everett, Massachusetts, are hereby amended by adding a section to be numbered _____, which said section reads as follows: . . . " The new section should be then set out in full as desired.
- (d) All sections, articles, chapters or provisions desired to be repealed should be specifically repealed by section, article or chapter number, as the case may be.

Section 1-13. City seal.

- (a) Description. The seal of the city shall consist of a heraldic device, being circular and an inch and a half (1 1/2) in diameter. Encircled over the top "Everett"; below, "Settled 1630; a Town 1870; Incorporated a City 1892." On a shield argent, in base, a spring of pure water in the center, and on either side foliage. On chief gules, a mural coronet proper. Crest, and arm vested holding a sword proper.

Below the shield, on either side, two (2) branches of laurel fruited proper.

(b) Custodian. The city clerk shall be the custodian of the city seal.

(Rev. Ords. 1976, Pt. 2, Ch. 1, §§ 10, 11) State law reference(s)--City seals generally, M.G.L.A. c. 40, § 47; unlawful use of city seal, M.G.L.A. c. 268, § 35.

Section 1-14. Ward boundaries.

(a) The wards and precincts of the city are as follows:

- (1) Ward I, Precinct 1. Beginning at a point where the centerline of Broadway intersects the centerline of Chelsea St, thence turning and running southeasterly along the centerline of Chelsea St. to Clinton St. Thence turning and running northeasterly along the center line of Clinton St. to Cottage St.: thence turning and running southeasterly along the center line of Cottage St. to Ferry St.: thence turning and running northeasterly along the center line of Ferry St. to High St.; thence turning and running westerly along the center line of Summer St. to Hampshire St.; thence turning and running northeasterly along the center line of Hampshire St. to Orchard St.; thence turning and running northeasterly along the center line of Orchard St. to High St.; thence turning and running northwesterly along the center line of High St. to Broadway; thence turning and running southwestery along the center line of Broadway to the center line of Chelsea St., the point of beginning.
- (2) Ward I, Precinct 2. Beginning at a point where the center line of Cottage St. intersects the center line of Clinton St.; thence running southeasterly along the center line of Cottage St. to Ferry St.; thence turning and running northerly along the center line of Ferry St. to Union St.; Thence turning and running southeasterly along the center line of Malden St. to Reynolds Ave.; thence turning and running southeasterly along the center line of Reynolds Ave. to the boundary line between the City of Everett and the City of Chelsea; thence turning and running southwestery and southerly along the boundary of the City of Everett and the City of Chelsea to Third St.; thence turning and running northwesterly along the center line of Third St. to Vine St.; thence turning and running northerly along the center line of Vine St. to Revere Beach Parkway; thence turning and running northwesterly along the center line of Revere Beach Parkway to the center line of Ferry St.; thence turning and running northeasterly along the center line of Ferry St. to Chelsea St.; thence turning and running northwesterly along the center line of Chelsea St. to Clinton St.; thence turning and running northerly along the center line of Clinton St. to Cottage St., to the point of the beginning.
- (3) Ward I, Precinct 3. Beginning at a point where the center line of Broadway intersects the center line of Chelsea Street; thence turning and running southeasterly along the center line of Chelsea Street to Ferry Street; thence turning and running southwestery along the center line of Ferry Street to Revere Beach Parkway; thence turning and running easterly along the center line of Revere Beach Parkway to Vine Street; thence turning and running southerly along the center line of Vine Street to Third Street; thence turning and running southeasterly along the center line of Third Street to the boundary line between the City of Everett and the City of Chelsea; thence turning and

running southwesterly along the boundary line between the City of Everett and the City of Chelsea to a point; thence turning and running along the line that is now or formerly the thread of the stream of the Island End River which is the boundary between the City of Everett and the City of Chelsea to the boundary line between the City of Everett and the City of Boston in the Mystic River; thence turning and running southwesterly along the thread of the stream of the Mystic River, which is the boundary line between the City of Everett and the City of Boston, to a point; thence turning and running northeasterly and northerly along the boundary line between the City of Everett and the City of Boston to the center line of Broadway; thence turning and running northeasterly along the center line of Broadway to its intersection with the centerline of Chelsea Street, the point of beginning.

- (4) Ward II, Precinct 1. Beginning at a point where the center line of Ferry Street intersects the centerline of Union Street; thence running southeasterly along the center line of Union Street to Chatham Road to Nichols Street; thence turning and running northwesterly along the centerline of Nichols Street to Sunnyside Avenue; thence turning and running northeasterly along the center line of Sunnyside Avenue to Harvard Street; thence turning and running southeasterly along the center line of Harvard Street to Lawrence Street; thence turning and running northerly along the center line of Lawrence Street to Alpine Avenue continuing on to Dartmouth Street; thence turning and running northwesterly along the center line of Dartmouth Street to Elsie Street; thence turning and running southwesterly along the center line of Elsie Street to Rosedale Avenue; thence turning and running southwesterly along the center line of Rosedale Avenue to Mt. Washington Street; thence turning and running westerly along the center line of Mt. Washington Street to Woodlawn Street; thence turning and running northwesterly along center line of Woodlawn Street to Shirley Street; thence turning and running southwesterly along the center line of Shirley Street to Ferry Street; thence turning and running southerly along the center line of Ferry Street to Union street to the point of beginning.
- (5) Ward II, Precinct 2. Beginning at a point where the center line of Broadway intersects the center line of High Street; thence running southeasterly along the center line of High Street to Orchard Street; thence turning and running southwesterly along the center line of Orchard Street to Summer Street; thence turning and running easterly along the center line of High to Ferry Street; thence turning and running northerly along the center line of Ferry Street to Franklin Street; thence turning and running southeasterly along the center line of Franklin Street to Reed Avenue; thence turning and running northwesterly along the center line of Reed Avenue to Broadway; thence turning and running southwesterly along the center line of Broadway to the center line of High Street, the point of beginning.
- (6) Ward II, Precinct 3. Beginning at a point where the center line of Chatham Road intersects the center line of Union Street; thence running southeasterly along the center line of Union Street to Malden Street; thence turning and running southerly to Reynolds Avenue to the boundary line between the City

of Everett and the City of Chelsea; thence turning and running northeasterly along the boundary line between the City of Everett and the City of Chelsea to Dartmouth Street; thence turning and running northwesterly along the center line of Dartmouth Street to Alpine Avenue; then turning and running southerly along the centerline of Alpine Avenue to Lawrence Street and continuing southerly along Lawrence Street to Harvard Street; thence turning and running northwesterly along the centerline of Harvard Street to Sunnyside Avenue to Nichols Street; thence turning and running southeasterly to Chatham Road; thence turning and running southwestwesterly along the centerline of Chatham Road to Union Street; the point of beginning.

- (7) Ward III, Precinct 1. Beginning at a point where the center line of Broadway intersect the center line of Ferry St.; thence running southeasterly along the center line of Ferry St. to Sycamore St.; thence turning and running northeasterly along the center line of Sycamore St. to the property of the Everett Housing Authority; thence turning and running northeasterly along the westerly property line of said Everett Housing Authority to a point; continuing on to the property of the Woodlawn Cemetery; thence turning and running southeasterly along the southerly property line of said Woodlawn Cemetery to a point; thence turning and running northerly along the easterly property line of said Woodlawn Cemetery to the northerly property line of Lot #232, Lot #233, Lot #234 on Block plan N-3; thence turning and running southeasterly along the northerly property line of Lot #232, Lot #233, Lot #234 on Block plan N-3 to Adams Ave; thence turning and running along the southerly line of Adams Ave. to Elm St.; thence running northeasterly along the line of Elm St.; to the boundary line between the City of Everett and the City of Revere; thence turning and running northerly along the boundary line between the City of Everett and City of Revere to the boundary line between the City of Everett and the City of Malden; thence turning and running westerly along the boundary line between the City of Everett and the City of Malden to Lynn St.; thence turning and running southwestwesterly along the center line of Lynn St. to Broadway; thence running southwestwesterly along the center line of Broadway to the center line of Ferry St., the point of beginning.
- (8) Ward III, Precinct 2. Beginning at the point where the center line of Broadway intersects Ferry St.; running southeasterly until it intersects with the center line of Sycamore St.; thence running northeasterly along the center line of Sycamore St. to the property of the Everett Housing Authority; thence turning and running northeasterly along the westerly property line of said Everett Housing Authority to a point; continuing on to the property of the Woodlawn Cemetery; thence turning and running southeasterly along the southerly property line of said Woodlawn Cemetery to a point; thence turning and running northerly along the easterly property line of said Woodlawn Cemetery to the northerly property line of Lot #232, Lot #233, Lot #234 on Block plan N-3; thence turning and running southeasterly along the northerly property line of Lot #232, Lot #233, Lot #234 on Block N-3 to Adams Ave.; thence turning and running southeasterly along the center line of Adams Ave. to Elm St.; thence turning and running southwestwesterly along the center line of Elm St.

to Woodlawn St.; thence turning and running southwesterly along the center line of Woodlawn St. to Shirley St.; thence turning and running westerly along the center line of Shirley St. to Ferry St.; thence turning and running northwesterly along the center line of Ferry St. to Franklin St.; thence turning and running southwesterly along the center line of Franklin St. to Reed Ave.; thence turning and running northwesterly along the center line of Reed Ave. to Broadway; thence turning and running northeasterly along the center line of Broadway to the Ferry St. intersection, the point of beginning.

(9) Ward III, Precinct 3. Beginning at a point where the center line of Woodlawn St. intersects the center line of Elm St.; thence running northeasterly along the center line of Elm St. to the boundary line between the City of Everett and the City of Revere; thence turning and running southerly along the boundary line between the City of Everett and the Cities of Revere and Chelsea to Dartmouth St.; thence turning and running northwesterly along the center line of Dartmouth St. to Elsie St.; thence turning and running southwesterly along the center line of Elsie St. to Rosedale Ave.; thence turning and running southerly and southwesterly along the center line of Rosedale Ave. to Mt. Washington St.; thence turning and running northwesterly along the center line of Mt. Washington St. to Elsie St.; thence turning and running southwesterly along the center line of Elsie St. to Woodlawn St.; thence turning and running northwesterly to Shirley St.; thence turning and running along the center line of Shirley St to Elm St., the point of beginning.

(10) Ward IV, Precinct 1. Beginning at a point where the center line of Ferry St. intersects the center line of Carlson St.; thence turning and running northeasterly along the center line of Carlson St. to Edith St.; thence turning and running southeasterly along the center line of Edith St. to Mohan St.; thence turning and running northwesterly along the center line of Mohan St. to Chisholm St.; thence turning and running southeasterly along the center line of Chisholm St. to Shute St.; thence turning and running southeasterly along the center line of Shute St. to Elliott Rd.; thence turning and running easterly along the center line of Elliott Rd. to Broadway; thence turning and running along the center line of Broadway to Lynn St.; thence running northeasterly along the center line of Lynn St. to the boundary line between the City of Everett and the City of Malden; thence turning and running westerly along the boundary line between the City of Everett and the City of Malden to a point; thence turning and running southwesterly along the center line of Rich St., said line being the boundary line between the City of Everett and the City of Malden, to Ferry St.; thence turning and running southeasterly along the center line of Ferry St. to Carlson St., the point of beginning.

(11) Ward IV, Precinct 2. Beginning at a point where the center line of Ferry St. intersects the center line of Carlson St.; thence turning and running northeasterly along the center line of Carlson St. to Edith St.; thence turning and running southeasterly along the center line of Edith St. to Mohan St.; thence turning and running northerly to Chisholm St.; thence turning and running southeasterly along the center line of Chisholm St. to Shute St.; thence turning and running southwesterly along the center line of Shute St. to

Elliott Rd.; thence turning and running easterly along the center line of Elliott Rd. to Broadway; thence turning and running southwesterly along the center line of Broadway to Hosmer St.; thence turning and running northwesterly along the center line of Hosmer St. to Walnut St.; thence turning and running northeasterly along the center line of Walnut St. to Ferry St.; thence turning and running northwesterly along the center line of Ferry St. to Carlson St., the point of beginning.

- (12) Ward IV, Precinct 3. Beginning at a point where the center line of Walnut St. intersects the center line of Morris St.; thence running northeasterly along the center line of Walnut St. to Ferry St.; thence turning and running northwesterly along the center line of Ferry St. to the boundary line between the City of Everett and the City of Malden; thence turning and running southwesterly along the boundary line between the City of Everett and the City of Malden to Belmont St.; thence turning and running southwesterly along the southeasterly line of Belmont St., said line being the boundary line between the City of Everett and the City of Malden, to Washington St.; thence turning and running southeasterly along the center line of Washington St. to Bradford St.; thence turning and running southwesterly along the center line of Bradford St. to Myrtle St.; thence turning and running southeasterly along the center line of Myrtle St. to Highland Ave.; thence turning and running southwesterly along the center line of Highland Ave. to Herbert St.; thence turning and running southeasterly along the center line of Herbert St. to Central Ave.; thence turning and running southwesterly long the center line of Central Ave. to Woodland St.; thence turning and running southeasterly along the center line of Woodland St. to Vernal St.; thence turning and running northeasterly along the line of Vernal St. to Morris St., thence turning and running southeasterly along the center line of Morris St. to Walnut St., to the point of beginning.
- (13) Ward V, Precinct 1. Beginning at a point where the center line of Herbert St. intersects the center line of Central Ave.; thence running southwesterly along the center line of Central Ave. to Hancock St.; thence running across Hancock St. to Tappan St.; thence running southwesterly along the center line of Tappan St. to Kinsman St.; thence running across Kinsman St. to Wall St.; thence running southwesterly along the center line of Wall St. to Bucknam St.; thence turning and running southeasterly along the center line of Bucknam St. to Dyer Ave.; thence turning and running southwesterly along the center line of Dyer Ave. to Main St.; thence turning and running northwesterly along the center line of Main St. to Belmont St.; thence turning and running northeasterly along the southeasterly line of Belmont St, said line being the boundary line between the City of Everett and the City of Malden, to Washington St.; thence turning and running southeasterly along the center line of Washington St. to Bradford St.; thence turning and running southwesterly along the center line of Bradford St. to Myrtle St.; thence turning and running southeasterly along the center line of Myrtle St. to Highland Ave.; thence turning and running southwesterly along the center line

- of Highland Ave. to Herbert St.; thence turning and running southeasterly along the center line of Herbert St. to Central Ave., the point of beginning.
- (14) Ward V, Precinct 2 Beginning at a point where the center line of Woodland St. intersects the center line of Central Ave.; thence running southwesterly along the center line of Central Ave. to Hancock St.; thence running across Hancock St. to Tappan St.; thence running southwesterly along the center line of Tappan St. to Kinsman St.; thence running across Kinsman St. to Wall St.; thence running southwesterly along the center line of Wall St. to Bucknam St.; thence turning and running southeasterly along the center line of Bucknam St. to Waverly St.; thence turning and running northeasterly along the center line of Waverly St. to Hancock St.; thence running across Hancock St. to Walnut St.; thence running northeasterly along the center line of Walnut St. to Morris St.; thence turning and running northwesterly along the center line of Morris St. to Vernal St.; thence turning and running southwesterly along the center line of Vernal St. to Woodland St.; thence turning and running northwesterly along the center line of Woodland St. to Central Ave., the point of beginning.
- (15) Ward V, Precinct 3. Beginning at a point where the center line of Bucknam St. intersects the center line of Waverly St.; thence running northeasterly along the center line of Waverly St. to Hancock St.; thence running across Hancock St. to Walnut St.; thence turning northeasterly along the center line of Walnut St. to Hosmer St.; thence turning and running southeasterly along the center line of Hosmer St. to Broadway; thence turning and running southwesterly along the center line of Broadway to Corey St.; thence turning and running northwesterly along the center line of Corey St. to Norwood St.; thence turning and running along the center line of Norwood St. to Bucknam St.; thence turning northwesterly along the center line of Bucknam St. to Waverly St., the point of beginning.
- (16) Ward VI, Precinct 1. Beginning at a point where the center line of Main St. intersects the center line of Dyer Ave.; thence turning and running northeasterly along the center line of Dyer Ave. to Bucknam St.; thence turning and running southeasterly along the center line of Bucknam St. to Winslow St.; thence turning and running southwesterly along the center line of Winslow St. to Main St.; thence turning and running northwesterly along the center line of Main St. to Clark St.; thence turning and running southwesterly along the center line of Clark St. to Valley St.; thence turning and running southeasterly along the center line of Valley St. to Elton St.; thence turning and running southwesterly along the center line of Elton St. to Tremont St.; thence turning and running northwesterly along the center line of Tremont St. to Woodville St.; thence turning and running southwesterly to the Saugus Branch Railroad ; thence running northwesterly along the Saugus Branch Railroad to Wyllis Ave.; thence turning and running easterly along the northerly line of Wyllis Ave., said line being the boundary line between the City of Everett and the City of Malden, to Main St.; thence turning and running southerly along the center line of Main St. to Dyer Ave., the point of beginning.

- (17) Ward VI, Precinct 2. Beginning at a point where the center line of Main St. intersects the center line of Clark St.; thence turning and running southwesterly along the center line of Clark St. to Valley St.; thence turning and running southeasterly along the center line of Valley St. to Elton St.; thence turning and running southwesterly along the center line of Elton St. to Tremont St.; thence turning and running northwesterly along the center line of Tremont St. to the Madeline English School; thence turning and running southwesterly along the boundary line of the Madeline English School to the Saugus Branch Railroad; thence turning and running northwesterly along the center line of the Saugus Branch Railroad to the boundary line between the City of Everett and the City of Malden; thence turning and running westerly along the boundary line between the City of Everett and the City of Malden to the Malden River; thence turning and running southerly along the boundary line between the City of Everett and the Cities of Malden and Medford, said line being now or formerly the thread of stream of the Malden River, to the bridge to Medford; thence turning and running easterly along the center line of the Revere Beach Parkway to the Santilli Highway; thence turning and running northerly along the center line of the Santilli Highway to Norman St.; thence turning and running easterly along the center line of Norman St. along the MBTA Rail lines to Parlin St.; thence turning and running northerly along the center line of Parlin St. to Main St.; thence turning and running southeasterly along the center line of Main St. to Oakes St.; thence turning and running easterly along the center line of Oakes St. to Tufts Ave.; thence turning and running southeasterly along the centerline of Tufts Ave. to School St.; thence turning and running northeasterly along the center line of School St. to Corey St.; thence running northwesterly along the center line of Corey St. to Bucknam St.; running along the center line of Bucknam St. to Winslow St.; thence turning and running along the center line of Winslow St. to Main St.; thence turning and running northeasterly up Main St. to Clark St., the point of beginning
- (18) Ward VI, Precinct 3 Beginning at a point where the center line of the Santilli Highway intersects the center line of Norman St.; thence running easterly along the center line of Norman St. to Williams St., crossing Williams St. to the M.B.T.A. Rail Road and running northerly along the line of the M.B.T.A. railroad to Parlin St.; thence turning and running easterly along the center line of Parlin St. to Main St.; thence turning and running southerly along the center line of Main St. to Oakes St.; thence turning and running southeasterly along the center line of Oakes Ave. to Tufts Ave.; thence turning and running southeasterly along Tufts Ave. to School St.; thence turning and running northeasterly along the center line of School St. to Corey St.; thence turning and running southeasterly along the center line of Corey St. to Broadway; thence running southwesterly along the center line of Broadway to Chemical Lane; thence turning and running northwesterly along the boundary line between the City of Everett and the City of Boston to a point; thence turning and running southwesterly along the boundary line between the City of Everett and the City of Boston to a point; thence turning and running northerly

along the boundary line between the City of Everett and the Cities of Boston, Somerville and Medford, said line being now or formerly the thread of the stream of the Mystic River and Malden River, to the Medford Bridge to the Revere Beach Parkway; thence turning and running easterly along the center line of the Revere Beach Parkway to the Santilli Highway; thence turning and running northerly along the center line of the Santilli Highway to Norman St., the point of beginning. (Ord. of 7-24-2001) State law reference(s)--Wards and voting precincts, M.G.L.A. c. 54, § 1 et seq.

-ARTICLE II. NON-CRIMINAL DISPOSITIONS

Section 1-15. Definitions

When used in this Ordinance, unless the context otherwise requires, the following terms shall have the following meanings:

- (a) "Board" means a governmental body of the City of Everett.
- (b) "Commission" means a governmental body of the City of Everett.
- (c) "Department Head" means the person in charge of the operation of a department of the City of Everett.
- (d) "Enforcing Officer" means any municipal officer of the City of Everett who takes cognizance of a violation of a specific rule or regulation of the city who is empowered to enforce the provisions of their respective codes in accordance with the provisions of M.G.L. c. 40 Section 21D.
- (e) "Municipal Officer" means any official of the City of Everett with the responsibility for taking cognizance of a violation of specific rules or regulations of the city in accordance with the provisions of this chapter and M.G.L. c. 40 Section 21D
- (f) "Offender" means any person found to be in violation of the rules and regulations of any municipal officer, board, commission or department of the City of Everett.
- (g) "Rules and Regulations" means the duly promulgated standards or requirements, adopted in accordance with this ordinance, of any municipal officer, board, commission or department of the City of Everett.

Section 1-16. Applicable Penalties

- (a) Any person, firm or corporation violating any of the provisions of this ordinance or the duly promulgated rules or regulations of any municipal officer, board, commission or department shall be subject to the general penalty provided for by Section 1-22 of the Revised Ordinances of the City of Everett or by specific penalties provided for by the rules and regulations of any municipal officer, board, commission or department.

Section 1-17. Issuance of Notice to Appear

(a) Any municipal officer of the City of Everett taking cognizance of a violation of a specific ordinance, regulation or code of the city which he or she is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings may give to the offender a written notice to appear before the Clerk of the Malden District Court at any time during the court's office hours, but not later than twenty-one days after the date of such notice.

(b) Such notice shall be triplicate and shall contain the name and address, if known, of the offender, the specific offense charged, and the time and place for his or her required appearance. Such notice shall be signed by the offender, whenever practicable, in acknowledgement that such notice had been received.

Section 1-18. Delivery or Mailing of Notice

(a) The enforcing person shall, if possible, deliver to the offender a copy of the notice, as described in Section 1-17, at the time and place of the violation. If it is not possible to deliver a copy of the notice to the offender at the time and place of the violation, the copy shall be mailed or delivered by the enforcing person, or by the head of his or her department or by any person authorized by such department head to the offender's last known address, within fifteen days after the violation.

(b) Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the person so mailing notice that it has been mailed in accordance with this section shall be prima facie evidence thereof.

(c) At or before the completion of each workday, or at the beginning of the first subsequent workday, the enforcing person shall give to his or her department head those copies of each notice of such violation he or she has taken cognizance of during the workday which have not already been delivered or mailed by him or her as aforesaid.

(d) The department head shall retain and safely preserve one copy and shall, at a time not later than the next court day after such delivery or mailing, deliver the other copy to the Clerk of the Malden District Court, before which the offender has been notified to appear.

Section 1-19. Payment of Fine

(a) Any person notified to appear before the Clerk of the Malden District Court as provided in this article, may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the treasurer/collector's office with the notice described in this article, with the specific sum of money not exceeding the penalty set forth in Section 1-22 of the Revised Ordinances of the City of Everett, for each offense or as the city, any municipal officer, board, commission or department shall fix as penalty for violation of the ordinance or rule or regulation.

(b) Such payment shall, if mailed, be made only by postal note, money order or check. The payment to the treasurer/collector's office of such sum shall operate as a final disposition of the case.

(c) As provided for by Section 21D of Chapter 40, General Laws, an appearance under this article shall not be deemed a criminal proceeding. No person notified to appear before the Clerk of Malden District Court shall be required to report to any probation officer and no record of the case shall be entered in any probation records.

Section 1-20. Hearing – Failure to Appear or Pay Fine

(a) If any person so notified to appear desires to contest the violation alleged in the notice to appear and also to avail himself or herself of the procedures established pursuant to this article, he or she may, within twenty-one days after the date of the notice, request a hearing in writing. Such hearing shall be held before a judge, clerk or assistant clerk, as the court directs, and if the judge, clerk or assistant clerk, after a hearing, finds that the violation occurred and that it was committed by the person so notified to appear, the person so notified shall be permitted to dispose of the case as aforesaid, or such lesser amount as the judge, clerk or assistant clerk orders, which payment shall operate as a final disposition of the case.

(b) If the judge, clerk or assistant clerk, after a hearing, finds that the violation alleged did not occur or was not committed by the person notified to appear, that the finding shall be entered in the docket, which shall operate as a final disposition of the case. Proceedings held pursuant to this article shall not be deemed to be criminal proceedings. No person disposing of a case by payment of such a penalty shall be required to report to any probation office as a result of such violation, nor shall any record of the case be entered in the probation records.

(c) If any person so notified to appear before the clerk of the Malden District Court fails to pay the fine provided under this article within the time specified or, having appeared, does not confess the offense before the clerk or pay the sum of money fixed as a penalty after a hearing and finding as provided in subsection (b) of this section, the clerk shall notify the enforcing person who issued the original notice, who shall determine whether to apply for the issuance of a complaint for the violation of the appropriate ordinance rule or regulation.

Section 1-21. Enforcing Officers

(a) Without intending to limit the generality of the foregoing, it is the intention of this provision that the following titles and sections of the Revised Ordinances of the City of Everett are to be included within the scope of this chapter on non-criminal disposition, and that the municipal personnel listed below for each title shall also be enforcing persons:

- (1) Chapter 3 Animals
Enforcing officers: Animal control officers or other duly authorized officer.
- (2) Chapter 4 Buildings
Enforcing officers: Building inspector and local inspectors or other duly authorized officer

- (3) Chapter 10 Health and Safety
Enforcing officers: Health inspector or other duly authorized officer
- (4) Chapter 17 Street and Sidewalks
Enforcing officers: Director of City Services or other duly authorized officer
- (5) Zoning
Enforcing officers: Building inspector or other duly authorized officer.
- (6) Fire
Enforcing officers: Fire Prevention Officer

Section 1-22. Penalties

(a) Notwithstanding the language in this Section, and unless otherwise provided by specific law or ordinance, the penalty to apply in the event of a violation of any ordinance enforced by the non-criminal disposition procedure in this chapter shall be as follows: not less than twenty-five dollars and not more than three hundred dollars per offense. Each day on which a violation exists shall be deemed to be a separate offense.

(b) Any person or entity who both fails to provide payment to the collector's office or issuing department as provided by Section 1-19 and fails to make written request for a hearing within twenty-one days to the issuing department and the clerk magistrate of the Malden District Court shall be assessed a late fee of fifty dollars. Written notice of this late fee shall be forwarded to such person or entity by regular mail by the treasurer/collector or issuing department within 60 days of the end of the period provided for a request for a hearing. (Ord of 08-25-2005), (C0112-08)

(c) If the original penalty and the late fee are not paid in full within thirty days from the written notice described in subsection (b) above, the amount due to the city shall be three hundred dollars.

Section 1-23. Violations

(a) Whoever violates a provision of any ordinance whether of these Revised ordinances of the City of Everett or any other ordinance enacted after the adoption of this revision shall, unless otherwise provided by law or ordinance, be liable to a penalty of not more than three hundred dollars for each offense.

(b) Except where otherwise specifically provided, each day any violation of any provision of these Revised Ordinances of the City of Everett or any other such ordinance shall constitute a separate offense.

(Ord. of 12-5-2003)

Editor's Note 1-24 Cease and Desist Orders moved to Chapter 13A. Article V