

# TOWN OF BRAINTREE

## IN COUNCIL

ORDER NO: 10 011

DATE: January 21, 2010

ORDERED: Mayor

### TITLE 4, CHAPTER 4: RESERVED FOR FUTURE USE

HIS HONOR, MAYOR SULLIVAN HAS SUBMITTED TO THE BRAINTREE TOWN COUNCIL THE MUNICIPAL CODE, TITLE 4, CHAPTER 4 ORDINANCE FOR THE TOWN OF BRAINTREE.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRAINTREE THAT A NEW ORDINANCE, TITLE 4, BE ESTABLISHED WITH THE TOWN'S MUNICIPAL CODE AND BE RESERVED FOR FUTURE USE.**

YEAS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

NAYS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

ABSENT: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRAINTREE THAT ALL BY-LAWS UNDER TITLE IV, REVENUE AND FINANCE, AS APPROVED BY TOWN MEETING THROUGH DECEMBER 31, 2007 AND AS SUBSEQUENTLY APPROVED BY THE ATTORNEY GENERAL AND PRINTED IN THE GENERAL BY-LAWS OF THE TOWN THROUGH SEPTEMBER 2008 BE REPEALED.**

YEAS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

NAYS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

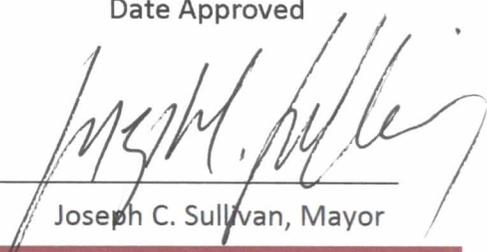
ABSENT: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

Passed in Council: May 18, 2010

Presented to Mayor: May 21, 2010

A True Copy, Attest:

  
\_\_\_\_\_  
Joseph F. Powers, Town Clerk

MAY 24, 2010  
Date Approved  
  
\_\_\_\_\_  
Joseph C. Sullivan, Mayor



**TOWN OF BRAintree**  
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#10-010  
#10-011  
#10-012

Joseph C. Sullivan  
Mayor

Carolyn M. Murray  
Town Solicitor

To: Charles B. Ryan, President of the Council  
Clerk of the Council  
Town Clerk

Cc: Peter J. Morin, Chief of Staff and Operations

From: Carolyn M. Murray, Town Solicitor 

Date: January 21, 2010

RE: Proposed Ordinances – Title 3 through 5

On October 5, 2009, the Mayor submitted to the Council the first in a series of installments of proposed ordinances, as we continue to transition to our new form of government and convert existing by-laws into ordinances consistent with this transition. It is my understanding that the Council's Rules and Ordinances Committee continues to review those ordinances, and to keep the process fluid, I am filing herewith proposed ordinances for Title 3, Revenue and Finance, and Title 5, Licenses and Permits, with Title 4 reserved for future use.

As with the prior submission, many of these ordinances are revised versions of similar sections contained in our current Town By-laws, and where applicable, the reference to the former by-law is noted under the title of each ordinance. These proposed ordinances have been reviewed and revised by the Mayor, the first and second Transition Committees, as well as the affected department heads or boards, prior to finalizing this submission.

We are also recommending the deletion of two chapters of our existing General By-laws. According to Section 9-1 of our Charter, all by-laws remain in effect until amended or repealed. Two chapters of our existing General By-laws are not necessary: Chapter 5.08 regarding Alcoholic Beverages and the distance that a licensed establishment must be from a church or school is codified in regulations promulgated by the Alcoholic Beverages Control

Commission, and Chapter 5-14 establishes fees for three types of licenses, which can be set and adjusted by the Board of License Commissioners without the need for an ordinance. Therefore, it is my recommendation that these two chapters of the existing General By-laws be repealed as unnecessary or duplicative of state regulations.

Pursuant to Section 2-9 of the Charter, every proposed ordinance must be published once in full or in summary if it exceeds ten column inches in length, in a local newspaper at least ten days before its final passage. Your favorable action on these ordinances is respectfully requested.

The attached ordinances are:

1. Chapter 3-100 – Fiscal Provisions Generally
2. Chapter 3-110 – Water/Sewer Rehabilitation Fund
3. Chapter 5-100 – Local Licenses and Permits
4. Chapter 5-200 – Licenses and Permits of Delinquent Taxpayers
5. Chapter 5.08 – Alcoholic Beverages (recommended repeal)
6. Chapter 5-400 – Amusement Games
7. Chapter 5.14 Fees (recommended repeal)
8. Chapter 5-450 – Food Sales
9. Chapter 5-500 – Fortunetellers, Palmists and Similar Practitioners
10. Chapter 5-550 – Gasoline Stations
11. Chapter 5-560 – Junk, Secondhand and Salvage Dealers
12. Chapter 5-565 – Peddling and Soliciting
13. Chapter 5-570 – Precious Metal Dealers
14. Chapter 5-575 – Printed Matter Vending Machines
15. Chapter 5-580 – Taxicabs
16. Chapter 5-585 - Yard Sales
17. Chapter 5-590 – Trash Haulers