

TOWN OF BRAINTREE

IN COUNCIL

ORDER NO: 10 041

DATE: March 31, 2010

ORDERED: Mayor

TITLE 9, CHAPTER 9: PUBLIC PEACE, MORALS AND WELFARE

HIS HONOR, MAYOR SULLIVAN HAS SUBMITTED TO THE BRAINTREE TOWN COUNCIL THE MUNICIPAL CODE, TITLE 9, CHAPTER 9 ORDINANCE FOR THE TOWN OF BRAINTREE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRAINTREE THAT A NEW ORDINANCE, TITLE 9, CHAPTER 9-100 OFFENSES AGAINST PUBLIC PEACE AND DECENCY GENERALLY BE ESTABLISHED WITH THE TOWN'S MUNICIPAL CODE.

Chapter 9 – 100 OFFENSES AGAINST PUBLIC PEACE AND DECENCY (Former By-law Chapter 9.04)

SECTION 9.100.010 Nude Bathing Prohibited

No person shall swim or bathe in any of the public waters within or surrounding the Town so as to be exposed in a nude state. (Prior code § 97-5)

SECTION 9.100.020 Peeping Into Windows

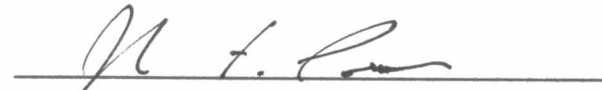
No person, except an officer of the law in the performance of his duties, shall enter upon the premises of another or upon any public property with the intention of peeping into the windows of a house or other building or of spying in any manner upon any person or persons therein. (Prior code § 97-6)

SECTION 9.100.030 Violations – Penalties

Violations of this Ordinance shall be handled through the Non-Criminal Disposition process as outlined in General Laws Chapter 40, Section 21D. For a first offense, the fine shall be fifty dollars (\$50.00); for a second offense, the fine shall be one hundred dollars (\$100.00); and for third offense or subsequent offenses, the fine shall be three hundred dollars (\$300.00). Each day that a violation of this Ordinance occurs shall constitute a separate violation. This Ordinance shall be enforced by the Braintree Police Department.

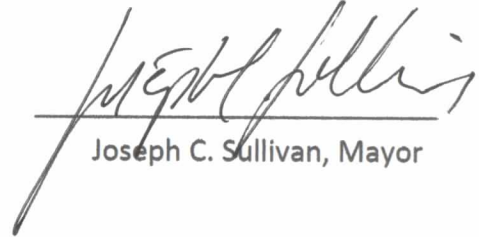
YEAS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan
NAYS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan
ABSENT: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

Passed in Council: December 7, 2010
Presented to Mayor: December 8, 2010
A True Copy, Attest:



Joseph F. Powers, Town Clerk

December 15, 2010
Date Approved



Joseph C. Sullivan, Mayor

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BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRAINTREE THAT A NEW ORDINANCE, TITLE 9, CHAPTER 9-200 PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES GENERALLY BE ESTABLISHED WITH THE TOWN'S MUNICIPAL CODE.

Chapter 9 - 200 PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES (Former By-law Chapter 9.08)

SECTION 9.200.010 Definitions

The following words as used in this Ordinance, unless the context otherwise requires, shall have the following meanings:

- A. Beach: any beach under the care and control of the Town and beaches within the limits of the Town to which the public has a right of access.
- B. Conservation land: any conservation land under the care and control of the Town.
- C. Parks: any public park under the care and control of the Town, including Pond Meadow Weymouth-Braintree Conservation Recreation District.
- D. Playground: any playground under the care and control of the Town.
- E. Private parking areas: any private parking area throughout the Town to which the public has the general right of access.
- F. Public parking areas: any public parking area under the care and control of the Town.
- G. Public ways: all ways within the Town to which the public has a right of access.
- H. Town forest: any Town forest under the care and control of the Town. (Prior code § 50-2)

SECTION 9.200.020 Consumption in Public Prohibited

Unless approved by special permit, no person shall drink or consume alcoholic beverages as defined in Chapter 138, Section 1, of the General Laws while on, in, or upon the public ways and places set forth above, whether in or upon a vehicle, motor vehicle or on foot, or in a place to which members of the public have access as invitees or licensees, or in a park, town forest, public parking area or playground, or on any beach within the limits of the Town to which the public has a right of access or on private land or place without the consent of the owner or person in control. (Prior code § 50-3)

SECTION 9.200.030 Evidence of Violation

Possession of an open can, bottle or other container which, upon analysis by the Department of Public Health, is determined to contain an alcoholic beverage, as defined in Chapter 138, Section 1, of the General Laws, shall be prima facie evidence of drinking or consuming such alcoholic beverage. All alcoholic beverages being used in violation of this section shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court. (Prior code § 50-4)

SECTION 9.200.040 Violation - Penalty

A police officer may arrest without a warrant anyone who violates this Ordinance. Whoever violates any provision of this Ordinance shall be liable to a penalty of not more than three hundred dollars (\$300.00) for each violation. (Prior code § 50-5)

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BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRAINTREE THAT A NEW ORDINANCE, TITLE 9, CHAPTER 9-300 RELEASE OF IMPOUNDED VEHICLES GENERALLY BE ESTABLISHED WITH THE TOWN'S MUNICIPAL CODE.

Chapter 9 - 300 RELEASE OF IMPOUNDED VEHICLES (Former By-law Chapter 9.10)

SECTION 9.300.010 Impoundment for Operating Under the Influence of Certain Substances

No motor vehicle impounded pursuant to an arrest under General Laws Chapter 90, Section 21 for operating under the influence of intoxicating liquor, marihuana or narcotic drugs or depressant or stimulant substances all as defined in General Laws Chapter 94C, Section 1 or under the influence of vapors of glue, or other substances set forth in said Chapter 90, Section 21 may be released prior to the passing of twelve hours following arrest. (ATM 5-10-2005 Art. 38)

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BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRAINTREE THAT A NEW ORDINANCE, TITLE 9, CHAPTER 9-400 PROPERTY OFFENSES GENERALLY BE ESTABLISHED WITH THE TOWN'S MUNICIPAL CODE.

Chapter 9 – 400 PROPERTY OFFENSES (Former By-law Chapter 9.12)

SECTION 9.400.010 Placement of Advertising Matter Restricted

Unless authorized by the Building Division, no person shall place, or cause or allow to be placed, posters, handbills, placards or other advertising matter of any nature upon any wall, fence, structure, pole or tree, in any highway or street, and in or upon any sidewalk or footwalk in the Town, except upon property owned or occupied by such person so advertising. (Prior code § 80-1)

SECTION 9.400.020 Littering Prohibited

No person shall throw, place or cause to be thrown or placed upon any street or sidewalk in the Town any dirt, ashes, stones, hoops, boards or other wood with nails projecting therefrom, shavings, sawdust, manure, nails, spikes, screws, glass, bottles, cans, filth, rubbish or any noxious or refuse liquid or solid matter or substance. (Prior code § 89-1)

SECTION 9.400.040 Swinging of Gates or Doors over Public Ways Prohibited

No person shall allow any gate or door on premises under his control, and adjoining any public way, to swing on, over or into such public way. (Prior code § 97-3)

SECTION 9.400.050 Obstruction of Pedestrian Passage Prohibited

Unless otherwise permitted by the Mayor, no person shall stand, lounge or park any vehicle on any sidewalk, public way or other place to which the public has a right of access in such manner as to obstruct a free passage for pedestrians or motor vehicles. (Prior code § 97-4)

SECTION 9.400.060 Obstruction of Public Streets Prohibited

Unless otherwise permitted by the Mayor, no person shall obstruct the free and convenient use for travel of any public street, sidewalk or footpath. (Prior code § 97-7)

SECTION 9.400.070 Destruction of Lights Prohibited

No person shall remove, extinguish, injure or destroy any light lawfully in a public way. (Prior code § 97-8)

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BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRAINTREE THAT A NEW ORDINANCE, TITLE 9, CHAPTER 9-500 WEAPONS GENERALLY BE ESTABLISHED WITH THE TOWN'S MUNICIPAL CODE.

Chapter 9 – 500 WEAPONS (Former By-law Chapter 9.16)

SECTION 9.500.010 Applicability

This Ordinance does not apply to any firing of a weapon in accordance with law. (Prior code § 69-3)

SECTION 9.500.020 Discharge of Firearms Prohibited

No person shall fire or discharge any gun, fowling piece, pistol or other firearms in any place, public way, street or square within the Town limits, except with the permission of the Mayor or his designee. (Prior code § 69-1)

SECTION 9.500.030 Exception - Discharge on Approved Range

No person shall discharge or fire any rifle of any caliber within the Town limits for any purpose except on an approved range. (Prior code § 69-2)

SECTION 9.500.040 Violations – Penalties

Violations of this Ordinance shall be handled through the Non-Criminal Disposition process as outlined in General Laws Chapter 40, Section 21D. For a first offense, the fine shall be fifty dollars (\$50.00); for a second offense, the fine shall be one hundred dollars (\$100.00); and for a third offense or subsequent offenses, the fine shall be three hundred dollars (\$300.00). Each day that a violation of this Ordinance occurs shall constitute a separate violation. This Ordinance shall be enforced by the Braintree Police Department.

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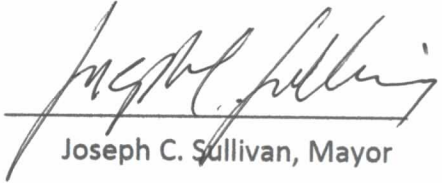
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TOWN OF BRAINTREE

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ORDER NO: 10 038 /10 039 / 10 040 / 10 041

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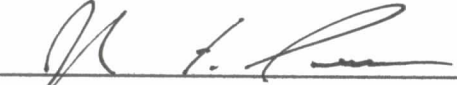
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BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRAINTREE THAT ALL BY-LAWS UNDER TITLE 6, 7, 8 AND 9, AS APPROVED BY TOWN MEETING THROUGH DECEMBER 31, 2007 AND AS SUBSEQUENTLY APPROVED BY THE ATTORNEY GENERAL AND PRINTED IN THE GENERAL BY-LAWS OF THE TOWN THROUGH SEPTEMBER 2008 BE REPEALED.

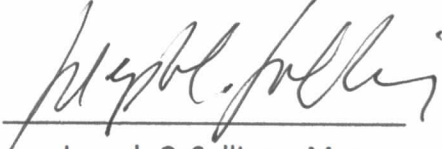
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