



City of Quincy, Massachusetts

OFFICE OF THE COUNCIL

KEVIN F. COUGHLIN
COUNCILLOR - WARD THREE

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**TO: ALL MEMBERS OF THE ORDINANCE COMMITTEE
OF THE QUINCY CITY COUNCIL**

FROM: COUNCILLOR KEVIN F. COUGHLIN, CHAIRMAN

**The Ordinance Committee of the Quincy City Council will meet on
MONDAY, MARCH 12, 2012 at 6:30 PM in the New City Hall Council
Chambers relative to amending/replacing Chapter 13.04 Water Service
#2012-022 & A thru MM (liens) -- #2012-027 re regulating Public
Donation Bins. Please attend this very important meeting.**

**TO ALL COUNCILLORS
PATRIOT LEDGER
QUINCY ACCESS TV, QUINCY SUN
MAYOR KOCH, MESSRS. FATSEAS, WALKER, McGRATH
SHEA, TIMMINS, HARRINGTON, DUCA
COMMISSIONER RAYMONDI, CHIEF KEENAN & CHIEF BARRON**

Introduced By: Kevin F. Coughlin, Ward Three Councillor

CITY OF QUINCY

IN COUNCIL

ORDER 2012 - 027

FEBRUARY 6, 2012

ORDERED

Be It Ordained That the Quincy City Council adopts the following amendment to the Municipal Code

AN ORDINANCE REGULATING PUBLIC DONATION COLLECTION BINS

Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

Donation Collection Bin-Any enclosed receptacle or container made of metal, steel or similar product and designed or intended for the donation and the temporary storage of clothing or other goods and materials.

Operator- Any person or legal entity that owns, operates or is otherwise in control of a donation collection bin in the City of Quincy

Prohibitions and Standards

It shall be unlawful for any person to place a donation collection bin within the City of Quincy without first obtaining an annual license from the City Clerk as hereinafter provided. No more than 50 such licenses shall be issued by the City at any time. Each operator who seeks to place a donation collection bin in the City of Quincy shall complete a written application on a yearly basis on a form provided by the City Clerk.

A donation collection bin subject to the provisions of this chapter must have clearly identified, in writing on its face the name of the entity or organization that is maintaining the donation collection bin. A telephone number and address for such entity must be clearly displayed. No further advertising shall be permitted on the donation collection bin.

Upon receipt of an approved license, a donation collection bin may be placed only on non-residential property within a Business A, B, or C zoning district in accordance with the following:

- (1) Nonresidential commercial premises and premises devoted to non-profit purposes, and churches are permitted up to three donation collection bins.
- (2) The donation collection bin(s) shall be appropriately located so as to not interfere with sight triangles, on site circulation, required setbacks, landscaping, parking or any other zoning requirements and shall be placed on a concrete surface. They shall not be placed at any location on a commercial premise directly abutting a residential neighborhood and shall comply with all setbacks as defined within Chapter 17 for accessory structures. They shall be properly screened from views as approved by the

Licensing Board and shall not consume any available parking spaces required for the permitting or zoning requirements of the premise where sited.

- (3) The donation collection bin(s) shall be free of the type that are enclosed by use of a receiving door and locked so that the contents of the bin(s) may not be accessed by anyone other than those responsible for the retrieval of the contents.
- (4) Each donation collection bin shall not cover a ground surface area in excess of five feet by five feet, nor be more than six feet in height.
- (5) Each donation collection bin must be regularly emptied of its content so that it does not overflow, resulting in used clothing or other donated goods and materials are strewn about the surrounding area. All donation collection bins must be maintained in a state of good repair and in a neat and clean condition, and free of trash, debris, refuse or like material.

Application for License

- A. Any person or entity desiring a license under this chapter shall file with the City Clerk an original and one copy of an application, submitted under oath, in writing on a form furnished by the City Clerk. A hearing before the Licensing Board shall be required prior to approval.

The application shall set forth the following information:

- (1) The applicant's name, business name, business address and telephone number as well as the name, address and telephone number of the person or persons responsible for maintaining each donation collection bin which shall be posted on each bin as previously cited.
- (2) Whether the applicant is an individual, a partnership, a corporation or another entity, and if another entity, a full description thereof and whether the entity is a non-profit organization.
- (3) If the applicant is an individual, the applicant's residential address.
- (4) If the applicant is a partnership, the full name and address of each partner.
- (5) If the applicant is a corporation or other entity, in the case of a corporation, the full name and residential address of each major officer, the name and address of the registered agent and the address of the principle office.
- (6) Whether the applicant or any partners or officers have ever been summonsed, arrested or convicted of a crime or entered into a plea agreement to the commission of a crime, and, if so the name of the person summonsed, arrested, convicted or subject to a plea agreement, the date of the arrest, the crime or charge involved and the disposition thereof. The term "officers" as used herein means and includes the, president, vice president, secretary and treasurer of a corporate applicant.
- (7) A description of the donation collection bin to be covered by the license as well as the address where the donation collection bin(s) will be located.
- (8) If the applicant is not the owner of the property upon which the donation collection bin is to be located, the written notarized consent of the property owner must be attached to the application. The consent shall include the name, address, and telephone number of the owner, lessee or other person or legal entity in control of the property where each such donation collection bin shall be placed. The applicant shall certify on the license application that no fee is being paid to the property owner upon which the bin is being placed and shall provide written confirmation of this along with the written notarized consent from the property owner.

- (9) The regular interval schedule at which the operator or person identified in the license collects the items donated and performs regular maintenance. Said interval shall not exceed thirty (30) days.

Fees

The fee for the issuance of a license to place a donation collection bin in the City of Quincy shall be \$50.00 for each donation collection bin. The license period for each donation collection bin shall be January 1 through December 31 of each year.

Upon the granting of a license, a permit shall be affixed to every bin used by the license holder for the collection and storage of donated clothing, goods or other materials. A permit issued to an applicant shall be affixed to each bin prior to placement of the bin. The permit shall be clearly placed on the same side of the bin as the chute used to deposit donated items. Next to the permit there shall be placed in clear lettering the name and telephone number of the operator. Upon the sale or transfer of a bin, a new license and permit shall be sought and if granted to a subsequent owner, the permit must be affixed to the bin prior to placement in service. The City Clerk shall provide a list of all approved locations for donation bins to the Quincy Fire Department.

The provisions of this chapter shall apply to both existing and future donation collection bins located within the city

Violation, penalties and enforcement

- A. Any person, entity, partnership, firm or corporation violating any of the provisions of this chapter shall be punished by a fine of not less than \$50.00 but not exceeding \$100.00 for each individual violation
- B. Each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.
- C. The owner, lessee, or other person or legal entity in control of the property where the donation collection bin is being maintained and the person or entity which owns, maintains or operates said bin in violation of this chapter shall be jointly and severally liable for each violation thereof.
- D. Any failure to comply with the provisions of this chapter which exceeds thirty days shall result in the revocation of the license granted by the License Board and an order of removal of the donation collection bin
- E. The City of Quincy Licensing Board shall be the enforcement authority for this chapter.

Severability

In the event that any provision of this chapter 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 sections shall remain in full force and effect.

Implementation

The provisions of this ordinance shall be effective immediately upon passage and enactment, but no monetary fine shall be imposed pursuant hereto until ninety (90) days after passage.

INTRODUCED BY:

Mayor Thomas P. Koch

ORDER NO.

February 6, 2012

ORDERED: 2012-022 with lens A thru 1911
CITY OF QUINCY
IN COUNCIL

Not attached

Upon the recommendation of the Commissioner of Public Works and with the approval of his Honor, the Mayor, Section 13.04 is hereby amended by striking Section 13.04 Water Service in its entirety and inserting the following provisions:

CHAPTER 13.04

Sections:

- 13.04.10 Definitions
- 13.04.20 Commissioner of Public Works - Authority
- 13.04.30 Bill Collection – Treasurer/Collector
- 13.04.40 Bills – Bill Issuance
- 13.04.50 Bills – Charges
- 13.04.60 Bills - Interest
- 13.04.70 Meters – Ownership – Responsibility for Damage, Repairs, or Replacement – Meter 1” and smaller
- 13.04.75 Meters – Ownership – Responsibility for Damage, Repairs, or Replacement – Meter larger than 1”
- 13.04.80 Access to Premises/Property

13.04.10 Definitions

Unless the content specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as follows:

Bill: The periodic mandate by the City for the payment of water use and/or consumption, sewer use, water/sewer services, interest, and charges.

Charge: The mandate by the City for payment for water/sewer goods and services provided to the Customer.

City: The City of Quincy, in the County of Norfolk in the Commonwealth of Massachusetts.

Commissioner: The Commissioner of Public Works of the City of Quincy or his/her authorized deputy, agent or representative.

Customer: The person, individual, firm, company, partnership, association, society, corporation, group or any political subdivision of the Commonwealth of Massachusetts and/or any other legally defined entity listed in the Department of Public Work’s records as the party responsible for the payment of bills for water service to a property.

Department: The City of Quincy Department of Public Works located at 55 Sea Street, Quincy, Massachusetts.

Enterprise Fund: A fund established by the City in accordance with G.L. Chapter 44, Section 53F¹/₂.

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Interest: The rate established by City Ordinance that enables the Department to assess on overdue Customer Bill balances.

Meter: An instrument used for measuring the quantity of water and/or sewer used by a Customer.

Meter Reading Device: Any equipment or and/or appurtenances attached or otherwise connected to a meter which records and transmits the water use and/or consumption, and sewer use to the Department.

MWRA: the Massachusetts Water Resource Authority, as enabled in Chapter 372 of the Acts of 1984.

MWRA Special Assessment: Any assessment, including but not limited to the High Strength User Fee, which is assessed to the City by the MWRA, but attributable to an individual water and/or sewer Customer.

New Connection: A water or sewer service which is connected into the City water and/or sewer systems for a Customer and/or Premises/Property which has not been previously connected.

Premises/Property: A parcel of real estate or portion thereof, including any improvements thereupon, which is determined by the Department to be a single Customer for purposes of receiving, using, and paying for water use and/or consumption, sewer use, water/sewer services, interest, and charges.

Treasurer/Collector: The Treasurer/Collector of the City of Quincy or his/her authorized deputy, agent or representative.

13.04.20 Commissioner of Public Works – Authority

The Commissioner shall have supervision, direction and control of the Sewer, Water and Drain Department and shall make such rules and regulations for its governance as may be deemed necessary.

13.04.30 Bill Collection – Treasurer/Collector

The Treasurer/Collector shall receive and collect all water and sewer bill payments and any other income, and place the same to the credit of the water and sewer Enterprise Fund accounts.

13.04.40 Bills – Bill Issuance

- A. Bills shall be issued by the Department and payment shall be due and payable to the Treasurer/Collector thirty (30) days from the date of billing.
- B. Billing intervals for all customers shall remain unchanged from current practices. Bills shall be issued to Customers on a monthly, bi-monthly, or quarterly basis. Changes to the current billing interval shall be made by the Commissioner upon two weeks notice to the Customer.

13.05.50 Bills - Charges

The value of charges shall be set by the Commissioner. Initial setting of or changes to the value of charges shall be valid after fourteen (14) days public notice.

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The authorized list of charges which may be assigned by the Department shall be:

- A. Water Service Turn On/Turn Off
- B. Manual Meter Read
- C. Water Meter Test – Meter 1” or smaller
- D. Water Meter Test – Meter larger than 1”
- E. Meter Freeze Up
- F. Damaged, tampered, or missing Meter
- G. Damaged, tampered, or missing Meter Reading Device
- H. Valve Replacement
- I. Lawn Service Application
- J. Water Service Application – 1” or smaller
- K. Water Service Application - 1 1/4” to 3”
- L. Water Service Application - 4” or larger
- M. Unauthorized Water Connection
- N. MWRA Special Assessment
- O. Water Service Line Leak Repair
- P. Fire Service Application
- Q. Fire Flow Test Observation and Assistance
- R. Fire Hydrant Meter Application
- S. Fire Hydrant Meter Deposit – Meter 1” or smaller
- T. Fire Hydrant Meter Deposit – Meter larger than 1”
- U. Fire Hydrant Meter Late Return
- V. Fire Hydrant Meter Service
- W. Fire Hydrant Meter – Minimum Monthly Usage - 5/8” meter
- X. Fire Hydrant Meter – Minimum Monthly Usage - 3/4” & 1” meter
- Y. Fire Hydrant Meter – Minimum Monthly Usage - Meter larger than 1”
- Z. Unauthorized Hydrant Use – 1st Offense
- AA. Unauthorized Hydrant Use – 2nd Offense
- BB. Cross Connection/New Construction – Initial Survey
- CC. Backflow Prevention Device Test & Inspection – Double Check Valve
- DD. Backflow Prevention Device Test & Inspection – Reduced Pressure Devices (each) - First five
- EE. Backflow Prevention Device Test & Inspection – Reduced Pressure Devices (each) - Next ten
- FF. Backflow Prevention Device Test & Inspection – Reduced Pressure Devices (each) - Sixteen or more
- GG. Water/Sewer Pipe Inspection – single instance
- HH. Water/Sewer Pipe Inspection – multi-day
- II. Denial of Access to Premises/Property
- JJ. Private Infrastructure Analysis
- KK. Private Infrastructure Repair
- LL. Street/Sidewalk Opening Application

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MM. Water Testing – Customer requested

13.04.60 Bills - Interest

The interest rate on past due water and sewer bills shall be set at fourteen percent (14%) per annum, pursuant to G.L. Chapter 40, Section 21E. Any Customer Bill due and payable to the City, including interest thereupon, which are not paid within the sixty (60) days from their due date, there shall be a lien upon such Premises/Property in the manner provided in G.L. Chapter 40, Sections 42A to 42F.

13.04.70 Meters – Ownership – Responsibility for Damage, Repairs, or Replacement – Meter 1” or smaller

The Department shall install meters and meter reading devices for all Customers authorized to be connected to the City’s water distribution system. The meters and the meter reading devices shall be owned by the Department. In the case of new connections to the system, the cost of the meter shall be included in the New Connection application charge.

The Customer shall be responsible for protecting and securing the meter and meter reading device. Any meter or meter reading device damaged, tampered with, destroyed, or missing from its installed location shall result in the assessment of the appropriate charges.

The Customer may request a test of their meter to ensure accuracy upon payment of the applicable charge. In the event that the meter is metering the volume of water at a level above the meter’s applicable AWWA accuracy standard, the applicable charge shall be refunded and the Customer may request a new meter be installed at the Department’s expense. In the event that the meter is metering the volume of water at a level below the meter’s applicable AWWA accuracy standard, no refund shall be given to the Customer and the Commissioner may require the installation of a new meter.

Repair and/or replacement of meters and meter reading devices which fail due to age or other cause not related to damage, tampering, or removal shall be the responsibility of the Department. The presence of instances of damage, tampering, or meter removal shall be determined by the Commissioner.

13.04.75 Meters – Ownership – Responsibility for Damage, Repairs, or Replacement – Meter larger than 1”

The meters and the meter reading devices shall be owned by the Department. In the case of new connections to the system, the Customer to be connected shall be responsible for the purchase price of the meter and the meter reading device in addition to the connection charge. Ownership for the newly installed meter and meter reading device shall revert to the Department upon the new water service being turned on.

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The Customer shall be responsible for protecting and securing the meter and meter reading device. Any meter or meter reading device damaged, tampered with, destroyed, or missing from its installed location shall result in the assessment of the appropriate charges. The charges shall include the cost of replacing and/or repairing a damaged, tampered with, destroyed, or missing meter.

The Commissioner shall have the right to require the Customer to complete a test of their meter to ensure accuracy, such requests not to occur more frequently than once per year. The Customer shall be responsible for the cost of the meter test. In the event that a Customer's meter tests outside of the acceptable range of accuracy, as defined within the meter's applicable AWWA standard, the Commissioner shall have the right to require the replacement of the meter at the Customer's expense.

Repair and/or replacement of meters and meter reading devices which fail due to age or other cause not related to damage, tampering, or removal shall be the responsibility of the Customer. The presence of instances of damage, tampering, or meter removal shall be determined by the Commissioner.

13.04.80 Access to Premises/Property

In the event that the Commissioner has reason to believe that either the meter or meter reading device are recording/transmitting incorrect meter readings or that there may be a leak in private water mains/service lines, access to the Customer's Premises/Property is required. Customers shall, at any reasonable time, grant the Department access to enter a Customer's Premises/Property for the purpose of examining, removing, replacing, and/or repairing City meters, meter reading devices, pipes, service lines, fittings and parts for supplying or regulating water and of ascertaining the quantity of water consumed or supplied in accordance with G.L., Chapter 165, Section 11D.

The failure or refusal of a Customer to grant access to their premises for the purpose of examining, removing, replacing, and/or repairing City meters, meter reading devices, pipes, service lines, fittings, and parts for supplying or regulating the supply of water shall result in a \$25.00 fine per visit to gain access, until such access is thereby granted, not to exceed one visit per business day.

In the event that damaged, tampered, destroyed or missing meters are found, applicable charges shall be assessed. In the event that water leaks from private water pipes/service lines are found between the City main and the water meter, the Commissioner shall provide notice to the Customer requiring repairs be made to the private water pipes/service lines. If such repairs are not completed within thirty (30) days of the notice, the Department shall have the right to enter the Premises/Property to make repairs, for which a charge shall be assessed.

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Section 21E Municipal charges and bills; due dates; interest

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Section 21E. Any city or town may, by ordinance or by-law, and any district by vote of the district meeting, establish due dates for the payment of municipal charges and bills, and may fix a rate at which interest shall accrue if such charges remain unpaid after such due dates; provided, however, that the rate of interest shall not exceed the rate at which interest may be charged on tax bills under the provisions of section fifty-seven of chapter fifty-nine.

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Section 22F. Any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with such issuing city or town, and may fix reasonable charges to be paid for any services rendered or work performed by the city or town or any department thereof, for any person or class of persons; provided, however, that in the case of a board or officer appointed by an elected board, the fixing of such fee shall be subject to the review and approval of such elected board.

A fee or charge imposed pursuant to this section shall supersede fees or charges already in effect, or any limitations on amounts placed thereon for the same service, work, license, permit or certificate; provided, however, that this section shall not supersede the provisions of sections 31 to 77, inclusive, of chapter 6A, chapter 80, chapter 83, chapter 13B, sections 121 to 131N, inclusive, of chapter 140 or section 10A of chapter 148. The provisions of this section shall not apply to any certificate, service or work required by chapters fifty to fifty-six, inclusive, or by chapter sixty-six. The fee or charge being collected immediately prior to acceptance of this section for any license, permit, certificate service or work will be utilized until a new fee or charge is fixed under this section.

The provisions of this section may be accepted in a city by a vote of the city council, with the approval of the mayor if so required by law, and in a town by vote of the town meeting, or by vote of the town council in towns with no town meeting.

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CHAPTER 165 WATER AND AQUEDUCT COMPANIES

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Section 11D Entry on premises to examine water meters and facilities

PREV NEXT

Section 11D. Any person employed by a city, town, district or company engaged in supplying water who displays on his outer garment a suitable identification badge bearing his photograph, issued to him by his employer, may at any reasonable time enter any premises supplied with water by such city, town, district or company for the purpose of examining or removing meters, pipes, fittings and works for supplying or regulating the supply of water and of ascertaining the quantity of water consumed or supplied.

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