

Table of Contents

CHAPTER 1. NATURE AND POWERS OF MUNICIPAL CORPORATIONS

- § 1.1 Right of self-government
- § 1.2 Boundaries
- § 1.4 Powers exercisable by cities and towns
- § 1.5 Powers exercisable by General Court
- § 1.6 Statutory definitions—Municipal government
- § 1.7 Power to sue—Municipal standing
- § 1.8 Acceptance of statutes
- § 1.12 Massachusetts Constitution—Generally *[New]*
- § 1.13 Separation of powers *[New]*

CHAPTER 2. MUNICIPAL CHARTERS

- § 2.1 Home Rule Procedures Act
- § 2.3 Power to adopt, revise or amend
- § 2.6 Organization, powers, duties of charter commission
- § 2.7 Amendments to charters previously adopted
- § 2.11 Special acts of the General Court
- § 2.13 Example: Town Charter—Town of Winchester
- § 2.14 Example: Special Act—Charter—Town of Needham

CHAPTER 3. INTERGOVERNMENTAL RELATIONS

- § 3.1 International law and relations
- § 3.2 Federal considerations
- § 3.4 State and local relations
- § 3.5 Division of local mandates
- § 3.6 Local mandate—Reimbursement
- § 3.8 Public authorities
- § 3.9 County government—Council of governments
- § 3.11 Districts
- § 3.12 Tribal lands—Aboriginal rights
- § 3.14 Joint powers agreement *[New]*
- § 3.15 COVID-19 pandemic: municipal governance *[New]*
- § 3.16 Development and infrastructure: Cost and revenue allocation *[New]*

CHAPTER 4. GOVERNMENT IN CITIES

- § 4.1 Forms of government
- § 4.3 Duties of mayor
- § 4.5 Board of aldermen
- § 4.10 Particular charter provisions

CHAPTER 5. STANDARD PLANS OF CITY GOVERNMENT

- § 5.2 City manager
- § 5.3 City council under standard plan
- § 5.9 Plan A
- § 5.16 City of Boston

CHAPTER 6. GOVERNMENT IN TOWNS

- § 6.1 Board of selectmen—Generally
- § 6.2 Board of selectmen—Composition and term
- § 6.3 Board of selectmen—Duties and power
- § 6.4 Board of selectmen—Appointing authority
- § 6.5 Board of selectmen—Licensing authority
- § 6.6 Board of selectmen—Disorder or disaster
- § 6.7 Board of selectmen—Elections
- § 6.8 Board of selectmen—Public works and roadways
- § 6.10 Board of selectmen—Public utilities
- § 6.11 Board of selectmen—Common carriers
- § 6.12 Board of selectmen—Finance
- § 6.13 Town manager—Town administrator—Executive secretary
- § 6.17 Municipal governance—Creative responses *[New]*

CHAPTER 7. TOWN MEETINGS

- § 7.0 Right to assemble *[New]*
- § 7.1 Open and limited town meetings
- § 7.2 Representative town meeting
- § 7.3 Call of the town meeting
- § 7.4 Warrant
- § 7.5 Moderator
- § 7.7 Parliamentary procedure
- § 7.8 Quorum
- § 7.9 Recommendations and votes
- § 7.10 General considerations
- § 7.12 Advisory, appropriation or finance committee

CHAPTER 8. OPEN GOVERNMENT, RECORDS AND ETHICS

- § 8.1 Meetings of public bodies *[Retitled]*
- § 8.1.30 COVID-19 pandemic—Alternative public access *[New]*
- § 8.1.50 Enforcement of open meeting law *[New]*
- § 8.2 Governmental body decision-making
- § 8.2.50 Minutes of public meetings *[New]*
- § 8.3 Publication *[Retitled]*
- § 8.4 Public records
- § 8.6 Falsification of official reports
- § 8.7 Conflict of interest
- § 8.8 State Ethics Commission
- § 8.9 Standards of conduct
- § 8.11 Financial disclosure

TABLE OF CONTENTS

- § 8.11.50 Bribes and gratuities *[New]*
- § 8.12 Political activity
- § 8.13 Suspension for misconduct in office
- § 8.15 Inspector general
- § 8.16 Lobbying
- § 8.17 Attorney–client relationship

CHAPTER 9. MUNICIPAL ADMINISTRATION—OFFICERS AND BOARDS

A. IN GENERAL

- § 9.1 Officers
- § 9.2 Making certain elected officers appointed officials
- § 9.3 Public officials and judicial system
- § 9.4 Open debate
- § 9.5 Compensation
- § 9.6 Dual office holding
- § 9.8 Residency of appointive officer
- § 9.10 Term limits
- § 9.12 Vacancy in office
- § 9.15 Removal for cause
- § 9.16 Administrative boards—Generally
- § 9.18 Votes
- § 9.18.50 Organization of town agencies *[New]*

B. SPECIFIC OFFICERS AND BOARDS

- § 9.19 City or town clerk
- § 9.20 Assessors
- § 9.21 Treasurer
- § 9.22 Collector of taxes
- § 9.23 Municipal finance operations
- § 9.25 City solicitor—Town counsel
- § 9.26 Constables
- § 9.27 Purchasing agent
- § 9.29 Public library
- § 9.30 Civil defense—Emergency management *[Retitled]*
- § 9.32 Tree warden
- § 9.32.50 Agricultural Commission *[New]*
- § 9.32.60 Animal inspection *[New]*
- § 9.33 Harbormaster
- § 9.34 Advisory or finance committee
- § 9.35 Public cemeteries
- § 9.36 Code enforcement—Inspectional services
- § 9.37 Board of public works
- § 9.39 Arts and humanities
- § 9.40 Historical commission
- § 9.44 Council on aging
- § 9.47 Commission on disability

- § 9.49 Scholarship committee and education fund committee
- § 9.50 Capital planning committee
- § 9.52 Information Technology *[Retitled]*
- § 9.55 Community preservation committee
- § 9.56 Other officers and boards

C. OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION

- § 9.62 Department of municipal inspections

CHAPTER 10. PERSONNEL

- § 10.0 Government employment, generally *[New]*
- § 10.3 Regulation and classification
- § 10.4 Discrimination in employment
- § 10.5 Massachusetts employment discrimination law
- § 10.6 Selection criteria
- § 10.7 Sex discrimination—Sexual harassment
- § 10.8 Age discrimination
- § 10.9 Disabled individuals
- § 10.10 Lame duck appointments and contracts
- § 10.12 Compensation
- § 10.13 Equal Pay Act
- § 10.14 Payroll deductions
- § 10.16 Vacation and sick time *[Retitled]*
- § 10.17 Free expression
- § 10.18 Whistle-blowing conscientious employees and retaliatory action
- § 10.19 Political activities
- § 10.20 Privacy interests
- § 10.21 Investigations
- § 10.22 Municipal employment—Assault and battery
- § 10.23 Workers' compensation
- § 10.24 Employment security
- § 10.25 Group insurance
- § 10.25.50 Changes to municipal health insurance *[New]*
- § 10.27 Hazardous substance disclosure
- § 10.29 Leave of absence
- § 10.30 Family and Medical Leave *[Retitled]*
- § 10.31 Unauthorized absence
- § 10.33 Employee suspension or discharge
- § 10.35 Recommendations for employment *[New]*
- § 10.36 Pregnant workers *[New]*
- § 10.37 Occupational Health and Safety *[New]*

CHAPTER 11. CIVIL SERVICE

- § 11.1 Civil service system
- § 11.3 Positions and status
- § 11.4 Examinations and qualifications
- § 11.6 Appointment and promotion
- § 11.7 Performance evaluation

TABLE OF CONTENTS

- § 11.8 Abolition of position, reorganization and layoff
- § 11.9 Transfer
- § 11.10 Discipline and discharge
- § 11.11 Reinstatement
- § 11.12 Administration and records

CHAPTER 12. LABOR RELATIONS

- § 12.1 Municipal labor relations
- § 12.2 Organization
- § 12.4 Exclusive representative
- § 12.5 Negotiations and agreements
- § 12.6 Grievances and arbitration
- § 12.7 Managerial prerogatives
- § 12.9 Strikes
- § 12.10 Prohibited practices
- § 12.11 Dues and service fees
- § 12.12 Special topics—Labor relations

CHAPTER 13. RETIREMENT AND PENSION SYSTEMS

- § 13.1 Retirement and pension systems
- § 13.2 Public employee retirement administration
- § 13.3 Retirement system funding schedule
- § 13.3.50 Post-employment benefits liability trust fund *[New]*
- § 13.4 Contributory retirement
- § 13.5 Alternative superannuation retirement benefit program for teachers
- § 13.6 Cost of living adjustment
- § 13.7 Pensions
- § 13.8 Public safety officer line of duty death benefit
- § 13.8.25 Pension for surviving spouse (police and fire) *[New]*
- § 13.8.50 Volunteer firefighters and public safety personnel—Death benefit *[New]*
- § 13.10 Presumptions
- § 13.11 Ineligible employees deferred compensation program
- § 13.12 Health insurance for municipal retirees *[New]*

CHAPTER 14. CIVIL RIGHTS

- § 14.1 Civil rights—Generally
- § 14.2 Civil Rights Act of 1870 (42 U.S.C.A. § 1981)
- § 14.4 Civil Rights Act of 1871 (42 U.S.C.A. § 1983)—Generally
- § 14.5 Civil Rights Act of 1871 (42 U.S.C.A. § 1983)—State action
- § 14.6 Civil Rights Act of 1871 (42 U.S.C.A. § 1983)—Liability
- § 14.7 Civil Rights Act of 1871 (42 U.S.C.A. § 1983)—Procedure
- § 14.8 Civil Rights Act of 1871 (42 U.S.C.A. § 1983)—Defenses and immunity
- § 14.9 Civil Rights Act of 1871 (42 U.S.C.A. § 1983)—Damages and relief
- § 14.12 Discrimination in municipal services
- § 14.13 Massachusetts Civil Rights Act (MCRA)

- § 14.14 Massachusetts equal rights
- § 14.15 Discrimination—Age or disability
- § 14.16 Public accommodation law

CHAPTER 15. REGULATORY POWERS

- § 15.1 Power and authority
- § 15.2 Licenses and fees
- § 15.4 Licenses—Conduct of profession, trade or business
- § 15.5 Licenses and permits—Unpaid local taxes and charges
- § 15.7 Interpretation of ordinances and bylaws
- § 15.8 Retroactivity
- § 15.9 Approval by attorney general
- § 15.11 Enforcement
- § 15.11.50 Municipal fines—Local option *[New]*
- § 15.12 Validity—Generally
- § 15.15 Validity—Federal and state considerations *[Retitled]*
- § 15.16 Validity—Inconsistency with state law
- § 15.17 Validity—Vagueness
- § 15.18 Validity—“Taking” of property
- § 15.19 Validity—Classification
- § 15.21 Validity—Inspections
- § 15.22 Validity—Administrative proceedings
- § 15.24 Methods of testing validity
- § 15.25 Judicial review
- § 15.26 Severability

Table of Contents

CHAPTER 16. ORDINANCES AND BYLAWS

A. PUBLIC PEACE AND ORDER

- § 16.1 Disorderly conduct
- § 16.2 Emergencies, disasters and civil unrest
- § 16.5 Alcoholic beverages
- § 16.7 Exhibitions and amusements
- § 16.8 Sunday laws
- § 16.10 Firearms
- § 16.11 Animals

B. MOTOR VEHICLE AND TRAFFIC REGULATIONS

- § 16.12 Regulation of use of ways
- § 16.13 Transportation of passengers or goods for hire
- § 16.14 Parking
- § 16.15 Towing
- § 16.16.50 Electric vehicles *[New]*
- § 16.17 Bicycles
- § 16.18 Pedestrians

C. PUBLIC SAFETY

- § 16.19 Explosives and inflammables
- § 16.20 Excavations
- § 16.21 Ice and snow

D. COMMERCE AND TRADE

- § 16.22 Conduct of business
- § 16.22.50 COVID-19 pandemic responses *[New]*
- § 16.23 Transient vendors
- § 16.24 Public landing places
- § 16.26 Agricultural operations
- § 16.29 Lodging houses
- § 16.30 Mobile home parks
- § 16.31 Health care
- § 16.33 Automobile sales
- § 16.34 Airports
- § 16.35 Signs and billboards
- § 16.36 Historic preservation
- § 16.39 Landlord-tenant relations
- § 16.39.50 Short term rental accommodations *[New]*

- § 16.40 Condominium conversion
- § 16.42 Community preservation
- § 16.43 Marina and harbor management

E. BUILDING AND CONSTRUCTION

- § 16.45 Building code
- § 16.46 Code violations—State building or fire code
- § 16.47 Building inspector
- § 16.48 Unsafe structures
- § 16.50 Plumbing and gas fittings
- § 16.52 Fire prevention regulations
- § 16.53 Elevators
- § 16.54 Public buildings

F. EXAMPLE: TOWN BYLAWS

- § 16.56 Town bylaws—Town of Winchester

CHAPTER 17. ZONING ORDINANCES AND BYLAWS

A. POWER AND OBJECTIVES

- § 17.1 Introduction
- § 17.2 City of Boston
- § 17.3 Purpose
- § 17.4 Limitations on zoning power—General
- § 17.5 Limitations on zoning power—Agricultural uses
- § 17.6 Limitations on zoning power—Religious or educational uses
- § 17.7 Exemptions
- § 17.9 Zoning and nuisances
- § 17.10 Zoning and building permits
- § 17.11 Ownership vs. use considerations
- § 17.12 Deed restrictions
- § 17.13 Growth control and exclusionary zoning
- § 17.14 Density controls
- § 17.17 Fiscal considerations

B. VALIDITY

- § 17.18 Validity—Generally
- § 17.19 Testing validity of zoning ordinances and bylaws

C. ENACTMENT AND AMENDMENT

- § 17.20 Enactment and amendment
- § 17.21 Rezoning and “spot-zoning”

D. USES AND DISTRICTS

- § 17.22 Classification, districts and uniformity
- § 17.23 Parcels divided by zone boundary line

TABLE OF CONTENTS

- § 17.24 Agricultural districts and uses
- § 17.25 Residential districts and uses
- § 17.26 Multi-family districts and uses
- § 17.28 Industrial districts and uses
- § 17.29 Flood plain, wetlands and tidal areas
- § 17.30 Accessory uses or incidental uses
- § 17.31 Open space residential development *[Retitled]*
- § 17.32 Planned unit development
- § 17.33 Overlay districts
- § 17.34 Smart growth zoning overlay district *[Retitled]*
- § 17.34.25 Starter home zoning district *[New]*
- § 17.34.50 Natural resource protection zoning *[New]*
- § 17.34.55 Groundwater overlay district *[New]*
- § 17.34.60 Mixed-use development *[New]*

E. AREA, STRUCTURE AND SITING REGULATIONS

- § 17.35 Conforming lots
- § 17.36 Area restrictions
- § 17.37 “Grandfather” lots
- § 17.39 Frontage and access
- § 17.40 Floor area
- § 17.42 Site plans

F. ADMINISTRATION

- § 17.43 Definitions
- § 17.44 Construction
- § 17.45 Enforcement
- § 17.46 Limitations period
- § 17.48 Appeal to permit granting authority
- § 17.50 Board of appeals—Generally
- § 17.51 Board of appeals—Powers and duties
- § 17.52 Board of appeals—Hearings and notice requirements
- § 17.53 Board of appeals—Rules, procedure and decisions
- § 17.56 Variances—Generally
- § 17.58 Variances—Hardship
- § 17.59 Variances—Public good
- § 17.60 Special permits
- § 17.61 Transfer of development rights
- § 17.62 Nonconforming uses—Generally
- § 17.63 Nonconforming use—Abandonment or discontinuance

G. JUDICIAL REVIEW

- § 17.64 Judicial review—Generally
- § 17.65 Function of court on appeal

H. SPECIAL OBJECTS OF ZONING

- § 17.66 Adult entertainment
- § 17.67 Airports

- § 17.68 Antenna structures
- § 17.71 Child care facility
- § 17.72 Disabled persons
- § 17.73 Extractive operations
- § 17.82 Affordable housing *[Retitled]*
- § 17.84 Municipal use
- § 17.86 Parking
- § 17.86.50 Public service corporation *[New]*
- § 17.87.50 Research and development uses *[New]*
- § 17.89 Signs and billboards
- § 17.91.10 Renewable energy *[New]*
- § 17.91.50 Wind turbine *[New]*

I. EXAMPLE: ZONING MEASURES

- § 17.92 Example: Zoning Bylaw—Town of Winchester
- § 17.93 Example: Site Plan Review Bylaw—Town of Winchester

CHAPTER 18. PLANNING BOARDS AND SUBDIVISION CONTROL

- § 18.2 Regional planning
- § 18.3 Board of survey
- § 18.4 Planning boards—Generally
- § 18.6 Master plan
- § 18.7 Official map
- § 18.9 Subdivision control law—Generally
- § 18.10 Subdivision control law—Effective date
- § 18.11 Subdivision control law—Definition of subdivision
- § 18.12 Subdivision control law—Submission of plan
- § 18.13 Subdivision control law—Rules and regulations
- § 18.14 Subdivision control law—Preliminary plans
- § 18.15 Subdivision control law—Definitive plans
- § 18.16 Subdivision control law—Security for performance
- § 18.17 Subdivision control law—Modification, amendment or
rescission
- § 18.18 Subdivision control law—Approval not required (ANR) plans
- § 18.20 Subdivision control law—Zoning “freeze” and subdivision plan
- § 18.21 Subdivision control law—Construction of public ways and
services
- § 18.23 Subdivision control law—Board of appeals
- § 18.24 Subdivision control law—Judicial review
- § 18.26 Example: Subdivision Control Bylaw—Town of Winchester

CHAPTER 19. PUBLIC HEALTH

- § 19.1 Board of health
- § 19.2 Health regulations
- § 19.3 Vaccination and vaccines
- § 19.4 Food and drug inspections
- § 19.5 Controlled substances; Marijuana regulation *[Retitled]*
- § 19.6 Children
- § 19.7 Motels and manufactured housing communities

TABLE OF CONTENTS

- § 19.9 Massage and baths
- § 19.10 Public bathing waters—Beaches
- § 19.11 Hospitals and clinics
- § 19.13 Control of disease
- § 19.15 Business establishments
- § 19.16 Cemeteries and burial grounds
- § 19.17 Funeral directors
- § 19.18 Air pollution
- § 19.19 Tobacco products *[Retitled]*
- § 19.20 Stables and slaughterhouses
- § 19.22 Refuse disposal
- § 19.23 Solid waste facilities
- § 19.24 Herbicides and pesticides
- § 19.25 Hazardous waste facilities
- § 19.26 Underground tanks
- § 19.29 Nuisances
- § 19.30 Dilapidated structures
- § 19.32 Noise control
- § 19.34 Fluoridation
- § 19.35 Insect pest control
- § 19.37 Nutrient management and fertilizer *[New]*
- § 19.38 COVID-19 pandemic: public health *[New]*

CHAPTER 20. ENVIRONMENTAL PROTECTION

- § 20.1 Environmental protection—Generally
- § 20.2 Conservation commission
- § 20.3 Wetlands Protection Act
- § 20.4 Wetlands bylaws
- § 20.7 Massachusetts Endangered Species Act
- § 20.8 Geographic information
- § 20.9 Great ponds and other water bodies
- § 20.11 Public trust doctrine
- § 20.12 Ocean management, coastal zone and waterways *[Retitled]*
- § 20.13 Shellfish
- § 20.14 Energy facility siting
- § 20.15 Environmental impact reports
- § 20.16 Conservation restrictions
- § 20.17 Agricultural preservation restrictions
- § 20.18 Agricultural incentive areas
- § 20.19 Citizen suits
- § 20.20 Regional planning and land banks
- § 20.21 Hazardous materials
- § 20.23 Federal environmental programs
- § 20.24 Example: Wetlands Bylaw—Town of Winchester
- § 20.25 Climate protection and global warming *[New]*
- § 20.26 Watershed protection *[New]*
- § 20.27 Joint powers agreements *[New]*
- § 20.28 Marine fisheries *[New]*

CHAPTER 21. PUBLIC SAFETY**A. PERSONNEL**

- § 21.05 Massachusetts Peace Officer Standards and Training Commission *[New]*
- § 21.1 Appointment and promotion
- § 21.2 Health and physical fitness standards
- § 21.3 Intermittent or reserve force
- § 21.4 Punishment duty
- § 21.5 Collective bargaining
- § 21.6 Payment of expenses—Police officers and firefighters—Injured in performance of duty
- § 21.7 Leave—Police officers and firefighters—Injured in performance of duty

B. POLICE PROTECTION

- § 21.9 Employment contracts for police chiefs
- § 21.10 Reserve police force and special officers
- § 21.11 Police personnel
- § 21.12 Standards of conduct
- § 21.14 Law enforcement—Powers and duties *[Retitled]*
- § 21.15 Hours of duty
- § 21.16 Detention facilities
- § 21.17 Police reports
- § 21.18.10 Special detail work *[New]*
- § 21.18.50 Unclaimed property *[New]*
- § 21.18.60 Bias-free policing *[New]*

C. FIRE PROTECTION

- § 21.19 Fire department
- § 21.22 Fire personnel
- § 21.26 Fire equipment
- § 21.27 Duties and powers
- § 21.29 Fire districts
- § 21.30 Automatic sprinklers

D. GENERAL CONSIDERATIONS

- § 21.31 Priority in use of ways
- § 21.32 Required reports
- § 21.33 Emergency “911” systems
- § 21.34 Medical examiners
- § 21.36 Sex offender registration and community notification
- § 21.37 Criminal Offender Record Information (CORI)
- § 21.38 Emergency medical services
- § 21.39 Security concerns—Screening
- § 21.40 Safe placement of newborns
- § 21.41 Emergency management, natural disaster or catastrophe *[Retitled]*
- § 21.42 Emergency management mutual aid *[New]*

TABLE OF CONTENTS

- § 21.43 Training *[New]*
- § 21.44 Fingerprinting *[New]*

Table of Contents

CHAPTER 22. EDUCATION

| | |
|------------|---|
| § 22.1 | Education—Generally |
| § 22.2 | State—Education goals |
| § 22.3 | Role of courts |
| § 22.4 | State—Education organization and duties |
| § 22.5 | State—Planning performance and testing |
| § 22.6 | Underperformance and receivership |
| § 22.8 | Approval of private schools, home schooling |
| § 22.9 | Charter schools |
| § 22.9.50 | Innovation schools [<i>New</i>] |
| § 22.10 | School committee |
| § 22.11 | Labor relations |
| § 22.12 | Employment |
| § 22.13 | Superintendent of schools |
| § 22.16 | School principals |
| § 22.17 | School councils |
| § 22.19 | Teachers |
| § 22.20 | Appointment |
| § 22.21 | Professional teacher status |
| § 22.22 | Compensation |
| § 22.23 | Evaluation |
| § 22.25 | Leave of absence |
| § 22.26 | Suspension |
| § 22.27 | Discharge or demotion |
| § 22.29 | Academic matters |
| § 22.30 | Academic standards |
| § 22.31 | Instructional materials |
| § 22.32 | Additional school services |
| § 22.33 | Vocational education |
| § 22.35 | Special education |
| § 22.36 | Equal educational opportunity |
| § 22.37 | School attendance |
| § 22.38 | Discipline |
| § 22.39 | Religious freedom in public schools |
| § 22.40 | Free expression |
| § 22.41 | Student dress and appearance |
| § 22.42 | Athletics |
| § 22.43 | Transportation |
| § 22.45 | Tuition—School choice |
| § 22.47 | Health and safety |
| § 22.47.50 | School nutrition [<i>New</i>] |
| § 22.48 | Records |
| § 22.49 | Buildings and grounds |
| § 22.50 | Regional school districts |

- § 22.50.50 Education collaboratives *[New]*
- § 22.51 Superintendency districts and unions
- § 22.52 Financing educational programs
- § 22.53 State assistance—Generally
- § 22.54 State assistance—School building assistance program
- § 22.55 Federal financial assistance
- § 22.56 Scholarship and educational funds
- § 22.57 Early childhood education and care *[New]*
- § 22.58 Military children *[New]*

CHAPTER 23. HIGHWAYS AND STREETS

- § 23.1 Highways—State
- § 23.2 Highways—County
- § 23.3 Highways—Certain cities
- § 23.4 Highways—Cities and towns
- § 23.5 Public and private ways—Generally
- § 23.6 Public and private ways—Adjoining municipality—Exclusion of vehicles
- § 23.12 Discontinuance of public ways
- § 23.13 Scenic roads and shade trees
- § 23.15 Signs and street names
- § 23.16 State financial assistance
- § 23.17 Maintenance and repair of ways
- § 23.18 Excavations
- § 23.19 Excavation notice
- § 23.20 Maintenance of private ways
- § 23.22 Defects in ways—Generally
- § 23.23 Defects in ways—Particular defects
- § 23.25 Defects in ways—Notice of injury
- § 23.26 Transmission lines
- § 23.27 Easements and access *[New]*
- § 23.28 Public works mutual aid *[New]*
- § 23.29 Natural gas leaks *[New]*

CHAPTER 24. WATER, SEWAGE AND DRAINS

A. ADMINISTRATION

- § 24.2 Sewer department
- § 24.3 Water and sewer commission
- § 24.4 Water and Sewer Reorganization Act

B. WATER

- § 24.5 Public water supply
- § 24.6 Water districts
- § 24.7 Protection of water supply
- § 24.10 Water management
- § 24.13 Water pricing system
- § 24.14 Collection of water charges

TABLE OF CONTENTS

- § 24.16 Dam safety, inspection and repair
- § 24.16.50 Water Storage facilities *[New]*

C. SEWAGE AND DRAINS

- § 24.17 Sewers and drains—Generally
- § 24.18 Sewers and drains—Construction and maintenance
- § 24.20 Sewer connections
- § 24.21 Sewer use fees
- § 24.22 Stormwater and drains
- § 24.24 Individual sewage disposal systems
- § 24.27 Water pollution abatement
- § 24.28 Sewers and drains—Alternative approach (CWMP) *[New]*
- § 24.29 Infrastructure Investment Fund—Optional surcharge *[New]*
- § 24.30 Sewer discharges into public waters *[New]*

CHAPTER 25. SOCIAL SERVICES AND HOUSING

A. SOCIAL SERVICES

- § 25.1 Public welfare
- § 25.2 Veterans agent—Generally
- § 25.3 Veterans agent—Benefits
- § 25.4 Veterans agent—Burial
- § 25.5 Veterans agent—Department of veterans services
- § 25.6 Elderly and disabled services
- § 25.6.50 Health insurance *[New]*
- § 25.6.70 Children and families *[New]*

B. HOUSING

- § 25.7 Housing—Generally
- § 25.8 Discrimination in housing
- § 25.9 Housing authority—Generally
- § 25.10 Housing authority—Functions
- § 25.11 Housing authority—Organization
- § 25.12 Housing authority—Powers
- § 25.13 Housing authority—Tenants and rentals
- § 25.14 Housing authority—Unlawful conduct
- § 25.15 Housing authority—Finance
- § 25.16 Housing authority—Sales
- § 25.17 Elderly and handicapped housing
- § 25.18 Rental assistance program
- § 25.19 Low and moderate income housing (anti-snob zoning)
- § 25.21 Housing court
- § 25.22 Affordable housing
- § 25.23 Affordable Housing Trust Fund
- § 25.24 Community Preservation Act
- § 25.25 Housing development incentives *[New]*
- § 25.26 Local option: Class One exemption for affordable housing *[New]*

§ 25.27 State housing initiatives—Seasonal community *[New]*

CHAPTER 26. PARKS AND RECREATION

- § 26.1 Parks
- § 26.2 Park commissioners—Generally
- § 26.3 Park commissioners—Powers and duties
- § 26.4 Park lands—Acquisition
- § 26.5 Park lands—Supremacy of general court
- § 26.9 Playground and recreation centers
- § 26.10 Recreational activities

CHAPTER 27. MUNICIPAL PROPERTY

- § 27.1 Acquisition
- § 27.2 Deed and other restrictions
- § 27.3 Control and use
- § 27.4 Expressive activity
- § 27.5 Disposition of real property
- § 27.6 Disposal of goods or supplies
- § 27.7 Parking facilities
- § 27.8 Architectural access board
- § 27.10 Care of public grounds

CHAPTER 28. EMINENT DOMAIN

A. POWER AND PURPOSE

- § 28.2 Authority to exercise power
- § 28.3 Purposes

B. TAKING

- § 28.4 What constitutes a “taking”
- § 28.5 Order of taking
- § 28.6 Notice of taking
- § 28.7.50 Eminent domain—Easements *[New]*

C. COMPENSATION

- § 28.8 Right to compensation
- § 28.10 Compensation for property taken and valuation
- § 28.12 Award of damages when no formal taking made
- § 28.18 Property not taken—Evidence of diminution in value
- § 28.21 Offers in settlement and payments pro tanto
- § 28.22 Interest and costs
- § 28.23 Relocation assistance

D. PROCEDURE

- § 28.24 Petition to the Superior Court
- § 28.25 Time of filing
- § 28.26 Pleading and procedure

TABLE OF CONTENTS

CHAPTER 29. CONTRACTS AND PURCHASING

A. POWER TO CONTRACT

- § 29.1 Power to contract—Generally
- § 29.3 Prior appropriation—Emergencies
- § 29.4 Construction of municipal contracts
- § 29.6 Joint contracts
- § 29.7 Compliance with tax laws
- § 29.8 Notice requirements

B. PROCUREMENT PROCEDURES

- § 29.12 Uniform procurement procedures
- § 29.13 Exempt contracts—Procedures
- § 29.15 Contracts—Records and files
- § 29.16 Specifications—Generally
- § 29.17 Specifications—Sole source
- § 29.20 Procurement: under \$10,000 *[Retitled]*
- § 29.21 Procurement: \$10,000-not more than \$50,000 *[Retitled]*
- § 29.22 Competitive sealed bids *[Retitled]*
- § 29.23 Procurement (\$50,000 or above)—Competitive sealed proposals *[Retitled]*
- § 29.23.50 Procurement (\$50,000 or above)—Reverse auction *[New]*
- § 29.25 Energy management services *[Retitled]*
- § 29.25.50 Electric vehicles *[New]*
- § 29.28 Emergency
- § 29.31 Sheltered market programs
- § 29.32 Violations
- § 29.33 Damages—Generally *[New]*
- § 29.34 Indemnification *[New]*

CHAPTER 30. PUBLIC CONSTRUCTION

A. PUBLIC CONSTRUCTION AND MATERIALS

- § 30.05 Division of Capital Asset Management and Maintenance *[New]*
- § 30.2 Contracts for construction and materials
- § 30.4 Certification of appropriation
- § 30.5 Awarding authority
- § 30.6 Bonds for payment for labor and materials
- § 30.10 Payment to general contractors
- § 30.11 Preferences to veterans and citizens
- § 30.12 Rate of wages
- § 30.16 Architects and design services
- § 30.17 Conformity to plans and specifications
- § 30.18 Site conditions and delays
- § 30.20 Questions arising under contract
- § 30.21 Breach of contract and damages

§ 30.21.50 Project labor agreement *[New]*

B. PUBLIC BUILDING CONTRACTS

- § 30.22 Public building contracts—Overview
- § 30.23 Public building contracts—In general
- § 30.25 Public building contracts—Design
- § 30.30 Public building contracts—Eligibility to bid
- § 30.31 Prequalification
- § 30.33 Public building contracts—Sub-bids
- § 30.38 Public building contracts—Specifications for contracts
- § 30.39 Site conditions; delays
- § 30.40 Payment to contractors
- § 30.41 Public building contracts—Enforcement
- § 30.42 Public building contracts—Remedy
- § 30.43 Improvements to real property—Statute of repose

C. PUBLIC CONSTRUCTION ALTERNATIVE DELIVERY

- § 30.45 Alternative delivery—Building projects

CHAPTER 31. MUNICIPAL UTILITIES, FRANCHISES AND OTHER ACTIVITIES

- § 31.1 Airports
- § 31.2 Hospitals
- § 31.3 Gas and electric plants—Generally
- § 31.4 Gas and electric plants—Management and operations
- § 31.5 Cable television
- § 31.6 Telecommunications system
- § 31.7 Transportation
- § 31.8 Anti-trust considerations
- § 31.9 Electric utility deregulation—General
- § 31.10 Electric utility deregulation—Aggregate load
- § 31.11 Electricity deregulation—Cooperatives
- § 31.12 Energy activities *[New]*

CHAPTER 32. URBAN REDEVELOPMENT AND ECONOMIC DEVELOPMENT

- § 32.1 Redevelopment authority
- § 32.2 Urban renewal programs
- § 32.3 Urban redevelopment corporations
- § 32.5 Industrial development
- § 32.6 Economic development and industrial corporations
- § 32.8 Convention centers and exhibition halls
- § 32.9 Other economic development initiatives
- § 32.10 Economic Development Incentive Program
- § 32.11 Business Improvement Districts
- § 32.12 Expedited permitting—Local option

TABLE OF CONTENTS

- § 32.13 Manufacturing workforce training tax increment financing
[New]
- § 32.14 Special development districts *[New]*
- § 32.15 Massachusetts Gaming Commission *[New]*
- § 32.16 Public infrastructure development *[New]*
- § 32.17 Development zones *[New]*
- § 32.18 Commercial Property Assessed Clean Energy (PACE) Program
[New]
- § 32.19 Tourism destination marketing districts *[New]*

CHAPTER 33. FINANCIAL ADMINISTRATION

A. APPROPRIATIONS

- § 33.1 Appropriations
- § 33.3 State supervision of local government finance
- § 33.4 Fiscal year
- § 33.11 Payment of bills and payrolls
- § 33.12 Transfer of appropriations
- § 33.13 Incurring of liability in excess of appropriations
- § 33.14 Expenditures—Snow and ice removal

B. CHARGES AND FEES

- § 33.15 Charges and fees
- § 33.16 Municipal charges lien
- § 33.17 Demolition charges and liens

C. FUNDS AND ACCOUNTS

- § 33.19 Departmental receipts
- § 33.20 Enterprise funds
- § 33.21 Revolving funds
- § 33.22 Special accounts—Outside consultants
- § 33.23 Reserve fund
- § 33.24 Overlay account
- § 33.25 Stabilization funds
- § 33.27 Trust funds
- § 33.28 Scholarship and educational funds
- § 33.28.50 Veterans assistance fund *[New]*
- § 33.30 Special funds—Waterways improvement and maintenance
fund
- § 33.32 Special funds—Capital expenditure funds
- § 33.33 Special funds—Celebrations
- § 33.34 Special funds—Liability insurance
- § 33.37 Special funds—Other

D. FINANCIAL ADMINISTRATION

- § 33.38 Financial organization
- § 33.39 Deposits and investment of municipal funds

- § 33.40 Banking services
- § 33.41 Gifts and grants
- § 33.42 Reimbursement contracts
- § 33.45 State financial assistance—In general
- § 33.48 Unclaimed monies—Disposition
- § 33.52 Liability insurance
- § 33.53 False claims law
- § 33.54 Expenditure control initiatives *[New]*
- § 33.55 Audits *[New]*
- § 33.56 Performance Sureties *[New]*
- § 33.57 Development and infrastructure-cost and revenue allocation *[New]*

CHAPTER 34. MUNICIPAL DEBT

- § 34.1 Debt limits
- § 34.3 Borrowing within the debt limit
- § 34.4 Borrowing outside the debt limit
- § 34.5 Temporary loans and repayment
- § 34.9 Referenda on bond issues
- § 34.11 Payment of debts
- § 34.14 Form and certification of notes
- § 34.17 Borrowing by districts
- § 34.18 Use of proceeds of bonds and notes
- § 34.20 Redemption and refinance
- § 34.22 Tax credit bonds *[New]*
- § 34.23 Lease purchase financing *[New]*

CHAPTER 35. BETTERMENTS AND SPECIAL ASSESSMENTS

- § 35.1 Betterment assessments—In general
- § 35.5 Betterment assessments—Lien and interest
- § 35.8 Betterment assessments—Special acts
- § 35.10 Special assessment—Water pipes
- § 35.11 Special assessment—Sewer
- § 35.12 Estimated sewer assessments
- § 35.13 Special assessment finance considerations *[New]*

CHAPTER 36. LOCAL TAXATION

A. POWER TO TAX

- § 36.1 General considerations
- § 36.2 Federal considerations

B. NON-PROPERTY TAXES

- § 36.4 Excise tax on motor vehicles
- § 36.5 Excise tax on boats, ships and vessels
- § 36.7 Room occupancy tax—Local option
- § 36.8 Aircraft fuel tax—Local option
- § 36.8.50 Meals excise—Local option *[New]*

TABLE OF CONTENTS

§ 36.8.70 Sales tax—Marijuana products—Local option [*New*]

C. PROPERTY TAX

1. ASSESSMENT

- § 36.9 Duties of assessors
- § 36.10 State supervision of local taxation
- § 36.12 Real estate
- § 36.13 Local option pro-rata tax—Improvements or natural disaster
- § 36.14 Personal property
- § 36.15 Public land—Leasehold
- § 36.16 Assessors' notice
- § 36.17 Taxpayer list
- § 36.18 Information returns
- § 36.20 Omitted assessments
- § 36.21 Apportionment of tax upon subdivision or partition of land
- § 36.22 Assessor records—Generally
- § 36.23 Assessors' records—Restrictions on access

2. VALUATION

- § 36.24 Fair cash valuation
- § 36.26 Telephone and telegraph companies
- § 36.27 Pipelines
- § 36.27.50 Airports [*New*]
- § 36.28 Recreational land
- § 36.29 Agricultural and horticultural land
- § 36.30 Forest lands and forest products

3. EXEMPTION

- § 36.33 Exemptions—Generally
- § 36.35 Property otherwise taxed
- § 36.36 Government property—Generally
- § 36.38 Government property—State government: payment in lieu of tax
- § 36.41 Tools and household goods
- § 36.42 Individuals—Status
- § 36.43 Senior volunteer tax reduction—Local option
- § 36.44 Individuals—Veterans
- § 36.45 Individuals—Optional exemption supplement
- § 36.45.50 Individuals—Optional deferral [*New*]
- § 36.48 Charitable organizations—Generally
- § 36.49 Charitable organizations—Restriction on application
- § 36.50 Charitable organizations—Particular properties
- § 36.52 Religious organizations
- § 36.53 Cemeteries
- § 36.54 Certain organizations
- § 36.55 Certain business entities
- § 36.57 Personal property—Local option
- § 36.60 Energy systems and facilities

- § 36.61 Electric utility deregulation
- § 36.62.50 Other exempt property—Housing *[New]*
- § 36.63 Sale of exempt property
- § 36.64 Tax increment financing
- § 36.65 State “circuit breaker” provisions

4. CLASSIFICATION

- § 36.66 Classification—Generally
- § 36.67 Use classification of real property
- § 36.68 Residential exemption
- § 36.68.50 Exemption—Affordable rental—Local option *[New]*
- § 36.69 Small business commercial exemption
- § 36.70 Minimum residential factor
- § 36.71 Allocation of the levy

5. TAX LEVY AND TAX RATE

- § 36.72 Annual assessment
- § 36.73 Overlay
- § 36.76 Proposition 2^{1/2}—Levy growth, overrides and exclusions
- § 36.80 Quarterly tax—Local option
- § 36.82 Tax rate
- § 36.83 Community Preservation Act—Local option surcharge

6. ABATEMENTS

- § 36.84 Abatement process
- § 36.87 Information request
- § 36.89 Appeal of assessor decision
- § 36.94 Abatement of uncollectible taxes
- § 36.95 Abatement-Contaminated property *[Retitled]*
- § 36.96 Procedure after granting of abatement

CHAPTER 37. COLLECTION OF TAXES

A. COLLECTOR OF TAXES

- § 37.1 Collector of taxes
- § 37.2 Books and records
- § 37.6 Delinquent collectors

B. TAX BILL

- § 37.8 Tax bill
- § 37.9 When taxes are due and payable
- § 37.11 Interest, charges and fees
- § 37.13 Abatement of unpaid tax

C. COLLECTION REMEDIES

- § 37.16 Collection remedies
- § 37.17 Demand for payment of tax

TABLE OF CONTENTS

- § 37.25 Assignment or transfer of municipal tax liabilities
- § 37.26 Taxpayer bankruptcy
- § 37.28 Collection by distress and sale of personal property
- § 37.30 Collection by suit
- § 37.32 Collection of motor vehicle excise

D. TAX LIEN AND FORECLOSURE

- § 37.32.50 Overview of tax lien foreclosure *[New]*
- § 37.33 Nature of tax lien on real estate
- § 37.35 Tax sale—Notice *[Retitled]*
- § 37.36 Tax sale—Conduct of sale *[Retitled]*
- § 37.37 Tax sale—Collector's deed *[Retitled]*
- § 37.38 Tax sale—No sufficient bid *[Retitled]*
- § 37.39 Tax sale—Procedure after sale of tax title *[Retitled]*
- § 37.40 Notice and taking for taxes *[Retitled]*
- § 37.41 Tax title account
- § 37.45 Assignment of tax liens to a private party *[Retitled]*
- § 37.46 Collection of taxes after sale or taking
- § 37.47 Sale of lands of low value under tax title
- § 37.49 Right of redemption *[Retitled]*
- § 37.52 Foreclosure of rights of redemption
- § 37.53 Foreclosure—Practice and procedure
- § 37.53.50 Excess equity *[New]*
- § 37.54 Foreclosure of rights of redemption of abandoned property
- § 37.56 Sale or retention following final judgment; excess equity *[Retitled]*
- § 37.57 Tax amnesty program—Local option *[New]*

Table of Contents

CHAPTER 38. ELECTIONS

A. INTRODUCTION

- § 38.05 COVID-19 pandemic: elections *[New]*
- § 38.1 Generally
- § 38.2 Voting rights (42 U.S.C.A. §§ 1971, 1972, 1973)

B. DISTRICTS, WARDS AND PRECINCTS

- § 38.4 Electoral districts
- § 38.5 Wards and precincts in cities
- § 38.6 Precincts in towns

C. VOTER REGISTRATION

- § 38.7 National voter registration
- § 38.8 Qualification of voters
- § 38.9 Listing of persons
- § 38.11 Registration sessions
- § 38.12 Duties of registrars
- § 38.13 Manner of registration
- § 38.14.50 Domicile *[New]*
- § 38.16 Voting lists

D. PARTY COMMITTEES

- § 38.18.50 Political party *[New]*

E. NOMINATION

- § 38.20 Nomination papers
- § 38.23 Filling nomination vacancies

F. PRIMARIES AND CAUCUSES

- § 38.26 Primary elections

G. ELECTIONS

- § 38.37 Recall elections
- § 38.37.50 Early voting process *[Retitled]*
- § 38.38 Nonbinding public opinion advisory questions
- § 38.39 Election officers—Cities
- § 38.40 Election officers—Towns
- § 38.41 Election officers—Party representation

- § 38.42 Election officers—Term of office, removal, vacancies
- § 38.48 Preparation and form of ballots
- § 38.49 Information to voters
- § 38.51 Conduct of elections
- § 38.55 Absentee voting—Generally
- § 38.64 Election contests—Disputed ballots

H. FINANCE

- § 38.65 Political committees—Reports
- § 38.66 Political contributions
- § 38.67 Campaign expenditures

CHAPTER 39. MUNICIPAL LIABILITY

- § 39.1 Sovereign immunity
- § 39.2 Tort liability—Generally
- § 39.3 Tort liability—Public body or officer
- § 39.4 Tort liability—Remedy and recovery
- § 39.5 Tort liability—Procedure
- § 39.6 Tort liability—Exceptions
- § 39.7 Tort liability—Indemnification
- § 39.8 Nuisance
- § 39.9 Riots
- § 39.10 Recreational use statute
- § 39.11 Other wrongs
- § 39.12 Negligence—Municipal property
- § 39.13 Damages *[New]*
- § 39.14 Volunteers *[New]*

CHAPTER 40. REMEDIES AND ACTIONS

- § 40.1 Remedies and procedures
- § 40.2 Federal jurisdiction
- § 40.3 Standing
- § 40.4 Estoppel
- § 40.5 Judgments
- § 40.6 Relief from judgment
- § 40.7 Laches
- § 40.8 Ten taxpayer actions—Generally
- § 40.13 Actions in the nature of certiorari—Generally
- § 40.14 Actions in the nature of certiorari—When appropriate
- § 40.16 Actions in the nature of mandamus—Generally
- § 40.18 Actions in the nature of mandamus—Other adequate remedy available
- § 40.19 Actions in the nature of mandamus—When appropriate
- § 40.21 Exhaustion of administrative remedies
- § 40.22 Declaratory relief
- § 40.23 Preliminary injunctions
- § 40.24 Injunctions
- § 40.25 Costs and attorney fees
- § 40.26 Damages and interest *[Retitled]*
- § 40.27 Racketeer Influenced and Corrupt Organizations Act

TABLE OF CONTENTS

| | |
|---------|---|
| § 40.28 | Consent decree |
| § 40.29 | Intervention |
| § 40.31 | Stipulations |
| § 40.32 | Contempt |
| § 40.33 | Strategic litigation |
| § 40.34 | Mootness |
| § 40.35 | Res judicata |
| § 40.36 | Charitable and religious organizations and assets <i>[Retitled]</i> |
| § 40.37 | Summary judgment |
| § 40.38 | Land Court <i>[Retitled]</i> |
| § 40.39 | General superintendence of inferior courts <i>[New]</i> |
| § 40.40 | Interlocutory appeal <i>[New]</i> |
| § 40.41 | Primary jurisdiction <i>[New]</i> |
| § 40.42 | Waiver <i>[New]</i> |
| § 40.43 | Counterclaims <i>[New]</i> |
| § 40.44 | Law of the case doctrine <i>[New]</i> |
| § 40.45 | Jurisdiction—Generally <i>[New]</i> |
| § 40.46 | Right to petition <i>[New]</i> |
| § 40.47 | Stare decisis <i>[New]</i> |
| § 40.48 | Evidence <i>[New]</i> |
| § 40.49 | Pretrial procedure <i>[New]</i> |
| § 40.50 | Further appellate review <i>[New]</i> |
| § 40.51 | Small Claims Court <i>[New]</i> |
| § 40.52 | Jury Trial <i>[New]</i> |
| § 40.53 | Statutes of Repose <i>[New]</i> |
| § 40.54 | Legal representation <i>[New]</i> |
| § 40.55 | COVID-19 Pandemic-Emergency Measures <i>[New]</i> |
| § 40.56 | Appellate review <i>[New]</i> |
| § 40.57 | Settlement agreements <i>[New]</i> |
| § 40.58 | Litigation privilege <i>[New]</i> |
| § 40.59 | Testimonial privileges <i>[New]</i> |
| § 40.60 | Mechanic liens <i>[New]</i> |
| § 40.61 | Equitable tolling <i>[New]</i> |
| § 40.62 | Expert opinion <i>[New]</i> |
| § 40.63 | Quo warranto <i>[New]</i> |

Table of Laws and Rules

Table of Cases

Index