

Town of Nahant



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POLICE BY-LAWS

ARTICLE VIII

STREETS, SIDEWALKS AND PUBLIC WAYS

SECTION 1. No person shall drive, wheel, proper, or draw along any sidewalk or footway, any vehicle, except children's carriages, tricycles or sleds drawn by hand.

SECTION 2. No person shall use a vehicle or a sled for coasting in or upon the roadway of any public way in the Town.

SECTION 3. Leaving vehicles unattended, and parking any vehicles shall be prohibited within the limits of private ways furnishing access for fire apparatus to any building.

SECTION 4. No person except employees in the Department of Public Works, in the lawful performance of their duties, or those acting under their orders, shall operate a motor vehicle of any type or description in or on any public beach, park or playground.

SECTION 5. No person, except employees in the Department of Public Works in the lawful performance of their duties, shall make or cause to be made any excavation in a public street or way, for any purpose whatever, without first obtaining written permission from the Selectmen. When an excavation is made in a public street or way for any purpose, or a private way furnishing access to any fire apparatus, the person or persons by whom or for whom such excavation is made, shall cause a rail or other sufficient fence to be placed so as to enclose such excavation and the dirt, gravel or other material thrown therefrom, and such fence shall be maintained the whole time that such excavation continues. Such fence, excavation and material excavated shall be lighted by a lantern, lanterns or other proper and sufficient light, from the beginning of twilight throughout the whole of every night during the entire time that such excavation or obstruction exists.

SECTION 6. No person shall place, dump or deposit, or cause to be placed, dumped or deposited upon any street, public or private, sidewalk or other place or location, or on any other enclosure or grounds, merchandise, ashes, shavings, house dirt, filth, offal, rubbish, snow, refuse of any kind, or any other materials, including motor vehicles or parts thereof, which shall in any way disfigure or obstruct the same. The word, "street", as used herein, shall mean lanes, alleys, courts, squares, sidewalks, roads, avenues, parks or wharves.

SECTION 7. The place now commonly referred to as the Town Dump, so assigned by the Board of Health, shall be under the jurisdiction of said Board of Health, and no person shall be allowed to use said dump without a permit granted by said board.

SECTION 8. No person shall put, or cause to be put in any catch-basin in any highway, any filth, sewage, slops or dirty water.

SECTION 9. No water from any conductor, gutter or pipe, shall be allowed to discharge on any sidewalk in the Town in such a manner as to flow over the sidewalk.

SECTION 10. No person shall break, dig up, or carry away any of the sward, gravel, sand, turf, stones or earth in or from any of the public ways or beaches or commonlands, unless by order or license of the Selectmen.

SECTION 11. No owner, or person having the charge of any horse, cow, sheep, goat or other grazing animal, shall permit the same to roam at large, or feed upon any public way or public land, even when accompanied by a keeper. No such animal shall be allowed upon any unenclosed land without a keeper.

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SECTION 12. No person owning, harboring or having custody and control of a dog shall permit such dog to annoy any person peaceably standing, walking or riding outside the enclosure of its owner or keeper, nor to otherwise create a nuisance by reason of excessive barking or vicious disposition.

SECTION 12-A. Control of dogs

SUBSECTION A. No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper, unless the dog is held firmly on a leash or is under control of its owner or keeper or his agent. As used in this section, the term, "control", shall include, but not be limited to, oral or visual commands to which the dog is obedient.

SUBSECTION B. Whoever violates this by-law will be punished as follows:

1. For the first offense, a ten dollar (\$10) fine
2. For the second offense, a twenty-five dollar (\$25) fine
3. For the third offense, a thirty-five dollar (\$35) fine
4. For each subsequent offense, a fifty dollar (\$50) fine

SUBSECTION C.

1. The Selectmen shall annually appoint a Dog Control Clerk, whose duties shall be to supervise and co-ordinate the processing of all violations of this Section 12-A. Said Clerk shall have the authority, subject to the approval of the Selectmen, and to appropriation of funds therefore, to hire such personnel as may be necessary for the purpose of carrying out such duties.
2. The issuance of a citation by a police officer or the Dog Officer, for a violation of this Section 12- A, shall serve to give the owner of the dog notice to appear before the Dog Control Clerk, at any time during regular office hours, not later than twenty-one days after the date of such violation. A copy of the citation shall be given to the Dog Control Clerk, who shall maintain a docket of all such persons notified to appear.
3. Any person so notified to appear before said Clerk may appear before him or his designee and admit to the offense charged, either personally or through an agent duly authorized in writing or by mailing to said Clerk the citation, accompanied by the fine imposed, such payment to be made only by postal note, money order or check, payable to the Town of Nahant. Payment of the fine established shall operate as a final disposition of the case.
4. A citation given as herein provided, shall be deemed a sufficient notice and a certificate of the officer giving such citation that it was given to the person charged in accordance with this by-law, shall be deemed prima facie evidence thereof and shall be admissible in any judicial or administrative proceedings as to the facts contained therein.
5. Should any person notified to appear hereunder fail to appear, or, having appeared, fail to pay the fine imposed or request a hearing on the matter, the Dog Control Clerk shall forthwith schedule the matter before a person, hereinafter referred to as a hearing officer, said hearing officer to be the Dog Control Clerk or such other person or persons as said Clerk may designate. Written notice of the date, time and place of said hearing shall be sent by first class mail to the person notified to appear hereunder. Said hearing shall be informal, the rules of evidence shall not apply and the decision of the hearing officer shall be final, subject to judicial review, as provided by Section 14 of Chapter 301 of the Massachusetts General Laws.
6. All fines received by the Town, pursuant to sub-section B hereof, shall be paid into the Town treasury. This Section 12-A was revised on April 26, 1986.

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SECTION RULES AND REGULATIONS OF MASSAGE OR CONDUCT OF AN ESTABLISHMENT FOR THE GIVING OF VAPOR, POOL, OR OTHER BATHS

1. License required and fee: No person shall practice massage or conduct an establishment for giving of massage or vapor, pool, shower, or the baths, for hire or reward, or advertise, or hold himself out as being engaged in the business of massage, or the giving of said baths, in the Town of Nahant, without receiving a license from the Board of Selectmen, acting as the Board of Health. The license fee for each establishment shall be one hundred dollars (\$100.00) and for each masseur or masseuse shall be fifty dollars (\$50.00). A license to issued to an establishment, masseur, or masseuse shall not be transferable. All licenses shall expire December 31st following the date of issue.

2. Definitions: for the purpose of these regulations:

A. Massage shall mean the act or technique of treating the body by rubbing, kneading, or the like by manual or mechanical means to stimulate the circulation, increase suppleness, or for the purpose of invigoration, pleasure, or for the purported health treatment.

B. Establishment shall mean the room, or group of rooms, office, building, place of business, or premises where massage is practiced, or where therapeutic or conditioning baths of water, vapor, or other substances are given.

C. Approved shall mean approved by the Board of Health.

D. Approved course of massage shall mean a course on the act and science of massage, which includes both theory and practice, that is approved by the Nahant Board of Health.

E. Masseur shall mean a male who practices massage.

F. Masseuse shall mean a female who practices massage.

3. Exceptions and exclusions:

A. Individual: These regulations shall not apply to the following individuals while engaged tint he regular performance of the duties of their respective professions:

1. Physicians, chiropractors, osteopaths or physical therapists licensed to practice their respective professions in the Commonwealth of Massachusetts.

2. School athletic trainers

3. Nurses who are registered or licensed under the laws of the Commonwealth of Massachusetts

4. Barbers and beauticians who are registered under the laws of the Commonwealth of Massachusetts, except that this exemption shall apply solely to the massaging of the neck, face, scalp, and hair of the customer or client for cosmetic and beautifying purposes.

5. Any person licensed to practice massage by any city or town in the Commonwealth may at the request of a physician, attend patients in the Town of Nahant without taking out an additional license.

B. Establishments: These regulations shall not apply to hospitals, nursing homes, convalescent homes, health agencies or other similarly licensed institutions.

4. Requirements for individual licensing: No person shall be licensed to practice massage in the Town of Nahant unless they meet the following requirements:

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- A. Submit to the Nahant Board of Health a completed application form containing all information therein requested. False statements in said application shall be grounds for denial of a license request.
- B. Provide written evidence the applicant is eighteen (18) years of age or older.
- C. After the effective date of this regulation, each applicant shall submit evidence of having completed a course of massage at a school which is accredited, or the curriculum of which has been approved by the Nahant Board of Health.
- D. Submit one front-face photograph at least two (2) inches by two (2) inches in size, taken within thirty (30) days prior to submission of the application.
5. Requirements for licensing of an establishment: Every establishment for the giving of vapor, pool, shower, or other baths, shall meet the following requirements:
- A. Applicant must submit to the Nahant Board of Health a completed application form, containing all information herein requested. False statements in said application shall be grounds for denial of a license request.
- B. Every licensee shall notify the Nahant Board of Health prior to any change of name, address, or ownership.
- C. No licensed establishment shall operate under any name or designation not specified on the license.
- D. No licensed establishment shall be kept open between the hours of 10:00 p.m. and 7:00 a.m., unless specifically authorized in writing by the Board of Selectmen.
- E. Every licensee shall permit the Nahant Board of Health or Police Department to inspect his/her place of business at any reasonable time, to the extent permitted by law.
- F. No establishment shall employ, or shall cause to be employed, a masseur or masseuse who has no license for the practice of massage, or whose massage license has been revoked or suspended within the past three years.
- G. It is forbidden to employ, or permit any person in or on the licensed premises to perform an act or acts, or to simulate an act which violates the laws of the Commonwealth of Massachusetts or any local ordinance regarding illicit sexual conduct.
- H. If food is served, the establishment must be in compliance with Article X of the "State Sanitary Code".
- I. No alcoholic beverages shall be permitted in that portion of a building used for the purpose of giving massage, vapor or other baths as determined by the Nahant Board of Health.
- J. No person shall treat or be treated if afflicted with a communicable disease. However, they may treat or be treated when a written statement is received to the effect that the condition is no longer contagious. The Board shall require proof of a negative tuberculin test with a new or renewal of a massage permit, to be repeated every two (2) years, at the discretion of the Board.
- K. The hands of every person practicing massage shall be thoroughly cleansed by washing with soap and hot water immediately before and after treating a patron.
- L. No person may operate an X-ray, fluoroscope or other similar equipment unless licensed by the Commonwealth of Massachusetts to practice a profession requiring the use of radiation equipment.

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M. All individuals employed by this establishment shall maintain a sufficient level of personal cleanliness, as determined by the Board of Health, and be properly clothed. It is forbidden to employ or permit any employee or person to mingle with patrons, or in such attire so as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, cleft of the buttocks or genitals.

N. The establishment shall be connected to the public sewage system or a system approve by the Nahant Board of Health.

O. All rooms shall be well-lighted, well-ventilated and properly heated, in accordance with local and/or state regulations, except during those periods declared as emergencies by local or state officials. Lighting in the areas used for massage or baths shall be of such intensity that all parts of the room are clearly visible at all times.

P. There shall be a safe, adequate supply of hot and cold running water at all times.

O. There shall be separate toilets, hand-washing facilities, showers and treatment rooms, if the establishment is to be used concurrently by both sexes.

R. All of the areas of the establishment, including the furniture and equipment therein, shall be kept in a sanitary condition at all times.

S. All robes, sheets, towels, etc., which may come in direct contact with the body, shall be properly cleaned and stored in a sanitary manner. Single-service items are acceptable.

T. No rooms for conducting the practice of massage or giving of vapor, or other baths shall be fitted with doors capable of being locked. All establishments applying for a license after the effective date of the regulations, and having individual massage rooms, shall provide the door of each room with a window large enough to permit visual observation of the entire room from the outside of such room.

U. No room or section of a building, licensed for the purpose of giving massage, vapor or other baths, shall be used as a bedroom.

V. The licenses of the establishment and all massagists must be displayed in a conspicuous place.

6. Denial of application for license or renewal thereof: Any person or establishment who application for a license or license renewal is denied, may, within ten (10) days of said denial, request in writing a hearing upon the cause of said denial. The Board of Health may set a time and place for said hearing within a reasonable time, not to exceed fourteen (14) days.

7. Suspension/revocation of license:

A. No license granted under these regulations, whether for individual practitioners or for establishments, may be suspended or revoked without a hearing.

B. Such license may be suspended or revoked if, after a hearing, the Nahant Board of Health finds that there is satisfactory proof that the license has:

1. made a material false statement on the application form
2. violated or permitted a violation of these regulations or of any condition of the license.
3. violated or permitted a violation of any law of the Commonwealth

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8. Penalties: Whoever violates any provisions of these rules and regulations shall be punished by a fine of not more than one hundred dollars, (\$100.00), or imprisonment for not more than six (6) months, or both, in accordance with General Laws, Chapter 140, Section 53, as amended.

9. Separability: If any section, sub-section, sentence, clause, phrase or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions and such holding shall not affect the validity of the remaining portions thereof. (rev.6/92)

SECTION 13. For the purpose of removing or plowing snow, or removing ice, from any public street or way, the Superintendent of Public Works may remove, or cause to be removed to some convenient place, any vehicle interfering with such work. The owner of such vehicle shall be liable for the cost of such removal and storage charges, if any, resulting from such removal.

Police By-laws Article IX Public Conduct

Section 1. No person shall behave in a disorderly manner, or use any profane language, while remaining upon any sidewalk, in any public way, lane, alley other public place; or while near any dwelling house, building, or any place to which the public had right or access as invitees, or while remaining upon any doorstep, or other projection from any house or building.

Section 2. No person shall loiter, saunter or continue to sit or stand in any public street, sidewalk, public place, or Town building, so as to obstruct or impede the free passage of any other persons, after being directed by a police officer to move on.

Section 3. No person shall disturb the public quiet by the unauthorized ringing of bells, nor by using any horn or other instrument in or upon any public way. This section shall not apply to the lawful use of warning devices on any motor vehicle.

Section 4. Owners of land which has been excavated shall erect barriers or take such other suitable measures within five (5) days after such owners have been notified in writing by the Town Administrator if, in his opinion, such excavation constitutes a hazard to public safety. The penalty for violation of this section shall not exceed \$200.00.

Section 5. No person shall drink any alcoholic beverages, (a) while in or upon any public way or alley, or any way to which the public has right of access, whether in or upon any vehicle, motor vehicle or on foot, (b) while in or upon any place to which the public has access as invitees or licensees, including, but not limited to parks, reservations, playgrounds and conservation land, or unless duly licensed by the Town Administrator or other proper licensing authority. All alcoholic beverages in possession of a person in violation of this by-law shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the persons entitled to lawful possession. (Rev. 4 88)

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ARTICLE X

PEDDLERS AND JUNK DEALERS

SECTION 1. No person either by himself or by his employees, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether such person has, carries or exposes for sale, a sample of the subject of such sale, or whether he is collecting advance payments on such sales, or not, within the corporate limits of the Town of Nahant, shall do so without first registering his or her name and residence with the Chief of Police, and receiving a record number and identification card from the said Chief of Police. No person shall engage in any of the activities set forth in this section between the hours of 6:00 p.m. and 8:00 am.

SECTION 2. The Selectmen may license suitable persons to be collectors of, dealers in or keepers of shops for the purchase, sale or barter of junk, old metals or second-hand articles. Every person licensed as aforesaid shall wear, while exercising his vocation, conspicuously on the left breast, a metallic badge, with the words, "Dealer in Junk", and the number of his license inscribed thereon. The fee for a license under this section shall be established by the Board of Selectmen.

ARTICLE XI

FIREARMS

SECTION 1. No person shall fire or discharge a gun or firearm within the Town, except at a military exercise or review duly authorized by the military authorities of the Commonwealth, or on such occasion as the Selectmen shall specially permit, or in the lawful defense of his person, provided, however, the above shall not apply to duly licensed hunters shooting at game from small boats in the water, which are a minimum of 300 yards off the shore of Nahant, in conformity with the laws of the Commonwealth of Massachusetts.

ARTICLE XII

TERRITORIAL WATERS OF NAHANT

SECTION 1. In construing these regulations, the following words shall have the meaning given unless a contrary intention clearly appears:

Harbormaster shall include Assistant Harbormaster.

Boat shall include ship, vessel, steamer or any other water craft.

Person shall include individuals, corporations, societies, associations or partnerships.

Limits of Nahant Harbor are given on U.S. Coast and Geodetic Survey Chart No.240.

SECTION 2. No master, or person acting as master, owner, custodian or other person, shall set a mooring within the limits of Nahant waters without first obtaining from the Harbormaster a permit to moor said boat. The Harbormaster shall approve the anchorage or a place of mooring said boat.

SECTION 3. No person carrying passengers for hire shall embark or disembark said passengers from any boat at any landing maintained by the Town, without prior approval of the Harbormaster.

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SECTION 4. No boat shall exceed the speed of six (6) knots or cause a disturbing wake within the confines of Nahant Harbor, within one hundred fifty (150) feet of any mooring area, or within one hundred fifty (150) feet of the water's edge of any bathing beach, except that area adjacent to Bailey's Hill designated as Pond Beach.

SECTION 5. Any person S.C.U.B.A. diving in the waters of Nahant shall:

- (a) display a diver's flag consisting of a red field and a white diagonal stripe, of sufficient size, not less than twelve (12) inches square.
- (b) tow the aforesaid float and flag with him while he is submerged in water and surface thereunder, unless for commercial purposes, permission in writing is granted by the Harbormaster, for diving operations in the harbor or mooring area.
- (c) No person shall SCUBA dive in or within sixty (60) of a mooring area without approval of the Harbormaster. (rev. 4-78)

SECTION 6. No person shall operate a boat in waters within one hundred fifty (150) feet of the water's edge of any bathing beach, public or private, or areas used for mooring, boat launching or landings, while towing water skis, aquaplanes or similar devices, except in connection with water carnivals and exhibitions authorized by the Harbormaster and the State Division of Motorboats, during the period from May 1st to November 1st of each year, except that area adjacent to Bailey's Hill, designated as Pond Beach. No person shall use a surf board in a bathing area, except for an area adjacent to Little Nahant, bounded by Short Beach for a distance of about 300 feet and only when the area is clearly marked by signs and buoys and as otherwise regulated by Town Administrator.

SECTION 7. The invalidity of any section or provision of these regulations shall not invalidate any other section or provision thereof.

SECTION 8. If a master or other person in charge of a vessel occupying a berth or float fails, after notice from the Wharfinger thereof or his agent, to remove his vessel from such berth within such time as the Harbormaster adjudges reasonable, or if the master or person in charge of such vessel has absented himself from the area of the berth for an unreasonable period of time, as adjudged by the Harbormaster, and cannot be contacted for the purpose of giving him notice to remove his vessel from such berth, the Harbormaster may cause such vessel to be removed to some other berth or towed to a mooring and the Town may recover the costs of such removal from the owner, agent, or master of said vessel. (rev. 9-9-75)