



City of Cambridge

31.

*Anderson
Callucci
Foley*

IN CITY COUNCIL

June 8, 1992

COUNCILLOR WOLF
VICE MAYOR CYR

WHEREAS: The City Council on May 11 adopted an ordinance regarding the posting of handbills; now therefore be it

ORDERED: That the City Manager is hereby requested to develop an enforcement mechanism and implement it; and be it further

ORDERED: That the City Manager report to the City Council as to the enforcement process.

In City Council June 8, 1992.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, Temporary City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

D. Margaret Drury
Temporary City Clerk



CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall

795 Massachusetts Avenue
Cambridge, Massachusetts 02139

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Russell B. Higley
City Solicitor

Donald A. Drisdell
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Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Laura H. Yager
Legal Counsel

Linda A. Stamper
Legal Counsel

Arthur J. Goldberg
Legal Counsel

March 11, 1992

Lisa Peterson
Assistant to the City Manager
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Posting of flyers on Public Property

Dear Lisa:

Pursuant to our phone conversation this morning, I enclose
§9.04.050 incorporating the amendments which we discussed.

Sincerely,

Birge Albright

BA/jab
Enclosure

cc: Donald A. Drisdell, Esq.

ORD#3\FLYERS\PTSN.ltr



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 9.04 (Offenses Against Property) is hereby amended by striking out §9.04.050 and substituting therefor the following new §9.04.050.

9.04.050 Posting on public or private property

(a) No person shall post or attach, or directly or indirectly cause to be posted or attached in any manner, any handbill, poster, advertisement or notice of any kind on public property, except by permission of the City Manager or his designee, or on private property without the consent of the owner or occupant thereof.

(b) Any handbill or sign found posted or otherwise affixed on any public property contrary to the provisions of this section may be removed by the Police Department or the Department of Public Works or the Inspectional Services Department.

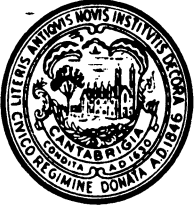
(c) The person or persons responsible for causing the unlawful posting of any notice described herein will be liable for the cost of removal and for the penalties described below. Persons liable under this section include, but are not limited to, any individual, corporation, partnership or other organization whose

advertisement, message or information appears on the unlawfully posted notice.

(d) Any person who violates this section shall be subject to a fine of \$300. Each illegally posted notice, advertisement, poster or sign shall be considered a separate violation of this section, and a separate offense shall be deemed committed on each day during or on which a violation of this section occurs or continues.

(e) As an alternative to the penalty set forth in paragraph (d), whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D. For purposes of this section, the following officials shall be enforcing persons: Cambridge police officers and designated staff of the Cambridge Department of Public Works and the Inspectional Services Department.

The noncriminal penalty for the first violation of this section shall be \$25, for the second violation, \$100, and for the third and all subsequent violations, \$200.



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

August 3, 1992

To The Honorable, The City Council:

In response to Awaiting Report Item No. 35, regarding the enforcement of the posting of handbills please be advised of the following:

The Department of Public Works Inspector enforces the ordinance by removing any posting and sending a warning or ticket to the party responsible for the illegal posting. The Inspectional Services Department Inspectors also remove any posting and then contacts the Public Works Inspector to issue a warning or ticket.

Also, the Police Department is reading the Ordinance at all roll calls, including it in the "Legal Update" portion of the in-service training as well as publishing it in the Daily Crime Bulletin.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev

CONSENT AGENDA ITEM NO.5

S-602
Awaiting Report Item No. 35 regarding the
enforcement of the posting of handbills.

In City Council,

August 3, 1992

Placed on file