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CAMBRIDGE MA.

4 April 1992
54 Fayette St
Cambridge MA. 02139

To: ~~Camb Chronicle~~, Camb city Council, ~~The Mayor of Cambridge~~

subject-- Cambridge's Parking dilemna

Cambridge is compulsive about being a leader in areas of like, peace housing, social welfare, and the environment. They couldn't wait to evolve a local and repressive on its own approach to the regional problem of compliance with the "Clean Air Act." I **hope** we will discover that many other scenarios were examined, before these overly conscientious parking spaced and otherwise perked bureacrats who propose saddling the long suffering, already harrased, resident citizenry with the major portion of the burden of a "clean air" solution. A citizen of Cambridge must already endure elevated crime rates, auto insurance rates, noise levels, and (non rent controlled) real estate taxes.

Has the "stick" approach like very, very high parking fees on single occupant automobile commuters from the well off suburbs of Winchester, Lexington, etc in conjuction with other communities and regional authorities been examined and abandoned? Has the "carrot" senarios to fill up suburban cars provide parking and good transportation been examined and found wanting? Has an automobile ban on all University students and their elitest environementally concerned faculties been evaluated?

If these politicians think they can get away with this, they must have been on vacation when the House Bank and Post office scandal came into view.

hopeful but maybe naive constituent & citizen
Arnold Schutzberg, 868-8190

Consent Comm. # 7

Comm. from Arnold Schutzberg, 54 Fayette St., relative to the parking dilemna in Cambridge.

In City Council,

April 13, 1992

Referred to the petition

CCM-101

City of Cambridge

18.

IN CITY COUNCIL

August 7, 1991

COUNCILLOR DUEHAY

ORDERED: That the attached Municipal Ordinance entitled **"SEIZURE OF AMPLIFICATION OR SOUND PRODUCING EQUIPMENT WHEN CAUSING NOISE VIOLATION"** in the City of Boston be referred to the City Solicitor for his review and draft the applicable amendments incorporating provisions of this ordinance into Chapter 8.16 entitled "Noise Control " of the Municipal Code of the City of Cambridge; and be it further

ORDERED: That upon completion of the draft it be returned to the Ordinance Committee for its review and deliberation no later than September 10, 1991.

CITY OF BOSTON

IN THE YEAR NINETEEN HUNDRED AND

AN ORDINANCE

SEIZURE OF AMPLIFICATION OR SOUND-PRODUCING EQUIPMENT WHEN CAUSING NOISE VIOLATIONS

SPONSORED BY COUNCILLOR HENNIGAN CASEY

Be it ordained by the City Council of Boston, in accordance with the provisions of Massachusetts General Laws Chapter 43B, Section 13, and any other applicable law, as follows:

SECTION 1: C.B.C. Ordinances 16-26 (UNREASONABLE NOISE) is amended in 16-26.6 (Disturbing the Peace) by inserting after the phrase: "between the hours of 11:00 p.m. and 7:00 a.m." the following words:

"and in excess of 70dBa at all other hours"

SECTION 2: There shall be added after C.B.C. Ordinances 16-26.6 the following new section:

16-26.7 Seizure of "boom boxes" in motor vehicles

Police shall have authority in their discretion to issue a cease and desist warning by giving a person or persons operating allowed amplification device or similar equipment installed in a motor vehicle to issue a ticket imposing a non-criminal fine; cite the offender for criminal prosecution; or seize and impound amplification devices installed in motor vehicle, such as so-called

"boom boxes," radio amplification or similar equipment when it is used to create unreasonable noise violating ordinance sections 16-26.1 and 16-26.6. This ordinance shall apply whether violations eminate from a moving or parked vehicle.

As alternative to decibal standards outlined in 16-26.6, police are authorized to cite violators and seize noise-making amplification equipment installed in a motor vehicle if the sound is discernable at a distance of 100 feet or more from the source.

When a noise violation has occurred, causing disturbance of the peace to a neighborhood, recreation, business area, church, synagogue, temple, public transportation platforms or public transportation vehicles, police may prosecute in a criminal complaint the owner of the sound-making equipment and also the owner of the motor vehicle, if different. Upon conviction in a district or Boston Municipal Court, the violator(s) shall be subject to a $50 fine for the first offense, $100 for the second offense, and $200 for a third or subsequent offense committed over a 36-month period.

As an alternative to instituting criminal proceedings, any officer empowered to enforce this ordinance who takes cognizance of a violation thereof, may forthwith give to the offender a written notice to appear before the Clerk of the District or Municipal Court having jurisdiction at any time during office hours, not later than twenty-one days after the date of such violation. Such notice shall be in triplicate and shall contain the name and address of the offender, the specific offense charged, and the time and place for his or her required appearance. Such notice shall be signed by the offender in acknowledgement that such notice has been received. Refusal by the offender to sign such acknowledgement shall require the officer to bring crinimal prosecution for violation of the noise ordinance.

Any person notified to appear before the Clerk of Court may do so and confess the offense charged, either personally or through an agent duly authorized in writing, or by mailing to such Clerk, with the notice, the sum of $50. Such payment shall be made only by postal note, money order or check.

If any person so notified to appear before the Clerk of Court fails to appear and/or pay the fine provided hereunder, or, having appeared desires not to avail himself or herself of the procedure provided for non-criminal disposition of the case, the Clerk shall, as soon as may be, notify the enforcement officer concerned, who shall forthwith make a complaint and follow the procedure established for violation of these ordinances. The notice to appear provided herein shall be printed in such form as may be satisfactory to the Chief Judge of the Boston Municipal and the District Courts.

When determination is made to seize any noise-producing equipment, police shall obtain identity of owner or person operating the equipment and give that person a receipt listing and describing items seized. In the event equipment used ir violation of noise ordinances is to be seized but cannot easily be removed from the motor vehicle, police shall have authority to impound the vehicle with all its contents, major items of which shall be inventory in a list kept by police, a copy of which to be supplied to the owner.

In the event the motor vehicle seized is owned by a different person or business entity, police shall send notice of seizure and receipt identifying the vehicle confiscated and its contents to said owner.

Equipment seized and impounded shall be kept in custody until fines are paid or judicial process involving the case has been completed.

In instances of repeat offenses or a flagrant violation of the noise ordinances, police may seek permission in the Court for disposition or destruction of the equipment.

Police summoned to quell loud noises eminating from a radio or amplification device on a motor vehicle may, at discretion, issue a warning to offenders. A record of service of the warning stating: names and addresses of persons warned; date; time; motor vehicle registration; location or description of the site shall be made by the responding officer and shall be filed at his or her Area station. The notice of warning service shall be maintained by the Area Community Relations Officer.

Refusal of an offender to give his or her true name and address when requested by a police officer shall be grounds for taking the person into custody until his or her identity has been established.

In the event of subsequent noise violations, reports concerning the same address or same individuals, the Community Relations Officer shall be empowered to seek a criminal complaint based on documents filed.

SECTION 3: There shall be added a new section as follows:

C.B.C. 16-26.8 Portable "Boom Boxes" on Streets

Police who witness individuals on a public way or public area playing radios, amplification devices, including instruments, portable "boom boxes," so-called, or other sound-producing articles so as to exceed 50 decibals in the hours between 11:00 p.m. to 7:00 a.m., and 70 decibals at other times or be audible at a distance or 100 feet or more, may issue a warning, a non-criminal disposition and fine or arrest on criminal charges, and may also seize such articles.

If a warning is issued, police may require the offender to identify himself or herself, giving name and address. Refusal to give identity can subject the individual to police custody until identity is established.

As an alternative to instituting criminal proceedings, any officer empowered to enforce this ordinance may cite through a non-criminal disposition ticketing and fine process an individual playing any radio or sound amplification device on the public ways to a degree of loudness violating noise ordinance standards described in this ordinance.

The ticket notice shall direct the offender to appear before the Clerk of the District or Municipal Court having jurisdiction any time during office hours, not later than 21 days after the date of such violation. Such notice shall be in triplicate and shall contain the name and address of the offender specific offense charged, and the time and place for his or her required appearance. Refusal of the offender to sign such acknowledgement shall require the officer to bring criminal prosecution for violation of the noise ordinance.

Any person notified to appear before the Clerk of Court may do so and confess the offense charged, whether personally or through an agent duly authorized in writing, or by mailing to such Clerk, with the notice, the sum of $50. Such payment shall be made only by postal note, money order or check.

If any person so notified to appear before the Clerk of Court fails to appear and/or pay the fine provided hereunder, or, having appeared desires not to avail himself or herself of the procedure provided for non-criminal disposition of the case, the Clerk shall, as soon as may be, notify the enforcement officer concerned, who shall forthwith make a complaint and follow the procedure established for violation of these ordinances. The notice to appear provided herein shall be printed in such form as may be satisfactory to the Chief Judge of the Boston Municipal and the District Courts.

When circumstances warrant, in the opinion of the enforcement officer, he or she may seize the radio, portable "boom box" or other sound-producing equipment to be kept in custody until fines are paid or judicial process involving the case has been completed. The officer ordering seizure shall give the owner or user a receipt identifying the article or articles taken and impounded.

SECTION 4: There shall be added a new section as follows:

C.B.C. 16-26.9 Warning Concerning Loud Parties on Residential Premises

Police summoned to quell loud noise from a radio or amplification device in a dwelling or lawn, yard or sidewalk areas in a residential district may, at discretion, issue a warning to offenders in a verbal or written fashion. The landlord or owner of the premises, if not among the offenders, shall also receive notice of the offense.

A record of service of the warning stating: names and addresses of persons warned; name of landlord or owner, if different; date; time; address; apartment number if applicable; or description of site if outdoors, shall be made by the responding officer and shall be maintained by the Area Police Community Relations Officer.

In the event of subsequent noise violations, reports concerning the same address or same individual(s), the Area Police Community Relations Officer shall be empowered to seek criminal complaint in Boston Housing Court based on documents compiled.

SECTION 5: There shall be added the following new section:

C.B.C. 16-26.10 Prosecution of Noise Offenses, Loud Parties

Police arriving at the scene of a party or gathering from which loud sounds are emitted by means of amplification devices or radios may cite offenders criminally or civilly.

Under criminal prosecution, offenders shall be referred to the Boston Housing Court for penalty upon conviction of $50 for a first offense; $100 for a second offense; and $200 for each subsequent offense committed within a 36-month period.

Police may also prosecute the landlord or owner of the unit where the violation occurred if said landlord had failed to heed notices given two or more times by enforcement officials. Property owner prosecuted or criminal charges for failure to stop noise violations would, on conviction, be fined $50 for the first offense; $100 for the second offense; and $200 for the third and subsequent refusal in a 36-month period.

Violators of noise ordinances may alternately be cited for non-criminal disposition. Police or enforcing officers will issue the offender a ticket with a $50 fine to be paid within twenty-one days of violation. Procedure for issuance of non-criminal disposition shall be parallel to that described in C.B.C. 16-26.7 for devices on motor vehicles, excepting that enforcement of noise offenses on residential premises shall be in Boston Housing Court.

CCM-101

City of Cambridge

~~18.~~
Calendar Item # 4
IN CITY COUNCIL

~~August 7, 1991~~
September 16, 1991

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ORDERED: That upon completion of the draft it be returned to the Ordinance Committee for its review and deliberation no later than September 10, 1991.

In City Council September 16, 1991.
Adopted by the affirmative vote of nine members.
Attest:- Joseph E. Connarton, City Clerk.

A true copy; Joseph E. Connarton

ATTEST:-

Joseph E. Connarton, City Clerk

CITY OF BOSTON

IN THE YEAR NINETEEN HUNDRED AND

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~~-18-~~
Calendar Item # 4
IN CITY COUNCIL

~~August 7, 1991~~
September 16, 1991

COUNCILLOR DUEHAY

ORDERED: That the attached Municipal Ordinance entitled **"SEIZURE OF AMPLIFICATION OR SOUND PRODUCING EQUIPMENT WHEN CAUSING NOISE VIOLATION"** in the City of Boston be referred to the City Solicitor for his review and draft the applicable amendments incorporating provisions of this ordinance into Chapter 8.16 entitled "Noise Control" of the Municipal Code of the City of Cambridge; and be it further

ORDERED: That upon completion of the draft it be returned to the Ordinance Committee for its review and deliberation no later than September 10, 1991.

In City Council September 16, 1991.
Adopted by the affirmative vote of nine members.
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton, City Clerk

CITY OF BOSTON

IN THE YEAR NINETEEN HUNDRED AND

AN ORDINANCE

SEIZURE OF AMPLIFICATION OR SOUND-PRODUCING EQUIPMENT WHEN CAUSING NOISE VIOLATIONS

SPONSORED BY COUNCILLOR HENNIGAN CASEY

Be it ordained by the City Council of Boston in accordance with the provisions of Massachusetts General Laws Chapter 43B, Section 13, and any other applicable law, as follows:

SECTION 1: C.B.C. Ordinances 16-26 (UNREASONABLE NOISE) is amended in 16-26.6 (Disturbing the Peace) by inserting after the phrase: "between the hours of 11:00 p.m. and 7:00 a.m." the following words:

"and in excess of 70dBa at all other hours"

SECTION 2: There shall be added after C.B.C. Ordinances 16-26.6 the following new section:

16-26.7 Seizure of "boom boxes" in motor vehicles

Police shall have authority in their discretion to issue a cease and desist warning by giving a person or persons operating allowed amplification device or similar equipment installed in a motor vehicle to issue a ticket imposing a non-criminal fine; cite the offender for criminal prosecution; or seize and impound amplification devices installed in motor vehicle, such as so-called

"boom boxes," radio amplification or similar equipment when it is used to create unreasonable noise violating ordinance sections 16-26.1 and 16-26.6. This ordinance shall apply whether violations eminate from a moving or parked vehicle.

As alternative to decibal standards outlined in 16-26.6, police are authorized to cite violators and seize noise-making amplification equipment installed in a motor vehicle if the sound is discernable at a distance of 100 feet or more from the source.

When a noise violation has occurred, causing disturbance of the peace to a neighborhood, recreation, business area, church, synagogue, temple, public transportation platforms or public transportation vehicles, police may prosecute in a criminal complaint the owner of the sound-making equipment and also the owner of the motor vehicle, if different. Upon conviction in a district or Boston Municipal Court, the violator(s) shall be subject to a $50 fine for the first offense, $100 for the second offense, and $200 for a third or subsequent offense committed over a 36-month period.

As an alternative to instituting criminal proceedings, any officer empowered to enforce this ordinance who takes cognizance of a violation thereof, may forthwith give to the offender a written notice to appear before the Clerk of the District or Municipal Court having jurisdiction at any time during office hours, not later than twenty-one days after the date of such violation. Such notice shall be in triplicate and shall contain the name and address of the offender, the specific offense charged, and the time and place for his or her required appearance. Such notice shall be signed by the offender in acknowledgement that such notice has been received. Refusal by the offender to sign such acknowledgement shall require the officer to bring crinimal prosecution for violation of the noise ordinance.

Any person notified to appear before the Clerk of Court may do so and confess the offense charged, either personally or through an agent duly authorized in writing, or by mailing to such Clerk, with the notice, the sum of $50. Such payment shall be made only by postal note, money order or check.

If any person so notified to appear before the Clerk of Court fails to appear and/or pay the fine provided hereunder, or, having appeared desires not to avail himself or herself of the procedure provided for non-criminal disposition of the case, the Clerk shall, as soon as may be, notify the enforcement officer concerned, who shall forthwith make a complaint and follow the procedure established for violation of these ordinances. The notice to appear provided herein shall be printed in such form as may be satisfactory to the Chief Judge of the Boston Municipal and the District Courts.

When determination is made to seize any noise-producing equipment, police shall obtain identity of owner or person operating the equipment and give that person a receipt listing and describing items seized. In the event equipment used in violation of noise ordinances is to be seized but cannot easily be removed from the motor vehicle, police shall have authority to impound the vehicle with all its contents, major items of which shall be inventory in a list kept by police, a copy of which to be supplied to the owner.

In the event the motor vehicle seized is owned by a different person or business entity, police shall send notice of seizure and receipt identifying the vehicle confiscated and its contents to said owner.

Equipment seized and impounded shall be kept in custody until fines are paid or judicial process involving the case has been completed.

In instances of repeat offenses or a flagrant violation of the noise ordinances, police may seek permission in the Court for disposition or destruction of the equipment.

Police summoned to quell loud noises eminating from a radio or amplification device on a motor vehicle may, at discretion, issue a warning to offenders. A record of service of the warning stating: names and addresses of persons warned; date; time; motor vehicle registration; location or description of the site shall be made by the responding officer and shall be filed at his or her Area station. The notice of warning service shall be maintained by the Area Community Relations Officer.

Refusal of an offender to give his or her true name and address when requested by a police officer shall be grounds for taking the person into custody until his or her identity has been established.

In the event of subsequent noise violations, reports concerning the same address or same individuals, the Community Relations Officer shall be empowered to seek a criminal complaint based on documents filed.

SECTION 3: There shall be added a new section as follows:

C.B.C. 16-26.8 Portable "Boom Boxes" on Streets

Police who witness individuals on a public way or public area playing radios, amplification devices, including instruments, portable "boom boxes," so-called, or other sound-producing articles so as to exceed 50 decibals in the hours between 11:00 p.m. to 7:00 a.m., and 70 decibals at other times or be audible at a distance or 100 feet or more, may issue a warning, a non-criminal disposition and fine or arrest on criminal charges, and may also seize such articles.

If a warning is issued, police may require the offender to identify himself or herself, giving name and address. Refusal to give identity can subject the individual to police custody until identity is established.

As an alternative to instituting criminal proceedings, any officer empowered to enforce this ordinance may cite through a non-criminal disposition ticketing and fine process an individual playing any radio or sound amplification device on the public ways to a degree of loudness violating noise ordinance standards described in this ordinance.

The ticket notice shall direct the offender to appear before the Clerk of the District or Municipal Court having jurisdiction any time during office hours, not later than 21 days after the date of such violation. Such notice shall be in triplicate and shall contain the name and address of the offender specific offense charged, and the time and place for his or her required appearance. Refusal of the offender to sign such acknowledgement shall require the officer to bring criminal prosecution for violation of the noise ordinance.

Any person notified to appear before the Clerk of Court may do so and confess the offense charged, whether personally or through an agent duly authorized in writing, or by mailing to such Clerk, with the notice, the sum of $50. Such payment shall be made only by postal note, money order or check.

If any person so notified to appear before the Clerk of Court fails to appear and/or pay the fine provided hereunder, or, having appeared desires not to avail himself or herself of the procedure provided for non-criminal disposition of the case, the Clerk shall, as soon as may be, notify the enforcement officer concerned, who shall forthwith make a complaint and follow the procedure established for violation of these ordinances. The notice to appear provided herein shall be printed in such form as may be satisfactory to the Chief Judge of the Boston Municipal and the District Courts.

When circumstances warrant, in the opinion of the enforcement officer, he or she may seize the radio, portable "boom box" or other sound-producing equipment to be kept in custody until fines are paid or judicial process involving the case has been completed. The officer ordering seizure shall give the owner or user a receipt identifying the article or articles taken and impounded.

SECTION 4: There shall be added a new section as follows:

C.B.C. 16-26.9 Warning Concerning Loud Parties on Residential Premises

Police summoned to quell loud noise from a radio or amplification device in a dwelling or lawn, yard or sidewalk areas in a residential district may, at discretion, issue a warning to offenders in a verbal or written fashion. The landlord or owner of the premises, if not among the offenders, shall also receive notice of the offense.

A record of service of the warning stating: names and addresses of persons warned; name of landlord or owner, if different; date; time; address; apartment number if applicable; or description of site if outdoors, shall be made by the responding officer and shall be maintained by the Area Police Community Relations Officer.

In the event of subsequent noise violations, reports concerning the same address or same individual(s), the Area Police Community Relations Officer shall be empowered to seek criminal complaint in Boston Housing Court based on documents compiled.

SECTION 5: There shall be added the following new section:

C.B.C. 16-26.10 Prosecution of Noise Offenses, Loud Parties

Police arriving at the scene of a party or gathering from which loud sounds are emitted by means of amplification devices or radios may cite offenders criminally or civilly.

Under criminal prosecution, offenders shall be referred to the Boston Housing Court for penalty upon conviction of $50 for a first offense; $100 for a second offense; and $200 for each subsequent offense committed within a 36-month period.

Police may also prosecute the landlord or owner of the unit where the violation occurred if said landlord had failed to heed notices given two or more times by enforcement officials. Property owner prosecuted on criminal charges for failure to stop noise violations would, on conviction, be fined $50 for the first offense; $100 for the second offense; and $200 for the third and subsequent refusal in a 36-month period.

Violators of noise ordinances may alternately be cited for non-criminal disposition. Police or enforcing officers will issue the offender a ticket with a $50 fine to be paid within twenty-one days of violation. Procedure for issuance of non-criminal disposition shall be parallel to that described in C.B.C. 16-26.7 for devices on motor vehicles, excepting that enforcement of noise offenses on residential premises shall be in Boston Housing Court.

CCM-101

City of Cambridge

18.

IN CITY COUNCIL

August 7, 1991

COUNCILLOR DUEHAY

ORDERED: That the attached Municipal Ordinance entitled **"SEIZURE OF AMPLIFICATION OR SOUND PRODUCING EQUIPMENT WHEN CAUSING NOISE VIOLATION"** in the City of Boston be referred to the City Solicitor for his review and draft the applicable amendments incorporating provisions of this ordinance into Chapter 8.16 entitled "Noise Control " of the Municipal Code of the City of Cambridge; and be it further

ORDERED: That upon completion of the draft it be returned to the Ordinance Committee for its review and deliberation ro later than September 10, 1991.

CHARTER RIGHT EXERCISED BY COUNCILLOR MYERS

CITY OF BOSTON

IN THE YEAR NINETEEN HUNDRED AND

AN ORDINANCE

SEIZURE OF AMPLIFICATION OR SOUND-PRODUCING EQUIPMENT WHEN CAUSING NOISE VIOLATIONS

SPONSORED BY COUNCILLOR HENNIGAN CASEY

Be it ordained by the City Council of Boston, in accordance with the provisions of Massachusetts General Laws Chapter 43B, Section 13, and any other applicable law, as follows:

SECTION 1: C.B.C. Ordinances 16-26 (UNREASONABLE NOISE) is amended in 16-26.6 (Disturbing the Peace) by inserting after the phrase: "between the hours of 11:00 p.m. and 7:00 a.m." the following words:

"and in excess of 70dBa at all other hours"

SECTION 2: There shall be added after C.B.C. Ordinances 16-26.6 the following new section:

16-26.7 Seizure of "boom boxes" in motor vehicles

Police shall have authority in their discretion to issue a cease and desist warning by giving a person or persons operating allowed amplification device or similar equipment installed in a motor vehicle to issue a ticket imposing a non-criminal fine; cite the offender for criminal prosecution; or seize and impound amplification devices installed in motor vehicle, such as so-called

"boom boxes," radio amplification or similar equipment when it is used to create unreasonable noise violating ordinance sections 16-26.1 and 16-26.6. This ordinance shall apply whether violations eminate from a moving or parked vehicle.

As alternative to decibal standards outlined in 16-26.6, police are authorized to cite violators and seize noise-making amplification equipment installed in a motor vehicle if the sound is discernable at a distance of 100 feet or more from the source.

When a noise violation has occurred, causing disturbance of the peace to a neighborhood, recreation, business area, church, synagogue, temple, public transportation platforms or public transportation vehicles, police may prosecute in a criminal complaint the owner of the sound-making equipment and also the owner of the motor vehicle, if different. Upon conviction in a district or Boston Municipal Court, the violator(s) shall be subject to a $50 fine for the first offense, $100 for the second offense, and $200 for a third or subsequent offense committed over a 36-month period.

As an alternative to instituting criminal proceedings, any officer empowered to enforce this ordinance who takes cognizance of a violation thereof, may forthwith give to the offender a written notice to appear before the Clerk of the District or Municipal Court having jurisdiction at any time during office hours, not later than twenty-one days after the date of such violation. Such notice shall be in triplicate and shall contain the name and address of the offender, the specific offense charged, and the time and place for his or her required appearance. Such notice shall be signed by the offender in acknowledgement that such notice has been received. Refusal by the offender to sign such acknowledgement shall require the officer to bring crinimal prosecution for violation of the noise ordinance.

Any person notified to appear before the Clerk of Court may do so and confess the offense charged, either personally or through an agent duly authorized in writing, or by mailing to such Clerk, with the notice, the sum of $50. Such payment shall be made only by postal note, money order or check.

If any person so notified to appear before the Clerk of Court fails to appear and/or pay the fine provided hereunder, or, having appeared desires not to avail himself or herself of the procedure provided for non-criminal disposition of the case, the Clerk shall, as soon as may be, notify the enforcement officer concerned, who shall forthwith make a complaint and follow the procedure established for violation of these ordinances. The notice to appear provided herein shall be printed in such form as may be satisfactory to the Chief Judge of the Boston Municipal and the District Courts.

When determination is made to seize any noise-producing equipment, police shall obtain identity of owner or person operating the equipment and give that person a receipt listing and describing items seized. In the event equipment used in violation of noise ordinances is to be seized but cannot easily be removed from the motor vehicle, police shall have authority to impound the vehicle with all its contents, major items of which shall be inventory in a list kept by police, a copy of which to be supplied to the owner.

In the event the motor vehicle seized is owned by a different person or business entity, police shall send notice of seizure and receipt identifying the vehicle confiscated and its contents to said owner.

Equipment seized and impounded shall be kept in custody until fines are paid or judicial process involving the case has been completed.

In instances of repeat offenses or a flagrant violation of the noise ordinances, police may seek permission in the Court for disposition or destruction of the equipment.

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Refusal of an offender to give his or her true name and address when requested by a police officer shall be grounds for taking the person into custody until his or her identity has been established.

In the event of subsequent noise violations, reports concerning the same address or same individuals, the Community Relations Officer shall be empowered to seek a criminal complaint based on documents filed.

SECTION 3: There shall be added a new section as follows:

C.B.C. 16-26.8 Portable "Boom Boxes" on Streets

Police who witness individuals on a public way or public area playing radios, amplification devices, including instruments, portable "boom boxes," so-called, or other sound-producing articles so as to exceed 50 decibals in the hours between 11:00 p.m. to 7:00 a.m., and 70 decibals at other times or be audible at a distance or 100 feet or more, may issue a warning, a non-criminal disposition and fine or arrest on criminal charges, and may also seize such articles.

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The ticket notice shall direct the offender to appear before the Clerk of the District or Municipal Court having jurisdiction any time during office hours, not later than 21 days after the date of such violation. Such notice shall be in triplicate and shall contain the name and address of the offender specific offense charged, and the time and place for his or her required appearance. Refusal of the offender to sign such acknowledgement shall require the officer to bring criminal prosecution for violation of the noise ordinance.

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Under criminal prosecution, offenders shall be referred to the Boston Housing Court for penalty upon conviction of $50 for a first offense; $100 for a second offense; and $200 for each subsequent offense committed within a 36-month period.

Police may also prosecute the landlord or owner of the unit where the violation occurred if said landlord had failed to heed notices given two or more times by enforcement officials. Property owner prosecuted on criminal charges for failure to stop noise violations would, on conviction, be fined $50 for the first offense; $100 for the second offense; and $200 for the third and subsequent refusal in a 36-month period.

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18

Non Consent

July 29, 1991

Councillor Duehay

ORDERED: That the attached Municipal ordinance entitled "Seizure of Amplification or Sound-Producing Equipment when Causing Noise Violation" in the City of Boston be referred to the City Solicitor for his review and Draft the applicable amendments incorporating Provisions of this ordinance into Chapter 8.16 entitled "Noise Control" of the Municipal Code of the City of Cambridge; and be it further

ORDERED: That upon completion of the Draft it be returned to the Ordinance Committee for its review and deliberation no later than September 10, 1991.

CITY OF BOSTON

IN THE YEAR NINETEEN HUNDRED AND

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CCM-101

City of Cambridge

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IN CITY COUNCIL

July 29, 1991

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ORDERED: That upon completion of the draft it be returned to the Ordinance Committee for its review and deliberation no later than September 10, 1991.

NON-CONSENT ORDER # 18 O-60

Councillor Duehay re: proposed amendment to the Municipal Code re: boom boxes.

12/9/91 Placed on file without prejudice

In City Council,

August 7, 1991

Charter Right
Sponsored by
Councillor Myers.
Order adopted 9/18/91