



City of Cambridge

In the Year One Thousand, Nine Hundred **Ninety-Eight**

AN ORDINANCE

In amendment to the ordinance entitled "Municipal Code of the City of Cambridge."

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

Amend the Cambridge Municipal Code by adding to §8.16.060 (A) a new subsection 3, to read as follows:

"3. To bell towers or clock towers with bells or chimes."

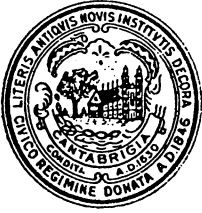
Amend the Cambridge Municipal Code by adding to §8.16.080 a new third sentence to the first paragraph to read as follows:

"Bell towers and clock towers with bells or chimes shall be exempt from the operation of this section."

Passed to a second reading at the City Council meeting held on June 22, 1998 and on or after July 6, 1998 the question comes on adoption.

ATTEST:-

**D. Margaret Drury
City Clerk**



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ATTEST:-

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City of Cambridge

The Ordinance Committee held a public hearing on March 18, 1998, beginning at 6:35 p.m. in the Sullivan Chamber for the purpose of considering proposed changes to the Noise Ordinance to allow for disabling car alarms and towing cars when car alarms do not automatically shut off within ten minutes as required by sec. 8.16.080 (J) (3) of the Noise Ordinance.

Present at the hearing were Councillor Henrietta Davis, Chair of the Committee, Councillor Kathleen L. Born, Mayor Francis H. Duehay, and City Clerk D. Margaret Drury. Also present were Supervising Legal Counsel Arthur Goldberg, City Solicitor's Office; Benjamin Barnes, Chair, License Commission; and Police Lieutenant Steven Williams.

Councillor Davis convened the hearing and explained the purpose. She requested that Attorney Goldberg make a presentation. Attorney Goldberg explained that at the request of the City Council a draft ordinance was prepared and sent by the City Manager to the City Council and thereafter referred to the Ordinance Committee. At the November 19, 1997 meeting on this topic, the committee requested changes to the proposed ordinance to provide that a violation occurs if the alarm sounds for more than ten minutes in a hour and to require that a police officer witness the violation before authorizing a vehicle to be towed. These changes have been made to the draft which is now before the committee.

Councillor Born asked whether her church, which can park twenty cars, would be fined if a car alarm were to go off for more than ten minutes. Attorney Goldberg stated that if the parking is deemed a "private parking facility" then the penalty would apply.

Councillor Davis asked if that provision is really necessary, since the police already have the authority under sec. (e) to go onto private property to disarm the alarm.

Councillor Davis asked Lieutenant Williams whether from the police point of view, it would be preferable to have the private parking garage operator responsible for disarming the alarm. Lieutenant Williams answered that the police would prefer that the garage operator be responsible. Police are concerned about the liability issues. He stated that he does not believe that Police Commissioner Watson is going to want the police to disarm cars and leave them where they can be stolen.

Councillor Davis asked Benjamin Barnes if the License Commission licenses parking garages. Mr. Barnes stated that the License Commission licenses large facilities that charge a fee, but not facilities that lease spaces on a monthly basis.

Councillor Born stated that it seems clear that the Committee can agree on provision (e) as it relates to the public way. The big issue appears to be what can be done on private property. There are a couple of issues that need attention. One is the definition of a "private parking facility." Does it include any driveway? The other is the two-tier system where both the owner of the parking facility and the police are responsible for getting the alarm disabled and the car towed. She is concerned that this will mean that neither the police nor the garage owners see themselves as primarily responsible.

Councillor Davis asked Mr. Barnes whether it could be made a condition of the license that the operators contract with the car owners for authority to disarm a car.

Mr. Barnes stated that the License Commission does have that authority. He wonders whether the operators will be concerned as to the liability for a car stolen after it was disarmed. Generally the licensed facilities have an attendant on sight. It is the unattended garages where these problems usually occur.

Councillor Born stated her concern about police reluctance to disarm the alarm. Lieutenant Williams stated there is not a problem when the police tow the car to a safe storage place. The worry is disabling the alarm and leaving the vehicle where it can then be stolen.

Councillor Davis then invited public testimony in support of the proposed amendment.

Peter Waters, Magazine Street, stated that he has noticed cars with very sensitive alarms that go off only for one minute, but go off often. He is concerned that citizens will have to listen to a lot of noise. He would like to see owners discouraged from using a noise device to discourage theft.

Councillor Born asked if he would like to see a shorter period of time. Mr. Waters stated that he would.

Mr. Waters asked whether, if he had telephoned the police, and the alarm had stopped when the police arrived, the police would wait an hour to see if it would happen. Councillor Davis explained that the provision defining a violation as more than ten minutes in an hour is intended to address the type of alarm that has a few minutes on cycle then it goes off and then on again, so that it is on more than ten minutes total but not ten minutes at one time.


Lieutenant Williams stated that the Police Commissioner would be open to having a shorter time limit at night. Attorney Goldberg stated that he believes that at a previous Ordinance Committee meeting on this topic there was testimony that the times are set at the factory and cannot be reset by owners.

Councillor Davis suggested eliminating section (b), which holds owners of private parking facilities responsible for car alarms that sound in violation of the ordinance, because of the issues raised at the hearing.

Councillor Born asked Lieutenant Williams whether the police were willing to tow from private property. Lieutenant Williams stated that this is new ground for the police and the Commissioner will want to talk with the Law Department, to be clear on the legal basis.

Councillor Born moved that section (b) be stricken and that the proposal as amended be forwarded to the full City Council with a positive recommendation. The motion passed without objection.

The meeting was adjourned at 7:30 p.m.

For the Committee,

Councillor Henrietta Davis
Chair

11/19/97 Recommended revisions to proposed section e.

Cambridge City Code §8.16.080(J)(3) of the Noise Control Ordinance shall be amended as follows (assuming enactment of the April 9, 1997 proposed amendments):

A new subsection shall be added as follows:

e. Any motor vehicle, located on either public or private property, whose alarm has been sounding in excess of ten minutes in an hour, is hereby deemed to be a public nuisance subject to immediate abatement. To effect abatement, police must first observe personally that the sounding has lasted in excess of ten minutes, and then make reasonable efforts to contact the owner of such vehicle to either have the owner shut-off the alarm or to authorize police to arrange for the shut-off of the alarm. If such efforts are unsuccessful, police are hereby authorized to abate the nuisance by arranging for tow company employees to shut off the alarm and/or to tow the motor vehicle to a storage area or other place of safety. In addition to any fines for violating this Chapter, the registered owner of the motor vehicle shall be responsible for all reasonable expenses, costs, and charges incurred by the deactivation of the alarm, and by the removal and storage of such vehicle.

City of Cambridge

MASSACHUSETTS

In City Council _____, 199

#14 Ordination Cur Aloun Ane d

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Ms. Henrietta Davis
✓				V. Mayor Anthony Galluccio
✓				Mr. Kenneth E. Reeves
✓				Ms. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Francis H. Duehay

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In amendment to the ordinance entitled "Municipal Code of the City of Cambridge"

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

Cambridge City Code §8.16.080(J)(3) of the Noise Control Ordinance shall be amended as follows:

- a. Insert the letter "a." before the first sentence of said section, and add to the end of that first sentence: "and does not sound again at all within the hour."
- b. Add a new subsection as follows:

"c. In addition to the enforcement provisions of §8.16.040, violators of sections a and b above shall be subject to a fine of \$100.00 for each violation. Each 10 minute interval of sounding, or part thereof, after the initial 10 minute sounding shall constitute a separate violation."
- c. Add a new subsection as follows:

"d. Fines for the sounding of burglar or fire alarms in violation of this ordinance may be assessed against the owner or occupant of the building in which the alarm is located."

A new subsection shall be added as follows:

- d. Any motor vehicle, located on either public or private property, whose alarm has been sounding in excess of ten minutes in an hour, is hereby deemed to be a public nuisance subject to immediate abatement. To effect abatement, police must first observe personally that the sounding has lasted in excess of ten minutes, and then make reasonable efforts to contact the owner of such vehicle to either have the owner shut-off the alarm or to

authorize police to arrange for the shut-off of the alarm. If such efforts are unsuccessful, police are hereby authorized to abate the nuisance by arranging for tow company employees to shut off the alarm and/or to tow the motor vehicle to a storage area or other place of safety. In addition to any fines for violating this Chapter, the registered owner of the motor vehicle shall be responsible for all reasonable expenses, costs, and charges incurred by the deactivation of the alarm, and by the removal and storage of such vehicle.

In City Council April 27, 1998.

Passed to be ordained by a yea and nay vote:-

Yeas 9 ; Nays 0 ; Absent 0 .

ATTEST:-

D. Margaret Drury
City Clerk

11/19/97 Recommended revisions to proposed amendments in sec a and
see b.

Cambridge City Code §8.16.080(J)(3) of the Noise Control Ordinance shall be amended as follows:

- a. Insert the letter "a." before the first sentence of said section, and add to the end of that first sentence: "and does not sound again at all within the hour."
- b. Add a new subsection as follows:
"b. The owner and/or operator of any private parking facility in which a motor vehicle burglar alarm has been sounding for more than ten minutes in an hour shall be in violation of this ordinance."
- c. Add a new subsection as follows:
"c. In addition to the enforcement provisions of §8.16.040, violators of sections a and b above shall be subject to a fine of \$100.00 for each violation. Each 10 minute interval of sounding, or part thereof, after the initial 10 minute sounding shall constitute a separate violation. "
- d. Add a new subsection as follows:
"d. Fines for the sounding of burglar or fire alarms in violation of this ordinance may be assessed against the owner or occupant of the building in which the alarm is located."

4/9/97 Proposed amendments

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4/9/97

Cambridge City Code §8.16.080(J)(3) of the Noise Control Ordinance shall be amended as follows (assuming enactment of the April 9, 1997 proposed amendments):

A new subsection shall be added as follows:

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Russell B. Higley
City Solicitor
Donald A. Drisdell
Deputy City Solicitor
Nancy E. Glowa
First Assistant
City Solicitor
Arthur J. Goldberg
Supervising
Legal Counsel



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Vali Buland

Michael C. Costello
Assistant City Solicitor

To: D. Margaret Drury, City Clerk
From: Arthur Goldberg *AG*
Date: March 19, 1998
Re: Noise ordinance amendments regarding alarms

I was asked at last night's Ordinance Committee meeting to delete the section of the proposed noise ordinance amendments that would have held owners or operators of private parking facilities responsible for car alarms sounding in violation of the ordinance, and to reletter the remaining proposed ordinance amendments. I have done so below.

Cambridge City Code §8.16.080(J)(3) of the Noise Control Ordinance shall be amended as follows:

New subsections shall be added as follows:

Insert the letter "a." before the first sentence of said section, and add to the end of that first sentence: "and does not sound again at all within the hour."

"b. In addition to the enforcement provisions of §8.16.040, violators of section a above shall be subject to a fine of \$100.00 for each violation. Each 10 minute interval of sounding, or part thereof, after the initial 10 minute sounding shall constitute a separate violation.

c. Fines for the sounding of burglar or fire alarms in violation of this ordinance may be assessed against the owner or occupant of the building in which the alarm is located.

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property, whose alarm has been sounding in excess of ten minutes in an hour, is hereby deemed to be a public nuisance subject to immediate abatement. To effect abatement, police must first observe personally that the sounding has lasted in excess of ten minutes, and then make reasonable efforts to contact the owner of such vehicle to either have the owner shut-off the alarm or to authorize police to arrange for the shut-off of the alarm. If such efforts are unsuccessful, police are hereby authorized to abate the nuisance by arranging for tow company employees to shut off the alarm and/or to tow the motor vehicle to a storage area or other place of safety. In addition to any fines for violating this Chapter, the registered owner of the motor vehicle shall be responsible for all reasonable expenses, costs, and charges incurred by the deactivation of the alarm, and by the removal and storage of such vehicle."

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Committee Report #2

Col. 14

Communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Henrietta Davis, Chair of the Ordinance Committee, for a meeting held on March 18, 1998 for the purpose of considering proposed changes to the Noise Ordinance to allow for disabling car alarms and towing cars when car alarms do not automatically shut off within ten minutes as required by Sec. 8.16.080 (J)(3) of the Noise Ordinance.

0-12

4/13/98

NO Action Taken

4/27/98

Passed to be Ordained
9-0-0.

In City Council April 6, 1998.

Report Accepted

PLACED ON FILE

Passed to a 2nd reading
as amended.