



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

## LAW DEPARTMENT

RUSSELL B. HIGLEY  
CITY SOLICITOR

RUSSELL B. HIGLEY

EDWARD A. CUNNINGHAM  
ANDREW T. TRODDEN  
LEGAL COUNSEL

CHARLES A. WATSON  
LEGISLATIVE AGENT

January 5, 1979

Mr. James L. Sullivan  
City Manager  
City Hall  
Cambridge, Massachusetts

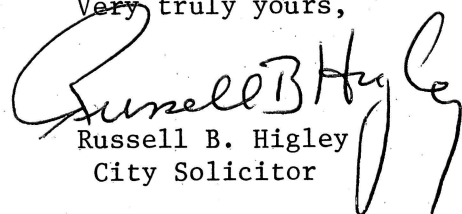
Dear Mr. Sullivan:

I am in receipt of a request for an opinion concerning a proposed amendment to the General Ordinances of the City. The amendment in question, a copy of which is attached, seeks to authorize a user charge to be entered on all water/sewer bills for failure to comply with any provisions of the snow removal ordinance.

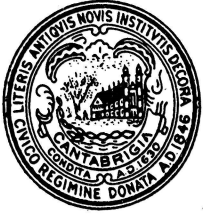
In my opinion, this proposed amendment would act to deny due process rights under the 14th Amendment to the Federal Constitution. It is my understanding that water and sewer bills are sent out bi-annually. As a result, a citizen in violation of the snow removal ordinance might not receive his first notification of such violation until several months thereafter by means of a water/sewer bill. In my opinion, this procedure would violate a citizen's due process rights to timely notice of the violation.

If you have further questions concerning this issue, please let me know.

Very truly yours,

  
Russell B. Higley  
City Solicitor

RBH:jl  
Enc.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

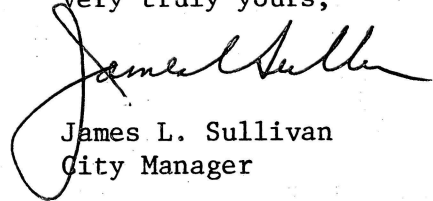
EXECUTIVE DEPARTMENT  
JAMES L. SULLIVAN  
City Manager

January 8, 1979

To the Honorable, the City Council:

With respect to Awaiting Report Item No. 4 relative to amending Ordinance No. 798 by affixing a user charge of \$50.00 to private property for the non-removal of snow and ice from sidewalks, enclosed please find copy of an opinion from Russell B. Higley, City Solicitor.

Very truly yours,



James L. Sullivan  
City Manager

JLS/mbf  
Enc.

0-3

Response to Awaiting Report No. 4 re: amending Ordinance No. 798 by affixing a user charge of \$50.00 to private property for the non-removal of snow and ice from sidewalks.

In City Council,

January 8, 1979

1/8/79

Placed on file

Recorded by

E. Anne Se

hien