

CITY OF CAMBRIDGE

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June 13, 1997

Mr. Robert W. Healy
City Manager
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Council Order # 47 (5-5-97) - Clean gutters

Dear Mr. Healy:

I write in response to Council Order #47 (amended), dated 5-5-97, which orders, inter alia, "That the City Manager instruct the Law Department to prepare an ordinance to encourage the cleanest gutters possible."

As Commissioner Dunphy pointed out in his memorandum to you of May 14, we already have an ordinance which addresses this problem, Cambridge Code, §8.24.040, which is part of Chapter 8.24 (Refuse and Litter). Section 8.24.040 states, in part:

B. Maintenance of Sidewalks

1. Every owner or occupant of private property bordering on a street where there is a public or private sidewalk or footway shall maintain such sidewalk or footway and the adjoining gutter to the center of the street free of litter.

In §8.24.040, "litter" is defined to mean

... all refuse, and includes any other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger or nuisance to public health, safety or welfare.

"Refuse," in turn, means

all solid waste generated by occupiers of land in Cambridge, excluding construction demolition debris.

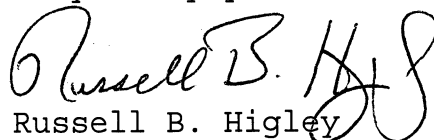
For violations of this Ordinance, §8.24.260 provides a criminal penalty of \$50.00 and a noncriminal penalty of \$25.00.

Regarding the Council's desire for a "public information campaign," §8.24.230 of Chapter 8.24 states, in part

A. The City shall publicize the provisions of this chapter through the media of signs, advertisements, flyers, leaflets, announcements on radio and television, newspaper articles and through any other appropriate means, so that all citizens will have the opportunity to become informed about the legal duties of property owners and occupants ...

In conclusion, the existing Cambridge Code, in §§8.24.040 and 8.24.230, already provides for clean sidewalks and gutters and for a public information campaign. In my opinion, therefore, it is not necessary to draft a new ordinance.

Very truly yours,


Russell B. Higley

RBH/jml

cc: Commissioner Ralph Dunphy



CITY OF CAMBRIDGE
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6.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

June 23, 1997

To The Honorable, The City Council:

Please find attached a response to Council Order No. 47, dated May 5, 1997, regarding preparing an ordinance to encourage the cleanest gutters possible, received from City Solicitor Russell B. Higley.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
attachment

Consent Agenda #6

5-387

Relative to Council Order No. 47, dated
May 5, 1997, regarding preparing an
ordinance to encourage the cleanest gutters
possible.

In City Council June 23, 1997

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