



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9020

## LAW DEPARTMENT

RUSSELL B. HIGLEY  
CITY SOLICITOR

DONALD A. DRISDELL  
DEPUTY CITY SOLICITOR

MICHAEL C. COSTELLO  
ASSISTANT CITY SOLICITOR

SEVERLIN B. SINGLETON, III  
BIRGE ALBRIGHT  
GAIL S. GABRIEL  
LEGAL COUNSEL

July 22, 1988

TO: Mr. Robert W. Healy  
City Manager

FROM: Russell B. Higley  
City Solicitor

RE: Noncriminal Disposition of Certain Ordinance Violations

In response to an order introduced in the Council by David Sullivan, I am submitting this interim report. Councillor Sullivan's order requests the drafting of an Ordinance to provide for noncriminal enforcement of several City Ordinances.

The Law Department has prepared a draft Ordinance regarding the following sections of the Code:

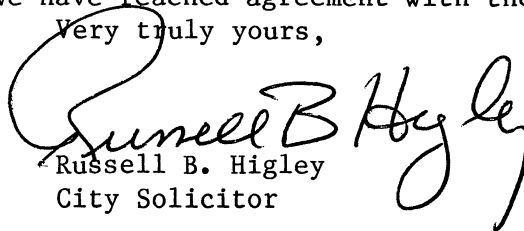
|              |  |
|--------------|--|
| Section 13-4 | (Smoking)  |
| 13-10        | (Noise)  |
| 17-73        | (Litter)   |
| 17-74        | (Duties of property owners re refuse disposal)         |
| 17-75        | (Duties of property owners re litter)                  |
| 17-76        | (Garbage and rubbish collection from private property) |
| 17-77        | (Charges for collection of ashes and rubbish)          |
| 17-78        | (Charges for use of City dumps)                        |
| 17-79        | (Duties of property owners re snow and ice removal)    |

General Laws Chapter 40, Section 21D, the statute which creates the authority for noncriminal enforcement, requires involvement of the Chief Justice of the District Court. We have made arrangements to meet with Judge

Feloney to discuss with him the City's desire to implement noncriminal enforcement. Staff members at the Executive Office of Communities and Development advise us that a cooperative relationship with the local district court is crucial to make such a program successful. We, therefore, think it is best to complete negotiations with the district court prior to adoption of this proposed Ordinance.

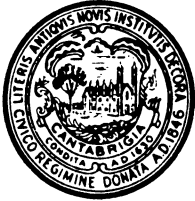
We will report to you as soon as we have reached agreement with the court.

Very truly yours,

A handwritten signature in cursive script that reads "Russell B. Higley". The signature is written in black ink and is positioned above the typed name and title.

Russell B. Higley  
City Solicitor

RBH/mbf



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
TEL. 498-9011

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

RICHARD C. ROSSI  
Deputy City Manager

July 25, 1988

To the Honorable, the City Council:

Enclosed please find copy of an interim report from Russell B. Higley, City Solicitor, relative to drafting an Ordinance to provide for noncriminal enforcement of several City Ordinances.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mbf  
Enc.

Agenda Item No. 17 *O-41*

Re: enclosed interim report from the City Solicitor on the drafting of an Ordinance to provide non-criminal enforcement of several City Ordinances.

In City Council,

July 25, 1988

*Placed on file*