



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

April 9, 1997

RICHARD C. ROSSI
Deputy City Manager

To the Honorable, the City Council:

In response to City Council Order #2 of March 31, 1997, I am attaching proposed amendments to the Noise Ordinance.

The proposed amendment to the Noise Ordinance would create a new penalty in the form of potential fines against the owner or operator of a private parking facility, as well as a new fine against the owner of a vehicle, in the event that a car alarm sounds and is not disarmed within ten minutes. For each ten minute period that an alarm continues to sound a new offense would occur and be subject to a separate fine. A comparable fine for each ten minute period would be assessed to the owner or occupant of a building in which a burglar or fire alarm is located.

The Law Department continues to explore the complex issues raised by the proposal that the ordinance authorize the police to disarm the alarm. Difficulties are presented with regard to a warrantless entry upon private property. I will advise the Council further of the advisability of such an approach. In the meanwhile, I recommend that the Council consider the as yet untried approach of holding the owner and operator of a parking facility responsible, and subject to fines, for the extended nuisance caused to surrounding residents when alarms are allowed to continue longer than ten minutes. With each ten minute interval constituting a separate violation a fine of, for example, \$100 per violation, would quickly mount to a substantial monetary incentive for owners and operators of parking facilities to make arrangements with customers to provide a means to disarm an alarm system. The same analysis applies to the burglar and fire alarms.

These new fines would augment existing enforcement options.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy
City Manager

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.
- 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 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."



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City Manager

RICHARD C. ROSSI
Deputy City Manager

April 14, 1997

To The Honorable, The City Council:

In response to Awaiting Report Item Number 29, please find attached the proposed amendments to the Noise Ordinance as submitted to the Noise Sub-committee of the Environment Committee, Tuesday, April 8, 1997.

Very truly yours,

Robert W. Healy
City Manager

RWH/dls

Consent Agenda #8

5-216(a)

Relative to Awaiting Report Item
Number Twenty-Nine, regarding
effectiveness of the present noise
ordinance.

In City Council April 14, 1997

Referred to Noise
Sub-Committee of
the Environment
Committee on the
motion of
Councillor Sullivan
and Councillor Davis.

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