



City of Cambridge

12.

IN CITY COUNCIL

October 22, 1984

COUNCILLOR DAVID SULLIVAN

WHEREAS: Cooler weather will soon bring relief to neighbors of Paine Playground (Amory Street and St. Mary Road) and other public recreation areas, who have been disturbed by excessive noise, especially at night; and

WHEREAS: This problem will resume next spring unless preventive action is taken; and

WHEREAS: The Community Development Department has studied the Paine Playground problem and made certain recommendations, which were approved at a meeting of neighbors held on October 17, 1984, and among which are the subjects of this order; therefore, be it

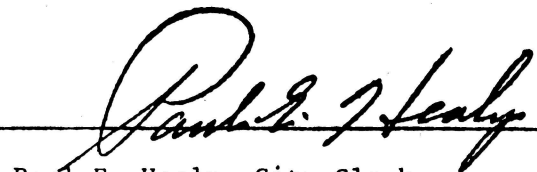
ORDERED: That the City Manager request the City Solicitor to prepare ordinances for consideration by this City Council:

- (1) authorizing the city to close parks and playgrounds at 9:00 p.m., after which presence will constitute trespassing; and
- (2) prohibiting the use of radios in public parks and playgrounds at any time within 150 feet of a residential structure.

In City Council October 22, 1984.
 Adopted by the affirmative vote of 9 members.
 Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-


 Paul E. Healy, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

In Amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

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

Chapter Fourteen entitled "Parks and Recreation," Article III entitled "Commons and Public Grounds" is hereby amended by adding at the end thereof the following new sections:

Set the hours open closed
Sec. 14-24. Commissioner of Public Works authorized to close parks and playgrounds at 9:00 p.m.

City Manager or his designee may, at his discretion,
The Commissioner of Public Works, in his discretion, may close any park or playground between the hours of 9:00 p.m. and 6:00 a.m. by posting a sign or signs to that effect at such park or playground.

Any person entering a park or playground between said hours after it has been closed may be prosecuted for trespass.

Sec. 14-25. Radios in parks and playgrounds

No person shall use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound in any park or playground at any time to the disturbance of the peace and comfort of the inhabitants of the City.

City of Cambridge

- 2) Radios, Phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker or public address systems, unless used by the City of Cambridge or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock P. M. and seven o'clock A. M. on weeknights and twelve o'clock P. M. and seven o'clock A. M. on weekend nights in such a manner as to be plainly audible at a distance of fifty (50) feet approximately fifteen (15) meters from the building, structure, vehicle, or dwelling unit in which it is located shall be prima facie evidence of a violation of this section.
- 3) Yelling, Shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P. M. and 7:00 A. M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- 4) Animals, Birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- 5) Steam Whistles. The blowing of any locomotive steam whistle of steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- 6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

City of Cambridge

In City Council April 1, 1985

The Ordinance

Committee

comprised of the entire membership of the City Council

to which was referred a proposed amendment to the General Ordinances of the City of Cambridge in Chapter Fourteen entitled "Parks and Playgrounds", Article III entitled Commons and Public Grounds by adding at the end thereof new Sections 14-24 entitled "Commissioner of Public Works Authorized to Close Parks and Playgrounds at 9:00 P. M." and Section 14-25 entitled "Radios in Parks and Playgrounds" met on Wednesday, March 27, 1985 at 7:12 p. m. in the City Council Chamber.

Councillor David E. Sullivan, Chairman, Committee on Ordinances, presided.

Councillor David Sullivan informed the committee that this proposed amendment was drafted by the Law Department in response to an order introduced by him on October 22, 1984.

Councillor Duehay stated that his house was located across the street from a basketball court that was in operation as early as five o'clock in the morning and the late hours of the evening; that a change should be adopted to cover the hours between sunset and sunrise and discretion should be given to the Commissioner of Public Works in this regard as well as the closing of any park or playground or any portion thereof, as to the playing operation involved, the type of recreation pursued and the time that any recreation takes place without interfering with the peace of the neighborhood should be considered.

Councillor David Sullivan stated that similar problems were encountered at the playground at Amory Street and St. Mary's Road; that the committee was primarily concerned with the first page of the ordinance; that the second page of the ordinance before you is already in effect. He further stated that large areas such as Fresh Pond and the Cambridge Common should not have to be considered in any action taken by the committee since they presented different types of problems than the smaller playgrounds where people engaged in basketball and other sports after dark.

The Committee heard from Ed Fineman of 77 Inman Street who recorded himself in favor of the proposed amendment with some change and suggested that section 14-24 be amended to read:

The City Manager or his designee, may, at his discretion, set the hours any park or playground is open by posting a sign or signs to that effect at such park or playground.

Councillor David Sullivan made a motion to amend the first paragraph to read as follows: The City Manager, or his designee, in his discretion, may close any park or playground between the hours of sunset and 8:00 a. m., or any lesser period, by posting a sign or signs to that effect at such park or playground.

and the amendment -

Carried.

REPORT

Committee on

Councillor Wolf stated that she agreed with the amendment by Mr. Fineman.

The Committee heard from some citizens, who stated that playgrounds that are open without supervision caused the greatest problem for the respective neighborhood and that each playground should be addressed individually and suggested that anyone found in a park or playground after the closing time was posted should be prosecuted for trespass.

Councillor David Sullivan stated that not all problems would be solved in the event that this ordinance is adopted, but that this is a first step toward the solution.

Councillor Wolf stated that the issue of control is important as to the individual playing area and moved that the amendment submitted by Mr. Fineman be adopted substituting the City Manager, or his designee.

Councillor David Sullivan stated that the second paragraph should be amended to read: "That any person found in a park or playground, between said hours, after it has been closed, may be prosecuted for trespass". and the amendment -

Carried.

Councillor Duehay made a motion to amend the first paragraph by adding the words "or any portion thereof" and the amendment -

Carried.

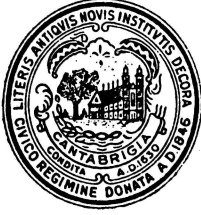
Councillor Wolf moved that the proposed amendment be reported, favorably to the City Council for their consideration at the next meeting of the City Council on April 1, 1985 - and the motion -

Carried.

The hearing closed at seven o'clock and forty-seven minutes p. m.

For the Committee,
David E. Sullivan
Councillor David E. Sullivan,
Chairman.

ENCLOSURE: AMENDED TEXT OF THE ORDINANCE.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Five

AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

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

Chapter Fourteen entitled "Parks and Recreation," Article III entitled "Commons and Public Grounds" is hereby amended by adding at the end thereof the following new sections:

Section 14-24. City Manager authorized to close parks and playgrounds.

The City Manager, or his designee, in his discretion, may close any park or playground, or any portion thereof, between the hours of sunset to 8:00 a. m., or any lesser period, by posting a sign or signs to that effect at such park or playground.

Any person found in a park or playground between said hours, after it has been closed may be prosecuted for trespass.

Section 14-25. Radios in parks and playgrounds.

No person shall use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound in any park or playground at any time to the disturbance of the peace and comfort of the inhabitants of the City.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

Robert W. Healy, City Manager
Russell B. Higley, City Solicitor
Everett Kennedy, Commissioner of Public Works
Anthony Paolillo, Chief of Police

To

Date April 11, 1985

From Paul E. Healy, City Clerk

Reference

Subject City Council hearing scheduled for 4/22/85 on a proposed Ordinance relative to the closing of parks & playgrounds at 9:00 p.m.

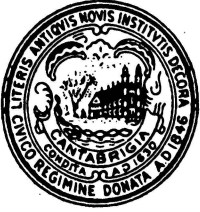
Please be advised that the City Council has scheduled a public hearing to be held on Monday, April 22, 1985 at 6:00 p.m. in the City Council Chamber on a proposed amendment to Chapter 14 of the General Ordinances entitled "Parks and Recreation" in Article III entitled "Commons and Public Gounds" by adding at the end thereof a Section 14-24 entitled "Commissioner of Public Works authorized to close parks and playgrounds at 9:00 p.m." and a Section 14-25 entitled "Radios in parks and playgrounds", as amended.

Your presence was requested at this hearing, with all legal information and background information, on motion of Councillor Vellucci.

Your very kind cooperation in this matter will be greatly appreciated by the City Council.

PEH/mh

cc: Kathy Spiegelman, Community Development Dept.



OFFICE OF
THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OK
RBE

May 15, 1985

Russell B. Higley, Esquire
City Solicitor
City Hall
Cambridge, MA

Dear Sir:

Enclosed you will find a proposed amendment to the General Ordinances of the City of Cambridge to Chapter Fourteen entitled "Parks and Recreation" which was passed to be ordained at the City Council meeting held on May 13, 1985.

Would you kindly review this amendment and indicated your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton
Joseph E. Connarton
Deputy City Clerk

JEc/dl

Enc. Ordinance No. 1021

c.c. Councillor David Sullivan, Chairman, Committee on Ordinances
Mr. Cellucci, Commissioner, Inspectional Services.



City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

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

Chapter Fourteen entitled "Parks and Recreation," Article III entitled "Commons and Public Grounds" is hereby amended by adding at the end thereof the following new sections:

Sec. 14-24. Rules for playgrounds.

The City Manager, after consulting representatives of the surrounding neighborhood and with the approval of the City Council in each instance, may adopt and amend reasonable rules governing activities in public playgrounds not exceeding 15,000 square feet in area. Such rules may prescribe the hours during which the playground shall be open. A sign or signs containing the rules shall be posted at the playground.

Sec. 14-25. Radios in parks and playgrounds.

No person shall use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound in any park or playground at any time to the disturbance of the peace and comfort of the inhabitants of the City.

In City Council May 13, 1985.

Passed to be ordained by a yeas and nays vote:- Yeas 7; Nays 1;
Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

May 15, 1985

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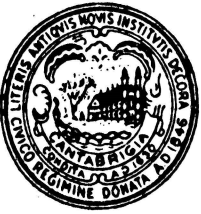
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In City Council May 13, 1985.

Passed to be ordained by a ye and nay vote:- Yeas 7; Nays 1;
Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



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Passed to be ordained by a ye and nay vote:- Yeas 7; Nays 1;
Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

City of Cambridge

MASSACHUSETTS

In City Council MAY 13 1985

Unfinished Business - Ordination

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton		✓		
Mr. Thomas W. Danehy	✓			
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan			✓	
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf	✓			
Mayor Russell	✓			

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City of Cambridge

In the Year One Thousand, Nine Hundred

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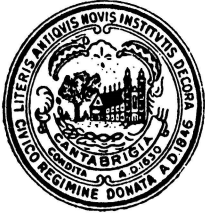
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Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



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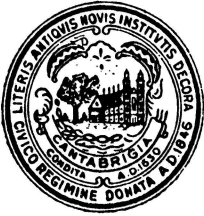
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Passed to a second reading at the meeting of the City Council held on April 29, 1985 and after May 13, 1985 the question comes on passing to be ordained.

Attest:- Paul E. Healy, City Clerk.



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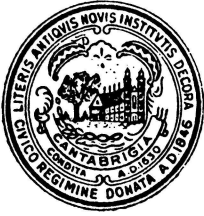
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Attest:- Paul E. Healy, City Clerk.

D. Sullivan
Graham

Section 14-24. ~~City~~ Rules for playgrounds.

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Amended Covered

Perceal to 2nd Reading



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

May 1, 1985

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PEH/d1

Enc. First Publication No. 2270.

c. c. Councillor David Sullivan, Chairman, Committee on Ordinances
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Passed to a second reading at the meeting of the City Council held on April 29, 1985 and after May 13, 1985 the question comes on passing to be ordained.

Attest:- Paul E. Healy, City Clerk.



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

May 1, 1985

Russell B. Higley, Esquire
City Solicitor
City Hall
Cambridge, MA

Dear Sir:

Enclosed you will find a proposed amendment to the General Ordinances of the City of Cambridge to Chapter Fourteen entitled "Parks and Recreation" which was passed to a second reading at the City Council meeting held on April 29, 1985.

Would you kindly review this amendment and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

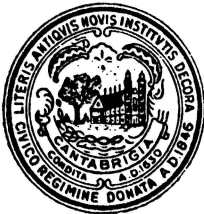
Very truly yours,

Paul E. Healy, City Clerk

PEH/dl

Enc. First Publication No. 2270.

c. c. Councillor David Sullivan, Chairman, Committee on Ordinances
Mr. Cellucci, Commissioner, Inspection Services.



City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

In Amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

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

Chapter Fourteen entitled "Parks and Recreation," Article III entitled "Commons and Public Grounds" is hereby amended by adding at the end thereof the following new sections:

Sec. 14-24. Rules for playgrounds.

The City Manager, after consulting representatives of the surrounding neighborhood and with the approval of the City Council in each instance, may adopt and amend reasonable rules governing activities in public playgrounds not exceeding 15,000 square feet in area. Such rules may prescribe the hours during which the playground shall be open. A sign or signs containing the rules shall be posted at the playground.

Sec. 14-25. Radios in parks and playgrounds.

No person shall use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound in any park or playground at any time to the disturbance of the peace and comfort of the inhabitants of the City.

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City of Cambridge

In the Year One Thousand, Nine Hundred

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City Manager
Sec. 14-24. Commissioner of Public Works authorized to close parks and playgrounds at 9:00 p.m.

The Commissioner of Public Works, in his discretion, may close any park or playground between the hours of 9:00 p.m. and 6:00 a.m. by posting a sign or signs to that effect at such park or playground.

Any person entering a park or playground between said hours after it has been closed may be prosecuted for trespass.

Sec. 14-25. Radios in parks and playgrounds

No person shall use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound in any park or playground at any time to the disturbance of the peace and comfort of the inhabitants of the City.

Sec 14-24 The City Manager or his designee, in his discretion, may close any park or playground on any portion thereof between the hours of sunset to dawn, on any lesser period by posting a sign or signs to that effect at such parks or playgrounds

Any person found in a park or playground between said hours, after it has been closed may be pros for trespass

City of Cambridge

- 2) Radios, Phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker or public address systems, unless used by the City of Cambridge or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock P. M. and seven o'clock A. M. on weeknights and twelve o'clock P. M. and seven o'clock A. M. on weekend nights in such a manner as to be plainly audible at a distance of fifty (50) feet approximately fifteen (15) meters from the building, structure, vehicle, or dwelling unit in which it is located shall be prima facie evidence of a violation of this section.
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- 5) Steam Whistles. The blowing of any locomotive steam whistle of steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- 6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

City of Cambridge

In City Council April 1, 1985

The Ordinance

Committee

to which

comprised of the entire membership of the City Council was referred the petition of Clifford A. Truesdell, and thirty residents of Cambridge to amend the Zoning Ordinances of the City of Cambridge as follows:

- a. by rezoning from Industry B. to Residence C-1 in the Broadway, Davis St., Moore St., Harvard Street and Portland Street area.
- b. by rezoning from Industry A to Residence C-1 in the Broadway, Moore St., Windsor St., and Harvard Street area.
- c. by rezoning from Business A to Residence C-1 in the Broadway and Windsor Street area.

met on Wednesday, March 27, 1985 at 5:45 p. m. in the City Council Chamber.

Councillor David E. Sullivan, Chairman, Committee on Ordinances, presided and called for the proponents to appear and be heard.

Councillor Walter J. Sullivan notified the Chair that he would not participate in the hearing or take any action on the petition and requested that he be excused from voting on this matter to avoid the possibility of any conflict because of his membership on the board of trustees of UST Company.

The Committee heard from the petitioner, Clifford Truesdell of 29 Essex Street who stated that the purpose of the petition was to protect the northern part of Area Four from the problems created by high rise building development and informed the Committee that a Committee of the residents had been formed to work with the Planning Board and the City Council regarding this matter.

The Committee heard from Jacqueline Carroll of 263 Broadway, Cambridge, Chairman of the Committee who outlined the problems caused by the near construction in Kendall Square and expressed the hope that through this petition, the problems would not spill over into Area Four, that it was possible through communication and compromise to stop the encroachment and outlined a process to be followed to that end and stressed the necessity of opening up lines of communication with the business people in the neighborhood.

Mr. Truesdell stated that he concurred with the speaker and that a discussion could produce minor or major modifications to the petition and indicated that he wished to protect the parking lot in the area under discussion and prevent the parcel of land from high rise development and would submit a modified petition in the near future prior to formal enactment by the City Council.

The Committee heard from Jacqueline Adams of 141 Clark Street, who agreed with the views expressed by Jacqueline Carroll and expressed her concerns regarding more traffic and restricted parking in the area leading to the loss of the residential character of the neighborhood.

Also recorded in favor of the petition were Ron Beham of 221 Harvard Street and Lorraine Scott of 375 Washington Street.

The hearing for the petitioners closed at five o'clock and fifty-eight minutes p. m. and the Chair requested the opponents to come forward.

In response to the Call of the Chair, Attorney Neal N. Glazer of 100 Charles River Plaza, representing the owners of 210 Broadway, stated that his clients were unalterably opposed to the petition and questioned the presence of an ongoing committee working toward a compromise in this matter. He further stated that Oran S. Khudari and Oran H. Khudari, his clients, of 190 Appleton Street, Cambridge have owned property in excess of the twenty percent factor, that seven votes of the City Council would be required for any change. He presented Oran S. Khudari who outlined a twenty-four years career of business in Cambridge with seven years on Broadway, who registered his opposition and stated his property was bounded by Moore Street, Harvard Street, Broadway and Davis Street and that the property was an abandoned furniture building which he intended to develop into an office building which would be an improvement and was presently used as a parking lot. He further questioned whether the area was residential and could be developed for residential use.

Councillor David Sullivan in response to question by the opposition outlined the Council and Planning Board procedures in the adoption of a zoning amendment and stated that no action would be taken by the City Council prior to April 22nd, 1985.

Also recorded in opposition were:

Attorney Paul Feinberg, representing David Mullane of 167 Auburndale Ave., West Newton, Massachusetts, the owner of properties at 32-40 Dickinson Street, 163 Harvard Street, 200 Broadway, 214-216½ Broadway and 125 Harvard Street.

Attorney Alex A. Adams of 327 Broadway, Cambridge representing Bruce B. Cohen of 112 Central Street, Somerville, Mass.

Leon B. Cohen of 24 Guessmere Road, Brookline Mass. as owners of property located at 200 Broadway and 5-15 Davis Street, recorded their opposition to the petition.

Mr. Cohen appeared in opposition and stated that he had twenty-five people employed in a 15,000 square foot parcel near Davis Street, which he would like to expand for warehousing and stated that a dialogue should be worked out before Council action.

Bruce Cohen, 15 Central Street, Somerville, registered his opposition and raised the issue of spot zoning and questioned the use of zoning amendments to restrict his business which provided clothing for poor people.

The Committee heard from Jerry Spilewski of 214 Broadway, who registered his opposition and stated that down zoning wont solve problems and that he had operated a market on Broadway since 1946.

At seven o'clock p. m. the Chair declared that the case for the opposition was closed.

Councillor Wolf requested Mr. Joseph Kellogg of the Community Development Department to appear and requested that he determine whether or not a process could be developed to bring the parties together, an idea which was endorsed by Councillor Duehay and stated that the concerned parties should be contacted only if they wished to do so on their own volition.

Councillor Wolf requested that the Community Development Department staff take the initiative on this matter to determine if the parties could work together on this problem.

Councillor Duehay then moved that the petition be referred to the City Council, without recommendation, for their consideration -

and the motion -

Carried.

At seven o'clock and ten minutes p. m. the hearing was adjourned.

For the Committee,

Councillor David E. Sullivan,
Chairman.

City of Cambridge

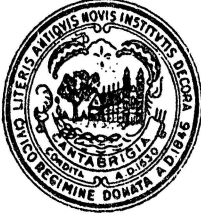
PUBLIC NOTICE

The Committee on Ordinances, comprised of the entire membership of the City Council, will conduct a public hearing on Wednesday, March 27, 1985 at ^{7:12 PM}~~6:00~~ p. m. in the City Council Chamber, City Hall, Cambridge, on the proposed amendment to the General Ordinances of the City of Cambridge in Chapter Fourteen entitled "Parks and Recreation", Article III entitled "Commons and Public Grounds" by adding at the end thereof new sections as follows: Section 14-24 entitled "Commissioner of Public Works authorized to close parks and playgrounds at 9:00 p. m." and Section 14-25 entitled "Radios in parks and playgrounds".

All persons interested at this time may attend and be heard.

For the Committee,

Councillor David E. Sullivan,
Chairman.



City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

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

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Any person entering a park or playground between said hours after it has been closed may be prosecuted for trespass.

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City of Cambridge

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- 6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

Robert W. Healy, City Manager
Russell B. Higley, City Solicitor
Everett Kennedy, Commissioner of Public Works
To Anthony Paolillo, Chief of Police

Date April 11, 1985

From Paul E. Healy, City Clerk

Reference

Subject City Council hearing scheduled for 4/22/85 on a proposed Ordinance relative to the closing of parks & playgrounds at 9:00 p.m.

Please be advised that the City Council has scheduled a public hearing to be held on Monday, April 22, 1985 at 6:00 p.m. in the City Council Chamber on a proposed amendment to Chapter 14 of the General Ordinances entitled "Parks and Recreation" in Article III entitled "Commons and Public Grounds" by adding at the end thereof a Section 14-24 entitled "Commissioner of Public Works authorized to close parks and playgrounds at 9:00 p.m." and a Section 14-25 entitled "Radios in parks and playgrounds", as amended.

Your presence was requested at this hearing, with all legal information and background information, on motion of Councillor Vellucci.

Your very kind cooperation in this matter will be greatly appreciated by the City Council.

PEH/mh

cc: Kathy Spiegelman, Community Development Dept.



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9020

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

SEVERLIN B. SINGLETON, III
BIRGE ALBRIGHT
SUSAN HICKS SPURLOCK
LEGAL COUNSEL

March 5, 1985

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

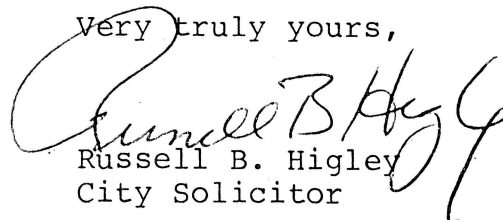
Re: Ordinance Regarding Parks and Playgrounds

Dear Mr. Healy:

I enclose a copy of the Council's Order of October 22, 1984 relative to the above subject and the Ordinance which we have prepared in response thereto, adding Sections 14-24 and 14-25 of the Code.

For your information, I also enclose a copy of the Code, §13-10(V)(A)(2), (Ordinance No. 877), which also regulates the use of radios, etc.

Very truly yours,


Russell B. Higley
City Solicitor

RBH/b
Enclosure
cc: Everett Kennedy



City of Cambridge

12.

IN CITY COUNCIL

October 22, 1984

COUNCILLOR DAVID SULLIVAN

WHEREAS: Cooler weather will soon bring relief to neighbors of Paine Playground (Amory Street and St. Mary Road) and other public recreation areas, who have been disturbed by excessive noise, especially at night; and

WHEREAS: This problem will resume next spring unless preventive action is taken; and

WHEREAS: The Community Development Department has studied the Paine Playground problem and made certain recommendations, which were approved at a meeting of neighbors held on October 17, 1984, and among which are the subjects of this order; therefore, be it

ORDERED: That the City Manager request the City Solicitor to prepare ordinances for consideration by this City Council:

- (1) authorizing the city to close parks and playgrounds at 9:00 p.m., after which presence will constitute trespassing; and
- (2) prohibiting the use of radios in public parks and playgrounds at any time within 150 feet of a residential structure.

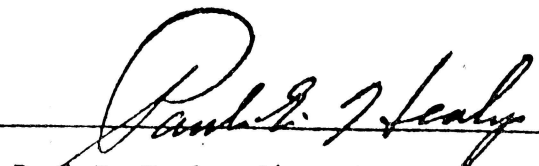
In City Council October 22, 1984.

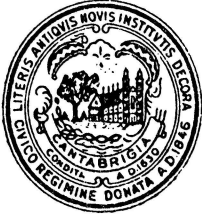
Adopted by the affirmative vote of 9 members.)

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-


Paul E. Healy, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred

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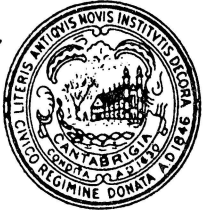
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CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

March 11, 1985

To the Honorable, the City Council:

With respect to City Council Order No. 12 of October 22, 1984, enclosed please find copy of a communication from Russell B. Higley, City Solicitor, and a proposed ordinance regarding parks and playgrounds.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Encs. 2

Good / Learning

17/2 → LD → CPW close program

by sign to start effort
→ Goodly Low Dept in referred
→ for my order

Chubby connected to playground

B Ball ent morning after dark

of hobby unacceptable

comes from MT before - 5 PM - 6 PM

B Ball played by play place

starts early in the morning

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very prob of play from and

Send - Blues Send and

17/2 - are CPW decisions
in the middle

123
PM

Ed Allen himself

Ed Allen
16 Summit
has records

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some changes
to return the

problem -
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to represent himself

→ not CPA or be designated
representative etc

Wolf agrees with Ed Allen

→ CPA we like to stop a few more

CPA from doing the other work

→ CPA and Ed agrees not completely

Sutton Agency

51 Parway Street

Human Playground is separation

- A Target Blunder -
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these and should be obeyed
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manner

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ending may be

May 10 prohibited for travels ↓

End Page changes required

CPD in Port Pull Thorn in
any place - should be
truggled

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not be correct either - even can
to close the playground

CPD Not all problems will be
any with the not - this
is a two step
all not a problem

1957 In form

138/ E. Wolf condition of fields - very
poor the collected
→ Issue of control is important

E. Wolf more and CPW to long or
two degrees may in little
and 1st part of the

Steps to be done -
of most in each case

They should provide

1st Part - Any person found
of in violation

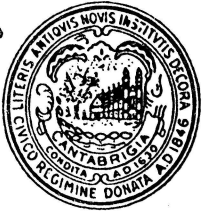
CPD Amor before last and 8/17/57
of many cases found in total of 9-6-1957

Chubby 14-24 End Line
or else all or any portion of a
part and program
EPS the understanding of the
course - 11 per year space

How High -
Not applicable to State
Part on course

Wolfe moved that proposal
be as amended with
a feasible rewards
to total at 195000

Henry Check at 1747
100



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9020

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

MICHAEL C. COSTELLO
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LEGAL COUNSEL

March 5, 1985

Mr. Robert W. Healy
City Manager
City Hall
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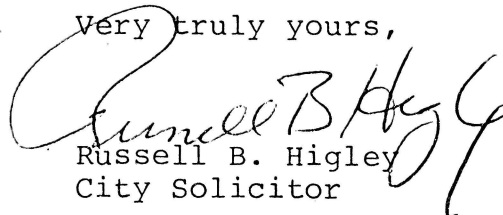
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City Solicitor

RBH/b
Enclosure
cc: Everett Kennedy



City of Cambridge

12.

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October 22, 1984

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ORDERED: That the City Manager request the City Solicitor to prepare ordinances for consideration by this City Council:

- (1) authorizing the city to close parks and playgrounds at 9:00 p.m., after which presence will constitute trespassing; and
- (2) prohibiting the use of radios in public parks and playgrounds at any time within 150 feet of a residential structure.

In City Council October 22, 1984.

Adopted by the affirmative vote of 9 members.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

Paul E. Healy, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

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City of Cambridge

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- 3) Yelling, Shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P. M. and 7:00 A. M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- 4) Animals, Birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- 5) Steam Whistles. The blowing of any locomotive steam whistle of steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- 6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

March 11, 1985

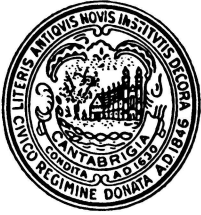
To the Honorable, the City Council:

With respect to City Council Order No. 12 of October 22, 1984,
enclosed please find copy of a communication from Russell B. Higley, City
Solicitor, and a proposed ordinance regarding parks and playgrounds.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Encs. 2



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9020

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

SEVERLIN B. SINGLETON, III
BIRGE ALBRIGHT
SUSAN HICKS SPURLOCK
LEGAL COUNSEL

March 5, 1985

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

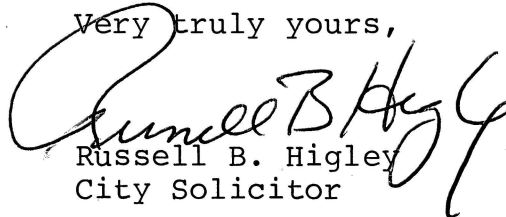
Re: Ordinance Regarding Parks and Playgrounds

Dear Mr. Healy:

I enclose a copy of the Council's Order of October 22, 1984 relative to the above subject and the Ordinance which we have prepared in response thereto, adding Sections 14-24 and 14-25 of the Code.

For your information, I also enclose a copy of the Code, §13-10(V)(A)(2), (Ordinance No. 877), which also regulates the use of radios, etc.

Very truly yours,


Russell B. Higley
City Solicitor

RBH/b
Enclosure
cc: Everett Kennedy



City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

In Amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

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

Chapter Fourteen entitled "Parks and Recreation," Article III entitled "Commons and Public Grounds" is hereby amended by adding at the end thereof the following new sections:

Sec. 14-24. Commissioner of Public Works authorized to close parks and playgrounds at 9:00 p.m.

The Commissioner of Public Works, in his discretion, may close any park or playground between the hours of 9:00 p.m. and 6:00 a.m. by posting a sign or signs to that effect at such park or playground.

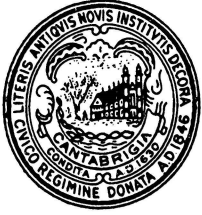
Any person entering a park or playground between said hours after it has been closed may be prosecuted for trespass.

Sec. 14-25. Radios in parks and playgrounds

No person shall use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound in any park or playground at any time to the disturbance of the peace and comfort of the inhabitants of the City.

City of Cambridge

- 2) Radios, Phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker or public address systems, unless used by the City of Cambridge or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock P. M. and seven o'clock A. M. on weeknights and twelve o'clock P. M. and seven o'clock A. M. on weekend nights in such a manner as to be plainly audible at a distance of fifty (50) feet approximately fifteen (15) meters from the building, structure, vehicle, or dwelling unit in which it is located shall be prima facie evidence of a violation of this section.
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CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

March 11, 1985

To the Honorable, the City Council:

With respect to City Council Order No. 12 of October 22, 1984, enclosed please find copy of a communication from Russell B. Higley, City Solicitor, and a proposed ordinance regarding parks and playgrounds.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Encs. 2

0-30

Re: proposed ordinance in amendment to Chapter 14 of the General Ordinances entitled "Parks and Recreation" in Article III entitled "Commons and Public Grounds" by adding at the end thereof a Section 14-24 entitled "Commissioner of Public Works authorized to close parks and playgrounds at 9:00 p.m." and a Section 14-25 entitled "Radios in parks and Playgrounds".

*3/11/1985 Motion
of C.D. Sullivan - To
Committee on Ordinances
Copy sent to Committee Chair Paul Sullivan,
Chairman, Committee on Ordinances
Friday, March 15, 1985 mb
5/13/85 Passed to be
Ordained 7-1-1*

In City Council,

March 11, 1985

*3/11/85
Motion - on Passing
to a Second Reading
- Not Referred to
Ordinance Committee*