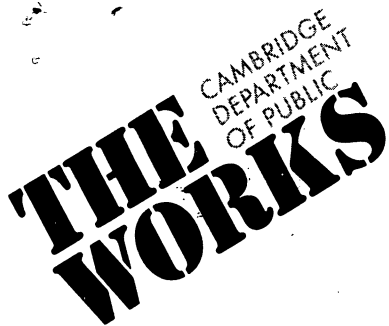


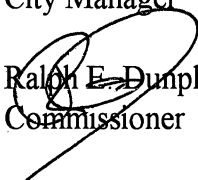


RECEIVED
97 FEB 13 AM 11:27
OFFICE OF THE CITY MANAGER

Ralph E. Dunphy
Commissioner

147 Hampshire Street
Cambridge, MA 02139
617-349-4800
TDD 617-349-4805

To: Robert W. Healy
City Manager

From: 
Ralph E. Dunphy
Commissioner

Date: February 11, 1997

Subject: Council Order #053, dated 01/13/97
Re: Sidewalk Snow Requirements on
MDC Roadways

The Public Works Department has forwarded the attached letter to Marty Galvin, the Deputy Director of Operations at the MDC seeking the agency's policy for the snow clearing of sidewalks on their roadways. We also forwarded a copy of the City's Ordinance 12.16.110 for their review.

We await Mr. Galvin's response to our request and will notify the Manager's Office as soon as we receive a response.

RED/a
Enclosures





Ralph E. Dunphy
Commissioner

February 3, 1997

147 Hampshire Street
Cambridge, MA 02139
617-349-4800
TDD 617-349-4805

Mr. Marty Glavin
Deputy Director of Operations
Metropolitan District Commission
Central Services
1 Msgr. O'Brien Highway
Cambridge, MA 02141

Re: Sidewalk Snow Requirements on MDC Roadways

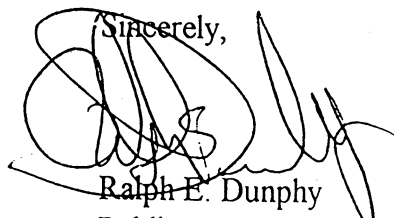
Dear Mr. Glavin:

It has come to our attention that after a recent snow fall sidewalks that abut MDC roadways were not cleared of snow/ice. The City of Cambridge has an ordinance in place that clearly identifies the property owner as the party responsible for clearing snow/ice from sidewalks (copy attached).

The ordinance further specifies the City of Cambridge's right to enforce this ordinance using non-criminal fines.

Would you please let me know the MDC's position in this regard? Do you require abutters to clear snow/ice from sidewalks or do you assume responsibility for this action?

Thank you for any information you can provide.

Sincerely,

Ralph E. Dunphy
Public Works Commissioner

RED/a
Enclosures



repairs shall be made by the City, at his expense. (Prior code § 17-27)

12.16.060 Plank sidewalks—License required.

A. No person shall place upon any sidewalk any board or plank walk without first obtaining a written license from the Superintendent authorized by the City Council; and walks hereafter laid under authority of such license shall be constructed in accordance with the specification to be approved by the Superintendent. Such walks shall be removed whenever in the judgment of the City Council, public safety and convenience require such removal.

B. Plank walks, authorized as provided in subsection A of this section, shall be laid and kept in proper condition by the respective owners thereof, and the same shall be taken up by such owners whenever the Superintendent of Streets shall so direct. (Prior code § 17-28)

12.16.070 Sidewalks—Signposting—Water runoff.

No person shall insert a sign in a sidewalk without the permission of the Superintendent of Streets, authorized by the City Council; and no person shall permit a leader or conductor from the roof of a building owned by him to be so placed or maintained as to direct a volume of water upon or across the surface of the sidewalk. (Prior code § 17-30)

12.16.080 Carrying showboards, placards and signs.

No person shall, without authority from the Superintendent of Streets, place or carry, or cause to be placed or carried, on a sidewalk, a showboard, placard or sign for the purpose of there displaying or attracting attention to the same. (Prior code § 17-38)

12.16.090 Free commercial distribution of tobacco products in public places—Penalty.

A. In order to avoid obstruction and congestion of public ways and places, to control and reduce litter, and to protect pedestrians from annoyance and invasion of privacy, no person in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products for commercial purposes, shall in the course of such business, distribute any cigarettes or other tobacco or smoking products free to any person on any public street or sidewalk, or in any public park or playground, or any other public ground, or in any public building.

B. Any person who violates this section shall be punished by a fine of not less than twenty nor more than fifty dollars. (Ord. 981, 1982: prior code § 17-41A)

12.16.100 Sidewalks—Obstruction—Fruit peelings.

A. No person shall place, or cause to be placed, upon any sidewalk, any article whatsoever, so as to obstruct a free passage for travelers for more than fifteen minutes.

B. No person shall wilfully and maliciously tip over and spill out the contents of any box or barrel containing ashes or other house dirt set upon the sidewalk. No person shall throw or place upon any sidewalk or crosswalk any banana skin, orange peel or other slippery substance. (Prior code § 17-40)

12.16.110 Sidewalks—Snow and ice removal.

A. Removal of Snow from Sidewalks. The owner or occupant of private property bordering on a street where there is a sidewalk or footway shall, within twelve hours after snow ceases to fall in the daytime and before one p.m. after a fall of snow during the night, cause all snow that may be on such sidewalk or footway to be removed therefrom. In the event of an unusually heavy snowfall, the time limit shall be extended at the discretion of the Commissioner of Public

Works. The provisions of this section shall apply to snow which falls from buildings as well as to that which falls from the clouds.

B. Removal of Ice from Sidewalks. The owner or occupant of private property bordering on a street where there is a sidewalk or footway any portion of which is encumbered by ice shall within six hours after the sidewalk or footway becomes encumbered with ice cause such sidewalk or footway to be made safe and convenient by removing the ice therefrom, or by keeping the same covered with sand or some other suitable substance. (Prior code § 17-79)

12.16.130 Cleaning carpets in streets.

No person shall shake or otherwise clean a carpet in any street. (Prior code § 17-37)

12.16.140 Alteration or repair—Authority.

The provisions of this chapter and Chapters 2.54, 12.04 and 12.12 of this code shall not be construed as limiting in any manner the legal rights and duties of the Superintendent of Streets to order such alterations and repairs in streets as he may deem that the safety and convenience of the inhabitants require. (Prior code § 17-43)

12.16.150 Alteration or repair— Improvement assessments.

Whenever the City Council determines that land or buildings shall be taken for street widening or street laying out purposes betterments shall be assessed according to law for the improvement of any property that the City Council may determine is in the benefitted area. (Prior code § 17-8)

12.16.160 Violation—Penalty.

A. Criminal Penalty. Any person who violates Section 12.16.110 (Sidewalks—Snow and ice removal) shall be subject to a fine not exceeding fifty dollars. Each day's violation shall constitute a separate offense.

B. Noncriminal Disposition. Whoever violates Section 12.16.110 (Sidewalks—Snow and ice removal) may be penalized by a

noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the Commissioner of Public Works shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to designated Public Works Enforcement Officers. The penalty for each violation will be twenty-five dollars. Each day's violation shall constitute a separate offense. (Ord. 1084 § 5, 1989)

12.16.170 Street performers.

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes. This section seeks to balance the interests of the performers with those of the residents of the City.

The City Council designates the Arts Council of the City to be the agent of the City primarily charged with the responsibility of supervising the provisions of this section.

A. Definitions.

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading and reciting.

2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and all public ways in Cambridge.

B. Prohibition.

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

C. Permit.

1. A permit shall be issued by the Cambridge Arts Council to each applicant therefor in exchange for a completed application and a fee of twenty-five dollars.

2. A completed application for a permit,



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

February 24, 1997

To The Honorable, The City Council:

In response to Awaiting Report Item Number 21, regarding enforcement of sidewalk snow removal requirements on MDC roadways, please find attached a status report submitted by Ralph Dunphy, Commissioner of Public Works.

Very truly yours,

Robert W. Healy
City Manager

RWH/dls

Consent Agenda #7

S-89

Relative to Awaiting Report Item
Number Twenty-One, regarding
enforcement of sidewalk snow removal
requirements on MDC roadways.

In City Council February 24, 1997

PLACED ON FILE