

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

• (617) 498-9020

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

EDWARD A. CUNNINGHAM
SEVERLIN B. SINGLETON
DAVID B. O'CONNOR
BIRGE ALBRIGHT
LEGAL COUNSEL

October 15, 1981

Mr. Paul E. Healy
City Clerk
City Hall
Cambridge, Massachusetts 02139

Re: Chapter 109 of the Acts of 1981-
Penalties for violations of City
Ordinances.

Dear Mr. Healy:

In your letter of September 28, you ask, first, whether St. 1981, c.109 gives the City the right to levy fines up to and including \$300.00, and, second, whether there is any particular type of offense to which this limitation applies.

Chapter 109 of the Acts of 1981 amends G.L.c. 40, §21 so that the first two sentences read as follows:

Towns may, for the purposes hereinafter named, make such ordinances and by-laws, not repugnant to law, as they may judge most conducive to their welfare, which shall be binding upon all inhabitants thereof and all persons within their limits. They may, except as herein provided, affix penalties for breaches thereof not exceeding three hundred dollars for each offense, which shall enure to the town or to such uses as it may direct.

The amendment substituted "three hundred" for "two hundred" in the second sentence.

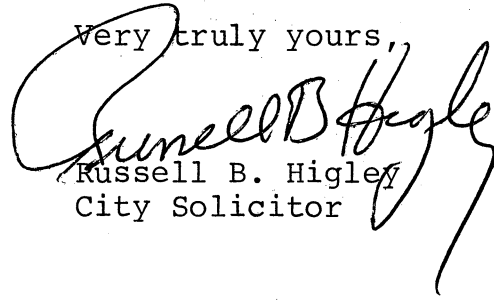
In my opinion, the second sentence of G.L.c.40, §21 gives the City the right to provide for a penalty "not exceeding three hundred dollars" for the violation of any ordinance which is passed in accordance with section 21 and for the violation of which the Legislature has not designated a different penalty.

Mr. Paul E. Healy

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Very truly yours,

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Russell B. Higley
City Solicitor

RBH:cp

ADVANCE COPY

ACTS AND RESOLVES

MICHAEL JOSEPH CONNOLLY, SECRETARY OF STATE

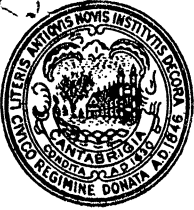
Chap. 109. AN ACT INCREASING PENALTIES FOR
VIOLATIONS OF LOCAL ORDINANCES AND
BY-LAWS.

Be it enacted, etc., as follows:

Section 21 of chapter 40 of the General Laws is hereby amended by striking out the second sentence, as amended by section 1 of chapter 401 of the acts of 1977, and inserting in place thereof the following sentence:-

They may, except as herein provided, affix penalties for breaches thereof not exceeding three hundred dollars for each offense, which shall enure to the town or to such uses as it may direct.

Approved April 24, 1981.



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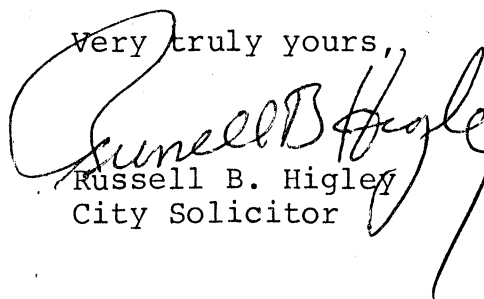
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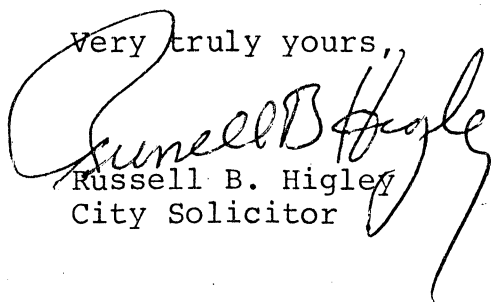
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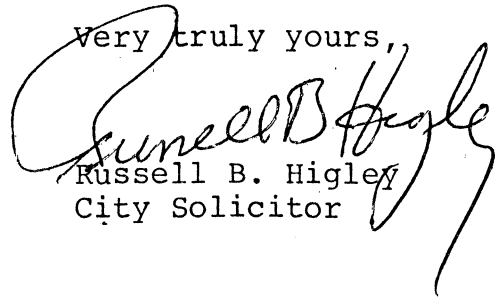
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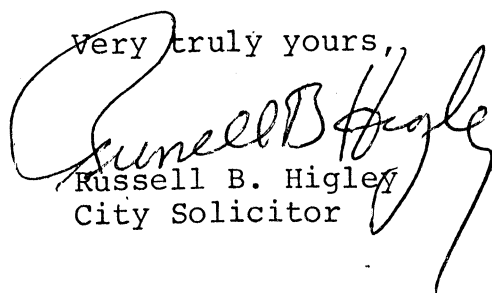
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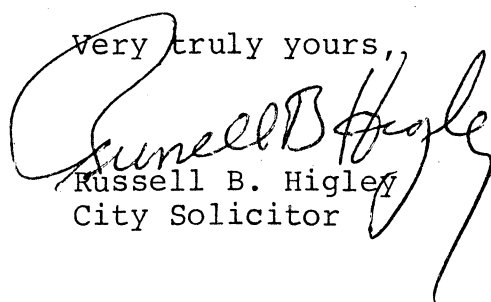
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City of Cambridge

CITY COUNCIL HEARING SCHEDULE

Monday, October 19, 1981

5:00 P. M.

Regular City Council Meeting.
(City Council Chamber)

6:00 P. M.

The City Council is scheduled to hear from Mrs. Margaret Ryan et al, relative to increased fees for liquor licenses.
(City Council Chamber)

6:30 P. M.

The City Council is scheduled to hear from the Harvard Square business community, relative to a previously adopted Council order changing the name of Boylston Street to John F. Kennedy Street. (City Council Chamber)

Monday, October 26, 1981

5:00 P. M.

Regular City Council Meeting.
(City Council Chamber)

6:00 P. M.

The City Council is scheduled to hear from Mr. Frank Budryk et al, relative to construction of a parking garage in the East Cambridge area.
(City Council Chamber)

7:00 P. M.

The City Council is scheduled to review a brief slide presentation entitled "Cambridge and Nuclear War".
(City Council Chamber)



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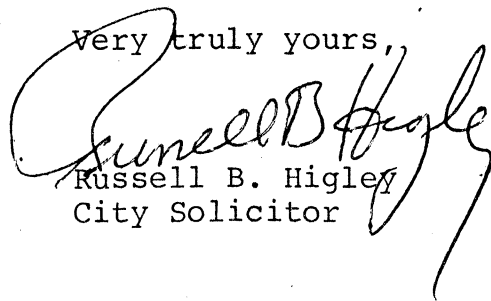
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Comm. from Paul E. Healy, City Clerk, transmitting communication from Russell B. Higley City Solicitor re: the levy of a \$300. fine as penalty for violation of City Ordinances.

In City Council,

November 2, 1981

11/2/81

Referred to the
Ordinance Committee

Copy sent to Comm. on Ordinances
11/3/81 mh