ORDINANCE NO. 1142

Final publication number 2596. First publication in the Chronicle on June 4, 1992.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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

Section 12.16.170 entitled "Street Performers" of the Municipal Code is hereby amended as follows:

That Paragraph E. entitled "Permitted Performances, subparagraph 3. is amended to read as follows:

3(a) No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

3(b) Drums shall be inaudible at a distance of 150 feet.

In City Council August 3, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 5; Nays 3; Absent 0; Present 1.

ATTEST:- D. Margaret Drury
Temporary City Clerk

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How can schools be tested?

Cont'd from page 1

communities, particularly those with mostly native English speakers, it will appear Cambridge schools aren't doing as good a job educating children.

"Even for the strongest [bilingual] students, the verbal scores will be around 300," said Lenore Prueser, a teacher-in-charge of CRLS bilingual education program. "No one has the diverse population of Cambridge. How could you even compare a Lexington to a Cambridge?"

'No one has the diverse population of Cambridge. How could you even compare a Lexington to a Cambridge?'
—Lenore Prueser
teacher in Cambridge bilingual program

Teachers' roles stressed

Reform proposals put forth by the Republican Weld Administration, Democrats in the legislature and corporate leaders in the Massachusetts Business Alliance for Education (MBAE) all stress the need to hold teachers and administrators accountable for the quality of education.

Those that don't meet standards will have their schools declared "educationally bankrupt" and will lose their jobs.

The reformers largely leave it up to teachers and school administrators to set standards as well as the means of measuring success. The MBAE, for its part, proposes establishing "statewide indicators and goals," allowing individual communities to set their own goals within the state standards, said MBAE board member Michael Durney, director of philanthropy and community affairs at Lotus Development Corp. Under this system, communities would not be compared to each other, but to its own performance one year to another.

Still, the question remains: exactly how is progress to be measured?

Right now, the most readily available way to measure success of a school or a school system is to compare standardized test scores. But local educators question the validity of these tests as measures of a student's ability or a system's excellence.

"If you're asking, 'Are achievement test score an accurate measure of what children know and how well the system is performing?' and 'Are there better ways to measure achievement?' the short answers are 'not very,' and 'yes,'" said Sally Dias, superintendent of schools in Watertown.

"Experience has shown that if you make big educational decisions on the basis of achievement test scores, you make big educational mistakes," Dias added.

Standardized tests, such as SATs, the Massachusetts Basic Skills Test, and those offered by the Massachusetts Educational Assessment Program and the Educational Records Bureau, have limited value as measures of educational success, say local educators and national experts.

Opinions run the gamut from harsh criticism to qualified endorsements.

"Standardized tests aren't worth the paper they're printed on. They're based on flawed assumptions about how people learn ... they're subject to statistical manipulation ... and they're misused and misreported," said George Hein, education professor at the Lesley College Graduate School.

Test scores "can be helpful," said Dias. "They give you a snapshot of how the kids are doing and give us a basis of comparison to other systems," she added, but cautioned that "people place too much emphasis on them."

Ultimately, "a standardized test only tells whether a student can pick out a correct answer within a given amount of time. It tells little about how a person thinks," said Judy Ulman, former teacher at the Full Circle Alternative High School in Somerville, who is working on a doctorate in curriculum and instruction at Boston College.

For example, a standardized test might ask, "Who was president in 1924?" The answer is Calvin Coolidge. But there are more important things to know about 1924 than who was president, said Ulman.

"It was supposed to be an era of prosperity," said Ulman. Instead of asking who was president, Ulman thinks tests should ask, "What caused it? Who prospered? Who didn't? Why? What voices were involved?"

Taking a standardized test "is an isolated thing that happens either in the spring or fall," said Veda Wright, field organizer with Fair Test in Cambridge, which calls itself "The National Center for Fair and Open Testing."

Using tests to hold teachers and schools accountable "conflicts with good classroom practices," said Wright. "If you're really looking for accountability, you have to look at what goes on in the classroom."

Standardized tests usually are not tied to school curricula "unless something goes on called 'teaching to the test,'" said Wright. That's when teachers focus only on the information covered in standardized tests, and offer students test-taking tips scores will go up.

New ways to evaluate

There has been a movement towards new ways to evaluate the performances of students and schools, said Wright. But change is slow in coming.

One trend is towards keeping portfolios of students' work. That's what the staff of the CRLS bilingual education program would like to do, said Prueser. The advantage is that a portfolio shows how students progress over time.

For example, said Prueser, a writing portfolio might include early works in which a student used a lot of run-on sentences and sentence fragments. Later samples of the student's writing might show he or she learned to write a structured paragraph.

A student's progress gives college admissions officers and prospective employers a better idea of a student's potential than a test score that shows ability to pick the right answer from four choices, said Prueser.

Another alternative is to present students with problems to solve that require skills from a number of different disciplines. Such methods more accurately reflect the way students learn in the real world, said Hein. Doing arithmetic, for example, is not reading a question and choosing an answer, it is solving a problem.

The obvious advantage standardized tests have over these alternative methods is that they require less work on the part of the people giving the tests, which can be scored by machines.

Discussing the trend towards portfolio evaluations, David O'Brien, director of guidance at Somerville High School, said, "They say it's more effective, but it's a lot of work. There's an enormous amount of work a teacher would have to do."

The alternatives also cost more, Wright conceded. "But that's a very short term way of looking at things," she added. "We have a quick-fix, let's-have-an-answer-now mentality in this country," said Wright, but reforming schools is a big job that will require "patience and commitment."

According to Wright, "Increased use of standardized tests should not be part of school reform. School reform should call for piloting and expanding the use of alternative forms of assessment."

Tim Lundergan of the Somerville Journal and Tommy Peterson of the Watertown Press contributed to this article.



Maura Kennedy

Welcomed change from private to public school

When Maura Kennedy came to CRLS as a sophomore, she felt as though she was being "run over from every direction."

"It was quite a shock," she recalled recently. She loved it, though, she admits.

After nine years at the exclusive Shady Hill School, Kennedy found public high school a refreshing change.

"At Shady Hill, you weren't exposed to any different ethnic groups or cultures," said Kennedy, salutatorian of the CRLS Class of 1992. Shady Hill has 400 mostly white students in 11 grades, she said. CRLS has more than 2,000 students whose families come from more than 60 nations.

'It was quite a shock.'
—Maura Kennedy
CRLS Senior, on coming from private school to CRLS

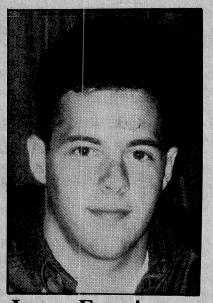
"Now I have friends from a lot of different countries, and I hear a lot of different views on religion and politics," Kennedy said.

Besides excelling academically, Kennedy was a member of the science and sailing teams, the French and Key clubs, the senior executive board and Youth For Peace. She will go to Smith College in Northampton, and is considering a career in medicine.

Kennedy also praised CRLS for giving females a better chance than the rest of society is likely to.

"In all the courses I was in, it was the women who were extremely motivated," she said. "The guys were smart, but they were unprepared."

Still, she thinks things will be different in the job market. Though more opportunities exist for women now than 20 or 30 years ago, she said, "a white male still has a better chance of getting a job than I do."



James Ferreira

Likes what life in Cambridge has to offer

James Ferreira played on a CRLS varsity hockey team that won just three games in three years. His attitude towards this less than successful experience is similar to the perspective he apparently keeps on life.

What was important about hockey wasn't winning or losing, but having fun, Ferreira believes.

"It was fun. We had fun in practice," he said. "The games we won were fun. And even in the games we didn't win, we had fun playing as a team."

As a senior he was captain of the team, a position of responsibility, but it didn't cause him too much stress. "You had to try not to do anything stupid, and try to be a leader," said Ferreira.

A quiet young man who seemed satisfied with what life offers him, Ferreira looks ahead to the future with the same down-to-earth attitude. In the fall, he will enter Fitchburg State College, where he will probably study business or accounting. He is glad to be moving away from home and meeting new people, but plans to return to Cambridge.

A native of East Cambridge, Ferreira lives with his family on the second floor of a triple decker on Webster Avenue. Aunts and uncles live on the floors above and below. He belongs to Sacred Heart parish, and he goes to church every week.

Those ties to his family and the community will probably bring him back after college.

"I guess I'm used to it," he said. "It's just a nice place to live."

Bridwell-Mitchell

Cont'd from page 1

advisor Caroline Hunter pushed her to her potential.

"I was just a naive kid from Cincinnati. I never thought I'd be senior class president," said Bridwell-Mitchell, "but they reach out to you and get you focused, and let you see your ability."

Born in Louisville, Ky., Bridwell-Mitchell moved because her mother enrolled in graduate school at Harvard.

Bridwell-Mitchell is optimistic about the future, basically because she thinks the country has nowhere to go but up.

"Ever since the Rodney King thing, I'm used to having my hopes dashed," she said, adding, "I feel like things couldn't get any worse."

There's hope, because the younger generation seems to be more aware of problems facing the country than the older generation, she said. "Pretty soon, the old, white men who are running Congress aren't going to be around any more."

Frank

Cont'd from page 1

to become an instructor. This year, with help from Employment Resources Inc., a non-profit agency, she started Gymnastics and More. She and other instructors who joined her as partners lead gymnastics, exercise and dance classes for children.

Working part time after school, Frank makes enough money to support herself — most of the time.

"There's times when I go for weeks and eat nothing but bagels, but I can deal with it," she said.

The bleak job market doesn't concern her. She took business and computer at CRLS, and considers herself prepared for the future.

"I have so many back-up skills, when I don't have a job, I just write resumes and send them wherever I can until I get one," she said during an interview in the CRLS Student Service Center, where she had just finished a shift on her work-study job as an administrative assistant.

Frank is, however, concerned that prospects aren't as bright for her classmates with less experience. "I'm lucky, but it's going to be hard for a lot of people," said Frank.

Contemplating this country's economic situation, Frank said the US may not have its priorities straight.

"We've given people freedom of speech, but we haven't given them homes and food," she said. In Cuba, the people may not have freedom of speech, she said, but the country's literacy rate approaches 100 percent, and there's no homelessness problem.

The right way to run a country lies somewhere in between the two. And Frank thinks the US could learn from Cuba.

"If we'd stop bothering them, they could teach us some things," she said.

Fan Fan

Cont'd from page 1

"I think a lot of people realize that their last year in high school. I think a lot of people are afraid," he said. "The door's open, and you're out in the real world, and there's so many routes to go, you don't know which one to take."

Right now, Fan Fan is looking for a job, without much luck. "It's kind of tough to get a job right about now. All the people that got laid off from big time jobs, they're trying to get the little jobs that the teenagers want," said Fan Fan, who was raised by single mother in Corcoran Park in West Cambridge.

Although things don't seem to be working out right now, Fan Fan has a positive attitude. He plans to take classes at a community college next year, and transfer later to a four-year college.

"Life must go on. Right now, community college will give me a chance to start over again, hopefully, and then I'll make things better for myself," he said. "I can be a hard worker. If I really want something, I can get it. It all depends on the work I put into it."

Brown

Cont'd from page 1

ty," Brown said.

"This is the first year I had a black teacher, but it's not just that we need more black teachers, we need more Asian teachers, more Indian teachers ... we need people who can bring different viewpoints to the curriculum."

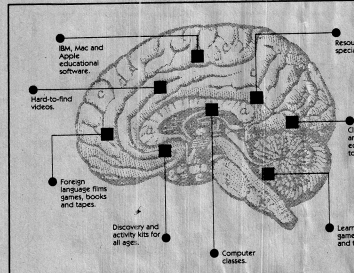
Still, Brown credited CRLS with his own transformation from "an 8:30 to 2:30" student who did just enough to get by, to "a quote-unquote student leader."

Besides being involved in the BSU, he ran track for four years, was vice president of the Kappa League, helped found the Cambridge Express Track Club, and was involved in the Peer Leadership program and student government. He will attend Morehouse College in Atlanta in the fall.

Brown started to get involved in extracurricular activities after he received a Rotary Club student of the month award as a junior.

The award gave him a sense of achievement that told him he could do more. Hoping to give younger students a chance to succeed, Brown started the BSU Spelling Bee for elementary school students this year.

"I won't limit myself," he said, "and I won't let others limit me."



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City of Cambridge

PUBLIC HEARING

The Cambridge City Council will conduct a public hearing on Monday, June 22, 1992 at 7:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

The purpose of this hearing is to discuss a proposed amendment to the Municipal Code of the City of Cambridge to exclude Winthrop Park, Brattle Square Triangle and the Cambridge Common from the Street Performers Ordinance.

All interested persons are requested to attend at this time and be heard.

By Order of the City Council,

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Deputy City Clerk

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Harvard alumn back for graduation and fun

Cont'd from page 1

point to attend every reunion, flying up from Boynton Beach, Fla., where he runs a textile business.

"It's always nice to come back," said Loewenberg, who married into the "town." He and his wife Shirley, a Cambridge native, reminisced about pranks and activities Harvard men played during the Depression, such as swallowing goldfish or seeing how many people fit into a phone booth. Loewenberg's favorite, however, was "finding a girl from Radcliffe and running her underwear up the flagpole."

A 1956 Radcliffe graduate who wasn't around for such flagpole events, Brenda (Webster) Brown misses other things about Harvard Square.

"There was a little man who used to sit on the corner and scream at you if you jay-walked," Brown said. Now, jaywalking is now a way of life in Harvard Square," she said, as she stood by the Out of Town Newsstand, which has been completely overhauled since she was around.

"It's kind of weird being here," she said. She and her husband, Bob Brown, '57, now live in Los Angeles, and haven't been back to Cambridge since they left in the late '50's.

"It's physically changed a lot," she said, noting Holyoke Center wasn't built 30 years ago, and many of the larger stores used to be apartments.

On the bright side, the Browns and other Harvard-Radcliffe alumni said traffic in the Square is much better these days.

"The traffic flows better," said Peter Magie '57, indicating the many forks and arteries in the Square used to create "a mess" around there.

Other alumni noted the area's architecture has changed drastically.

"There are lots of new buildings," said Magie, pointing out that a building he lived in at 150 Boylston St. (now JFK Street) is now a clothing store.

Although many new buildings have appeared in Harvard Square, alumni said they were happy many small, cozy stores lining the Square are still there. "I'm glad they kept the little shops," said Brenda Brown. "It's still the same in some regards."

As they walked around the Square, not as students, but as visitors, the alumni couldn't help but be struck with the changes they found talking to the students at Harvard and Radcliffe. "I think the schools are more demanding," Loewenberg said. "The standards are higher and there is more required of the students than when I attended. It's more technical." He said today's students seem smarter than when he was there.

"I get the feeling I'm not with it anymore," said Duncan Brown, '42 (unrelated to Bob and Brenda). "It seems like it was so much simpler then," said Brown, of Burlington, Vt. "But I think change is inevitable, and improvement is always good."

Singer, who was in the new Champion sporting wear area of the Coop, said that although students have changed a lot since he was at Harvard in the '50s, they may have come full circle. "They are much more conservative in appearance, and there is a much calmer student atmosphere than in the '60s or '70s," he said. "I guess 'liberal' isn't in anymore."

Another thing that hasn't changed, noted ex-townie Shirley Loewenberg, is the non-student element of the Square. "Oh, there will always be townies," she said. "It's just part of Harvard Square."

Magie claims that the once unselfconscious Square has turned into a trendy hangout. "It just wasn't a fashionable place to come in the '50s," said Magie. "It's not as laid back here as it used to be."

In a similar vein, Jack Bronston, '42, said the Square is "tackier" now, with "more street signs and posters."

But no matter what changes they saw in the Square since their years at the university 35 to 50 years ago, each alumni seemed tickled to be back.

"It's a little bit odd to see them," said Hank Holmes, '57, who reported a "warm feeling" came from being back with his Harvard classmates. "They're all hotshots," said Holmes, who had flown in from Thailand. "It's great to see that they're very accomplished- they've achieved so much."

Unity commission looks squarely at racism

Cont'd from page 1

"At least," Reeves acknowledged, "people here are still saying what they think and have not retreated to various suburban enclaves where it's very white."

Others told horror stories about how they came to see racism in Cambridge.

Jennifer Bonislawski, a senior at Cambridge Rindge and Latin School, blamed the US justice system for failing to serve Rodney King. Even here in Cambridge, she said, she had friends who felt King "deserved what he got."

"It stumped me," Bonislawski said. "It unnerved me."

John Youte, a black senior at CRLS, was not at all surprised by the verdict. "I'd learned to accept what society has in for us," he said. "All this proves ...[is] things like this happen on a regular basis."

Larry Aaronson, CRLS history teacher and commission member, said he was shocked not at the verdict, but to learn how difficult it is for some of his colleagues to talk openly and honestly about questions of racial justice. One, in fact, called Aaronson to say he resented his putting up posters announcing the commission's first meeting.

"He said, 'You're stirring everything up," Aaronson said. When the crowd laughed, scoffing at the colleague's words, he said "I don't want to laugh at that. It was heartfelt."

Racism today is often expressed less as an overt attack on people of color, and more as fear of addressing the issues, he said.

'Fear is the flip side of hate.'

—Larry Aaronson Teacher at CRLS and commission member

"Fear is the flip side of hate and how racism has mutated," according to Aaronson. "It's avoidance, it's a kind of self-imposed ignorance. It's a willingness to don't stir it up. It's denial."

The system can't be entirely blamed for what happened in Los Angeles, suggested Brian Aull of Cogwell Avenue. Aull, who is white, said people should recognize "how this disease of racism has affected your own soul."

He recommended the commission investigate the Institute of Healing of Racism, a national movement dedicated to going "along the path of self-discovery in a bond of unity and empathy."

Another suggestion for a long-term project was made by CRLS senior Ebony Bridwell-Mitchell, who proposed publishing a newsletter where people could describe the "daily injustices" of "racially motivated" incidents and make it clear to those who doubt racism exists on a daily basis.

Bridwell-Mitchell and several other students suggested the city deal with race issues at the elementary school level. They also pushed for a multicultural history curriculum, rather than a Eurocentric view of history.

William McLarin, CRLS assistant principal, said the high school plans to start a multicultural program in the fall.

Other residents expressed concern about how the Cambridge Police Department related to people of color.

Mari Ansara of Putnam Avenue said she reported a fight outside her house once to police and the person on the other line asked "Are they black or white?" and then said, "Excuse me for asking, but are you black?"

Marshall Milner of Peters Street said a close friend was wrongfully arrested by a police officer. Milner suggested local newspapers add two regular features: one on crime watch activities and the other on "police watch," to keep an eye on how the police rank in race issues.

City may ban bands in park

Opinions on whether street performers should be banned from Winthrop Park on JFK Street will be considered in a hearing set for June 22.

The city council ordinance committee brought the issue to the council after some residents and business people in Harvard Square said loud music in Winthrop Park disturbs them.

Daryl Janes, who lives nearby on JFK Street, asked that music be banned in the park. Several residents opposed the proposed amendment at an ordinance committee meeting last month. Sue Kuelzer of Copley Street, co-owner of Grendel's Den, which borders Winthrop Park, was among those against the ban.

Councilor Alice Wolf said residents have complained about the repetitive nature of some of the acts. When performers finish their act, they start it again, annoying people who don't want to hear the music to begin with.

"We had a number of complaints at the hearing that not only are they loud, but they're boring," Wolf said.

The council may also consider two related amendments: one that changes the distance for measuring the decibel level from 50 to 25 feet and another banning musicians who play drums without accompanying instruments in Winthrop Park.

Volunteers needed for city jobs commission

Volunteers are needed for a city commission created to help get more residents hired into city construction jobs.

Mayor Ken Reeves announced that anyone interested in signing up for the Cambridge Resident Jobs Policy Commission should send a letter of interest to the mayor's office, Cambridge City Hall, Cambridge, 02139.

The commission was established after a public hearing May 18 at the city council about city-funded construction jobs and a new policy that would require contractors to hire more residents, minorities and women.

The commission will be asked to recommend a resident's jobs policy that requires 50 percent of the people hired on city jobs to be residents, 25 percent to be minorities and 10 percent women on city construction projects.

City looking for members of the Water Board

The city is looking for residents to serve on the Cambridge Water Board who have an interest or experience in either engineering, public health, water quality, finance or the environment.

The advisory board meets monthly, sets goals and policy objectives for the water department and reviews results of departmental operations to make sure they are in line with the established goals and objectives. Anyone interested should send letters by June 5 to Robert Healy, City Manager, 795 Mass. Ave., Cambridge, 02139.

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OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

August 10, 1992

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Enclosed you will find copies of two proposed amendments to the Municipal Code of the City of Cambridge which were passed to be ordained as amended at the City Council meeting held on August 3, 1992 as follows:

1. Enforcement of the State Sanitary Code.

2. Street Performers.

Enclosed you will find also a proposed amendment to the Municipal Code which was passed to a second reading at the City Council meeting of August 3, 1992 relative to Domestic Partnerships.

Enclosed also are copies of two proposed amendments to the Zoning Ordinances which were also passed to a second reading at the City Council meeting of August 3, 1992 as follows:

1. Fast Order Food Establishments.

2. Kendall Square zoning amendment.

Finally, enclosed is a copy of the Kendall Square Plan Amendment # 3 which was also passed to a second as amended at the City Council meeting of August 3, 1992.

Would you kindly review these amendments 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,

D. Margaret Drury

D. Margaret Drury
Temporary City Clerk

DMD/dl

Encs. (6) Ordinance # 1141, 1142, First publication # 2598, 2597, 2600 & 2599.

c.c. Councillor Wolf, Chair, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.

ORDINANCE NO. 1141.
Final publication number 2595. First publication in the Chronicle on October 24,1991.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

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

That Title 8 (Health and Safety) of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 (Enforcement of State Sanitary Code):

Chapter 8.60

ENFORCEMENT OF STATE SANITARY CODE

Sections

8.60.010	Declaration of Emergency
8.60.020	Definitions
8.60.030	Administrative Citations; Issuance
8.60.040	Repairs
8.60.050	Extensions
8.60.060	Fines for Failure to Repair
8.60.070	Appeals of Fines
8.60.080	Failure to Pay Fine
8.60.090	Effect of Fines in Subsequent Actions
8.60.100	Revenues Generated
8.60.110	Regulations
8.60.120	Construction
8.60.130	Severability
8.60.140	Effective Date

8.60.010 Declaration of Emergency

A serious public emergency exists in the City of Cambridge with respect to residential premises which are in violation of the State Sanitary Code, causing many citizens to live in unsafe conditions. The legal remedies available to the Inspectional Services Department in enforcing this code, as well as other applicable state laws and regulations, are insufficient to encourage timely repair of rental properties. Owners often avoid repairing sub-standard properties, thereby endangering the lives, safety, and property of tenants and severely limiting the ability of many people to remain in their homes safely.

In order to provide the Inspectional Services Department with the remedies necessary to effectively carry out its mandate under state law, to guarantee tenants of the City of Cambridge housing which complies with the State Sanitary Code and other applicable laws and regulations, and to encourage owners to maintain the buildings they own in compliance with this code, laws and regulations, the Cambridge City Council, in the exercise of its powers under Section 6 of the Home Rule Amendment, hereby enacts this ordinance under which administrative citations are issued to owners who violate the State Sanitary Code.

8.60.020 Definitions

(A) "Administrative Citation" means a notice issued to an owner by the Inspectional Services Department, pursuant to this Chapter, which provides a statement of the terms under which the owner may be fined for failure to remedy violations of the State

Sanitary Code and a statement of the owner's right to appeal the issuance of the administrative citation and/or fine.

(B) "Dwelling" means every building or shelter including but not limited to rooming houses and temporary housing used or intended for human habitation and every other structure or condition located within the same lot line whose existence causes or is likely to effect noncompliance with the provisions of 105 CMR 410.000.

(C) "Dwelling Unit" means the room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

(D) "Inspectional Services Department" means the legally designated health authority for the City of Cambridge, authorized by Chapter 84 of the Acts and Resolves of 1983, to enforce the State Sanitary Code through the inspection of rental units for violations of the code and the implementation of mechanisms to ensure compliance with repair orders.

(E) "Occupant" means every person over one year of age living or sleeping in a dwelling or dwelling unit.

(F) "Owner" means every person who alone or severally with others (a) has legal title to any rental unit, or parcel of land, vacant or otherwise, including a mobile home park; or (b) has care, charge or control of any dwelling, rental unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent,

executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) mortgagee in possession; or (d) agent, trustee or other person appointed by the courts; (e) any officer or trustee of the association of unit owners of a condominium; (f) a bank or other lending institution in possession as a result of foreclosure; or (g) any person who operates a rooming house. The term "owner" includes landlords and lessors.

(G) "State Sanitary Code" means the State Sanitary Code, Code of Massachusetts Regulations codified at 105 CMR 400.00 - 419.00, adopted under the authority of Massachusetts General Laws, Chapter 111, §3 and §127A as it may be amended from time to time.

8.60.030 Administrative Citations; Issuance

(A) Whenever the Inspectional Services Department finds any violation of any provision of the State Sanitary Code it shall issue, in addition to its order to make repairs, an administrative citation against the owner according to the procedures set out in this Chapter.

(B) The administrative citation shall incorporate by reference the order to make repairs and shall contain the following information:

(1) the date of the inspection;

(2) the amount of fine which shall be assessed against the owner if the violation or violations are not remedied within the time set out in the order to make repairs as well as the rate

at which the fine shall escalate pursuant to Section 8.60.080 (B) of this Chapter;

(3) the manner in which the owner may pay any fine assessed in accordance with the provisions of this Chapter; and

(4) a description of the owner's appeal rights with respect to the issuance of the administrative citation and of any fine.

(C) The administrative citation shall be served on the owner, along with any orders to make repairs, in accordance with the provisions of the State Sanitary Code;

(D) A copy of the administrative citation shall also be served on the occupants of the dwelling or dwelling unit in which violations have been found and shall be posted in the common areas of the dwelling. If violations of the State Sanitary Code are found in the common areas of any dwelling, a copy of the administrative citation shall be served on each and every tenant of the dwelling.

(E) The Inspectional Services Department shall send a copy of the administrative citation to the mortgagee of the property. The City shall request that the mortgagee seek to cure, through all applicable provisions of its mortgage, except through foreclosure or increase in interest rates, any and all violations of Article II of the State Sanitary Code of which it has been so notified.

(F) A copy of the administrative citation shall be retained by the Inspectional Services Department and be available for public inspection and copying.

8.60.040 Repairs

(A) An owner shall make any and all repairs necessary to remedy any violations found by the Inspectional Services Department within the time stated on the order to make repairs, unless he or she requests a hearing pursuant to the hearing regulations of the State Sanitary Code.

(B) The Inspectional Services Department shall, within five days after the dates for compliance specified in an order to repair issued pursuant to 105 CMR 410.830, make an on-site inspection to determine whether there has been compliance with its order. This inspection shall be made within 24 hours of the dates for compliance specified in an order, however, if one or more of the violations or conditions cited in the order to repair are determined to be conditions which may endanger the health or safety, and well being of the occupant(s) as defined in 105 CMR 410.750. An inspection under 105 CMR 410.830 shall comply with the requirements of 105 CMR 410.822.

(C) If, upon re-inspection, it is determined that the Owner has remedied the violations cited in the order to make repairs, the administrative citation shall note this finding and shall be filed with the Inspectional Services Department.

(D) Copies of the administrative citation indicating that the violation has been remedied and no fine has been assessed shall be served on the same individuals who received notice of the initial administrative citation. This notice shall be served within five days of the re-inspection.

(E) If, upon re-inspection, it is determined that the owner has failed to remedy the violations cited, this shall be noted on the administrative citation and a fine shall be assessed against the owner in accordance with the terms of Section 8.60.060. of this Chapter.

(F) Copies of the administrative citation noting the assessment of a fine for failure to remedy the violations cited shall be served on the same individuals who received notice of the initial administrative citation within five days of the fine being assessed against the owner.

8.60.050 Extensions

(A) An owner who has made a good faith effort to remedy any violations cited in an order to make repairs and an administrative citation may apply to the Inspectional Services Department for an extension of the time set for making repairs by requesting a hearing under the hearing provisions of the State Sanitary Code.

(B) A good faith effort shall be found to exist only if the owner provides evidence that the repairs cannot be completed within the required time. Such evidence shall be in the form of at least two written estimates from outside professionals, one of which the owner has accepted in writing, stating when the repairs will be made.

(C) In any case where an extension has been granted for the remedying of any violation, a new date shall be set by the Inspectional Services Department by which the owner shall remedy the violation and a re-inspection shall take place in accordance

with Section 8.60.040 (C) through (F) of this Chapter.

(D) No extensions shall be granted in any case where an owner has received a fine for the same or similar violations in the same unit within the twelve month period immediately preceding issuance of the current administrative citation except where the owner has been granted an extension pursuant to this Section 8.60.050 for any such current administrative citation.

(E) In no event shall the time frame for repairs including any extensions be greater than ninety days from the date of issuance of the order to make repairs except where the owner has been granted an extension pursuant to this 8.60.050.

8.60.060 Fines for Failure to Repair

(A) If an owner fails to remedy a violation cited in an order to make repairs within the allotted time, or fails to remedy the violation within the time set out in any extension granted under Section 8.60.050 of this Chapter, or fails to file a timely appeal, a fine shall be assessed against the owner.

(B) Notice of the assessment of a fine shall be served on the owner in accordance with the notice provisions of the State Sanitary Code.

(C) Notice of the fine shall be served on the same individuals who received notice of the initial administrative citation.

(D) The amount of the fine shall be set according to the following schedule:

(1) $100.00 per day for each violation referred to in

105 CMR 410.830 (A) and required to be corrected within twenty-four hours; or

(2) $10.00 per day for each violation referred to in 105 CMR 401.830 (B) and required to be repaired in an amount of time determined by the Inspectional Service Department but, in any event, no more than thirty days.

(E) If a court with either civil or criminal jurisdiction determines that an extension of time for making repairs is appropriate and so orders pursuant to Section 8.60.050, then during the time of the extension, no fines or other penalties under this Chapter shall accrue.

8.60.070 Appeals of Fines

(A) An owner or occupant who is aggrieved by the issuance of a fine or by the failure of the Inspectional Services Department to fine an owner pursuant to this Chapter may appeal to the Inspectional Services Department according to the following procedures:

(1) An appeal shall be filed within ten days of the date of the action appealed from;

(2) The appeal shall be in writing and shall state, in detail, the grounds for the appeal;

(B) The filing of a timely appeal shall stay the effect of the fine but shall not stay the owner's obligation to repair any violations cited.

(C) A hearing shall be held on the appeal following the same procedures available in an appeal of the issuance of an order to

make repairs which are set out in 105 CMR §§ 410.850 and 410.860, except that any appeal to court shall be governed by the provisions of Massachusetts General Laws, Chapter 30A.

(D) Nothing in this section shall be construed to affect or impair the right to appeal the issuance of an order to make repairs.

8.60.080 Failure to Pay Fines

(A) Notice of a fine which has been issued pursuant to Section 8.60.060 of this Chapter shall be served on the owner and on the occupants who receive notice of the initial administrative citation.

(B) In addition, the owner shall be given notice that the fine shall automatically double if any violation cited in the administrative citation is not remedied within two weeks of service of the notice of the fine and shall automatically triple if any violation is not remedied within one month of service of the notice of the fine.

(C) Any person aggrieved by the failure of the City of Cambridge to take such enforcement action, may seek injunctive relief in the district or superior court pursuant to Massachusetts General Laws, Chapter 214 and 218, §19C to require action by the City of Cambridge in accordance with its enforcement obligations under this section.

8.60.090 Effect of Fine In Subsequent Court Actions

(A) A copy of the administrative citation indicating that a fine has been issued as a result of the owner's failure to remedy

a violation cited in the administrative citation shall be prima facie evidence of a violation of Massachusetts General Laws, Chapter 111, §127A et seq. and Chapter 239, §8A in any legal action by or against the owner.

8.60.100 Revenues Generated

(A) Each fiscal year the City Manager shall determine an acccounting of the revenues generated by the implementation of this ordinance in excess of the cost of administration and shall make a recommendation in the budget presented to the City Council for an appropriation of said funds to the appropriate city department or agency so that said revenues will be directed toward the repair or rehabilitation of deteriorated dwellings or dwelling units in the city.

8.60.110 Regulations

The Commissioner of Inspectional Services shall promulgate regulations consistent with the terms of this Chapter and any applicable state laws and regulations.

8.60.120 Construction

Nothing in this Chapter shall be construed to conflict with the provisions of Massachusetts General Laws, Chapter 111, § 127A, et seq. governing the authority and conduct of the Inspectional Services Department or with any other law or regulation governing the rights and obligations of owners and tenants in the Commonwealth Of Massachusetts.

8.60.130 Severability

The provisions of this Chapter are severable. If any section

or sections are declared invalid by a court of competent jurisdiction, the invalidity shall not affect the validity of any remaining section or sections.

8.60.140 Effective Date

The provisions of this Chapter shall take effect three months from the date of its enactment.

In City Council August 3, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 5; Nays 3; Absent 0. Present 1.

ATTEST:- D. Margaret Drury
Temporary City Clerk

ORDINANCE NO. 1142

Final publication number 2596. First publication in the Chronicle on June 4, 1992.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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

Section 12.16.170 entitled "Street Performers" of the Municipal Code is hereby amended as follows:

That Paragraph E. entitled "Permitted Performances, subparagraph 3. is amended to read as follows:

3(a) No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

3(b) Drums shall be inaudible at a distance of 150 feet.

In City Council August 3, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 5; Nays 3; Absent 0; Present 1.

ATTEST:- D. Margaret Drury
Temporary City Clerk

FIRST PUBLICATION NO. 2598.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2 119 entitled "Domestic Partnerships" which reads as follows:

CHAPTER 2.119

DOMESTIC PARTNERSHIPS

Sections:

2.119.010	Recognition and Scope.
2.119.020	Definitions.
2.119.030	Registration and Termination.
2.119.040	City Clerk -- Fees.
2.119.050	City Clerk -- Records.
2.119.060	Rights of Domestic Partners.
2.119.070	Employment Benefits.
2.119.080	Limitation of Liabilities.
2.119.090	Reciprocity.
2.119.100	Retaliation.
2.119.110	Severability.
2.119.120	Forms.
2.119.130	Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
   a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
   b. They reside together; and
   c. They are not married; and
   d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
   e. They are each other's sole domestic partner; and
   f. They are competent to contract; and
   g. They consider themselves to be a family.

2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.

3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.

4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.

5. The existence of a "family" relationship may be shown by the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.

6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.

7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
   a. A biological child, adopted child, or foster child of a domestic partner; or
   b. A dependent as defined under IRS regulations; or
   c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be $10.00, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of $4.00 for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
   b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities.
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
   b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers.
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
   b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
   c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 **Retaliation.**

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 **Severability.**

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 **Forms.**

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

Passed to a second reading at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk

FIRST PUBLICATION NO. 2597.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "Zoning Ordinances of the City of Cambridge."

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

That the Zoning Ordinances of the City of Cambridge are hereby amended in Section 11.30 entitled "Fast Order Food Establishments" and in Article 2.000 entitled "Definitions" which reads as follows:

11.30 FAST ORDER FOOD ESTABLISHMENTS

11.31 (revised) In considering applications for special permits for Fast Order Food Establishments and Automobile Oriented Fast Order Food Establishments, the Board of Zoning Appeal shall give consideration, in addition to the other criteria specified in Section 10 40, to the following criteria:

(a) **The operation of the establishment shall not (i) increase motor vehicle traffic in the area, (ii) reduce available parking, or (iii) threaten the public safety in the streets and sidewalks;**

(b) The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location;

(c) the establishment fulfills a need for such a service in the neighborhood or in the city;

(d) The establishment will attract patrons primarily from walk-in trade as opposed to drive-in or automobile related trade;

(e) The establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the food and in the utensils and other items provided for the consumption thereof;

(f) The establishment shall provide convenient, suitable and well-marked waste receptacles to encourage patrons properly to dispose of all packaging materials, utensils and other items provided with the sale of food; and

(g) The established complies with all State and local requirements applicable to ingress, egress, and use of all facilities on the premises for handicapped and disabled persons.

11.32 }

11.32.1 } same as current zoning

11.32.2 }

11.32.3 **A special permit issued for a fast order food establishment hereunder may be utilized only by the owner or operator of such establishment as described in the application document, and any successor owner or operators of that establishment. No rights**

under such special permit may be transferred, assigned or otherwise conveyed to the owner or operator of a different fast order food establishment, regardless of were it is located.

ARTICLE 2.000 - DEFINITIONS [revised]

Fast Order Food. Food which is (a) cooked on the premises or maintained thereon in a heated condition, (b) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals, (c) available upon a short waiting time, and (d) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fast Order Food Establishment. An operation in a building, including all adjoining and contiguous areas in the same building, used for the primary purpose of offering for sale to the public Fast Order Food for consumption on or off the premises, which operation does not meet all of the following conditions: (1) provision of non-disposable plates, cups and utensils to all patrons, (2) availability to printed individual menus for all patrons, (3) provision of at least seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and (4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on the premises.

Passed to a second reading as amended at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk

FIRST PUBLICATION NO. 2600.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:
That the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

1. Article 14.00 of the Zoning Ordinance of the City of Cambridge is hereby amended by deleting clause (5) of Section 14.32.2 and by substituting in lieu thereof the following:

> "(5) Entertainment, recreational, institutional, transportation, communication and utility uses permitted by Sections 14.21.5, 14.21.6 and 14.21.7 and additional development of industrial, office, retail, consumer service and hotel/motel uses exceeding the foregoing cumulative GFA limitations of paragraphs (1), (2), (3), and (4b) above: Cumulative GFA=1,473,000 square feet."

Nothing herein shall affect or increase the maximum aggregate GFA of development in the District stated in Section 14.32.1.

2. Article 14.00 of the Zoning Ordinances of the City of Cambridge is hereby further amended by adding to "Table 2: Open Space Substitutions for Constructing Pedestrian Ways" in Section 14.45.1 thereof, the following:

"Roof-top Pedestrian Deck"	"50 sq. ft. or 2.5 sq. ft. for each 1 sq. ft. of total area provided, whichever is greater"

3. Article 14.00 of the Zoning Ordinances of the City of Cambridge is hereby further amended by deleting the first two lines of Section 14.45.2 and substituting therefor the following:

> "The pedestrian ways listed in Table 2 shall be designed to provide for public access (except in the case of a roof-top pedestrian deck) and shall have the following meanings:"

4. Article 14.00 of the Zoning Ordinances of the City of Cambridge is hereby further amended by adding to the list of meanings in Section 14.45.2, the following:

> "(8) A roof-top pedestrian deck is a continuous, open platform at least twenty (20) feet in width which is at least fifteen (15) feet above the mean elevation of the lot and which is built in whole or in part on or over the roof of a structure providing any of the uses as permitted by Section 14.21. Such roof-top pedestrian deck may also extend in part over a street, pedestrian way, access or service road or open space within a lot or between two adjacent lots. It shall have pedestrian access from one or more abutting buildings, either directly from the buildings or otherwise, shall provide seating facilities, and shall be landscaped with appropriate materials which shall include plantings."

5. Article 14.00 of the Zoning Ordinance of the City of Cambridge is hereby further amended by deleting Section 14.60 in its entirety and by substituting in lieu thereof the following:

"14.60 - Signs

"During the life of the Kendall Square Urban Renewal Plan, as amended, the sign regulations of Section 7.10 shall not be applicable in the MXD District."

Passed to a second reading at the City Council meeting of August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk

C. C. 106

FIRST PUBLICATION NO. 2599.

City of Cambridge

PROPOSED AMENDMENT TO KENDALL SQUARE URBAN RENEWAL PLAN

WHEREAS: Cambridge Redevelopment Authority desires to modify, as hereinafter set forth, certain provisions of the urban renewal plan known as the Urban Renewal Plan, Kendall Square Urban Renewal Area, Project No. Mass R-107", as heretofore amended; now therefore be it

RESOLVED: That said Plan is hereby further modified as follows:

1. Section 402(a) of the Plan is hereby amended by deleting the seventh paragraph thereof and by substituting in lieu thereof the following:

"Entertainment, recreational, institutional, transportation, communication and utility uses permitted by Sections 401(5), 401(6) and 401(7) and additional development of industrial, office, retail, consumer service and hotel/motel uses exceeding the foregoing cumulative GFA limitations: Cumulative GFA=973,000 s.f. for buildings which are located or are being constructed or may be constructed at any location within the MXD District, plus an additional 500,000 s.f. for buildings which may be constructed within the MXD District north of Broadway."

Nothing herein shall affect or increase the maximum aggregate GFA stated in the first paragraph of said Section 402(a) of the Plan.

2. Section 403 of the Plan is hereby amended by (a) deleting the fifth and sixth lines on pages 22-35 and substituting therefor the following:

"The pedestrian ways listed in Exhibit E shall be designed to provide for public access (except in the case of a roof-top pedestrian deck) and shall have the following meanings:"

and (b) by adding a new paragraph at the end thereof to read as follows:

(8) A roof-top pedestrian deck is a continuous, open platform at least twenty (20) feet in width which is at least fifteen (15) feet above the mean elevation of the lot and which is built in whole or in part on or over the roof of a structure providing any of the uses as permitted by Section 14.21. Such roof-top pedestrian deck may also extend in part over a street, pedestrian way, access or service road or open space within a lot or between two adjacent lots. It shall have pedestrian access from one or more abutting buildings, either directly from the buildings or otherwise shall provide seating facilities, and shall be landscaped with appropriated materials which shall include plantings.

3. Exhibit E to Section 403 of the Plan is hereby amended by adding the following at the end thereof:

"Roof-Top Pedestrian Deck"	50 sq. ft. or 2.5 sq. ft. for each sq. ft. of total area provided, whichever is greater"

4. Section 803 of the Plan is hereby amended by revising the reference in the second line thereof from "thirty (30) years" to "forty-five (45) years".

Passed to a second reading as amended at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on adoption.

ATTEST:- D. Margaret Drury
Temporary City Clerk

PETITION IN SUPPORT OF
STREET PERFORMERS IN HARVARD SQUARE

Ozain Artists in Support of Human Rights (OASHR) is joining a campaign to lobby the Cambridge City Council on Ordinances to reject the following three proposed amendments with regards to the Street Performers Ordinance 12.16.170 of the Municipal code:

1. A proposed amendment to exclude Winthrop Park from all performances;

2. A proposed amendment to exclude all unaccompanied drummers and groups of unaccompanied drummers from performing in Winthrop Park, Brattle Square Triangle and Cambridge Common;

3. A proposed amendment to reduce the distance for measure of decibels and to change the procedure to measure decibels inside a residential building upon a complaint by a resident.

We are calling on our friends and the Community to sign this petition and attend the public hearing set for Monday, ~~June 22~~, August 3, 1992 at 5:00 pm in the Sullivan Chamber.

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Drummers and friends of the Drumming community are united in opposing the proposed ban on performances at Winthrop Park as well as the exclusion of unaccompanied drummers from the Brattle Street Triangle, Winthrop Park and the Cambridge Common. It is our belief that the proposed Amendments Nos. 1 & 2 are too harsh and discriminatory against drummers.

We ask that these musicians be treated and recognized as Street Performers in compliance with the Street Performers Ordinance 12.16.170 of the Municipal code and that their rights to express themselves and communicate their ideas through the medium of music be protected under the First Amendment of the United States Constitution.

Name Donald [illegible]	Address 3 Kelley St.	Zip Code
Name Sherandalyn Johnson	Address 52 Massachusetts Ave	Zip Code 02139
Name Linda Kimball	Address 24 Concord Ave.	Zip Code 02138
Name Wm Travassos	Address 76 Beacon St	Zip Code 02143
Name Mark Sullivan	Address 34 Mott st	Zip Code 02174
Name FRANK MANRIQUE	Address 322 Somerville	Zip Code 02134
Name [illegible]	Address 51 Massachusetts Av.	Zip Code 02139
Name Lesia Ruglaes	Address 12A Kilby St.	Zip Code 02143
Name Erolene Taylor	Address 226 Norfolk St	Zip Code 02139
Name [illegible]	Address 300 BOSTON AVE	Zip Code 02155
Name Rabi Mishalani	Address 550 Memorial Dr., #8A	Zip Code 02139
Name M. Shah	Address 9, Ryder St, Arlington	Zip Code 02174
Name De Wava	Address [illegible] St, Needham	Zip Code 02192
Name Melody [illegible]	Address 116 College Ave Somr. Boston MA	Zip Code 02144
Name E. Lewis	Address 98 Strathmore Rd	Zip Code 02146
Name Roger O'Day	Address 25 Webster Ct. Som	Zip Code 02154
Name Lesa Medeiros	Address 289 Lakeville Rd. So. Dart	Zip Code 02748
Name Scott Amaral	Address 14 Ruby Ct. N. Dart. MA	Zip Code 02747
Name Becky De Deus	Address 88 Earle St. N.B.	Zip Code 02740
Name Matthew Medeiros	Address [illegible] Allen St N.B.	Zip Code 02740
Name Edward L. Williams	Address 1806 McClure St. Pittsburgh PA	Zip Code 15120
Name Patty Thom	Address 1116 Comm Ave Boston	Zip Code 02134
Name Andy Voss	Address 1116 Comm. Av Boston	Zip Code 02134
Name John Seary	Address 247 Garden St. #1 Camb. Cambridge	Zip Code 02138
Name Winston Cox	Address 29 Pleasant St. Camb	Zip Code 02139
Name	Address	Zip Code

(Don't give to any mailing lists! Thankyou)

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Name_ Address_ Boston MA Zip Code_

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Name Kate Lallart	Address 390 Waltham ST Newton MA	Zip Code 02165	
Name Francisco Parra	Address South Lead	Zip Code 02118	
Name Patty Malone	Address 685 Revere Beach Blvd Revere, MA.	Zip Code 02151	
Name Santam Ban	Address 50 Vassar, Cambridge	Zip Code 02138	
Name [illegible]	Address Malden, MA	Zip Code 02148	
Name Angela Perry	Address 34 Cypress St. Brookline, Ma.	Zip Code 02146	
Name Vincent Laurens	Address Toulouse France	Zip Code 31000	
Name Paula Gaete	Address 169 Edenfield Watertown	Zip Code 02172	
Name Peter Brown	Address 468 Middle St Bra	Zip Code 02184	
Name [illegible]	Address Natick MA	Zip Code 01760	
Name Darlene Medeiros	Address 289 Bakerville Rd. So. Dartmouth	Zip Code 02748	
Name Ed Williams	Address 332 Copeland Quincy	Zip Code 02169	
Name Patrick Schultz	Address 2 Dodge St. Cambridge	Zip Code 02139	
Name Paula Bettencourt	Address 7 Rice's Ln, Westport Boston MA	Zip Code 06880	
Name Marcelo [illegible]	Address	Zip Code	
Name Mircea Manshu Sylvan	Address	Zip Code	
Name Kathleen Howe	Address NJ	Zip Code 07666	
Name John Edwards	Address 142 Broghill Grafton	Zip Code 01536	
Name J Edwards	Address ditto	Zip Code "	
Name [illegible]	Address 112 Green St #1 Cambridge	Zip Code 02139	
Name Bridget Brown	Address Fremont Boston	Zip Code 02118	
Name Jude [illegible]	Address 15 Harris Rd Medford	Zip Code 02110 02155	
Name [illegible]	Address	Zip Code	
Name Richard Kramer	Address 180 Chestnut Ave. JP Cambridge	Zip Code 02130	
Name Richard Maliskal	Address 46 Northbeacon	Zip Code	
Name John DeSimone	Address Malborough	Zip Code 01775	

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Name Darcy Chase	Address 94 Highland St.	Zip Code	01757
Name Krissy Weld	Address 71 Congress St	Zip Code	01757
Name Tania Fernandez	Address 23 Country Corners Rd	Zip Code	01002
Name Jen Feldmann	Address 252 Highland Ave	Zip Code	02143
Name Mike Deigan	Address 1079 Comm Ave	Zip Code	02215
Name Cori A. Richard	Address Berlin, MA	Zip Code	01503
(NO WAY) Name Adam PIAZZA	Address 223 MAIN ST. MA.	Zip Code	01701
Name Valerie Gold	Address 1111 Boylston St.	Zip Code	02115
Name Sarah Gold	Address 1111 Boylston St	Zip Code	02113
Name M. Howeler	Address 39 Walker St	Zip Code	02113
Name K Dupcak	Address 39 Walker St	Zip Code	02113
Name L. Skaggs	Address Jeffrey May	Zip Code	02113
Name B. Sellet	Address Jamie May	Zip Code	01002
Name Seth Nagelberg	Address 154 Newbury St Boston	Zip Code	Boston MA 02116
Name	Address	Zip Code	
Name Peter Sha-Li Lau	Address	Zip Code	
Name Mark Perry	Address	Zip Code	
Name Michele Unruh	Address	Zip Code	
Name Marisol Navas	Address WGBH-TV	Zip Code	02134
Name Lillian MARTINEZ	Address 12 Storehouse St.	Zip Code	02115
Name BRAD GELLING	Address 14 Highland Ave	Zip Code	02173
Name PETRA RYDLOVA	Address 7 JEAN RD. LEXINGTON	Zip Code	Lexington, Ma 02173
Name ROBERTA Exilus	Address 113 Chestnut	Zip Code	02140
Name Vicky Edmond	Address	Zip Code	Brighton 02140
Name Martine Simon	Address 362 Rindge Ave	Zip Code	02140
Name TAMARA Exilus	Address 108 MASS AVE	Zip Code	
Name ANN KENDALL	Address 221 Mt Auburn	Zip Code	02138
Name Joe Price	Address 402 Mass Ave	Zip Code	02138
Name V. B. Thornton	Address 1450 Worcester Rd.	Zip Code	01704
Name Kathy Jones	Address	Zip Code	
Name George Miller	Address 13 Haviland St	Zip Code	02215
Name Dave Ross	Address 13 Haviland St.	Zip Code	02115
Name	Address	Zip Code	
Name	Address	Zip Code	
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Name	Address	Zip Code	
Name	Address	Zip Code	
Name	Address	Zip Code	Brighton

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Name	Address	Zip Code
Marta Cuenca	221 E/M St Camb.	
E. Guney	6 Rockwell St, #1	02139
Annette Booth	22 HARRIS ST. CAM.	02140
GREG MACKINNON	22 HARRIS ST.	02140
RICARDO CORTES	27 GROVE HILL PARK	02160
Tom Sullivan	Gallows Hill, Redding Ct	06896
[illegible] West	983 MEMORIAL DR CAMB	02138
Daniel [illegible]	983 MEMORIAL DR. CAMB	02138
Tsehaye Lemma	116 Ten Hills Rd Som	02145
Ben Yohannes	2 Watson Ave Worc	01606
GARETH BANNISER	650 Frogtown Rd New Canaan. Ct	06840
Anne West	211 W. 60th Terr Shawnee Msn, KS	06208
Elisa Brandi	46 Tewksbury St. Winthrop Boston MA	02152
Michael A. Lewitt	9 Dana St Cambridge	02138
Yogala Nesiah	83 Brattle St Apt B-1 Camb Mass-02138	
Kim Starr	1 Clark St Somerville, MA	02143
MB Starr	1 CLARK ST SOMERVILLE	02143
T.M. Gardner	353 Harvard St., #22 Camb.	02138
K Lavigne	353 Harvard St	02138
Carmen Dyer	113 HAVRE STRE.	02128
HICHAM MAR	4 garden st. #5b	02115
[illegible]	Clinton St	02138
Rashed Mony	P.O. Box 2206	02238
Joahi Schalk	40 Waldo Rd Cambridge	02174
WAYNE COLELLA	18 WILLOW RD, WELLESLEY	02181
JODI Colella	18 Willow Rd Wellesley	02181

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Name Blondelle Jangg	Address 1370 Broadway	Zip Code 02145
Name Liz JACques	Address 303 Lowell St #34	Zip Code 02145
Name Rae Lewis	Address 46-52 MASS AVE	Zip Code 02139
Name Shira Young	Address 60 Queensberry St	Zip Code 02215
Name Jim Barter	Address 11A Myrtle St. Apt.	Zip Code 02130
Name Kevin Miller	Address 542 Mass Ave	Zip Code 02139
Name José TORRES	Address 376 Beacon St.	Zip Code 02116
Name A Bonello	Address 645 Boston St	Zip Code 01905
Name Alan Bonello	Address 645 Boston St	Zip Code 01905
Name Kelly Lynch	Address ~~30 Pleasant St~~ 22 Pleasant	Zip Code 01841
Name Lou Yeager	Address Pleasant Rd. Groton MA	Zip Code 01450
Name Lisa Lanham	Address 20 Eden Street Cambridge MA	Zip Code 02138
Name Jayson Simon	Address 58 Hinckley Ct	Zip Code 02144
Name JEFFREY KEATING	Address 12 SECOND ST.	Zip Code Boston MA 02141
Name Liza Daniel	Address 16 Carol Rd	Zip Code 02192
Name Elizabeth Mulke	Address 96 Henry St. Camb. MA	Zip Code 02139.
Name ANDREW COHN	Address 29 Janeson Rd Newton	Zip Code 02158
Name Andrew Dolan	Address 72 Grozier rd. Camb.	Zip Code 02138
Name MALSTANLEY	Address 84 GROZIER	Zip Code 02138
Name Matt Gleason	Address 7 Brookline St #6 Camb.	Zip Code 02139 !
Name Salvatore Orlando	Address 1109 John Rodes Blvd #244 Melbourne FL	Zip Code 32934
Name Lee Phillips	Address 3413 Willowood Dr Melb FL	Zip Code 32904
Name Kirsten Andelman	Address 32 Blake st. Camb	Zip Code 02140
Name Jill Oliver	39 MURRAY HILL RD. CAMB MA	Zip Code 02140
Name Lenore Myers	Address 54 Carolina Ave Jamaica Plain,	Zip Code 02130
Name	Address	Zip Code
Name	Address	Zip Code
Name	Address	Zip Code
Name	Address	Zip Code
Name	Address	Zip Code
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Name	Address	Zip Code
MARYAM MANESHI	HARVARD INN HOTEL	CAMBRIDGE
Amy Bourne	11 B Robin Rd W. Hartford, CT 06119	06119
Chris Dahlberg	60 Boulder Rd. Wellesley, Mass	02181
Gladys Lemus	898 Mass Ave Cambridge	0239
IRENE HARALDSON	1 CHANNING ST NEWTON	02158
MARK SALERNO	1 CHANNING ST NEWTON	02158
T WARD	DAYSINN BRAINTREE	
DAVID FENTON	71 MARTIN	02130
Jim Todd	44 Joy St	02114
Amy Liebermann	17 Omar Terrace	02160
Matthew Smith	Scarsdale, NY	10583
Carl Benard	fuller st.	02124
Don Douglas	50 Fairlee, Newton	02168
Wilson Wanene	192 Central St. Boston MA	02145
Bill Lally	16 Woodbury Rd, Southboro	01772
Monique Terre	Sylvan	02146
John Lally	16 Woodbury Rd. Southboro	01772
Angelina Costa	142 Walnut St Somerville	02145
Cloves Depicatte	BRAZIL	
Barb Chase	94 Highland St.	
Lucille Weise	Milford, MA	01757
Maricel Gallego	3 Eland Ct. Fairfield, OH	
GREG Hopwood	56 High St Andover, MA	45014
Karl Gold	8200 Bonnwayr Beth, MD	01810
ARVIN BALLAKUPE	16000 SGOOD ST, N ANDOVER MA	20817 01845
Robert Riley	142 North Somerville	02144

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Name Katherine Paul	Address 50 Hackerville Country Hill Ln PO Box ND	Zip Code	MA 01832 Nirvana
Name Rick Kelly	Address	Zip Code	
Name RAY MIRAND II	Address 86 ELLERY ST	Zip Code	02144
Name Sid M. Sup	Address 363 Prospect St	Zip Code	02139
Name Sherry Harmon	Address 363 Prospect St.	Zip Code	02139
Name Jason William	Address 38 Linnaean #12	Zip Code	02138
Name	Address	Zip Code	
Name	Address	Zip Code	
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Name Robyn Pelletier Address 34 Pine Street, Cambridge Zip Code 02139

Name [illegible] Address 54 Carolina Ave Zip Code 02130

Name [illegible] Address 72 CABOT ST, Newton Zip Code 02146

Name Gretchen LANE Address 37 Pleasant St. Camb. Zip Code 02139

Name [illegible] Address 13 R [illegible] Zip Code 02178

Name [illegible] Address 85 Bay State Ave. Somerville Zip Code 02144

Name Ric HAYNES Address 77 Gore St, CAMBRIDGE MA Zip Code 02141

TERYL SMITH 112 BRAYTON RD. BRIGHTON, MA 02135

LORRAINE 217 PRESIDENTS QUINCY MA

Name GULLICKSEN Address LANE Zip Code 02169

Name Melissa Rodgers Address 34 Gorham St CAM Zip Code 02138

Name Kat Ginnis Address 34 GORHAM ST Zip Code 02138

Name Graciela Hopkins Address 11 Peabody Terr #1704 Zip Code 02138

Name Jamelyn Smith Address 38 Moraine St. JP, MA Zip Code 02130

Name Beverly Smith Address 108 Bellevue Ave Cambridge Zip Code 02139

Name Sheridan Smith Address 108 Bellevue Ave Cambridge Zip Code 02139

Name JOE Dubroff Address 52 Hopedale S.t. ALLSTON Zip Code 02134

Name MIKE BARNES Address TORONTO, ONT Zip Code

Name MARIANNE MORRIS Address TORONTO, ONT. Zip Code

Name Anish Bawa Address 1077 MASS AVE, ARLINGTON Zip Code 02174

Name Karen R MacNeil Address 10 Musket Rd Plymouth Zip Code 02360

Name Chris MacNeil Address SAME Zip Code SAME

Name Flor Lovegate Address 1111 Boylston #33 Boston MA Zip Code 02115

Name Christine Scarlett Address 24 The Fenway # 11 Zip Code 02215

Name MICHAEL ENGLISH Address 19 Walkers St., Somerville Zip Code 02155

Name Jimie Milici Address 913 Boylston St. Boston MA Zip Code 02115

Name Tom Vasos Address 913 Boylston St. Boston Zip Code 02115

Name V. Thompson Address London England Zip Code

Name Jerome Ryan Address 35 Lee St CAMB MA Zip Code 02139

Name James R Morgan Address 35 Hillside Ave Medford MA 02155 Zip Code 02155

Name Constance Meredith Address 3 Chaddon Rd Medford MA Zip Code 02155

Name Nadine Iouma Address 67 Elma ST BRIGHTON MA 02135 Zip Code

Name David A. Power Address 80 Chestnut St. Cambridge Zip Code 02139

Name Caroline Condell Address 42 Lombard St Sp fld MA Zip Code 01103

Name Frederick Wentz Address 23 Mica Rd Woodbridge Zip Code 03154

L. S. Lee 45 Hancock St Boston 02114

Jeffrey Libby 3/4 Quincy 02

T. Patrick Revelt 19 Caldwell Ave. Somerville MA 02143

Mark W. Simpson Rt. 3 Box 162 Chapel Hill, NC 27516

Susan Wright 16 Dudley St / N. Cambridge, MA 02140

PETITION IN SUPPORT OF
STREET PERFORMERS IN HARVARD SQUARE

Ozain Artists in Support of Human Rights (OASHR) is joining a campaign to lobby the Cambridge City Council on Ordinances to reject the following three proposed amendments with regards to the Street Performers Ordinance 12.16.170 of the Municipal code:

1. A proposed amendment to exclude Winthrop Park from all performances;

2. A proposed amendment to exclude all unaccompanied drummers and groups of unaccompanied drummers from performing in Winthrop Park, Brattle Square Triangle and Cambridge Common;

3. A proposed amendment to reduce the distance for measure of decibels and to change the procedure to measure decibels inside a residential building upon a complaint by a resident.

We are calling on our friends and the Community to sign this petition and attend the public hearing set for Monday, ~~[illegible]~~ August 3, 1992 at 5:00 pm in the Sullivan Chamber.

****

Drummers and friends of the Drumming community are united in opposing the proposed ban on performances at Winthrop Park as well as the exclusion of unaccompanied drummers from the Brattle Street Triangle, Winthrop Park and the Cambridge Common. It is our belief that the proposed Amendments Nos. 1 & 2 are too harsh and discriminatory against drummers.

We ask that these musicians be treated and recognized as Street Performers in compliance with the Street Performers Ordinance 12.16.170 of the Municipal code and that their rights to express themselves and communicate their ideas through the medium of music be protected under the First Amendment of the United States Constitution.

Name BOBBY SHARPE	Address 570 GALLIVAN BLVD	Zip Code 02124
Name Novelette Sadler	Address 54 Cottage Farm Rd	Zip Code 02146
Name John Endicott	Address 1200 Mass Ave	Zip Code 02138
Name Eric Hummsk[illegible]	Address 43 Gardner	Zip Code 02146
Name Eire [illegible]	Address 660 Belmont St	Zip Code 02172
Name Jim Levitt	Address 950 Mass Ave	Zip Code 02139
Name DAVE CHRONISTER	Address 262 Pearl St	Zip Code 02139
Name LAUREN J. Chronister	Address 262 Pearl St #3	Zip Code 02139
Name ANDREW GERSH	Address 1872 COMM. AVE. #15 BRIGHTON, MA	Zip Code 02135
Name Melanie Yiasemide	Address 1872 Comm Ave #15 Brighton, MA	Zip Code 02135-6016
Name Andrey Carr	Address 128 Reed St CAMB, MA	Zip Code 02140
Name Jen Le Compte	Address 6 Newport Rd Camb MA	Zip Code 02140
Name Sandra [illegible]	Address Euless, TX	Zip Code 76040
Name Shelly [illegible]	Address Brandeis Univ. Boston MA	Zip Code
Name	Address	Zip Code
Name	Address	Zip Code
Name	Address	Zip Code
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Name_ Address_ Zip Code_

Name_ Address_ Zip Code_

C. C. 108

City of Cambridge

MASSACHUSETTS

Unfinished Business #6

Quest

Ordinance

In City Council June 22 1992

As amended para e change

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr		✓			
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers		✓			
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan	✓				
Mr. Timothy J. Toomey, Jr.		✓			
Mr. William H. Walsh	✓				
Ms. Alice K. Wolf		✓			
Mayor Kenneth E. Reeves		✓			
	4	5			

(4 w will request record)

C. C. 108

City of Cambridge

MASSACHUSETTS

F. D. In City Council June 22 1992

Amendment E (3)(4)

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr		✓			
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers		✓			
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan	✓				
Mr. Timothy J. Toomey, Jr.		✓			
Mr. William H. Walsh	✓				
Ms. Alice K. Wolf	✓				
Mayor Kenneth E. Reeves		✓			
	5	4			

C. C. 108

Unfin #6

City of Cambridge

MASSACHUSETTS

S, R=

In City Council June 22 1992

Amendment to add business

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr		✓			
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers		✓			
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan	✓				
Mr. Timothy J. Toomey, Jr.	✓				
Mr. William H. Walsh	✓				
Ms. Alice K. Wolf	✓				
Mayor Kenneth E. Reeves		✓			

6 - 3

C. C. 106

City of Cambridge

MASSACHUSETTS

In City Council June 22 199

Susp Winthrop Park

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay		✓			
Mr. Jonathan S. Myers		✓			
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan	✓				
Mr. Timothy J. Toomey, Jr.		✓			
Mr. William H. Walsh	✓	1			
Ms. Alice K. Wolf	✓				
Mayor Kenneth E. Reeves	✓				

Recvsd

UV/9-0

Table UV/9-0

C. C. 108

City of Cambridge

S.R Mvc 2d vote

MASSACHUSETTS

Unfinished #6

In City Council June 22 1992

Amend to Exclude Winthrop Park from Provisions

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr		✓			
Mr. Francis H. Duehay		✓			
Mr. Jonathan S. Myers		✓			
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan	✓				
Mr. Timothy J. Toomey, Jr.		✓			
Mr. William H. Walsh	✓				
Ms. Alice K. Wolf		✓			
Mayor Kenneth E. Reeves		✓			

Fails passage to 2d vote

Ed Cyr moves susp VV/

Moves

C. C. 108

W. Sullivan moved

City of Cambridge

MASSACHUSETTS

Unfinished #6

In City Council June 22 1992

Unanimous Summers excluded for 3 plus

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr		✓			
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers		✓			
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan	✓				
Mr. Timothy J. Toomey, Jr.		✓			
Mr. William H. Walsh	✓				
Ms. Alice K. Wolf		✓			
Mayor Kenneth E. Reeves		✓			

4 – 5

ordination fails

C. C. 108

Quest. Cmsr – Ord. As Amended

City of Cambridge

MASSACHUSETTS

In City Council Aug 3 1992

Street Perf. Ord. As Amended

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan				✓	
Mr. Timothy J. Toomey, Jr.		✓			
Mr. William H. Walsh		✓			
Ms. Alice K. Wolf	✓				
Mayor Kenneth E. Reeves		✓			
	5	3		1	

Ed Cyr

C. C. 106

City of Cambridge

MASSACHUSETTS

In City Council Aug 3 1992

Reconsideration of Street Perf. Ord

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr	✓			
Mr. Francis H. Duehay	✓			
Mr. Jonathan S. Myers	✓			
Mrs. Sheila T. Russell	✓			
Mr. Walter J. Sullivan				✓
Mr. Timothy J. Toomey, Jr.	✓		✓	
Mr. William H. Walsh	✓			
Ms. Alice K. Wolf	✓			
Mayor Kenneth E. Reeves	✓			
	8	0	0	1

~~CALENDAR ITEM NUMBER SIX~~

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

C. Myers

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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

Section 12.16.170 entitled "Street Performers" of the Municipal Code is hereby amended as follows:

That Paragraph E. entitled "Permitted Performances, subparagraph 3. is amended to read as follows:

3(a) No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident ~~or an employee designated by a business,~~ a designated staff person from the Cambridge Arts Council shall, with the permission of the resident ~~or business~~, measure the sound level inside the residential dwelling ~~or business~~. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

3(b) Drums shall be inaudible at a distance of 150 feet.

In City Council ~~June 22,~~ Aug 3 1992.

~~Failed of ordination by a yea and nay vote:- Yeas 4; Nays 5; Absent 0.~~

~~ATTEST:~~ ~~ATEST:~~- D. Margaret Drury
Temporary City Clerk

~~COUNCILLOR WOLF HAS FILED RECONSIDERATION ON THIS MATTER.~~

5-3-0-1.

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 benefited 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, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that year.

4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than one hundred dollars total for permits for group members.

5. Upon issuing a permit, the Arts Council shall also give the performer a copy of this section.

D. Display of Permit.

A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any Cambridge police officer or staff person of the Cambridge Arts Council on request.

E. Permitted Performances.

1. Performances may take place in the following locations:

a. In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Commissioner of Public Works, or the Chief of Police pursuant to subsection F of this section;

b. On private property, with the written permission of the owner or other person in control of such property;

c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

Monday through Thursday, between 7:00 a.m. and 11:00 p.m.

Friday, between 7:00 a.m. and 11:00 p.m.

Saturday, between 7:00 a.m. and 11:00 p.m.

Sunday, between 10:00 a.m. and 11:00 p.m.

3. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels measured at a distance of fifty feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident the designated staff of the Cambridge Arts Council shall, with the permission of the resident, measure the sound level from inside the residential dwelling. If the sound level exceeds a median sound level of sixty decibels in the daytime or a median sound level of fifty decibels in the nighttime, as defined in the City's noise ordinance, the performer(s) causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations, providing that the music noise level being measured exceeds the background noise by at least ten dB(A). Background noise for this purpose shall mean L_{90}.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than fifty feet from another performer or group of performers.

6. A performer may request contributions of

money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale representations of their own work, including but not limited to photos, records, cassettes, videotapes or compact discs. No display of such representations of the performer's own work shall exceed more than twenty-five percent of the width of the sidewalk from the property line of the premises in front of which the display is installed. In public areas other than sidewalks, no such display shall exceed twenty-five square feet, and it shall be prohibited to place a carpet, rug, blanket, or other such covering over grass in a public place.

F. Exclusion of Public Areas.

1. A specific public area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than fourteen days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than ten days prior to said hearing; or

a. Based upon evidence presented to the City Council during its deliberations on the adoption of the ordinance codified in this section, the City Council designates Brattle Street on both sides from the northerly side of Church Street to the northerly lot line of 76 Brattle Street as an excluded area, thereby prohibiting performances in that area.

2. By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

3. By decision of the Commissioner of Public Works in the case of an emergency regarding a park or playground: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

G. Penalties.

1. Noncriminal Disposition.

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the following officials shall be enforcing persons: police officers and Cambridge Arts Council staff. The penalty for each violation will be twenty-five dollars.

2. Suspension of Permit.

The Cambridge Arts Council and/or the Cambridge police may suspend a permit for no more than thirty days if a performer is found to have knowingly provided false information in the application. Before suspending a permit, the Arts Council must hold a public hearing, after ten days written notice to the performer setting forth the facts constituting the basis for the proposed suspension.

H. Exclusivity.

The provisions of this section take precedence over any other City regulations or ordinance applicable to street performances. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by street performances shall be governed by this section and not by the Cambridge City noise ordinance.

I. Peace and Quiet.

A performance in accordance with this ordinance shall be presumed not to constitute a disturbance of the peace or quiet.

J. Severability.

The provisions of this section are severable, and if any part of this section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect. (Ord. 1104, 1990)

RECEIVED BY
OFFICE OF CITY CLERK

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR 1997 JUN 23 AM 1:50

CAMBRIDGE MA.

Date

Councillor Wolf has filed her intention to move reconsideration of the vote of the City Council failing to pass to be ordained as amended a proposed amendment to the Municipal Code in Section 12.16.170 as it relates to Street Performers.

Signature

Councillor Wolf has filed her intention to move reconsideration of the vote of the City Council failing to pass to be ordained as amended a proposed amendment to the Municipal Code in Section 12.16.170 as it relates to Street Performers.

In City Council,

August 3, 1992

8/3/92 - Reconsideration prevailed

Ordained as amended

5-3-0-1.

CALENDAR ITEM NUMBER SIX

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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

Section 12.16.170 entitled "Street Performers" of the Municipal Code is hereby amended as follows:

That Paragraph E. entitled "Permitted Performances, subparagraph 3. is amended to read as follows:

3(a) No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident or an employee designated by a business, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident or business, measure the sound level inside the residential dwelling or business. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

3(b) Drums shall be inaudible at a distance of 150 feet.

In City Council June 22, 1992.

Failed of ordination by a yea and nay vote:- Yeas 4; Nays 5; Absent 0.

ATEST:- D. Margaret Drury
Temporary City Clerk

COUNCILLOR WOLF HAS FILED RECONSIDERATION ON THIS MATTER.

CALENDAR ITEM NUMBER SIX

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

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

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In City Council June 22, 1992.

Failed of ordination by a yea and nay vote:- Yeas 4; Nays 5; Absent 0.

ATEST:- D. Margaret Drury
Temporary City Clerk

COUNCILLOR WOLF HAS FILED RECONSIDERATION ON THIS MATTER.

CALENDAR ITEM NUMBER SIX

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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3(b) Drums shall be inaudible at a distance of 150 feet.

In City Council June 22, 1992.

Failed of ordination by a yea and nay vote:- Yeas 4; Nays 5; Absent 0.

ATEST:- D. Margaret Drury
Temporary City Clerk

COUNCILLOR WOLF HAS FILED RECONSIDERATION ON THIS MATTER.

CALENDAR ITEM NUMBER SIX

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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

Section 12.16.170 entitled "Street Performers" of the Municipal Code is hereby amended as follows:

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3(a) No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident or an employee designated by a business, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident or business, measure the sound level inside the residential dwelling or business. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

3(b) Drums shall be inaudible at a distance of 150 feet.

In City Council June 22, 1992.

Failed of ordination by a yea and nay vote:- Yeas 4; Nays 5; Absent 0.

ATEST:- D. Margaret Drury
Temporary City Clerk

COUNCILLOR WOLF HAS FILED RECONSIDERATION ON THIS MATTER.

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JULY 1, 1992

TO: ROY-ALAN HANSEN, DEPUTY DIRECTOR
ARTS COUNCIL

FROM: D. MARGARET DRURY DMD
TEMPORARY CITY CLERK

SUBJECT: STREET PERFORMERS ORDINANCE

Enclosed you will find a copy of a proposed amendment to the Municipal Code of the City of Cambridge as it relates to the Street Performers Ordinance.

This amendment was submitted to the City Council at its meeting of June 22, 1992 and on a motion of Councillor Alice K. Wolf, Chair of the Ordinance Committee this amendment was referred to the Task Force.

Would you kindly forward this proposed amendment to the Task Force on behalf of the City Council.

Thank you for your cooperation in this regard.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code"

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

Section 12.16.170 (Street performers) is hereby amended by adding the following sentence to subsection E.2:

"No performer or group of performers shall remain in a location for longer than two hours".

ORD#3\STRTPERF\S1216170.E2

REFERRED TO THE TASK FORCE ON MOTION OF COUNCILLOR WOLF.



Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 349-4380

TO: Margaret Drury, City Clerk

FROM: Roy-Alan Hansen, Deputy Director, Arts Council

DATE: June 11, 1992

SUBJECT: People informed about the June 22 Public Hearing on Street Performance

---

As per your request, I am forwarding to you a list of people sent the letter from the Office of the City Clerk regarding the Public Hearing on Street Performance dated June 11, 1992. This list represents citizens and business people who have registered complaints with the Arts Council related to Street Performers and also people who have attended the Forum for Discussion on Issues related to the Street Performance Ordinance. If I can be of any further assistance, please do not hesitate to contact me.

Eliza Collins • John Constable • Arawana Hayashi • Willie Hills • O'Neal Ingram • Donna Lassiter • Norman McIver
Altaf Mulla • Penny Outlaw • George Turnbull • Karen Vaughan • David Vickery
Arnabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Executive Director

Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 349-4380

PEOPLE WHO WERE NOTIFIED OF ORDINANCE COMMITTEE MEETING OF JUNE 22, 1992

Kevin Crane (Complainant)
104 Mount Auburn Street
P.O. Box 1030
Cambridge 02138

Kim Terrcynsk (Complainant)
Hotto
17 Brattle Street
Cambridge 02138

Nan Donald
60 Pleasant Street #3
Cambridge 02139

Roberta Cruminie (Complainant)
Three Concord Avenue
Cambridge 02138

Elizabeth A.C.Smith (Complainant)
Three Concord Avenue
Cambridge 02138

Fredrick Spotts (Complainant)
Three Concord Avenue
Cambridge 02138

Edward T.H. Tsoi (Complainant)
Tsoi/Kobus & Associates
50 Church Street
P.O. Box 9114
Cambridge 02138

Kathleen O. Van Courtlandt Elliot
(Complainant)
One Waterhouse Street #25
Cambridge 02138

Birge Albright (Forum Member)
Legal Department
City Hall
Cambridge 02139

Ron Kalman (Complainant)
1200 Massachusetts Avenue
Cambridge 02138

Dr. Lawrence Hartman (Complainant)
147 Brattle Street
Cambridge 02138

Ezra Sims (Complainant)
1168 Massachusetts Avenue
Cambridge 02138

Holy Cross Armenian Church (Compl.)
100 Mount Auburn Street
P.O. Box 15
Cambridge 02139

Mr. Lynn E. Chase (Complainant)
Executive Vice President
Cambridge Savings Bank
1374 Massachusetts Avenue
Cambridge 02233-0206

Dr. Lillian Greeley (Complainant)
4 University Road #105
Cambridge 02138-5723

Kimball Jones (Complainant)
One Waterhouse Street #5
Cambridge 02138

Maurie Kamen-Kaye (Complainant)
One Waterhouse Street #5
Cambridge 02138

Harvey Smith
(Forum Member & Performer)
Association for Street Performance
P.O. Box 2107
Cambridge 02138

Eliza Collins • John Constable • Arawana Hayashi • Willie Hills • O'Neal Ingram • Donna Lassiter • Norman McIver
Altaf Mulla • Penny Outlaw • George Turnbull • Karen Vaughan • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Executive Director

Sally Alcorn (Forum Member)
Harvard Square Business Assoc.
18 Brattle Street
Cambridge 02138

Catherine A. Berry (Forum Member)
Tumbleweed
99 Mount Auburn Street
Cambridge 02138

Hazel Geary (Forum Member)
Tumbleweed
99 Mount Auburn Street
Cambridge 02138

Cynthia Frude (Forum Member)
Woolcott & Co.
99 Mount Auburn Street
Cambridge 02138

Vince Dixon (Forum Member)
Cambridge Discovery
227 Harvard Street #64
Cambridge 02138

Mike McMahon (Forum Member)
Cambridge Police Department
831 Massachusetts Avenue
Cambridge 02139

Lt. James Mallice (Forum Member)
Cambridge Police Department
5 Western Avenue
Cambridge 02138

Daryl Janes
(Forum Member &Complainant)
50A JFK Street
Cambridge 02138

Kevin McNamara
(Forum Member & Performer)
Street Artists' Guild
417 Somerville Avenue #2
Cambridge 02143

Richard Scali (Forum Member)
License Commission, Lombardi Building
831 Massachusetts Avenue
Cambridge 02139

Alex Rodriguez (Forum Member)
Licence Commission, Lombardi Building
831 Masachusetts Avenue
Cambridge 02139

David Holzman
(Forum Member & Performer)
Association for Street Performance
35 Cottage Street
Watertown 02172

Marilyn Sandau
(Forum Member and Performer)
25 Hammond Street #5
Cambridge 02138

Marc Redlich (Forum Member)
Law Offices of Marc Redlich
1000 Massachusetts Avenue
Cambridge 02138

David Kistler (Forum Member)
Legal Department
City Hall
Cambridge 02139

Maria Maritoni
(Forum Member & Performer)
Association for Street Performance
10 Magazine Street
Cambridge 02139

John Friscone (Forum Member)
Vice President
Cambridge Saving Bank
1374 Massachusetts Avenue
Cambridge 02238-0206

Peter Rattigan (Forum Member)
Assistant Vice President
Cambridge Savings Bank
1374 Massachusetts Avenue
Cambridge 02238-0206

Ned Landin
(Forum Member & Performer)
Assoc. for Street Performance
67 Prescott Street
Medford 02155

Judith Neuman (Complainant)
Resource Planning Associates
50 Church Street
Cambridge 02138

Winthrop Park Trust, Inc.
P O Box 1517
Cambridge 02238

Stephen Baird
(Forum Member & Performer)
Street Artists' Guild
417 Somerville Avenue #2
Cambridge 02143

Sheldon Cohen
Winthrop Park Trust Inc.
P O Box 1517
Cambridge 02138

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 11, 1992

To all persons interested in the Street Performers Ordinance:

Please be advised that Councillor Alice K. Wolf, Chair of the City Council Committee on Ordinances has scheduled a public hearing for Monday, June 22, 1992 at 7:00 P.M. in the Sullivan Chamber.

The purpose of this hearing is to discuss three proposed amendments to the Street performers Ordinance, 12.16.170 of the Municipal Code:

1. A proposed amendment to exclude Winthrop Park from all performances:

2. A proposed amendment to exclude unaccompanied drummers and groups of unaccompanied drummers from performing in Winthrop Park, Brattle Square Triangle and Cambridge Common;

3. A proposed amendment to reduce the distance for measure of decibels and to change the procedure to measure decibels inside a residential building upon a complaint by a resident.

A copy of the text of the proposed amendments numbered 2 and 3 above is enclosed with this notice for distribution to all who receive this notice.

Please notify individuals who may be interested in this matter of this hearing.

Thank you for your cooperation in this matter, and if you need any help in this matter, please do not hesitate to contact me.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
Temporary City Clerk

DMD/dl

Enc. (1)

FIRST PUBLICATION NO. 2590.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

Roll call para e

In amendment to an ordinance entitled the "Cambridge Municipal Code"

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

Section 12.16.170 of the Code (Street performers) is hereby amended as follows:

1. Paragraph E. (Permitted performances), subparagraph 3. is amended to read as follows:

> No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

or business.

S Russell proposed: or an employee so designated by a business

or business

VV/9-0 a

(F)(1)(b)

That Section 12.16.170 entitled "Street Performer" in Paragraph F (l) be and hereby is amended by adding at the end thereof the following:

Unaccompanied drummers and groups of unaccompanied drummers are hereby forbidden to perform or play on drums in the following public areas:

Winthrop Park

Brattle Square Triangle

Cambridge Common

Passed to a second reading at the City Council meeting held on June 1, 1992 and on or after June 15, 1992 the question comes on passing to be ordained.

ATTEST:- John E. Flynn
Deputy city Clerk

F. Duehay proposed amend.
E(3)(b) Drums shall be inaudible at a distance of 150 ft.
(make 1st part E(3)(a))

C. C. 106

City of Cambridge

MASSACHUSETTS

#6

Ed Cyr
Suspension to allow
Strike S. Russell amendment

In City Council _____ 199

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay		✓			
Mr. Jonathan S. Myers	✓				
Mrs. Sheila T. Russell		✓			
Mr. Walter J. Sullivan		✓			
Mr. Timothy J. Toomey, Jr.		✓			
Mr. William H. Walsh		✓			
Ms. Alice K. Wolf	✓				
Mayor Kenneth E. Reeves			✓		

Rules not suspended

CCM-101

City of Cambridge

IN CITY COUNCIL

April 13, 1992

COUNCILLOR RUSSELL
COUNCILLOR SULLIVAN
VICE MAYOR CYR
COUNCILLOR WALSH

ORDERED: That the City Council consider adding Winthrop Park to the areas of Harvard Square which would exclude street performers as per process outlined in the Cambridge City Ordinance 12.16.170, Section F, Sub-section 1.

REFERRED TO THE ORDINANCE COMMITTEE AND WORKING GROUP FOR HEARING

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code"

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

Section 12.16.170 (Street performers) is hereby amended by adding the following sentence to subsection E.2:

"No performer or group of performers shall remain in a location for longer than two hours".

ORD#3\STRTPERF\S1216170.E2

AW Moves repeal to Task Force
VV/9-0

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 11, 1992

To all persons interested in the Street Performers Ordinance:

Please be advised that Councillor Alice K. Wolf, Chair of the City Council Committee on Ordinances has scheduled a public hearing for Monday, June 22, 1992 at 7:00 P.M. in the Sullivan Chamber.

The purpose of this hearing is to discuss three proposed amendments to the Street performers Ordinance, 12.16.170 of the Municipal Code:

1. A proposed amendment to exclude Winthrop Park from all performances:

2. A proposed amendment to exclude unaccompanied drummers and groups of unaccompanied drummers from performing in Winthrop Park, Brattle Square Triangle and Cambridge Common;

3. A proposed amendment to reduce the distance for measure of decibels and to change the procedure to measure decibels inside a residential building upon a complaint by a resident.

A copy of the text of the proposed amendments numbered 2 and 3 above is enclosed with this notice for distribution to all who receive this notice.

Please notify individuals who may be interested in this matter of this hearing.

Thank you for your cooperation in this matter, and if you need any help in this matter, please do not hesitate to contact me.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
Temporary City Clerk

DMD/dl

Enc. (1)

FIRST PUBLICATION NO. 2590.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code"

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

Section 12.16.170 of the Code (Street performers) is hereby amended as follows:

1. Paragraph E. (Permitted performances), subparagraph 3. is amended to read as follows:

> No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

That Section 12.16.170 entitled "Street Performer" in Paragraph F (1) be and hereby is amended by adding at the end thereof the following:

Unaccompanied drummers and groups of unaccompanied drummers are hereby forbidden to perform or play on drums in the following public areas:

Winthrop Park

Brattle Square Triangle

Cambridge Common

Passed to a second reading at the City Council meeting held on June 1, 1992 and on or after June 15, 1992 the question comes on passing to be ordained.

ATTEST:- John E. Flynn
Deputy city Clerk

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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

Section 12.16.170 entitled "Street Performers" of the Municipal Code is hereby amended as follows:

That Paragraph E. entitled "Permitted Performances, subparagraph 3. is amended to read as follows:

3(a) No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident or an employee designated by a business, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident or business, measure the sound level inside the residential dwelling or business. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

3(b) Drums shall be inaudible at a distance of 150 feet.

CALENDAR ITEM NUMBER SIX

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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

Section 12.16.170 entitled "Street Performers" of the Municipal Code is hereby amended as follows:

That Paragraph E. entitled "Permitted Performances, subparagraph 3. is amended to read as follows:

3(a) No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident or an employee ~~designated by a business~~, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident ~~or business~~, measure the sound level inside the residential dwelling ~~or business~~. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

3(b) Drums shall be inaudible at a distance of 150 feet.

In City Council June 22, 1992.

Failed of ordination by a yea and nay vote:- Yeas 4; Nays 5; Absent 0.

ATEST:- D. Margaret Drury
Temporary City Clerk

COUNCILLOR WOLF HAS FILED RECONSIDERATION ON THIS MATTER.

J Myers moved to amend by deleting business
VV 9-0

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 11, 1992

To all persons interested in the Street Performers Ordinance:

Please be advised that Councillor Alice K. Wolf, Chair of the City Council Committee on Ordinances has scheduled a public hearing for Monday, June 22, 1992 at 7:00 P.M. in the Sullivan Chamber.

The purpose of this hearing is to discuss three proposed amendments to the Street performers Ordinance, 12.16.170 of the Municipal Code:

1. A proposed amendment to exclude Winthrop Park from all performances:

2. A proposed amendment to exclude unaccompanied drummers and groups of unaccompanied drummers from performing in Winthrop Park, Brattle Square Triangle and Cambridge Common;

3. A proposed amendment to reduce the distance for measure of decibels and to change the procedure to measure decibels inside a residential building upon a complaint by a resident.

A copy of the text of the proposed amendments numbered 2 and 3 above is enclosed with this notice for distribution to all who receive this notice.

Please notify individuals who may be interested in this matter of this hearing.

Thank you for your cooperation in this matter, and if you need any help in this matter, please do not hesitate to contact me.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
Temporary City Clerk

DMD/dl

Enc. (1)

FIRST PUBLICATION NO. 2590.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code"

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

Section 12.16.170 of the Code (Street performers) is hereby amended as follows:

1. Paragraph E. [Permitted performances), subparagraph 3. is amended to read as follows:

> No performer or group of performers may generate noise exceeding a median sourd level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

That Section 12.16.170 entitled "Street Performer" in Paragraph F (l) be and hereby is amended by adding at the end thereof the following:

Unaccompanied drummers and groups of unaccompanied drummers are hereby forbidden to perform or play on drums in the following public areas:

Winthrop Park

Brattle Square Triangle

Cambridge Common

Passed to a second reading at the City Council meeting held on June 1, 1992 and on or after June 15, 1992 the question comes on passing to be ordained.

ATTEST:- John E. Flynn
Deputy city Clerk

Drums shall be inaudible at the distance of [redacted] feet.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code"

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

Section 12.16.170 (Street performers) is hereby amended by adding the following sentence to subsection E.2:

"No performer or group of performers shall remain in a location for longer than two hours".

ORD#3\STRTPERF\S1216170.E2

C. Wolf – Referred to Arts Council Task Force

VV

9

Received at the Rostrum
6-22-92
6:45 pm
JEF

WINTHROP PARK

TRUST, Inc.

Post Office Box 157 • Cambridge, Massachusetts 02238

Board of Directors:

Sheldon Cohen, President
David Zewinski, Vice President
Nancy Place, Acting Treasurer
Sue Kuelzer, Assistant Treasurer
Theodora Arvanites, Clerk
Robert Banker
Peter Bentinck-Smith
John Paul DiGiovanni
David Haley
Annabelle Herbert
Howard Medwed
Lisa Peterson
Charles Sullivan
Elizabeth Zagoroff

June 22, 1992

The purpose of this hearing is to discuss a proposed amendment to the Municipal Code of the City of Cambridge to exclude Winthrop Park, Brattle Square Triangle and the Cambridge Common from the Street Performers Ordinances and a proposed amendment to add a procedure to measure decibels inside a residential building upon a complaint by a resident.

An amendment to an ordinance entitled the "Cambridge Municipal Code"
Section 12.16.170 (Street performances) is hereby amended as follows:

1. Paragraph E. (Permitted performances), subparagraph 3. is amended to read as follows:

No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

Regarding the proposed amendments to the Street performers Ordinance, 12.16.170 of the Municipal Code:

1. We are not in favor of a proposed amendment to exclude Winthrop Park from all performances.

2. We are in favor of the proposed amendment to exclude unaccompanied drummers and groups of unaccompanied drummers from performing in Winthrop Park, Brattle Square Triangle and Cambridge Common.

3. We are in favor of a proposed amendment to reduce the distance for measure of decibels and to change the procedure to measure decibels inside a residential building or businesses upon a complaint by a resident.

We would like to add to the proposal:

A. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council, the Licensing Commission and the Cambridge Police shall, with the permission of the resident, measure the sound level inside the residential dwelling or businesses.

B. At Winthrop Park there will be a designated area (by Winthrop Park Trust) for performers to perform in order to preserve the grass.

These issues have been discussed with the Board of Directors of Winthrop Park Trust and a majority are in favor of these amendments.

Sheldon Cohen,
President
WINTHROP PARK TRUST, INC.

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 11, 1992

To all persons interested in the Street Performers Ordinance:

Please be advised that Councillor Alice K. Wolf, Chair of the City Council Committee on Ordinances has scheduled a public hearing for Monday, June 22, 1992 at 7:00 P.M. in the Sullivan Chamber.

The purpose of this hearing is to discuss three proposed amendments to the Street performers Ordinance, 12.16.170 of the Municipal Code:

1. A proposed amendment to exclude Winthrop Park from all performances:

2. A proposed amendment to exclude unaccompanied drummers and groups of unaccompanied drummers from performing in Winthrop Park, Brattle Square Triangle and Cambridge Common;

3. A proposed amendment to reduce the distance for measure of decibels and to change the procedure to measure decibels inside a residential building upon a complaint by a resident.

A copy of the text of the proposed amendments numbered 2 and 3 above is enclosed with this notice for distribution to all who receive this notice.

Please notify individuals who may be interested in this matter of this hearing.

Thank you for your cooperation in this matter, and if you need any help in this matter, please do not hesitate to contact me.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
Temporary City Clerk

DMD/dl

Enc. (1)

FIRST PUBLICATION NO. 2590.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code"

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

Section 12.16.170 of the Code (Street performers) is hereby amended as follows:

1. Paragraph E. (Permitted performances), subparagraph 3. is amended to read as follows:

3(a) No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

or an employee designated by a business

or business

3(b) Drums shall be inaudible at a distance of 150 feet.

That Section 12.16.170 entitled "Street Performer" in Paragraph F (1) be and hereby is amended by adding at the end thereof the following:

Unaccompanied drummers and groups of unaccompanied drummers are hereby forbidden to perform or play on drums in the following public areas:

Winthrop Park

Brattle Square Triangle

Cambridge Common

Passed to a second reading at the City Council meeting held on June 1, 1992 and on or after June 15, 1992 the question comes on passing to be ordained.

ATTEST:- John E. Flynn
Deputy city Clerk

Sign-up
Sheet

Name	Address
✓ Sue Kuelzer	19 Copley St
✓ Peter Sosna	18 Fenwick St, Som.
✓ Roberta Crumrine	3 CONCORD AVE
✓ Lillian Greeley	4 University Rd
✓ Luke Hunsberger	114 Elm St. CAMB.
✓ Sheldon Cohen	PO Box 1517
✓ MARCELLO OZAIN	180 CHESTNUT AVE
✓ Doug Smith	274 Windsor St.
✓ HARVEY SMITH	288 HARVARD ST.
~~Sharrhan Williamson~~	~~237 Franklin St #18C~~
✓ Cynthia Fende	42 Essex St.
✓ Gabriella Britton	922 Mass. Ave Camb.
✓ Jonathan Backstrom	237 Franklin St. #18C MA.
✓ Sharrhan Williamson	" "
✓ David Holzman	35 Cottage St., Watertown
✓ DARYL JANES	50 J.F.K St.
✓ Stephen Baird	39 Robeson St JP.
✓ Kevin McNamara	417 Somerville Ave., Somerville

Public Hearing

6-22-92

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 benefited 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, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that year.

4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than one hundred dollars total for permits for group members.

5. Upon issuing a permit, the Arts Council shall also give the performer a copy of this section.

D. Display of Permit.

A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any Cambridge police officer or staff person of the Cambridge Arts Council on request.

E. Permitted Performances.

1. Performances may take place in the following locations:

a. In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Commissioner of Public Works, or the Chief of Police pursuant to subsection F of this section;

b. On private property, with the written permission of the owner or other person in control of such property;

c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

Monday through Thursday, between 7:00 a.m. and 11:00 p.m.

Friday, between 7:00 a.m. and 11:00 p.m.

Saturday, between 7:00 a.m. and 11:00 p.m.

Sunday, between 10:00 a.m. and 11:00 p.m.

3. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels measured at a distance of ~~fifty~~ 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident the designated staff of the Cambridge Arts Council shall, with the permission of the resident, measure the sound level from inside the residential dwelling. If the sound level exceeds a median sound level of sixty decibels in the daytime or a median sound level of fifty decibels in the nighttime, as defined in the City's noise ordinance, the performer(s) causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations, providing that the music noise level being measured exceeds the background noise by at least ten dB(A). Background noise for this purpose shall mean L_{90}. FHD

#3

Sheila's Amend.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than fifty feet from another performer or group of performers.

6. A performer may request contributions of

money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale representations of their own work, including but not limited to photos, records, cassettes, videotapes or compact discs. No display of such representations of the performer's own work shall exceed more than twenty-five percent of the width of the sidewalk from the property line of the premises in front of which the display is installed. In public areas other than sidewalks, no such display shall exceed twenty-five square feet, and it shall be prohibited to place a carpet, rug, blanket, or other such covering over grass in a public place.

F. Exclusion of Public Areas.

1. A specific public area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than fourteen days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than ten days prior to said hearing; or

a. Based upon evidence presented to the City Council during its deliberations on the adoption of the ordinance codified in this section, the City Council designates Brattle Street on both sides from the northerly side of Church Street to the northerly lot line of 76 Brattle Street as an excluded area, thereby prohibiting performances in that area.

2. By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

3. By decision of the Commissioner of Public Works in the case of an emergency regarding a park or playground: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

G. Penalties.

1. Noncriminal Disposition.

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the following officials shall be enforcing persons: police officers and Cambridge Arts Council staff. The penalty for each violation will be twenty-five dollars.

2. Suspension of Permit.

The Cambridge Arts Council and/or the Cambridge police may suspend a permit for no more than thirty days if a performer is found to have knowingly provided false information in the application. Before suspending a permit, the Arts Council must hold a public hearing, after ten days written notice to the performer setting forth the facts constituting the basis for the proposed suspension.

H. Exclusivity.

The provisions of this section take precedence over any other City regulations or ordinance applicable to street performances. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by street performances shall be governed by this section and not by the Cambridge City noise ordinance.

I. Peace and Quiet.

A performance in accordance with this ordinance shall be presumed not to constitute a disturbance of the peace or quiet.

J. Severability.

The provisions of this section are severable, and if any part of this section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect. (Ord. 1104, 1990)

Received at the Rostrum.
6.22-92
6:45 pm
JEF

CHARLES G. THOMAS
ATTORNEY AT LAW
POST OFFICE BOX 249
CAMBRIDGE, MASSACHUSETTS 02238-0249

TELEPHONE (617) 492-8831

June 22, 1992

Mr. Frank Duehay
Councilor
Cambridge City Council
Cambridge City Hall
Cambridge, Massachusetts 02139

Dear Councilor Duehay:

I am writing concerning the proposed amendment to the Street Performers Ordinance to exclude performers from Winthrop Park, the Brattle Square Triangle and the Cambridge Common. Would you kindly read this letter into the record of the hearings.

I support the amendment and also hope that the Cambridge City Council will amend the ordinance to reduce the permissible decibel level citywide and to clear sidewalks for pedestrians.

At the present time a small number of persons using amplified sound or unamplified but loud drums are permitted to dominate the entire atmosphere of Harvard Square. They are permitted to generate such excessive and intrusive noise that it is often impossible to conduct normal conversation or to pass street performers without suffering ear-splitting amplification. The sound penetrates retail stores, business offices and residences near Harvard Square and Cambridge Common. To permit such excess constitutes a bizarre imbalance between the supposed right of street musicians to express themselves and the unquestionable right of the greater Harvard Square community to work and live in reasonable peace.

As it is, street musicians arrogantly presume that everyone in their midst and for blocks around them share their taste in music and prefer the volume at which they play it. Apparently overreacting to a federal injunction against enforcing the previous restrictive ordinance and bowing to strident representatives of street musicians, the Cambridge City Council enacted the present ordinance. Despite the provision establishing a maximum decibel level, the present law permits street musicians to saturate the atmosphere with excessive amplification or unamplified but loud drum beats.

The noise levels presently permitted are not necessary for the protection of free speech. Neither the Massachusetts Constitution nor the Constitution of the United States requires municipalities to permit street performers to generate excessive, intrusive or disruptive noise. The United States Supreme Court has repeatedly held that appropriate time, manner and place restrictions on public expression are constitutional and that certain kinds of expression enjoy less protection than others.

The Cambridge City Council should also add a provision requiring the Cambridge Police to order street performers to stop performing when crowds become so large as to impede pedestrian traffic. As every City councilor and police officer must know, pedestrians in Harvard Square are often forced into the street to go around crowds attracted by street performers. For instance, near the Harvard Coop Annex and The Tannery, pedestrians often must walk into the street amid automotive traffic. Such a condition presents an serious safety hazard that cannot be tolerated. Furthermore, the City of Cambridge could be held liable for injuries resulting from its failure to remedy a hazard of which it is well aware.

In closing, I urge the Cambridge City Council to pass an ordinance that protects the rights of both street performers and the greater public. As it is, the ordinance ignores the welfare of the public and many individuals whose businesses or residences suffer unusual burdens due to their proximity to street performers. I also hope that, if the new ordinance meets a legal challenge, the City of Cambridge will vigorously meet that challenge and, if necessary, defend a more restrictive ordinance to the court of last resort.

Thank you for reading and considering this letter.

Very truly yours,

Charles G. Thomas

WINTHROP PARK

TRUST, Inc.

Post Office Box 1517 • Cambridge, Massachusetts 02238

Board of Directors:

Sheldon Cohen, President
David Zewinski, Vice President
Nancy Place, Acting Treasurer
Sue Kuelzer, Assistant Treasurer
Theodora Arvanites, Clerk
Robert Banker
Peter Bentinck-Smith
John Paul DiGiovanni
David Haley
Annabelle Herbert
Howard Medwed
Lisa Peterson
Charles Sullivan
Elizabeth Zagoroff

June 22, 1992

The purpose of this hearing is to discuss a proposed amendment to the Municipal Code of the City of Cambridge to exclude Winthrop Park, Brattle Square Triangle and the Cambridge Common from the Street Performers Ordinances and a proposed amendment to add a procedure to measure decibels inside a residential building upon a complaint by a resident.

An amendment to an ordinance entitled the "Cambridge Municipal Code"
Section 12.16.170 (Street performances) is hereby amended as follows:

1. Paragraph E. (Permitted performances), subparagraph 3. is amended to read as follows:

No performer or group of performers may generate noise exceeding a median sound level of 30 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

Regarding the proposed amendments to the Street performers Ordinance, 12.16.170 of the Municipal Code:

1. We are not in favor of a proposed amendment to exclude Winthrop Park from all performances.

2. We are in favor of the proposed amendment to exclude unaccompanied drummers and groups of unaccompanied drummers from performing in Winthrop Park, Brattle Square Triangle and Cambridge Common.

3. We are in favor of a proposed amendment to reduce the distance for measure of decibels and to change the procedure to measure decibels inside a residential building or businesses upon a complaint by a resident.

We would like to add to the proposal:

A. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council, the Licensing Commission and the Cambridge Police shall, with the permission of the resident, measure the sound level inside the residential dwelling or businesses.

B. At Winthrop Park there will be a designated area (by Winthrop Park Trust) for performers to perform in order to preserve the grass.

These issues have been discussed with the Board of Directors of Winthrop Park Trust and a majority are in favor of these amendments.

Sheldon Cohen,
President
WINTHROP PARK TRUST, INC.

WINTHROP PARK

TRUST, Inc.

Post Office Box 1517 • Cambridge, Massachusetts 02238

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June 22, 1992

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An amendment to an ordinance entitled the "Cambridge Municipal Code"
Section 12.16.170 (Street performances) is hereby amended as follows:

1. Paragraph E. (Permitted performances), subparagraph 3. is amended to read as follows:

No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

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These issues have been discussed with the Board of Directors of Winthrop Park Trust and a majority are in favor of these amendments.

Sheldon Cohen,
President
WINTHROP PARK TRUST, INC

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code"

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

Section 12.16.170 (Street performers) is hereby amended by adding the following sentence to subsection E.2:

"No performer or group of performers shall remain in a location for longer than two hours".

ORD#3\STRTPERF\S1216170.E2

CHARLES G. THOMAS
ATTORNEY AT LAW
POST OFFICE BOX 249
CAMBRIDGE, MASSACHUSETTS 02238-0249

TELEPHONE (617) 492-8831

June 22, 1992

Mr. Frank Duehay
Councilor
Cambridge City Council
Cambridge City Hall
Cambridge, Massachusetts 02139

Dear Councilor Duehay:

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I support the amendment and also hope that the Cambridge City Council will amend the ordinance to reduce the permissible decibel level citywide and to clear sidewalks for pedestrians.

At the present time a small number of persons using amplified sound or unamplified but loud drums are permitted to dominate the entire atmosphere of Harvard Square. They are permitted to generate such excessive and intrusive noise that it is often impossible to conduct normal conversation or to pass street performers without suffering ear-splitting amplification. The sound penetrates retail stores, business offices and residences near Harvard Square and Cambridge Common. To permit such excess constitutes a bizarre imbalance between the supposed right of street musicians to express themselves and the unquestionable right of the greater Harvard Square community to work and live in reasonable peace.

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The Cambridge City Council should also add a provision requiring the Cambridge Police to order street performers to stop performing when crowds become so large as to impede pedestrian traffic. As every City councilor and police officer must know, pedestrians in Harvard Square are often forced into the street to go around crowds attracted by street performers. For instance, near the Harvard Coop Annex and The Tannery, pedestrians often must walk into the street amid automotive traffic. Such a condition presents an serious safety hazard that cannot be tolerated. Furthermore, the City of Cambridge could be held liable for injuries resulting from its failure to remedy a hazard of which it is well aware.

In closing, I urge the Cambridge City Council to pass an ordinance that protects the rights of both street performers and the greater public. As it is, the ordinance ignores the welfare of the public and many individuals whose businesses or residences suffer unusual burdens due to their proximity to street performers. I also hope that, if the new ordinance meets a legal challenge, the City of Cambridge will vigorously meet that challenge and, if necessary, defend a more restrictive ordinance to the court of last resort.

Thank you for reading and considering this letter.

Very truly yours,

Charles G. Thomas

CCM-101

City of Cambridge

IN CITY COUNCIL

April 13, 1992

COUNCILLOR RUSSELL
COUNCILLOR SULLIVAN
VICE MAYOR CYR
COUNCILLOR WALSH

ORDERED: That the City Council consider adding Winthrop Park to the areas of Harvard Square which would exclude street performers as per process outlined in the Cambridge City Ordinance 12.16.170, Section F, Sub-section 1.

REFERRED TO THE ORDINANCE COMMITTEE AND WORKING GROUP FOR HEARING

CCM-101

City of Cambridge

6.

IN CITY COUNCIL

April 13, 1992

COUNCILLOR WOLF
COUNCILLOR DUEHAY

WHEREAS: The City Council is in receipt of a letter from Daryl James regarding the possibility of making Winthrop Park off limits to street musicians; and

WHEREAS: There is a working group meeting regularly to discuss enforcement of the street performers' ordinance and issues that arise around that enforcement; now therefore be it

ORDERED: That the City Manager be and hereby is requested to forward the attached letter to the working group that enforces the street performer's ordinance for their study and recommendation; and be it further

ORDERED: That the City Manager be and hereby is requested to report back this recommendation to the City Council by the second week in May for its consideration.

REFERRED TO THE ORDINANCE COMMITTEE AND THE WORKING GROUP FOR A HEARING.

Cambridge Arts Council
57 Inman Street Cambridge, MA 02139 (617) 349-4380

RECEIVED BY
CITY CLERK'S OFFICE
1992 MAY 14 AM 10:24
CAMBRIDGE MA.

M E M O R A N D U M

TO: Joseph E. Connarton, City Clerk

FROM: Roy-Alan Hansen, Deputy Director, Arts Council

DATE: May 13, 1992

SUBJECT: People Informed about the Public Hearing on Street Performance

---

As per your request, I am forwarding to you a list of people informed by the Arts Council of the upcoming public hearing scheduled for Wednesday, May 20, 1992. This list represents citizens and business people who have registered complaints with the Arts Council related to Street Performers and also people who have attended the Forum for Discussion on Issues relating to the Street Performance Ordinance. If I can be of any further assistance, please do not hesitate to contact me.

Eliza Collins • John Constable • Arawana Hayashi • Willie Hills • O'Neal Ingram • Donna Lassiter • Norman McIver
Altaf Mulla • Penny Outlaw • George Turnbull • Karen Vaughan • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Executive Director

CCM-101

City of Cambridge

33.

IN CITY COUNCIL

June 1, 1992

COUNCILLOR WOLF
VICE MAYOR CYR
COUNCILLOR DUEHAY

ORDERED: That the attached amendments to the Street Performers Ordinance, recommended by the Forum on Street Performers, and drafted by the Law Department be referred to the hearing set to continue discussion of banning of Street Performers from Winthrop Park.

In City Council June 1, 1992.
Adopted by the affirmative vote of nine members.
Attest:- John E. Flynn, Deputy City Clerk.

A true copy; John E. Flynn

ATTEST:-

John E. Flynn
Deputy City Clerk

FIRST PUBLICATION NO. 2590.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code"

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

Section 12.16.170 of the Code (Street performers) is hereby amended as follows:

1. Paragraph E. (Permitted performances), subparagraph 3. is amended to read as follows:

> No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

That Section 12.16.170 entitled "Street Performer" in Paragraph F (l) be and hereby is amended by adding at the end thereof the following:

Unaccompanied drummers and groups of unaccompanied drummers are hereby forbidden to perform or play on drums in the following public areas:

Winthrop Park

Brattle Square Triangle

Cambridge Common

Passed to a second reading at the City Council meeting held on June 1, 1992 and on or after June 15, 1992 the question comes on passing to be ordained.

ATTEST:- John E. Flynn
Deputy city Clerk

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH E. CONNARTON
CITY CLERK

(617) 349-4260

JOHN E. FLYNN
DEPUTY CITY CLERK

June 3, 1992

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

Dear Sir:

Enclosed you will find copies of three proposed amendments to the Municipal Code of the City of Cambridge which were passed to a second reading at the City Council meeting held on June 1, 1992 as follows:

1. Vehicle Trip Reduction Ordinance

2. Parking Freeze

3. Street Performers

Would you kindly review these amendments 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,

John E. Flynn

John E. Flynn
Deputy City Clerk

JEF/dl

Encs. (3) First publication numbers 2588, 2589 & 2590

c.c. Councillor Wolf, Chair, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.

FIRST PUBLICATION NO. 2588

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge."

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

That Title 10 entitled "Vehicles and Traffic" of the Municipal Code of the City of Cambridge is hereby amended by adding at new Chapter 10.17 entitled "Vehicle Trip Reduction Ordinance."

Passed to a second reading as amended at the City Council meeting held on June 1, 1992 and on or after June 15, 1992 the question comes on passing to be ordained.

ATTEST:- John E. Flynn
Deputy City Clerk

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Municipal Ordinance may be examined and obtained at the City Clerk's office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:- John E. Flynn
Deputy City Clerk

FIRST PUBLICATION NO. 2589.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an Ordinance entitled "The Municipal Code of the City of Cambridge."

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

That Chapter 10.16 entitled "Parking Freeze" of Title 10 of the Municipal Code entitled "Vehicles and Traffic" be and hereby is amended as follows:

WHEREAS, the City of Cambridge ("City") and the Massachusetts Department of Environmental Protection ("DEP") have agreed to cooperate in an effort to amend the State Implementation Plan ("SIP") under the Clean Air Act, 42 U.S.C. § 7401, et seq., as amended, regarding the measures to be taken by the City toward attainment and maintenance of the National Primary Ambient Air Quality Standards necessary to protect public health in the Commonwealth; and

WHEREAS, the City, as part of a settlement of a legal dispute pertaining to the terms and implementation of a parking freeze in Cambridge, entered into a Memorandum of Agreement ("MOA") with the Department of Environmental Protection ("DEP") on August 15, 1990 and passed Ordinance No. 1112 on November 26, 1990 (the "Interim Ordinance"); and

WHEREAS, the MOA and the Interim Ordinance require the City Manager to present to the City Council a proposal for, together with a form of ordinance concerning, a proposed amendment of the SIP that includes a program of transportation control measures directed toward attainment and maintenance of the National

Primary Ambient Air Quality Standards to protect public health in the Commonwealth; and

WHEREAS, the City recognizes that attainment of the National Primary Ambient Air Quality Standards will require a regional program of transportation control measures to reduce vehicle miles travelled; and

WHEREAS, the 1990 Clean Air Act Amendments specifically prohibit states and localities from implementing transportation control measures which will relocate traffic from one city or one area of a region to another; and

WHEREAS, in light of amendments to the federal Clean Air Act in November 1990, after execution by the City of the MOA and enactment by the City of the Interim Ordinance, the SIP amendment process may take another year or more; and

WHEREAS, DEP and the City amended the MOA on June _, 1992. and

WHEREAS, the Interim Ordinance should be amended to be consistent with the policies of the City, the amended MOA, and the federal Clean Air Act during the interim period; and

WHEREAS, the City will implement the terms of the Interim Ordinance, as amended, until a SIP amendment is approved which will replace and supersede the Interim Ordinance; and

WHEREAS, the City has authority to enact the provisions of this Ordinance pursuant to G.L. Chapter 111, § 31C, as well as by

authority derived from the City's general police power.

NOW, THEREFORE, be it ordained by the City Council of the City of Cambridge as follows:

Title 10 of the Code (Vehicles and Traffic), Chapter 10.16 (Parking Freeze) is hereby amended by adding the following Sections:

10.16.060	Procedure for Obtaining CPFP or Determination of Exclusion
10.16.070	Number of CPFPs to be Issued
10.16.071	Restrictions on Unrestricted On-Street Parking Spaces
10.16.090	Memorandum of Agreement of August 15, 1990, as amended
10.16.100	Effective Date

10.16.060 Procedure for Obtaining CPFP or Determination of Exclusion.

(a) Not amended.

(b) Not amended.

(c) Add at the end of this subsection a new subparagraph 13 as follows:

13. A detailed statement of any public policy considerations which support the application

(d) Not amended.

(e) Not amended.

(f) Not amended.

(g) Amended to strike the third sentence thereof and read as follows:

> The Director shall approve or disapprove the application in accordance with the Committee's determination. When the decision is made to approve an application, the decision shall state the name, address and authorized number of spaces of the facility and any conditions upon which the application is approved. All CPFPs shall include a provision requiring that any spaces in the facility open to the general public for which there will be an hourly or daily fee shall not be available for occupancy prior to 9:30 a.m. on weekdays.

10.16.070 Number of CPFP's to be Issued.

This section shall be stricken and replaced by the following:

The City, in accordance with the procedures set forth in this Chapter, may issue permits only for parking spaces which are in the parking space bank. The parking space bank shall be comprised of parking spaces from the following sources:

(a) Parking spaces which the City has eliminated or against which the City has initiated an enforcement action in accordance with section 10.16.080; plus

(b) Commercial parking spaces which were permitted in accordance with the November 15, 1984 MOA and which are no longer being used; plus

(c) Fifty percent (50%) of those unrestricted on-street parking spaces identified in the City's on-street parking space

inventory which become subject to restrictions on use pursuant to Section 10.16.071; plus

(d) The twenty-two remaining Controlled Parking Spaces available for allocation pursuant to Section 10.16.070 as originally enacted; plus

(e) Such additional parking spaces as the DEP may from time to time approve for inclusion in the parking space bank.

Rights to parking spaces that are eliminated by enforcement cannot be transferred between persons, but must revert back to the City for allocation under the procedure set forth in section 10.16.060.

10.16.071 Restrictions on Unrestricted On-Street Parking Spaces.

Within one (1) month of the effective date of this provision, the Traffic and Parking Department shall, based on the City's inventory of all unregulated on-street parking in the City, submit to the City Manager a written recommendation specifying appropriate restrictions to discourage the use of some or all of these spaces for long-term commuter parking. These restrictions may include, without limitation, an absolute prohibition against parking, installation of parking meters, imposition of time restrictions, and/or restriction for use by residents with permits. The Director of the Traffic and Parking

Department shall make the recommendations available for public review and shall schedule one or more public meetings, as appropriate, for public discussion of the recommendations. Within one month after the public meetings, the Traffic and Parking Department shall submit a revised recommendation to the City Manager. After consultation with the City Manager the Director of the Parking and Traffic Department shall cause the recommendation to be implemented promptly.

10.16.090 Memorandum of Agreement of August 15, 1990.

This section is stricken and replaced by the following:

The City agrees to fulfill the obligations set forth in the MOA between the City and the Massachusetts DEP, dated August 15, 1990, as amended on June -, 1992.

The City Manager shall prepare for submission to the Metropolitan Planning Organization and DEP a proposed amendment to the SIP and a form of ordinance approved by the City Council. The proposed SIP amendment and the form of ordinance shall include, inter alia, provisions whereby certain provisions of such ordinance (i) shall not take effect prior to the sixtieth (60) day after the final approval of a SIP amendment by the U.S. Environmental Protection Agency ("EPA") which contains a program of transportation control measures that are applicable equally to

all communities in the Commonwealth, such as an employer-based vehicle trip reduction program and which revokes the provisions of 40 C.F.R. section 52.1135 which apply to Cambridge; and (ii) whereby such ordinance shall supersede and replace this Chapter upon approval of such SIP amendment.

Upon final approval of such SIP amendment(s) by all governmental authorities with jurisdiction thereof, the City Manager shall notify the City Council of the impact of such SIP amendment(s) on Cambridge.

The provisions of this Chapter shall continue in effect for the interim period.

10.16.100 Effective Date

The provisions of this amendment shall take effect upon enactment.

Passed to a second reading as amended at the City Council meeting held on June 1, 1992 and on or after June 15, 1992 the question comes on passing to be ordained.

ATTEST:- John E. Flynn
Deputy city Celrk

FIRST PUBLICATION NO. 2590.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code"

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

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That Section 12.16.170 entitled "Street Performer" in Paragraph F (l) be and hereby is amended by adding at the end thereof the following:

Unaccompanied drummers and groups of unaccompanied drummers are hereby forbidden to perform or play on drums in the following public areas:

Winthrop Park

Brattle Square Triangle

Cambridge Common

Passed to a second reading at the City Council meeting held on June 1, 1992 and on or after June 15, 1992 the question comes on passing to be ordained.

ATTEST:- John E. Flynn
Deputy city Clerk

Daryl Janes
50A J.F.K. Street
Cambridge, MA 02138

April 6, 1992

Office of the City Clerk
City Hall
Cambridge, MA 02139

Attention: Joseph E. Connarton

Dear Mr. Connarton,

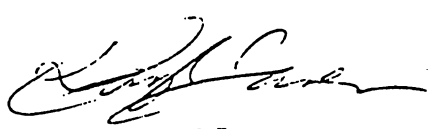
I live opposite Winthrop Park, two blocks from down town Harvard Square. Last summer the street musicians used the park; they played seven days a week beginning at twelve noon and ending at eleven o'clock (sometimes later). They played at eighty decibels on a P.A. system, so there was no way you could tune them out. (Eighty decibels is louder than a train.) I believe that any reasonable person can see that the limit of toleration has been reached and that the street musicians should be restrictec to areas where there are no residential apartments.

I therefore wish to petition the City Council to restrict Winthrop Park as off limits at any time to the street musicians. Also the people in Harvard Square should have some place where they can go and not be blasted by a P.A. system every fifty feet.

Please schedule a hearing at the earliest possible time. Your cooperation on this matter would be appreciated.

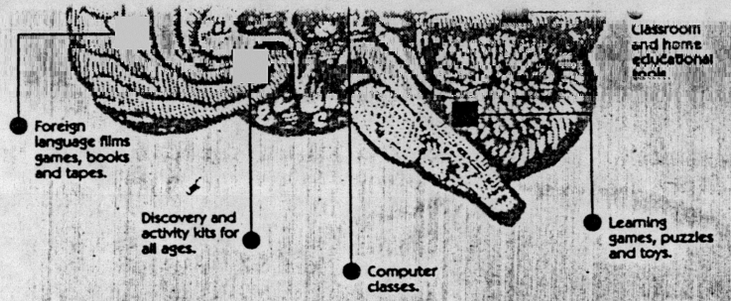
Time is of the essence.

Sincerely,



Daryl Janes

CC: Edward N. Cyr
Francis H. Duehay
Jonathan S. Myers
Kenneth E. Reeves
Sheila T. Russell
Walter J. Sullivan
Timothy J. Toomey, Jr.
Terry Anderson
William H. Walsh
Alice K. Wolf
Roy-Alan Hansen
Alex Rodriguez
Richard V. Scali
Henry Breen
Kevin Fitzgerald
Gladys P. Gifford



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City of Cambridge

PUBLIC HEARING

The Cambridge City Council will conduct a public hearing on Monday, June 22, 1992 at 7:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

The purpose of this hearing is to discuss a proposed amendment to the Municipal Code of the City of Cambridge to exclude Winthrop Park, Brattle Square Triangle and the Cambridge Common from the Street Performers Ordinance.

All interested persons are requested to attend at this time and be heard.

By Order of the City Council,

John E. Flynn
Deputy City Clerk

get the little jobs that want," said Fan Fan.

Brown

Cont'd from page 1

ty," Brown said.

"This is the first year I had a black teacher, but it's not just that we need more black teachers, we need more Asian teachers, more Indian teachers ... we need people who can bring different viewpoints to the curriculum."

Still, Brown credited CRLS with his own transformation from "an 8:30 to 2:30" student who did just enough to get by, to "a quote-unquote student leader."

Besides being involved in the BSU, he ran track for four years, was vice president of the Kappa

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FIRST PUBLICATION NO. 2590.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code"

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

Section 12.16.170 of the Code (Street performers) is hereby amended as follows:

1. Paragraph E. (Permitted performances), subparagraph 3. is amended to read as follows:

> No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90}.

That Section 12.16.170 entitled "Street Performer" in Paragraph F (l) be and hereby is amended by adding at the end thereof the following:

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Winthrop Park

Brattle Square Triangle

Cambridge Common

Passed to a second reading at the City Council meeting held on June 1, 1992 and on or after June 15, 1992 the question comes on passing to be ordained.

ATTEST:- John E. Flynn
Deputy city Clerk

Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 349-4380

RECEIVED
92 MAY 27 AM 9:19
OFFICE OF THE CITY MANAGER

May 26, 1992

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

Dear Mr. Healy:

For your information, I am enclosing a draft ammendment to the Street Performers Ordinance, prepared at the request of Councilor Wolf and intended to implement the recommendations of the Forum on Street Performance, as set out in the group's letter to Councilor Wolf of April 22, 1992.

Please do not hesitate to call if I can be of any further assistance.

Sincerely,

Roy-Alan Hansen
Deputy Executive Director

RAH:lm

enclosures

Eliza Collins • John Constable • Arawana Hayashi • Willie Hills • O'Neal Ingram • Donna Lassiter • Norman McIver
Altaf Mulla • Penny Outlaw • George Turnbull • Karen Vaughan • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Executive Director

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code"

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

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Unaccompanied drummers and groups of unaccompanied drummers are hereby forbidden to perform or play on drums in the following public areas:

Winthrop Park

Brattle Square Triangle

Cambridge Common

Order Banning Unaccompanied Drummers from Winthrop Park, the Brattle Square Triangle and the Cambridge Common

WHEREAS the procedures set forth in Paragraph F.(1) of Section 12.16.170 of the Cambridge Municipal Code (Street Performers) appear to have been satisfied;

NOW, THEREFORE, be it ordained and ordered by the Cambridge City Council as follows:

Unaccompanied drummers and groups of unaccompanied drummers are hereby forbidden to perform or play on drums in the following public areas:

Winthrop Park

Brattle Square Triangle

Cambridge Common

ORD#\STRTPERF\DrumOrdr

13.

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

June 1, 1992

To The Honorable, The City Council:

Please find attached a proposed amendment to the Street Performers Ordinance, received from Roy-Alan Hansen, Deputy Executive Director of the Cambridge Arts Council, for your consideration.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachment

100% Recycled Paper

Consent Agenda # 13 O-23

Proposed amendment to the Street Performers Ordinance.

8/3/92 - Passed to be ordained as amended

5-3-0-1

8/13/92 - Published - Chronicle

In City Council,

June 1, 1992

Referred to the Ordinance Committee

6/1/92 Passed to a second reading

6/22/92 Amendments carried Failed of ordination as amended 4-5-0

Councillor Wolf filed Reconsideration on this matter.