

City of Cambridge

MASSACHUSETTS

In City Council Aug 4 1986

Passed to be ordained as Amended

C.D. Sullivan / Handgun Transactions

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

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*C.D.S.
MS
HK*



CITY OF CAMBRIDGE

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

OFFICE OF
THE CITY CLERK

August 6, 1986

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

Dear Sir:

Enclosed you will find a proposed amendment to the Zoning Ordinances which was passed to a second reading at the City Council meeting held on August 4, 1986 on the petition of Charles R. Laverty, Jr., et al to amend the North Massachusetts Avenue area.

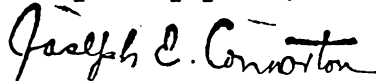
Enclosed also you will find copies of three General Ordinances amendments which were passed to be ordained at the City Council meeting held on August 4, 1986 as follows:

1. Amendment to Chapter Thirteen entitled "Offenses" by adding a new section 13-15A entitled "Certain handgun transactions prohibited".
2. Amendment to Chapter Two entitled "Administration" by adding a new subsection at the end of Section 2-146 entitled "Historic Districts Established" to extend the Old Cambridge Historic District.
3. Amendment to Chapter Thirteen entitled "Offenses" by the addition of a new sub-sub-section V.A. (11) entitled "Electronic bug-killing devices".

Would you kindly review these proposed 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,



Joseph E. Connarton
Acting City Clerk

JEC/dl

Encs. (4) First Publication Number 2322,
Ordinances numbered 1036, 1037 and 1038.

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



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Six

AN ORDINANCE

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

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

The Zone Map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended as follows:

1. Amend the text to create two new commercial zoning districts: BA-2 (1.0/1.75 FAR for business/housing with a 45' height limit) and BC-1 (2.0/3.0 FAR for business/housing with a 50' height limit);
2. Amend the text to create a new residential zoning district: Residence C2-B (1.75 FAR for housing with a 45' height limit);
3. Amend the text of the Business C zoning district (2.0/3.0 FAR) for commercial/residential including other changes to dimensional regulations under Article 5.000);
4. Amend the text to create a new Massachusetts Avenue Overlay District.
5. Amend the Zoning Map by rezoning various districts abutting Massachusetts Avenue from the Cambridge Common to Richard Avenue.

<u>AREA</u>	<u>EXISTING ZONING DESIGNATION</u>	<u>PROPOSED ZONING DESIGNATION</u>
1	Business A	Residence C-2A
2	Business A	Residence C-2
3	Business A	Business A-2
4	Residence B	Business A-2
5	Residence C-2	Residence C-1
6	Residence C-2	Residence C-2B
7	Business C	Business A-2
8	Business C	Residence B
9	Residence C-2	Business A-2
10	Business A	Business A-2
11	Business B	Business C-1
12	Business B	Residence B
13	Business A	Business C-1
14	Business A	Business A-2

Passed to a second reading at the City Council meeting held on August 4, 1986 and on or after August 18, 1986 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
Acting 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 Zoning 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:- Joseph E. Connarton
Acting City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

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

Chapter thirteen entitled "Offenses" is hereby amended by adding after Section 13-15 a new section 13-15A entitled "Certain handgun transactions prohibited," which reads as follows:

Section 13-15A. Certain handguns transactions prohibited.

(a) Findings. The City Council finds and declares that:

(1) Handguns play a major role in the commission of homicide, aggravated assault, armed robbery, and accidental injury and death.

(2) Handguns should therefore not be readily available within the city of Cambridge.

(3) In order to promote and protect the public health, safety, and welfare, to preserve peace and good order, and to maintain the internal police of the city, it is necessary to regulate certain handgun transactions.

(b) Definition. As used in this section, "Handgun" means any firearm, as defined in section one hundred twenty-one of chapter one hundred forty of the General Laws, of which the length of barrel is less than ten inches.

(c) Prohibition. Any person who sells, rents or leases a handgun shall be punished by a fine of not more than three hundred dollars. Each such sale, rental or lease shall constitute a separate offense.

(d) Exceptions. This section shall not apply to:

(1) any person who holds a license to sell, rent or lease firearms from the Cambridge Chief of Police under section one hundred twenty-one of chapter one hundred forty of the General Laws, if the license was first issued on or before May 15, 1986; nor

(2) any person to whom any license mentioned in paragraph (1) is transferred; nor

(3) any person or circumstance mentioned in section one hundred twenty-eight A of said chapter one hundred forty.

In City Council August 4, 1986.

Passed to be ordained as amended by a yea and nay vote:
Yeas 6; Nays 1; Absent 2.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
Acting City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Six

AN ORDINANCE

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

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

That Chapter Two entitled "Administration" is hereby amended by inserting the following subsection at the end of Section 2-146 entitled "Historic Districts Established":

- a. That Old Cambridge Historic District, established by vote of the City Council on December 13, 1976, is hereby extended pursuant to provisions of the Historic Districts Act, M.G.L. Ch. 40C, by the addition thereto of properties located on Arsenal Square, Berkeley Place, Berkeley Street, Concord Avenue, Craigie Street, and Follen Street, and portions of said streets bounded as shown on the map entitled "Old Cambridge Historic District Extension 1986" attached to and made a part of this ordinance. As so extended, the Old Cambridge Historic District remains in full effect and such extended district shall be subject to the provisions of M.G.L. Chapter 40C and Section 2-146.

In City Council August 4, 1986.

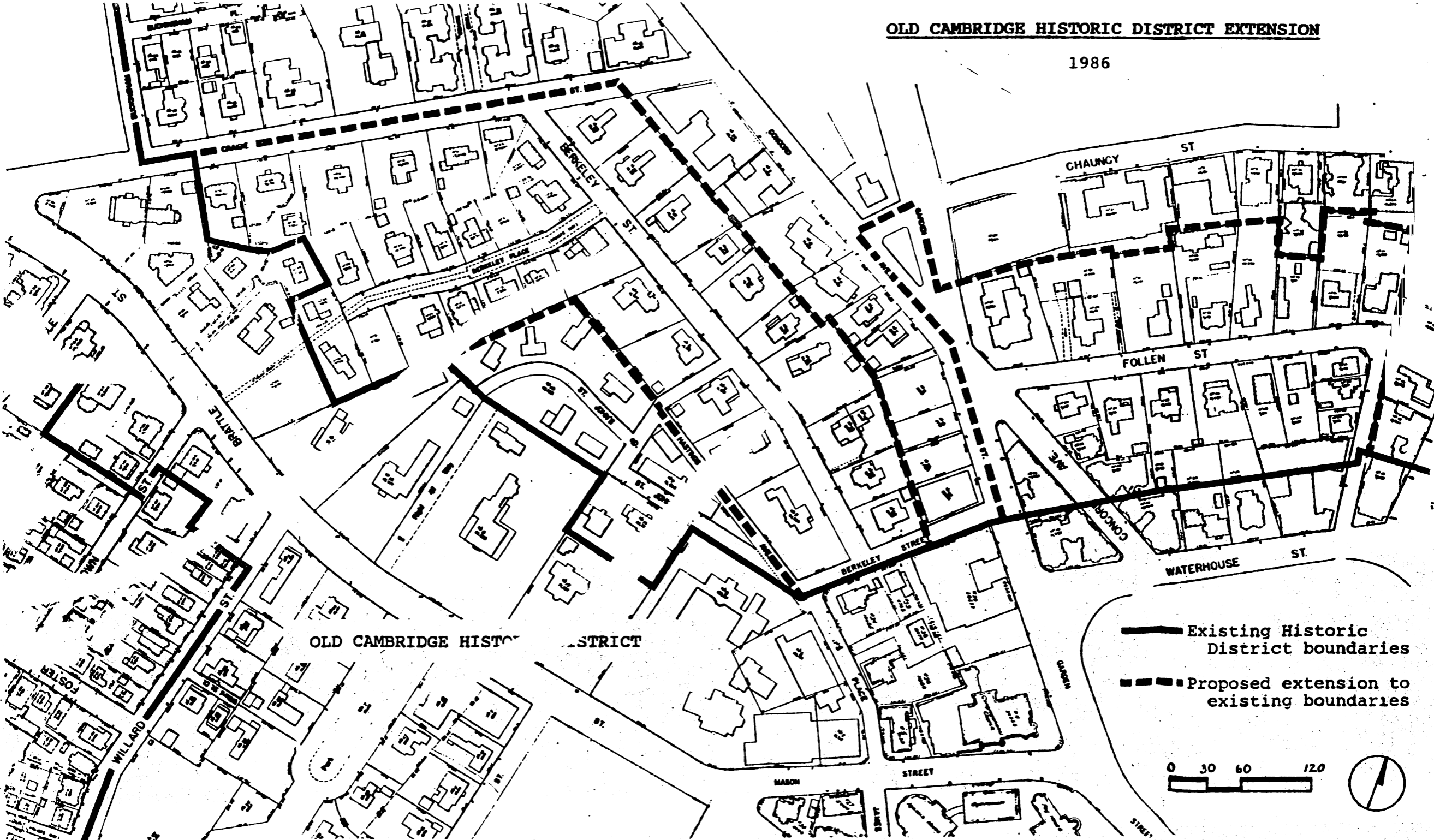
Passed to be ordained by a yea and nay vote:- Yeas 8; Nays 0;
Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
Acting City Clerk.

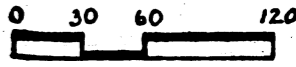
OLD CAMBRIDGE HISTORIC DISTRICT EXTENSION

1986



OLD CAMBRIDGE HISTORIC DISTRICT

- Existing Historic District boundaries
- Proposed extension to existing boundaries





City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

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

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

Chapter Thirteen, "Offenses", Article IV, "Offenses Against Public Peace", section 13-10, "Regulations for the Control of Noise", subsection V., "Prohibition of Non-measured Noise Polluting Acts," is hereby amended by adding thereto the following new sub-sub-section V.A. (11), as follows:

11) Electronic bug-killing devices.

The use of an electronic bug-killing device between the hours of 11:00 p.m. and 8:00 a.m. if a written objection to such use by an abutter has been received by the City Clerk within one year.

In City Council August 4, 1986.

Passed to be ordained by a yeas and nays vote:- Yeas 8; Nays 0;
Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
Acting City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

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Chapter thirteen entitled "Offenses" is hereby amended by adding after Section 13-15 a new section 13-15A entitled "Certain handgun transactions prohibited," which reads as follows:

Section 13-15A. Certain handguns transactions prohibited.

(a) **Findings.** The City Council finds and declares that:

(1) Handguns play a major role in the commission of homicide, aggravated assault, armed robbery, and accidental injury and death.

(2) Handguns should therefore not be readily available within the city of Cambridge.

(3) In order to promote and protect the public health, safety, and welfare, to preserve peace and good order, and to maintain the internal police of the city, it is necessary to regulate certain handgun transactions.

(b) **Definition.** As used in this section, "Handgun" means any firearm, as defined in section one hundred twenty-one of chapter one hundred forty of the General Laws, of which the length of barrel is less than ten inches.

(c) **Prohibition.** Any person who sells, rents or leases a handgun shall be punished by a fine of not more than three hundred dollars. Each such sale, rental or lease shall constitute a separate offense.

(d) **Exceptions.** This section shall not apply to:

(1) any person who holds a license to sell, rent or lease firearms from the Cambridge Chief of Police under section one hundred twenty-one of chapter one hundred forty of the General Laws, if the license was first issued on or before May 15, 1986; nor

(2) any person to whom any license mentioned in paragraph (1) is transferred; nor

(3) any person or circumstance mentioned in section one hundred twenty-eight A of said chapter one hundred forty.

In City Council August 4, 1986.

Passed to be ordained as amended by a yeas and nays vote:
Yeas 6; Nays 1; Absent 2.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
Acting City Clerk.



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In City Council August 4, 1986.

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Yeas 6; Nays 1; Absent 2.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
Acting City Clerk.



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Robert W. Healy, City Manager.

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Robert W. Healy, City Manager.

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In City Council August 4, 1986.

Passed to be ordained as amended by a yeas and nays vote:
Yeas 6; Nays 1; Absent 2.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
Acting City Clerk.



City of Cambridge

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In City Council August 4, 1986.

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Yeas 6; Nays 1; Absent 2.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
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City of Cambridge

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In City Council August 4, 1986.

Passed to be ordained as amended by a yea and nay vote:
Yeas 6; Nays 1; Absent 2.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
Acting City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred

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In City Council August 4, 1986.

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Yeas 6; Nays 1; Absent 2.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
Acting City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred

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Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
Acting City Clerk.



City of Cambridge

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Amendment

Passed to a second reading at the City Council meeting held on June 23, 1986 and on or after July 14, 1986 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, Acting City Clerk.

City of Cambridge

MASSACHUSETTS

In City Council _____ 198

Tab-nj from the table

	YEA	NAY	ABSENT	PRESENT
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay	✓			
Ms. Saundra Graham			✓	
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Mr. Alfred Vellucci	✓			
Mr. William H. Walsh	✓			
Ms. Alice K. Wolf	✓			
Mayor Walter J. Sullivan		✓		

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City of Cambridge

MASSACHUSETTS

In City Council _____ 198

Placing Proposed Ordinance books on the table

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

2

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2

City of Cambridge

MASSACHUSETTS

In City Council _____ 198

	YEA	NAY	ABSENT	PRESENT
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Mr. Francis H. Duehay		✓		
Ms. Sandra Graham			✓	
Mrs. Sheila T. Russell		✓		
Mr. David E. Sullivan		✓		
Mr. Alfred Vellucci	✓			
Mr. William H. Walsh		✓		
Ms. Alice K. Wolf		✓		
Mayor Walter J. Sullivan	✓			

2 5 2



City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

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

Chapter thirteen entitled "Offenses" is hereby amended by adding after Section 13-15 a new section 13-15A entitled "Certain handgun transactions prohibited," which reads as follows:

Section 13-15A. Certain handguns transactions prohibited.

(a) Findings. The City Council finds and declares that:

(1) Handguns play a major role in the commission of homicide, aggravated assault, armed robbery, and accidental injury and death.

(2) Handguns should therefore not be readily available within the city of Cambridge.

(3) In order to promote and protect the public health, safety, and welfare, to preserve peace and good order, and to maintain the internal police of the city, it is necessary to regulate certain handgun transactions.

(b) Definition. As used in this section, "Handgun" means any firearm, as defined in section one hundred twenty-one of chapter one hundred forty of the General Laws, of which the length of barrel is less than ten inches.

(c) Prohibition. Any person who sells, rents or leases a handgun shall be punished by a fine of not more than three hundred dollars. Each such sale, rental or lease shall constitute a separate offense.

(d) Exceptions. This section shall not apply to:

(1) any person who holds a license to sell, rent or lease firearms from the Cambridge Chief of Police under section one hundred twenty-one of chapter one hundred forty of the General Laws, if the license was first issued on or before May 15, 1986; nor

(2) any person or circumstance mentioned in section one hundred twenty-eight A of said chapter one hundred forty.

PUBLIC SAFETY AND GOOD ORDER

D, equivalent to but not in excess of an annual percentage rate of eighteen percent determined in accordance with paragraph (2) of subsection (a) of section five of chapter one hundred and forty D. A finance charge not in excess of fifty cents for a monthly or longer billing cycle or the pro rata part of fifty cents for a billing cycle shorter than monthly may be assessed if the finance charge otherwise assessable is less than fifty cents. For the purpose of this section, a billing cycle shall be considered to be monthly if the billing dates are on the same day of each month or do not vary by more than four days therefrom. No creditor shall impose a delinquency charge, late charge, or similar charge on loans made pursuant to such an open end credit plan."

St.1984, c. 489, was approved Jan. 8, 1985. Emergency declaration by the Governor was filed on the same date.

Notes of Decisions

- 1. Annual fees
This section setting permissible finance charges for open end credit plans did not bar collection of annual charge of \$5 from each of the holders of a bank credit card. Northampton Nat. Bank v. Attorney General (1979) 397 N.E.2d 1149, 8 Mass.App. 809.
Annual flat fee charged holders of bank credit card was not "finance charge" within purview of this section setting permissible finance charges for open end credit plans. Id.

STEAM ENGINES AND FURNACES

§ 115. Necessity of license; contents; application; hearing; notice; fee

A furnace for melting iron or making glass, or a stationary steam engine for use in a mill for planing or sawing boards or turning wood or in which other fuel than coal is used to create steam, shall not be erected or put up to be used in a city or town which accepts this and sections one hundred and sixteen and one hundred and seventeen or has accepted corresponding provisions of earlier laws, unless the aldermen or selectmen thereof have granted a license therefor, prescribing the place where the building shall be erected in which the steam engine or furnace is to be used and the materials and construction thereof, and have made such regulations as to the height of flues and protection against fire as they deem necessary for the safety of the neighborhood. Such license may be granted on a written application, and shall be recorded in the city or town records. The aldermen or selectmen shall assign a time and place for a hearing upon such application, and cause at least fourteen days' public notice thereof to be given, at the expense of the applicant, in such manner as they may order. The fee for such a license shall be set by the aldermen or selectmen, but in no event shall any such fee be greater than twenty-five dollars for each such license.

Amended by St.1981, c. 351, § 80.

1981 Amendment. St.1981, c. 351, § 80, approved July 21, 1981, and by § 299 made effective July 1, 1981, added the fourth sentence.

SALE OF FIREARMS

Library References
Comments.

Firearms, see M.P.S. vol. 32, Nolan, § 301 et seq.

121. Definitions; antique firearms; application of law; exceptions

In sections one hundred and twenty-two to one hundred and thirty-one F, inclusive, "firearm" shall mean a pistol, revolver or other weapon of any description loaded or unloaded, from which a shot or bullet can be discharged and of which the length of the

PUBLIC SAFETY AND GOOD ORDER

barrel or barrels is less than sixteen inches or eighteen inches in the case of a shotgun originally manufactured, and the term "length of barrel" shall mean that portion of firearm, rifle, shotgun or machine gun through which a shot or bullet is driven, guided, stabilized, and shall include the chamber. A "Sawed-off shotgun" shall mean any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon modified has one or more barrels less than eighteen inches in length or as modified has overall length of less than twenty-six inches. An imitation firearm shall mean a weapon which is designed, manufactured, or altered in such a way as to render incapable of discharging a shot or bullet. A "machine gun" is a weapon of a description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger, and includes a submachine gun. The term "ammunition" shall mean cartridge or cartridge cases, primers (igniter), bullets or propellant powder designed for use in a firearm, rifle or shotgun. The term "ammunition" shall also mean tear gas cartridge chemical mace, or any device or instrument which contains or emits a liquid, gas, powder or any other substance designed to incapacitate. The words "purchase" and "sale" include exchange; the word "purchaser" shall include exchanger; and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense, and the term "gunsmith" as used in this chapter shall mean and include any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun. The word "conviction" shall mean a finding or verdict of guilty, or a plea of guilty whether or not final sentence is imposed. "Licensing Authority" shall mean the chief of police or the board or officer having control of the police in a city or town, or persons authorized by them.

[See main volume for text of second and third paragraphs]

Amended by St.1983, c. 516, § 1; St.1984, c. 116, § 1.

1983 Amendment. St.1983, c. 516, § 1, approved Nov. 23, 1983, in the first paragraph, inserted "or barrels" and "as originally manufactured" in the first sentence, and inserted the second sentence.

1984 Amendment. St.1984, c. 116, § 1, approved June 28, 1984, in the first paragraph, inserted the third sentence.

Code of Massachusetts Regulations

Firearms, shotguns, rifles, machine guns, ammunition, sale, lease, see 520 CMR 7.01 et seq.

Cross References

Criminal provisions restricting the carrying or possession of firearms as defined in this section, see c. 269, § 10(a), (c).

Notes of Decisions

- Antique weapons 3.5
Indictment or complaint 5

1. In general

Chapter 269, § 12B governing possession by minors of air rifles and BB guns contained exclusive regulatory language governing possession of those weapons. Com. v. Rhodes (1983) 451 N.E.2d 1151, 389 Mass. 641.

In prosecution for possession of shotgun and carrying shotgun in vehicle, there was no fatal variance between complaint and proof even though complaint described the weapon as a "firearm," when in fact shotgun had a barrel more than 18 inches long and was therefore not "firearm" under this section where complaint further described weapon as .12-gauge shotgun. Com. v. Grasso (1978) 375 N.E.2d 708, 375 Mass. 138.

2. Firearm

Although air gun or BB gun, which does not propel projectile by means of explosion, would not ordinarily be considered "firearm," term is statutory word of art which by proper definition could include such instrument. Com. v. Rhodes (1983) 451 N.E.2d 1151, 389 Mass. 641.

mace, or any device or instrument which contains or emits a liquid, gas, powder, or any other substance designed to incapacitate. The words "purchase" and "sale" include exchange; the word "purchaser" shall include exchanger; and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense, and the term "gunsmith" as used in this chapter shall mean and include any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun. The word "conviction" shall mean a finding or verdict of guilty, or a plea of guilty whether or not final sentence is imposed. "Licensing Authority" shall mean the chief of police or the board or officer having control of the police in a city or town, or persons authorized by them.

Where the local licensing authority has the power to issue licenses or cards under this chapter, but no such authority exists, any resident or applicant may apply for such license or firearm identification card directly to the commissioner of the department of public safety and the commissioner shall for this purpose be the licensing authority.

Sections one hundred and twenty-two to one hundred and twenty-nine D, inclusive, and sections one hundred and thirty-one A, one hundred and thirty-one B and one hundred and thirty-one E shall not apply to

(A) any firearm, rifle or shotgun including any firearm, rifle or shotgun with matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before eighteen hundred and ninety-eight;

(B) any replica, or any firearm, rifle or shotgun described in clause (A) if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(C) manufacturers or wholesalers of firearms, rifles, shotguns or machine guns.

Amended by St.1934, c. 359, § 1; St.1957, c. 688, § 4; St.1959, c. 296, § 1; St.1960, c. 186; St.1968, c. 737, § 1; St.1969, c. 799, § 1; St.1971, c. 456, § 1; St.1973, c. 892, § 1.

Historical Note

St.1911, c. 495, §§ 1, 11.

St.1922, c. 485, § 1.

St.1927, c. 326, § 1.

This section was substantially rewritten by the 1957 amendment.

St.1959, c. 296, § 1, approved May 11, 1959 inserted fourth sentence.

§ 122. Licenses; contents; fingerprints of applicants; procedure on refusal of license; fees; punishment for improper issuance

The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may, after an investigation, grant a license to any person except an alien, a minor or a person who has been convicted of a felony or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell, rent or lease firearms, rifles, shotguns or machine guns, or to be in business as a gunsmith. Every license shall specify the street and number, if any, of the building where the business is to be carried on, and the license shall not protect a licensee who carries on his business in any other place. The licensing authority to whom such application is made shall cause one copy of said applicant's fingerprints to be forwarded to the commissioner of public safety, who shall within a reasonable time thereafter advise such authority in writing of any criminal record of the applicant. The taking of fingerprints shall not be required in issuing a renewal of a license, if the fingerprints of said applicant are on file with the commissioner. Any person refused a license under this section may within ten days thereafter apply to the commissioner for such license, who may direct that said licensing authorities grant said license, if, after a hearing, he is satisfied there were no reasonable grounds for the refusal to grant such license and that the applicant was not barred by the provisions of law from holding such a license. The fee for any license issued under this section shall be set by, and payable in, a manner prescribed by the authorities empowered to issue said license, but said fee shall not exceed twenty dollars per year. A person licensed to sell, rent or lease firearms, rifles, shotguns or machine guns shall not be assessed any additional fee for a gunsmith's license. Whoever knowingly issues a license in violation of this section shall be punished by imprisonment for not less than six months nor more than two years in a jail or house of correction.

Amended by St.1957, c. 688, § 5; St.1959, c. 296, § 2.

Historical Note

St.1911, c. 495, § 3.

St.1922, c. 485, § 2.

Prior to the 1957 amendment, this section read as follows:

"The licensing authorities in any town may, in their discretion, grant licenses to persons to sell, rent or lease firearms and may fix a fee for such license. Every such license shall specify the street and number, if any, of the building where the business is to be car-

ried on and the license shall not protect a licensee who carries on his business in any other place."

St.1959, c. 296, § 2, authorized issuing of licenses to any person except a person who has been convicted of the unlawful use, "possession" or sale of "narcotic or harmful" drugs.

129C of this chapter requiring person to carry firearm not within limits of his own property or residence to, upon demand, exhibit license to carry firearm or his firearm identification card, merely establishes limits for fines and seizures and does not permit person who has neither license to carry firearm nor identification card to carry a firearm

within limits of his own property or residence. Id.

Defendant's possession of machine guns without license authorizing him to possess and carry a machine gun was unlawful even though defendant was in possession of a firearm identification card. Com. v. Fleurant (1974) 311 N.E.2d 86, 2 Mass.App. 250.

1. Term of licenses

Licenses issued under sections one hundred and twenty-two and one hundred and twenty-two B shall expire three years from the date of issuance.

Amended by St.1984, c. 333.

1 Amendment. St.1984, c. 333, approved Nov. 13, 1984, rewrote the section.

3. Penalty for violation of statute on selling, renting or leasing weapons; evidence on sale of machine gun

Any licensee under a license described in section one hundred and twenty-three, and any employee or agent of such a licensee, who violates any provision of said section which is so expressed in the second, fourth, sixth, seventh, eighth or ninth condition of said license, and except as provided in section one hundred and twenty-eight A, any person who, without being licensed as hereinbefore provided, sells, rents or leases a rifle, shotgun or machine gun, or is engaged in business as a gunsmith, shall for a first offense be punished by a fine of not less than five hundred nor more than one thousand dollars, and for any subsequent offense by imprisonment in the state prison for not more than ten years.

Evidence that a person sold or attempted to sell a machine gun without being licensed under section one hundred and twenty-three shall, in a prosecution under this section, constitute prima facie evidence that such person is engaged in the business of selling machine guns.

Amended by St.1981, c. 598.

1 Amendment. St.1981, c. 598, approved Nov. 30, 1981, in the first paragraph, inserted the word "licensee" and deleted "or exposure to sale, rental or lease, or has in his possession with intent to sell, rent or lease," following "rents or leases"; and redesignated the former second sentence of the first paragraph as the second paragraph.

A. Application of section 128

The provisions of section one hundred and twenty-eight shall not apply to any resident of the commonwealth who, without being licensed as provided in section one hundred and twenty-two, sells or transfers firearms, rifles or shotguns to a person licensed under section one hundred and twenty-two, or to a federally licensed firearms dealer, or to a state or local historical society, museum or institutional collection open to the public. The provisions of section one hundred and twenty-eight shall not apply to any person of the commonwealth who, without being licensed as provided in section one hundred and twenty-two, sells to other than a federally licensed firearms dealer or organization named above not more than four firearms, including rifles and shotguns in

any one calendar year; provided, however, that the seller has a firearm identification card or a license to carry firearms, is an exempt person under the conditions of clauses (u), (v), (w), (x), (y) and (z) of the fourth paragraph of section one hundred and twenty-nine C, or is permitted to transfer ownership under the conditions of section one hundred and twenty-nine D and the purchaser has, in the case of sale or transfer of a firearm, a permit to purchase issued under the provisions of section one hundred and thirty-one A and a firearm identification card issued under section one hundred and twenty-nine B, or has such permit to purchase and is an exempt person under the provisions of section one hundred and twenty-nine C, or has been issued a license to carry firearms under the provisions of section one hundred and thirty, or in the case of sale or transfer of a rifle or shotgun, the purchaser has a firearm identification card or a license to carry firearms or is an exempt person as hereinbefore stated; and provided, further, that such resident reports within seven days, in writing to the commissioner of public safety on forms furnished by said commissioner, the names and addresses of the seller and the purchaser of any such firearm, rifle or shotgun, together with a complete description of the firearm, rifle or shotgun, including the calibre, make and serial number and the purchaser's license to carry firearms number, permit to purchase number and identifying number of such documentation as is used to establish exempt person status in the case of a firearm or the purchaser's license to carry number or firearm identification card number or said document identity number, in the case of a rifle or shotgun.

Amended by St.1980, c. 353; St.1981, c. 597.

1980 Amendment. St.1980, c. 353, approved July 2, 1980, added the second sentence.

1981 Amendment. St.1981, c. 597, approved Nov. 30, 1981, in the first sentence, substituted "or transfers firearms, rifles or shotguns to a person licensed under section one hundred and twenty-two, or to a federally licensed firearms dealer, or to a federal, state or local historical society, museum or institutional collection open to the public" for "exposes for sale or has in his possession with intent to sell not more than four firearms including rifles and shotguns, in any one calendar year"; in the second sentence, substituted "without being licensed as provided in section one hundred and twenty-two, sells to other than a federally licensed firearms dealer or

organization named above not more than four firearms, including rifles and shotguns in any one calendar year" for "is licensed or exempt under the provisions of this section and who conducts a display or exhibits more than four firearms provided, however, that such resident complies with all provisions of this chapter"; and transferred the provisions from the first sentence to the second sentence, while also inserting "that" following "provided, however," and deleting "of this chapter" following "section one hundred and thirty" in the first proviso, and substituting "addresses" for "address" and deleting "permit to purchase number and firearm identification card number" preceding "permit to purchase number" in the second proviso.

§ 129. Fictitious name or address and other false information; penalties

Notes of Decisions

1. In general

Fact that defendant was suspected of possessing firearms as well as machine guns and that defendant was subsequently indicted only for

violating c. 269, § 10 prohibiting possession of machine guns had no bearing on initial determination of probable cause for issuance of warrant authorizing search for various types of weapons. Com. v. Fleurant (1974) 311 N.E.2d 86, 2 Mass. App. 250.

§ 129B. Firearm identification cards; form; conditions; applications; investigation; fee; denial; revocation; judicial review

Any person residing or having a place of business within the jurisdiction of the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority application for a

OFFICE OF THE CITY CLERK
1986 MAY 15 PM 1:11

CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

David E. Sullivan
City Councillor

May 19, 1986

To the Honorable, the City Council:

With the support of Massachusetts Citizens for Handgun Control and Cambridge Police Chief Anthony Paolillo, I am pleased to introduce for your consideration the attached proposed ordinance banning the sale, rental, or lease of handguns in Cambridge.

At a time when the gun lobby is threatening to relax federal handgun restrictions, I believe it is particularly appropriate that we begin to address this problem at the local level. As Chief Paolillo has pointed out, handguns are designed, manufactured and sold with one purpose in mind: to kill people. While obviously we cannot solve this serious problem in Cambridge alone, we must begin to act now.

The proposed ordinance would make it a misdemeanor, punishable by a daily fine of \$300 (the maximum allowed under state law), to sell, rent or lease a handgun in Cambridge. It would define a handgun as a firearm with a barrel length less than ten inches.

The proposal would, in effect, prevent the issuance of additional licenses for dealers to sell handguns. It would exempt existing licenses (I am informed that only one gun dealer is currently licensed in Cambridge). To be consistent with state law, it would also exempt individual sales of handguns to licensed dealers. I attach copies of the state statutes referred to in the ordinance.

Based on my own research and consultation with legal experts in the field, I am convinced of this proposal's validity. I hope that the Committee on Ordinances will schedule a speedy hearing on it. Thank you for your consideration.

Sincerely,

David E. Sullivan
David E. Sullivan



City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

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

Chapter thirteen entitled "Offenses" is hereby amended by adding after Section 13-15 a new section 13-15A entitled "Certain handgun transactions prohibited," which reads as follows:

Section 13-15A. Certain handguns transactions prohibited.

(a) Findings. The City Council finds and declares that:

(1) Handguns play a major role in the commission of homicide, aggravated assault, armed robbery, and accidental injury and death.

(2) Handguns should therefore not be readily available within the city of Cambridge.

(3) In order to promote and protect the public health, safety, and welfare, to preserve peace and good order, and to maintain the internal police of the city, it is necessary to regulate certain handgun transactions.

(b) Definition. As used in this section, "Handgun" means any firearm, as defined in section one hundred twenty-one of chapter one hundred forty of the General Laws, of which the length of barrel is less than ten inches.

(c) Prohibition. Any person who sells, rents or leases a handgun shall be punished by a fine of not more than three hundred dollars. Each such sale, rental or lease shall constitute a separate offense.

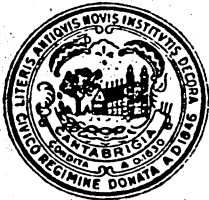
(d) Exceptions. This section shall not apply to:

(1) any person who holds a license to sell, rent or lease firearms from the Cambridge Chief of Police under section one hundred twenty-one of chapter one hundred forty of the General Laws, if the license was first issued on or before May 15, 1986; nor

(2) any person or circumstance mentioned in section one hundred twenty-eight A of said chapter one hundred forty.

Passed to a second reading at the City Council meeting held on June 23, 1986 and on or after July 14, 1986 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, Acting City Clerk.



City of Cambridge

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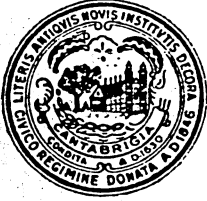
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And handgun ad

LEGAL NOTICES

NOTICE OF PUBLIC HEARING CAMBRIDGE PLANNING BOARD

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, July 15, 1986 at 7:30 P.M. in the Community Development Department Conference Room, 3rd floor, City Hall Annex, 57 Inman Street, Cambridge on a petition of the FAR Group to for a Multifamily Special Permit (Section 4.26) for the construction of 34 units of multi-family housing and four additional units of townhouses not exceeding 40' in height. The permit premises are located at 71 Fulkerson Street in East Cambridge in a Residence C-1 District. In addition the applicant is requesting variations from the dimensional requirements of the Residence C-1 District (Section 5.31), as permitted by Section 10.45 of the Zoning Ordinance, relating to height, density, bulk, and setbacks. Additional Special Permit relief is requested relating to parking setback requirements, alteration of a non-conforming structure and curb cuts. The development involves both reuse of an existing industrial building and new construction. Copies of the petition are on file in the office of the city clerk, City Hall, Cambridge. Questions concerning this petition may be addressed to Lester Barber at 498-9034. (17)71.8

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Patrick G. Vitale and David Dunton, doing business as Fomaggio, have applied for a common victualler's license to be exercised on the 1st floor at 81 Mt. Auburn Street. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and would allow the applicant to maintain said premises as a restaurant to be open to all classes of the public and to have a seating capacity of 20 persons. Said license if granted would be exercised from 6 a.m. to 1 a.m. on weekdays and from 6 a.m. to 1 a.m. on Sundays. The applicant is not seeking to maintain any entertainment on the premises. A hearing on said application will be held on Tuesday, July 22, 1986 at 6:30 p.m. in Room 200, City Hall, 795 Massachusetts Avenue. Any person wishing to comment on said application may attend the hearing, or such person may prior to the hearing submit a written statement to James Thaddeus McDavitt, chairman of the License Commission, Room 205, City Hall, 795 Massachusetts Avenue, Cambridge, MA, 02139. James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission
(17)7.8

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Notice is hereby given that pursuant to General Laws, Chapter 148, that Ceramics Process Systems, has applied for a license for the keeping and storage of 550 gals. of IPA, toluene, MEK, Acetone in drums, aboveground at 840 Memorial Drive. A hearing on said application will be held on Tuesday, July 22, 1986 at 6:30 P.M. in Room 200, City Hall, 795 Massachusetts Avenue. Any person wishing to comment on said application may attend the hearing, or such person may prior to the hearing submit a written statement to James Thaddeus McDavitt, Chairman of the License Commission, Room 205, City Hall, 795 Massachusetts Avenue, Cambridge, Mass., 02139. James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission
(17) 7/8

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended, that Hyatt Corporation d/b/a Hyatt Regency Cambridge, Sheldon J. Fox, Manager, holder of an all alcoholic beverages as a Hotel license at 575 Memorial Drive has applied for permission to relocate the Pallysodoe Bar, from the area of the Jonah Restaurant to in front of the fireplace on the second floor. A hearing on this application will be held Tuesday evening, July 22, 1986, at six-thirty o'clock, in the Barbara Ackermann Room, Room 200, City Hall. James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission
(17)7.8

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended, that Swiss Design, Inc. d/b/a Cafe China, John Lee, Manager, has applied for a license to sell wines and malt beverages as a restaurant at 1245 Cambridge Street. The premises are described as follows: Dining room, kitchen on first floor - Storage in basement. The officers and directors of Swiss Design, Inc. are: Charles Kocher, President, Treasurer, Clerk; Director; Lorence Yun, Director; Chlang Sun, Director. The hearing on this application will be held Tuesday evening, July 22, 1986, in the Barbara Ackermann Room, Room 200, City Hall, Cambridge. James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission
(17)7.8

CITY OF CAMBRIDGE DEPARTMENT OF TRAFFIC & PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.
REGULATION NO. 83-25
Regulation No. 66-1 Schedule 7A "Parking Prohibited During Certain Hours On Certain Sides Of The Streets-Tow Away Zone" is hereby amended by striking out the following:
Hurley Street, south side, Second Street to 130' east of Second Street, between 7AM & 5PM, Except Sat & Sun.
This regulation shall take effect 29 July 1986.
George Teso
Traffic Director
(17)71

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CITY OF CAMBRIDGE PURCHASING DEPARTMENT INVITATION TO BID

The City of Cambridge, Massachusetts, (the Owner) acting through its Purchasing Agent will receive sealed bids for renovations to the exterior walls of the Harrington School, 850 Cambridge Street, Cambridge, MA. Attention is directed to Massachusetts General Laws Chapter 149 section 44A thus 44 as most recently amended. The bid must be accompanied by a copy of the Contractor's Certificate of Eligibility (DCPO form CQ-7), and an update statement (DCPO form CQ-3), in the work category of General Contracting. The estimated project value is \$700,000. In general the work includes removal of the aluminum and glass wall system and replacement with a new wall system on certain portions of the building. All bids will be received at the Office of the Purchasing Agent, Room 303, City Hall, 795 Mass. Avenue, Cambridge, MA, 02139, at which time all bids will be publicly opened and read aloud. Filed sub-bids for the trades listed below shall be submitted no later than 2:00 P.M., Wednesday, July 23, 1986.
Filed sub-bids for:
Specification No.
Unit Masonry 04200
Aluminum Windows 08500
Mechanical 15800
Electrical 16000
Plans and specifications will be available after:
2:00 P.M. Wednesday, July 9, 1986
A Pre-Bid Conference will be held at the Harrington School at:
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General Bids shall be submitted by certified general contractors no later than:
2:00 P.M. Wednesday, July 30, 1986
All material shall be issued and received at the Office of the Purchasing Agent, City Hall, Cambridge, Massachusetts, 02139. Bidders may obtain plans and specifications by depositing Twenty-Five Dollars (\$25.00) in the form of a check only, made payable to the City of Cambridge, for each complete set, refundable immediately after the bid opening upon return of documents in usable condition. The Contract Documents may be examined at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, MA 02139, at the plan room of Dodge Construction Reports, 858 Park Square Building, Boston; at the office of the Master Builders Association, 383 Dorchester Avenue, South Boston, MA. The successful bidder will be required to furnish a Performance Bond and also Labor and Materials or Payment Bond as set forth in the specifications, each in the full amount of the contract. The Awarding Authority reserves the right to reject any or all bids and to waive informalities in the bidding if it be in the public interest to do so. Attention is called to the City's Supplemental Equal Employment Opportunity Anti-Discrimination and Affirmative Action Program as contained in the bidding documents. Attention is also called to the City's 10% Minority Business Enterprise Program as contained in the bidding documents. Attention is called to the fact that not less than the minimum wage rates as set forth in state and federal laws must be paid on this project. Every general bid shall be accompanied by a bid deposit, in the form specified in General Laws, Chapter 149, Section 44B, as most recently amended, in the amount of five percent (5%) of the bid.
BARBARA L. DUFFY
PURCHASING AGENT
(17) 7.8

Biotech

continued from page 1

have emerged about the environmental effects of new intentionally-created plants and microbes.

WANING FEARS OF ACCIDENTS

In the mid-1970's biotech safety debate fear centered on genetically-altered bacteria — especially the *Escherichia coli* (*E. coli*), the bacterial strain most often used in genetic experiments. One common scenario had *E. coli* spliced with a gene for a cancer-causing virus accidentally escaping from the lab into the air or water and causing an epidemic.

But a good safety track record and new scientific evidence helped change attitudes toward genetic research, notes Sheldon Krimsky, a professor of urban and environmental studies at Tufts University.

"There was a fear of the unknown," reflects Philip Shapiro, director of quality and regulatory affairs at Integrated Genetics in Framingham. "... There is little or no concern about safety issues now."

In fact even many industry watchdogs such as the Boston-based Committee for Responsible Genetics, dedicated to developing biotechnology in the public interest, seem fairly confident of laboratory safety. "That's still a small concern," says Nachama Wilker, executive director of the committee. "But we think the regulations are relatively adequate."

However, some say the confidence may be overstated. In the book

Genetics and the Ozonoff, an associate professor of public health at Boston University argues the decline of interest in biotechnology safety had more to do with scientific politics than with scientific evidence. He says the creation of National Institutes of Health (NIH) guidelines was based on a "good deal of wishful thinking."

Ozonoff says experiments with *coli* are far more hardy than researchers admit and can survive in the laboratory environment for 24-hours and even in sewage. He goes on to suggest the relaxation of laboratory guidelines came from biotechnology scientists who wanted NIH's recombinant DNA advisory committee (RAC) which voluntary guidelines for the industry. Echoing Ozonoff, Evelyn Mendelsohn, a history of science professor at Harvard University, says reason for the eased restrictions that "scientists became so involved in the commercial end they sometimes minimized safety risks to get their work," he adds.

But Richard Glass, director of operations and regulatory affairs at BioTechnica Inc., a Cambridge-based biotech firm, believes political "not a major factor in the guidelines being relaxed. The major factor is the scientific confidence."

UNEXPECTED CONCERNS
As the fear about inadvertently releasing environmental dangers has decreased, the number of deliberately altered organisms has increased.

continued

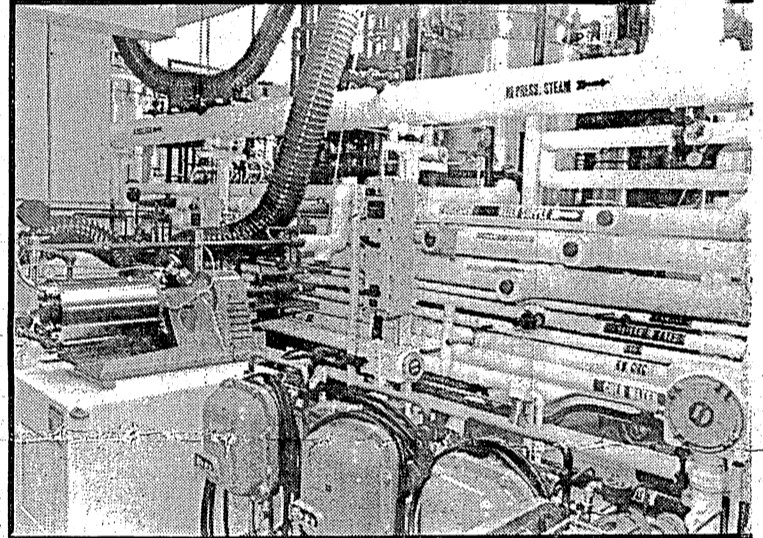


PHOTO BY KEITH JAY
The risks of biotechnology continue to be a concern to scientists and citizens.

ELIMINATE FEAR OF DENTISTRY

Today dental treatment can be accomplished in comfort and free from anxiety. Conscious sedation using nitrous oxide (laughing gas) can relieve apprehension associated with your next dental visit.

CALL FOR A FREE CONSULTATION INSURANCE & MEDICAID ACCEPTED

PETER L. GOLDSTONE D.D.S. P.C.
JAMES A. GRIECO D.M.D.
126 Inman St. at Inman Sq.
Evenings & Saturday by appointment
Family & general dentistry for children & adolescents
491-14

FIRST PUBLICATION NO. 2316.

City of Cambridge

In the Year One Thousand, Nine Hundred and Eighty-Six
AN ORDINANCE

Be it ordained by the City Council of the City of Cambridge as follows:
Chapter thirteen entitled "Offenses" is hereby amended by adding after Section 13-15 a new section 13-15A, entitled "Certain handgun transactions prohibited," which reads as follows:
Section 13-15A. Certain handgun transactions prohibited.
(a) Findings: The City Council finds and declares that:
(1) Handguns play a major role in the commission of homicide, aggravated assault, armed robbery, and accidental injury and death.
(2) Handguns should therefore not be readily available within the city of Cambridge.
(3) In order to promote and protect the public health, safety, and welfare, to preserve peace and good order, and to maintain the internal police of the city, it is necessary to regulate certain handgun transactions.
(b) Definition: As used in this section, "handgun" means any firearm, as defined in section one hundred twenty-one of chapter one hundred forty of the General Laws, of which the length of barrel is less than ten inches.
(c) Prohibition: Any person who sells, rents or leases a handgun shall be punished by a fine of not more than three hundred dollars. Each such sale, rental or lease shall constitute a separate offense.
(d) Exceptions: This section shall not apply to:
(1) any person who holds a license to sell, rent or lease firearms from the Cambridge Chief of Police under section one hundred twenty-one of chapter one hundred forty of the General Laws, if the license was first issued on or before May 15, 1986; nor
(2) any person or circumstance mentioned in section one hundred twenty-eight A of said chapter one hundred forty.
Passed to a second reading at the City Council meeting held on June 23, 1986 and on or after July 14, 1986 the question comes on passing to be ordained.
(17)7.8
ATTEST: — Joseph E. Connorton, Acting City Clerk.

Notice of Public Hearing Cambridge Planning Board

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, July 15, 1986 at 8:45 P.M. in the Community Development Conference Room, 3rd floor, City Hall Annex, 57 Inman Street, Cambridge, Ma. on a petition by the Cambridge City Council to amend the Zoning Map of the City of Cambridge by rezoning from Residence C-2 to Residence C-1 an area of land abutting Mt. Vernon Street shown on the accompanying map. Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts. Questions concerning the petition may be addressed to Lester Barber at 498-9034. (17)71.8

LEGAL NOTICES

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended, that Saint Lucy's Mutual Benefit Society of Cambridge Massachusetts, Inc., James Calorio, Manager, has applied for a license to sell all alcoholic beverages as a club license at 136 Cushing Street. The premises are described as follows: basement club lounge area of premises to be licensed with one entrance and exit plus one emergency exit. The officers and directors of said corporation are: Frank P. Talario, President, Trustee; Pasquale Bianco, Vice-President, Trustee; Patrick Pizzuto, Treasurer, Trustee; Joseph Marchio, Financial Secretary, Trustee; Salvatore Miceli, Recording Secretary, Trustee; Frank Calorio, Trustee; Salvatore Stanizi, Trustee; Joseph Iannelli, Trustee; James A. Calorio, Manager, Trustee. A hearing on this application will be held on Tuesday evening, July 22, 1986 at 6:30 P.M. in the Barbara Ackermann Room, Room 200, City Hall, Cambridge. James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission
(17) 7/8

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that the License Commission has received an application for one automatic music machine to be maintained at Plays, Inc. d/b/a Ica's Game, 1007 Massachusetts Avenue, Cambridge, Massachusetts. A hearing on said application will be held on Tuesday, July 22, 1986 at 6:30 P.M. in Room 200, City Hall, 795 Massachusetts Avenue. Any person wishing to comment on said application may attend the hearing, or such person may prior to the hearing submit a written statement to James Thaddeus McDavitt, Chairman of the License Commission, Room 205, City Hall, Massachusetts Avenue, Cambridge, Mass., 02139. James Thaddeus McDavitt
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LEGAL NOTICES

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In addition the applicant is requesting variations from the dimensional requirements of the Residence C-1 District (Section 5.31), as permitted by Section 10.45 of the Zoning Ordinance, relating to height, density, bulk, and setbacks. An additional Special Permit relief is requested relating to parking setback requirements, alteration of a non-conforming structure and curb cuts. The development involves both reuse of an existing industrial building and new construction. Copies of the petition are on file in the office of the city clerk, City Hall, Cambridge. Questions concerning this petition may be addressed to Lester Barber at 498-9034. (7/14,8

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James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission
(7/7,8

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended, that Chi-Chi's Sub One, Inc. d/b/a Chi-Chi's Mexican Restaurant, holder of an all alcoholic beverages as a restaurant, 2 a.m. closing at 999-1005 Massachusetts Avenue has applied to change its manager from Rodney Westphal to Michael Schwan.

The hearing on this application will be held Tuesday evening, July 22, 1986, at six-thirty o'clock, in the Barbara Ackermann Room, Room 200, City Hall, Cambridge.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission
(7/7,8

CITY OF CAMBRIDGE DEPARTMENT OF TRAFFIC & PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 85-25

Regulation No. 66-1 Schedule 7A "Parking Prohibited During Certain Hours On Certain Sides Of The Streets-Tow Away Zone" is hereby amended by striking out the following:

Hurley Street, south side, Second Street to 130' east of Second Street, between 7AM & 5PM, Except Sat & Sun.

This regulation shall take effect 29 July 1986.

Promulgated Date: July 1, 1986

George Teso
Traffic Director

(7/7/4

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Notice is hereby given under General Laws, Chapter 138, as amended, that Rudi Foods, Inc. d/b/a Rud's, holder of an all alcoholic beverages as a restaurant license at 5 Bennett St. (Charles Sq. Hotel) has applied to change its manager from Carolyn Morgan to Sarah Buton.

A hearing on this application will be held on Tuesday evening, July 22, 1986 at six-thirty o'clock, in the Barbara Ackermann Room, Room 200, City Hall, Cambridge.

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The City of Cambridge, Massachusetts, (the Owner) acting through its Purchasing Agent will receive sealed bids for renovations to the exterior walls of the Harrington School, 850 Cambridge Street, Cambridge, MA. Attention is directed to Massachusetts General Laws Chapter 149 section 44A thus 44A as most recently amended. The bid must be accompanied by a copy of the Contractor's Certificate of Eligibility (DCPO form CG-7), and an update statement (DCPO form CG-3), in the work category of General Contracting. The estimated project value is \$700,000.

In general the work includes removal of the aluminum and glass wall system and replacement with a new wall system on certain portions of the building. All bids will be received at the Office of the Purchasing Agent, Room 303, City Hall, 795 Mass. Avenue, Cambridge, MA, 02139, at which time all bids will be publicly opened and read aloud.

Filed sub-bids for the trades listed below shall be submitted no later than 2:00 P.M. Wednesday, July 23, 1986:

Filed sub-bids for:	Specification No.
Unit Masonry	04200
Aluminum Windows	08500
Mechanical	15800
Electrical	16000

Plans and specifications will be available after 12:00 NOON Wednesday, July 9, 1986. A Pre-Bid Conference will be held at the Harrington School at 10:00 A.M. Wednesday, July 16, 1986.

General Bids shall be submitted by certified general contractors no later than: 2:00 P.M. Wednesday, July 30, 1986.

All material shall be issued and received at the Office of the Purchasing Agent, City Hall, Cambridge, Massachusetts, 02139. Bidders may obtain plans and specifications by depositing Twenty-Five Dollars (\$25.00) in the form of a check only, made payable to the City of Cambridge, for each complete set, refundable immediately after the bid opening upon return of documents in usable condition.

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The Awarding Authority reserves the right to reject any or all bids and to waive informality in the bidding if it be in the public interest to do so. Attention is called to the City's Supplemental Equal Employment Opportunity Anti-Discrimination and Affirmative Action Program as contained in the bidding documents.

Attention is also called to the City's 10% Minority Business Enterprise Program as contained in the bidding documents.

Attention is called to the fact that not less than the minimum wage rates as set forth in state and federal laws must be paid on this project.

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(7/7,8

Biotech

continued from page 1

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In the mid-1970's biotech safety debate fear centered on genetically-altered bacteria — especially the *Escherichia coli* (*E. coli*), the bacterial strain most often used in genetic experiments. One common scenario had *E. coli* spliced with a gene for a cancer-causing virus accidentally escaping from the lab into the air or water and causing an epidemic.

But a good safety track record and new scientific evidence helped change attitudes toward genetic research, notes Sheldon Krinsky, a professor of urban and environmental studies at Tufts University.

"There was a fear of the unknown," reflects Philip Shapiro, director of quality and regulatory affairs at Integrated Genetics in Framingham. "... There is little or no concern about safety issues now."

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UNEXPECTED CONSEQUENCES
As the fear about inadvertent releases has decreased, worries about environmental dangers posed by liberally altered organisms

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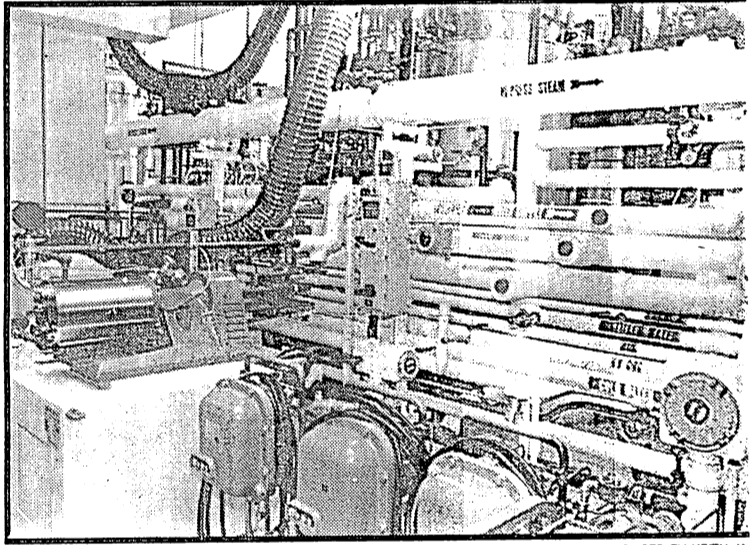


PHOTO BY KEITH JAY

The risks of biotechnology continue to be a concern to scientists and citizens.

ELIMINATE FEAR OF DENTISTRY

Today dental treatment can be accomplished in comfort and free from anxiety. Conscious sedation using nitrous oxide (laughing gas) can relieve apprehension associated with your next dental visit.

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JAMES A. GRIECO D.M.D.

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Family & general dentistry
Dentistry for children & adults

491-14

LEGAL NOTICES

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(7/7,8

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

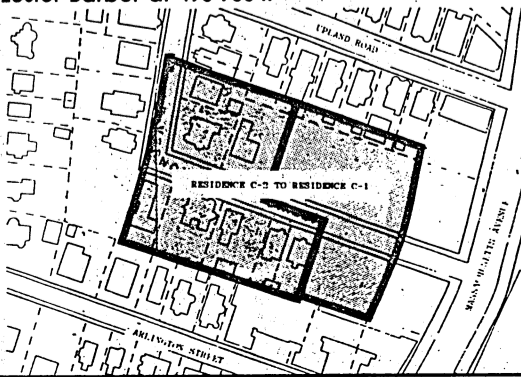
Notice is hereby given that the License Commission has received an application for one automatic music machine to be maintained at Plays, Inc. d/b/a Ica's Game, 1007 Massachusetts Avenue, 7th floor.

A hearing on this application will be held on Tuesday evening, July 22, 1986 at 6:30 P.M. in the Barbara Ackermann Room 200, City Hall, Cambridge, Massachusetts. Any person wishing to comment on said application may attend the hearing, or such person may prior to the hearing submit a written statement to James Thaddeus McDavitt, Chairman of the License Commission, Room 205, City Hall, Massachusetts Avenue, Cambridge, Mass., 02139.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission
(7/7,8

Notice of Public Hearing Cambridge Planning Board

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, July 15, 1986 at 8:45 P.M. in the Community Development Conference Room, 3rd floor, City Hall Annex, 57 Inman Street, Cambridge, Ma. on a petition by the Cambridge City Council to amend the Zoning Map of the City of Cambridge by rezoning from Residence C-2 to Residence C-1 an area of land abutting Mt. Vernon Street shown on the accompanying map. Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts. Questions concerning the petition may be addressed to Lester Barber at 498-9034. (7/14,8



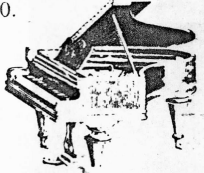
COALITION TO END ANIMAL SUFFERING & EXPLOITATION. Presbyterian Church, 32 Harvard St., Bkline. Meets the second and fourth Thursday of every month at 7:30 pm. Free. Info, 868-2350.

ALZHEIMER CAREGIVER SUPPORT GROUP. The Cambridge Council on Aging, in cooperation with the Somerville/Cambridge Alzheimer's Task Force, will offer an 8-week educational and support group for family caregivers of Alzheimer's patients. Donation: \$20. Info, Rachel Stark, 498-9039.

GIRL SCOUT DAY CAMP LEADERS WANTED. Patriots' Trail Girl Scout Council seeks day camp leaders to work with girls aged 6-14. Leaders must be at least 17 years of old. Info, Eileen Sullivan, 893-6114.

THE MIKADO. Pinebank Park, corner The Jamaica Way & Perkins St., Jam. Plain. Thurs.- Sat. through July 12 at 8 pm. The Open Door Theatre presents Gilbert & Sullivan's operetta of young love in feudal Japan. Tix: Thurs., \$7; Fri. & Sat., \$8. Info, reservations, 522-4292.

OLD CAMBRIDGE WALKING TOURS. Cambridge Discovery Information Booth, Harvard Sq., Camb. Tours Mon.-Fri. 10 & 11 am, 2 & 3 pm; Sat. 10 am & 2 pm; Sun. 2 pm. Tix: \$3; children & seniors, \$1.50. Info, 497-1630.



SUMMER PROGRAMS AT LONGY SCHOOL OF MUSIC. Corner Follen & Garden Streets, Camb. Professional music school offers music seminars and courses, Dalcroze Eurhythmics, private lessons, more. Info, fees, 876-0956.

SENIOR SWIM. At the Cambridge YWCA, 7 Temple St. in Central Square. Instructional and recreational swim for those over 55. Fridays, 9:30-10:15 am. Admission is \$3, \$2 for members. For more information, call 491-6050.

ANNUAL SENIORS' PICNIC. The Department of Human Services, Recreation Division, sponsors its 19th Annual Picnic on Wednesday, July 9 on the Grounds of Neville Manor. There will be a box lunch, dancing and prizes. For more information, call 498-9028.

PERSONAL CARE 65. PC 65 is a prepaid health plan offered by Tufts Associated Health Plan and its participating hospitals. There will be an informational meeting about Personal Care 65 on Thursday, July 10 at 1 pm at North Cambridge COA, 2050 Mass. Ave., North Cambridge. For more information, call the Tufts Associated Health Plan at 466-1050 or 1-800-462-0224.

CULINARY PROGRAM. Offered by Boston University's Evergreen Program July 7-August 1. Discussions on nutrition, cooking techniques and meal types will be held Mon.-Thurs. 3-4 pm. Fridays, 9 am-1:30 pm, participants will

Especially for Cambridge Seniors

prepare and eat meals. Fee: \$100. Enrollment is limited. For more information, call 353-4130.

JJ FRIENDSHIP BUS TRIPS. Boothbay Harbor, July 25-27, \$175. Tanglewood, Aug. 31-Sept. 1, \$145. 7-day Las Vegas tour, Sept. 3-10, \$669. For more information, call Sylvia at 734-8671.

NUTRITION SITES. Join your friends and neighbors for lunch at the following Senior Nutrition Centers: Burns Apartments, 50 Churchill Ave. (492-7247); Huron Towers, 700 Huron Ave. (354-6614); North Prospect United Church, 1803 Mass. Ave. (497-2115); Norfolk Street House, 116 Norfolk St. (868-7979); Committee of Elders, 15 Pearl St. (868-0800); Millers' River, 15 Lambert St. (354-3789); 1221 Cambridge St. (876-4856). Donation: .75. Please call for reservations. Sponsored by Somerville/Cambridge Elder Services.

ELDER AFFAIRS TOLL-FREE HOT LINE. The state executive office of elder affairs offers a toll-free hot line to elders throughout the state. The hot line (1-800-882-2003) serves as a primary clearing-house for all home care

services to the elderly, from case management to companionship and personal care. And in addition to direct information about state services for the elders, the hot line gives information on area agencies and aging and home care services.

SECURITY AT HOME AND AWAY: A GUIDE FOR OLDER AMERICANS. An informative free booklet designed to help Bay State elders protect their rights, security and money. Compiled by Middlesex D.A. Scott Harshbarger, Sec. of Elder Affairs Richard Rowland, B.U. Gerontology Ctr., Mutual Bank and The Tab. Your free copy is available at The Tab (969-0340), Middlesex D.A.'s office at 40 Thorndike St., Camb., at any Mutual Bank, or at the B.U. Bookstore—2nd level, or will be mailed upon request by calling 494-4050.

SMALL REPAIR SERVICE. A small repair service for Cambridge homeowners 60 and older is available under the auspices of the Cambridge Council on Aging. Priority will be given to the Cambridgeport/Riverside area, but work will be accepted outside that neighborhood on a limited basis. Small repairs in-

clude door & replacing broken stalling hand broken steps, faucets. The hon expected to pay t to the City fo labor. Some be eligible fr bursement. Fr tion, call Ed

COUNSELING SERVICES FOR HOMEBOUND SENIORS. The Cambridge Visiting Nurse Association provides free counseling services for homebound Cambridge Somerville seniors over 65 years. Counselors help identify and coordinate community resources and offer counseling on issues related to financial security and relationships with family. For more information, call Nancy Higgins at 547-2620.

FURNITURE BANK. Sponsored by the Cambridge Council on Aging. Storage facilities are limited so the program delivers directly from donor recipient. Pickups will be scheduled & Thursday more info 868-0800 ask for Furniture Bank.

ORDINANCE NO. 1035.
Final Publication No. 2315. First publication in the Chronicle on June 5, 1986.

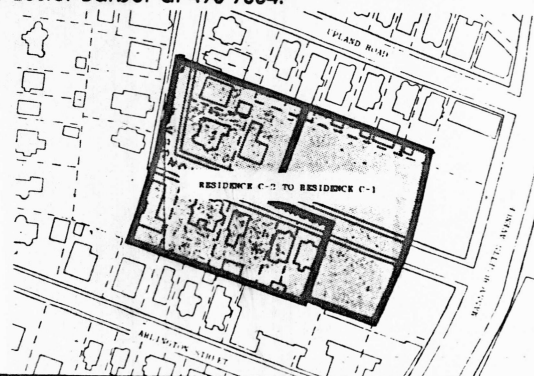


City of Cambridge In the Year One Thousand, Nine Hundred Eighty-Six AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge".
Be it ordained by the City Council of the City of Cambridge as follows:
The Zoning Map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended as follows:
1.0 Rezone to Business A-1 that area presently zoned Business A which is circumscribed by a line beginning at a point, said point being the intersection of a line 100 feet from the northerly side of Walden Street and 100 feet from the northeasterly side of Concord Avenue.
1.1 Thence proceeding in a southeasterly direction along a line 100 feet from and parallel to the northeasterly side of Concord Avenue for a distance of approximately 1,100 feet to the centerline of Huron Avenue.
1.2 Thence proceeding in a southeasterly direction to a point, said point being 100 feet from the southeasterly side of Huron Avenue and 100 feet from the northeasterly side of Concord Avenue.
1.3 Thence turning and proceeding in a southeasterly direction along a line 100 feet from and parallel to Huron Avenue to the centerline of Concord Avenue for a distance of approximately 140 feet.
1.4 Thence turning and proceeding in a northeasterly direction along the centerline of Concord Avenue for a distance of approximately 50 feet to a point of intersection of the centerline of Huron Avenue and Concord Avenue and 100 feet from the centerline of Huron Avenue.
1.5 Thence turning and proceeding in a southwesterly direction along a line 100 feet from and parallel to a point of intersection of the centerline of Manassas Avenue and a point 100 feet from the centerline of Huron Avenue.
1.6 Thence turning and proceeding in a northeasterly direction along the centerline of Manassas Avenue to the point of intersection with the centerline of Huron Avenue for distance of approximately 100 feet.
1.7 Thence turning and proceeding in a northeasterly direction along the centerline of Huron Avenue to a point 100 feet from the southeasterly extension of the southeasterly side of Concord Avenue for a distance of approximately 50 feet.
1.8 Thence turning and proceeding in a westerly direction along a line 100 feet from and parallel to the southeasterly side of Concord Avenue for a distance of approximately 1,100 feet to a point 100 feet from the westerly side of Walden Street and the southerly side of Concord Avenue.
1.9 Thence turning and proceeding in a northeasterly direction along a line 100 feet from and parallel to the northeasterly side of Walden Street to a point of origin.
1.01 Premises shown on the Assessor's Plat numbered 229: odd numbers 199-273 Concord Avenue, and 151 Huron Avenue, which includes all or parts of lots numbered 103, 130, 131, 119, 82, 81, 80, 79, 10, 120, 78, 132, 130, 110, 47, 106, 147, 150, 151 and 135.
1.02 Premises shown on the Assessor's Plat numbered 230: even numbers 376-380 Walden Street, 205 and 207 Appleton Street, 308 Appleton Street and odd numbers 161-167 Huron Avenue, which includes all or parts of lots numbered 116, 123, 2, 103, 4, 5, 41, 98, 97, 126, 42, 43, 44, 45, 46, 47, 69, 70, and 71.
1.03 Premises shown on the Assessor's Plat numbered 263: even numbers 298-310 Concord Avenue, odd numbers 373-379 Walden Street which includes all or parts of lots numbered 53, 52, and 51.
1.04 Premises shown on the Assessor's Plat numbered 262: odd numbers 361-367 Walden Street and odd numbers 299-307 Concord Avenue which includes all or parts of lots numbered 115, 116, and 117.
1.05 Premises shown on the Assessor's Plat numbered 226: even numbers 162-180 Huron Avenue and even numbers 186-200 Concord Avenue which includes all or parts of lots numbered 46 and 56.
1.06 Premises shown on the Assessor's Plat numbered 227: odd numbers 177-197 Concord Avenue and even numbers 138-156 Huron Avenue which includes all or parts of lots numbered 25, 24, 97, 99, and 105.
In City Council June 23, 1986.
Passed to be ordained by a yeas and nays vote—Yeas 6; Nays 0 Absent 3.
Robert W. Healy, City Manager.
ATTEST—Joseph E. Connorton, Acting City Clerk.

Notice of Public Hearing Cambridge Planning Board

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, July 15, 1986 at 8:45 P.M. in the Community Development Conference Room, 3rd floor, City Hall Annex, 57 Inman Street, Cambridge, Ma. on a petition by the Cambridge City Council to amend the Zoning Map of the City of Cambridge by rezoning from Residence C-2 to Residence C-1 an area of land abutting Mt. Vernon Street shown on the accompanying map. Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts. Questions concerning the petition may be addressed to Lester Barber at 498-9034.
(M)7.1,8



LEGAL NOTICES



DEPARTMENT OF TRAFFIC & PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 86-22
Regulation No. 66-1 Schedule 6D "Parking Prohibited At All Times On Certain Sides Of Certain Streets-Tow Away Zone" (Handicapped Persons and Disabled Veterans) is hereby amended by adding the following:
SECTION 21.6 PARKING PROHIBITED AT ALL TIMES ON CERTAIN SIDES OF CERTAIN STREETS — TOW-AWAY ZONE (HANDICAPPED PERSONS AND DISABLED VETERANS)

STREET	SIDE	FROM	TO	EFF. DATE
Cambridge Street (at 1046)	S	58 W Columbia St.	32 W Columbia St.	7-22-86
Cambridge Street (at 1221)	N	134 W Tremont St.	158 W Tremont St.	7-22-86
Cambridge Street (at 1437)	N	36 W Line St.	82 W Line St.	7-22-86
Cambridge Street (at 1334)	S	200 E Hampshire St.	245 E Hampshire St.	7-22-86
Dunster Street (at 10)	E	142 S Mass. Ave.	184 S Mass. Ave.	7-22-86
Hampshire Street (at 213)	N	246 E Hampshire St.	218 E Cambridge St.	7-22-86
Hampshire Street (at 134)	S	178 E Norfolk St.	200 E Norfolk St.	7-22-86
Mass. Ave. (at 1120)	S	62 E Arrow St.	44 E Arrow St.	7-22-86
Mt. Auburn Street (at 83)	N	130 E JFKennedy St.	176 E JFKennedy St.	7-22-86

This regulation shall take effect 8 July 1986.
PROMULGATED
DATE June 20, 1986
(M) 7.1

George Tesa
Traffic Director



DEPARTMENT OF TRAFFIC & PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 86-23
Regulation No. 66-1 Schedule 6D "Parking Prohibited At All Times On Certain Sides Of Certain Streets-Tow Away Zone" (Handicapped Persons and Disabled Veterans) is hereby amended by adding the following:
SECTION 21.6 PARKING PROHIBITED AT ALL TIMES ON CERTAIN SIDES OF STREETS — TOW-AWAY ZONE (HANDICAPPED PERSONS AND DISABLED VETERANS)

STREET	SIDE	FROM	TO
Mass. Ave. (at 1602)	W	20 S Hudson St.	58 S Hudson St.
Mass. Ave. (at 1720-22)	W	295 S Linnaean St.	335 S Linnaean St.
Mass. Ave. (at 1957)	E	42 S Allen St.	20 S Allen St.
Mass. Ave. (at 1967)	E	20 N Allen St.	36 N Allen St.
Mass. Ave. (at 2000)	W	82 S Regent St.	118 S Regent St.
Mass. Ave. (at 2050)	W	82 S Walden St.	124 S Walden St.
Mass. Ave. (at 2103)	E	44 S Russell St.	20 S Russell St.
Mass. Ave. (at 2152)	W	174 S Rindge Ave.	202 S Rindge Ave.

This regulation shall take effect 22 July 1986.
PROMULGATED
DATE June 23, 1986
(M) 7.1



City of Cambridge In the Year One Thousand, Nine Hundred and eighty-six

AN ORDINANCE

Be it ordained by the City Council of the City of Cambridge as follows:
Chapter thirteen entitled "Offenses" is hereby amended by adding section 13-15 a new section 13-15A entitled "Certain handgun transactions prohibited," which reads as follows:
Section 13-15A. Certain handgun transactions prohibited.
(a) Findings. The City Council finds and declares that:
(1) Handguns play a major role in the commission of homicide, violent assault, armed robbery, and accidental injury and a
(2) Handguns should therefore not be readily available with
of Cambridge.
(3) In order to promote and protect the public health, safety, and to preserve peace and good order, and to maintain the integrity of the city, it is necessary to regulate certain handgun transactions.
(b) Definition. As used in this section "Handgun" means any firearm as defined in section one hundred twenty-one of chapter one hundred of the General Laws, of which the length of barrel is less than inches.
(c) Prohibition. Any person who sells, rents or leases a handgun shall be punished by a fine of not more than three hundred dollars such sale, rental or lease shall constitute a separate offense.
(d) Exceptions. This section shall not apply to:
(1) Any person who holds a license to sell, rent or lease firearms the Cambridge Chief of Police under section one hundred of chapter one hundred forty of the General Laws, if the license first issued on or before May 15, 1986; nor
(2) Any person or circumstance mentioned in section one hundred twenty-eight A of said chapter one hundred forty.
Passed to a second reading at the City Council meeting on June 23, 1986 and on or after July 14, 1986 the question con- passing to be ordained.
ATTEST—Joseph E. Connorton, Acting City Clerk.

NEEDED VEHICLE SPA

The Cambridge School Dept. need approximately 7,5000 squ. ft. to school busses. Inside area preferred. Will consider outside space. Please contact Ms. Tompkins or Mr. Morris.

498-9242 or 498-9294

City of Cambridge

In City Council June 23, 1986

The Ordinance Committee comprised of the entire membership of the City Council conducted a public hearing on Wednesday, June 18, 1986 beginning at 7:20 p.m. in the Sullivan Chamber, City Hall. The purpose of the hearing was to discuss a proposed amendment to the General Ordinances as proposed by Councillor David Sullivan relative to "Certain handgun transactions being prohibited".

Councillor David Sullivan stated he had proposed this amendment because of his deep concern relative to the sale and use of handguns within the City. He further stated this proposed amendment has the support of the Police Chief and many community residents. Furthermore, he stated that existing licenses would be protected, but the proposal would prohibit the issuance of any new licenses.

Councillor Francis Duehay questioned whether or not it was wise to protect existing licensees unless selling handguns was a principal occupation.

Councillor David Sullivan responded by stating that there was actually only one store in Cambridge engaged in the sale of handguns and that was a hunting store and restricting their business could adversely effect their operation. He further stated, however, that he would not be opposed to some member of the Council offering a motion to restrict all sales.

Councillor Alice Wolf stated she was extremely supportive of this proposal and congratulated Councillor David Sullivan for the work he has done on this issue.

At this time Police Chief Anthony Paolillo stated he had conferred with Councillor David Sullivan regarding this proposal and it has his full support. Furthermore, he stated it was his considered opinion that handguns serve only one purpose:- that was to kill someone. He urged the City Council to act favorably on this ordinance amendment.

Also speaking in support was Thomas Franklin, Esq. of 628 Green Street, who stated that handguns have no part in society.

Councillor David Sullivan moved that the proposed amendment to the General Ordinances be referred to the full City Council with a favorable recommendation.

The motion carried on a voice vote.

The hearing was adjourned at 7:30 p.m.

For the Committee,

Councillor William H. Walsh
Chairman.

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REPORT

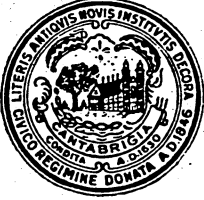
Committee on Ordinances

Re: petition of Councillor David Sullivan to amend the General Ordinances in Chapter Thirteen entitled "Offenses" by adding a Section 13-5A entitled "Certain Handgun transactions prohibited".

In City Council,

June 23, 1986

C. D. Sullivan
Passed to a 2nd reading
V/V
8



City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

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

Chapter thirteen entitled "Offenses" is hereby amended by adding after Section 13-15 a new section 13-15A entitled "Certain handgun transactions prohibited," which reads as follows:

Section 13-15A. Certain handguns transactions prohibited.

(a) Findings. The City Council finds and declares that:

(1) Handguns play a major role in the commission of homicide, aggravated assault, armed robbery, and accidental injury and death.

(2) Handguns should therefore not be readily available within the city of Cambridge.

(3) In order to promote and protect the public health, safety, and welfare, to preserve peace and good order, and to maintain the internal police of the city, it is necessary to regulate certain handgun transactions.

(b) Definition. As used in this section, "Handgun" means any firearm, as defined in section one hundred twenty-one of chapter one hundred forty of the General Laws, of which the length of barrel is less than ten inches.

(c) Prohibition. Any person who sells, rents or leases a handgun shall be punished by a fine of not more than three hundred dollars. Each such sale, rental or lease shall constitute a separate offense.

(d) Exceptions. This section shall not apply to:

(1) any person who holds a license to sell, rent or lease firearms from the Cambridge Chief of Police under section one hundred twenty-one of chapter one hundred forty of the General Laws, if the license was first issued on or before May 15, 1986; nor

(2) any person or circumstance mentioned in section one hundred twenty-eight A of said chapter one hundred forty.

PUBLIC SAFETY AND GOOD ORDER

St.1984, c. 489, was approved Jan. 8, 1985. Emergency declaration by the Governor was filed on the same date.

Notes of Decisions

1. Annual fees

This section setting permissible finance charges for open end credit plans did not bar collection of annual charge of \$5 from each of the holders of a bank credit card. Northampton Nat. Bank v. Attorney General (1979) 397 N.E.2d 1149, 8 Mass.App. 809.

Annual flat fee charged holders of bank credit card was not "finance charge" within purview of this section setting permissible finance charges for open end credit plans. Id.

STEAM ENGINES AND FURNACES

§ 115. Necessity of license; contents; application; hearing; notice; fee

A furnace for melting iron or making glass, or a stationary steam engine for use in a mill for planing or sawing boards or turning wood or in which other fuel than coal is used to create steam, shall not be erected or put up to be used in a city or town which accepts this and sections one hundred and sixteen and one hundred and seventeen or has accepted corresponding provisions of earlier laws, unless the aldermen or selectmen thereof have granted a license therefor, prescribing the place where the building shall be erected in which the steam engine or furnace is to be used and the materials and construction thereof, and have made such regulations as to the height of flues and protection against fire as they deem necessary for the safety of the neighborhood. Such license may be granted on a written application, and shall be recorded in the city or town records. The aldermen or selectmen shall assign a time and place for a hearing upon such application, and cause at least fourteen days' public notice thereof to be given, at the expense of the applicant, in such manner as they may order. The fee for such a license shall be set by the aldermen or selectmen, but in no event shall any such fee be greater than twenty-five dollars for each such license.

Amended by St.1981, c. 351, § 80.

1981 Amendment. St.1981, c. 351, § 80, approved July 21, 1981, and by § 299 made effective July 1, 1981, added the fourth sentence.

SALE OF FIREARMS

Firearms, see M.P.S. vol. 32, Nolan, § 301 et seq.

Library References
Comments.

121. Definitions; antique firearms; application of law; exceptions

In sections one hundred and twenty-two to one hundred and thirty-one F, inclusive, "firearm" shall mean a pistol, revolver or other weapon of any description loaded or unloaded, from which a shot or bullet can be discharged and of which the length of the

PUBLIC SAFETY AND GOOD ORDER

barrel or barrels is less than sixteen inches or eighteen inches in the case of a shotgun originally manufactured, and the term "length of barrel" shall mean that portion of firearm, rifle, shotgun or machine gun through which a shot or bullet is driven, guided, stabilized, and shall include the chamber. A "Sawed-off shotgun" shall mean any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon modified has one or more barrels less than eighteen inches in length or as modified has overall length of less than twenty-six inches. An imitation firearm shall mean a weapon which is designed, manufactured, or altered in such a way as to render it incapable of discharging a shot or bullet. A "machine gun" is a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger, and includes a submachine gun. The term "ammunition" shall mean cartridge or cartridge cases, primers (igniter), bullets or propellant powder designed for use in a firearm, rifle or shotgun. The term "ammunition" shall also mean tear gas cartridge, chemical mace, or any device or instrument which contains or emits a liquid, gas, powder or any other substance designed to incapacitate. The words "purchase" and "sale" include exchange; the word "purchaser" shall include exchanger; and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense, and the term "gunsmith" as used in this chapter shall mean and include any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun. The word "conviction" shall mean a finding or verdict of guilty, or a plea of guilty whether or not final sentence is imposed. "Licensing Authority" shall mean the chief of police or the board or officer having control of the police in a city or town, or persons authorized by them.

[See main volume for text of second and third paragraphs]

Amended by St.1983, c. 516, § 1; St.1984, c. 116, § 1.

1983 Amendment. St.1983, c. 516, § 1, approved Nov. 23, 1983, in the first paragraph, inserted "or barrels" and "as originally manufactured" in the first sentence, and inserted the second sentence.

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Firearms, shotguns, rifles, machine guns, ammunition, sale, lease, see 520 CMR 7.01 et seq.

Cross References

Criminal provisions restricting the carrying or possession of firearms as defined in this section, see c. 269, § 10(a), (c).

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Antique weapons 3.5
Indictment or complaint 5

1. In general

Chapter 269, § 12B governing possession by minors of air rifles and BB guns contained exclusive regulatory language governing possession of those weapons. Com. v. Rhodes (1983) 451 N.E.2d 1151, 389 Mass. 641.

In prosecution for possession of shotgun and carrying shotgun in vehicle, there was no fatal variance between complaint and proof even though complaint described the weapon as a "firearm," when in fact shotgun had a barrel more than 18 inches long and was therefore not "firearm" under this section where complaint further described weapon as .12-gauge shotgun. Com. v. Grasso (1978) 375 N.E.2d 708, 375 Mass. 138.

2. Firearm

Although air gun or BB gun, which does not propel projectile by means of explosion, would not ordinarily be considered "firearm," term is statutory word of art which by proper definition could include such instrument. Com. v. Rhodes (1983) 451 N.E.2d 1151, 389 Mass. 641.

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Where the local licensing authority has the power to issue licenses or cards under this chapter, but no such authority exists, any resident or applicant may apply for such license or firearm identification card directly to the commissioner of the department of public safety and the commissioner shall for this purpose be the licensing authority.

Sections one hundred and twenty-two to one hundred and twenty-nine D, inclusive, and sections one hundred and thirty-one A, one hundred and thirty-one B and one hundred and thirty-one E shall not apply to

(A) any firearm, rifle or shotgun including any firearm, rifle or shotgun with matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before eighteen hundred and ninety-eight;

(B) any replica, or any firearm, rifle or shotgun described in clause (A) if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(C) manufacturers or wholesalers of firearms, rifles, shotguns or machine guns.

Amended by St.1934, c. 359, § 1; St.1957, c. 688, § 4; St.1959, c. 296, § 1; St.1960, c. 186; St.1968, c. 737, § 1; St.1969, c. 799, § 1; St.1971, c. 456, § 1; St.1973, c. 892, § 1.

Historical Note

St.1911, c. 495, §§ 1, 11.

St.1922, c. 485, § 1.

St.1927, c. 326, § 1.

This section was substantially rewritten by the 1957 amendment.

St.1959, c. 296, § 1, approved May 11, 1959 inserted fourth sentence.

§ 122. Licenses; contents; fingerprints of applicants; procedure on refusal of license; fees; punishment for improper issuance

The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may, after an investigation, grant a license to any person except an alien, a minor or a person who has been convicted of a felony or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell, rent or lease firearms, rifles, shotguns or machine guns, or to be in business as a gunsmith. Every license shall specify the street and number, if any, of the building where the business is to be carried on, and the license shall not protect a licensee who carries on his business in any other place. The licensing authority to whom such application is made shall cause one copy of said applicant's fingerprints to be forwarded to the commissioner of public safety, who shall within a reasonable time thereafter advise such authority in writing of any criminal record of the applicant. The taking of fingerprints shall not be required in issuing a renewal of a license, if the fingerprints of said applicant are on file with the commissioner. Any person refused a license under this section may within ten days thereafter apply to the commissioner for such license, who may direct that said licensing authorities grant said license, if, after a hearing, he is satisfied there were no reasonable grounds for the refusal to grant such license and that the applicant was not barred by the provisions of law from holding such a license. The fee for any license issued under this section shall be set by, and payable in, a manner prescribed by the authorities empowered to issue said license, but said fee shall not exceed twenty dollars per year. A person licensed to sell, rent or lease firearms, rifles, shotguns or machine guns shall not be assessed any additional fee for a gunsmith's license. Whoever knowingly issues a license in violation of this section shall be punished by imprisonment for not less than six months nor more than two years in a jail or house of correction.

Amended by St.1957, c. 688, § 5; St.1959, c. 296, § 2.

Historical Note

St.1911, c. 495, § 3.

St.1922, c. 485, § 2.

Prior to the 1957 amendment, this section read as follows:

"The licensing authorities in any town may, in their discretion, grant licenses to persons to sell, rent or lease firearms and may fix a fee for such license. Every such license shall specify the street and number, if any, of the building where the business is to be car-

ried on and the license shall not protect a licensee who carries on his business in any other place."

St.1959, c. 296, § 2, authorized issuing of licenses to any person except a person who has been convicted of the unlawful use, "possession" or sale of "narcotic or harmful" drugs.

§ 129C of this chapter requiring person carrying firearm not within limits of his own property or residence to, upon demand, exhibit license to carry firearm or his firearm identification card, merely establishes limits for fines and seizures and does not permit person who has neither license to carry firearm nor identification card to carry a firearm

within limits of his own property or residence. Id.

Defendant's possession of machine guns without license authorizing him to possess and carry a machine gun was unlawful even though defendant was in possession of a firearm identification card. *Com. v. Fleurant* (1974) 311 N.E.2d 86, 2 Mass.App. 250.

1. Term of licenses

Licenses issued under sections one hundred and twenty-two and one hundred and twenty-two B shall expire three years from the date of issuance.

Amended by St.1984, c. 333.

1984 Amendment. St.1984, c. 333, approved Nov. 13, 1984, rewrote the section.

3. Penalty for violation of statute on selling, renting or leasing weapons; evidence on sale of machine gun

Any licensee under a license described in section one hundred and twenty-three, and any employee or agent of such a licensee, who violates any provision of said section required to be expressed in the second, fourth, sixth, seventh, eighth or ninth condition of license, and except as provided in section one hundred and twenty-eight A, any person who, without being licensed as hereinbefore provided, sells, rents or leases a rifle, shotgun or machine gun, or is engaged in business as a gunsmith, shall for first offense be punished by a fine of not less than five hundred nor more than one thousand dollars, and for any subsequent offense by imprisonment in the state prison for more than ten years.

Evidence that a person sold or attempted to sell a machine gun without being licensed under section one hundred and twenty-three shall, in a prosecution under this section, constitute *prima facie* evidence that such person is engaged in the business of selling machine guns.

Amended by St.1981, c. 598.

1981 Amendment. St.1981, c. 598, approved Nov. 10, 1981, in the first paragraph, inserted "or exposes for sale, rental or lease, or has in his possession

with intent to sell, rent or lease," following "rents or leases"; and redesignated the former second sentence of the first paragraph as the second paragraph.

A. Application of section 128

The provisions of section one hundred and twenty-eight shall not apply to any resident of the commonwealth who, without being licensed as provided in section one hundred and twenty-two, sells or transfers firearms, rifles or shotguns to a person licensed under section one hundred and twenty-two, or to a federally licensed firearms dealer, or to a state or local historical society, museum or institutional collection open to the public. The provisions of section one hundred and twenty-eight shall not apply to any person who, without being licensed as provided in section one hundred and twenty-two, sells to other than a federally licensed firearms dealer or organization named above not more than four firearms, including rifles and shotguns in

any one calendar year; provided, however, that the seller has a firearm identification card or a license to carry firearms, is an exempt person under the conditions of clauses (u), (v), (w) and (x) of the fourth paragraph of section one hundred and twenty-nine C, or is permitted to transfer ownership under the conditions of section one hundred and twenty-nine D and the purchaser has, in the case of sale or transfer of a firearm, a permit to purchase issued under the provisions of section one hundred and thirty-one A and a firearm identification card issued under section one hundred and twenty-nine B, or has such permit to purchase and is an exempt person under the provisions of section one hundred and twenty-nine C, or has been issued a license to carry firearms under the provisions of section one hundred and thirty, or in the case of sale or transfer of a rifle or shotgun, the purchaser has a firearm identification card or a license to carry firearms or is an exempt person as hereinbefore stated; and provided, further, that such resident reports within seven days, in writing to the commissioner of public safety on forms furnished by said commissioner, the names and addresses of the seller and the purchaser of any such firearm, rifle or shotgun, together with a complete description of the firearm, rifle or shotgun, including the calibre, make and serial number and the purchaser's license to carry firearms number, permit to purchase number and identifying number of such documentation as is used to establish exempt person status in the case of a firearm or the purchaser's license to carry number or firearm identification card number or said document identity number, in the case of a rifle or shotgun.

Amended by St.1980, c. 353; St.1981, c. 597.

1980 Amendment. St.1980, c. 353, approved July 2, 1980, added the second sentence.

1981 Amendment. St.1981, c. 597, approved Nov. 30, 1981, in the first sentence, substituted "or transfers firearms, rifles or shotguns to a person licensed under section one hundred and twenty-two, or to a federally licensed firearms dealer, or to a federal, state or local historical society, museum or institutional collection open to the public" for "exposes for sale or has in his possession with intent to sell not more than four firearms including rifles and shotguns, in any one calendar year"; in the second sentence, substituted "without being licensed as provided in section one hundred and twenty-two, sells to other than a federally licensed firearms dealer or

organization named above not more than four firearms, including rifles and shotguns in any one calendar year" for "is licensed or exempt under the provisions of this section and who conducts a display or exhibits more than four firearms provided, however, that such resident complies with all provisions of this chapter"; and transferred the proviso from the first sentence to the second sentence, while also inserting "that" following "provided, however," and deleting "of this chapter" following "section one hundred and thirty" in the first proviso, and substituting "addresses" for "address" and deleting "permit to purchase number and firearm identification card number" preceding "permit to purchase number" in the second proviso.

§ 129. Fictitious name or address and other false information; penalties

Notes of Decisions

1. In general

Fact that defendant was suspected of possessing firearms as well as machine guns and that defendant was subsequently indicted only for

violating c. 269, § 10 prohibiting possession of machine guns had no bearing on initial determination of probable cause for issuance of warrant authorizing search for various types of weapons. *Com. v. Fleurant* (1974) 311 N.E.2d 86, 2 Mass.App. 250.

§ 129B. Firearm identification cards; form; conditions; applications; investigation; fee; denial; revocation; judicial review

Any person residing or having a place of business within the jurisdiction of the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority application for a



OFFICE OF THE CITY CLERK

1986 MAY 15 PM 1:11

CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

David E. Sullivan
City Councillor

May 19, 1986

To the Honorable, the City Council:

With the support of Massachusetts Citizens for Handgun Control and Cambridge Police Chief Anthony Paolillo, I am pleased to introduce for your consideration the attached proposed ordinance banning the sale, rental, or lease of handguns in Cambridge.

At a time when the gun lobby is threatening to relax federal handgun restrictions, I believe it is particularly appropriate that we begin to address this problem at the local level. As Chief Paolillo has pointed out, handguns are designed, manufactured and sold with one purpose in mind: to kill people. While obviously we cannot solve this serious problem in Cambridge alone, we must begin to act now.

The proposed ordinance would make it a misdemeanor, punishable by a daily fine of \$300 (the maximum allowed under state law), to sell, rent or lease a handgun in Cambridge. It would define a handgun as a firearm with a barrel length less than ten inches.

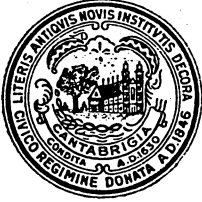
The proposal would, in effect, prevent the issuance of additional licenses for dealers to sell handguns. It would exempt existing licenses (I am informed that only one gun dealer is currently licensed in Cambridge). To be consistent with state law, it would also exempt individual sales of handguns to licensed dealers. I attach copies of the state statutes referred to in the ordinance.

Based on my own research and consultation with legal experts in the field, I am convinced of this proposal's validity. I hope that the Committee on Ordinances will schedule a speedy hearing on it. Thank you for your consideration.

Sincerely,

David E. Sullivan

David E. Sullivan



City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

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

Chapter thirteen entitled "Offenses" is hereby amended by adding after Section 13-15 a new section 13-15A entitled "Certain handgun transactions prohibited," which reads as follows:

Section 13-15A. Certain handguns transactions prohibited.

(a) Findings. The City Council finds and declares that:

(1) Handguns play a major role in the commission of homicide, aggravated assault, armed robbery, and accidental injury and death.

(2) Handguns should therefore not be readily available within the city of Cambridge.

(3) In order to promote and protect the public health, safety, and welfare, to preserve peace and good order, and to maintain the internal police of the city, it is necessary to regulate certain handgun transactions.

(b) Definition. As used in this section, "Handgun" means any firearm, as defined in section one hundred twenty-one of chapter one hundred forty of the General Laws, of which the length of barrel is less than ten inches.

(c) Prohibition. Any person who sells, rents or leases a handgun shall be punished by a fine of not more than three hundred dollars. Each such sale, rental or lease shall constitute a separate offense.

(d) Exceptions. This section shall not apply to:

(1) any person who holds a license to sell, rent or lease firearms from the Cambridge Chief of Police under section one hundred twenty-one of chapter one hundred forty of the General Laws, if the license was first issued on or before May 15, 1986; nor

(2) any person or circumstance mentioned in section one hundred twenty-eight A of said chapter one hundred forty.

D, equivalent to but not in excess of an annual percentage rate of eighteen percent determined in accordance with paragraph (2) of subsection (a) of section five of chapter one hundred and forty D. A finance charge not in excess of fifty cents for a monthly or longer billing cycle or the pro rata part of fifty cents for a billing cycle shorter than monthly may be assessed if the finance charge otherwise assessable is less than fifty cents. For the purpose of this section, a billing cycle shall be considered to be monthly if the billing dates are on the same day of each month or do not vary by more than four days therefrom. No creditor shall impose a delinquency charge, late charge, or similar charge on loans made pursuant to such an open end credit plan."

STEAM ENGINES AND FURNACES

§ 115. Necessity of license; contents; application; hearing; notice; fee

A furnace for melting iron or making glass, or a stationary steam engine for use in a mill for planing or sawing boards or turning wood or in which other fuel than coal is used to create steam, shall not be erected or put up to be used in a city or town which accepts this and sections one hundred and sixteen and one hundred and seventeen or has accepted corresponding provisions of earlier laws, unless the aldermen or selectmen thereof have granted a license therefor, prescribing the place where the building shall be erected in which the steam engine or furnace is to be used and the materials and construction hereof, and have made such regulations as to the height of flues and protection against fire as they deem necessary for the safety of the neighborhood. Such license may be granted on a written application, and shall be recorded in the city or town records. The aldermen or selectmen shall assign a time and place for a hearing upon such application, and cause at least fourteen days' public notice thereof to be given, at the expense of the applicant, in such manner as they may order. The fee for such a license shall be set by the aldermen or selectmen, but in no event shall any such fee be greater than twenty-five dollars for each such license.

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PUBLIC SAFETY AND GOOD ORDER

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St.1959, c. 296, § 1, approved May 11, 1959 inserted fourth sentence.

§ 122. Licenses; contents; fingerprints of applicants; procedure on refusal of license; fees; punishment for improper issuance

The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may, after an investigation, grant a license to any person except an alien, a minor or a person who has been convicted of a felony or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell, rent or lease firearms, rifles, shotguns or machine guns, or to be in business as a gunsmith. Every license shall specify the street and number, if any, of the building where the business is to be carried on, and the license shall not protect a licensee who carries on his business in any other place. The licensing authority to whom such application is made shall cause one copy of said applicant's fingerprints to be forwarded to the commissioner of public safety, who shall within a reasonable time thereafter advise such authority in writing of any criminal record of the applicant. The taking of fingerprints shall not be required in issuing a renewal of a license, if the fingerprints of said applicant are on file with the commissioner. Any person refused a license under this section may within ten days thereafter apply to the commissioner for such license, who may direct that said licensing authorities grant said license, if, after a hearing, he is satisfied there were no reasonable grounds for the refusal to grant such license and that the applicant was not barred by the provisions of law from holding such a license. The fee for any license issued under this section shall be set by, and payable in, a manner prescribed by the authorities empowered to issue said license, but said fee shall not exceed twenty dollars per year. A person licensed to sell, rent or lease firearms, rifles, shotguns or machine guns shall not be assessed any additional fee for a gunsmith's license. Whoever knowingly issues a license in violation of this section shall be punished by imprisonment for not less than six months nor more than two years in a jail or house of correction.

Amended by St.1957, c. 688, § 5; St.1959, c. 296, § 2.

Historical Note

St.1911, c. 495, § 3.

St.1922, c. 485, § 2.

Prior to the 1957 amendment, this section read as follows:

"The licensing authorities in any town may, in their discretion, grant licenses to persons to sell, rent or lease firearms and may fix a fee for such license. Every such license shall specify the street and number, if any, of the building where the business is to be car-

ried on and the license shall not protect a licensee who carries on his business in any other place."

St.1959, c. 296, § 2, authorized granting of licenses to any person except a person who has been convicted of the unlawful use, "possession" or sale of "narcotic or harmful" drugs.

Section 129C of this chapter requiring person carrying firearm not within limits of his own property or residence to, upon demand, exhibit his license to carry firearm or his firearm identification card, merely establishes limits for searches and seizures and does not permit person who has neither license to carry firearm nor firearm identification card to carry a firearm

§ 124. Term of licenses

Licenses issued under sections one hundred and twenty-two and one hundred and twenty-two B shall expire three years from the date of issuance.

Amended by St.1984, c. 333.

1984 Amendment. St.1984, c. 333, approved Dec. 13, 1984, rewrote the section.

§ 128. Penalty for violation of statute on selling, renting or leasing weapons; evidence on sale of machine gun

Any licensee under a license described in section one hundred and twenty-three, and any employee or agent of such a licensee, who violates any provision of said section required to be expressed in the second, fourth, sixth, seventh, eighth or ninth condition of said license, and except as provided in section one hundred and twenty-eight A, any person who, without being licensed as hereinbefore provided, sells, rents or leases a firearm, rifle, shotgun or machine gun, or is engaged in business as a gunsmith, shall for the first offense be punished by a fine of not less than five hundred nor more than one thousand dollars, and for any subsequent offense by imprisonment in the state prison for not more than ten years.

Evidence that a person sold or attempted to sell a machine gun without being licensed under section one hundred and twenty-three shall, in a prosecution under this section, constitute *prima facie* evidence that such person is engaged in the business of selling machine guns.

Amended by St.1981, c. 598.

1981 Amendment. St.1981, c. 598, approved Nov. 30, 1981, in the first paragraph, inserted "a" preceding "licensee" and deleted "or exposes for sale, rental or lease, or has in his posses-

sion with intent to sell, rent or lease," following second sentence of the first paragraph as the second paragraph.

Defendant's possession of machine guns without license authorizing him to possess and carry a machine gun was unlawful even though defendant was in possession of a firearm identification card. *Com. v. Fleurant* (1974) 311 N.E.2d 86, 2 Mass.App. 250.

128A. Application of section 128

The provisions of section one hundred and twenty-eight shall not apply to any resident of the commonwealth who, without being licensed as provided in section one hundred and twenty-two, sells or transfers firearms, rifles or shotguns to a person licensed under section one hundred and twenty-two, or to a federally licensed firearms dealer, or to a federal, state or local historical society, museum or institutional collection open to the public. The provisions of section one hundred and twenty-eight shall not apply to any resident of the commonwealth who, without being licensed as provided in section one hundred and twenty-two, sells to other than a federally licensed firearms dealer or organization named above not more than four firearms, including rifles and shotguns in

any one calendar year; provided, however, that the seller has a firearm identification card or a license to carry firearms, is an exempt person under the conditions of clauses (u), (o), (r) and (s) of the fourth paragraph of section one hundred and twenty-nine C, or is permitted to transfer ownership under the conditions of section one hundred and twenty-nine D and the purchaser has, in the case of sale or transfer of a firearm, a permit to purchase issued under the provisions of section one hundred and thirty-one A and a firearm identification card issued under section one hundred and twenty-nine B, or has such permit to purchase and is an exempt person under the provisions of section one hundred and twenty-nine C, or has been issued a license to carry firearms under the provisions of section one hundred and thirty, or in the case of sale or transfer of a rifle or shotgun, the purchaser has a firearm identification card or a license to carry firearms or is an exempt person as hereinbefore stated; and provided, further, that such resident reports within seven days, in writing to the commissioner of public safety on forms furnished by said commissioner, the names and addresses of the seller and the purchaser of any such firearm, rifle or shotgun, together with a complete description of the firearm, rifle or shotgun, including the calibre, make and serial number and the purchaser's license to carry firearms number, permit to purchase number and identifying number of such documentation as is used to establish exempt person status in the case of a firearm or the purchaser's license to carry number or firearm identification card number or said document identity number, in the case of a rifle or shotgun.

Amended by St.1980, c. 353; St.1981, c. 597.

1980 Amendment. St.1980, c. 353, approved July 2, 1980, added the second sentence.

1981 Amendment. St.1981, c. 597, approved Nov. 30, 1981, in the first sentence, substituted "or transfers firearms, rifles or shotguns to a person licensed under section one hundred and twenty-two, or to a federally licensed firearms dealer, or to a federal, state or local historical society, museum or institutional collection open to the public" for "exposes for sale or has in his possession with intent to sell not more than four firearms including rifles and shotguns, in any one calendar year"; in the second sentence, substituted "without being licensed as provided in section one hundred and twenty-two, sells to other than a federally licensed firearms dealer or

organization named above not more than four firearms, including rifles and shotguns in any one calendar year" for "is licensed or exempt under the provisions of this section and who conducts a display or exhibits more than four firearms provided, however, that such resident complies with all provisions of this chapter"; and transferred the provisos from the first sentence to the second sentence, while also inserting "that" following "provided, however," and deleting "of this chapter" following "section one hundred and thirty" in the first proviso, and substituting "addresses" for "address" and deleting "permit to purchase number and firearm identification card number" preceding "permit to purchase number" in the second proviso.

§ 129. Fictitious name or address and other false information; penalties

Notes of Decisions

1. In general
Fact that defendant was suspected of possessing firearms as well as machine guns and that defendant was subsequently indicted only for

violating c. 269, § 10 prohibiting possession of machine guns had no bearing on initial determination of probable cause for issuance of warrant authorizing search for various types of weapons. *Com. v. Fleurant* (1974) 311 N.E.2d 86, 2 Mass. App. 250.

§ 129B. Firearm identification cards; form; conditions; applications; investigation; fee; denial; revocation; judicial review

Any person residing or having a place of business within the jurisdiction of the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority application for a

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CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

David E. Sullivan
City Councillor

May 19, 1986

To the Honorable, the City Council:

With the support of Massachusetts Citizens for Handgun Control and Cambridge Police Chief Anthony Paolillo, I am pleased to introduce for your consideration the attached proposed ordinance banning the sale, rental, or lease of handguns in Cambridge.

At a time when the gun lobby is threatening to relax federal handgun restrictions, I believe it is particularly appropriate that we begin to address this problem at the local level. As Chief Paolillo has pointed out, handguns are designed, manufactured and sold with one purpose in mind: to kill people. While obviously we cannot solve this serious problem in Cambridge alone, we must begin to act now.

The proposed ordinance would make it a misdemeanor, punishable by a daily fine of \$300 (the maximum allowed under state law), to sell, rent or lease a handgun in Cambridge. It would define a handgun as a firearm with a barrel length less than ten inches.

The proposal would, in effect, prevent the issuance of additional licenses for dealers to sell handguns. It would exempt existing licenses (I am informed that only one gun dealer is currently licensed in Cambridge). To be consistent with state law, it would also exempt individual sales of handguns to licensed dealers. I attach copies of the state statutes referred to in the ordinance.

Based on my own research and consultation with legal experts in the field, I am convinced of this proposal's validity. I hope that the Committee on Ordinances will schedule a speedy hearing on it. Thank you for your consideration.

Sincerely,
David E. Sullivan
David E. Sullivan

Comm. from Councillor David Sullivan, transmitting a proposed amendment to the General Ordinances in Chapter Thirteen entitled "Offenses" by adding after Section 13-5 a Section 13-5A entitled "Certain handgun transactions prohibited".

8/4/86 Passed to be ordained
as amended 6-1-2

8/7/86 published - Chronicle

copy sent to Councilor Walsh, Ordinance
Committed Chairman 5/30/86 mlh

In City Council,

May 19, 1986

Referred to Ordinance
Committee