

LEGAL NOTICE

CITY OF CAMBRIDGE

ORDINANCE NO. 1191

FINAL PUBLICATION NUMBER 2751

FIRST PUBLICATION IN THE

CHRONICLE ON AUGUST 7, 1997

IN THE YEAR ONE THOUSAND,

NINE HUNDRED NINETY-SEVEN

AN ORDINANCE

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

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

Chapter 9.16, entitled Weapons, is hereby amended by adding the following section 9.16.110:

A. Findings. Violent incidents perpetrated by and upon young people in Cambridge have brought to light the relatively easy access to and widespread availability of weapons or instruments that can be used as weapons. The City Council determines that reasonable measures are needed to prohibit the sale of items whose primary purpose is for use as weapons against people. State law prohibits the manufacture and sale of certain types of knives, but does not address other dangerous instruments of concern.

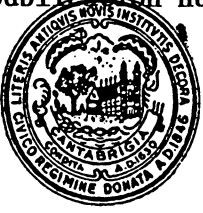
B. Sale Prohibited. No person shall sell or expose for sale, exchange, give or loan to any person under eighteen (18) years of age any of the following:

1. springback knife;
2. fixed or locking blade knife;
3. dirk or dagger;
4. ice pick;
5. tool or implement having a point similar to an ice pick and a shaft; or a
6. straight-edged razor or razor blade fitted with a handle.

C. Exemption. The work-related use of any of the instruments detailed in section B of this ordinance shall not be deemed to be a violation of this ordinance.

D. Penalty. Violations of this section shall be punished by a fine of up to three hundred dollars. This ordinance may be enforced by police officers pursuant to the non-criminal ticketing procedure in G.L. c. 40, s. 21D. Each sale or transfer shall constitute a separate offense.

United Way's Commu
in need. Please give



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Seven

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In City Council September 8, 1997.

Passed to be ordained by a yea and nay vote:-

Yeas 9; Nays 0; Absent 0.

ATTEST:-

D. Margaret Drury, City Clerk



CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139
Tel. (617) 349-4121
Fax. (617) 349-4134

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Legal Counsel

Birge Albright
Gail S. Gabriel
Arthur J. Goldberg
Linda A. Stamper
Deborah R. Cautela
Nancy E. Glowa

April 28, 1997

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

Re: Ordinance forbidding sale of certain knives to minors;
Council Order #002 dated 4/7/97

Dear Mr. Healy:

Referring to a proposed ordinance before the Boston City Council, the Cambridge City Council requested a draft ordinance for its consideration "forbidding the sale of certain knives to minors." See attached Council Order. Also attached is the City of Boston proposed ordinance "Regarding the Sale of Dangerous Instruments.

At present, Cambridge City Code §9.16.100 prohibits the sale of machetes in the City to anybody. State law (G.L.c.269, s.12) makes it a crime to manufacture, sell or expose for sale to anyone:

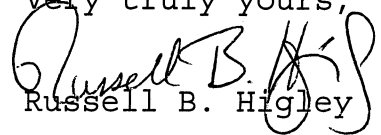
an instrument or weapon of the kind usually known as a dirk knife, a switch knife or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one-half inches or a device or case which enables a knife with a locking blade to be drawn at a locked position, any ballistic knife, or any knife with a detachable blade capable of being propelled by any mechanism, ...sword cane, [and] ...a shuriken or any similar pointed starlike object intended to injure a person when thrown....

A "dirk knife" is a knife with a tapered blade ranging in length from 7 to 11 inches and in width from 1 to 1 1/2 inches, which is usually double-edged and symmetrical, and designed and useful almost exclusively for stabbing. Commonwealth v. Miller, 22 Mass.App.Ct. 694 (1986). A heavy version of a folding knife or

jackknife, with a blade of 5 inches long by 1 1/2 inches wide, single-edged and asymmetrical, and which did not open quickly or easily was not a dirk knife. Id.

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Very truly yours,


Russell B. Higley

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FAX. 349-4307



8.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

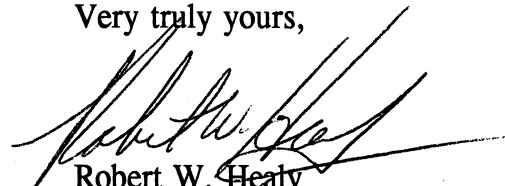
RICHARD C. ROSSI
Deputy City Manager

May 12, 1997

To The Honorable, The City Council:

In response to Council Order No. 2, dated 4/7/97, regarding drafting an ordinance that would forbid the sale of certain knives to minors, please find attached a report from City Solicitor Russell B. Higley.

Very truly yours,



Robert W. Healy
City Manager

RWH/mec
attachment

Consent Agenda #8

5-293

Relative to Council Order Number
Two, dated April 7, 1997, regarding
drafting an ordinance that would
forbid the sale of certain knives
to minors.

In City Council May 12, 1997

Referred to the
Ordinance Committee

Copy sent

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MVC

FD MS KR

DD

(1)

COMMITTEE MINUTES
COVER SHEET

The Ordinance Committee
held a public ~~meeting~~/hearing on July 2, 1997, beginning at 5:30 ~~am~~
pm in the Sullivan Chamber/~~Ackermann~~ Room for the purpose of considering a
proposed ordinance to forbid the sale of certain
knives to minors

Present at the hearing were FD

, Chair of the Committee, ~~Vice Mayor Kathleen L. Born~~, Councillor
~~Henrietta Davis~~, Councillor Francis H. Duehay, Councillor ~~Anthony D. Galluccio~~, Councillor
Councillor Kenneth E. Reeves, ~~Mayor Sheila T. Russell~~, Councillor Michael A. Sullivan,
Councillor ~~Timothy J. Toomey, Jr.~~, Councillor ~~Katherine Triantafillou~~, and City Clerk D.
Margaret Drury. Also present ^{was} ~~were~~ Donald Dussard, Deputy City
Solicitor.

Councillor Duehay convened the hearing and explained the purpose.
He invited DD to describe the ~~order~~ proposed
ordinance (Attachment) which was drafted in
response to a City Council Order submitted by C
Sullivan and adopted by the City Council on April 4, 1997

(2)

Mr. D. stated that the Law Dept reviewed
the ordinance adopted by the City of Boston, and
is suggesting ~~the~~ an ordinance based ^{very} closely
on ~~the~~ the Boston Good Ordinance

C. Sullivan asked ^{about} the

current status of the Boston ^{ordinance} ~~law~~. ^{Attorney} ~~DD~~ ^{Dusdell}

^{replied} ~~replied~~ that he had no current information as to
its status.

C. D. asked if the list of prohibited
^{in the draft} knives is the same, ^{as in} the Boston ordinance
Mr. Dusdell answered in the affirmative
~~DD as'd be the opposite~~

C. Sullivan raised the issue of

sale of knives through mail order catalogs

DD said that the issue raised question of

federal law and ^{would} require add'l ^{research} review

(3)

MAS noted that they are also sold on ^{the} cable

FV shipping channel + requested that DD look

at this + ^{sales issues} ~~in~~ ^{It suggested} ^{contacting} ^{contacting}

^{Massachusetts Attorney General's}
the ~~AG~~ office

C. Sullivan m. referred to

just City Council of ^a ~~recommend~~ favorable
recommendation. The motion passed unanimously

~~TR~~ The hearing was

held at 5:35 p.m.

F M C

C FAD, Chair



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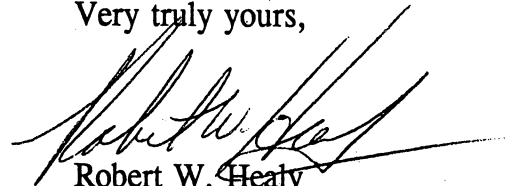
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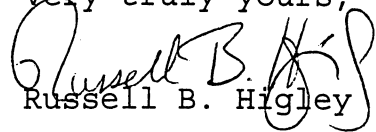
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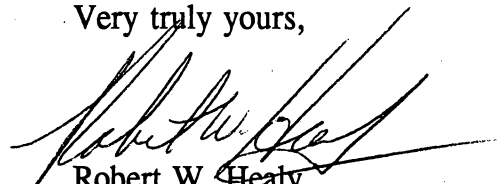
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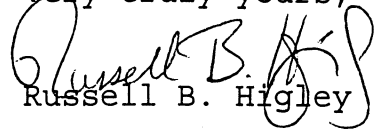
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TEL. 349-4300
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City Manager

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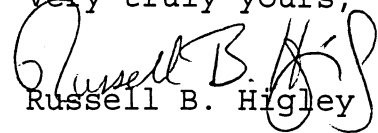
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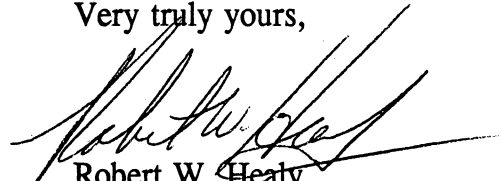
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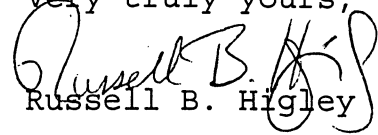
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C. Exemption. The work-related use of any of the instruments detailed in section B of this ordinance shall not be deemed to be a violation of this ordinance.

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Consent Agenda #8

5-293

Relative to Council Order Number
Two, dated April 7, 1997, regarding
drafting an ordinance that would
forbid the sale of certain knives
to minors.

In City Council May 12, 1997

Referred to the
Ordinance Committee

Copy sent

5-14-97

mc



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307



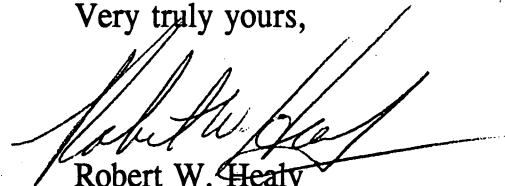
8.

May 12, 1997

To The Honorable, The City Council:

In response to Council Order No. 2, dated 4/7/97, regarding drafting an ordinance that would forbid the sale of certain knives to minors, please find attached a report from City Solicitor Russell B. Higley.

Very truly yours,



Robert W. Healy
City Manager

RWH/mec
attachment



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Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Legal Counsel

Birge Albright
Gail S. Gabriel
Arthur J. Goldberg
Linda A. Stamper
Deborah R. Cautela
Nancy E. Glowa

April 28, 1997

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

Re: Ordinance forbidding sale of certain knives to minors;
Council Order #002 dated 4/7/97

Dear Mr. Healy:

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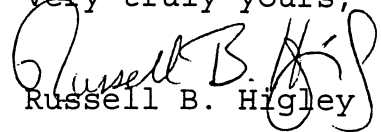
an instrument or weapon of the kind usually known as a dirk knife, a switch knife or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one-half inches or a device or case which enables a knife with a locking blade to be drawn at a locked position, any ballistic knife, or any knife with a detachable blade capable of being propelled by any mechanism, ...sword cane, [and]...a shuriken or any similar pointed starlike object intended to injure a person when thrown....

A "dirk knife" is a knife with a tapered blade ranging in length from 7 to 11 inches and in width from 1 to 1 1/2 inches, which is usually double-edged and symmetrical, and designed and useful almost exclusively for stabbing. Commonwealth v. Miller, 22 Mass.App.Ct. 694 (1986). A heavy version of a folding knife or

jackknife, with a blade of 5 inches long by 1 1/2 inches wide, single-edged and asymmetrical, and which did not open quickly or easily was not a dirk knife. Id.

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RICHARD C. ROSSI
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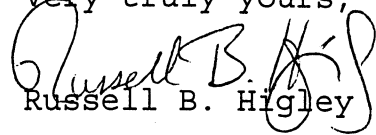
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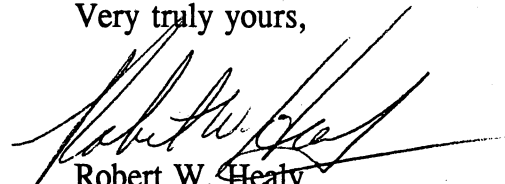
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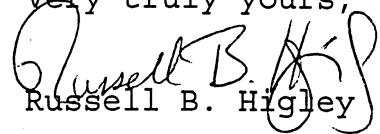
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MVC

City of Cambridge

The Ordinance Committee held a public hearing on July 2, 1997, beginning at 5:30 pm in the Sullivan Chamber for the purpose of considering a proposed ordinance to forbid the sale of certain knives to minors.

Present at the hearing were Councillor Francis H. Duehay, Chair of the Committee, Councillor Kenneth E. Reeves, Councillor Michael A. Sullivan, and City Clerk D. Margaret Drury. Also present was Donald Drisdell, Deputy City Solicitor.

Councillor Duehay convened the hearing and explained the purpose. He invited Mr. Drisdell to describe the proposed ordinance (Attachment A) which was drafted in response to a City Council order submitted by Councillor Sullivan and adopted by the City Council on April 4, 1997. Mr. Drisdell stated that the Law Department reviewed the ordinance adopted by the City of Boston, and is suggesting an ordinance based very closely on the Boston Ordinance.

Councillor Sullivan asked about the current status of the Boston ordinance. Attorney Drisdell replied that he had no current information as to its status.

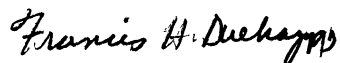
Councillor Sullivan asked if the list of prohibited knives in the draft is the same as in the Boston ordinance. Mr. Drisdell answered in the affirmative.

Councillor Sullivan raised the issue of sale of knives through mail order catalogs. Mr. Drisdell said that the issue raises questions of federal law and would require additional research. Councillor Sullivan noted that they are also sold on the Cable TV shopping channel and requested that Mr. Drisdell look at this and internet sales issues. He suggested contacting the Massachusetts Attorney General's office.

Councillor Sullivan moved referral to full City Council with a favorable recommendation. The motion passed unanimously.

The hearing was adjourned at 5:35 p.m.

For the Committee,



Councillor Francis H. Duehay,
Chair

Committee Report #5

Cal 82
S-546

A report from Councillor Francis H. Duehay, Chair of the Ordinance Committee for a meeting held on July 2, 1997 for the purpose of considering a proposed ordinance to forbid the sale of certain knives to minors.

September 8, 1997
Passed to be
ordained
9-0-0

In City Council August 4, 1997

Report Accepted
Placed on File
Passed to a
Second Reading