



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To The Honorable, the City Council

Date January 8, 1987

From Joseph E. Connarton, City Clerk *JEC*

Reference

Subject Proposed Recodification of the General Ordinances

As you are aware, pursuant to your instructions and with the cooperation of the City Manager and City Solicitor, I have been working with the Book Publishing Company in an effort to complete a Recodification of the General Ordinances.

As part of this process, the City Solicitor and myself met with a representative of Book Publishing Company to review the ordinance analysis conducted by the Book Publishing Company. This meeting took place on October 29, 1986 and a complete review of the current ordinances was conducted identifying inconsistencies, technical errors and duplication.

As part of the Recodification, the Book Publishing Company has requested a formal vote of the City Council relative to text changes which need to be made prior to publication. In order that the Recodification may go forward as expeditiously as possible, a cut-off date of January 31, 1987 has been made for a vote of the City Council.

Other than items which can clearly be corrected editorially, such as reference sections and title pages, I believe it is important for the Council to review those items which require amendment. These items, as identified at the meeting of

October 29th are now forwarded to you for final review, and are as follows:-

Present Section 1-11 - Entitlement "General Penalty" - Proposed Section 1.24

This relates to the general penalty for violation of City Ordinances, currently at \$50.00 and should your Honorable Body consider favorably at this evening's meeting a current proposal to increase the penalty for fines to \$300.00; said amendment should be incorporated within the Recodification.

Present Section 2-23 - Entitlement "Departments Generally" - Proposed Section 2.22

It is recommended here that the City Council formally vote to update the current list of departments, boards and commissions for insertion in the Recodified Ordinance.

Present Section 2-59 - Entitlement "Auditing Department" - Proposed Section 2.32

It is recommended that since the Fiscal Year no longer ends on December 31st that this be changed to reflect the date of June 30th.

Present Section 2-95 - Entitlement "Report of the Purchasing Agent" - Proposed Section 2-34 & 2-34.2

It is recommended here, again that we refer to the proper Fiscal Year, that of July 1st - June 30th.

Present Section 2-104 - Entitlement "Report of the City Treasurer" - Proposed Section 2.36

Again, it is recommended that the Fiscal Year be incorporated appropriately.

Present Section 2-192 - Entitlement " Fire Department Salaries" - Proposed Section 2.40

It is recommended that this be repealed, as well as Ordinance 852, due to the fact that these salaries are no longer established by Ordinance.

Present Sections 2-104 & 2-141 & 2-144 - Entitlements respectively - "Financial Year of the City Treasurer", "Bridge Department" & "Bridge Department Annual Report" - Proposed Section 2.46

It is recommended here that all these sections be changed to reflect the new Fiscal Year.

Present Section 2-177 - Entitlement "Reporting Period Library Department" - Proposed Section 2.50

Again, it is recommended to change this section to reflect the new Fiscal Year.

Present Section 15-13 - Entitlement "Police Department Report Period" - Proposed Section 2.56

Again, it is recommended that the proper Fiscal Year be inserted.

Present Sections 17-2, 17-5 & 17-70 - Entitlements respectively - "Department of Public Works Reporting Period", "Department of Public Works Annual Report" & "Department of Public Works Report of the Superintendent" - Proposed Section 2.58

Again, it is recommended that the proper Fiscal Year be inserted.

Present Ordinance No. 1007 - Entitlement "Department of Public Works" - Proposed Section 2.58

In 1984, inadvertently, Section 17-63 of the present Code was repealed and it is recommended that the repeal be rescinded.

Present Section 9-33 - Entitlement "City Electrician Annual Report" - Proposed Section 2.60

Again, it is recommended that the current Fiscal Year be inserted.

Present Section 2-196 - Entitlement "Officers & Employees Generally" - Proposed Section 2.62

It is recommended that since these salaries are no longer established by ordinance, that this be repealed.

Present Sections 2-192 & 2-193 - Entitlements respectively "Fire Department Salaries" & "Police Department Salaries" - Proposed Section 2.66

Again, it is recommended that since these salaries are now recommended through collective bargaining that this section be repealed.

Present Sections 19-8 & 19-24 - Entitlements respectively "Water Department" & "Report of the Water Board" - Proposed Section 2.74

It is recommended that both of these sections reflect the present Fiscal Year.

Present Sections 7-1 through 7-33 - Entitlement "City Demonstration Agency" - Proposed Section 2.80

It is recommended that this section be repealed, since the City no longer has a City Demonstration Agency.

Present Sections 2-158 through 2-168 - Entitlement "Community Schools Commission" - Proposed Section 2.92

It is recommended that this section be repealed, inasmuch as Ordinance No. 823 supersedes current Sections 2-158 through 2-168.

Present Ordinances 928 & 961 - Entitlement "Cambridge Consumer Advisory Commission" - Proposed Section 2.98

It is recommended here that Ordinance 928 be repealed, inasmuch as Ordinance 961 supersedes same.

Present Ordinances 931 & 954 - Entitlement "Energy Commission" - Proposed Section 2.100

It appears that Ordinance 954 supersedes Ordinance 931 and therefore it is recommended that Ordinance 931 be repealed.

Present Sections 14-3, 14-8, 14-10 & 14-11 - Entitlements with regard to the Recreation Commission, respectively:- "Membership; appointment; terms", "Rules of Commission", "Services of City Engineer" & "Reports to City Manager" - Proposed Section 2.102

It is recommended that these sections be repealed, since the recreation activities are now under the auspices of the Department of Human Services.

Present Sections 2-189 & 2-190 - Entitlements with regard to "Officers Generally", respectively:- "Estimates of Expenditures" & "Departmental Reports" - proposed Section 3.04

It is recommended that the proper Fiscal Year be inserted.

Present Section 6-1 through 6-7 - Entitlement "Employment Agencies" - Proposed Section 5.16

It is recommended that due to the fact that employment agencies are generally licensed by the Commonwealth, that this section be repealed.

Present Ordinance 836 - Entitlement "Hackney Carriages" - Proposed Section 5.20

It is recommended here that Ordinance 837 supersedes Ordinance 836, and therefore, that Ordinance 836 should be repealed.

Present Section 6-22 - Entitlement - "Peddlers" - Proposed Section 5.40

It is recommended that since this provision was declared unconstitutional fourteen years ago, it is suggested that this section be repealed and that in the present Code, Section 6-23 be amended to delete the U.S. citizen requirement, since it discriminates against aliens.

Present Ordinance 918 - Entitlement "Massage Parlors" - Proposed Ordinance 944

It is recommended here that in order to be consistent and to comply with Chapter 40, Section 21, M.G.L.A. that the maximum fine to be imposed be \$300.00 versus \$500.00 and this would be consistent with the ordinance being considered this evening.

Present Section 12-7 - Entitlement "Miscellaneous Business License Fees" - Proposed Section 5.48

This should be amended to reflect new fees established by the License Commission relative to lodging houses and various other revenue producing entities.

Present Ordinance 949 - Entitlement "Security Alarm Systems" - Proposed Section 8.28

Ordinance 962 supersedes Ordinance 949, therefore it is recommended that Ordinance 949 be repealed.

Present Section 12-15D - Entitlement "Junk Motor Vehicles" - Proposed Section 8.36.2

It is recommended that the fee, if desired, be increased from \$50.00 to \$100.00

Proposed Section 8.40 - Entitlement "Rent Control"

It is recommended here that an entire Section be provided for Rent Control and that in this Section, the Recodified version of the Rent Control Ordinances will appear.

Present Section 13-5 - Entitlement "Offences Against Public Morals" - Proposed Section 9.08

Ordinance 933 appears to supersede Ordinance 825, therefore it is suggested that either this section be repealed or amended in the first sentence:- "Only speech which is obscene or constitutes fighting words". It is also recommended that Section 13 be repealed due to its unconstitutionality.

Present Section 13-18 - Entitlement with regard to Offenses "Penalty for Violation"

It is again recommended that the City, if it sees fit to approve the proposal for a maximum \$300.00 fine, that this section reflect same.

Present Section 3-1 - Entitlement with regard to Advertising "Projections over streets; permit; fee" - Proposed Section 12.08

It is recommended that the Council consider amending the six inch projection to twelve inches.

Present Section 17-41 - Entitlement "Streets & Sidewalks - Use Regulations" - Proposed Section 12.16

It is recommended that because present Code 17-41 pertains to loitering and obstructing is vague according to Massachusetts Law, it is therefore recommended that it be repealed.

Present Sections 14-12 & 14-23 - Entitlement "Commons and Public Grounds"

It is recommended that thee sections be repealed because this function is currently under the jurisdiction of the Department of Human Services.

Present Sections 2-142 & 2-143 - Entitlement "Bridges" - Proposed Section 2.143

It is recommended that these sections be repealed due to the fact that bridges are currently under the control of the Commonwealth of Massachusetts.

Present Section 17-51 - Entitlement "Water and Sewer System - Regulation and Fees" - Proposed Section 13.16

It is recommended that this Section be amended due to the fact that Ordinance 1007 has changed the water and sewer rates.

Present Section 9.33 - Entitlement "Electrical Department" - Proposed Section 15.16

It is recommended that the proper Fiscal Year be inserted.

The present City Zoning Code

Shall be incorporated by reference - proposed to be Section 17

Present Sections 17-71 & 17-72 - Entitlement "Rubbish, Garbage and Litter" - Proposed Section 8.20.

It is recommended that the City Council discuss whether or not a fee is appropriate for the collection of rubbish in order to be included in the Recodification.

I realize this is a comprehensive memorandum and is far from perfect, but I believe it properly outlines the proposed changes in the City Code, which has not received such revision since 1972.

Thank you for your attention and cooperation in this matter.

JEC/mh

