



City of Cambridge

4.
IN CITY COUNCIL
March 21, 1977

COUNCILLOR SULLIVAN

WHEREAS: The animal control issue is of great concern to many people throughout this city, and

WHEREAS: This City Council has continually discussed the problem of roaming and unleashed dogs, as well as having suggested various solutions to the problem, now therefore be it

RESOLVED: That the City Manager be and hereby is requested to take the appropriate steps to enforce Chapter 256 of the Acts of 1884 relative to the preservation of all land in and around the Fresh Pond Reservoir, said enforcement to include prohibiting dog owners to allow their dogs to run loose through the Reservoir area and the levying of a fine "three times the amount of damages" in accordance with Chapter 256 as approved by the City of Cambridge on June 25, 1884.

Referred to Public Hearing on motion of Councillor Graham

scrip or bonds, to be denominated on the face thereof "Cambridge Water Loan," to an amount not exceeding five hundred thousand dollars, bearing interest not exceeding six per centum per annum, payable semi-annually, the principal to be payable at periods of not more than thirty years from the issuing of such scrip or bonds respectively. Said city council may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be sold or pledged for less than the par value thereof. The provisions of section eight of chapter one hundred and fifty-three of the acts of the year eighteen hundred and sixty-five, and of section two of chapter one hundred and forty-five of the acts of the year eighteen hundred and seventy-five, in regard to establishing and maintaining a sinking fund for the redemption of the "Cambridge Water Loan," shall apply to this act; and said sinking fund shall remain sacred and inviolate, and pledged to the payment and redemption of said debt and shall be used for no other purpose. The provisions of the tenth and eleventh sections of chapter twenty-nine of the Public Statutes shall, so far as applicable, apply to said sinking fund.

Sinking fund.

SECTION 12. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner thereof shall be also liable if, on being notified of such use, he does not object to the same.

Liability for rent for use of water.

SECTION 13. All acts and measures necessary to preserve and maintain the purity and to prevent the pollution of the waters of said Stony Brook shall be performed, and the expense and damages thereof paid by the city of Cambridge.

Expense to be paid by Cambridge.

SECTION 14. Whoever wantonly or maliciously diverts the water, or any part thereof, taken or held by said city pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property, held, owned or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of the damages sustained therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may also be punished by fine not exceeding three

Penalty for diverting or corrupting water.

hundred dollars, or by imprisonment not exceeding one year in the house of correction in said county of Middlesex:

Weston and Waltham not prevented from taking water from brook.

SECTION 15. Nothing contained in this act shall be so construed as to prevent the inhabitants of the towns of Weston and Waltham from taking from said brook, or its tributaries, so much of the water as shall be necessary for extinguishing fires, and for all domestic and other purposes.

Cambridge may supply Belmont and Watertown with water.

SECTION 16. The city of Cambridge is hereby authorized, if said city shall deem it expedient so to do, to supply the towns of Belmont and Watertown, or either of them, with water in such quantities, under such conditions and upon such terms as may be agreed upon between said city of Cambridge and said towns, or either of them.

To be accepted within three months, and work commenced within one year.

SECTION 17. This act shall take effect upon its passage; but shall become void unless it is accepted by the city council of Cambridge within three months from its passage, and unless work is commenced under it within one year from its passage.

Approved May 21, 1881.

Chap. 137 AN ACT TO PROVIDE A RESERVOIR FOR THE CITY OF CAMBRIDGE AND TO BETTER PRESERVE THE PURITY OF ITS WATER SUPPLY.

Be it enacted, etc., as follows:

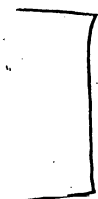
Reservoir and storage basin for Cambridge.



May take land, etc.

Proviso.

SECTION 1. The city of Cambridge, having accepted the provisions of chapter two hundred and fifty-six of the acts of the year eighteen hundred and eighty-four, and constructed an aqueduct conveying the waters of Stone brook into and through said city by the way of Fresh pond, as provided in the said act, may, for the purpose of providing a reservoir and storage basin for the said city, and preserving the purity of the waters to be held in said Fresh pond and distributed therefrom, and protecting and improving the shores and vicinity thereof, at any time within five years after the passage of this act, take and hold by purchase or otherwise any part or the whole of the land and buildings thereon which lie within the following described boundaries: Southeasterly by the Watertown branch of the Fitchburg railroad between land owned by the trustees of Jacob Hittinger and Concord avenue; northeasterly by Concord avenue; northwesterly by the boundary line between said Cambridge and the town of Belmont; and southwesterly by Cushing street, Woodlawn avenue and the southerly side of a proposed new street called Fresh pond avenue, to the said branch of said railroad at the place of beginning, and outside of the present riprapped borders in the pond as they now exist: *provided, however,* that the two corporations or their respective assigns now owning ice-houses on said premises, if they or either of them so elect, and give written notice to the city clerk of said city of their intention to do, within sixty days after the filing and recording of the taking as hereinafter provided, shall be permitted to cut and remove ice from said pond, and to remain in possession of and use their buildings and premises for a period not exceeding two years from and after any taking of the same by virtue of this act; but if said two corporations, or either of them, shall elect to hold and use the premises as above, this fact shall be taken into the account in estimating the damages hereinafter provided for. When possession is taken by said city of Cambridge, under the provisions of this act, of the land and buildings of either of said corporations, the whole of its land and buildings within said boundaries shall be taken, and not a part only thereof.

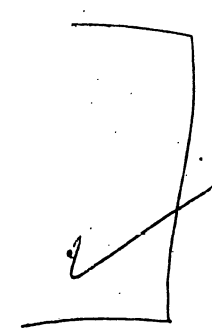
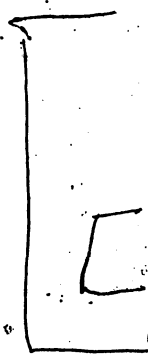


SECTION 2. Said city shall within sixty days after taking any lands or buildings, as herein provided, otherwise than by purchase, for the purposes of this act, file and cause to be recorded in the registry of deeds for the county and district in which said land and buildings are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the mayor; and said city shall also cause notice of such taking to be sent by mail to the owners of record of the land so taken.

To cause to be recorded in the registry of deeds a description of the land taken.

SECTION 3. So long as Fresh pond shall be used by the city of Cambridge as a reservoir, storage basin and water supply, or until otherwise provided by statute, and in order that the said city of Cambridge may better guard and protect the waters to be stored, distributed and used in said reservoir and storage basin from pollution and intrusion, all the right and control which the Commonwealth has in the great pond known as Fresh pond in Cambridge, is hereby granted and relinquished unto said city, said grant and relinquishment to take effect whenever said city shall, by purchase or otherwise, become the owner of all the land abutting on said pond; and from the passage of this act said city shall have exclusive right in and control over the said pond, and power to prevent all persons and animals from entering in, upon or over the land and waters thereof, except that it shall not prevent the two corporations or their respective assigns before mentioned from cutting and removing ice.

Right of the Commonwealth in Fresh pond relinquished to Cambridge.



SECTION 4. Said city shall be liable to pay all damages sustained in property by any person or corporation by reason of the taking of any land, right or easement or by any other thing done by said city under the authority of this act. If any one sustaining damage as aforesaid does not agree with said city upon the amount of said damage, he may within two years from such taking, and not afterwards, apply by petition for an assessment of the damage to the superior court in the county in which the property taken or damaged is situated. Such petition may be filed at any time within said two years in the office of the clerk of said court, who shall thereupon issue a summons to said city, returnable at the next return day after the expiration of fourteen days from the filing of the petition. The summons shall be served fourteen days at least before the day

City to pay damages.

scrip or bonds, to be denominated on the face thereof "Cambridge Water Loan," to an amount not exceeding five hundred thousand dollars, bearing interest not exceeding six per centum per annum, payable semi-annually, the principal to be payable at periods of not more than thirty years from the issuing of such scrip or bonds respectively. Said city council may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be sold or pledged for less than the par value thereof. The provisions of section eight of chapter one hundred and fifty-three of the acts of the year eighteen hundred and sixty-five, and of section two of chapter one hundred and forty-five of the acts of the year eighteen hundred and seventy-five, in regard to establishing and maintaining a sinking fund for the redemption of the "Cambridge Water Loan," shall apply to this act; and said sinking fund shall remain sacred and inviolate, and pledged to the payment and redemption of said debt and shall be used for no other purpose. The provisions of the tenth and eleventh sections of chapter twenty-nine of the Public Statutes shall, so far as applicable, apply to said sinking fund.

Sinking fund.

SECTION 12. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner thereof shall be also liable if, on being notified of such use, he does not object to the same.

Liability for rent for use of water.

SECTION 13. All acts and measures necessary to preserve and maintain the purity and to prevent the pollution of the waters of said Stony Brook shall be performed, and the expense and damages thereof paid by the city of Cambridge.

Expense to be paid by Cambridge.

SECTION 14. Whoever wantonly or maliciously diverts the water, or any part thereof, taken or held by said city pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property, held, owned or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may also be punished by fine not exceeding three

Penalty for diverting or corrupting water.

hundred dollars, or by imprisonment not exceeding one year in the house of correction in said county of Middlesex:

SECTION 15. Nothing contained in this act shall be construed as to prevent the inhabitants of the towns of Weston and Waltham from taking from said brook, or its tributaries, so much of the water as shall be necessary for extinguishing fires, and for all domestic and other purposes.

Weston and Waltham not prevented from taking water from brook.

SECTION 16. The city of Cambridge is hereby authorized, if said city shall deem it expedient so to do, to supply the towns of Belmont and Watertown, or either of them, with water in such quantities, under such conditions and upon such terms as may be agreed upon between said city of Cambridge and said towns, or either of them.

Cambridge may supply Belmont and Watertown with water.

SECTION 17. This act shall take effect upon its passage; but shall become void unless it is accepted by the city council of Cambridge within three months from its passage, and unless work is commenced under it within one year from its passage.

To be accepted within three months, and work commenced within one year.

Approved May 21, 1884.

Chap. 137 AN ACT TO PROVIDE A RESERVOIR FOR THE CITY OF CAMBRIDGE
AND TO BETTER PRESERVE THE PURITY OF ITS WATER SUPPLY.
Be it enacted, etc., as follows:

Reservoir and
storage basin
for Cambridge.



May take land,
etc.

Proviso.

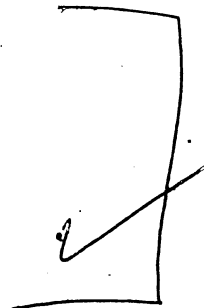
SECTION 1. The city of Cambridge, having accepted the provisions of chapter two hundred and fifty-six of the acts of the year eighteen hundred and eighty-four, and constructed an aqueduct conveying the waters of Stone brook into and through said city by the way of Fresh pond, as provided in the said act, may, for the purpose of providing a reservoir and storage basin for the said city, and preserving the purity of the waters to be held in said Fresh pond and distributed therefrom, and protecting and improving the shores and vicinity thereof, at any time within five years after the passage of this act take and hold by purchase or otherwise any part or the whole of the land and buildings thereon which lie within the following described boundaries: Southeasterly by the Watertown branch of the Fitchburg railroad between land owned by the trustees of Jacob Hittinger and Concord avenue; northeasterly by Concord avenue; northwesterly by the boundary line between said Cambridge and the town of Belmont; and southwesterly by Cushing street, Woodlawn avenue and the southerly side of a proposed new street called Fresh pond avenue, to the said branch of said railroad at the place of beginning, and outside of the present riprapped borders in the pond as they now exist: *provided, however,* that the two corporations or their respective assigns now owning ice-houses on said premises, if they or either of them so elect, and give written notice to the city clerk of said city of their intention so to do, within sixty days after the filing and recording of the taking as hereinafter provided, shall be permitted to cut and remove ice from said pond, and to remain in possession of and use their buildings and premises for a period not exceeding two years from and after any taking of the same by virtue of this act; but if said two corporations, or either of them, shall elect to hold and use the premises as above, this fact shall be taken into the account in estimating the damages hereinafter provided for. When possession is taken by said city of Cambridge under the provisions of this act, of the land and buildings of either of said corporations, the whole of its land and buildings within said boundaries shall be taken, and not a part only thereof.

SECTION 2. Said city shall within sixty days after taking any lands or buildings, as herein provided, otherwise than by purchase, for the purposes of this act, file and cause to be recorded in the registry of deeds for the county and district in which said land and buildings are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the mayor; and said city shall also cause notice of such taking to be sent by mail to the owners of record of the land so taken.

To cause to be recorded in the registry of deeds a description of the land taken.

SECTION 3. So long as Fresh pond shall be used by the city of Cambridge as a reservoir, storage basin and water supply, or until otherwise provided by statute, and in order that the said city of Cambridge may better guard and protect the waters to be stored, distributed and used in said reservoir and storage basin from pollution and intrusion, all the right and control which the Commonwealth has in the great pond known as Fresh pond in Cambridge, is hereby granted and relinquished unto said city, said grant and relinquishment to take effect whenever said city shall, by purchase or otherwise, become the owner of all the land abutting on said pond; and from the passage of this act said city shall have exclusive right in and control over the said pond, and power to prevent all persons and animals from entering in, upon or over the land and waters thereof, except that it shall not prevent the two corporations or their respective assigns before mentioned from cutting and removing ice.

Right of the Commonwealth in Fresh pond relinquished to Cambridge.



SECTION 4. Said city shall be liable to pay all damages sustained in property by any person or corporation by reason of the taking of any land, right or easement or by any other thing done by said city under the authority of this act. If any one sustaining damage as aforesaid does not agree with said city upon the amount of said damage, he may within two years from such taking, and not afterwards, apply by petition for an assessment of the damage to the superior court in the county in which the property taken or damaged is situated. Such petition may be filed at any time within said two years in the office of the clerk of said court, who shall thereupon issue a summons to said city, returnable at the next return day after the expiration of fourteen days from the filing of the petition. The summons shall be served fourteen days at least before the day

City to pay damages.



City of Cambridge

4.
IN CITY COUNCIL
March 21, 1977

COUNCILLOR SULLIVAN

WHEREAS: The animal control issue is of great concern to many people throughout this city, and

WHEREAS: This City Council has continually discussed the problem of roaming and unleashed dogs, as well as having suggested various solutions to the problem, now therefore be it

RESOLVED: That the City Manager be and hereby is requested to take the appropriate steps to enforce Chapter 256 of the Acts of 1884 relative to the preservation of all land in and around the Fresh Pond Reservoir, said enforcement to include prohibiting dog owners to allow their dogs to run loose through the Reservoir area and the levying of a fine "three times the amount of damages" in accordance with Chapter 256 as approved by the City of Cambridge on June 25, 1884.

10
11
12
13

Order #4

F-106

C. Sullivan re: enforcement of Chapter 256
of the Acts of 1884 re: to the preservation
of all land in and around the Fresh Pond
Reservoir.

3/21/77

Referred to the
Public Hearing on
NOTION OF E. FRANKLIN

In City Council,

~~March 7, 1977~~

~~March 14, 1977~~

March 21, 1977

OK
Referred
to
the Hearing