



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

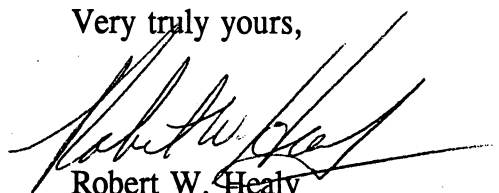
RICHARD C. ROSSI
Deputy City Manager

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



CITY OF CAMBRIDGE

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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:

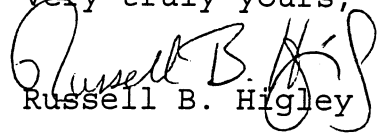
an instrument or weapon of the kind usually known as a dirk knife, a switch knife or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one-half inches or a device or case which enables a knife with a locking blade to be 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.

A draft ordinance for the Council's consideration similar to the proposed Boston ordinance is attached.

Very truly yours,


Russell B. Higley

Cambridge City Code 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.

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
MRC