



City of Cambridge

7.

IN CITY COUNCIL

December 18, 1989

COUNCILLOR WALTER J. SULLIVAN

ORDERED: That all items currently pending before the City Council with the exception of those items currently listed under "Unfinished Business" and not acted upon by the end of the 1989 legislative session be placed in the files of the City Clerk without prejudice, subject to recall by any member.

In City Council December 18, 1989.
Adopted by the affirmative vote of nine members.
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton, City Clerk.



NANETTE GLENNY (right) coordinator of Outreach Services for Older Adults, visits Cambridge Resident Dorothy Stamps as part of The Cambridge Hospital's community outreach effort.

Cambridge Hospital targets needs of elderly

By LAURIE VOLKIN

It's no surprise that the population of the United States grew 11 percent over the last decade. What may be surprising is the dramatic increase of senior citizens. Demographers estimate that people over 65 will account for 13 percent of the population by the year 2000, and the growth is expected to continue.

In Cambridge and Somerville, the proportion of elderly persons is also increasing. According to projections by the Massachusetts Department of Public Health, Division of Health Statistics and Research, the 65+ age group in Cambridge and Somerville will constitute 13.3 percent by 1990, an increase from 12.4 percent recorded in 1980.

With anticipated growth in the geriatric population, more health and human services and programs are needed to meet the unique needs of elderly people. In response to this need, The Cambridge Hospital (TCH) strategic plan included the development of geriatric programs as a top priority.

"Cambridge has a wealth of provider agencies dedicated to geriatric care," says Mary Ann DiRoberts, administrative director of Geriatric Programs at TCH. "We are working closely with other community providers to provide a continuum of care for older people. This includes developing programs and services that address acute and long-term health care needs."

Programs presently under consideration include a specialized inpatient geriatrics unit at TCH, medical home visiting services, and outreach and health education activities.

Youth soccer sign-up set

Cambridge Youth Soccer will hold registration for the upcoming season on Saturday, March 4, from 10 am to 12 noon in the lobby of the Martin Luther King Jr. School, 100 Putnam Ave.

Applications will be accepted from children born between 1975 and 1982. There are limited spaces in some of

According to Alan Abrams, M.D., Medical Director of Geriatrics Programs at TCH, several areas of need have been identified for elderly patients in Cambridge. This includes improving the responsiveness of medical care in nursing homes and providing both medical and psychiatric services for patients.

"TCH is developing programs that meet the needs of elderly patients to fill in gaps of the health care system," says Dr. Abrams. "Medical providers in the community identified the need to provide medical care home visits. Currently, we are working to coordinate resources with The Cambridge Visiting Nurse Association and the local home care corporation to provide these services."

Plans are also underway for community outreach and health education activities, including free health care talks and screenings in the community. "A large number of elderly people are isolated and frail," says Nanette Glenny, Department of Health & Hospitals coordinator of Outreach Services for Older Adults. "Many of these people could benefit from home health care services and community outreach programs."

"People often think of the elderly as being sick and old," adds DiRoberts. "We want people to celebrate the positive images of aging." As a result, TCH is sponsoring an employee awareness month in April. It will include a phone-in display, films, discussions and informational material on programs and health care service for the elderly.

If you would like more information on Geriatric Programs, contact Mary Ann DiRoberts at 496-1558.

the age divisions for boys and girls. The fee is \$15 for D and E divisions and \$20 for the C and B divisions. Financial aid is available.

Parents must be present at the sign-up to provide medical insurance information.

For more information, call Anita Burke-Johnson at 492-3298.

Three earn awards for service

By MARTHA RAY

Special to the Chronicle
Three Cambridge residents were honored for their work on causes ranging from affordable housing to crime prevention at the Seventh Annual Black History Month Family Celebration Friday night.

In honor of their "lasting contributions" to the city of Cambridge, Oliver Farnum, Jacqueline Clarke and James Biggs were awarded the 1989 Harriet Wigfall Community Service Awards.

About 70 people gathered at the Martin Luther King School on Putnam Avenue for the Family Celebration night, which was sponsored by the Community and Youth Division of the Cambridge Department of Human Services. The evening featured the awards presentation, entertainment by Harvard's Kumbaba Singers, and a reception showcas-

ing art and crafts made by local black artists.

Oliver Farnum, a past president of the Cambridge Community Center, and a member of both the Cambridge Council on Aging and the Cambridge Health Policy Board, was recognized for his "tireless work" on behalf of affordable housing and elderly rights.

Jacqueline Clarke was honored for "going the extra measure" and for her "true commitment to helping the residents of Cambridge." She has been involved with The Fletcher Neighborhood Council and the Area IV Crime Task Force.

James Biggs was awarded the Community Service Award posthumously for his work as president of the Washington Elms-Newtonne Court Tenement Council. He also founded the Washington Elms Court Watch.

Children in Hospitals Week marked

The Association for the Care of Children's Health is recognizing the week of March 13-17 as "Children in Hospitals Week." The goals of this week are to increase public awareness of the psychosocial needs of children and families in the health care system and to encourage health care institutions to meet these needs.

To highlight the week, Cambridge Pediatrics of The Cambridge Hospital (TCH), has scheduled the second annual Teddy Bear Clinic for selected Cambridge preschools. During the clinic, children learn about the steps involved in a check-up and become familiar with a hospital setting. Pediatricians examine the children's teddy bears and demonstrate how to take a temperature, listen to a heartbeat, and check for a sore throat. Children also tour the hospital x-ray room and watch a demonstration of how casting is done.

"Last year the clinic was a tremendous success" says Dr. Margaret

Coleman, administrator of Cambridge Pediatrics. "It gave the children an opportunity to interact with the pediatric staff and become familiar with the steps involved with a check-up."

Cambridge Pediatrics is a full service pediatric practice for children up to 18 years of age. It provides comprehensive care to Cambridge and Somerville children through a coordinated health care system which includes an inpatient service, emergency room, pediatric neighborhood health centers, newborn services, subspecialty clinics, and a hospital-based pediatric group practice. Further, these services are integrated with intensive care at the Massachusetts General Hospital.

Cambridge Pediatrics is located at The Cambridge Hospital on the second floor of the Cahill building. The office is open Monday-Friday from 9am to 5pm and may be reached by calling 864-2889.



FOR LIFE — Former State Sen. George Bachrach is out of public office now but still concerned about the elderly, as he demonstrates through his work with the Living is For the Elderly (LIFE) program. Above, he meets with students from the Tobin School who have been lobbying on behalf of the area's elderly.



COOKIE SELLERS — Cambridge Girl Scouts recently participated in Patriots' Trail Girl Scout Council's 1989 Cookie Sale Kick-off at the Prudential Tower, Boston. "Girl Scout Cookies Around the World: The 1989 Cookie Creation Contest" was the featured event of the day and included six spectacular displays averaging 4' x 6' in dimension and decorated with more than 65,000 Girl Scout cookies. Pictured (l. to r.) are Jodie Silva, Tara Henley, Christine Savatolis and Nicole Henley with "Big Ben and the Houses of Parliament," designed by Dorothy Lou's Pastry Shop, Brockton using 6080 Girl Scout cookies. For more information about the Girl Scout Cookie Sale or to order cookies, contact Patriots' Trail Girl Scout Council at 482-1078 or 1-800-882-1662.

Sister City Week highlights Salvador

Mayor Alfred Vellucci has designated the week of March 12-19 as Cambridge-San Jose Las Flores Week. As honorary chair, Vellucci will be sitting and overseeing a series of events and programs to celebrate Cambridge's sister city in El Salvador. Already, a large and brightly designed poster has gone up in front of city hall anticipating the week.

"Principals and teachers have been calling about the idea," said Peace Commission director Cathy Hoffman. "They want to have Salvadorans come to speak in their classes, and all the school children will be bringing in ten cents for the children of Las Flores." Students from the bi-lingual Amigos program at the Maynard will be singing at a public reception at City Hall on Thursday, March 16. One volunteer has designed a "Big Book" about San Jose Las Flores and will be traveling to K-4 classes all week long to share it with the students. Students in all the grades will be learning Salvadoran folk music including a song written by the residents of Las Flores about Cambridge.

The idea for a celebration began last spring at a city hall press conference in which the city council expressed its concern over an army attack on the village.

On Sunday, March 12, various church and religious organizations will begin the week by highlighting the situation in Las Flores through special prayers, in sermons, through special collections and in audiovisual presentations during coffee hours. Among those churches are St. Paul's, St. Peter's, Holy Cross, Old Cambridge Baptist, Christ Church Episcopal, Metropolitan Baptist and Church of New Jerusalem. St. Mary of the Annunciation, a Catholic Church with a large Salvadoran congregation will celebrate a special Mass open to the public at 12:45 on the 12th to honor Archbishop Oscar Romero, the Salvadoran Archbishop

who was assassinated by the army while saving Mass.

All during the week, local Cambridge businesses, offices and community groups will be sporting donation cans to raise money and putting posters in the windows. 25 families or organizations have requested speakers to come to their homes to show a video about the sister city and talk about the project.

The major day for the celebration will be Thursday, March 16. The Sister City Project has ordered 10,000 special stickers to be worn on the day. Police officers and firefighters have already agreed to wear the stickers, and several elementary schools have ordered 300 for each student and staff member. (The stickers are available from the sister city project, 498-9000 or the Peace Commission, 498-9000 x5353). A public reception will be held at City Hall at 5:00 on the 16th and will feature food, music from the CRIS Jazz Band and students from the Maynard School, presentations by Mayor Vellucci and State Senator Michael Barrett and a showing of the video.

Thursday evening at 7:30, St. Mary's (Norfolk Street, Central Square) will host an ecumenical prayer service co-sponsored by the Center and Harvard Square Ministers Associations.

On Saturday, Cambridge's Salvadoran community will be hosting a dance at St. Mary's with live music by Orchestra Salvador and refreshments. Tickets are on sale for \$8 in advance and \$10 at the door.

"I am excited by how many people from all over Cambridge are calling to participate" said Hoffman. "It really seems that there is a lot of support for the Sister City Project in general and a particular excitement about the week of activities."

For further information, call David Grosser at the Sister City Project (876-4545) or Cathy Hoffman at the Peace Commission (496-9000 x5353).

City of Cambridge PUBLIC NOTICE

The Committee on Ordinances, comprised of the entire membership of the City Council, will conduct a public hearing on Monday, March 9, 1989 at 6:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a proposed amendment to the General Ordinances in Chapter Four, Section 4-7, Article 1, entitled "Licensing of Dogs" and also, in Section 4-11(b), "Disposition of Complaints" and in Section 4-20 "Regulation of Vicious Dogs."

All interested persons are requested to attend and be heard at this time.

For the Committee,
Councillor William H. Walsh,
Chairman.

CHOLESTEROL SCREENING Do You Know What Your Cholesterol Level Is?

More than 50 percent of Americans have blood cholesterol levels, high enough to be at risk for heart disease—and don't know it! Coronary Heart Disease is the number one cause of death in the United States, outnumbering deaths from cancer and accidents combined.

Find Out Your Cholesterol Level at

Walgreens
727 Memorial Dr., Cambridge

DATE: March 6
TIME: 10 am-5 pm
COST: \$6.00 per test

LaRonga Bakery Deli Specials

Russer Wunderbar	
German Bologna	\$1.29 lb.
Land O'Lakes White	
American Cheese	\$2.59 lb.
Sunny Isle Ham	\$2.59 lb.

SPECIAL IMPORTED ROMANO CHEESE	\$2.99 lb	LaRonga Party Platters Include:
		*Potato Salad
		*Macaroni Salad
		*Cole Slaw
		*2 rolls per person
		*Free veggie tray for orders of 25 and up

Call 625-8600, 599 Somerville Ave., Somerville
Hours: 7am to 10 pm Daily, 7 am to 9 pm Sat., 7 am to 8 pm Sun.

REGISTRATION

ST. JOHN THE EVANGELIST SCHOOL

122 Rindge Ave., Cambridge, MA 02140

Tel. 876-3589

St. John's School is a K1-8 parish school concerned with cultivating the intellectual, creative and aesthetic faculties of each student and primarily to be a faith community fostering growth in the love of Christ. Registration will take place Wednesday, March 8th and Thursday, March 9th from 8:30 a.m. to 11:30 a.m. at the school. The following will be required: birth certificate, health records, baptismal record and school records.

Age eligibility:
Prie kindergarten 3 yrs. old
Kindergarten 4 yrs. old
Grade 1 5 yrs. old
by March 31st, 1989

A non-refundable registration fee and of \$100.00 is due at the time of registration.

PASTOR Rev. Thos. M. Curran, Ph.D.
PRINCIPAL Irene M. Marcoux, M.Ed.

REAL ESTATE WEEKLY

By Dan and Joetta Silva
Silva Realty Associates

WHAT KIND OF HOME FITS YOUR LIFESTYLE?

If you're working with an agent to find a new home, it's important to communicate what elements of your lifestyle will influence your choice. With this information, the agent can match you up more quickly with a home your family will love.

Do you give a lot of parties? Are you a serious cook? Do you want to accommodate hobbies like painting, photography, or woodworking? Will the availability of a community pool or tennis courts influence your buying decision? Will your son's hard rock band be holding rehearsals in your basement? Do you need a home office? Do you plan to begin or enlarge your family? Is there someone in your household who cannot climb stairs? These are the types of factors that can influence your main criteria and can help us to narrow down which of the many homes on the market might be right for you.

If you are considering a move, contact the professionals at Silva Realty Associates. Call us at 661-2825 in Cambridge.

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Christie, Henley head GSA cookie sale

Patriots' Trail Girl Scout volunteers Gloria Christie and Mana Henley are serving as the Cambridge Cookie Managers for the 1989 Girl Cookie Sale. This position encompasses a variety of responsibilities including processing troop Cookie Sale orders, training troops in safety and sales procedures, and providing support to other community volunteers involved with the Cookie Sale.

"The Girl Scout Cookie Sale only comes along once a year," remarked Henley. "It helps troops to raise money for camping trips, program activities and special events, and can help individual girls to defray the cost of summer camp as well as national and international Wider Opportunities."

Henley encourages Cambridge residents to support the Girl Scouts in the community by participating in the Cookie Sale. Residents who have not been contacted by a Girl Scout taking orders door-to-door may order cookies directly by calling Patriots' Trail Girl Scout Council at 482-1078 or 1-800-882-1662.

Mt. Auburn Cemetery sets talk series

The Friends of Mount Auburn Cemetery is sponsoring two March programs at the Cemetery. All members and visitors are invited to attend to learn more about our cultural heritage and natural history. Programs are free to members of the Friends; there is a \$2 charge per program for non-members.

On Saturday, March 4, 2:30-3 pm, "Pleasures: The Art of Collage" a slide lecture and exhibition will be given by artist, author and Mount Auburn Greenhouse staff member Harry White. White will demonstrate his unique art form of collage using flower petals and other plant materials.

On Saturday, March 25, 2:30-3 pm, "Mount Auburn Cemetery's Knoll Garden Sculpture and Artist's Process" a slide lecture and walk will be given by North Shore sculptor Richard Duca. Duca's lecture will document the creation and installation of this twenty-one foot abstract sculpture, and will be followed by a walk to the monument.

Reservations are required for programs. The programs will meet at Story Chapel near the front gate off Mount Auburn Street. To reserve your place, call the Friends of Mount Auburn Program and Membership Director at 547-7105. Parking is available on Lawn avenue around Asa Gray Garden near the front gate. Public transportation is available by bus.

Ukrainian folk festival set at library

A special Spring Festival of Ukrainian Folk Arts is scheduled at the Cambridge Public Library, 449 Broadway, on Saturday, March 11, from 1 to 2 pm, in the Lecture Hall. Ina Dzeroyvch will lecture on ceramics and display examples from many regions of the Ukraine.

Immediately following in the Children's Room, there will be an Ukrainian Easter Egg Decorating Workshop from 2 to 5 pm, led by Zonia Grichenko, Romanna Mychajiw, and Olya Barytsky. Children 10 and up and adults must register for the Egg Workshop which is limited to 50 participants. Materials are included.

A week later, on Saturday, March 18 from 2 to 5 pm, Jaroslawa Stasiuk will present a special session Ukrainian Ritual Breadmaking, featuring ritual wedding bread.

These exhibits and workshops reflect the rich tradition of Ukrainian festivals and folk art. For hundreds of years all over the Ukraine, rituals have been accompanied by art and music. Spring is when Ukrainians practice the beautiful art of decorating eggs with symbols reflecting the joy of the new season. Weddings are accompanied by elaborate breads, and houses filled with beautiful pottery displaying designs from the past as well as new ones that have entered the tradition.

The Spring Festival of Ukrainian Folk Arts is co-sponsored by the Ukrainian Professionals Association of Boston, the Ensemble Theater of Cambridge, and the Cambridge Public Library. All events are free and open to the public. For reservations and more information please call the library at 498-9080.



MARKET BASKET

MEAT SPECIALS

Sliced Bacon
 OSCAR MAYER **179**
 •Reg. •Thick 1-LB. PKG.

Chuck Roast
 USDA CHOICE OR STEAK **109**
 7 Bone Beef 1 lb.

Smoked Ham
 COOK'S Leg Portion **89**¢
 Cryovac Water Added 1 lb.

Round Roast
 USDA CHOICE BOTTOM Center Cut **179**
 1 lb.

Cube Steak
 USDA CHOICE Boneless Beef Round **229**
 1 lb.

London Broil
 USDA CHOICE Boneless Shoulder Steak **199**
 1 lb.

Pork Butts
 Fresh Whole **99**¢
 1 lb.

Chicken Legs
 OR WINGS **79**¢
 1 lb.

Shoulder
 ARMOUR •Smoked Fully Cooked Water Added **99**¢
 1 lb.

Spare Ribs
 FRESH or CORNED **149**
 1 lb.

GROCERY SPECIALS

Folgers COFFEE SINGLES
 •Regular •Decaffeinated **199**
 Save 70¢ to \$1.00 19 COUNT

Baby Food
 Gerber All Strained Varieties **4** \$1
 Save 33¢ 4 1/2 oz. ARS

La Spagnola
 Blended Oil **399**
 Save \$1.00 ONE GAL.

Tropicana Twisters
 46 oz. BTL. **149**

Tide LAUNDRY DETERGENT
 •LIQUID 128 oz. •POWDER 147 oz. •WBLEACH 147 oz. **699**

Soft-ply Towels
 Save 77¢ **3** \$1
 100 ct. ROLLS

Facial Tissue Save 38¢ **2** \$1
 175 ct. PKGS.

Bath Tissue Save 78¢ **2** \$1
 4 PAKS

PRODUCE

Grapes SEEDLESS RED FLAME
 Chilean **79**¢
 1 lb.

Spinach WASHED & CLEANED
 10 oz. BAG **69**¢

Jumbo Broccoli
 Calif. **99**¢
 bch.

Green Beans FRESH TENDER **69**¢
 1 lb.

Oranges NAVEL Calif. Sunkist **149**
 12 IN BAG

DAIRY & FROZEN

Orange Juice
 Farm Valley **119**
 Save 30¢ HALF GAL.

Haddock Fillets
 Van de Kamp •Breaded Save 50¢ **99**¢
 7 oz. PKG.

Deluxe Bagels
 Sara Lee **2** \$1
 Save 58¢ 4 PAKS

Cook n' Bags
 Banquet **4** \$1
 Save 78¢ 5 oz. PKGS.

French Fries
 Micro Magic **99**¢
 Save 20¢ 3 PAK

Shredded Cheddar
 Sargento **149**
 Save 50¢ 12 oz. PKG.

SEAFOOD FOR LENT

Sea Scallops
 Ocean Fresh **499**
 1 lb.

Swordfish Steaks
 Ocean Fresh **599**
 1 lb.

Seafood Sections Imitation Crabmeat **279**
 1 lb.

FROM OUR DELI

Turkey Breast
 Bilmar **329**
 1 lb.

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OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 23, 1989

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Enclosed you will find a copy of a proposed amendment to the Zoning Ordinances of the City of Cambridge which was passed to a second reading at the Special City Council meeting held on March 16, 1989 to establish an East Cambridge Interim Planning Overlay District.

Enclosed also you will find five proposed amendments to the Zoning and/or General Ordinances of the City of Cambridge which were passed to a second reading at the City Council meeting held on March 20, 1989 as follows:

1. Proposed Zoning Ordinance amendment relative to Affordable Housing Trust Fund.
2. Proposed Zoning Ordinance amendment on the petition of Terry Crystal, et al.
3. Proposed General Ordinance amendment relative to the Licensing of Dogs.
4. Proposed General Ordinance amendment entitled "Disposition of Complaints".
5. Proposed General Ordinance amendment regulating Vicious Dogs.

Would you kindly review these 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
Joseph E. Connarton, City Clerk

JEC/dl

Encs. (6) First publication numbers 2433, 2434, 2435, 2436, 2437 and 2438.

c.c. Councillor William Walsh, Chairman, Committee on Ordinances,

Joseph Cellucci, Commissioner of Inspectional Services.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

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 by establishing an East Cambridge Interim Planning Overlay District in the area of East Cambridge herein described, having the following requirements:

1. All requirements of the existing base zoning districts shall apply except as modified and limited by the requirements of this Section subsections 2-4 below;
2. The floor area ratio applicable on any lot shall be limited to 1.0 or that applicable in the base district, whichever is less;
3. The maximum height of any building shall be 45' or that applicable in the base district, whichever is less;
4. Notwithstanding the limitations in subsections 2 and 3 above, any building existing at the time of adoption of this Section may be renovated or restored, changes made to the uses contained therein or additions may be made hereto providing the following conditions are met:
 - (a) Any additions shall not exceed 10% of the gross floor area of the existing building or 30,000 gross square feet, whichever is greater; and
 - (b) All regulations and limitations of the base district shall be met.

- I. Amend the Zoning Ordinance of the City of Cambridge as described below by creating a new Section 3.15 - The East Cambridge Interim Planning Overlay District in the area of East Cambridge as shown on the accompanying map, having the following requirements:

Section 3.15

1. All requirements of the existing base zoning districts shall apply except as modified and limited by the requirements of this Section subsections 2-4 below;
2. The floor area ratio applicable on any lot shall be limited to 1.0 or that applicable in the base district, whichever is less;
3. The maximum height of any building shall be 45' or that applicable in the base district, whichever is less;
4. Notwithstanding the limitations in subsections 2 and 3 above, any building existing at the time of adoption of this Section may be renovated or restored, changes made to the uses contained therein or additions may be made hereto providing the following conditions are met:
 - (a) Any additions shall not exceed 10% of the gross floor area of the existing building or 30,000 gross square feet, whichever is greater; and
 - (b) All regulations and limitations of the base district shall be met.
5. This Section 3.15 shall be in effect through December 1, 1989.

Passed to a second reading at the Special City Council meeting held on March 16, 1989 and on or after April 3, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

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 by adding a new sentence in Section 11.205.3 before the sentence beginning: "The Trustees, with the concurrence of the City Manager. . ." to read as follows:

If the City Manager chooses to appoint a representative of the academic community to the Board of Trustees of the Affordable Housing Trust, he will elicit from the President of Harvard University, M.I.T., Lesley College, and Cambridge College the names of five (5) candidates, mutually agreed upon by the reference presidents, from whose number the City Manager will select the nominee. If the City Manager chooses to nominate a developer to the Board, he/she must have voting residency in the City of Cambridge.

Passed to a second reading at the City Council meeting held on March 20, 1989 and on or after April 3, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton,
City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

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 by rezoning from Residence C-1 that area presently zoned Residence C-3, Office 3 and Business B, which area is bounded by a line beginning at a point, which point is the intersection of the midlines of Harvard Street and Massachusetts Avenue;

Then proceeding 495 feet more or less, in a southeasterly direction along the midline of Harvard Street to the extension of the southeastern lot line of lot number 1 on assessors map 134;

Then turning and proceeding 108 feet more or less, in a southwesterly direction along the extension of and the southeastern lot line of lot number 1 on assessors map 134 to a line parallel to and 100 feet northeast of the northeast boundary of Massachusetts Avenue;

Then turning and proceeding 385 feet, more or less, in a southeasterly direction, along a line parallel to and 100 feet northeast of the northeast boundary of Massachusetts Avenue to the midline of Remington Street;

Then turning and proceeding 132 feet, more or less, in a southwesterly direction, along the midline of Remington Street to the midline of Massachusetts Avenue;

Then turning and proceeding 77 feet, more or less, in a southeasterly direction along the midline of Massachusetts Avenue to the northeasterly extension of the southeastern lot line of lot number 31 on assessors map 133;

Then turning and proceeding 80 feet, more or less, in a southwestern direction along the extension of and the southeastern lot line of lot number 31 on assessors map 133 to the southwestern lot line of said lot number 31 on assessors map 133;

Then turning and proceeding 27 feet, more or less, in a northwesterly direction along the southwestern lot line of lot number 31 on assessors map 133 to the southeastern lot line of lot number 45 on assessors map 133;

Then turning and proceeding 88 feet, more or less, generally in a southwesterly direction, along three connected line segments at right angles to each other, which three connected line segments together constitute the southeastern lot line of lot 45 on assessors map 133, and the extension thereof, proceeding to the midline of Mount Auburn Street;

Then turning and proceeding 231 feet, more or less, in a southeasterly direction, along the midline of Mount Auburn Street to the midline of Putnam Avenue;

Then turning and proceeding 135 feet, more or less, in a southerly direction, along the midline of Putnam Avenue to a line parallel to and 100 feet southwest of the southwest side line of Mount Auburn Street;

Then turning and proceeding 269 feet, more or less, in a northwesterly direction, along a line parallel to and 100 feet southwest of the southwest side line of Mount Auburn Street, to the midline of Banks Street;

Then turning and proceeding 125 feet, more or less, in a northeasterly direction, along the midline of Banks Street to the midline of Mount Auburn Street;

Then turning and proceeding 127 feet, more or less, in a northwesterly direction, along the midline of Mount Auburn Street to the extension of the northwest lotline of lot 38 on assessors map 133

Then turning and proceeding 188 feet, more or less, in a northeasterly direction, along the extensions of and the northwest lotline of lot 38 on assessors map 133 to the midline of Arrow Street;

Then turning and proceeding 329 feet, more or less, in a northwesterly direction, along the midline of Arrow Street to the midline of Bow Street;

Then turning and proceeding 299 feet, more or less, in a northerly direction, along the midline of Bow Street to the midline of Massachusetts Avenue;

Then turning and proceeding 40 feet, more or less, in a northwesterly direction, along the midline of Massachusetts Avenue to the midline of Harvard Street, the point of origin.

Said area includes all or part of the following parcels of land:

Premises shown on assessors map 132:

Lots numbered 97, 98, 122, 131, 135, 138.

Being numbers 3 and 5 Putnam Avenue, even numbers 2 through 10 Mount Auburn Street, and even numbers 2 through 20 Banks Street

Premises shown on assessors map 133:

Lots numbered 24, 25, 26, 27, 28, 29, 30, 31, 35, 36, 37, 38, and 45.

Being numbers 2, 4 and 6 Arrow Street, even numbers 1110 through 1134 Massachusetts Avenue, and odd numbers 9 through 19 Mount Auburn Street.

Petitioners note that buildings numbered 1134 and 1132 Massachusetts Avenue, plus a portion of building numbered 1130 Massachusetts Avenue are all actually located on Arrow Street, and thus are misnumbered on the city records.

Premises shown on assessors map 134

Lots numbered 1, 2, 6, 7, and 8.

Being numbers 3 and 9 Remington Street, odd numbers 1131 through 1201 Massachusetts Avenue, an apparently unnumbered portion of the southwesterly extension of Quincy Street, and an apparently unnumbered portion of Harvard Street

Rezone to Business A-1 that area presently zoned Business B, which area is bounded by a line beginning at a point, which point is the intersection of the midline of Massachusetts Avenue and the extension of the southeastern lotline of lot number 53 on assessors map 133;

Then proceeding 206 feet, more or less, in a southwesterly and then westerly direction, along a series of connected line segments, together constituting the extensions of and the southeastern lot line of lot numbered 53 on assessors map 133, to the midline of Plympton Street;

Then turning and proceeding 127 feet, more or less, in a southwesterly direction to the southern extremity of the Business B district on Plympton Street;

Then turning and proceeding 239 feet, more or less, in a northeasterly direction along the said southern extremity of the Business B district to the midline of Bow Street

Then turning and proceeding 207 feet, more or less, in a northerly direction, along the midline of Bow Street, to the midline of Massachusetts Avenue;

Then turning and proceeding 49 feet, more or less, in a northwesterly direction, along the midline of Massachusetts Avenue to the extension of the southeastern lot line of lot number 53 on assessors map 133, the point of origin.

Said area includes all or part of the following parcels of land:

Premises shown on assessors map 133:

Lots numbered 3, 9, 10, 51, 52, 54, 55, and 56;

Being odd numbers 1 through 9 Bow Street, even numbers 10 through 18 Plympton Street, and even numbers 1230 through 1238 Massachusetts Avenue.

Rezone to Residence C-1 that area presently zoned Residence C-2, which area is bounded by a line beginning at a point, which point is the intersection of the midline of Plympton Street and the midline of Mount Auburn Street;

Then proceeding 750 feet, more or less, in a northwesterly direction, along the midline of Mount Auburn Street, to the extension of the northwestern lot line of lot number 67 on assessors map 162;

Then turning and proceeding 125 feet, more or less, in a southwesterly direction, along the extension of and two connected line segments, which two connected line segments together constitute the northwestern lot line of lot number 67 on assessors map 162, to a line parallel to and 100 feet southwest of the southwest boundary of Mount Auburn Street;

Then turning and proceeding 29 feet, more or less, in a northwesterly direction, along a line parallel to and 100 feet southwest of the southwest boundary of Mount Auburn Street, to a line parallel to and 100 feet southeast of the southeast boundary of John F. Kennedy Street;

Then turning and proceeding 300 feet, more or less, in a southwesterly direction, along a line parallel to and 100 feet southeast of the southeast boundary of John F. Kennedy Street, to the midline of South Street;

Then turning and proceeding 180 feet, more or less, in a southeasterly direction, along the midline of South Street, to the midline of Dunster Street;

Then turning and proceeding 200 feet, more or less, in a northeasterly direction, along the midline of Dunster Street, to the midline of Winthrop Street;

Then turning and proceeding 690 feet, more or less, in a southeasterly direction, along three connected line segments, which connected line segments are, in order:

- (1) the midline of Winthrop Street,
- (2) the midline of the northwestern segment of Holyoke Place, and
- (3) the southeasterly projection of said midline of the northwestern segment of Holyoke Place, which projection proceeds through Holyoke Place, through lot number 76 on assessors map 161 and through Plympton Street,

proceeding on said connected line segments to the midline of Plympton Street;

Then turning and proceeding 160 feet, more or less, along the midline of Plympton Street, to the midline of Mount Auburn Street, the point of origin.

Said area includes all or part of the following parcels of land:

Premises shown on assessors map 161:

Lots numbered 1, 2, 3, 4, 5, 76, 81, 82, 83, and 84;

Being even numbers 52 through 72 Mount Auburn Street, numbers 28 and 30 Holyoke Street, odd numbers 21 through 35 Holyoke Place, all numbers 1 through 16 Holyoke Place, and odd numbers 57 through 61 Plympton Street.

Premises shown on assessors map 162:

Lots numbered 7, 10, 11, 14, 16, 31, 32, 36, 47, 48, 49, 50, 51, 52, 53, 62, 63, 67, and 71;

Being even numbers 74 through 86 Mount Auburn Street, all numbers 43 through 56 Dunster Street, odd numbers 61 through 77 Dunster Street, all numbers 56 through 70 Winthrop Street, odd numbers 39 through 45 Winthrop Street, odd numbers 25 through 33 Holyoke Street, 56 and 58 John F. Kennedy Street and odd numbers 17 through 21 South Street.

Changes in overlay districts

Remove the designation of Harvard Square Overlay District from all areas in said Overlay District which satisfy the following:

after the changes described in all the preceding paragraphs are accomplished, they have as a base zone either a residential district or an office district, and

they are located in that portion of said Overlay District, which is generally south of a line, which line divides said Overlay District into two portions, one portion of the district generally north of said line and one portion of the district generally south of said line,

said line dividing the district into two portions is described as follows:

beginning at a point, which point is the intersection of the Cambridge-Boston City Line and the Midline of Anderson Bridge;

Then proceeding in a northeasterly direction along the midline of the Anderson Bridge and the midline of John F. Kennedy Street to the northeastern extremity of John F. Kennedy Street, its intersection with the midline of Massachusetts Avenue;

Then proceeding in a southeasterly direction along the midline of Massachusetts Avenue until it reaches the northwestern extremity of the midline of Harvard Street, the intersection of the midline of Massachusetts Avenue and the midline of Harvard Street;

Then proceeding in a southeasterly direction along the midline of Harvard Street until it reaches its eastern extremity, the midline of Portland Street.

Said area includes all or part of the following parcels of land:

Premises shown on assessors map 132:

Lots numbered 97, 98, 122, 131, 135, 138;

Being numbers 3 and 5 Putnam Avenue, even numbers 2 through 10 Mount Auburn Street, and even numbers 2 through 20 Banks Street.

Premises shown on assessors map 133:

Lots numbered 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 47, 48, 49, and 50;

Being all numbers Arrow Street, even numbers 1110 through 1134 Massachusetts Avenue, all numbers Bow Street except odd numbers 1 through 7, even numbers 18 through 44 Plympton Street, all numbers DeWolfe Street between Bow Street and Mount Auburn Street, and odd numbers 9 through 53 Mount Auburn Street;

City Lot 872, located at Massachusetts Avenue and Arrow Street.

It is noted that buildings numbered 1134 and 1132 Massachusetts Avenue, plus a portion of building numbered 1130 Massachusetts Avenue are all actually located on Arrow Street.

Premises shown on assessors map 134:

Lots numbered 1, 2, 6, 7, and 8;

Being numbers 3 and 9 Remington Street, odd numbers 1131 through 1201 Massachusetts Avenue, an apparently unnumbered portion of the southwesterly extension of Quincy Street, and an apparently unnumbered portion of Harvard Street.

Premises shown on assessors map 160:

Lots numbered 60 and 61;

Being all even numbers on Linden Street, all numbers 47 through 57 Bow Street, 57 Mount Auburn Street, and odd numbers 17 through 35 Plympton Street.

Premises shown on assessors map 161:

Lots numbered 1, 2, 3, 4, 5, 76, 81, 82, 83, and 84;

Being even numbers 52 through 72 Mount Auburn Street, numbers 28 and 30 Holyoke Street, odd numbers 21 through 35 Holyoke Place, all numbers 1 through 16 Holyoke Place, and odd numbers 57 through 61 Plympton Street.

Premises shown on assessors map 162:

Lots numbered 7, 10, 11, 14, 16, 31, 32, 36, 47, 48, 49, 50, 51, 52, 53, 62, 63, 67, and 71;

Being even numbers 74 through 86 Mount Auburn Street, all numbers 43 through 56 Dunster Street, odd numbers 61 through 77 Dunster Street, all numbers 56 through 70 Winthrop Street, odd numbers 39 through 45 Winthrop Street, odd numbers 25 through 33 Holyoke Street, 56 and 58 John F. Kennedy Street, and odd numbers 17 through 21 South Street.

Remove the designation of Harvard, Radcliffe, Lesley Institutional Overlay District from that area bounded by a line beginning at a point, which point is the intersection of the midline of Massachusetts Avenue and Remington Street;

Then proceeding 70 feet, more or less, in a northwesterly direction, along the midline of Massachusetts Avenue, to the midline of Arrow Street;

Then turning and proceeding 505 feet, more or less, in a northwesterly direction, more toward westerly than 6.1, along the midline of Arrow Street, to the midline of Bow Street;

Then turning and proceeding 361 feet, more or less, along the midline of Bow Street, to the midline of Massachusetts Avenue;

Then turning and proceeding 809 feet, more or less, in a southeasterly direction, along the midline of Massachusetts Avenue, to the midline of Remington Street, the point of origin.

Said area includes all or part of the following parcels of land:

Premises shown on assessors map 133:

Lots numbered 14, 15, 20, 21, 41, 42, and 43;

Being even numbers 1134 through 1218 Massachusetts Avenue, all odd numbers Arrow Street, and odd numbers 1 through 25 Bow Street.

City lot numbered 872, located at Massachusetts Avenue and Arrow Street.

Passed to a second reading at the City Council meeting held on March 20, 1989 and on or after April 3, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

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 Four, entitled "Animals" is hereby amended by striking out Section 4-7 in Article I entitled "Licensing of Dogs" and substituting the following new Section 4-7.

Section 4-7. Licensing of Dogs.

Every dog six months old or over shall be licensed pursuant to G.L. c. 140, s. 137. The fee for such license shall, except as otherwise provided, be two dollars (\$2.00) for a spayed or neutered dog and ten dollars (\$10.00) for an unspayed or unneutered dog. As proof that the dog has been spayed or neutered, the owner or keeper shall present to the Director of the Animal Commission or his designee a certificate of the registered veterinarian who performed the operation. If the Director is satisfied that the certificate of the veterinarian who performed the operation cannot be obtained, he may accept in lieu thereof a sworn statement of a veterinarian registered and practicing in the Commonwealth, describing the dog, and stating that he has examined the dog and that, in his opinion, it has been spayed or neutered. No fee shall be charged for a license for a dog specially trained to lead or serve a blind person, if the Division of the Blind certifies that such dog is so trained and actually in the service of a blind person. No part of the fee shall be refunded because of the subsequent death, loss, spaying, castration, removal from the Commonwealth or other disposal of the dog. Nor shall any part of the fee paid by mistake be refunded.

Passed to a second reading at the City Council meeting held on March 20, 1989 and on or after April 3, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

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 Four, entitled "Animals" is hereby amended by striking out Section 4-11(b) in Article I entitled "Disposition of Complaints" and substituting the following new Section 4-11(b):

Section 4-11(b). Disposition of Complaints.

ALL NOTICES OF VIOLATION (appearance tickets) shall be returnable to the Clerk of the Cambridge Division, District Court Department of the Trial Court, Middlesex County. Unless the person named on said NOTICE OF VIOLATION appears before said Clerk within twenty-one days of said violation either personally or through an agent duly authorized in writing, or by mailing to such Clerk, with the NOTICE, the fine provided therein, a complaint will be sought against the person named in said NOTICE. If the violation is the first offense under Sections 4-9 or 4-10 of this Chapter committed by such person within a calendar year, the payment to the Clerk of a fine of ten dollars (\$10.00) shall operate as a final disposition of the case. If it is the second offense in a calendar year, payment to the Clerk of a fine of twenty-five dollars (\$25.00) shall operate as a final disposition of the case. If it is the third or subsequent offense in a calendar year, payment of a fine of fifty dollars (\$50.00) shall operate as a final disposition of the case. A violation of Section 4-7 of this Chapter shall be punishable by a fine of not more than twenty-five dollars (\$25.00) for each offense.

Passed to a second reading at the City Council meeting held on March 20, 1989 and on or after April 3, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

AN ORDINANCE

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-20 in Article IV entitled "American Staffordshire Terrier, a/k/a American Pit Bull Terrier or Bull Terrier" and substituting the following new section 4-20

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

Section 4-20. Regulation of Vicious Dogs.

A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) "Potentially Vicious Dog" means (a) any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or (c) any dog whose owner has been cited on three (3) separate occasions within the previous twelve (12) months for failing to restrain said dog; or (d) any dog not licensed according to city ordinance as heretofore provided in Article I, section 4-7 of this Chapter.

(2) "Vicious Dog" means (a) any dog having been previously found to be potentially vicious which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog which

bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (c) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Notwithstanding the above definition of vicious dog, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared vicious if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.

No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosure shall be securely constructed and locked and designed with secure sides, top and bottom so as to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the Animal Commission.

(5) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, appeal the determination in the Third District Court of Eastern Middlesex County.

In the event that the Animal Commission has cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Commission may seize and impound the dog pending the aforesaid hearing and appeal. The owner or keeper of the dog shall be liable to the City of Cambridge for the costs and expenses of keeping such dog.

C. Determination that Dog is Potentially Vicious.

Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially vicious, in accordance with the aforementioned definition of "Potentially Vicious Dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog.

D. Registration Requirements.

No vicious or potentially vicious dog shall be licensed by the City of Cambridge for any licensing period commencing after November 1, 1988 unless the owner or keeper of such vicious or potentially vicious dog shall meet the following requirements:

(1) The owner or keeper of a vicious or potentially vicious dog shall confine said dog inside his or her dwelling or inside a proper enclosure on his or her property. It shall be unlawful for an owner or keeper of a vicious or potentially vicious dog to permit said dog to be outside the proper enclosure or dwelling unless said dog is muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal;

(2) The owner or keeper of a vicious dog shall, at his or her own expense, have the licensing number assigned to such dog, or other such number as the Animal Commission shall determine, tattooed upon such vicious dog by a licensed veterinarian or other person trained as a tattooist. The Animal Commission may, in its discretion, designate the particular location of said tattoo;

(3) The owner or keeper of a vicious dog shall present to the Animal Commission proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City of Cambridge to be named as an additional insured for the sole purpose of the Animal Commission to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;

(4) The owner or keeper of a vicious or potentially vicious dog shall display a sign on his or her premises warning that there is such a dog on the premises. Said sign shall be visible and capable of being read from any adjacent public way.

(5) The owner or keeper of a vicious or potentially vicious dog shall sign statements attesting that: (a) in the case of a vicious dog, the owner or keeper of said dog shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease

to own or keep the vicious dog prior to expiration of such license; (b) the owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious or potentially vicious dog on the property where said dog will be kept or maintained; (c) the owner or keeper shall notify the Animal Commission within twenty-four (24) hours if a vicious or potentially vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious or potentially vicious dog has been sold or given away, the owner or keeper shall also provide the Animal Commission with the name, address, and telephone number of the new owner of said dog;

(6) The Animal Commission is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is hereby empowered to seize and impound any vicious or potentially vicious dog whose owner or keeper fails to comply with the provisions hereof. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;

(7) The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work.

(8) The owner or keeper of a vicious dog shall pay, in addition to the standard dog license fee, a sum of ten dollars (\$10.) for each vicious dog registered.

(D) Penalties for Violation.

(1) (a) Any vicious or potentially vicious dog which does not have a valid license in accordance with the provisions of this Chapter, or (b) in the case of a vicious dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, or (c) any vicious or potentially vicious dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar (\$150.00) fine.

(2) If any vicious or potentially vicious dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay a one hundred fifty dollar (\$150.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each subsequent violation the owner or keeper of said dog shall pay a fine of three hundred dollars (\$300.00).

(3) If any vicious or potentially vicious dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a three hundred dollar (\$300.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each and any subsequent violation, said owner or keeper shall pay a fine of three hundred dollars (\$300.00).

(4) No person shall be charged under subsections (1), (2) or (3) above unless the dog, prior to the offense alleged, shall have been declared vicious or potentially vicious pursuant to the provisions of this section.

(5) The Animal Commission shall provide notice of the impoundment and/or pending destruction of a vicious or potentially vicious dog to the registered owner or keeper of said dog. Service of notice shall be made by hand delivery or certified mail within five (5) days next following the date of impoundment.

(6) If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.

Passed to a second reading at the City Council meeting held on March 20, 1989 and on or after April 3, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

Communication No. 24

IN CITY COUNCIL

March 20, 1989

COUNCILLOR RUSSELL

ORDERED:

That the City Council go on record accepting the provisions of Chapter 140, Subsection 147A of the Massachusetts General Laws entitled "By-laws and ordinances relative to regulation of dogs".

In City Council March 20, 1989.
Adopted by the affirmative vote of 9 members.
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton
Joseph E. Connarton, City Clerk.

§ 147. Issuance of licenses; disposition of fees; return of license books and tags to county; penalty; action on official bond

The police commissioner of Boston and the clerks of other cities and of towns shall issue said licenses and tags, receive the money thereof and pay it into the treasuries of their respective cities and towns on the first Monday of each month or more often, retaining, except in Boston, for their own use seventy-five cents for each license unless otherwise provided by law, and shall certify under penalties of perjury to the amounts of money thus received and paid over by them. The city and town treasurers shall pay into the treasuries of their respective counties, except in the county of Suffolk, on or before June first and December first of each year the amounts received by them on account of such licenses and not previously paid over and shall certify under penalties of perjury to the amounts of money thus received and paid over by them. All such licenses shall bear the date of issue and no other. The police commissioner of Boston and each such city or town clerk shall make a record, in books kept therefor and to be furnished, except in the county of Suffolk, by the county in which such city or town is located, of each license issued by him, of the name of the owner or keeper of each dog licensed, and of the name, registered number and description of each such dog, and such books shall be open to public inspection during the usual office hours of such police commissioner or city or town clerk. All blanks for such licenses and tags and all such record books shall be paid for out of the dog fund. Each city or town clerk, except in Suffolk county, shall, within thirty days next succeeding April first in each year return to the county all license books and tags furnished for the preceding license year, including all stubs and void licenses and unused license blanks and all licenses and tags taken up in accordance with section one hundred and forty-six. The said police commissioner and any city or town clerk or city or town treasurer violating any provision of this section shall be punished by a fine of not less than fifty nor more than five hundred dollars or by imprisonment for not less than one month nor more than one year, or both. If such a city or town clerk neglects or fails to pay such money into the city or town treasury as required by this section, the city or town may recover the amount thereof for the benefit of the county, with all damages sustained through such neglect or failure, and interest, in an action on the official bond required, in the case of a city clerk, by section thirteen A of chapter forty-one and, in the case of a town clerk, by section thirteen of said chapter forty-one. All payments required hereunder shall be subject to the provisions of section fifty-two of said chapter forty-one.

Amended by St.1981, c. 351, § 82.

1981 Amendment. St.1981, c. 351, § 82, approved July 21, 1981, and by § 299 made effective July 1, 1981, in the first sentence, substituted "more often" for "oftener" and "seventy-five cents" for "thirty-five cents".

§ 147A. By-laws and ordinances relative to regulation of dogs

Any city or town which accepts the provisions of this section is hereby empowered to enact by-laws and ordinances relative to the regulation of dogs. Except as hereinafter provided in clauses (a), (b) and (c), and notwithstanding any contrary provision of sections one hundred and thirty-seven to one hundred and seventy-four D, inclusive, relating to the regulation of dogs or any special law relating to the regulation of dogs, such by-laws and ordinances may relate to, but not be limited to dog licensing, establishing dog fees, disposition of fees, appointment of dog officers, kennel licensing and regulations, procedures for the investigation of and reimbursement for damage caused by dogs, restraining of dogs and establishing penalties for a breach thereof. No such by-law or ordinance shall be inconsistent with the provisions of this chapter relating to (a) the turning over or sale of animals to any business or institution licensed or registered as a research facility or animal dealer, as provided in section one hundred and fifty-one; (b) the minimum confinement period of dogs as provided in section one hundred and fifty-one A; and (c) the methods of execution, as provided in said section one hundred and fifty-one A. In any city or town which accepts this section, all money received from licenses or recovered as fines under any by-law or ordinance enacted pursuant to the provisions of

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PUBLIC SAFETY AND GOOD ORDER

section, shall be paid into the treasury of said town or city and shall not thereafter be turned over by the town or city treasurer to the county in which said town or city is located.

Any and all functions relating to the regulation of dogs pursuant to section one hundred and thirty-seven to one hundred and seventy-four D, inclusive, which would otherwise be performed by the county, by the county commissioner or otherwise, shall not be performed by the county on behalf of any city or town which is not a member of the county dog fund.

Any and all costs which would otherwise be paid out of the county dog fund shall not be paid by the county to any city or town which is not a member of the county dog fund, or to any city or town which accepts this section and such cities and towns shall thereupon be responsible for all costs and expenses relating to the regulation of dogs.

Added by St.1985, c. 308. Amended by St.1986, c. 201, § 1.

1985 Enactment. St.1985, c. 308, was approved Sept. 26, 1985.

1986 Legislation

St.1986, c. 201, § 1, approved July 8, 1986, made this section applicable notwithstanding any special law relating to the regulation of dogs.

§ 147B. Counties; rules and regulations relating to dogs; limitations

Any county which by a two-thirds vote of the county commissioners and with advisory board approval accepts the provisions of this section is hereby authorized to establish rules and regulations relative to the regulation of dogs; provided, however, that such rules and regulations shall not have effect in a city or town which accepts the provisions of section one hundred and forty-seven A. Except as hereinafter provided in clauses (a), (b) and (c), and notwithstanding any contrary provision of sections one hundred and thirty-seven to one hundred and seventy-four D, inclusive, relating to the regulation of dogs, such rules and regulations may relate to, but not be limited to, dog licensing, establishing dog fees, disposition of fees, appointment of dog officers, kennel licensing and regulations, procedures for the investigation of and reimbursement for damage caused by dogs, restraining of dogs and establishing penalties for a breach hereof. No such rule or regulation shall be inconsistent with the provisions of this chapter relating to (a) the turning over or sale of animals to any business or institution licensed or registered as a research facility or animal dealer, as provided in section one hundred and fifty-one; (b) the minimum confinement period of dogs as provided in section one hundred and fifty-one A; (c) the methods of execution, as provided in said section one hundred and fifty-one A; (d) emergency care, treatment or disposal of injured dogs or cats, as provided in section one hundred and fifty-one B.

Added by St.1986, c. 201, § 2.

1986 Enactment

St.1986, c. 201, § 2, was approved July 8, 1986.

§ 150. Lists of dogs; refusal to answer person listing dogs; false answers

Persons authorized or directed by section four of chapter fifty-one or by any special law to make lists of residents three years of age or older shall make a list of all dogs owned by the inhabitants at the time of making lists required under such section and return the same in duplicate to the city or town clerk, or, in Boston, to the police commissioner on or before April first. An owner or keeper of a dog who refuses to answer or answers falsely to persons directed or authorized to make a list of the owners of dogs shall be punished by a fine of not less than ten dollars which, except in Suffolk county, shall be paid into the county treasury.

Amended by St.1985, c. 477, § 48.

1985 Amendment. St.1985, c. 477, § 48, in the first sentence substituted "residents three" for "persons twenty" and deleted "liable to a poll tax" following "older".

20 M.G.L.A.—6
1988 PP.



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9020

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

DONALD A. DRISDELL
DEPUTY CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

SEVERLIN B. SINGLETON, III
BIRGE ALBRIGHT
GAIL S. GABRIEL
LEGAL COUNSEL

September 29, 1988

TO: Robert W. Healy
City Manager

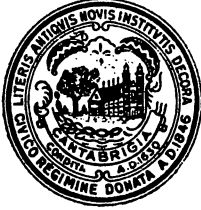
FROM: Russell B. Higley RBH
City Solicitor

RE: Ordinance Amendments

Please find attached hereto the following amendments to Chapter Four of the City Code:

- (1) Section 4-7. Licensing of Dogs.
- (2) Section 4-11(b). Disposition of Complaints.
- (3) Section 4-20. Regulation of Vicious Dogs.

Please note that the amendment regarding the regulation of vicious dogs is intended to replace the former "pit bull" ordinance and was drafted in response to Councillor Russell's Order of February 22, 1988. The remaining two amendments were drafted in response to amendments recently enacted at the state level.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Eight

AN ORDINANCE

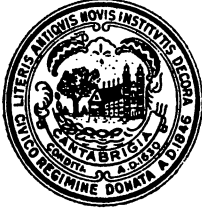
In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

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

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Section 4-7. Licensing of Dogs.

Every dog six months old or over shall be licensed pursuant to G.L. c. 140, s. 137. The fee for such license shall, except as otherwise provided, be two dollars (\$2.00) for a spayed or neutered dog and ten dollars (\$10.00) for an unspayed or unneutered dog. As proof that the dog has been spayed or neutered, the owner or keeper shall present to the Director of the Animal Commission or his designee a certificate of the registered veterinarian who performed the operation. If the Director is satisfied that the certificate of the veterinarian who performed the operation cannot be obtained, he may accept in lieu thereof a sworn statement of a veterinarian registered and practicing in the Commonwealth, describing the dog, and stating that he has examined the dog and that, in his opinion, it has been spayed or neutered. No fee shall be charged for a license for a dog specially trained to lead or serve a blind person, if the Division of the Blind certifies that such dog is so trained and actually in the service of a blind person. No part of the fee shall be refunded because of the subsequent death, loss, spaying, castration, removal from the Commonwealth or other disposal of the dog. Nor shall any part of the fee paid by mistake be refunded.



City of Cambridge

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AN ORDINANCE

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Section 4-11(b). Disposition of Complaints.

ALL NOTICES OF VIOLATION (appearance tickets) shall be returnable to the Clerk of the Cambridge Division, District Court Department of the Trial Court, Middlesex County. Unless the person named on said NOTICE OF VIOLATION appears before said Clerk within twenty-one days of said violation either personally or through an agent duly authorized in writing, or by mailing to such Clerk, with the NOTICE, the fine provided therein, a complaint will be sought against the person named in said NOTICE. If the violation is the first offense under Sections 4-9 or 4-10 of this Chapter committed by such person within a calendar year, the payment to the Clerk of a fine of ten dollars (\$10.00) shall operate as a final disposition of the case. If it is the second offense in a calendar year, payment to the Clerk of a fine of twenty-five dollars (\$25.00) shall operate as a final disposition of the case. If it is the third or subsequent offense in a calendar year, payment of a fine of fifty dollars (\$50.00) shall operate as a final disposition of the case. A violation of Section 4-7 of this Chapter shall be punishable by a fine of not more than twenty-five dollars (\$25.00) for each offense.

City of Cambridge

PUBLIC NOTICE

The Committee on Ordinances, comprised of the entire membership of the City Council, will conduct a public hearing on Thursday, March 9, 1989 at 6:30 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a proposed amendment to the General Ordinances in Chapter Four, Section 4-7, Article 1, entitled "Licensing of Dogs" and also, in Section 4-11(b), "Disposition of Complaints" and in Section 4-20 "Regulation of Vicious Dogs".

All interested persons are requested to attend and be heard at this time.

For the Committee,

Councillor William H. Walsh,
Chairman.

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Councillor William H. Walsh,
Chairman.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Mark McCabe
Animal Control Officer

Date February 27, 1989

From Joseph E. Connarton *JEC*
City Clerk

Reference

Subject
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Enclosed you will find a copy of a public hearing notice for a public hearing before the Committee on Ordinances for Thursday, March 9, 1989 at 6:30 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

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CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Russell B. Higley
City Solicitor

Date February 27, 1989

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Chairman.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

October 17, 1988

To the Honorable, the City Council:

With respect to Awaiting Report Item No. 6, enclosed please find
copy of proposed Ordinance Amendments relative to licensing of vicious
dogs.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Enc.



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9020

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

DONALD A. DRISDELL
DEPUTY CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

SEVERLIN B. SINGLETON, III
BIRGE ALBRIGHT
GAIL S. GABRIEL
LEGAL COUNSEL

September 29, 1988

TO: Robert W. Healy
City Manager

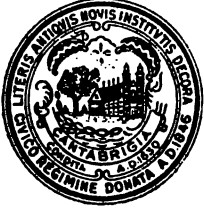
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City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Eight

AN ORDINANCE

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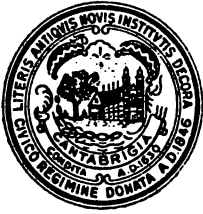
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City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Eight

AN ORDINANCE

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-20 in Article IV entitled "American Staffordshire Terrier, a/k/a American Pit Bull Terrier or Bull Terrier" and substituting the following new section 4-20

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

Section 4-20. Regulation of Vicious Dogs.

A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) "Potentially Vicious Dog" means (a) any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or (c) any dog whose owner has been cited on three (3) separate occasions within the previous twelve (12) months for failing to restrain said dog; or (d) any dog not licensed according to city ordinance as heretofore provided in Article I, section 4-7 of this Chapter.

(2) "Vicious Dog" means (a) any dog having been previously found to be potentially vicious which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog which

bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (c) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Notwithstanding the above definition of vicious dog, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared vicious if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.

No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosure shall be securely constructed and locked and designed with secure sides, top and bottom so as to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the Animal Commission.

(5) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, appeal the determination in the Third District Court of Eastern Middlesex County.

In the event that the Animal Commission has cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Commission may seize and impound the dog pending the aforesaid hearing and appeal. The owner or keeper of the dog shall be liable to the City of Cambridge for the costs and expenses of keeping such dog.

C. Determination that Dog is Potentially Vicious.

Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially vicious, in accordance with the aforementioned definition of "Potentially Vicious Dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog.

D. Registration Requirements.

No vicious or potentially vicious dog shall be licensed by the City of Cambridge for any licensing period commencing after November 1, 1988 unless the owner or keeper of such vicious or potentially vicious dog shall meet the following requirements:

(1) The owner or keeper of a vicious or potentially vicious dog shall confine said dog inside his or her dwelling or inside a proper enclosure on his or her property. It shall be unlawful for an owner or keeper of a vicious or potentially vicious dog to permit said dog to be outside the proper enclosure or dwelling unless said dog is muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal;

(2) The owner or keeper of a vicious dog shall, at his or her own expense, have the licensing number assigned to such dog, or other such number as the Animal Commission shall determine, tattooed upon such vicious dog by a licensed veterinarian or other person trained as a tattooist. The Animal Commission may, in its discretion, designate the particular location of said tattoo;

(3) The owner or keeper of a vicious dog shall present to the Animal Commission proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City of Cambridge to be named as an additional insured for the sole purpose of the Animal Commission to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;

(4) The owner or keeper of a vicious or potentially vicious dog shall display a sign on his or her premises warning that there is such a dog on the premises. Said sign shall be visible and capable of being read from any adjacent public way.

(5) The owner or keeper of a vicious or potentially vicious dog shall sign statements attesting that: (a) in the case of a vicious dog, the owner or keeper of said dog shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease

to own or keep the vicious dog prior to expiration of such license; (b) the owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious or potentially vicious dog on the property where said dog will be kept or maintained; (c) the owner or keeper shall notify the Animal Commission within twenty-four (24) hours if a vicious or potentially vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious or potentially vicious dog has been sold or given away, the owner or keeper shall also provide the Animal Commission with the name, address, and telephone number of the new owner of said dog;

(6) The Animal Commission is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is hereby empowered to seize and impound any vicious or potentially vicious dog whose owner or keeper fails to comply with the provisions hereof. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;

(7) The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work.

(8) The owner or keeper of a vicious dog shall pay, in addition to the standard dog license fee, a sum of ten dollars (\$10.) for each vicious dog registered.

(D) Penalties for Violation.

(1) (a) Any vicious or potentially vicious dog which does not have a valid license in accordance with the provisions of this Chapter, or (b) in the case of a vicious dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, or (c) any vicious or potentially vicious dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar (\$150.00) fine.

(2) If any vicious or potentially vicious dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay a one hundred fifty dollar (\$150.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each subsequent violation the owner or keeper of said dog shall pay a fine of three hundred dollars (\$300.00).

(3) If any vicious or potentially vicious dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a three hundred dollar (\$300.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each and any subsequent violation, said owner or keeper shall pay a fine of three hundred dollars (\$300.00).

(4) No person shall be charged under subsections (1), (2) or (3) above unless the dog, prior to the offense alleged, shall have been declared vicious or potentially vicious pursuant to the provisions of this section.

(5) The Animal Commission shall provide notice of the impoundment and/or pending destruction of a vicious or potentially vicious dog to the registered owner or keeper of said dog. Service of notice shall be made by hand delivery or certified mail within five (5) days next following the date of impoundment.

(6) If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.

0-147
LICENSING OF VICIOUS DOGS.

12/28/89 - Reaud on
file without
prejudice