# 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

November 5, 1990

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

Dear Sir:

Enclosed you will find three proposed amendments to the Municipal Code of the City of Cambridge which were passed to be ordained at the City Council meeting held on November 5, 1990 as follows:

1. Proposed amendment relative to condom vending machines.

2. Proposed amendment relative to automatic fire alarm systems.

3. Proposed amendment relative to procurement of supplies and services.

Enclosed you will find a copy of a loan order in the amount of $9,000,000.00 for the Phase VI sewer reconstruction.

Enclosed also you will find a copy of a proposed amendment to the Municipal Code of the City of Cambridge which was passed to a second reading at the City Council meeting held on November 5, 1990 regarding the Parking Freeze.

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.

Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs. Ordinance Numbers 1109, 1110, 1111, Final Publication Number 2511 and First Publication Number 2512.

c.c. Councillor Duehay, Chairman, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.

ORDINANCE NO. 1109.

Final publication number 2508. First publication in the Chronicle on October 25, 1990.

# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

## AN ORDINANCE

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

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

WHEREAS the effects of the AIDS epidemic have begun to show themselves in Cambridge, with a total of 95 cases reported in Cambridge and 3098 cases in Massachusetts as of May 1, 1990; and

WHEREAS the number of people with AIDS/HIV infection for 1992 is projected to be 250,000 Americans; and

WHEREAS the cost of caring for each person living with AIDS is estimated to be between $50,000 and $150,000, a portion of which would be absorbed by The Cambridge Hospital which treats many citizens who do not have health insurance; and

WHEREAS an ever-increasing number of people contract AIDS/HIV infection as the result of an unprotected sexual contact; and

WHEREAS latex condoms have been found to be highly effective in preventing the transmission of AIDS and other sexually transmitted diseases; and

WHEREAS many people report the lack of accessibility and the cost of buying a whole box of high quality latex condoms as major reasons for not practicing safer sex; and

WHEREAS the Commissioner of Health and Hospitals recommends that the City of Cambridge encourage the widest possible availability of high quality latex condoms accompanied, where possible, by information on their proper use in preventing transmission of the AIDS/HIV virus; and

WHEREAS in order to facilitate the dissemination of high quality latex condoms, the Commissioner of Health and Hospitals recommends that their availability be required in places of public accommodation; therefore

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

Chapter 8 of the Code (Health and Safety) is hereby amended by adding the following new Chapter 8.30 (Prevention of AIDS/HIV Infection):

## Chapter 8.30
## Prevention of AIDS/HIV Infection

Sections:

8.30.010 Declaration of public health crisis
8.30.020 Requirement of vending machines which dispense condoms
8.30.030 List of vending machine operators
8.30.040 Exemptions
8.30.050 Annual Report to City Manager

### 8.30.010 Declaration of Public Health Crisis

The spread of AIDS (Acquired Immune Deficiency Syndrome) and HIV (Human Immunodeficiency Virus) infection have created a public health crisis; while there is no known cure for the virus, its spread through intimate sexual contact can be limited through the availability of affordable, high quality latex condoms in places of public accommodation.

### 8.30.020 Requirement of vending machines which dispense condoms

A. The following premises, which are licensed by the Cambridge License Commission, shall contain coin-operated vending machines which dispense affordable, high-quality latex condoms: hotels and motels, bars, restaurants and movie theaters. In addition, all hospitals, health clinics and health facilities and all municipal buildings, not including schools, shall maintain such vending machines.

B. The condom vending machines shall be located in a publicly accessible place, or in at least one male and one female rest room, and shall display a sticker prepared by the City of Cambridge AIDS Task Force and approved by the Commissioner of Health and Hospitals which will provide important referral and information telephone numbers.

ORDINANCE NO. 1110.

Final publication number 2509. First publication in the Chronicle on October 25, 1990.

# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

## AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code."

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

Chapter 2.48 (Fire Department) is hereby amended by adding the following four sections:

2.48.170 Regulations for Automatic Fire Alarm Systems

This section and the following three sections are intended to regulate the activities and responsibilities of the owners and tenants of buildings which have an automatic fire alarm system (AFAS), as defined in s. 201.0 of the Massachusetts State Building Code (780 CMR), which is connected directly to the Cambridge Fire Department or is connected to said Department indirectly through a private alarm company.

2.48.180 Fee for False Alarms

Regarding buildings which have an AFAS connected directly to the Fire Department or connected indirectly to said Department through a private alarm company, a fee will be charged by the Fire Department for all responses by the Department to such buildings, where the response is caused by the activation of the AFAS, and the fee may be assessed against the owner or tenant of the building. No fee will be charged in the following circumstances:

1. Where the AFAS was activated by an actual fire.

2. Where the AFAS was activated by smoke from a source such as burning food or an overheated motor or overheated electrical appliance or other equipment.

3. Where someone, with reasonable cause, activates a manual pull station.

No fee will be charged for the first three responses in any 6-month period, i.e., any period between January 1 and June 30 or between July 1 and December 31. After the third response in any 6-month period, the following fees will be assessed for subsequent responses within that period:

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|---|---|
| fourth response | $ 50.00 |
| fifth response | 75.00 |
| sixth response | 100.00 |
| seventh response | 150.00 |
| eighth and subsequent responses | 200.00 |

2.48.190 Appeal

Any person who is aggrieved by the assessment of a fee pursuant to s. 2.48.180, may, within seven days of notice of said assessment, appeal in writing to the Chief of the Fire Department. The appeal will be heard by the Fire Chief or his designee.

2.48.200 Rules and Regulations

The Chief of the Fire Department may promulgate rules and regulations to implement sections 2.48.170, 2.48.180 and 2.48.190.

In City Council November 5, 1990.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk

8.30.030 List of vending machine operators

The License Commission and the Commissioner of Health and Hospitals shall maintain a list of vending machine operators who agree to install and maintain the vending machines in continuous working order at no cost to the owners or lessees of the premises.

8.30.040 Exemptions

A. This section shall not apply to any food or beverage seller whose establishment is not required to have a restroom.

B. The License Commission shall exempt from the provisions of this Chapter any hotel, motel, bar, restaurant or movie theater which files a written request for exemption.

C. The Commissioner of Health and Hospitals shall exempt from the provisions of this Chapter any hospital, health clinic or other health facility which files a written request for exemption.

8.30.050 Annual Report to City Manager

A. The License Commission shall determine whether hotels, motels, bars, restaurants and movie theaters comply with this Chapter, and report its findings annually to the City Manager for any necessary action.

B. The Commissioner of Health and Hospitals shall determine whether hospitals, health clinics, other health facilities and required municipal buildings comply with this Chapter, and report his or her findings annually to the City Manager for any necessary action.

In City Council November 5, 1990.

Passed to be ordained by a yea and nay vote:- Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk

ORDINANCE NO. 1111.

Final publication number 2510. First publication in the Chronicle on October 25, 1990.

# City of Cambridge

In the Year One Thousand, Nine Hundred ninety

## AN ORDINANCE

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

Chapters 2.34 and 2.112 of Title 2 of the Cambridge Municipal Code are hereby amended as follows:

**2.34.090 Purchasing agent for city-Exceptions.**

The Purchasing Agent shall procure all supplies or services for the City or any department thereof and may delegate such power and duty pursuant to G.L. c. 30B.

**2.34.100 Requisition procedures.**

Any department head or official of the City in need of supplies or services shall make requisition for the same of the Purchasing Agent upon requisition blanks devised and supplied by the Purchasing Agent.

**2.34.110 Delivery or receipt of supplies-Billing.** [Repeal]

**2.34.120 Purchases in advance of requisitions.**

The Purchasing Agent shall have authority to procure in advance of requisition such supplies or services as may be needed by the City and its departments, and which requisition shall be furnished to the Purchasing Agent by the various departments.

**2.34.130 Storage lease agreements.**

The Purchasing Agent, with the approval of the City Manager, shall have authority to lease premises necessary for storing such supplies as he may procure.

**2.34.140 City Auditor approval required.**

No liability shall be incurred upon procurements of supplies or services made by the Purchasing Agent until they shall have been approved by the City Auditor.

**2.34.150 Competitive contracts.**

All procurements for supplies or services exceeding one thousand dollars shall be based upon competition, and all procurements for supplies or services of ten thousand dollars or over shall be made in the manner provided by Chapter 2.112 of this title.

**2.34.160 Purchases made for City only.**

The Purchasing Agent shall procure only such supplies and services as are to be used in the business of the City.

**2.34.170 Purchase Department Reserve Fund**

An appropriation shall be made to the Purchasing Department to be known as the Purchasing Department Reserve Funds, to which all purchases of supplies, not made upon specific requisitions, shall be charged and to which all payments by departments and officials for such supplies shall be credited.

**2.34.180 Report of purchases made to Director of Finance.** [Repeal]

**2.34.190 Recordkeeping of charges.**

The Purchasing Agent shall keep a record of the cost of supplies and services which shall be open at all reasonable times for public inspection.

**2.34.210 Sale of surplus property.**

All sales of surplus personal property made by the Purchasing Agent, where the value is less than five hundred dollars, shall be made pursuant to sound business practice.

**2.34.230 Sale of surplus property--Expenses.**

All expenses incurred by the Purchasing Agent in conducting any sale of the personal property of the City shall be approved by the City Auditor before payment.

**2.34.240 Right of inspection of City property.**

The Purchasing Agent shall at such times as he may deem

reasonable inspect the supplies of the City.

**2.34.250** [Repeal]

**2.34.260 Inspection of materials purchased.**

All supplies and servicesprocured, except emergency procurements, shall be inspected by or under the supervision of the Purchasing Agent.

**2.34.270 Estimate of future needs.**

As and when the Purchasing Agent may direct, every department, commission or board shall make an annual inventory of the personal property under its charge, and shall forward to the Purchasing Agent an estimate of the supplies it will need during the ensuing year.

**2.34.280 Emergency purchases.**

In case of emergency, a department head or official may directly purchase such supplies and services as may be needed, but before any liability shall accrue to the City, approval of the purchase shall be given by the City Manager.

**2.112.010 Bonds required when.**

Any contract exceeding ten thousand dollars for any work to be done for the City may be required to be accompanied by a bond with sureties satisfactory to the Purchasing Agent, by a deposit of certified check or other security for the faithful performance thereof approved by the Purchasing Agent. No proposal shall be accepted from or offered to any person who has breached a contract with the City during the three years preceding. All written contracts shall be executed in quadruplicate, and one of the copies shall be deposited with the Auditor.

**2.112.020 Proposals and bids--Acceptance and award procedure.**

No proposal or bid shall be received from any person offering to contract for supplies or services unless it is enclosed in a sealed envelope or wrapper. Such proposal or bid shall be at once placed in a sealed box in the Purchasing Department. All proposals and bids shall be publicly opened and read at the hour and place designated in the advertisement in the presence of the Purchasing Agent or such person as he may designate, and thereafter recorded. The contract shall be awarded to the lowest bidder complying with the terms, subject to the other provisions of this chapter; provided, however, that if any such proposals or bids shall be

offered by persons who in the judgment of the board or officer issuing the advertisement shall be incompetent in respect to their means of faithfully executing the same, such proposals or bids may be rejected, notwithstanding the same to be at a lower rate than other proposals or bids offered for the same work, and the next lowest bidder shall be substituted. All proposals and bids shall be preserved by the Purchasing Department and shall be open to public inspection after the contract has been awarded and accepted by the bidder.

**2.112.030 Contracts--Form.**

In all cases where the amount of any contract shall exceed the sum of five thousand dollars, the contract shall be in writing and, after being signed by the parties, shall not be altered, in any particular way, without the consent of the contractor and of the board or officer making the contract, endorsed thereon. All payments for extra services or supplies, which extra services or supplies shall be approved in advance by the department head, the Purchasing Agent and the City Auditor, shall be made at the time of the final payment on such contract.

In City Council November 5, 1990.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk

CCM-101

FINAL PUBLICATION NUMBER 2511.

First publication in the Chronicle on October 25, 1990.

# City of Cambridge

IN CITY COUNCIL

October 22, 1990

ORDERED: That $9,000,000.00 is appropriated in addition to the funds previously appropriated, for the purpose of financing the construction and reconstruction of sewers and sewerage systems and surface drains (Phase VI) including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the City Manager is authorized to borrow $9,000,000.00 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the City Manager determines that they should be issued as limited obligations, and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the City Manager is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the City Manager is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

In City Council November 5, 1990.

Adopted by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

ATTEST:-

Joseph E. Connarton
City Clerk

FIRST PUBLICATION NUMBER 2512.

# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

## AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code."

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

That Title 10 entitled "Vehicles and Traffic" of the Cambridge Municipal Code is hereby amended by adding a new Chapter 10.16 entitled "Parking Freeze."

Passed to a second reading at the City Council meeting held on November 5, 1990 and on or after November 19, 1990 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:- Joseph E. Connarton
City Clerk

ORDINANCE NO. 1110.

Final publication number 2509. First publication in the Chronicle on October 25, 1990.

# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

## AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code."

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

Chapter 2.48 (Fire Department) is hereby amended by adding the following four sections:

2.48.170 Regulations for Automatic Fire Alarm Systems

This section and the following three sections are intended to regulate the activities and responsibilities of the owners and tenants of buildings which have an automatic fire alarm system (AFAS), as defined in s. 201.0 of the Massachusetts State Building Code (780 CMR), which is connected directly to the Cambridge Fire Department or is connected to said Department indirectly through a private alarm company.

2.48.180 Fee for False Alarms

Regarding buildings which have an AFAS connected directly to the Fire Department or connected indirectly to said Department through a private alarm company, a fee will be charged by the Fire Department for all responses by the Department to such buildings, where the response is caused by the activation of the AFAS, and the fee may be assessed against the owner or tenant of the building. No fee will be charged in the following circumstances:

1. Where the AFAS was activated by an actual fire.

2. Where the AFAS was activated by smoke from a source such as burning food or an overheated motor or overheated electrical appliance or other equipment.

3. Where someone, with reasonable cause, activates a manual pull station.

No fee will be charged for the first three responses in any 6-month period, i.e., any period between January 1 and June 30 or between July 1 and December 31. After the third response in any 6-month period, the following fees will be assessed for subsequent responses within that period:

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| fourth response | $ 50.00 |
| fifth response | 75.00 |
| sixth response | 100.00 |
| seventh response | 150.00 |
| eighth and subsequent responses | 200.00 |

2.48.190 Appeal

Any person who is aggrieved by the assessment of a fee pursuant to s. 2.48.180, may, within seven days of notice of said assessment, appeal in writing to the Chief of the Fire Department. The appeal will be heard by the Fire Chief or his designee.

2.48.200 Rules and Regulations

The Chief of the Fire Department may promulgate rules and regulations to implement sections 2.48.170, 2.48.180 and 2.48.190.

**In City Council November 5, 1990.**

**Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.**

**Robert W. Healy, City Manager.**

**ATTEST:- Joseph E. Connarton**
**City Clerk**

ORDINANCE NO. 1110.

Final publication number 2509. First publication in the Chronicle on October 25, 1990.

# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

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**In City Council November 5, 1990.**

**Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.**

**Robert W. Healy, City Manager.**

**ATTEST:- Joseph E. Connarton**
**City Clerk**

ORDINANCE NO. 1110.

Final publication number 2509. First publication in the Chronicle on October 25, 1990.

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**In City Council November 5, 1990.**

**Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.**

**Robert W. Healy, City Manager.**

**ATTEST:- Joseph E. Connarton**
**City Clerk**

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Final publication number 2509. First publication in the Chronicle on October 25, 1990.

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**Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.**

**Robert W. Healy, City Manager.**

**ATTEST:- Joseph E. Connarton**
**City Clerk**

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| seventh response | 150.00 |
| eighth and subsequent responses | 200.00 |

2.48.190 Appeal

Any person who is aggrieved by the assessment of a fee pursuant to s. 2.48.180, may, within seven days of notice of said assessment, appeal in writing to the Chief of the Fire Department. The appeal will be heard by the Fire Chief or his designee.

2.48.200 Rules and Regulations

The Chief of the Fire Department may promulgate rules and regulations to implement sections 2.48.170, 2.48.180 and 2.48.190.

**In City Council November 5, 1990.**

**Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.**

**Robert W. Healy, City Manager.**

**ATTEST:- Joseph E. Connarton**
**City Clerk**

ORDINANCE NO. 1110.

Final publication number 2509. First publication in the Chronicle on October 25, 1990.

# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

## AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code."

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

Chapter 2.48 (Fire Department) is hereby amended by adding the following four sections:

2.48.170 Regulations for Automatic Fire Alarm Systems

This section and the following three sections are intended to regulate the activities and responsibilities of the owners and tenants of buildings which have an automatic fire alarm system (AFAS), as defined in s. 201.0 of the Massachusetts State Building Code (780 CMR), which is connected directly to the Cambridge Fire Department or is connected to said Department indirectly through a private alarm company.

2.48.180 Fee for False Alarms

Regarding buildings which have an AFAS connected directly to the Fire Department or connected indirectly to said Department through a private alarm company, a fee will be charged by the Fire Department for all responses by the Department to such buildings, where the response is caused by the activation of the AFAS, and the fee may be assessed against the owner or tenant of the building. No fee will be charged in the following circumstances:

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**Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.**

**Robert W. Healy, City Manager.**

**ATTEST:- Joseph E. Connarton**
**City Clerk**

ORDINANCE NO. 1110.

Final publication number 2509. First publication in the Chronicle on October 25, 1990.

# City of Cambridge

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**ATTEST:- Joseph E. Connarton**
**City Clerk**

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**ATTEST:- Joseph E. Connarton**
**City Clerk**

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**In City Council November 5, 1990.**

**Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.**

**Robert W. Healy, City Manager.**

**ATTEST:- Joseph E. Connarton**
**City Clerk**

C. C. 106

# City of Cambridge

MASSACHUSETTS

Automatic Fire Alarm Systems In City Council NOV. 5 1990

C. Duehay — Unfinished Bus. #2

| | YEA | NAY | ABSENT | PRESENT | |
|---|---|---|---|---|---|
| Mr. Ed Cyr | ✓ | | | | |
| Mr. Francis H. Duehay | ✓ | | | | |
| Mr. Jonathan S. Myers | ✓ | | | | |
| Mr. Kenneth E. Reeves | ✓ | | | | |
| Mrs. Sheila T. Russell | ✓ | | | | |
| Mr. Walter J. Sullivan | ✓ | | | | |
| Mr. Timothy J. Toomey, Jr. | ✓ | | | | |
| Mr. William H. Walsh | ✓ | | | | |
| Mayor Alice K. Wolf | ✓ | | | | |
| | 9 | 0 | | | |

# CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

(617) 498-9020

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Joseph M. Kaigler
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Edward J. O'Connell
Legal Counsel


RECEIVED
90 JUL 25 AM 7:18
OFFICE OF THE CITY MANAGER

July 24, 1990

Robert W. Healy
City Manager
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Ordinance for Automatic Fire Alarm Systems - False Alarms

Dear Mr. Healy:

I enclose an ordinance dealing with the above subject for submission to the Council. We prepared this ordinance at the request of Chief Scott.

Very truly yours,

Russell B. Higley

Russell B. Higley

RBH/jab
Enclosure

cc: Chief Thomas Scott

ORD#3

11.

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011
FAX. 868-8159

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

July 30, 1990

To the Honorable, the City Council:

Attached please find an ordinance prepared by the Law Department, which deals with automatic fire alarm systems - false alarms. This ordinance was prepared at the request of Chief Thomas Scott.

Very truly yours,

Robert W. Healy
City Manager

RWH/dls
enclosure

Agenda # 11

Proposed amendment to the Municipal Code relative to an Ordinance for Automatic Fire Alarm Systems - False Alarms.

In City Council,

July 30, 1990

Referred to the Ordinance Committee
Copy sent to Committee
on Ordinances 8/2/90 dw

# 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


October 24, 1990

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

Dear Sir:

Enclosed you will find three proposed amendments to the Municipal Code of the City of Cambridge which were passed to a second reading at the City Council meeting of October 22, 1990 as follows:

1. Proposed amendment relative to condom vending machines.

2. Proposed amendment relative to automatice fire alarm systems.

3. Proposed amendment relative to the procurement of supplies and services.

Enclosed also you will find a proposed loan order in the sum of $9,000,000 for the Phase VI for the Sewer Separation Project which was passed to a second reading at the City Council meeting of October 22, 1990.

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.

Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs. First publication numbers 2504, 2505, 2506 & 2507

c.c. Councillor Duehay, Chairman, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.

FIRST PUBLICATION NO. 2504.

# City of Cambridge

In the Year One Thousand, Nine Hundred **Ninety**

## AN ORDINANCE

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

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

WHEREAS the effects of the AIDS epidemic have begun to show themselves in Cambridge, with a total of 95 cases reported in Cambridge and 3098 cases in Massachusetts as of May 1, 1990; and

WHEREAS the number of people with AIDS/HIV infection for 1992 is projected to be 250,000 Americans; and

WHEREAS the cost of caring for each person living with AIDS is estimated to be between $50,000 and $150,000, a portion of which would be absorbed by The Cambridge Hospital which treats many citizens who do not have health insurance; and

WHEREAS an ever-increasing number of people contract AIDS/HIV infection as the result of an unprotected sexual contact; and

WHEREAS latex condoms have been found to be highly effective in preventing the transmission of AIDS and other sexually transmitted diseases; and

WHEREAS many people report the lack of accessibility and the cost of buying a whole box of high quality latex condoms as major reasons for not practicing safer sex; and

WHEREAS the Commissioner of Health and Hospitals recommends that the City of Cambridge encourage the widest possible availability of high quality latex condoms accompanied, where possible, by information on their proper use in preventing transmission of the AIDS/HIV virus; and

WHEREAS in order to facilitate the dissemination of high quality latex condoms, the Commissioner of Health and Hospitals recommends that their availability be required in places of public accommodation; therefore

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

Chapter 8 of the Code (Health and Safety) is hereby amended by adding the following new Chapter 8.30 (Prevention of AIDS/HIV Infection):

## Chapter 8.30
## Prevention of AIDS/HIV Infection

Sections:

8.30.010 Declaration of public health crisis
8.30.020 Requirement of vending machines which dispense condoms
8.30.030 List of vending machine operators
8.30.040 Exemptions
8.30.050 Annual Report to City Manager

### 8.30.010 Declaration of Public Health Crisis

The spread of AIDS (Acquired Immune Deficiency Syndrome) and HIV (Human Immunodeficiency Virus) infection have created a public health crisis; while there is no known cure for the virus, its spread through intimate sexual contact can be limited through the availability of affordable, high quality latex condoms in places of public accommodation.

### 8.30.020 Requirement of vending machines which dispense condoms

A. The following premises, which are licensed by the Cambridge License Commission, shall contain coin-operated vending machines which dispense affordable, high-quality latex condoms: hotels and motels, bars, restaurants and movie theaters. In addition, all hospitals, health clinics and health facilities and all municipal buildings, not including schools, shall maintain such vending machines.

B. The condom vending machines shall be located in a publicly accessible place, or in at least one male and one female rest room, and shall display a sticker prepared by the City of Cambridge AIDS Task Force and approved by the Commissioner of Health and Hospitals which will provide important referral and information telephone numbers.

8.30.030 List of vending machine operators

The License Commission and the Commissioner of Health and Hospitals shall maintain a list of vending machine operators who agree to install and maintain the vending machines in continuous working order at no cost to the owners or lessees of the premises.

8.30.040 Exemptions

A. This section shall not apply to any food or beverage seller whose establishment is not required to have a restroom.

B. The License Commission shall exempt from the provisions of this Chapter any hotel, motel, bar, restaurant or movie theater which files a written request for exemption.

C. The Commissioner of Health and Hospitals shall exempt from the provisions of this Chapter any hospital, health clinic or other health facility which files a written request for exemption.

8.30.050 Annual Report to City Manager

A. The License Commission shall determine whether hotels, motels, bars, restaurants and movie theaters comply with this Chapter, and report its findings annually to the City Manager for any necessary action.

B. The Commissioner of Health and Hospitals shall determine whether hospitals, health clinics, other health facilities and required municipal buildings comply with this Chapter, and report his or her findings annually to the City Manager for any necessary action.

Passed to a second reading at the City Council meeting held on October 22, 1990 and on or after November 5, 1990 the question comes on passing to be ordained

ATTEST:- Joseph E. Connarton
City Clerk

FIRST PUBLICATION NO. 2505.

# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

## AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code."

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Chapter 2.48 (Fire Department) is hereby amended by adding the following four sections:

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2.48.190 Appeal

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2.48.200 Rules and Regulations

The Chief of the Fire Department may promulgate rules and regulations to implement sections 2.48.170, 2.48.180 and 2.48.190.

Passed to a second reading at the City Council meeting held on October 22, 1990 and on or after November 5, 1990 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk

FIRST PUBLICATION NO. 2506.

# City of Cambridge

In the Year One Thousand, Nine Hundred ninety

## AN ORDINANCE

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

Chapters 2.34 and 2.112 of Title 2 of the Cambridge Municipal Code are hereby amended as follows:

**2.34.090 Purchasing agent for city-Exceptions.**

The Purchasing Agent shall procure all supplies or services for the City or any department thereof and may delegate such power and duty pursuant to G.L. c. 30B.

**2.34.100 Requisition procedures.**

Any department head or official of the City in need of supplies or services shall make requisition for the same of the Purchasing Agent upon requisition blanks devised and supplied by the Purchasing Agent.

**2.34.110 Delivery or receipt of supplies-Billing.** [Repeal]

**2.34.120 Purchases in advance of requisitions.**

The Purchasing Agent shall have authority to procure in advance of requisition such supplies or services as may be needed by the City and its departments, and which requisition shall be furnished to the Purchasing Agent by the various departments.

**2.34.130 Storage lease agreements.**

The Purchasing Agent, with the approval of the City Manager, shall have authority to lease premises necessary for storing such supplies as he may procure.

**2.34.140 City Auditor approval required.**

No liability shall be incurred upon procurements of supplies or services made by the Purchasing Agent until they shall have been approved by the City Auditor.

**2.34.150 Competitive contracts.**

All procurements for supplies or services exceeding one thousand dollars shall be based upon competition, and all procurements for supplies or services of ten thousand dollars or over shall be made in the manner provided by Chapter 2.112 of this title.

**2.34.160 Purchases made for City only.**

The Purchasing Agent shall procure only such supplies and services as are to be used in the business of the City.

**2.34.170 Purchase Department Reserve Fund**

An appropriation shall be made to the Purchasing Department to be known as the Purchasing Department Reserve Funds, to which all purchases of supplies, not made upon specific requisitions, shall be charged and to which all payments by departments and officials for such supplies shall be credited.

**2.34.180 Report of purchases made to Director of Finance. [Repeal]**

**2.34.190 Recordkeeping of charges.**

The Purchasing Agent shall keep a record of the cost of supplies and services which shall be open at all reasonable times for public inspection.

**2.34.210 Sale of surplus property.**

All sales of surplus personal property made by the Purchasing Agent, where the value is less than five hundred dollars, shall be made pursuant to sound business practice.

**2.34.230 Sale of surplus property--Expenses.**

All expenses incurred by the Purchasing Agent in conducting any sale of the personal property of the City shall be approved by the City Auditor before payment.

**2.34.240 Right of inspection of City property.**

The Purchasing Agent shall at such times as he may deem

reasonable inspect the supplies of the City.

**2.34.250** [Repeal]

**2.34.260 Inspection of materials purchased.**

All supplies and servicesprocured, except emergency procurements, shall be inspected by or under the supervision of the Purchasing Agent.

**2.34.270 Estimate of future needs.**

As and when the Purchasing Agent may direct, every department, commission or board shall make an annual inventory of the personal property under its charge, and shall forward to the Purchasing Agent an estimate of the supplies it will need during the ensuing year.

**2.34.280 Emergency purchases.**

In case of emergency, a department head or official may directly purchase such supplies and services as may be needed, but before any liability shall accrue to the City, approval of the purchase shall be given by the City Manager.

**2.112.010 Bonds required when.**

Any contract exceeding ten thousand dollars for any work to be done for the City may be required to be accompanied by a bond with sureties satisfactory to the Purchasing Agent, by a deposit of certified check or other security for the faithful performance thereof approved by the Purchasing Agent. No proposal shall be accepted from or offered to any person who has breached a contract with the City during the three years preceding. All written contracts shall be executed in quadruplicate, and one of the copies shall be deposited with the Auditor.

**2.112.020 Proposals and bids--Acceptance and award procedure.**

No proposal or bid shall be received from any person offering to contract for supplies or services unless it is enclosed in a sealed envelope or wrapper. Such proposal or bid shall be at once placed in a sealed box in the Purchasing Department. All proposals and bids shall be publicly opened and read at the hour and place designated in the advertisement in the presence of the Purchasing Agent or such person as he may designate, and thereafter recorded. The contract shall be awarded to the lowest bidder complying with the terms, subject to the other provisions of this chapter; provided, however, that if any such proposals or bids shall be

offered by persons who in the judgment of the board or officer issuing the advertisement shall be incompetent in respect to their means of faithfully executing the same, such proposals or bids may be rejected, notwithstanding the same to be at a lower rate than other proposals or bids offered for the same work, and the next lowest bidder shall be substituted. All proposals and bids shall be preserved by the Purchasing Department and shall be open to public inspection after the contract has been awarded and accepted by the bidder.

**2.112.030 Contracts--Form.**

In all cases where the amount of any contract shall exceed the sum of five thousand dollars, the contract shall be in writing and, after being signed by the parties, shall not be altered, in any particular way, without the consent of the contractor and of the board or officer making the contract, endorsed thereon. All payments for extra services or supplies, which extra services or supplies shall be approved in advance by the department head, the Purchasing Agent and the City Auditor, shall be made at the time of the final payment on such contract.

Passed to a second reading at the City Council meeting held on October 22, 1990 and on or after November 5, 1990 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk

CCM-101

FIRST PUBLICATION NO. 2507.

# City of Cambridge

IN CITY COUNCIL

October 22, 1990

ORDERED: That $9,000,000.00 is appropriated in addition to the funds previously appropriated, for the purpose of financing the construction and reconstruction of sewers and sewerage systems and surface drains (Phase VI) including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the City Manager is authorized to borrow $9,000,000.00 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the City Manager determines that they should be issued as limited obligations, and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the City Manager is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the City Manager is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

Passed to a second reading at the City Council meeting held on October 22, 1990 and on or after November 5, 1990 the question comes on adoption.

ATTEST:- Joseph E. Connarton
City Clerk.

FIRST PUBLICATION NO. 2505.

# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

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**ATTEST:- Joseph E. Connarton**
**City Clerk**

FIRST PUBLICATION NO. 2505.

# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

## AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code."

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

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2.48.180 Fee for False Alarms

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C. C. 106

# City of Cambridge

The Committee on Ordinances conducted a public hearing on Tuesday, October 16, 1990 beginning at 6:00 p. m. in the Sullivan Chamber, City Hall.

The purpose of this hearing was to review and take testimony relative to the proposed amendment to the Municipal Code of the City of Cambridge relative to Automatic Fire Alarm Systems - False Alarms.

Members present: Councillor Francis H. Duehay, Councillor William H. Walsh, Councillor Walter J. Sullivan, Mayor Alice K. Wolf, Councillor Timothy J. Toomey, Jr. and City Clerk Joseph E. Connarton.

Councillor Duehay, Chair of the Committee, opened the hearing and requested the Fire Chief, Thomas V. Scott to outline the proposed ordinance to the Committee.

Chief Scott provided the city with a brief and historical background relative to the development of the proposed ordinance and indicated to the committee it was not his intention to punish the business or residential community but it was his desire that this ordinance be used as a deterent to false alarms.

Chief Scott stated that this ordinance was widely used in other communities and the fee schedule as outlined in Section 2.48.180 allows for no fees to be charged for the first three offenses by the Fire Department in any six month period, however, should the department respond to a fourth alarm a fee should be assessed of $50.00 and increases by $25.00 for the fifth and sixth responses and an increase of $50.00 for the seventh and eighth response.

Councillor Walsh questioned the number of responses by the various engine companies throughout the city.

Chief Scott responded by stating 550 false alarms were received from the educational institutions.

Mayor Wolf questioned the large number of alarm calls within the

# City of Cambridge



Central Square area.

Chief Scott stated that the Lafayette Square Fire House, which houses Ladder Three and Engine Two, is one of the busiest stations in the City and that some of the activity is a direct result of medical emergencies in the area as well as a series of false alarm calls.

Councillor Sullivan moved to refer the proposed amendment to the full City Council with a favorable recommendation.

The motion carried.

The hearing adjourned at six o'clock and twenty-one minutes p. m.

For the Committee,

Councillor Francis H. Duehay
Chairman

11.

CITY OF CAMBRIDGE
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TEL. 498-9011
FAX. 868-8159

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

July 30, 1990

To the Honorable, the City Council:

Attached please find an ordinance prepared by the Law Department, which deals with automatic fire alarm systems - false alarms. This ordinance was prepared at the request of Chief Thomas Scott.

Very truly yours,

Robert W. Healy
City Manager

RWH/dls
enclosure

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Dear Mr. Healy:

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2.48.200 Rules and Regulations

The Chief of the Fire Department may promulgate rules and regulations to implement sections 2.48.170, 2.48.180 and 2.48.190.

# 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

October 5, 1990

TO: THOMAS SCOTT, CHIEF
FIRE DEPARTMENT

FROM: JOSEPH E. CONNARTON JEC
CITY CLERK

SUBJECT: PUBLIC HEARING ON AUTOMATIC FIRE ALARM SYSTEMS.

Please be advised that Councillor Francis H. Duehay, Chairman of the Committee on Ordinances has scheduled a public hearing for Tuesday, October 16, 1990 at 6:00 P.M. in the Sullivan Chambers.

The purpose of this hearing is to discuss a proposed amendment to the Municipal Code of the City of Cambridge relative to Automatic Fire Alarm Systems.

You are requested to attend this hearing and be heard.

Your kind attention in this matter will be greatly appreciated.

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011
FAX. 868-8159

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

July 30, 1990

To the Honorable, the City Council:

Attached please find an ordinance prepared by the Law Department, which deals with automatic fire alarm systems - false alarms. This ordinance was prepared at the request of Chief Thomas Scott.

Very truly yours,

Robert W. Healy
City Manager

RWH/dls
enclosure

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Legal Counsel

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RECEIVED
JUL 25 AM 7:18
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July 24, 1990

Robert W. Healy
City Manager
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Ordinance for Automatic Fire Alarm Systems - False Alarms

Dear Mr. Healy:

I enclose an ordinance dealing with the above subject for submission to the Council. We prepared this ordinance at the request of Chief Scott.

Very truly yours,

Russell B. Higley

RBH/jab
Enclosure

cc: Chief Thomas Scott

ORD#3

# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

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# City of Cambridge

The Committee on Ordinances conducted a public hearing on Tuesday, October 16, 1990 beginning at 6:00 p. m. in the Sullivan Chamber, City Hall.

The purpose of this hearing was to review and take testimony relative to the proposed amendment to the Municipal Code of the City of Cambridge relative to Automatic Fire Alarm Systems - False Alarms.

Members present: Councillor Francis H. Duehay, Councillor William H. Walsh, Councillor Walter J. Sullivan, Mayor Alice K. Wolf, Councillor Timothy J. Toomey, Jr. and City Clerk Joseph E. Connarton.

Councillor Duehay, Chair of the Committee, opened the hearing and requested the Fire Chief, Thomas V. Scott to outline the proposed ordinance to the Committee.

Chief Scott provided the city with a brief and historical background relative to the development of the proposed ordinance and indicated to the committee it was not his intention to punish the business or residential community but it was his desire that this ordinance be used as a deterent to false alarms.

Chief Scott stated that this ordinance was widely used in other communities and the fee schedule as outlined in Section 2.48.180 allows for no fees to be charged for the first three offenses by the Fire Department in any six month period, however, should the department respond to a fourth alarm a fee should be assessed of $50.00 and increases by $25.00 for the fifth and sixth responses and an increase of $50.00 for the seventh and eighth response.

Councillor Walsh questioned the number of responses by the various engine companies throughout the city.

Chief Scott responded by stating 550 false alarms were received from the educational institutions.

Mayor Wolf questioned the large number of alarm calls within the

# City of Cambridge



Central Square area.

Chief Scott stated that the Lafayette Square Fire House, which houses Ladder Three and Engine Two, is one of the busiest stations in the City and that some of the activity is a direct result of medical emergencies in the area as well as a series of false alarm calls.

Councillor Sullivan moved to refer the proposed amendment to the full City Council with a favorable recommendation.

The motion carried.

The hearing adjourned at six o'clock and twenty-one minutes p. m.

For the Committee,

Councillor Francis H. Duehay
Chairman

Meenah Bond
25% COTTON FIBER

2. O-47

COMMITTEE REPORTS

Ordinance Committee Report for a hearing held on Tuesday, October 16, 1990 relative to a proposed amendment to the Municipal Code relative to Automatic Fire Alarm Systems - False Alarms.

In City Council,

October 22, 1990

Passed to a second reading

11/5/90 Passed to be Ordained