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OFFICE OF THE CITY MANAGER

Rich Rossi
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April 12, 1990

TO: Robert Healy, City Manager

FROM: William Sommers, Commissioner, DPW

Subject: DPW and Non-criminal enforcement program

147 Hampshire Street
Cambridge
Massachusetts 02139
617.498.9051

William Sommers
Commissioner

This is to apprise you of where we are on putting into effect the non-criminal enforcement of various ordinances with respect to the Department of Public Works responsibilities.

1. Warning System We have devised a ticket-like warning service that has the offense on one side and then refers on the back side to the various ordinances, or sections thereof, which are indicated. These are being printed in duplicate by our own printing and we should have them in hand by Monday, April 23.

It is our intention, then, to conduct a short training course on the use of these warnings, and the subsequent tickets, for the people who will be using them and writing out the complaints.

We will also have a public information sheet on this to give to the newspapers and the cable tv station. a proposed draft of the release is attached.

Our plan is to use the warning system for two months from the date of its announcements to give people a chance to understand and get used to the ticketing system through the warnings.

My suggestion is that we target as the beginning date, the week of June 25 for the use of the tickets.

2. Tickets/complaint forms We have taken the five part form that Arlington has been using modified to fit the major enforcement items that we have on the warning and submitted this to the Middlesex District Court Office and received its approval signed on the proposed format.

We've arranged to have 25,000 printed in books of 25 each by the printer who works under contract to Traffic and Parking and these are already being worked on. We should receive the first shipment of tickets in about two to three weeks.



We will be using the highway foreman and other supervisors to write the tickets as well as Dan Evans.

Record keeping will be done by Bob Angelo on a computerized system we are now setting up.

draft announcement

Non-criminal violation program

The City's Department of Public Works will soon be enforcing a number of ordinances applying to litter, rubbish collection and sidewalk maintenance under the non-criminal violation ordinance past last year by the City Council. Under this ordinance, employees of the Department of Public Works may issue tickets for such recurrent violations as putting out rubbish too soon, littering sidewalks and public places, snow and ice removal from sidewalks and similar violations. Citizens who receive the tickets may, just like parking tickets, pay a \$ 25 fine by mail to the district court or may ask for a hearing before the court. Scoflaws will be recorded and can be brought before the court on criminal charges if they refuse to pay the original fines.

This program focuses on the mounting complaints of citizens who are distressed when people put out their trash a day or two ahead of the pickup schedule. When the winds blow and dogs get at the trash it begins to clutter the neighborhood - causing a lot of distress to otherwise law-abiding citizens. The same is true of the rising tide of litter in empty lots, around fast food establishments and in the city's many squares.

To kick off the enforcement focus of the Public Works effort, a warning ticket has been printed which will be used for the first two months of the program - May and June. The warning is similar to the regular ticket but will be just that - a warning to cease and desist - or a fine will follow. The enforcement program will begin in earnest on June 25, 1990.

Here is the schedule of the program:

- | | |
|----------------|--|
| April 23, 1990 | Program will begin with fully trained and selected public works employees who will write WARNING tickets for litter, garbage and trash pick up and related violations. |
| June 25, 1990 | Shift from warnings to writing tickets for these various violations. |

W A R N I N G	Name of Violator:		W A R N I N G
	Street:		
W A R N I N G	City/Town:	Zip:	W A R N I N G
	Violation Date:	Time:	
W A R N I N G	Location:		W A R N I N G
	NOTICE OF WARNING You have been observed violating a City of Cambridge Ordinance as noted below:		
W A R N I N G	☐	Litter on Private Property(8.24.040)	W A R N I N G
W A R N I N G	☐	Maintenance of Sidewalks(8.24.040)	W A R N I N G
W A R N I N G	☐	Litter from Commercial, Non Profit(8.24.040)	W A R N I N G
W A R N I N G	☐	Litter by Pedestrian - Public(8.24.170)	W A R N I N G
W A R N I N G	☐	Litter by Pedestrian - Private(8.24.180)	W A R N I N G
W A R N I N G	☐	Garbage out Before 6:00pm(8.24.090)	W A R N I N G
W A R N I N G	☐	Permit - Display of Merchandise(12.08.020)	W A R N I N G
W A R N I N G	☐	Sidewalks - Snow & Ice Removal(12.16.110)	W A R N I N G
W A R N I N G	☐	Other:	W A R N I N G
W A R N I N G	This violation could result in a fine of \$25.00 under non-criminal procedures or a fine of \$50.00 under criminal procedures. The fines would be set for each day of violation.		W A R N I N G
	However, you are given this warning by the City of Cambridge as a first step. We hope you will correct the violation. If the violation occurs again or continues to occur then a non-criminal violation will be issued.		
W A R N I N G	If you have any questions, please call Dan Evans at 498-9051.		W A R N I N G
	Department of Public Works Enforcement Unit 147 Hampshire Street Cambridge, MA 02139		
W A R N I N G	Signature of Enforcing Officer _____		W A R N I N G

8.24.090 Sidewalk placement
time restrictions.
Whoever desires the removal of rubbish from private property shall cause the rubbish to be placed in authorized rubbish receptacles and to be set in an easily accessible place in the yard adjoining the premises or upon the sidewalk, but if placed upon the sidewalk, the authorized rubbish receptacles shall be placed on the sidewalk no earlier than six p.m. of the day immediately prior to the day of collection as designated by the Commissioner of Public Works for collection the area where the premises are located and shall be removed from the sidewalk no later than six p.m. of the day of collection. The rubbish receptacles shall not be placed upon the sidewalks in a manner to inconvenience the use of the sidewalks by pedestrians. (Prior code § 17-76(d))

8.24.170 Litter—Pedestrians on public property.
No person shall throw or deposit litter in or upon any street, sidewalk, square, playground, park or other public place except in authorized public or private litter receptacles. (Prior code § 17-73(a))

8.24.180 Litter—Pedestrians on private property.
No person shall throw or deposit litter on any occupied, open or vacant private property, whether or not occupied by such person, except in authorized private litter receptacles or authorized private rubbish receptacles. (Prior code § 12.16.110 Sidewalks—Snow and ice removal.
A. Removal of snow from sidewalks. The owner or occupant of private property bordering on a sidewalk where there is a sidewalk or footway shall, within twelve hours after snow ceases to fall on a street where there is a sidewalk or footway, remove the snow, cause all snow that may be on such sidewalk or footway to be removed therefrom. In the event of an unusually heavy snowfall, the time limit shall be extended at the discretion of the Commissioner of Public Works. The provisions of this section shall apply to snow which falls from buildings as well as to that which falls from the clouds.
B. Removal of ice from sidewalks. The owner or occupant of private property bordering on a sidewalk where there is a sidewalk or footway any portion of which is encumbered by ice shall, within six hours after the sidewalk or footway becomes encumbered with ice cause such sidewalk or footway to be made safe and convenient by removing the ice therefrom, or by keeping the same covered with sand or some other suitable substance. (Prior code § 17-79)

8.24.040 Private property owners and occupants—Keeping premises and adjacent areas free of litter.
A. Maintenance of Private Property. Every owner or occupant of private property shall maintain his property free of any accumulation of litter, and shall prevent any litter from escaping to any other public or private property.
B. Maintenance of Sidewalks.
1. Every owner or occupant of private property bordering on a street where there is a public sidewalk or footway shall maintain such sidewalk or footway and the adjoining gutter to the center of the street free of litter.
2. Every owner or occupant of private property shall cut and dispose of weed in any yard area or vacant lot, or around any public or private property.
3. No person shall sweep into or deposit in any gutter, street, square or other public place the accumulation of litter from any building or lot, or from any public or private sidewalk, footway or driveway.
C. Litter From Commercial or Nonprofit Establishments.
1. Litter from commercial or nonprofit establishments shall not be thrown or deposited in any public litter receptacle.
2. Commercial or nonprofit establishments may maintain authorized litter receptacles for the use of the general public outdoors on private property or on the adjoining sidewalk in a manner not to inconvenience the use of the sidewalk by pedestrians. The establishments are encouraged to identify such authorized litter receptacles as described in Section 8.24.030 of this chapter and the establishment shall cause the receptacles to be emptied regularly. (Prior code § 17-75)

12.08.030 Display of merchandise—Permit—Fee.
A. No merchandise shall be displayed within the limits of any public highway in the City without a permit granted by the City Council and issued by the Superintendent of Streets. The fee for the permit shall be five dollars annually.

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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

April 23, 1990

To The Honorable, The City Council:

In response to Awaiting Report Item No. 15, dated 1/29/90, relative to non-criminal enforcement of Ordinance #1084, attached please find a report from William Sommers, Commissioner of Public Works.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
enclosure

Agenda # 21

S-462

Awaiting Report Item Number 15
regarding non-criminal enforcement
of Ordinance # 1084.

In City Council,

April 23, 1990

Placed on file