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

February 15, 1990

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

Dear Sir:

Enclosed you will ifnd two copies of proposed amendments to the Municipal Code of the City of Cambridge which were passed to be ordained at the City Council meeting of February 12, 1990 as follows:

1. Proposed amendment to insert a new section 6.04.020 entitled "DOGS - LICENSES REQUIRED - FEE".

2. Proposed amendment to insert a new Part C in Section 6.04.110 entitled "VIOLATION - COMPLAINT DISPOSITION".

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. Ordinance Numbered 1096 and 1097.

c.c. Councillor Duehay, Chairman, Committee on Ordinances.
Joseph Cellucci, Commissioner of Inspectional Services.

3/5/90
APPROVED
Russell B Higley
CITY SOLICITOR

ORDINANCE NO. 1097.

Final Publication No. 2477. First publication in the Chronicle on March 23, 1989.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance formerly entitled "The Code of the City of Cambridge" as revised in 1989 and now designated as "The Municipal Code of the City of Cambridge."

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

Chapter Six, entitled "Animal Control Regulations," is hereby amended by striking out Section 6.04.110, Part C, entitled "Violation - Complaint Disposition," and substituting therefor the following new Section 6.04.110, Part C:

Section 6.04.110 Violation - Complaint disposition

C. 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 6.04.030 or 6.04.060 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 6.04.020 of this Chapter shall be punishable by a fine of not more than twenty-five dollars ($25.00) for each offense.

In City Council February 12, 1990.

Passed to be ordained by a yea and nay vote:- Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk.

ORDINANCE NO. 1096.

Final Publication No. 2476. First publication in the Chronicle on March 23, 1989.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance formerly entitled "The Code of the City of Cambridge" as revised in 1989 and now designated as "The Municipal Code of the City of Cambridge."

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

Chapter Six, entitled "Animal Control Regulations," is hereby amended by striking out Section 6.04.020, entitled "Dogs - License required - fee," and substituting therefor the following new Section 6.04.020:

Section 6.04.020 Dogs - Licensed required - Fee

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.

In City Council February 12, 1990.

Passed to be ordained by a yea and nay vote:- Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk.

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 BY
OFFICE OF CITY CLERK
1990 MAR -6 PM 3:01
CAMBRIDGE MA.

February 5, 1990

Councillor Francis Duehay
Chairman, Committee on Ordinances
City Hall
Cambridge, MA 02139

Re: Review of Pending Ordinances

Dear Councillor Duehay:

I write in response to Joe Connarton's letter of January 24th to Russell Higley, in which he says that you would like all Ordinances reviewed by this office prior to the hearing before the Committee on Ordinances. In this letter, I will comment on some of the Ordinances mentioned in Mr. Connarton's letter.

1. Disposition of city-owned land (I understand that there will be a hearing on this Ordinance on 2/21/90)

This Ordinance would replace s. 2-10 of the 1972 Codification of the City Ordinances and s. 2.110.010 of the Cambridge Municipal Code.

Towns are generally authorized to convey real estate by G.L. c. 40, s. 3, which is made applicable to cities by G.L. c. 40, s. 1. In a city like Cambridge, the sale of city-owned property is "essentially a legislative function." Sancta Maria Hospital v. Cambridge, 369 Mass. 586, 592 (1976).

I see no legal impediment to the passage of this Ordinance, but I have the following questions, comments and suggestions:

First paragraph

What is meant by "relocation" of city-owned property?

I suggest that the phrase "or similar disposition" be eliminated and that this paragraph specify exactly which transactions it applies to.

Third paragraph

Strike the words "unless" through "goal," so that the paragraph reads as follows:

> No disposition of City Property shall be completed until the following process has taken place:

Paragraph (4)

For the sake of clarity, I would amend this paragraph to read as follows:

> The City Council shall hold a public hearing within one month of receipt of the Planning Board's recommendation.

2. ~~Zoning Petition of David Clem to change the area bounded~~ by Binney Street and Cardinal Medeiros Avenue from Industry B to Industry A - 1st pub. #2475.

3. Cambridgeport Interim Planning Extension

4. East Cambridge Planning Extension

I see no legal problems regarding these three zoning matters. I understand from Les Barber that the Planning Board will be making recommendations.

5. Licensing of dogs - 1st pub. #2436

This section 4-7 in the 1972 codification is now section 6.04.020 in the new code.

6. Disposition of Complaints - dogs - 1st pub. #2437

This section 4-11(b) in the 1972 codification is now section 6.04.110 (c) in the new Code.

Both of these are technical amendments drafted by the Law Department, and we recommend their ordination.

I will comment on the other Ordinances in a future letter.

Very truly yours,

Birge Albright

BA/jab

cc: Robert W. Healy
Honorable Alice K. Wolf
Joseph E. Connarton
Lester Barber
Russell B. Higley
Donald A. Drisdell

REPORTS FROM CITY OFFICIALS

Communication from Birge Albright, Legal Counsel, Law Dept., transmitting recommendations regarding various ordinances pending before the Committee on Ordinances.

In City Council,

March 12, 1990

Referred to the petitions

DEATHS

Elizabeth Wilson

Elizabeth Gertrude (Kennedy) Wilson, 61, died March 14 at Mount Auburn Hospital in Cambridge after a short illness. Born in Boston, she was a longtime resident of Cambridge.

She was a machine operator.

Also, she was a late member of the East Cambridge VFW Ladies Auxiliary.

She was the wife of Edward; mother of Mary Duarte, Edward, William, James and Robert Wilson; sister of Margaret Souza, Ann Flaherty, Catherine Donnely and the late George Kennedy; and niece of Helena Lucien. She is also survived by 11 grandchildren and two great-grandchildren.

A funeral Mass was said at Sacred Heart Church, followed by the interment at Cambridge Cemetery. Arrangements were by the Rogers Funeral Home.

Ralph Sheinfeld

Ralph Sheinfeld, 76, died March 14 at his Watertown home after a long illness. Born in Boston, he was an 18-year resident of Watertown.

A self-trained electronic communications engineer, he graduated from Boston Trade School and was the owner of the Met Electronic Co. in Boston. He was a director of Electrocom of Boston and a former director of Zip Call prior to the sale to Metro Media Corp.

He developed and put into operation the communications network between the Boston Harbor Police, Coast Guard and Fire Department. This network was of measurable value during the airplane tragedies that have occurred over the past years.

He was the husband of the late Nancy E. (Lohnes); father of Mimi Geller of Mount Kisco, NY, Gary M. Sheinfeld of Framingham, Peter Sheinfeld of Cambridge, Lynn Comeau of Boston and Alan Sheinfeld of Providence, RI; and brother of Leonard Sheinfeld of Boca Raton, Fla. and Albert Sheinfeld of Rochester, NY.

A memorial service was held at the Newton Cemetery Chapel, followed by the interment at Newton Cemetery. Arrangements were by the Eaton and Mackay Funeral Home.

Memorial donations may be made to the Good Samaritan Hospice, 272 Allston St., Brighton, MA 02146.

Mary Murphy

Mary E. Murphy, 86, died March 12 at Sancta Maria Hospital in Cambridge after a short illness. A lifelong resident of Cambridge, she was a retired matron at New England Tel and Tel.

She was the sister of Nora MacFarlane of Arlington; aunt of Clare MacFarlane and Jean Anastas of Arlington, Anne Casey of Delaware and Phillip MacFarlane of Arizona; and guardian of Joan Silva of Cambridge.

Irene Phaneuf

Irene (McDonald) Phaneuf, 69, died March 16 at Cambridge Hospital after a long illness. A lifelong resident of Cambridge, she was a practical nurse.

She was the wife of Louis; mother of Cheryl Dixon; sister of Lillian Boudreau, Mary Kirkland and Edward McDonald; and grandmother of Heather Lynne Dixon.

A funeral Mass was said at St. Mary's Church, followed by the interment in Cambridge Cemetery. Arangements were by the Keefe Funeral Home.

Donald Thompson

Donald S. Thompson, 52, died March 16 at Veterans' Administration Hospital in Jamaica Plain after a long illness. Born in Boston, he was a lifelong resident of Cambridge.

A self-employed plumber, he was an Air Force veteran.

He was the son of Ina (Ramsey) Thompson and the late Shaw Thompson; father of Renee Cox; brother of Vivian Johnson; and uncle of Michele and Lisa Johnson. He is also survived by a grandson.

A funeral service was held at St. Bartholomew's Church, followed by the interment at Cambridge Cemetery. Arrangements were by the A.J. Spears Funeral Home.

Memorial donations may be made to the St. Bartholomew's Chairlift Fund, 239 Harvard Ave., Cambridge, MA 02139.

Hermenigilda Araujo

Hermenigilda Pina Araujo, 60, died March 18 at New England Medical Center in Boston after a long illness. Born in Cape Verde, Portugal, she was a longtime resident of Cambridge.

She was the wife of the late Amaro Varela; mother of Joana, Fatima and Domingas Varela; and sister of Raimundo Araujo and Joao Correia. She is also survived by seven grandchildren.

A funeral Mass was said at St. Anthony's Church, followed by the interment at Cambridge Cemetery. Arrangements were by the Rogers Funeral Home.

Margaret Sheehan

Margaret R. (McKenna) Sheehan, 76, died March 13 in Maryland after a short illness. She was a lifelong resident of Cambridge.

She was the wife of the late Maurice H.V. Sheehan; mother of Mary K. Paul of Rockville, Md., Margaret R. Callahan of West Hartford, Ct. and Maurice M. Sheehan of Philadelphia, Pa.; and sister of Matilda Overlan of Falmouth, Mary Brown of Cambridge and Ann Bergin of Lexington. She is also survived by six grandchildren.

A funeral Mass was said at Blessed Sacrament Church, followed by the interment at Holy Cross Cemetery in Malden. Arrangements were by the John J. Donahue Funeral Home.

She was the daughter of Manuela King of Panama; mother of Rachel King and Clarisa Nelso; and sister of Gardenia Lee, Nieaela McRae, Gloria Lucero, Cornelia, George, Ricurdo, Gilberto and Alberto King.

A funeral service was held at the A.J. Spears Funeral Home, followed by the interment at Cambridge Cemetery. Arrangements were by the A.J. Spears Funeral Home.

Catherine Bantz

Catherine (McCuster) Bantz, 77, died March 17 at Cambridge Hospital after long illness. Formerly of Billerica, she was a Cambridge resident.

She was the wife of the late Albert; and mother of Phyllis Gullage of New Hampshire, Joan DiStasio of Billerica, Edward Bantz of Arlington, Ruth Shepard of Iowa and John Bantz of Randolph. She is also survived by 13 grandchildren.

A funeral Mass was said at St. Peter's Church, followed by the interment at Woodlawn Cemetery in Everett. Arrangements were by the William T. Hickey Funeral Home.

Ida Gardiner

Ida M. (Leger) Gardiner, 94, died March 18 at Sancta Maria Hospital in Cambridge after a long illness. Born in Canada, she was a longtime resident of Cambridge.

She was a retired office worker for Simplex Cable Co.

She was the wife of the late Arthur J. and is also survived by 14 nieces and nephews and many grandnieces and grandnephews.

A funeral Mass was said at St. Peter's Church, followed by the interment at Mount Auburn Cemetery in Cambridge. Arrangements were by the William T. Hickey Funeral Home.

Memorial donations may be made to the Bishop Riley Restoration Fund, 31 Buckingham St., Cambridge, MA 02138.

Anna Reardon

Anna May (Gee) Reardon, 75, died March 20 in Fort Pierre, Fla. after a short illness. A lifelong resident of Cambridge, she was a retired registered nurse.

She worked at the Youville and Cambridge Hospitals for many years.

Also, she was a late member of the St. John's Women's Guild.

She was the wife of the late Edward; and sister of Ray Gee, Evelyn Vall Spinosa, Rita DeJong, Martha Hedge and the late Eva Foley. She is also survived by many nieces and nephews.

A funeral Mass was said at St. John's Church, followed by the interment at Holy Cross Cemetery in Malden. Arrangements were by the Keefe Funeral Home.

Memorial donations may be made to the Youville Hospital in Cambridge or St. John's Church.

Angielina Bailey

Angielina E. Bailey (1901-1960) - In all the years we knew you
You planned and strived for me
Thru sacrifice of everything
That could a pleasure be
Lovingly remembered by:
Mavis Greenidge, Frank E. Greenidge, Hilda P. Parker, Egbert H. Bailey, Jr. and Frank E. Bailey.

How's your First Aid?

American Red Cross

Ad Council

PUBLIC NOTICE
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING
DIVISION OF WATER POLLUTION CONTROL
ONE WINTER STREET
BOSTON, MASSACHUSETTS 02108
TEL. (617) 292-5673

Pursuant to Chapter 21, Section 43 of the General Laws, and 314 CMR 7. and 2.06, notice is given of the following applications for sewer extension or connection permits and proposed actions thereon:

City/Town of: Cambridge
Project Name: N/L
Applicant: Spaulding & Slye Co.
Location: 100 Cambridge Park Drive
Purpose: Connection for office building
Tracking No.: 5725
Proposed Action: Tentative Determination to Issue:

The above applications, and applicable laws, regulations and procedures are available for inspection at the above address. Comments on the proposed actions or requests for a public hearing on the proposed actions must be sent to the above address within 30 days of this notice.

Cornelius O'Leary
Acting Director

(C)Mar 23

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division Docket No. 542322
NOTICE OF SALE OF TRUST ESTATE NOTICE

To all persons who are or may become interested and to all persons whose issue not now in being may become interested in the trust estate under the will of **Helen F. Hammer** late of Cambridge in the County of Middlesex, deceased for the benefit of **Michael J. Hammer.**

A petition has been presented to said Court by the trustee of said estate for authority to sell, at private sale, certain real estate held by him as such trustee of said Helen F. Hammer estate.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before March 29, 1989

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the ninth day of March in the year of our Lord one thousand nine hundred and eighty-nine.

Paul J. Cavanaugh
Register of Probate

(C)Mar 23

CRIME WATCH

Spring brings out con artists

By ANTHONY PAOLILLO
Chief of Police

Spring and early summer bring more than better weather, improved dispositions and impending vacations. Flim-flam artists — con people — magically appear from all directions. Their schemes are endless, but have one thing in common; separation of money from the careless victim. The con specialists trade on greed, stupidity, dreams and inattention.

Bunco artists are astute students and observers of human behavior. Their basic tools of the trade are knowledge of ways to manipulate people to go along with the scheme. Desires, ambitions, and weaknesses are exploited.

The Massachusetts Crime Prevention Bureau says that over 800 different types of fraudulent schemes have been identified and documented.

Con artists cannot be identified by their appearance. They look and act exactly like the rest of us. But they are experts in human psychology and behavior. Anyone can be swindled, regardless of education, perception, income, sex or age.

The American Association of Retired Persons has isolated some key words which can warn you about an impending con. These key words, when heard, should trigger suspicion.

CASH. Be cautious whenever you are asked to turn over large amounts of cash to anybody, particularly to a stranger. Ask pointed questions. Why is cash necessary in this situation? Why not a check? Don't handle great amounts of cash.

SECRET PLANS. Don't permit yourself to be drawn into secret deals in which you are to surrender anything of value. Ask yourself: Why are you being instructed not to tell anyone about this?

GET RICH QUICK. Any scheme that promises you rich rewards should be viewed with misgiving.

SOMETHING FOR NOTHING. You'll usually get nothing for nothing, no matter what may be promised.

HASTE. Haste make more than waste. It makes money for the con artist. If someone urges you to act quickly or you'll lose out, then look out.

Here are some additional rules for self-protection from con artists:

- Do not discuss your personal finances with strangers.
- Do not expect to get something for nothing, expecially from people you don't know.
- Do not withdraw cash from a bank account at the suggestion of strangers.
- Do not fail to report to Police, if you have been swindled or victimized. No need to be shy — you have a lot of company.
- Do testify in court, if you are requested to do so, to help stop this type of criminal activity.

There are three types of cons which are common at this time of year.

THE POCKETBOOK DROP: A stranger opens a conversation with you on the street. Shortly thereafter another person appears with an envelope which contains a large sum of money "that has just been found." You do not get a chance to examine the money. The questions of what to do about the money is discussed and resolved, when one of the strangers says he-she works for an attorney. The attorney will be asked for advice. It later develops that the money was "from gambling, and was lost by someone trying to avoid taxes." The advice of the attorney, you are told, it that the money is to be shared equally between the three of you, but all of you must show that you have money of your own.

You are instructed to go to your bank and withdraw cash. The person who allegedly works for the attorney says he-she will take your money to him. He-she returns later, saying that the attorney wants to talk with you. You follow directions to the attorney's office, only to find there is no such address. You have just given your money away.

THE BANK EXAMINER: "The bank examiner" is usually a man. He will call women on the phone and use a title from a bank or police department. He will tell you that some accounts at the bank — even yours — show large withdrawals and he suspects a dishonest employee. Your cooperation is requested to help trap the thief. The examiner will ask you to go to the bank and withdraw money from a certain window. You are told to put the money in an envelope and give it to the examiner or his partner, when they approach you. They tell you the money will be re-deposited by them, and you can return to the bank in a few days to have your book adjusted. You make your withdrawal, give the envelope to the agent, who identifies himself to you in the bank.

In a few days you return to the bank for the adjustment of your bankbook. You find that there is no irregularity in any of the accounts. You have just given your money away.

For further information about Crime Prevention contact the Cambridge Police Department's Crime Prevention, Community Services Division, Lt. George A. Donovan at 498-9318.

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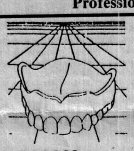

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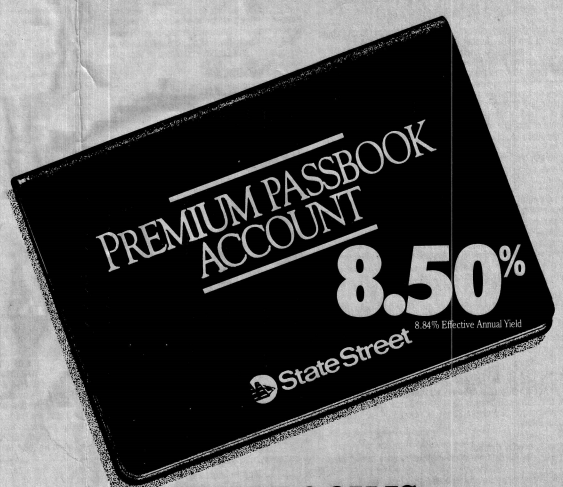

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Open a Premium Passbook Account before March 31, and we'll guarantee the rate for 6 months. That's right. From now until September 30, 1989. It may go up, but it won't come down.

Just try finding another account with all these features:

- **High Interest.** Our guaranteed minimum rate is 8.50%.
- **Security.** FDIC insurance up to $100,000.
- **More Security.** State Street is one of the strongest financial institutions in America.
- **Satisfaction.** The Passbook lets you see your money grow.
- **Accessibility.** You can make additional deposits or withdrawals, anytime.
- **Convenience.** Priority Bank-by-Mail service.
- **Affordability.** Our minimum balance is only $1,000.

To start earning high interest right away, fill out the coupon and mail it with your initial deposit of $1,000 or more. You'll receive your Premium Passbook Account information packet, and your passbook, in the mail within days. For more information, call (617) 654-4111.

*All rates are accrued daily, and compounded/paid monthly. They are subject to change monthly after September 30, 1989. The annual rate of simple interest is 8.50% for balances of $1,000 or more. Balances under $1,000 will earn the bank's Now Account rate. Individual depositors only. $250,000 maximum deposit.

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Employer _____ Bus. Phone _____
Signature(s) _____

I (we) authorize State Street to open my (our) account on receipt of this form and obtain any references necessary, including National Check Protection Service.

State Street®

FIRST PUBLICATION NO. 2435
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 lot line 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 lot line 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 lot line 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.

(C)Mar.23

REQUEST FOR PROPOSAL
HOUSEHOLD HAZARDOUS WASTE COLLECTION
CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts 02139 until 2:00 PM, on Thursday, March 30, 1989, at which time and place they will be publicly opened and read aloud for furnishing the following to the City of Cambridge:

The City of Cambridge, Massachusetts acting through the Department of Health and Hospitals is seeking proposals for services for a Household Hazardous Waste Collection Day.

Copies of the Request for Proposal may be obtained at the Office of the Purchasing Agent on and after March 16, 1989, between the hours of 8:30 A.M., and 5:00 P.M.

Successful offerer must be an Equal Opportunity Employer.

The City of Cambridge reserves the right to reject any and all proposals, waive any informalities in the proposal process, and accept the proposal deemed to be in the best interest of the City.

Bidders shall submit three (3) copies of their proposal in a sealed package, plainly marked "Proposal for Household Hazardous Waste Collection," and addressed to Barbara L. Duffy, Purchasing Agent, Room 303, City Hall, 795 Massachusetts Avenue, Cambridge, Mass. 02139.

Barbara L. Duffy
Purchasing Agent

(C)Mar.16,23

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Richard Valente** and **Elizabeth A. Valente** to **Duco Associates, Inc.** which mortgage is recorded with Middlesex County South District Registry of Deeds in Book 17603, Page 88, of which mortgage the undersigned is the present holder for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at public auction at 10:00 o'clock a.m. on the 20th day of April, 1989 on the mortgaged premises hereinafter referred to all and singular the premises described in said mortgage, to wit: the land in Cambridge, Middlesex County, Massachusetts, bounded and described as follows:

A certain parcel of land at 128 Oxford Street, being the southerly part of Lot 29 on a Plan of Frost Estate dated June, 1958, and recorded with Middlesex South District Deeds at the end of Book 830 and bounded and described as follows:

Westerly on Oxford Street, sixty-nine feet;
Southerly on Lots 31, 32, 33 and 34 as shown on said plan, two hundred twenty-two (222) feet;
Easterly in part on land now or formerly of Stewart and in part on land now or formerly of Frost, sixty-five (65) feet; and
Northerly on land now or formerly of Frost, being the remainder of said Lot 29, one hundred eighty (180) feet.

Any or all of said measurements are more or less, together with the buildings, outbuildings and garages on the premises.

For title reference see deed from James J. Kelleher as Commissioner for the Middlesex Probate Court in Case No.: 456880 under decree dated June 28, 1972, and by his warrant dated July 20, 1972, which deed is recorded at said Registry of Deeds in Book 12330, Page 574, and is dated November 16, 1972.

Said premises will be sold subject to any and all unpaid taxes, outstanding tax titles, municipal liens and assessments, if any such there be and to a first mortgage to Boston Federal Savings Bank.

Terms of Sale: $15,000.00 to be paid by the purchaser in cash or certified check at the time and place of sale, and the balance of the purchase price to be paid in cash or certified check in thirty days thereafter at 10:00 o'clock a.m. at said Registry of Deeds in which the said mortgage is recorded as aforesaid.

Other terms to be announced at the time and place of sale.

Robert N. Brown, Esq.
Attorney for Mortgagee
1172 Beacon Street
Suite 202
Newton, MA 02161
(617) 969-1380

(C)Mar.23,30;Apr.6

FIRST PUBLICATION NO. 2437.
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.

(C)Mar.23

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(Seal) Case No. 132204

To **Ulric C. Mullin and Judith P. Mullin,** formerly known as **Gloria N. Mullin; American Funding Limited; Marine Midland Bank:** and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended:

Central Cooperative Bank; claiming to be the holder of a mortgage covering real property in Cambridge, numbered 283 Washington Street, given by Ulric C. Mullin and Judith P. Mullin, formerly known as Gloria P. Mullin, to Plaintiff, dated March 28, 1977, recorded with Middlesex County (Southern District) Registry of Deeds, Book 13160, Page 713, has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the twenty-fourth day of April 1989, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, Marilyn M. Sullivan, Chief Justice of said Court this eighth day of March 1989.

Charles W. Trombly, Jr.
Recorder

(C)Mar.23

First Publication No. 2436
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 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.

(C)Mar.23

CITY OF CAMBRIDGE
DEPARTMENT OF
TRAFFIC & PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 89-11

Regulation No. 66-1 Schedule 6A **"Parking Prohibited At All Times On Certain Sides Of Certain Streets, Tow Away Zone"** is hereby amended by adding the following:

Norfolk Court, south side, Norfolk Street to Elm Street.

Norfolk Court, north side, Norfolk Street to Elm Street.

This regulation shall take effect 30 March 1989.

PROMULGATED
DATE
Mar. 1, 1989

George Teso
Traffic Director

(C)Mar.9,16,23

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 86P3957A
NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Frederick C. Theriault** late of Cambridge, in said County, deceased.

You are hereby notified pursuant to Mass. R.Civ.P Rule 72 that the 1st and final account of **Lawrence Theriault** as Administrator (the fiduciary) of said estate of said deceased has been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 13th day of April, 1989, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 10th day of March, 1989.

Paul J. Cavanaugh
Register.

(C)Mar.23

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
Middlesex Division Docket No. 89P0941A
ADMINISTRATION WITH SURETIES

Estate of **Ellen Irene Swyers**
late of **Cambridge**
in the County of **Middlesex**
NOTICE

A petition has been presented in the above-captioned matter praying that **Gertrude Jane Biernson** of Concord in the County of Middlesex or some other suitable person be appointed administrator of the estate of said deceased.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 4, 1989.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty eighth day of February in the year of our Lord one thousand nine hundred and eighty-nine.

Paul J. Cavanaugh
Register of Probate

(C)Mar.23

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Eric's Frozen Yogurt, Inc.** doing business as **Eric's Frozen Yogurt,** by **Kim Ornstein, Manager** has applied for a common victualer's license to be exercised on the 1st floor at One Porter Square. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and would allow the applicant to maintain said premises as a restaurant to be open to all classes of the public and to have a seating capacity of 16 persons. Said license if granted would be exercised from 10 a.m. to Midnight on weekdays and 10 a.m. to Midnight on Sundays. The applicant is not seeking to maintain any entertainment on the premises.

A hearing on said application will be held on Tuesday, March 28, 1989 at 6:00 p.m., in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue. Any person wishing to comment on said application may attend the hearing, or such person may prior to the hearing submit a written statement to James Thaddeus McDavitt, Chairman of the License Commission, Michael J. Lombardi Municipal Building, 1st floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission

(C)Mar.23

FIRST PUBLICATION NO. 2438.
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.

E. 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 liabililty 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.

(C)Mar.23

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

February 15, 1990

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

Dear Sir:

Enclosed you will ifnd two copies of proposed amendments to the Municipal Code of the City of Cambridge which were passed to be ordained at the City Council meeting of February 12, 1990 as follows:

1. Proposed amendment to insert a new section 6.04.020 entitled "DOGS - LICENSES REQUIRED - FEE".

2. Proposed amendment to insert a new Part C in Section 6.04.110 entitled "VIOLATION - COMPLAINT DISPOSITION".

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. Ordinance Numbered 1096 and 1097.

c.c. Councillor Duehay, Chairman, Committee on Ordinances.
Joseph Cellucci, Commissioner of Inspectional Services.

ORDINANCE NO. 1097.
Final Publication No. 2477. First publication in the Chronicle on March 23, 1989.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance formerly entitled "The Code of the City of Cambridge" as revised in 1989 and now designated as "The Municipal Code of the City of Cambridge."

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

Chapter Six, entitled "Animal Control Regulations," is hereby amended by striking out Section 6.04.110, Part C, entitled "Violation - Complaint Disposition," and substituting therefor the following new Section 6.04.110, Part C:

Section 6.04.110 Violation - Complaint disposition

C. 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 6.04.030 or 6.04.060 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 6.04.020 of this Chapter shall be punishable by a fine of not more than twenty-five dollars ($25.00) for each offense.

In City Council February 12, 1990.

Passed to be ordained by a yea and nay vote:- Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk.

ORDINANCE NO. 1096.

Final Publication No. 2476. First publication in the Chronicle on March 23, 1989.

City of Cambridge

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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.

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In City Council February 12, 1990.

Passed to be ordained by a yea and nay vote:- Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk.

ORDINANCE NO. 1096.

Final Publication No. 2476. First publication in the Chronicle on March 23, 1989.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

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C. C. 106

City of Cambridge

MASSACHUSETTS

Dogs - License Fee. In City Council Feb. 12 1990

C. Duehay Unfinished Business #1

	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	✓				
	8		1		

LOCAL HERO

Just call her the 'mother of early intervention'

By LAURA BECK
Chronicle staff

You could call Lila Palatini the Mother of Early Intervention for the Cambridge Public Schools' learning disability program.

You could probably even call her the "mother away from home" to the dozens of students she taught to read and write.

But anyone who meets Palatini, the former psychologist-in-charge of the schools' learning disabilities program, would most likely just call her nice.

"I've always had a feeling inside that I have something to offer people," Palatini says during an interview in her Arlington home. "That's why I wanted to help kids with learning disabilities. I thought that I can make their lives better and happier."

Palatini started her pursuit for the happiness of others 28 years ago, when she was hired by the School Department.

Palatini taught eighth grade at the Agassiz School for two years before she was transferred to the learning disabilities program at the Public Services Bureau.

Since Palatini had bachelor's and master's degrees in psychology, then School Superintendent John Tobin asked her to work as a psychologist for students with learning disabilities.

"That's when I really got to do things," Palatini says. "In those days, schools would just test a kid and make judgments about whether the child could learn normally or not. One of the first things I wanted to do was change that system."

When educational studies came out in the mid-1960s, showing how learning disabilities could be overcome if they were detected earlier in a child's schooling, Palatini jumped right on the idea for a new program in Cambridge.

Palatini had all first grade teachers test their students to see if they were "at risk" for learning problems. When state funding was granted, Palatini had all the "at risk" students take special reading and writing lessons with her.

"I wanted to throw a big safety net under all the children. Even if I had to teach kids that were misdiagnosed, I didn't care. I wanted to make sure that every single one of them had the proper attention," she says.

Palatini's early intervention program soon expanded, helping students in kindergarten through third grade.

Teaching children how to read and write was Palatini's most important task. Using what she calls a literacy campaign, she was able to organize the early intervention program.

"I always thought that learning how to read and write was a personal thing, Palatini says. " It pains me to see children who have good ability, but not the skills to read.

"It used to make me cry when I'd see a kid stumble over words. I'd think about how the school system would fail him if he couldn't turn around someday and say 'I can do anything,'" she says.

Students would meet with either Palatini or a learning disabilities teacher for forty minutes, three times a week. Most students in the program were mainstreamed in reading classes by the end of first grade, Palatini says.

"The difference between the kids after a year was like magic," she says. "In the fall, some of them couldn't read a single word. But by spring time, those kids would be chattering away, telling me 'I can read, I can read.' They were so full of themselves. You can't imagine how happy that made me."

While the early intervention program grew, the funding for it shrunk. The program was eliminated after Proposition 2½ took effect in Cambridge.

"I fought for that with everything I had," Palatini says. "It hurt me to see that go. But luckily most teachers knew how to spot an at risk child, so many still had the attention they needed."

Even though Palatini had to leave the School Department last year for health reasons, she still refers to her former students as her babies.

Palatini was born in Garfield, NJ. Her father worked in the wool industry, and moved her family to Canada when she was a little older.

Before going to college, Palatini joined the Air Force during the Korean War.

"It's pretty ironic. I was in the radar detection unit, and had to write messages backwards so the people in the control towers could read them," Palatini says with a laugh. "Then I end up working with kids who wrote backwards."

Palatini earned her psychology degrees from Boston University and another master's degree in elementary education from Boston State College.

"I've never had children of my own, but I love them. I knew that teaching or working in the schools would make me happy."

The City Council recently voted to plant a tree in front of the Fitzgerald School, commerating Palatini's years of service with the schools.

And the School Committee held a huge retirement party for Palatini last month, where she says she first realized how much difference she made in the schools.

"One of my first students was there and read a speech about me," Palatini says. "She said she never knew what learning disabilitly was all about until she went to college. She said that I was her guardian angel."

The student is a junior at the University of Massachusetts, according to Palatini.

"I used to help her read, write and when she was older I wrote her recommendations," Palatini says.

Since a lung operation last year, Palatini has not been able to do much work. She says she misses her students and the schools, but she still visits some of her former students who are now in high school.

"I still worry about kids now. I feel so strongly that their potential needs to be developed to the fullest," she says. "School can be a haven where you can build your self-esteem, if you're given the options."



LILA PALATINI...her work for the children of Cambridge will be remembered for a long time. (Staff photo by Laura Beck)

Eyemobile to visit library March 17

On Friday, March 17, the Lions Club Eyemobile will be at the parking lot of the Cambridge Public Library, 449 Broadway in Cambridge.

From 9 am to 5 pm, free screening will be available for glaucoma, diabetes, visual acuity, and blood pressure.

Residents are urged to avail themselves of this community service sponsored by the Lions Club of Cambridge. According to Cambridge Lions President Paul B. Wilson, Lions are people who have decided to give something back to their communities and who are dedicated to finding people in need, and who meet those needs in an efficient but caring way.

For more information, call the library at 498-9080.

Y hosts talk on blindness

Blindness will be the subject of this month's "Y's Words" presentation at the Cambridge Family YMCA.

Dr. David A. Ticchi, YMCA Member, and President of the Cambridge Chapter of the National Federation of the Blind, will offer the program entitled, "Blindness: Concepts and Misconceptions — What to do about vision loss for yourself or someone else you know."

The presentation will be offered free to the public on Saturday, March 11, at 8:45 at the YMCA's Central Square facilities. Parking is available in the YMCA Parking lot directly behind the YMCA on Green street.

Ticchi is the director of international marketing of Kurzweil Computer Products. Kurzweil is a division of Xerox Corporation located in Cambridge.

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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

Hockey Night In



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Pants Reg. $20.00 – $28.00 . $9.75 – $13.75
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(A quote from a COM/Electric employee.)

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Our meter readers, service people and customer contact representatives who have contact with the elderly in the normal course of their jobs, are the COM/Electric Gatekeepers who can open the gates between vulnerable older people and the social service agencies that can help them.

By recognizing certain danger signals in the elderly—unusual appearance or behavior, signs of confusion or disability—the Gatekeeper can provide assistance before a crisis occurs.

We consider the Gatekeeper Program a positive way to be involved in the community and to provide a service that helps the people we serve.

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COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 88D 3737

SUMMONS BY PUBLICATION
Emanuel Calouro Plaintiff
vs.
Maria F. Calouro Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Emanuel Calouro, seeking a Divorce.

You are required to serve upon Bernard R. Silva, Jr., plaintiff's attorney, whose address is 186 Alewife Brook Parkway, Cambridge, MA 02138 your answer on or before May 29, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
February 16, 1989
Paul J. Cavanaugh
Register of Probate

(C)Mar.9,16,23

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Austin J. Jordan** to the **Home Savings Bank FSB** dated January 13, 1984, and recorded with the Middlesex South Registry of Deeds at Book 15405, Page 053, of which mortgage the undersigned is the assignee and present holder for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 10:00 o'clock, A.M. on the 23rd day of March, A.D., 1989, on premises hereafter described all and singular the premises described in said mortgage.

To wit:

A certain parcel of land with the buildings thereon now known as and numbered 7-9 Walnut Street, situated in Belmont, Middlesex County, Massachusetts, being Lot 57B on a plan by Joseph W. Kales, dated April 1941, recorded with Middlesex South District Registry of Deeds at the end of Book 6488, bounded and described as follows:

Southeasterly by Walnut Street, Seventy-three and 12/100 (73.12) feet;

Southwesterly by Lot 58 on plan recorded with said Middlesex South District Registry of Deeds in Plan Book 190, Plan 6, Thirty-eight (38) feet;

Northwesterly by Lot 56 on above-mentioned plan, Seventy-three and 12/100 (73.12) feet;

Northeasterly by Lot 57A on first mentioned plan, Thirty-eight (38) feet.

Containing, according to said plan 2,779 square feet of land.

Together with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water, water rights, and water stock and all fixtures now or hereafter attached to the property, all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the property covered by this Mortgage; and all of the foregoing, together with said property (or the leasehold estate if this Mortgage is on a leasehold) are herein referred to as the "Property."

Terms of Sale:

Said premises will be sold subject to any and all unpaid taxes and assessments, tax sales, tax titles and other municipal liens and water liens, if any there are, and **Five Thousand ($5,000.00) Dollars** in cash, treasurer's check or certified check will be required to be paid by the purchaser at the time and place of sale as a non-refundable deposit and the balance will be due in thirty (30) days.

Dated: February 9, 1989
The Boston Five Cents Savings Bank FSB
Present holder of said mortgage
By: Ann Daly, Vice President and Assistant Treasurer
Harrison & Maguire, P.C.
24 School Street
Boston, Massachusetts 02108
617-742-3810

(C)Feb.23,Mar.2,9

PUBLIC NOTICE RELATIVE TO ZONING CITY OF CAMBRIDGE MASSACHUSETTS
Office of the City Clerk.

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Wednesday, March 29, 1989 at 6:30 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a **petition by the Planning Board to amend the Zoning Ordinances of the City of Cambridge by deleting the existing Section 11.10 - Townhouse Development and substituting a new Section 11.10 in its place.** The new Townhouse Ordinance would contain a new Section 11.127 which would prevent a townhouse development from utilizing any bonus provisions where a preferably preserved building as defined under the Demolition Ordinance is destroyed. The Floor Area Ratio bonuses are eliminated in Residence B and C-1 Districts for lots of less than 15,000 square feet, and a bonus of 10% is permitted on larger lots. The side and rear yard setback bonuses are eliminated. Other changes are clarifications to the interpretation or intent of the ordinance including changes to definitions contained in Article 2.000.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,
Councillor William H. Walsh
Chairman

(C)Mar.9,16

43467

SHERIFF'S SALE
The Commonwealth of Massachusetts
Middlesex, ss., December 23, A.D. 1988

Taken on execution and will be sold by public auction, on Wednesday, the twenty-ninth day of March A.D. 1989, at three o'clock P.M., at my office, 99 First Street in Cambridge, in said County of Middlesex, all the right, title and interest that **George Tarvezian, Trustee of The Belcam Realty Trust** of Belmont in said County of Middlesex, had (not exempt by law from attachment or levy on execution) on the twenty-third day of December A.D. 1988, at nine o'clock and no minutes, a.m., being the time when the same was taken on execution in and to the following described real estate, to wit:

A certain parcel of land with the buildings thereon situated in Cambridge, being now numbered 91-93 Belmont Street and being shown as the greater portion of Lot 3 on a plan made by E.F. Bowker, Civil Engineer and Surveyor, dated July 1, 1897, recorded with Middlesex South District Deeds, Plan Book 106, Plan 27, being bounded and described as follows:

Southwesterly by said Belmont Street, thirty-five and 5/10 (35.5) feet.

Westerly by a curved line forming the junction of said Belmont Street and Edward T. Sullivan Road, formerly called Bird Street, twenty-three (23) feet, more or less;

Northwesterly by said Edward T. Sullivan Road, seventy-eight (78) feet, more or less;

Northeasterly by Lot 17 on said plan, fifty (50) feet;

Southeasterly by Lot 2 on said plan, ninety-three and 91/100 (93.91) feet.

Containing 4640 square feet of land.

Terms: Cash

Alfred L. Jacobson
Deputy Sheriff

(C)Feb.23; Mar.2,9

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division Docket No. 88P6801A
ADMINISTRATION WITHOUT SURETIES

Estate of **Roger Karawacki**
late of **Cambridge**
in the County of **Middlesex**

NOTICE

A petition has been presented in the above-captioned matter praying that **Gertrude E. Karawacki** of Cambridge in the County of Middlesex be appointed administratrix of said estate without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 30, 1989.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty fourth day of February in the year of our Lord one thousand nine hundred and eighty-nine.

Paul J. Cavanaugh
Register of Probate Court

(C)Mar.9

COMMONWEALTH OF MASSACHUSETTS
LAND COURT DEPARTMENT
OF THE TRIAL COURT
(Seal) Case No. 131956

To **Ghazi Bokhari** and **Rukhsana Bokhari:** and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended:

Cambridge Portuguese Credit Union claiming to be the holder of a mortgage covering real property in Cambridge, Unit 19, of the 269 Harvard Street Condominium, numbered 269 Harvard Street, given by Ghazi Bokhari and Rukhsana Bokhari, to Plaintiff, dated October 16, 1986, registered as Document No. 725548, noted on Certificate of Title No. U5050, issued from Middlesex County (Southern District) Registry District of the Land Court, has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the tenth day of April 1989, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, Marilyn M. Sullivan, Chief Justice of said Court this twenty-second day of February 1989.

Charles W. Trombly, Jr.
Recorder

(C)Mar.9

CITY OF CAMBRIDGE
DEPARTMENT OF TRAFFIC & PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION No. 89-09

Regulation No. 66-1 Schedule 9 "Stopping, Standing Or Parking Prohibited During Certain Hours On Certain Sides Of Certain Streets" is hereby amended by adding the following:

Upton Street, south side, 30'W of Magazine Street to Magazine Street, 8AM-10AM and 2PM-4PM, Except Sat. & Sun.

Upton Street, north side, 30'W of Magazine Street to Magazine Street, 8AM-10AM and 2PM-4PM, Except Sat. & Sun.

Pleasant Street, west side, 8'S of east curb line extension of Pleasant Street to 46'N of east curb line extension of Pleasant Street, 8AM-10AM and 2-4PM. Except Sat. & Sun.

This regulation shall take effect 3 March 1989.

George Teso
Traffic Director

(C)Mar.9,16

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. Thursday, March 16, 1989 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.

Paving Bricks
Disposable Diapers
Boarding of Stray Animals
Sale of Used Equipment (CH)

See proposal for bid deposit.

The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each proposal must be in a sealed envelope plainly marked "Proposal for 'Designate Item'" and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Barbara L. Duffy
Purchasing Agent

(C)Mar.2,9

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division Docket No. 88D 2366 D-1
ORDER FOR SERVICE BY PUBLICATION
Wanda I. Matos, Plaintiff
vs.
Luis Matos, Jr., Defendant

Upon motion of plaintiff for an order directing Luis Matos, Jr., the defendant herein, to appear, plead or answer, in accordance with Mass.R.Civ.P./Mass.R.Dom.Rel.P.Rule 4, it appearing to the Court that this is an action - to dissolve the bonds of matrimony - for separate support and maintenance - alimony - for custody of and allowance for minor children - for conveyance of real or personal property located within the Commonwealth - that the said Luis Matos, Jr. cannot be found within the Commonwealth and that his present whereabouts are unknown; that personal service on said defendant is therefore not practicable, and that said defendant has not voluntarily appeared in this action; it is

Ordered that said Luis Matos, Jr. is directed to appear, plead, answer or otherwise move with respect to the complaint herein on or before the fifteenth day of May, 1989 or in default thereof this Court will proceed to the hearing and adjudication of this suit.

Date: February 3, 1989

Sheila E. McGovern
Justice of the
Probate and Family Court

(C)Feb.23;Mar.2,9

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. Thursday, March 23, 1989 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.

Reproduction Services
Dictating Equipment
Aluminum Sign Blanks
Foley Catheter Trays, Urine Meters and Closed Urinary Drainage Bags

See proposal for bid deposit

The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each proposal must be in a sealed envelope plainly marked "Proposal for 'Designate Item'" and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Barbara L. Duffy
Purchasing Agent

(C)Mar.9,16

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division Docket No. 88P2449A
SALE OF REAL ESTATE
ADMINISTRATOR

Estate of **James F. Kenny**
also known as **Jack Kenny**
late of **Cambridge**
in the County of **Middlesex**

NOTICE

A petition has been presented in the above-captioned matter praying for license to sell — at private sale — certain real estate of said deceased.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 31, 1989.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty seventh day of February in the year of our Lord one thousand nine hundred and eighty-nine.

Paul J. Cavanaugh
Register of Probate

(C)Mar.9

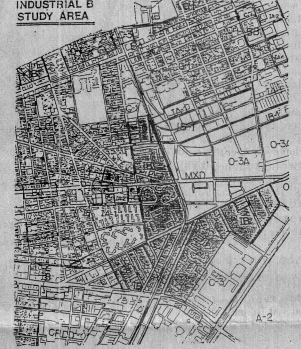
PUBLIC NOTICE RELATIVE TO ZONING CITY OF CAMBRIDGE MASSACHUSETTS
Office of the City Clerk

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Wednesday, March 29, 1989 at 7:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a **petition by the City Council to amend the text of the Zoning Ordinances of the City of Cambridge by creating a new Section 3.17 — Industry B Interim Planning Overlay District** on those areas identified on the accompanying map. The Interim District would modify the Industry B dimensional requirements by reducing the permitted FAR from 4.0 to 3.0 and by imposing a height limit of 60 feet, or 35 feet within 125 feet of a residential district. The district will be in effect until April 1, 1989.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,
Councillor William H. Walsh,
Chairman





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 Hosptial (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.

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 Nannete 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 photo 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 498-1558.

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 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 492-5298.

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 Harriett 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 Kuumba Singers, and a reception showcasing 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-Newtowne Court Tenant Council. He also founded the Washington Elms Crime 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 pediatrics staff and become familiar with the steps involved with a check-up."

Cambridge Pediatrics is a full service pediatrics 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 Savalonis 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 13-19 as Cambridge-San Jose Las Flores Week. As honorary chair, Vellucci will be initiating 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 saying 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, 876-4545 or the Peace Commission, 498-9000 x9535). A public reception will be held at City Hall at 5:00 on the 16th and will feature food, music from the CRLS 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 Central 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 (498-9000 x9535).

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
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German Bologna		LaRonga Platter	$3.00
Land O'Lakes White		Italian Platter	$2.75
American Cheese	$2.59 lb.	American Platter	$2.75
Sunny Isle Ham	$2.59 lb.	Domestic Platter	$2.60
		HOT FOOD AVAILABLE TOO	

All Prices are Per Person

SPECIAL
IMPORTED ROMANO CHEESE $2.99 lb

LaRonga Party Platters Include:
•Potato Salad •2 rolls per person
•Macaroni Salad •Free veggie tray for
•Cole Slaw 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.

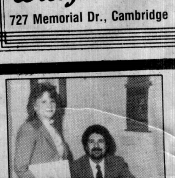
Age eligibility:

Pre kingergarten	3 yrs. old	
Kingergarten	4 yrs. old	by March 31st, 1989
Grade 1	5 yrs. old	

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

PASTOR
Rev. Thos. M. Curran, PhD.

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 **661-2525** 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 Cemetary is sponsoring two March programs at the Cemetary. 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, 2-3:30 pm, "Fleurage: 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, 2-3:30 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 Dzerovych 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 Mychajliw, 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. Reservations are limited to 30 adults.

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.

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Sliced Bacon — OSCAR MAYER •Reg. •Thick — 1.79 1-LB. PKG.

Chuck Roast — USDA CHOICE or STEAK 7 Bone Beef — 1.09 lb.

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Round Roast — USDA CHOICE BOTTOM Center Cut — 1.79 lb.

Cube Steak — USDA CHOICE Boneless Beef Round — 2.29 lb.

London Broil — USDA CHOICE Boneless Shoulder Steak — 1.99 lb.

Pork Butts — Fresh Whole — 99¢ lb.

Chicken Legs — or WINGS — 79¢ lb.

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

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Folgers COFFEE SINGLES — •Regular •Decaffeinated — Save 70¢ to $1.00 — 1.99 19 COUNT

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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

February 12, 1990

TO: THE HONORABLE, THE CITY COUNCIL

FROM: JOSEPH E. CONNARTON JEC
CITY CLERK

SUBJECT: UNFINISHED BUSINESS ITEMS ONE AND TWO OF CITY COUNCIL CALENDAR NUMBER SIX OF FEBRUARY 12, 1990.

Pursuant to a request by Councillor Francis H. Duehay regarding a comparision of the existing Section 6.04.020 of the Municipal Code of the City of Cambridge entitled **Dogs - Licensed Required - Fee** and the proposed amendment to said Code, please be advised the amendment would strike the word "three" and insert the word "six" in the first sentence of the section. **(Unfinished Business Item Number One).**

In regards to a comparision of Section 6.04.110 entitled **Violation - Complaint Disposition,** the proposed change would strike the word "fifteen" and insert the word "twenty-five" in the last sentence of the section. **(Unfinished Business Item Number Two).**

Both of these amendments would reflect recent changes in Chapter 140 Section 137 M.G.L.A.

I have enclosed for your review the existing applicable setions of Title Six entitled "Animals" of the Municipal Code of the City of Cambridge.

I hope this information will prove helpful in your deliberations.

City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

In amendment to an ordinance formerly entitled "The Code of the City of Cambridge" as revised in 1989 and now designated as "The Municipal Code of the City of Cambridge."

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

Chapter Six, entitled "Animal Control Regulations," is hereby amended by striking out Section 6.04.020, entitled "Dogs - License required - fee," and substituting therefor the following new Section 6.04.020:

Section 6.04.020 Dogs - Licensed required - Fee

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

In the Year One Thousand, Nine Hundred

AN ORDINANCE

In amendment to an ordinance formerly entitled "The Code of the City of Cambridge" as revised in 1989 and now designated as "The Municipal Code of the City of Cambridge."

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

Chapter Six, entitled "Animal Control Regulations," is hereby amended by striking out Section 6.04.110, Part C, entitled "Violation - Complaint Disposition," and substituting therefor the following new Section 6.04.110, Part C:

Section 6.04.110 Violation - Complaint disposition

C. 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 6.04.030 or 6.04.060 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 6.04.020 of this Chapter shall be punishable by a fine of not more than twenty-five dollars ($25.00) for each offense.

Title 6

ANIMALS

Chapters:

6.04 Animal Control Regulations
6.08 Animals Constituting a Nuisance

Chapter 6.04

ANIMAL CONTROL REGULATIONS

Sections:

6.04.010 Definitions.
6.04.020 Dogs—License required—Fee.
6.04.030 Dogs—Leash or restraint—Required—Offense.
6.04.040 Dogs—Leash or restraint—Areas exempted where.
6.04.050 Dogs—Nuisances unlawful.
6.04.060 Dogs—Removal of waste required.
6.04.070 Running at large—Permits for exhibitions.
6.04.080 Fast driving.
6.04.090 Frightening horses.
6.04.100 Enforcement officials designated.
6.04.110 Violation—Complaint disposition.
6.04.120 Violation—Penalty.

6.04.010 Definitions.

As used in this chapter:

A. "Animals" means all mammals, fowl and reptiles, except man.

B. "At large" means off the premises of the owner or custodian and not under the control of the owner or custodian either by leash, cord, chain or otherwise.

C. "Keep" means possessing, controlling, exercising or allowing to run at large.

D. "Owner" means any person possessing, keeping, harboring or having custody of an animal. (Ord. 998 (part), 1983: prior code § 4-1)

6.04.020 Dogs—License required—Fee.

Every dog three months old or over shall be licensed pursuant to G.L. c. 140, § 137. The fee for such license shall, except as otherwise provided, be two dollars for a spayed or neutered dog and ten dollars 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. (Ord. 998 (part), 1983: prior code § 4-7)

6.04.030 Dogs—Leash or restraint—Required—Offense.

A. No person owning or keeping a dog shall permit it to be at large other than on his own premises; if it be on the premises of another person, it shall be with the knowledge and permission of such other person. The owner, keeper or person having custody of a dog which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall keep the dog under control by means of a chain, rope or cord not exceeding six feet in length of sufficient strength to control the actions of such dog.

B. In any prosecution under this chapter, the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog shall be prima facie evidence that such knowledge and permission was not had.

C. Any dog found to be at large in violation of this chapter shall be caught and confined by the Dog Officer, who shall notify forthwith the owner or keeper of such dog by telephone or by

leaving a written message at his or her place of residence. If the Dog Officer is unable to communicate with the owner or keeper by these means, he shall, within two days of such failure, notify such owner or keeper, by certified mail, return receipt requested. The owner or keeper shall have ten days from the date the dog is caught within which to recover the dog.

D. Return of the dog to the licensed owner or keeper shall be dependent on admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper. The Dog Officer shall enter and prosecute a complaint against the owner or keeper of any dog taken into his custody under this section; provided, however, if within the twelve months next preceding this offense the owner or keeper has not been convicted for violation of this chapter or a dog owned or kept by him has not been taken into custody for violation of this chapter, the Dog Officer may waive prosecution. (Ord. 998 (part), 1983: prior code § 4-9)

6.04.040 Dogs—Leash or restraint—Areas exempted where.

A. Dogs may go unleashed on the Fresh Pond Reservation, provided they have been trained by their masters to follow oral commands; and provided further, that they are not allowed to romp in mowed, grassy areas; and provided further, that their owners are City residents who have received resident sticker parking permits approved by the Water Board and issued by the Traffic Department.

B. The Water Board shall post appropriate signs in conspicious locations throughout the Reservation relative to the control of dogs. (Ord. 998 (part), 1983: prior code § 4-8)

6.04.050 Dogs—Nuisances unlawful.

No person shall own or keep in the City any dog which by barking, biting, howling or in any other manner, disturbs the quiet of any person. (Ord. 998 (part), 1983: prior code § 4-2)

6.04.060 Dogs—Removal of waste required.

It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his dog on any sidewalk, gutter, street or other public area, or on any private property neither owned nor occupied by such person. No such person shall appear with a dog on any sidewalk, gutter, street or other public area, or on any private property neither owned nor occupied by such person without the means of removal of any feces left by such dog. (Ord. 998 (part), 1983: prior code § 4-10)

6.04.070 Running at large—Permits for exhibitions.

No owner or person having the care of any domestic fowl, or any goats, sheep, swine, horses, oxen, cows or other grazing animals, shall permit or suffer the same to go at large, or to graze on any street; and no person shall publicly exhibit any animal in the streets or public places of the City except in accordance with a permit from the Superintendent of Streets. (Ord. 998 (part), 1983: prior code § 4-3)

6.04.080 Fast driving.

No person having the care or use of a horse or other beast of burden, carriage or drought, shall ride, drive or permit such horse or other beast to go at a rate of speed greater than is reasonable and proper having regard to traffic and the use of the way and the safety of the public. (Ord. 998 (part), 1983: prior code § 4-4)

6.04.090 Frightening horses.

No person shall, by any noise, gestures, words or other means, wantonly and designedly frighten and drive any horse in any street. (Ord. 998 (part), 1983: prior code § 4-5)

6.04.100 Enforcement officials designated.

A full-time Dog Officer and an Assistant shall be appointed by the City Manager and shall have the responsibility of enforcing this chapter. (Ord. 998 (part), 1983: prior code § 4-12)

6.04.110 Violation—Complaint disposition.

A. For the purpose of enforcing the provisions of Sections 6.04.030 and 6.04.060 of this chapter, notices of violation (appearance tickets) may be issued by Sanitation Inspectors and Code Enforcement Inspectors detailed with the Department of Health and Hospitals, by persons appointed as Parking Control Officers detailed within the Department of Traffic and Parking, by any Police Officer, and by the Dog Officer and employees of the Water Department recommended by the Water Board and approved by the Chief of Police in those areas under the jurisdiction of the Water Board.

B. Any owner or keeper of a dog, who has been observed by a Police Officer to have violated any provisions of Sections 6.04.020, 6.04.030, 6.04.040 and 6.04.060 of this chapter, and who refuses to give proper personal identification of his or her person to such Police Officer upon request, shall be subject to arrest.

C. 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 such notice of violation appears before such Clerk within twenty-one days of such 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 such notice. If the violation is the first offense under Section 6.04.030 and 6.04.060 of this chapter committed by such person within a calendar year, the payment to the Clerk of a fine of ten dollars shall operate as a final dispotion of the case. If it is the second offense in a calendar year, payment to the Clerk of a fine of twenty-five dollars 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 shall operate as a final disposition of the case. A violation of Section 6.04.020 of this chapter shall be punishable by a fine of not more than fifteen dollars for each offense. (Ord. 998 (part), 1983: prior code § 4-11)

6.04.120 Violation—Penalty.

Any person who violates any of the provisions of Section 6.04.040, 6.04.070, 6.04.080 or 6.04.090 of this chapter shall be subject to a fine not exceeding fifty dollars for each offense. (Ord. 998 (part), 1983: prior code § 4-6)

Chapter 6.08

ANIMALS CONSTITUTING A NUISANCE

Sections:

6.08.010 American Staffordshire terriers and related terriers prohibited—Muzzle required when—Penalty.

6.08.010 American Staffordshire terriers and related terriers prohibited—Muzzle required when—Penalty.

A. No person shall own or possess any American Staffordshire terrier, also known as American pit bull terrier or bull terrier, within the City, and the Animal Control Officer shall not license any such dog after the effective date of the ordinance codified in this chapter.

B. Any person owning or posssessing a licensed American Staffordshire Terrier, also known as American pit bull terrier or bull terrier, prior to the effective date of the ordinance codified in this chapter, shall keep a muzzle on each such dog at all times.

C. In this section, the word "muzzle" means a device constructed of strong, soft material or a metal muzzle such as that used commercially with greyhounds. The muzzle must be made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

D. Any person who violates this section shall be subject to a fine not exceeding three hundred dollars for each offense. (Ord. 1060, 1987: prior code § 4-20)

City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

In amendment to an ordinance formerly entitled "The Code of the City of Cambridge" as revised in 1989 and now designated as "The Municipal Code of the City of Cambridge."

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

Chapter Six, entitled "Animal Control Regulations," is hereby amended by striking out Section 6.04.020, entitled "Dogs - License required - fee," and substituting therefor the following new Section 6.04.020:

Section 6.04.020 Dogs - Licensed required - Fee

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

In the Year One Thousand, Nine Hundred

AN ORDINANCE

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

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Section 6.04.020 Dogs - Licensed required - Fee

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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.

FIRST PUBLICATION NO. 2433.

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. Not withstanding 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. Not withstanding 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.

FIRST PUBLICATION NO. 2434.

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

FIRST PUBLICATION NO. 2435.

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.

FIRST PUBLICATION NO. 2436

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.

FIRST PUBLICATION NO. 2437.

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.

FIRST PUBLICATION NO. 2438.

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.

FIRST PUBLICATION NO. 2436

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.

FIRST PUBLICATION NO. 2436

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.

FIRST PUBLICATION NO. 2436

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.

FIRST PUBLICATION NO. 2436

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.

FIRST PUBLICATION NO. 2436

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.

FIRST PUBLICATION NO. 2436

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.

FIRST PUBLICATION NO. 2436

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.

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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.

CCM-101

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

section, shall be paid into the treasury of said town or city and shall not thereafter be paid 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".

CCM-101

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

section, shall be paid into the treasury of said town or city and shall not thereafter be d 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 ndred and thirty-seven to one hundred and seventy-four D, inclusive, which would erwise be performed by the county, by the county commissioner or otherwise, shall not performed by the county on behalf of any city or town which is not a member of the unty dog fund.

Any and all costs which would otherwise be paid out of the county dog fund shall not be id by the county to any city or town which is not a member of the county dog fund, or 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".

CCM-101

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

section, shall be paid into the treasury of said town or city and shall not thereafter be 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 dred and thirty-seven to one hundred and seventy-four D, inclusive, which would erwise be performed by the county, by the county commissioner or otherwise, shall not performed by the county on behalf of any city or town which is not a member of the nty dog fund.

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

In City Council March 20, 1989

The Committee on Ordinances, comprised of the entire membership of the City Council conducted a public hearing on Thursday, March 9, 1989 beginning at 7:20 p.m. in the Sullivan Chamber, City Hall. The purpose of the hearing was to review a proposed amendment to the General Ordinances relative to the licensing of dogs and the regulation of vicious dogs.

At this time Councillor William H. Walsh, Chairman of the above Committee, called the hearing to order and asked all interested individuals to come forward.

Councillor Russell stated that she had initially filed a resolution on behalf of the City Council asking the Law Department to prepare these amendments because of the severity of the attacks on numerous Cambridge residents by pit bulls and other vicious dogs. Furthermore, she said she was concerned, in view of the recent court decisions regarding pit bulls that the current dog ordinances were not strong enough.

At this time the Committee heard from Animal Control Director Mark McCabe, who outlined various provisions of the ordinance and stated he had worked with members of the Law Department in its drafting and believes it addresses the concerns of the City Council.

At this time the Committee heard from Edward O'Connell, Law Clerk of the City's Law Department, who stated that since the initial drafting of the ordinance currently before the Committee, several Superior Court decisions have been made impacting the text of the ordinance and, consequently, the Law Department will submit additional amendments which will ultimately be incorportated in the final document submitted to the City Council.

Councillor Russell stated her biggest concern was to have an appropriate and immediate capability of restraining, impounding or disposing of a vicious animal and urged Mr. McCabe and the Law Department to provide clear direction within the ordinance.

At this time the Committee heard from Mrs. Gail Spellman, 31 Madison Avenue, who outlined her attack by an unrestrained dog nearly a year ago. She stated that this vicious dog caused serious personal injury to her and still remains on the owner's premises.

At this time Councillor Russell moved that the full City Council, at its next regular meeting should accept the provisions of Chapter 140, Section 147A, M.G.L.

The motion - carried.

Councillor Russell requested the City Clerk to obtain a report from the Chief of Police, relative to the incident involving Mrs. Spellman of 31 Madison Avenue.

Councillor Russell moved that the proposed ordinance be referred to the full City Council without recommendation, subject to the amendments being incorporated as offered by the City Solicitor's Office.

The motion - carried.

The hearing was adjourned at 7:44 p.m.

For the Committee,

Councillor William H. Walsh
Chairman.

24.

Comm. from Joseph E. Connarton, City Clerk, transmitting the report of Councillor William H. Walsh, Chairman, Committee on Ordinances without recommendation subject to amendments being incorporated as offered by the Law Dept. Re: licensing of dogs & regulation of vicious dogs; said report includes a motion adopted in Committee that the City Council accept the provisions of MGL C. 140, Sec. 147A. (Copies of Act + Order accepting same are filed within)

In City Council,

March 20, 1989

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

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:

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.

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:

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.

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.

O-20

PROPOSED AMENDMENT TO MUNICIPAL CODE
BY INSERTING A NEW SECTION 6.04.020
entitled Dogs - Licensed Required - Fee.

2/12/90 Passed to 1st
ordained 8-0-1

2/15/90 Published-
Chronicle