



ORDINANCE NO. 1029.
Final Publication No. 2292.
First Publication in the Chronicle
on January 30, 1986
CITY OF CAMBRIDGE
In the Year One Thousand,
Nine Hundred and Eighty-Six
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:

Section 9-16 of Chapter Nine is hereby amended by deleting the words "by electricity" from lines four and five of said section, so that Section 9-16 shall read as follows:

Sec. 9-16. Poles not to be erected without order.

No person shall construct, erect, lay or maintain in any public way, any pole, duct, conduit, manhole or other structure to support or contain wires or lines for the transmission of intelligence or for the purpose of light, heat and power except by order of the Pole and Conduit Commission previously obtained, in which the exact location of each shall be duly set forth.

In City Council February 10, 1986.

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

Robert W. Healy, City Manager.

Paul E. Healy, City Clerk.

ATTEST:-

(C)Feb.13



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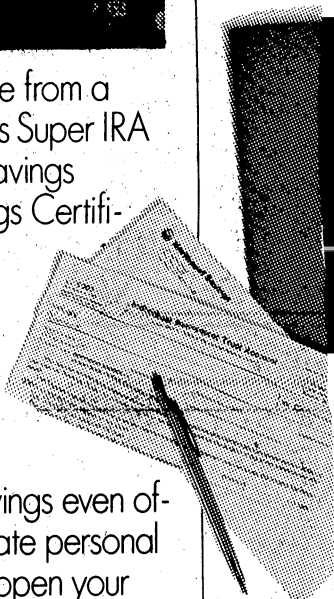
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1 Unfinished Business

City of Cambridge

MASSACHUSETTS

In City Council 2/10/ 1986

MOTION BY COUNCILLOR David Sullivan

	YEA	NAY	ABSENT	PRESENT
Mr. Thomas W. Danehy	✓			
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham	✓			
Mrs. Sheila T. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Alfred Vellucci	✓			
Mr. William H. Walsh	✓			
Ms. Alice K. Wolf	✓			
Mayor Walter J. Sullivan	✓			

9 0 0
Passed to be Ordained-



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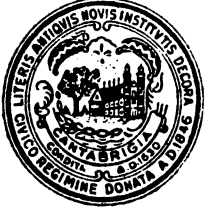
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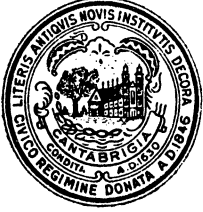
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CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

February 11, 1986

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

Dear Sir:

Enclosed you will find a proposed amendment to the General Ordinances of the City of Cambridge in Chapter Nine, Section 9-16 entitled "Poles Not To Be Erected Without Order" which was passed to be ordained at the City Council meeting held on February 10, 1986.

Would you kindly review this amendment and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

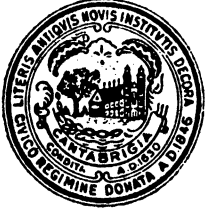
Very truly yours,

Paul E. Healy, City Clerk.

PEH/d1

Enc. (1) - Ordinance Number 1029.

c.c. Councillor Walsh, Chairman, Committee on Ordinances.
Mr. Cellucci, Commissioner of Inspectional Services.
Mr. James T. McDavitt, License Commissioner.



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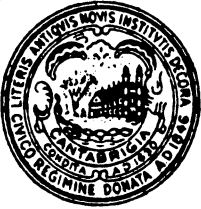
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ATTEST:- Paul E. Healy, City Clerk.



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OFFICE OF
THE CITY CLERK

February 11, 1986

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

Dear Sir:

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Would you kindly review this amendment and indicate your approval or disapproval on the bottom and return to this office.

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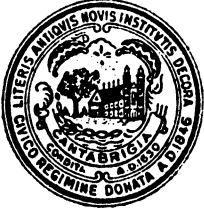
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PEH/dl

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CITY OF CAMBRIDGE

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OFFICE OF
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January 29, 1986

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City Hall
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Dear Sir:

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Would you kindly review this amendment 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,

Paul E. Healy, City Clerk

PEH/dl

Enc. (1) - First publication no. 2291.
c.c. Councillor Walsh, Chairman, Committee on Ordinances.
Mr. Cellucci, Commissioner of Inspectional Services.



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Passed to a second reading at the City Council meeting held on January 27, 1986 and on or after February 10, 1986 the question comes on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.



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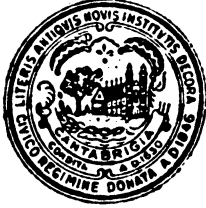
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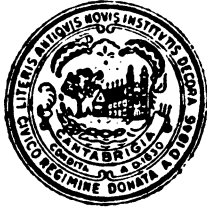
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CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

January 27, 1986

To the Honorable, the City Council:

Enclosed please find copy of a proposed amendment to Section 9-16 of the Code of the City of Cambridge as prepared by Russell B. Higley, City Solicitor, in response to the enclosed memorandum from James Thaddeus McDavitt as Chairman of the Pole and Conduit Commission.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Encs. 2



City of Cambridge

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CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

LICENSE COMMISSION

To: Russell B. Higley, City Solicitor

From: James Thaddeus McDavitt
Pole Conduit Commission Chairman *JTM*

Date: November 21, 1985

Please be advised that the Pole and Conduit Commission has received applications to lay fiber optic cable in underground conduits. The first such application received by the Commission was forwarded to the City Council at your recommendation since fiber optic cable was a new state of the art system and since the applicable statute did not expressly clarify the matter.

Now that the City Council has taken the first application for fiber optic cable and approved it, it is my opinion, as a matter of policy and law, that the Pole and Conduit Commission should handle all subsequent applications for fiber optic cable. Fiber optic cable, in the opinion of City Electrician George Fernandes and Public Works Commissioner Everett Kennedy, is a state of the art utility which is the functional equivalent of telephone, telegraph, and electric utilities which are expressly made subject to regulation by the Pole and Conduit Commission in G.L. c. 166 Sections 22-28, as affected by St. 1922 c. 213.

The attached article on fiber optic cable supports the opinions of Messrs. Fernandes and Kennedy in that it explains that fiber optic cable contains hair-thin strands of pure glass that carry pulses of light representing digitally encoded information. The article also explains that companies using fiber optic can transmit large volumes of voice, data, and video transmissions about 30 times faster than if traditional means were used.

There is legal precedent for my opinion here. In Mosey Cafe Inc. v. Licensing Board for the City of Boston, 338 Mass 199, 202-203 (1958), the SJC held that the term "show" as it appeared in 1958 in the entertainment licensing statutes, G.L.c 140 section 183A, included modes of entertainment which may have been unknown when the statute was drafted,, i.e., television and juke boxes. By analogy, then, the word "electricity" includes fiber optic.

To: Russell Higley (cont.)

November 21, 1985

However, to confirm the matter permanently, I would propose an ordinance amendment expressly clarifying the Pole and Conduit's right and duty to regulate new state of the art transmissions, like fiber optic cable. Such amendment could be accomplished simply by deleting the words "by electricity" the two times that phrase appears in General Ordinances 9-16.

Please advise.

JTM/bs

cc: Robert W. Healy, City Manager



CITY OF CAMBRIDGE

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EXECUTIVE DEPARTMENT
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City Manager

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January 27, 1986

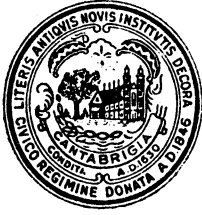
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From: James Thaddeus McDavitt
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Date: November 21, 1985

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Now that the City Council has taken the first application for fiber optic cable and approved it, it is my opinion, as a matter of policy and law, that the Pole and Conduit Commission should handle all subsequent applications for fiber optic cable. Fiber optic cable, in the opinion of City Electrician George Fernandes and Public Works Commissioner Everett Kennedy, is a state of the art utility which is the functional equivalent of telephone, telegraph, and electric utilities which are expressly made subject to regulation by the Pole and Conduit Commission in G.L. c. 166 Sections 22-28, as affected by St. 1922 c. 213.

The attached article on fiber optic cable supports the opinions of Messrs. Fernandes and Kennedy in that it explains that fiber optic cable contains hair-thin strands of pure glass that carry pulses of light representing digitally encoded information. The article also explains that companies using fiber optic can transmit large volumes of voice, data, and video transmissions about 30 times faster than if traditional means were used.

There is legal precedent for my opinion here. In Mosey Cafe Inc. v. Licensing Board for the City of Boston, 338 Mass 199, 202-203 (1958), the SJC held that the term "show" as it appeared in 1958 in the entertainment licensing statues, G.L.c 140 section 183A, included modes of entertainment which may have been unknown when the statute was drafted,, i.e., television and juke boxes. By analogy, then, the word "electricity" includes fiber optic.

To: Russell Higley (cont.)

November 21, 1985

However, to confirm the matter permanently, I would propose an ordinance amendment expressly clarifying the Pole and Conduit's right and duty to regulate new state of the art transmissions, like fiber optic cable. Such amendment could be accomplished simply by deleting the words "by electricity" the two times that phrase appears in General Ordinances 9-16.

Please advise.

JTM/bs

cc: Robert W. Healy, City Manager



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

LICENSE COMMISSION

To: Russell B. Higley, City Solicitor

From: James Thaddeus McDavitt
Pole Conduit Commission Chairman JTM

Date: November 21, 1985

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To: Russell Higley (cont.)

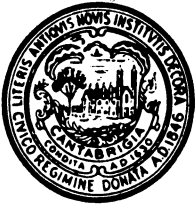
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Please advise.

JTM/bs

cc: Robert W. Healy, City Manager



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

January 27, 1986

To the Honorable, the City Council:

Enclosed please find copy of a proposed amendment to Section 9-16 of the Code of the City of Cambridge as prepared by Russell B. Higley, City Solicitor, in response to the enclosed memorandum from James Thaddeus McDavitt as Chairman of the Pole and Conduit Commission.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Encs. 2

0-4

Re: proposed amendment to the General Ordinances in Chapter 9, Section 9-16 entitled "Poles not to be erected without order" by deleting the words "by electricity" from lines 4 & 5.

2/10/86 Passed to be
ordained

9-0-0

2/13/86 - published Chronicals

In City Council,

January 27, 1986

1/27/86

Passed to

End

Ordinance

Approved to

Ordinance Committee