

Transcript
Gallagher
Sullivan

Agenda Order (Agenda #2)

Ordered: That the communication from RWH regarding domestic violence be returned referred back to RWH for further information on the following issues:

- Appropriate language and petition to the legislature to change the building code.
- Specific recommendations from Inspectional Services to ensure compliance with rules & regulations applicable to outside hallway lighting.
- Specific classes and dates by the Department of Human Service Programs with regard to self-defense workshops.
- Installation of call boxes
- Potential of Fire Department to provide and install window pins
- Provide detailed description of rape incidents in Cambridgeport and
- Review of Police patrols in Cambridgeport/ →

Riverside Community

1/10

9



City of Cambridge

Agenda Item # 2

IN CITY COUNCIL
September 18, 1995

COUNCILLOR TRIANTAFILLOU
COUNCILLOR GALLUCCIO
COUNCILLOR SULLIVAN

ORDERED: That the communication from the City Manager regarding domestic violence be referred back to the City Manager for further information on the following issues:

- appropriate language and petition to the legislature to change the building code.
- specific recommendations from Inspectional Services to ensure compliance with rules and regulations applicable to outside hallway lighting.
- specific classes and dates by the Department of Human Services Programs with regard to self-defense workshops.
- installation of call boxes.
- potential of Fire Department to provide and install window pins.
- provide detailed description of rape incidents in Cambridgeport; and
- review of Police patrols in Cambridgeport/Riverside community.

In City Council September 18, 1995.
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

A handwritten signature in dark ink, appearing to read "D. Margaret Drury". The signature is written in a cursive, flowing style.

ATTEST:-

D. Margaret Drury,
City Clerk



CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139
Tel. (617) 349-4121
Fax. (617) 349-4134

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Legal Counsel

Birge Albright
Gail S. Gabriel
Arthur J. Goldberg
Linda A. Stamper
Deborah R. Cautela
Nancy E. Glowa

MEMORANDUM

TO: Robert W. Healy, City Manager

FROM: Donald A. Drisdell *DAO*

DATE: September 12, 1995

RE: Council Order #90, dated 7/31/95
Re: Implementing Suggested Ways Of Trying
To Prevent Violence Against Women

The Law Department has reviewed the above referenced Council Order to ensure that the City's implementation of the suggested ways to prevent violence against women complies with applicable provisions of the laws of the Commonwealth. I have set forth below our findings and comments.

A. Introduction

1) There are no legal problems as to the proposal to trim trees so that street lights are more visible.

2) There are no legal problems with regard to the question of whether existing Adult Education or Youth Center programs can offer self-defense classes on a regular basis.

3) Several of the proposed provisions to change "existing building and/or zoning ordinances" would be governed by the State Building Code and/or the State Sanitary Code, as Cambridge neither has nor can legally have a local building ordinance. See, M.G.L. Chapter 143 §3A, and 780 Code of Massachusetts Regulations ("CMR") §§ 100.2, 100.4, 101.1. As none of the proposed provisions appear to be within the scope of the Cambridge Zoning Ordinance, that Ordinance would not be involved.

Pursuant to the exclusivity provisions of M.G.L. c. 143 §3A, no local ordinance that conflicts with or is more restrictive than the State Building Code is permissible. Thus, any of the proposed provisions requiring landlords to incorporate changes which

conflict with or are more restrictive than the State Building Code may not be enacted by the City Council as a Cambridge Ordinance. The proposed provisions relate to the thickness or quality of exterior doors, installation of deadbolts, exterior lighting, window pins, front door peep holes, buzzers and intercoms, and interior door hinges. Of those, only the installation of deadbolts and exterior lighting are specifically covered by provisions of the State Building Code. The other proposed provisions (thickness or quality of exterior doors, front door peep holes, intercoms, buzzers, window pins and interior door hinges) are not directly addressed by the State Building Code.

B. The State Building Code

Specifically, the State Building Code, 780 CMR 100.1 et seq., and the State Sanitary Code, where applicable, address the following provisions with regard to residential dwelling units.

1) Thickness or quality of exterior doors: The State Building Code specifies the height and width of exterior doors, and has fire rating requirements applicable to them, but does not require that they be of any particular thickness or quality. The Sanitary Code requires that entry doors of every dwelling be capable of being reasonably secured from unlawful entry.

2) Installation of deadbolts: The Building Code permits the installation of deadbolts, night latches, and security chains on the exterior doors of individual dwelling units, which would apply to single family homes and to doors to individual apartment units. Such locking devices must be readily opened from the inside without the use of a key or special knowledge or effort. Such locking devices would not be permitted on exterior doors of multiple unit buildings, such as apartment buildings.

3) Exterior lighting: The Building Code requires that exit discharge areas of all apartment and multiple unit buildings be lighted. In addition, the Sanitary Code requires that every porch and exterior stairway be lighted.

4) Buzzers: M.G.L. c. 143 §3R requires that every apartment or multiple unit building with three units or more which have a common entry be equipped to close and lock automatically, with a lock that has an electronically operated striker mechanism (a buzzer).

5) Window pins: While the Building Code and Sanitary Code do not specifically address window pins, the Building Code's emergency escape provisions would require that all egress or rescue windows have certain height and width net clearance dimensions, that such windows be operable from the inside without the use of tools, and that bars, grilles or screens placed over emergency escape windows be releasable from the inside without the use of a

key, tool or excessive force or special knowledge.

6) Intercoms: Although Cambridge previously had an Ordinance requiring intercoms (#854, dated 9/18/75), that Ordinance was repealed when M.G.L. c. 143 §3R was enacted, which provides that buzzers be required as above noted. Intercoms are not covered by the provisions of that statute, however, and thus, there is currently no requirement that dwelling units have intercoms.

7) Interior door hinges: There are no provisions regulating interior door hinges in either the Building Code or the Sanitary Code.

All of the above proposed provisions are either covered by the State Building Code, or are arguably within the scope of its stated purpose, which is "to insure public safety, health and welfare insofar as they are affected by building construction through structural strength, adequate egress facilities, sanitary conditions, equipment, light and ventilation and fire safety; and, in general, to secure safety to life and property". Thus, arguably, any local measures requiring actions not currently required by the State Building Code may be construed to be more restrictive than the provisions of the Building Code, which has a very broad sweep, and which exclusively controls regulation of all areas it covers.

C. Implementing Proposed Changes

The following are the only ways in which the City can attempt to implement the proposed provisions:

1) Under the Building Code, 780 CMR 101.3, the local building official shall determine "any requirements essential for structural, fire or sanitary safety of an existing or proposed building or structure, or essential for the safety of the occupants thereof, and which is not specifically covered" by the State Building Code. In the event that the building official determines any such requirements, he or she must notify in writing, within seven working days of any action taken under that section, both the State Board of Building Regulations (the "BBRS") and the Department of Public Safety. Section 109.1 of the State Building Code provides that "the BBRS is empowered in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations, and to interpret and implement the provisions of [the State Building Code] to secure the intent thereof". Under this provision, the Cambridge Building Commissioner could take action to implement the proposed changes, notify the BBRS, and ask that the BBRS adopt and promulgate appropriate rules and regulations.

2) M.G.L. Chapter 143 §97 and Section 109.2 of the State Building Code provide that "any person may propose amendments to

[the State Building Code]. Public hearings shall be held in the city of Boston in May and November of each year, and at such other times and places as the BBRS may determine, to consider petitions for such amendments. Amendments adopted by the BBRS shall be binding and have full force and effect in all cities and towns". Under this provision, the City Council or any person could propose that the BBRS promulgate appropriate rules and regulations to implement the proposed provisions.

3) Under M.G.L. Chapter 143 §98, the City Council "may recommend to the [BBRS] the adoption of rules and regulations imposing more restrictive standards than those adopted by the State Building Code for construction, alteration, repair, demolition and removal (of structures) in (Cambridge)", and if the BBRS "finds that more restrictive standards are reasonably necessary because of special conditions prevailing within (Cambridge) and that such standards conform with accepted national and local engineering and fire prevention practices, with public safety and with the general purposes of a statewide building code, the [BBRS] may, after notice to (the City Council), and after a public hearing, adopt rules and regulations, impose conditions in connection with the adoption thereof and terminate such rules and regulations at such time and in such manner as the [BBRS] may deem necessary, desirable or proper". Under this provision, the City Council could propose that the BBRS promulgate rules and regulations to implement the proposed provisions, which would apply specifically to Cambridge alone, and which would be desirable due to special conditions prevailing within Cambridge.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

September 12, 1995

To: Robert W. Healy, City Manager

From: Bob Bersani, Inspectional Services

RE: Council Order #90, dated 7/31/95 RE: Implementing Suggested
Ways of Trying to Prevent Violence Against Women

I have coordinated with the Law Department on this Council Order
and I concur with the comments contained in their memorandum of
September 12, 1995.

Very truly yours,

A handwritten signature in cursive script, reading "R. R. Bersani", is written over the typed name.

R. R. Bersani



Ralph E. Dunphy
Commissioner

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

RECEIVED
95 AUG 10 AM 9:51
OFFICE OF THE CITY MANAGER

TO: Robert W. Healy
City Manager

FROM: Ralph E. Dunphy
Public Works Commissioner

DATE: August 7, 1995

SUBJECT: Council Order #90, dated 7/31/95
RE: Implementing Suggested Ways Of
Trying To Prevent Violence Against
Women

The number one priority in the Forestry Division is to trim all trees that are obstructing street lights. We are requesting the City's help in this undertaking by urging residents, businesses and City Departments to report these obstructions to the Forestry Division at 349-4886.





City of Cambridge
Department of Human Service Programs

51 Inman Street, Cambridge, Massachusetts 02139
(617) 349-6200, Fax (617) 349-6248

MEMORANDUM

TO: Robert W. Healy
FROM: Jill Herold
DATE: September 4, 1995
RE: Council Order #90, dated 07/31/95,

The Community and Youth Division has worked in collaboration with the Area IV Crime Task Force in sponsoring Self Defense Workshops for women at the Area IV Youth Center. Additionally, all of the Youth Centers have worked closely with Transition House, Emerge and the Dating Violence Intervention Program in sponsoring workshops for youth center members to address issues of dating violence.

The Community Schools Program has worked in collaboration with the Women's Commission to sponsor workshops on issues of women's safety and helped organized the Women's Health Forum at the Graham and Parks School.

The Community and Youth Programs will continue to offer workshops on a regular basis during the coming year.

JH/cg

RECEIVED
95 SEP -6 AM 9:24
OFFICE OF THE CITY MANAGER

DIVISIONS:

Childcare
349-6200

Community Learning Center
349-6363

Community & Youth
349-6231

Council on Aging/Elderly Services
349-6220

Low Income Fuel Assistance
349-6247

Planning & Development
349-6200

Recreation
349-6230

MultiService Center/Homeless Services
349-6340



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

September 18, 1995

To The Honorable, The City Council:

With reference to Awaiting Report Item No. 44, regarding implementing suggested ways of trying to prevent violence against women, please find attached responses from Deputy City Solicitor Donald A. Drisdell, Assistant City Manager for Human Services Jill Herold and Public Works Commissioner Ralph E. Dunphy.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy
City Manager

RWH/mec
attachments

Consent Agenda Item # 2
S-285

Response to Awaiting Report Item Number
Forty-Four regarding implementing
suggested ways of trying to prevent violence
against women.

9/18/95- Report received &
referred back to the
City Manager

for original order see
1995 City Manager Requests
333.

In City Council,

Sept. 18, 1995

Referred back to
the City Manager.
9/19/95- Copy sent to City
manager @
Order adopted