City of Cambridge } In Board of Aldermen, Dec 1. 1869.

The Committee on Ordinances herewith submits an Ordinance in which is embodied the substance of existing enactments in regard to notices of intention to build, and the establishment of lines and grades of our streets, together with a provision intended to prevent encroachments upon such lines, and another exacting strict compliance as a condition to the acceptance of streets by the City.

For many years previous to the adoption of the Charter, the town authorities were much troubled by encroachments upon the lines of the streets by the abuttors. In the year 1838, Mr James Hayward made a long and elaborate report on the subject. Mr Hayward acted by authority of the selectmen, authorized by vote of the town. He showed that the public ways were encroached upon in every portion of the town. "The encroachments upon the public highway" says Mr Hayward, "by bordering landholders have multiplied to a great extent. So numerous are the cases that their satisfactory investigation constituted a large part of the duties of my appointment" Mr Hayward ascertained by survey or by examination of the records, that almost all the principal streets, particularly in the Port and at East Cambridge, had been violated. Since the report of Mr Hayward much has no doubt been done by the authorities of the town and city to correct the evil: but much remains to be done. ~~But~~ The evil will increase if not carefully attended to. For even now, in the year 1869, many of our streets have been intruded

upon Numerous cases are within the knowledge of the City Engineer of very recent occurrence But he is powerless to prevent them ~~[illegible]~~ When the encroachment is actually accomplished, this Board may, no doubt, abate it. But no particular officer is charged with authority to prevent. Prevention is better than cure

We propose to confer all necessary authority, by the annexed ordinance, and to make it incumbent upon the City Engineer to report all violations, and upon the Mayor and Aldermen to enforce prompt compliance, ~~with~~ its provisions

In no other way can the evil be remedied. The rights of the public should be protected, and jealously guarded. Our city is rapidly increasing Every year adds to its population and wealth; and every year brings an increased responsibility to those who are to administer its affairs

By the passage of this Ordinance we shall do much to remove and extinguish an irregularity that, for fifty years, has annoyed and perplexed the people and authorities of Cambridge

In behalf of the Committee

John S March

City of Cambridge

In the Year One thousand eight hundred and sixty nine

An Ordinance

In relation to giving notice of intention to build, and for maintaining the lines of streets

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

Section One

Whoever shall intend to erect, or to make any alterations in the exterior walls of any building or buildings, of any description, a part of which is to be placed upon, ~~within the limits of~~ any of the public streets, lanes, squares or alleys of the city, shall, before he proceeds to build or erect the same, or to lay the foundations thereof, or to make alterations, give notice in writing to the Mayor and Aldermen of his intention, with the dimensions of the structure proposed, the materials to be used, the number of the street, or precise location, and the name of the owner or owners of the land, fifteen days, at least, before commencing to carry his intention into effect: and in default thereof, the city shall be discharged from all responsibility for damages, of any nature whatsoever, resulting from failure to give notice as provided above, particularly all such damages or expenses, as have been enhanced or occasioned by reason of any thing done previously to, or without such notice

Section Two

Before proceeding to erect any building, fence or wall, to be placed as specified in Section One of this Ordinance, the party shall first apply to the City Engineer for the lines and grade of the street, lane, square or alley, upon which

he intends to build; and it shall be the duty of the City Engineer to furnish the necessary information, if in his power to do so; but if not, he shall proceed, without delay, to ascertain and determine the correct line and grade, and place the same upon record in his office, and furnish, ~~it~~ to the applicant, the information desired. In default of the application required by this section, the City shall be discharged from all responsibility for damages of any kind whatever, resulting from such default

Section Three

Whenever it shall come to the knowledge of the City Engineer that any person has placed, ~~[illegible]~~ any Structure contrary to the intent of this Ordinance, or of any Ordinance heretofore enacted, and now in force, ~~but which may be by this superseded~~; he shall at once give notice, in writing, of such violation to the Mayor and Aldermen; and, upon receipt of such notice, the Mayor and Aldermen, shall forthwith issue an ~~xx~~ order, to the party offending, directing that the structure be removed within such time as may be expressed in said order; and, in case of non-compliance it shall be the further duty of the Mayor and Aldermen to direct that the ~~structure~~ incumbrance be removed, at the expense of the delinquent, without delay

Section Four

No street shall be accepted, as a public way, until a certificate from the City Engineer has been placed on file with the City Clerk, to the effect, that all encroachments upon the line of said street, of whatever character, shall have been removed by the abuttors, or with their consent, without charge to the City; that is to say, it shall be a condition precedent to the acceptance of any street, by

the City Council, that the City Engineer declare in the manner above mentioned, that it is free from encroachments upon its lines

Section Five

This Ordinance shall take effect upon its passage; and all ordinances or parts of ordinances inconsistent herewith, are by this repealed

In Board of Aldermen. Dec. 1. 1869.

Read once and ordered to a second reading. Also ordered to be printed for the use of the City Council.

Attest. Justin A. Jacobs. City Clerk.

Approved — December 3d 1869

Chas. H. Saunders Mayor

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Report
of Committee on Ordinances – and
Ordinance concerning
giving notice of intention
to twice.

Dec. 1. 1869.

Correctly enrolled
George Brown Com
Jas H. Hall
Seymour Pettison