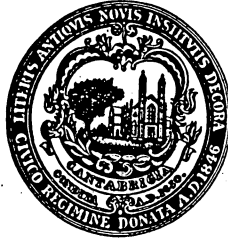


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CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

November 28, 2000

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Existing ordinances concerning sidewalk obstruction;
Council Order #23 dated 11/6/00

Dear Mr. Healy:

In the above-referenced Order, the City Council asked for a report on existing ordinances governing sidewalk obstructions by private property owners, and "whether such regulations can be better enforced, fines increased, or rewritten to ensure greater and more complete compliance."

There are several existing ordinances concerning sidewalk obstructions by abutting private property owners:

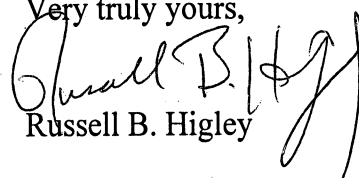
- a. §12.08.010 requires a permit for any sign or awning that extends on or over a public way more than 6 inches;
- b. §12.08.020 requires a permit for the display of merchandise on not more than 25% of the width of a sidewalk;
- c. §12.08.040 requires a permit for a "gasoline swing arm" that would extend over a sidewalk;
- d. §12.08.050 regulates banners extending across public ways;
- e. §12.12.010 requires a permit to dig up, "occupy, obstruct or encumber" a sidewalk;
- f. §12.12.060 requires the Superintendent of Streets to "prevent any unnecessary obstruction" while a private party is working in the street or sidewalk pursuant to a permit;
- g. §12.12.070 makes the party who lawfully opens or obstructs a street responsible for any damages that may result therefrom;
- h. §12.12.100 regulates the obstruction of sidewalks due to the delivery of merchandise from delivery trucks into private businesses;
- i. §12.12.130 prohibits any gate or door from opening outward over any street;

- j. §12.12.140 requires a permit for anyone to put "any doorstep, portico, porch, entrance or passageway to any cellar or basement or any other structure" in any street;
- k. §12.12.180 requires a permit for anyone to make "any aperture in or under any street or sidewalk";
- l. §12.12.190 requires the owner or manager of a building "used or occupied by more than one tenant" to "cause the ice to be removed from the sidewalk;"
- m. §12.12.200 further regulates awnings, and states in addition that "No clothes dryer or clothes lines, and no clothes or garment shall be hereafter placed or hung over a sidewalk" without City permission;
- n. §12.16.020 prohibits anyone from standing upon a sidewalk "so as to interrupt, obstruct or prevent the free passage over the same by the public";
- o. §12.16.060 requires a permit for the placing of "any board or plank walk" on a sidewalk;
- p. §12.16.070 requires a permit for the insertion of signs in a sidewalk and prohibits the placement of a gutter or other structure that would direct a volume of water on or across a sidewalk;
- q. §12.16.080 requires a permit for the placement on a sidewalk of any "showboard, placard or sign";
- r. §12.16.100 prohibits anyone from placing on a sidewalk "any article whatsoever, so as to obstruct a free passage for travelers for more than fifteen minutes";
- s. §12.16.110 requires the owner or occupant of private property bordering a portion of sidewalk to remove snow and ice from it within certain time limits;
- t. §12.16.170 regulates street performers;
- u. Chapter 12.18 regulates the placement of newsracks on sidewalks;
- v. §8.24.040 B requires property owners to maintain bordering sidewalks free of litter; and
- w. §8.24.090 requires property owners to place their refuse containers on the sidewalk so as not "to inconvenience the use of the sidewalks by pedestrians."

Penalties for violations of the above ordinances are provided by other related ordinance sections. In most cases, the penalty amounts are not the maximum \$300 per violation allowed by statute. Therefore, the fines could be increased by ordinance amendment.

The Law Department has no information concerning whether these ordinances could be better enforced, or concerning compliance problems that might be addressed by rewriting some of the ordinances.

Very truly yours,


Russell B. Higley



19.

CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

Robert W. Healy, City Manager

Richard C. Rossi, Deputy City Manager

December 4, 2000.

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 00-111, regarding a report on existing ordinances which govern the obstruction of sidewalks by private property owners, received from City Solicitor Russell Higley.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert W. Healy
City Manager

RWH/mec
Attachment



2000 Things 2 Do in 2000

Communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 00-111, regarding a report on existing ordinances which govern the obstruction of sidewalks by private property owners.

In City Council December 4, 2000

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