

Astrid Anderson Dodds
73 Wendell Street
Cambridge, MA 02138
354-6553

21 March 1993

The City Clerk
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear City Clerk:

Enclosed please find a copy of Cambridge Violation Notice of Municipal Ordinance #003202 dated 3/15/93, issued by the Cambridge Department of Public Works for violation Z1 Other: "Barriers."

I write to protest the issuance of this warning ticket for the following reasons:

- (1) that because it is only a warning, I am apparently denied the right to protest the facts of the case in a noncriminal hearing
- (2) that because of (1) above, my one "barrier" warning allowance is exhausted and I am now in danger of being fined if a 2nd ticket is issued in my name
- (3) that the City of Cambridge has made no effort whatsoever to inform property owners in advance of issuing warning tickets that they are legally responsible for barriers placed in the street adjoining their property

I did not place the offending barrier in the street in front of 73 Wendell, nor did any of my relatives, friends, or tenants. I did not even notice the offending barrier -- in this case a white lawn chair placed on white snow sometime Sun., March 14 -- until sometime Mon., March 15. I understand that placing barriers in the street to reserve parking spaces is illegal in Cambridge. In 30 years as a Cambridge resident, I have never done it. I don't own a car; my husband's car is parked off the street. I can think of no other instance in which Cambridge property owners are held legally responsible for what occurs *in the street* adjoining their property.

I understand the need for this ordinance. I have seen it publicized many times, but *always* in terms of "it is illegal to do it" not "property owners will be held legally responsible if *anyone* does it." There is a world of difference between saying "it is illegal to do it" and "the adjacent property owner will be held accountable." I thought the legal principle underlying this ordinance was that *no one* "owns" the street. How come suddenly I "own" it?

I understand that the enforcement problem is that the typical barrier has no identification with which to link it to a perpetrator. At the point when the City decided that the only possibility of enforcement was to hold adjacent property owners accountable, this decision should have communicated to every Cambridge property owner in writing. I understand the educational, consciousness-raising role of warning tickets. But there is no excuse for the City not making a good faith effort to inform all property owners in advance in writing of a change in their legal responsibilities, especially when that change makes the property owner responsible for others' actions.

I have written this letter to protest the issuance to me of the enclosed ticket because, at a "warning" level, I am denied the right to protest it in court. If the City intends to claim the moral high ground on this issue, it must improve the means by which it notifies property owners of their legal obligations.

Sincerely,



Astrid A. Dodds

cc: David A. Haley, Commissioner of Public Works
DPW Enforcement Officer Dan Evans
Richard Rossi, Deputy City Manager
City Councillor Alice Wolf
City Councillor Frank Duehay
Terry DeLancey, Director, Agassiz Neighborhood Council

**VIOLATION NOTICE
OF
MUNICIPAL ORDINANCE**

MONTH 3	DAY 15	YEAR 93	CONTROL NUMBER 003202	COURT USE ONLY
LOCATION 73 Wendell St			TIME 10	A.M. P.M.
NAME OF OFFENDER WOODS D Sero				
ADDRESS			STATE IL	ZIP CODE 02136
SIGNATURE OF ENFORCING PERSON <i>[Signature]</i>			ENFORCING DEPARTMENT PWP	

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

x

☐ **Date Mailed**

☐ A1 Unlicensed Dog	\$25
☐ A2 Unrestrained Dog	\$25
☐ A3 Dog License Not Attached	\$25
☐ A4 Improper Disposal of Dog Feces	\$25
☐ H1 Smoking Prohibition	\$25
☐ P1 Litter on Private Property	\$25
☐ P2 Litter from Commercial-Nonprofit	\$25
☐ P3 Litter by Pedestrian-Public	\$25
☐ P4 Litter by Pedestrian-Private	\$25
☐ P5 Rubbish Out Before P.M.	\$25

☐ P6	Display of Merchandise	\$25
☐ P7	Maintenance of Sidewalks & Private Property	\$25
☒ P8	Sidewalks - Snow and Ice Removal	\$25
☐ P9	Recycle	\$25
☐ N1	Noise Control	

☒ 21 Other
WARNING

 OFFENSE ☐

**Total of
Fine(s) Due \$**

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

1 ☐ I choose to pay the above fine **WITHIN 21 DAYS OF THE DATE OF THIS NOTICE**. I enclose a check or money order payable to the City Clerk, City of Cambridge, in this envelope. Or an authorized person may bring this ticket and payment to City Clerk, 795 Massachusetts Avenue between 9:00 A.M.-4:00 P.M., Monday-Friday.

2 ☐ I desire to contest this matter, I request a noncriminal hearing, and I am enclosing a copy of this citation, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Clerk Magistrate
Cambridge, District Court
40 Thorndike ST., P.O. Box 338
East Cambridge, MA 02141

PLEASE PEEL OFF TAPE AND FOLD FLAP TO SEAL ENVELOPE.
OFFENDER'S COPY

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Consent Comm. # 4

8-145

Comm. from Astrid A. Douds, 73
Wendell street, in opposition to
a non criminal disposition ticket
which she received on March 15, 1993.

In City Council,

March 29, 1993

*Referred to the
City Manager*

*Copy sent to City mgr
5/30/93 [signature]*