

# City of Cambridge

MASSACHUSETTS

*Unpriced Bus  
#3*

In City Council 4-22, 1996

*Ordinance as Amended*

YEA	NAY	ABSENT	PRESENT	
✓				<del>Mr.</del> Kathleen L. Born
✓				Ms. Henrietta Davis
✓				Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
✓				Mr. Kenneth E. Reeves
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Sheila T. Russell

9 0 0 0



## CITY OF CAMBRIDGE

Office of the City Solicitor  
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Legal Counsel

*Birge Albright*  
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*Arthur J. Goldberg*  
*Linda A. Stamper*  
*Deborah R. Cautela*  
*Nancy E. Glowa*

April 3, 1996

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

Re: *Street Performers Ordinance*

Dear Mr. Healy:

As you know, the Ordinance Committee held a hearing on March 28, 1996 to consider changes to the Street Performers Ordinance that were proposed by the Arts Council. In the course of the hearing, several further amendments to the ordinance were proposed. The Chair of the Committee asked the staff of the Arts Council to confer with interested parties regarding most of the additional proposed amendments, and asked that a report be forwarded to the City Council regarding those proposed additional amendments. I am attaching a memorandum from Pallas Lombardi which responds to the request of the Chair. I am also attaching a new draft of the proposed amendments to the ordinance which contains the additional amendment relating to doorways which is referenced in Ms. Lombardi's memorandum.

In addition to the amendments proposed by members of the public, Councillor Sullivan asked at the hearing that the Law Department draft a further amendment providing for revocation or suspension after a single violation for performing in an excluded area. I am attaching a separate document that contains the alternative versions of the amendment as requested by Councillor Sullivan.

The Chair of the Ordinance Committee indicated to the public that these amendments might be taken up by the full Council at their regular meeting on April 8, 1996, and I am forwarding these materials to you so that they may be communicated to the City Council for that meeting.

Very truly yours,

Donald A. Drisdell

**DRAFT AMENDMENTS PROPOSED BY THE ARTS COUNCIL**  
**April 3, 1996**

**12.16.170 Street performers.**

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their businesses uninterrupted. This section seeks to balance the interests of the performers with those of the residents and businesses of the City.

The City Council designates the Arts Council of the City to be the agent of the City primarily charged with the responsibility of supervising the provisions of this section.

A. Definitions.

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. Perform shall not include the production of items for sale.

2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and other Cambridge pedestrian areas ~~all public ways in Cambridge.~~

B. Prohibition.

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

C. Permit.

1. A permit shall be issued by the Cambridge Arts Council to each applicant therefor in exchange for a completed application and a fee of ~~forty dollars~~ ~~twenty-five dollars.~~

2. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that ~~calendar~~ year.

4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than one hundred and sixty dollars total for permits for group members.

5. Upon issuing a permit, the Arts Council shall also give the performer a copy of this section.

6. If a performer loses his or her permit, one replacement permit per year may be obtained for a fee of fifteen dollars.

D. Display of Permit.

A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any Cambridge police officer or staff person of the Cambridge Arts Council on request.

E. Permitted Performances.

1. Performances may take place in the following locations:

a. In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Commissioner of Public Works, or the Chief of Police pursuant to subsection F of this section;

b. On private property, with the written permission of the owner or other person in control of such property;

c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

a. Monday through Thursday, between 7:00 a.m. and 11:00 p.m.  
Friday, between 7:00 a.m. and 12:00 midnight ~~11:00~~ p.m.  
Saturday, between 7:00 a.m. and 12:00 midnight ~~11:00~~ p.m.  
Sunday, between 12 noon ~~10:00 a.m.~~ and 11:00 p.m.

b. In the public space at the intersection of Mt. Auburn Street and JFK Street, known as Winthrop Park, performances may take place at the following times:

Monday through Thursday, between 7:00 a.m. and 10:00 p.m.  
Friday, between 7:00 a.m. and 11:00 p.m.  
Saturday, between 8:00 a.m. and 11:00 p.m.

Sunday, between 12:00 noon and 10:00 p.m.

3. a. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels measured at a distance of twenty-five feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of fifty decibels, and exceeds the background noise by at least ten Db(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean  $L_{90}$ .

b. Drums shall be inaudible at a distance of one hundred fifty feet.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officers shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than fifty feet from another performer or group of performers.

6. A performer may request contributions or money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale recordings representations of their own work, including but not limited to photos, in the form of records, cassettes, videotapes or compact discs. ~~No display or such representations of the performer's own work shall exceed more than twenty-five percent~~ On sidewalks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), and must not exceed more than 20% of the width of the sidewalk from the property line of the premises in front of which the display is installed. Notwithstanding the foregoing, a performer may set up a display on the public sidewalk in front of a doorway to a business if the business is not open, assuming said display meets all other requirements of this section. In public areas other than

sidewalks, no such display shall exceed twenty-five square feet, and it shall be prohibited to place a carpet, rug, blanket, or other such covering over grass in a public place.

F. Exclusion of Public Areas.

1. A specific public area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than fourteen days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than ten days prior to said hearing; or

a. Based upon evidence presented to the City Council during its deliberations on the adoption of the ordinance codified in this section, the City Council designates Brattle Street on both sides from the northerly side of Church Street to the northerly lot line of 76 Battle Street as an excluded area, thereby prohibiting performances in that area.

b. Due to the proximity of Quincy Park to a residential area, a hotel, and a library, the City Council designates Quincy Park an excluded area, thereby prohibiting performances in that area.

2. By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

3. By decision of the Commissioner of Public Works in the case of an emergency regarding a park or playground: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

G. Penalties.

1. Noncriminal Disposition.

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the following officials shall be enforcing persons: police officers and/or Cambridge Arts Council staff. The penalty for each violation will be twenty-five dollars.

2. Suspension of Permit.

The Cambridge Arts Council and/or the Cambridge police may suspend a permit for no more than thirty days if:

a. a performer is found to have knowingly provided false information in the application; or

b. a performer has received three noncriminal dispositions

within one calendar year.

3. Revocation of Permit.

The Cambridge Arts Council may revoke a permit for the remainder of the calendar year if a performer has received five noncriminal dispositions during that calendar year.

4. Before suspending or revoking a permit, the Arts Council must hold a public hearing, after ten days written notice to the performer setting forth the facts constituting the basis for the proposed suspension or revocation.

5. A performer may not receive a permit unless all tickets from the previous year have been paid.

H. Exclusivity.

The provisions of this section take precedence over any other City regulations or ordinance applicable to street performers. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by street performers shall be governed by this section and not by the Cambridge City noise ordinance.

I. Peace and quiet.

A performance in accordance with this ordinance shall be presumed not to constitute a disturbance of the peace or quiet.

J. Severability.

The provisions of this section are severable, and if any part of this section should be held invalid by a court or competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect. (Ord. 1142, 1992,; Ord. 1104, 1990).



# Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 349-4380

## M E M O R A N D U M

**TO:** Councillor Frank Duehay  
Cambridge City Council

**FROM:** Pallas C. Lombardi, Interim Director

**DATE:** April 3, 1996

**SUBJECT:** Proposed Amendments to the  
Street Performance Ordinance

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At the March 28th Ordinance Committee public hearing, you asked me on behalf of the Arts Council and the Harvard Square Business Association, the Office for Tourism, and the performers led by Ned Landin, to discuss whether or not we wished to add any additional changes to the proposed amendments before you report to the City Council.

We would like the law department to add language under "E. Permitted Performances. "6." that clarifies that performers may not set up displays in doorways of businesses that are open, but they may set up said displays when those businesses are closed.  
(10th line down in paragraph E.6.)

The groups represented at the hearing and that have been communicating over the past year, agree that we would like you to ask the Council to pass only the amendments presented and discussed at the public hearing.

The group thinks that any of the matters raised by individuals at the hearing should be part of our on-going discussion that will be necessary as we implement the amendments.

A couple of the recommendations raised were previously discussed by the groups who came up with the compromise amendments; the consensus was to wait until a future date before recommending additional amendments (e.g. selling a weekend or day permit for less money; rotating performers; use of taped music).

Consequently, we are asking through you that the City Council pass the amendments to the ordinance as proposed and discussed at the hearing, with the one minor clarification about doorways.

Thank you for providing us with a forum to discuss the amendments and for your enthusiastic support of the performers and our work with the performers, residents and businesses.

DRAFT AMENDMENTS TO THE STREET PERFORMERS ORDINANCE  
REQUESTED BY COUNCILLOR SULLIVAN

Alternative "A"

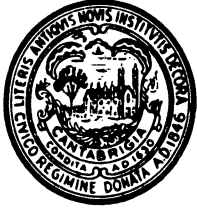
Insert a new subsection E.6 to read as follows:

6. In addition to the penalties provided above, the Arts Council may, after a hearing as described above, revoke the permit of any performer who receives a single noncriminal disposition for performing in an excluded area as described in Section F of this ordinance.

Alternative "B"

Insert a new subsection E.6 to read as follows:

6. In addition to the penalties provided above, the Arts Council may, after a hearing as described above, suspend for no more than thirty (30) days the permit of any performer who has received a written warning and a single noncriminal disposition for performing in an excluded area as described in Section F of this ordinance.



10.

CITY OF CAMBRIDGE  
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300  
FAX. 349-4307

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

RICHARD C. ROSSI  
Deputy City Manager

April 8, 1996

To The Honorable, The City Council:

Please find attached for your consideration, draft amendments to the Street Performers Ordinance.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec  
attachments

Consent Agenda #10

Relative to draft amendments to  
the Street Performance Ordinance.

In City Council April 8, 1996

*Referred to the  
Ordinance Committee  
Report #4*



## CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300

FAX. 349-4307

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

January 22, 1996

RICHARD C. ROSSI  
Deputy City Manager

To The Honorable, The City Council:

Attached is a copy of the existing Street Performance Ordinance with several proposed amendments inserted and indicated by the shaded areas.

The amendments have been drafted by the Arts Council and reviewed by the Law Department. These amendments are the products of meetings over the past year with representatives of the Harvard Square Business Association, Winthrop Park Trust, the Cambridge Office for Tourism, the performers and Arts Council staff. Although the enforcement of the Ordinance has been much more effective the past two seasons -- primarily due to the hiring of Street Performance Monitors by the Arts Council -- all of the parties agree that the Ordinance itself needs further refinement in order to better serve those concerned: the performers, businesses, and residents. All of the suggested changes have been agreed upon by all parties.

However, there were a few additional suggestions for amendments that the Arts Council board and staff felt it was inappropriate to recommend due to inherent inconsistencies with the spirit of the Ordinance:

1) The performers have developed a scheme for the "rotation" of the four most popular spots in the Square. This plan would necessitate the exclusion of those four areas from the public areas where performance is presently permitted. These areas would essentially become private, and performances would be scheduled via a daily lottery. The Arts Council is concerned about creating any more exclusions than is absolutely necessary. Even though some exclusions are permitted according to the "time, place, and manner restrictions" allowed by the First Amendment, adding more restrictions could be seen as overly limiting.

2) The performers suggested adding "ballooning, painted or sketched portrait art, and fine art painting and drawing" to the definition of "Perform" in Section A, paragraph 1 of the Ordinance. Further, they suggest adding the wording "tied balloons, and original drawings or paintings" to Section E, Paragraph 6, which enumerates the items performers may sell. The Arts Council does not concur with either of these, as the selling of these goods in Harvard Square is forbidden by the vending ordinance.

The Honorable, The City Council  
January 22, 1996  
Page 2

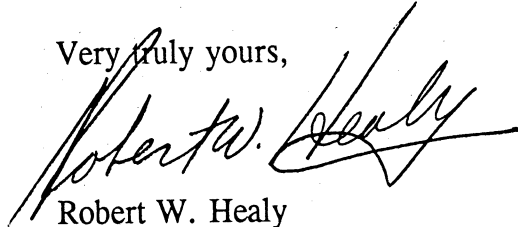
As you can see in the enclosed draft, the Arts Council has suggested changing the present wording "representations of their work" to "recordings of their work" (meaning audio tapes, CD's, and videos--hopefully, making what items can be sold less subject to interpretation).

3) Another suggestion from the performers is the creation of a monthly permit which would be available for \$20 (the performers agree with the price increase of \$40 for a yearly permit). The Arts Council thinks that a monthly permit would make enforcement difficult for both the Monitors and the Police and will encourage more performers to be in the Square, particularly during the peak season, when overcrowding is already a problem.

4) The performers are opposed to allowing the revocation of permits for any reason. They suggest that permits be suspended for a period of 120 days if a performer has received five non-criminal dispositions within one calendar year for violations of the Ordinance. The Arts Council staff and board think that the power of revocation is essential to the effective enforcement of the Ordinance.

It is my recommendation that the Ordinance Committee work with us by accepting the amendments in time for the upcoming Street Performance season, which will begin to escalate in March.

Very truly yours,

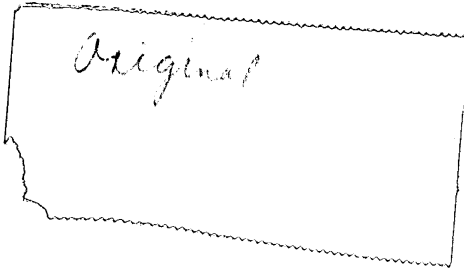


Robert W. Healy  
City Manager

RWH/mec

PUBLIC NOTICE  
RELATIVE TO ZONING

C. C. 108



**City of Cambridge**

MASSACHUSETTS

Office of the City Clerk

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on  
at P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition submitted by Russell A. Bromfield, Michael A. Volpe, et al to amend the Zoning Ordinances of the City of Cambridge as follows:

In Article 13.10, delete all but the first sentence from paragraph 13.14.3, such that this paragraph shall read as follows:

13.14.3. There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel.

In Article 13.10, add a new Paragraph 13.14.4 which reads as follows:

13.14.4. At locations where the development parcel and/or lots within said parcel abut any non-residential, higher-density residential, or open space district, there shall be not requirements for minimum front, side, or rear yards. At locations where the development parcel and/or lots within said parcel abut any Residence A or Residence B district, then there shall be a buffer strip of 400 feet measured from any point on said district boundary. Within said buffer strip, all uses and construction shall conform to the standards of an Open Space district, and commercial parking and loading are expressly prohibited.

In Article 13.10, renumber Paragraph 13.4.4 to be 13.4.5.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Francis H. Duehay,  
Chairman

031896. zoning petition

PUBLIC NOTICE  
RELATIVE TO ZONING

# City of Cambridge

MASSACHUSETTS

Office of the City Clerk

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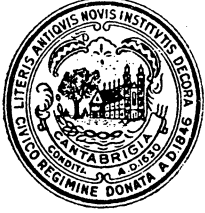
In Article 13.10, renumber Paragraph 13.4.4 to be 13.4.5.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Francis H. Duehay,  
Chairman



# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Six

## AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge."

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

That Title 12.16 entitled "Street and Sidewalk Use Regulations" of the Municipal Code is hereby amended by striking out section 12.16.170 entitled "Street Performers" and substituting in place thereof a new section which reads as follows:

### **12.16.170 Street performers.**

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their businesses uninterrupted. This section seeks to balance the interests of the performers with those of the residents and businesses of the City.

The City Council designates the Arts Council of the City to be the agent of the City primarily charged with the responsibility of supervising the provisions of this section.

#### **A. Definitions.**

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. Perform shall not include the production of items for sale.

2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and other Cambridge pedestrian areas.

B. Prohibition.

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

C. Permit.

1. A permit shall be issued by the Cambridge Arts Council to each applicant therefor in exchange for a completed application and a fee of forty dollars.

2. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that calendar year.

4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than one hundred and sixty dollars total for permits for group members.

5. Upon issuing a permit, the Arts Council shall also give the performer a copy of this section.

6. If a performer loses his or her permit, one replacement permit per year may be obtained for a fee of fifteen dollars.

D. Display of Permit.

A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any Cambridge police officer or staff person of the Cambridge Arts Council on request.

E. Permitted Performances.

1. Performances may take place in the following locations:

a. In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Commissioner of Public Works, or the Chief of Police pursuant to subsection F of this section;

b. On private property, with the written permission of the owner or other person in control of such property;

c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

a. Monday through Thursday, between 7:00 a.m. and 11:00 p.m.  
Friday, between 7:00 a.m. and 12:00 midnight p.m.  
Saturday, between 7:00 a.m. and 12:00 midnight p.m.  
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b. In the public space at the intersection of Mt. Auburn Street and JFK Street, known as Winthrop Park, performances may take place at the following times:

Monday through Thursday, between 7:00 a.m. and 10:00 p.m.  
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3. a. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels measured at a distance of twenty-five feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of fifty decibels, and exceeds the background noise by at least ten Db(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean  $L_{90}$ .

b. Drums shall be inaudible at a distance of one hundred fifty feet.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than fifty feet from another performer or group of performers.

6. A performer may request contributions or money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale recordings of their own work, in the form of records, cassettes, videotapes or compact discs. On sidewalks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), and must not exceed more than 20% of the width of the sidewalk from the property line of the premises in front of which the display is installed. Notwithstanding the foregoing, a performer may set up a display on the public sidewalk in front of a doorway to a business if the business is not open, assuming said display meets all other requirements of this section. In public areas other than sidewalks, no such display shall exceed twenty-five square feet, and it shall be prohibited to place a carpet, rug, blanket, or other such covering over grass in a public place.

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a. Based upon evidence presented to the City Council during its deliberations on the adoption of the ordinance codified in this section, the City Council designates Brattle Street on both sides from the northerly side of Church Street to the northerly lot line of 76 Brattle Street as an excluded area, thereby prohibiting performances in that area.

b. Due to the proximity of Quincy Park to a residential area, a hotel, and a library, the City Council designates Quincy Park an excluded area, thereby prohibiting performances in that area.

c. During the major reconstruction of the Central Square area scheduled to begin during 1996, the City Council finds that, based upon evidence elicited at public hearing, issues of serious public safety will occur during said reconstruction of streets, sidewalks and infrastructure, and finds further that it will be necessary to temporarily exclude performances from said areas of reconstruction. The City Council hereby authorizes the City Manager or his designee

to issue notices of exclusion from areas to be defined by the City Manager as the reconstruction proceeds. The City Manager shall report to the Council when the reconstruction has been completed.

2. By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

3. By decision of the Commissioner of Public Works in the case of an emergency regarding a park or playground: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

#### G. Penalties.

##### 1. Noncriminal Disposition.

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the following officials shall be enforcing persons: police officers and/or Cambridge Arts Council staff. The penalty for each violation will be twenty-five dollars.

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- b. a performer has received three noncriminal dispositions within one calendar year.

##### 3. Revocation of Permit.

The Cambridge Arts Council may revoke a permit for the remainder of the calendar year if a performer has received five noncriminal dispositions during that calendar year.

4. Before suspending or revoking a permit, the Arts Council must hold a public hearing, after ten days written notice to the performer setting forth the facts constituting the basis for the proposed suspension or revocation.

5. A performer may not receive a permit unless all tickets from the previous year have been paid.

#### H. Exclusivity.

The provisions of this section take precedence over any other City regulations or ordinance applicable to street performers. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by street performers shall be governed by this section and not by the Cambridge City noise ordinance.

#### I. Peace and quiet.

A performance in accordance with this ordinance shall be presumed not to constitute a disturbance of the peace or quiet.

#### J. Severability.

The provisions of this section are severable, and if any part of this section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect. (Ord. 1142, 1992,; Ord. 1104, 1990).

In City Council April 22, 1996.

Passed to be ordained as amended by a yea and nay vote: Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury, City Clerk



# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Six

## AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge."

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

That Title 12.16 entitled "Street and Sidewalk Use Regulations" of the Municipal Code is hereby amended by striking out section 12.16.170 entitled "Street Performers" and substituting in place thereof a new section which reads as follows:

### **12.16.170 Street performers.**

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their businesses uninterrupted. This section seeks to balance the interests of the performers with those of the residents and businesses of the City.

The City Council designates the Arts Council of the City to be the agent of the City primarily charged with the responsibility of supervising the provisions of this section.

#### A. Definitions.

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. Perform shall not include the production of items for sale.

2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and other Cambridge pedestrian areas.

B. Prohibition.

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

C. Permit.

1. A permit shall be issued by the Cambridge Arts Council to each applicant therefor in exchange for a completed application and a fee of forty dollars.

2. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that calendar year.

4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than one hundred and sixty dollars total for permits for group members.

5. Upon issuing a permit, the Arts Council shall also give the performer a copy of this section.

6. If a performer loses his or her permit, one replacement permit per year may be obtained for a fee of fifteen dollars.

D. Display of Permit.

A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any Cambridge police officer or staff person of the Cambridge Arts Council on request.

E. Permitted Performances.

1. Performances may take place in the following locations:

a. In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Commissioner of Public Works, or the Chief of Police pursuant to subsection F of this section;

b. On private property, with the written permission of the owner or other person in control of such property;

c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

a. Monday through Thursday, between 7:00 a.m. and 11:00 p.m.  
Friday, between 7:00 a.m. and 12:00 midnight p.m.  
Saturday, between 7:00 a.m. and 12:00 midnight p.m.  
Sunday, between 12 noon and 11:00 p.m.

b. In the public space at the intersection of Mt. Auburn Street and JFK Street, known as Winthrop Park, performances may take place at the following times:

Monday through Thursday, between 7:00 a.m. and 10:00 p.m.  
Friday, between 7:00 a.m. and 11:00 p.m.  
Saturday, between 8:00 a.m. and 11:00 p.m.  
Sunday, between 12:00 noon and 10:00 p.m.

3. a. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels measured at a distance of twenty-five feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of fifty decibels, and exceeds the background noise by at least ten Db(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean  $L_{90}$ .

b. Drums shall be inaudible at a distance of one hundred fifty feet.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than fifty feet from another performer or group of performers.

6. A performer may request contributions or money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale recordings of their own work, in the form of records, cassettes, videotapes or compact discs. On sidewalks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), and must not exceed more than 20% of the width of the sidewalk from the property line of the premises in front of which the display is installed. Notwithstanding the foregoing, a performer may set up a display on the public sidewalk in front of a doorway to a business if the business is not open, assuming said display meets all other requirements of this section. In public areas other than sidewalks, no such display shall exceed twenty-five square feet, and it shall be prohibited to place a carpet, rug, blanket, or other such covering over grass in a public place.

F. Exclusion of Public Areas.

1. A specific public area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than fourteen days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than ten days prior to said hearing; or

a. Based upon evidence presented to the City Council during its deliberations on the adoption of the ordinance codified in this section, the City Council designates Brattle Street on both sides from the northerly side of Church Street to the northerly lot line of 76 Brattle Street as an excluded area, thereby prohibiting performances in that area.

b. Due to the proximity of Quincy Park to a residential area, a hotel, and a library, the City Council designates Quincy Park an excluded area, thereby prohibiting performances in that area.

c. During the major reconstruction of the Central Square area scheduled to begin during 1996, the City Council finds that, based upon evidence elicited at public hearing, issues of serious public safety will occur during said reconstruction of streets, sidewalks and infrastructure, and finds further that it will be necessary to temporarily exclude performances from said areas of reconstruction. The City Council hereby authorizes the City Manager or his designee

to issue notices of exclusion from areas to be defined by the City Manager as the reconstruction proceeds. The City Manager shall report to the Council when the reconstruction has been completed.

2. By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

3. By decision of the Commissioner of Public Works in the case of an emergency regarding a park or playground: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

#### G. Penalties.

##### 1. Noncriminal Disposition.

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the following officials shall be enforcing persons: police officers and/or Cambridge Arts Council staff. The penalty for each violation will be twenty-five dollars.

##### 2. Suspension of Permit.

The Cambridge Arts Council and/or the Cambridge police may suspend a permit for no more than thirty days if:

- a. a performer is found to have knowingly provided false information in the application; or
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Passed to be ordained as amended by a yea and nay vote: Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury, City Clerk

## Amendment to final Text

Insert a new Section F(1)(c) which shall read as follows:

c. During the major reconstruction of the Central Square area scheduled to begin during 1996, the City Council finds that, based upon evidence elicited at public hearing, issues of serious public safety will occur during said reconstruction of streets, sidewalks and infrastructure, and finds further that it will be necessary to temporarily exclude performances from said areas of reconstruction. The City Council hereby authorizes the City Manager or his designee to issue notices of exclusion from areas to be defined by the City Manager as the reconstruction proceeds. The City Manager shall report to the Council when the reconstruction has been completed.

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**In City Council April 22, 1996.**

**Passed to be ordained as amended by a yea and nay vote: Yeas 9; Nays 0;  
Absent 0.**

**Robert W. Healy, City Manager.**

**ATTEST:- D. Margaret Drury, City Clerk**

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**East Boston Neighborhood Health Center**

**Listings Editor**

**TAB Newspapers seeks a Listings Editor** to contribute to our growing Arts & Entertainment pages. Qualified candidates must possess excellent typing, computer and phone skills and work well with others. Knowledge of the arts a plus. No calls please.

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 P.O. Box 9112  
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Insurance agency seeks full time experienced CSR. Salary & benefits. Pleasant office. Fax resume to (617) 625-8424 or mail to Best Rate Insurance Agency, P.O. Box 349, Somerville, MA 02143

**Customer Service Rep**

Full Time days & Part time evenings for busy dept who enjoys a fast pace & dealing with customers on the phone. Hours may vary. Also Part time person Mon-Friday 10:30-3:30 P.M. to answer phones, filing and fill in needed for Customer Service Rep's. Must have pleasant voice and enjoy working in a fast pace environment. Send resume to: Page New England 80 Montvale Ave. Stoneham MA 02180. Attn: Customer Service Managers

**Data Entry- Part time**

flexible hours, Opticians 3 Chestnut Hill Mall. 617-969-5050 Felix.

**Business 200 Data entry position**

available for fast paced office. Invoicing, order entry & various other office duties. Call 617-433-0837.

**EXECUTIVE ASSISTANT**

Lexington, Mid 30's Busy executive needs right hand assistant. Independent, fast thinking, organized individual with MS Office software experience. Very professional environment, lots of nice people. Call Karen Today at 617-270-4400

Reardon Assoc. 27 Cambridge St. Burlington, MA. Fax: (617) 229-6814

**Full-time Receptionist/Typist/Word Processor**

needed for twelve person executive search firm in Wellesley Office Park. Must be computer literate, MAC experience preferred. In addition to typing, duties also include database entry and some filing. Pleasant surroundings. Benefits include medical and dental insurance. Please submit resume in confidence by mail to The Onstott Group, 60 William Street, Wellesley, MA 02181 or FAX to (617) 235-8653. No phone calls please.

**Insurance CSR's - P/L & C/L - full time jobs.**

\$550 - \$800 week. AACA 1-800-231-0076

**OFFICE CLERK**

Established Burger King Franchisee is seeking applicants to fill a part-time office position. Experience helpful; however, will train. Starting salary depending on experience. Knowledge of Wordperfect & Lotus 123 useful. For immediate interview call:

**Ms. Bette Cullen**  
 Mon-Fri 8:30-4:30 only  
 (617) 926-9662

**OFFICE HELP**

Looking for a professional person to work in small office full time. General office duties, phone skills, will train. Starting pay \$7/hour, benefits included. Needham Pest Control (617) 449-0778.

**Business 200 RECEPTIONIST**

Part-time position in Cambridge real estate office. Pleasant phone manner, professional appearance and attention to detail. Please fax letter of interest to 864-1362.

**Receptionist needed:**

Flexible hours. Fun environment! Call Diane 508-651-3939, Natick.

**OPERATIONS/ADMINISTRATIVE SUPPORT**

Require excellent interactive skills; strong organization and attention to detail; technology literacy including Microsoft Office, Internet/E-Mail, Broadcast Fax and general data entry; General accounting including automated A/R, A/P, cash management and reporting. Office orientation and project orientation a necessity. Minimum Requirements: Graduate secretarial/office management curriculum, 2 years related experience preferably in a small but high energy environment.

**MARKETING REPRESENTATIVE**

High energy, focused prospecting/sales method and proven results required. Non-profit experience helpful, business acumen a must. Ability to be creative, dynamic and pleasantly aggressive. Minimum Requirements: Proven sales record and strong closing ability.

Send resume & letter of interest in confidence to:

**Karen A. Koller, President & CEO**  
 Waltham West Suburban Chamber of Commerce  
 One Moody St., Suite 301  
 Waltham, MA 02154-5339

No Phone Calls, Please EEO/AA Employer

**Business 200 SECRETARY**

Part-time, flexible hours. Pay commensurate with experience. 623-3183

**SECRETARY**

Growing septic Co.; busy office, phones, filing, computer (WP and data entry), approximately 35-40 hrs. Resume & salary requirements to Ad Box S5721, MCN, P.O. Box 9149, Framingham, MA 01701

**SECRETARY**

Financial Services Firm in the Wellesley Office Park requires self directed, personable individual with strong secretarial, word processing and computer skills to assist with client service and new business. Life insurance experience preferred. Please send resume, salary requirements and letter telling us about YOU. No phone calls accepted; Cubell Associates, New York Life, 40 William St., 2nd floor, Wellesley Hills, MA 02181-3902.

**Temporary Assignments**

Long & short term. Wakefield to Waltham. Switchboard, customer service, word processing or light industrial. New Perspectives Personnel, (617) 938-8247.

**WORD PROCESSOR RECEPTIONIST**

Engineering firm seeks personable typist with experience in Word Perfect and LOTUS to perform clerical and administrative tasks. Liberal benefits, EOE Employer. Resumes to:

LEWA,  
 88 Waverly St.  
 Framingham MA 01701  
 Fax: 508-875-2516

**Business 200 RECEPTIONIST**

The Waltham West Suburban Chamber of Commerce is a regional business organization currently in a major expansion phase. Due to increasing demand we are looking to fill several key positions within our professional staff.

**Medical 203 DENTAL ASSISTANT**

Gentle Dental & Associates, number 1 in group practices, needs full time top notch experienced dental assistant for it's Porter Square Cambridge office. We offer great pay & benefits as well as a bright future with lots of potential. Call Mary at 617-354-3300

**Dental Assistant/Office Manager**

Wanted part-time for small Newton office. Experience not necessary. Hours and salary to be discussed. Please call: 617-969-2098 evenings.

**Dental Front Desk/Assistant**

Medford Office Specialty practice in Medford seeks full-time friendly, energetic, people person, for front desk. Experience preferred in answering phones, dental insurance processing, appointment and collections. We offer a great working environment, competitive salary and benefits. Call 617-322-9285

**Hygienist**

Full-time, to join our staff in a modern, spacious office, in Harvard Square. Benefits included. Call 617-864-5444.

**Opening for Part-time assistant & full-time receptionist** at an active dental office. Looking for an energetic, personable, motivated, team player. Experienced preferred. 396-5952

**Part-Time Receptionist**

Wanted. Flexible hours 508-369-7752 or mail resume to: P.O. Box 333 Weston, MA 02193-0002

**Medical 203 CHHA'S**

\$10 an hour  
 Call Staff Builders  
 508-977-9191  
 Ask for Debbie Javery

**Medical 203 Personal Care Attendant**

Dependable, energetic, person with drivers license to assist disabled woman to live, play, work independently. Call 617-731-6228.

**RADIOLOGY TRANSCRIPTIONIST**

Deaconess-Waltham Hospital

Immediate need for an experienced Radiology Transcriptionist. Afternoon and evening hours available. Additional hours in July & August on Friday and every other weekend. Experience with dictaphone and IDX rd helpful. Please send resume to: Deaconess-Waltham Hospital, Hope Ave Waltham MA 02254 Attn: Human Resources.

**RN-LPN**

ABBEE HILL Nursing Home, Saugus 3-11, 11-7 shifts available. For 6-9 mo. Part Time. Excellent hourly rate. Call Shirley Green D.O.N. 9-3. 617-233-2522

**THERAPY ASSISTANT**

For rehab clinic, Cambridge/Somerville area. Experienced or will train. Part time 1-6pm Mon-Fri. Fluent Spanish a plus. Salary & incentives. 666-4433 or fax resume 666-0917

**Professional 206 EARLY CHILDHOOD PROFESSIONALS**

Our NAEYC accredited, suburban childcare center is accepting resumes for Teachers, Assistant Teachers & qualified substitutes. Come join our Infant, Toddler & Preschool Classrooms. Send resumes to: Director, First Friends, 390 Lincoln Rd, Sudbury, MA 01776. #(508) 443-2111. EOE

**Professional 206 ADMINISTRATIVE ASSISTANT**

Seeking a pro-active professional to work full time in our busy Editorial Department in Framingham. Qualifications include good computer skills (MS Word, Excel), excellent interpersonal and communication skills and the ability to work in fast paced deadline oriented environment.

We offer a great starting pay, an interesting working environment and an outstanding benefits package.

Mail or Fax Resume to:  
 Human Resources Dept.  
 Community Newspaper Co. West  
 33 New York Ave.  
 Framingham, MA 01701  
 FAX: (508) 872-2131

We Are An Equal Opportunity Employer.

**ADVERTISING COORDINATOR**

Seeking an organized professional to work full time in our very busy sales office in Needham. Qualifications include: excellent communication skills, good computer skills including Excel & analytical ability. We offer good starting pay and outstanding benefits. Fax resume to Kay at 508-872-2131. Or mail resume to:  
 Human Resources Dept.  
 Community Newspaper Co. West  
 33 New York Ave.  
 Framingham, MA 01701

We Are An Equal Opportunity Employer.

**Infant & Kindergarten Teacher**

Beginning in June at Bright Horizons at the Prudential. Call 617-262-4850. OEO.

**Professional 206 COPY EDITORS**

Seeking Copy Editor to work in our Framingham Newsroom. Three to five years reporting and/or copy editing experience required. Fax or mail resume to: Human Resource Dept., Community Newspapers West, 33 New York Ave., Framingham, MA 01701. FAX: (508) 872-2131. E.O.E.

**FACILITY DIRECTOR**

To manage daily operations of lovely 14 bed non-profit retirement home in N. Woburn. Experience and/or skills in geriatric care, management, personnel and administration necessary. Basic computer skills a plus. Full time salaried position. NHA license not required. Position available May 1. Call Alden Johnson at 17-893-2557 or 617-933-0248.

**INSIDE SALES**

Visible Fencing Pet Containment

Join an energetic Co. that offers competitive compensation (starting at 24K-28K), 401K health benefits and tuition aid. Candidates must have self-initiative, enthusiasm, BA degree, strong computer, writing and communication skills as well as enjoy working with dogs. Please Call Ann Marie: 800-634-8942.

**PERSONAL LINES CSR**

North Cambridge agency seek Personal Line CSR, full or part time with 2+ yrs. experience. Must be detailed oriented organized and have good communication skills. Send resume to: White & Quinn Insurance, 2331 Massachusetts Ave, North Cambridge, MA 02140 or fax (617) 876-0042.

**Pre-school Teacher**

needed for Metrowest YMCA Childcare Center. Hours 9-4. Bilingual experience helpful. Call Kristen: (508) 872-4404.

**Professional 206 Theology School**

Seeks full-time administrative assistant. Word Perfect/Paradox; organization & attention to detail. Resume/Work references to: MEHM, 3 Phillips Place, Cambridge, MA 02138 617-492-1960 Fax 492-5833

**TEACHERS**

Bright Horizons Children Center seeking Infant/Toddler Teachers. Call Framingham (508) 872-3591, Natick (508) 651-3005.

**WRITER**

Local medical education company has opening for a full-time, entry-level writer. Experience or knowledge of medical/biological science helpful, but not required. Excellent writing skills are! Send resume to Ad Box #H9634, c/o MCN, PO Box 9149, Framingham, MA 01701.

**Sales 209 CUSTOMER SERVICE COMPUTER SALES**

Unique opportunity to enter computer sales with fast growing company. Entry level position, must be detail & customer service oriented. Willing to learn a must. Excellent compensation package.

Fax or mail resume  
 Dave Rocco  
 Retro-Fit, Inc.  
 455 Fortune Blvd.  
 Millford, MA 01757  
 Fax 508-478-2040

**Decorators/ Sales Associates**

In store and/or shop at home for decorating ctr. on Rt. 9, Framingham. Window treatments and wallpaper experience helpful. Flexible hrs. Full/part time. Salary+ Call Marilyn or Bernie at 508-820-0189  
**Wallpapers 'N More**

**Dynamic Sales Person**

for Capitol Realtors Rental Office. Sales lic. required 508-626-2700

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SUCCESS

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As a call center services leader for six years known for our base of Fortune 500 clients, our incredible success in our call centers nationwide has fueled even more dynamic growth.

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Flexible schedules to meet your needs
Exceptional Earning Potential: Part-time \$10-16K/yr. Full-time \$20-42K/yr.

If you're an enthusiastic self-starter with excellent communication skills, we want to meet with you. Previous sales experience is a plus.

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Work in our Circulation Department, full-time (Mon-Fri) as a Customer Service Representative. Duties will include researching and resolving subscriber inquiries and questions; data entry, retrieval and report generation as well as additional responsibilities.

FORWARD RESUME WITH COVER LETTER TO ROBERT BONNEY, DIRECTOR OF COMMERCIAL SALES AND DISTRIBUTION, THE TAB, P.O. Box 9112, 254 SECOND AVENUE, NEEDHAM, MA. 02194 EOE



Because the most important news begins in your own backyard.



As a respected leader in the healthcare field, Winchester Hospital is recognized for adhering to the highest standards in our health-care network.

RESPIRE CARE PROVIDERS

As a part of our new Senior Health Partnership Respite Care program, we are currently offering rewarding opportunities to qualified individuals in the Human Services Field providing supervision, companionship, escorts, motivational and supportive assistance to seniors in the towns surrounding Rt. 93, Rt. 128 and Rt. 495.

To support the needs of our clients, you must have at least 1 year of experience providing care for an ill, disabled or dependent person, preferably a senior, in a home environment.

If you are interested in Respite Care Provider opportunities, or are interested in utilizing this service, please contact Donna Murray, Program Director at (617) 756-4756, or Human Resources representative at (617) 756-2147.

CUSTOMER SERVICE REPRESENTATIVE

A small, non-profit, healthcare membership organization is seeking an individual to assist in the Marketing Department by addressing membership needs. Duties include customer services, telemarketing and data entry.

CAMBRIDGE

- TEMPORARY • PERMANENT
TEMPORARY TO PERMANENT
UNLIMITED OPPORTUNITIES

HIGH TECH CONSULTING...Exec Assist...40K
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These exceptional temporary/permanent positions are available immediately! Utilize your MS WORD/WIND, EXCEL & POWERPOINT skills.

JOHN LEONARD PERSONNEL IN CAMBRIDGE (617) 225-7900

Boston 423-6800 Burlington 273-3870 Wellesley 431-5948 Westborough 508-898-2686

FUN Inside Sales

Woburn manufacturer of toy/gift items needs telemarketers to call on account base. Fun environment & product. Competitive salary and benefits. Resumes to: HR Department 60 Cummings Park, Woburn, MA 01801

Hotel Housekeepers

Best Western in Concord has openings for Maids. Responsibilities include making beds, dusting, vacuuming, etc. Free transportation from Alewife Station. Please apply in person at the Best Western, Route 2 and Elm Street, Concord, MA or call John at (508) 369-6100 from 9am-12noon

CAMBRIDGE HOUSING AUTHORITY OUTSIDE COUNSEL

The Cambridge Housing Authority is requesting proposals from attorneys to act as outside counsel. Applicants should be highly experienced in all areas of law relevant to public housing authorities.

JOB SHARE SECRETARIAL POSITION

Small Cambridge real estate development/investment company seeking secretary to VP and Treasurer. Typing 60+ wpm; knowledge of Word or WordPerfect; Lotus or Excel. 5+ years secretarial experience.

Security Officers

KEM Associates, Inc. is presently hiring security officers in the Cambridge area. Paid training and uniforms provided. Clean record. High school graduate or equivalent.

Available Immediately Van & Bus Drivers

Responsible for driving preschool children for Head Start. Certified Drivers License and safe driving record required. Training may be available. Experience driving young children preferred.

Olsten Kimberly QualityCare

A national health care provider, has a parttime medical-records position available in our Kendall Square office. Position requires ability to alphabetize and file as well as solid organizational & communication skills.

APAHOUSE INCORPORATED

Established in 1935 as Apahouser Corp. of New England (Apartment House Service Co.). Over the past 60 years, we have evolved from apartment house related services and products to a world class precision sheet metal and machining job shop.

Sales 209 General 212

- Inside Sales: Dental products, 10-20 hrs. per/wk, Watertown. 617-923-9616.
Licensed R.E. rental & sales person. Somerville & Cambridge office. 617-628-0000.
Management Trainee: Nationally known company expanding in the N.S. Area seeks two ambitious individuals for positions with unlimited growth opportunities.

General 212

- Brockton Insurance Agency seeks personal Lines CSR with minimum 2 years experience. Familiar with AMS system. Salary commensurate with experience.
Cook/Sever Mon-Wed 11-3. Apply in person between 10-12. 70 Beacon St. T&J Bar & Grill.
Cook & Hostperson, part time. Apply in person at: Nello's Cafe, 300 Eliot St., Ashland.

General 212

- CUSTOMER SERVICE: Part-time positions available at Showcase Cinemas in Revere. We are seeking mature, outgoing & friendly individuals to perform customer-related duties throughout our theater.
Garden Helper: To maintain perennials gardens part time. Call Pam (617) 444-0468.
General Laborers: Responsible, hard working team players to learn a trade with painting and home maintenance service company.

General 212

- Job-Site Managers: Motivated, reliable and self-disciplined leaders to manager job sites. Training provided for skills and growth. No experience necessary.
Laborer for Pressure Washing Co. Experience a+. Valid MA driver's lic. Start \$7.50/9.00 + benefits.
Landscape Foreman: Staff positions for full time jobs. Must be hard working, reliable, have valid MA driver's license and own transportation.

General 212

- Market Research Firm: Is seeking bright articulate people to join our staff. Positions exist for telephone recruiters, and mystery shopping & personal interviewers.
PART-TIME COOK BEVERLY: Looking for flexible, outgoing, energetic, creative person who can work independently.
Part Time Cook Afternoons & weekends needed in a level 4 facility. Call 666-0380.

Career Outlook?

LEARN COMPUTERS FAST!! Hands-on Training Your Own Speed You Choose Your Hours

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617-324-5454

LEGAL NOTICES

AMBIENCE CULINARY LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Pursuant to General Laws, Chapter 140, notice is hereby given that the License Commission has received an application from Ambience Culinary Group, Inc. d/b/a Chandra's Indo-Caribbean Cuisine, Chandra Matthews, manager, holder of wines and malt beverages as a restaurant license has applied for an extension of its entertainment license to include dancing by patrons in addition to live musical instruments and/or live vocalists, with amplification; audio tape machine only playing background music below ordinary conversation level and two (2) TV's, at 226 Broadway.

The hearing on this application will be held on Tuesday evening, April 23, 1996, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

ASMARA RESTAURANT LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Asmara Restaurant, Inc. d/b/a Asmara Restaurant, Lettensa Afeworki, manager, holder of a wines and malt beverages as a restaurant license, 45 seats, at 739 Massachusetts Avenue has applied for outside seasonal seating of 9 seats (3 tables). All non-alcoholic seats with no increase in capacity.

The hearing on this application will be held on Tuesday evening, April 23, 1996, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

AZORES MARKET LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Lilia Fagundes d/b/a Azores Market requests the transfer of its wines and malt beverages as a package goods store license at 304 Prospect Street to Trader Joe's East, Inc. d/b/a Trader Joe's, Kathy Heckler, manager at 727 Memorial Drive.

The officers and directors of Trader Joe's East, Inc. are: Douglas G. Rauch, President; Michael F. Parker, Treasurer; James Poppe, Clerk and Director.

Owner of Trader Joe's East, Inc., Trader Joe's Company; Owner of Trader Joe's Company, T.A.C.T. Holding, Inc.; owner of T.A.C.T. Holding, Inc., ABAT Handels-u. Vermoegensverwaltung GmbH & Co., KG-Germany; owners of ABAT, Theo Albrecht - 50% and Berthold Albrecht - 50%.

The premises are described as follows: 8106 sq. ft., specialty retail food store; 2161 sq. ft., storage; walk-in cooler all on the first floor.

The hearing on this application will be held on Tuesday evening, April 23, 1996, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

BATES GUARDIANSHIP

LEGAL NOTICE

COMMONWEALTH OF MASSACHUSETTS THE TRIAL COURT THE PROBATE AND FAMILY COURT DEPARTMENT MIDDLESEX DIVISION DOCKET NO. 95P5913CM NOTICE OF GUARDIANSHIP - MINOR WITHOUT SURETIES NOTICE

To all persons interested in Tina Bates of Cambridge in said County Middlesex, a minor.

A petition has been presented in the above-captioned matter praying that Marnie Bates of Cambridge in the county of Middlesex be appointed guardian of said minor with custody, without giving a surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before May 3, 1996.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the eleventh day of December, in the year of our Lord one thousand nine hundred and ninety five.

Donna M. Lambert  
Register of Probate

ORDER OF NOTICE

If is ordered that notice of said proceeding be given by delivering or mailing by registered or certified mail a copy of the foregoing citation to all persons interested two months at least before said return day; and, if service be made by regis-

tered or certified mail, unless it shall appear that all persons interested have received actual notice, by publishing a copy thereof once in the Cambridge Chronicle, a newspaper published in Cambridge, the publication be be seven (7) days at least before said return day.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court, this eleventh day of December, 1995.

Cambridge Chronicle, 4/11/96.

BOOKCELLAR LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Eben Taggart and Joseph Bills, Jr., doing business as The Bookcellar Cafe, has applied for a common victualer's license to be exercised on the 1st floor at 1971 Massachusetts Avenue. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises, and to have a total occupancy of 18 persons. Said license if granted would be exercised from 10 a.m. to 9 p.m. daily.

A hearing on said application will be held on Tuesday, April 23, 1996 at 6:00 p.m., in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue. Any person wishing to comment on said application may attend the hearing, or such person may prior to the hearing submit a written statement to the License Commission, Michael J. Lombardi Municipal Building, 1st floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

BROMFIELD

PUBLIC NOTICE

RELATIVE TO ZONING

CITY OF CAMBRIDGE OFFICE OF THE CITY CLERK

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Wednesday, May 1, 1996 at 6:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition submitted by Russell A. Bromfield, Michael A. Volpe, et al to amend the Zoning Ordinances of the City of Cambridge as follows:

In Article 13.10, delete all but the first sentence from paragraph 13.14.3, such that this paragraph shall read as follows:

13.14.3 There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel.

In Article 13.10, add a new Paragraph 13.14.4 which reads as follows:

13.14.4 At locations where the development parcel and/or lots within said parcel but any non-residential, higher-density residential, or open space district, there shall be not requirements for minimum front, side, or rear yards. At locations where the development parcel and/or lots within said parcel but any Residence A or Residence B district, there shall be a buffer strip of 400 feet measured from any point on said district boundary. Within said buffer strip, all uses and construction shall conform to the standards of an Open Space district, and commercial parking and loading are expressly prohibited.

In Article 13.10, renumber Paragraph 13.4.4 to be 13.4.5.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,  
Councillor Francis H. Duehay,  
Chairman

Cambridge Chronicle, 4/11 & 4/18/96.

DOMINIC'S MUSIC LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Dominic S. Cucinotti d/b/a Dominic's Music has applied for a Second-Hand Goods license at 169 Monsignor O'Brien Highway.

The hearing on this application will be held on Tuesday evening, April 23, 1996, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

DONAGHY ESTATE

LEGAL NOTICE

COMMONWEALTH OF MASSACHUSETTS THE TRIAL COURT THE PROBATE AND FAMILY COURT DEPARTMENT PROBATE OF WILL WITH/WITHOUT SURETIES MIDDLESEX DIVISION DOCKET NO. 96P1565EP

Estate of Abigail T. Donaghy, Abigail Theresa Donaghy late of Cambridge in the County of Middlesex died on Oct.

26, 1995.

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Paul M. Donaghy, John G. Donaghy both of Cambridge in the County of Middlesex be appointed executors without giving surety on their bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on May 2, 1996.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First justice of said Court at Cambridge, the second day of April in the year of our Lord one thousand nine hundred and ninety-six.

Donna M. Lambert  
Register of Probate

ORDER OF NOTICE

It is ordered that notice of said proceeding be given by delivering or by mailing by-postpaid a copy of the foregoing citation to all persons interested fourteen days at least before said return day, and by publishing a copy thereof once in the Cambridge Chronicle a newspaper published in Cambridge publication to be seven (7) days at least before said return day. And it is further ordered that notice be given to the Attorney General of said Commonwealth by delivering or by mailing postpaid a copy thereof to him fourteen days at least before said return day.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court, this second day of April, 1996.

Cambridge Chronicle, 4/11/96.

DRISCOLL ESTATE

LEGAL NOTICE

COMMONWEALTH OF MASSACHUSETTS THE TRIAL COURT THE PROBATE AND FAMILY COURT DEPARTMENT PROBATE OF WILL WITH/WITHOUT SURETIES MIDDLESEX DIVISION DOCKET NO. 96P1201EP

Estate of Veronica Driscoll, Vera Veronica Driscoll late of Cambridge in the County of Middlesex died on Feb. 24, 1996

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Michael J. Driscoll of Cambridge in the County of Middlesex be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 25, 1996.

In addition you must file a written affidavit of objections to the petition stating the specific facts upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the fourteenth day of March in the year of our Lord one thousand nine hundred and ninety-six.

Donna M. Lambert  
Register of Probate

ORDER OF NOTICE

It is ordered that notice of said proceeding be given by delivering or by mailing by-postpaid a copy of the foregoing citation to all persons interested fourteen days at least before said return day, and by publishing a copy thereof once in the Cambridge Chronicle a newspaper published in Cambridge publication to be seven (7) days at least before said return day.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court, this fourteenth day of March, 1996.

Cambridge Chronicle, 4/11/96.

EGAN LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Paul A. Egan d/b/a Paul A. Egan Antiques has applied for an antique store license at 169 Monsignor O'Brien Highway.

The hearing on this application will be held on Tuesday evening, April 23, 1996 at six o'clock, 831 Massachusetts Avenue, 2nd floor, Cambridge, Mass., 02139.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

E & E GULF APPLICATION

LEGAL NOTICE

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given pursuant to Gen-

eral Laws, Chapter 148 that Lessee: E & E Gulf Service, Inc. (Owner of land: Cumberland Farms, Inc.), holder of a garage and gasoline license at 1725 Massachusetts Avenue has applied to operate in self-service mode.

The hearing on this application will be held on Tuesday evening, April 23, 1996, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

GERSH LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Ed Gersh d/b/a Ed Gersh Antiques has applied for an antique store license at 169 Monsignor O'Brien Highway.

The hearing on this application will be held on Tuesday evening, April 23, 1996 at six o'clock, 831 Massachusetts Avenue, 2nd floor, Cambridge, Mass., 02139.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

GROTLISCK ESTATE

LEGAL NOTICE

COMMONWEALTH OF MASSACHUSETTS THE TRIAL COURT THE PROBATE AND FAMILY COURT DEPARTMENT PROBATE OF WILL WITH/WITHOUT SURETIES MIDDLESEX DIVISION DOCKET NO. 96P162IEP

Estate of Clare E. Grotlisk late of Cambridge in the County of Middlesex died on June 25, 1986

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Maryellen Barrett of Winchester and Eileen V. Barrett of Burlington both in the County of Middlesex be appointed executrices without giving surety on their bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on May 7, 1996.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the fifth day of April in the year of our Lord one thousand nine hundred and ninety-six.

Donna M. Lambert  
Register of Probate

ORDER OF NOTICE

It is ordered that notice of said proceeding be given by delivering or by mailing by-postpaid a copy of the foregoing citation to all persons interested fourteen days at least before said return day, and by publishing a copy thereof once in the Cambridge Chronicle a newspaper published in Cambridge publication to be seven (7) days at least before said return day.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court, this fifth day of April, 1996.

Cambridge Chronicle, 4/11/96.

HANDICAP BIDS

LEGAL NOTICE

ADVERTISEMENT

The Cambridge Housing Authority, the Awarding Authority, invites sealed bids for **Handicapped Accessibility Upgrade at the Pisani Center**, the community building at CHA's Washington Elms (MA 3-1) development, in accordance with the documents prepared by **Fondren/McGrath Architects, Inc.**

The Project consists of upgrade of an existing one-story Management and Community building located at CHA's Washington Elms (MA 3-1) development.

The work is estimated to cost **\$135,000**. The category for which the General bidder must be DCPO-certified is **General Building Construction**.

General Bids will be accepted from bidders only when accompanied by a Certificate of Eligibility and an Update Statement (DCPO Forms CQ7 and CQ3).

Plans and specifications will be available on **Wednesday, April 3, 1996** after 2:00 PM at the Office of Planning and Development, Cambridge Housing Authority, 675 Massachusetts Avenue, 2nd Floor, Cambridge, MA. Bidders may obtain Plans and Specifications weekdays, between the hours of 9:00 A.M. and 5:00 P.M. by depositing **\$25.00 per set**. This fee shall be refundable upon the return of the documents in usable condition within thirty (30) days of the General Bid Opening, after which all deposits become the property of the Cambridge Housing Authority. Contract Documents will not be mailed; they may be examined at the plan room of Dodge Construction Reports, 24 Hartwell Avenue, Lexington, MA.

A Site Inspection will be held on **Wednesday, April 10, 1996 at 10:00 A.M.** Interested parties will meet at the Pisani Center, 131 Washington Street, Cambridge, MA.

Each bidder shall visit the site of the proposed work and become fully acquainted with the conditions as they exist in order to fully understand conditions, restrictions, and difficulties attending the execution of the work under this contract. By submitting a bid, the bidder warrants that he has examined the site, specifications, and drawings, that the specification and drawings are adequate and the required result can be produced under the specifications and drawings. No increase in the contract sum nor claim for damages due to delay will be permitted as a result of the contractor's failure to accomplish any or all of these requirements.

Each bidder shall base his bid on the timely progression and completion of the work within the time for completion of the work as stated in the specification.

Bid documents submitted by all bidders shall be in a sealed, which shall be clearly labeled with the words **Handicapped Accessibility Upgrade at Federally-Assisted Elderly Developments**, and the firm name of the bidder.

**Filed Sub Bid Section for this Work is: Electrical. Existing bids will be retained.**

General Bids shall be submitted with DCPO forms CQ7 and CQ3 no later than **2:00 p.m. Wednesday, April 17, 1996** and shall be received at the above-address Cambridge Housing Authority, Office of Planning and Development.

**Bids not accompanied by DCPO Forms CQ7 and CQ3 will be rejected by the Authority.**

Bids may be mailed to Cambridge Housing Authority Office of Planning and Development, 675 Massachusetts Avenue, Cambridge, Massachusetts, 02139.

Every General Bid and Filed Sub bid shall be accompanied by a Bid Deposit payable to the CHA in the form of cash, certified check, bid bond, or treasurer's or cashier's check issued by a responsible bank or trust company, in the amount of 5% of the bid. The bid security shall secure the execution of the contract and the furnishing of Performance and Payment Bonds by the successful General Bidder as specified in the Contract Documents.

All general bids and sub-bids are subject to provisions of MGL Chapter 30, Section 39M, and Chapter 149, Section 44A to J inclusive. All other applicable state laws, municipal ordinances, and rules and regulations of all authorities having jurisdiction over construction of the project shall apply to the contract throughout and will be deemed to be included in the contract as if written out in full.

The successful bidder will be required to furnish a Performance Bond and Payment Bond as set forth in the Specifications, each in the full amount of the contract.

The Awarding Authority reserves the right to reject any and all bids and to waive any informalities in the bidding if it is in the public interest to do so. The Cambridge Housing Authority also reserves the right to reject the bids if less than three bids are received.

The wages paid to all employees on this project shall not be less than the U.S. Department of Labor minimum wage rates. Refer to wage rate schedule in the Project Specification.

The Cambridge Housing Authority is a tax-exempt organization. Bids shall not include sales tax on any and all building materials and supplies required for the work of the project. The exemption number assigned to the Authority will be given to the General Contractor at the Preconstruction Conference.

No interpretations of the meaning of the plans, specifications, or other pre-bid documents shall be made to any bidder orally. Every request for such interpretation must be in writing to the Architect.

**Fondren/McGrath Architects, Inc.**  
1430 Massachusetts Avenue  
Cambridge, Massachusetts,  
02138-3810

**ALL BIDDERS PLEASE NOTE:** Equal Employment Opportunity guidelines regarding minorities and females shall be strictly enforced on this project. Please refer to Labor Regulations of the general requirements.

Cambridge Chronicle, 4/11/96.

HICKS LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Bernard Hicks has applied for a Used Car Dealer license, Class II at 98 River Street, office only, no vehicles on premises.

The hearing on this application will be held on Tuesday evening, April 23, 1996, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

HUTCHINGS LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Richard A. Hutchings d/b/a Hutchings Antiques has applied for an antique store license at 160 Monsignor O'Brien Highway.

The hearing on this application will be held on Tuesday evening, April 23, 1996 at six o'clock, 831 Massachusetts Ave-

nue, 2nd floor, Cambridge, Mass., 02139.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

JOE SAVENOR LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Broadway Joe Savenor and Sons, Inc., Joseph Savenor, manager, holder of an all alcoholic beverages as a package goods store license at 222 Broadway has applied for a transfer of its license to BK Saini Corporation d/b/a Discount Liquor & Convenience Mart, Karam Singh, manager at said address.

The officers and directors of BK Saini Corporation are: Karam Singh, President; Treasurer; Clerk and Director.

The premises are described as follows: First floor location with full basement for storage.

The hearing on this application will be held on Tuesday evening, April 23, 1996, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

MAYO AUTO LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE

## LEGAL NOTICES

...continued from previous page

fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said accounts. If you desire to object to any item of said accounts, you must, in addition to filing a written appearance as fore-said, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

WITNESS, SHEILA E. MCGOVERN, Esquire, First Judge of said Court, this 19th day of March 1996.

Donna M. Lambert  
Register

Cambridge Chronicle, 4/11/96

## MOUNT AUBURN LICENSE

## LEGAL NOTICE

CITY OF CAMBRIDGE  
BOARD OF LICENSE  
COMMISSIONERS

Notice is hereby given that Mount Auburn Hospital, David Vipond, Manager has applied for a common victualer's license to be exercised on the Lobby: Coffee Shop floor at 330 Mt. Auburn Street. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises, and to have a total occupancy of Cafeteria - 200, Coffee shop 40 persons. Said license if granted would be exercised from Cafeteria - 6:30 a.m. to 8 p.m., Coffee shop 8 a.m. to 4 p.m. daily.

A hearing on said application will be held on Tuesday, April 23, 1996 at 6:00 p.m., in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue. Any person wishing to comment on said application may attend the hearing, or such person may prior to the hearing submit a written statement to the License Commission, Michael J. Lombardi Municipal Building, 1st floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

## M.I.T. LICENSE

## LEGAL NOTICE

CITY OF CAMBRIDGE  
BOARD OF LICENSE  
COMMISSIONERS

Notice is hereby given that Massachusetts Institute of Technology has applied for an Open Air Parking license for:

- 1) 256 cars at 170 Main St. (Sloan Lot);
  - 2) 69 cars at 21 Amherst Street (Amherst Lot);
  - 3) 195 cars at 21 Hayward Street (Hayward Street Lot);
  - 4) 61 cars at 13 Deacon Street (Deacon Street Lot);
  - 5) 32 cars at 370 Main Street (Ford Lot);
  - 6) 9 cars at 79 Amherst Street (E10 Lot);
  - 7) 174 cars at 2 Vassar Street (East Garage Annex & Open Lot);
  - 8) 72 cars at 25,51,59 Vassar Street (East Lot);
  - 9) 135 cars at 20 Albany Street (Albany Street Lot);
  - 10) 102 cars at 60 Vassar Street (Main Lot);
  - 11) 112 cars at 66 Albany Street (N10 Lot);
  - 12) 78 cars at 22 Windsor Street (Windsor Street Lot);
  - 13) 31 cars at 116 Albany Street (Nuclear Reactor Lab Lot);
  - 14) 107 cars at Danforth Street (Kresge Lot);
  - 15) 100 cars at 169 Vassar Street (West Annex Lot);
  - 16) 25 cars at 167 Albany Street (Plasma Fusion Lot);
  - 17) 283 cars at 70 Pacific Street (Pacific Street Annex);
  - 18) 172 cars at 24 Pacific Street (Pacific Street Lot);
  - 19) 37 cars at 565 Memorial Drive (W91 Lot);
  - 20) 238 cars at Cambridge Center (CRA Lot);
  - 21) 35 cars at 350 Brookline Street (350 Brookline Street)
- Total: 2,323 cars

The hearing for this application will be held on Tuesday evening, April 23, 1996, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

## NELSON SUMMONS

## LEGAL NOTICE

COMMONWEALTH OF  
MASSACHUSETTS  
THE TRIAL COURT  
PROBATE AND FAMILY COURT  
DEPARTMENT  
MIDDLESEX DIVISION  
DOCKET NO. 96D0903 DV-1  
SUMMONS BY PUBLICATION

ANDRA BELFAST-NELSON, Plaintiff(s)

v.  
MICHAEL NELSON, Defendant(s)

To the above named Defendant(s):

A Complaint has been presented to this Court by the Plaintiff(s), ANDRA BELFAST-NELSON, seeking a Divorce for cruel and abusive treatment

You are required to serve upon ANDRA BELFAST-NELSON - plaintiff(s) - whose address is 21 Walden Sq. Apt. #643 Cambridge MA 02140 your answer on or before June 17, 1996. If you fail to do so, the court will proceed to the hearing and adjudication of this action. Your are also required to file a copy of your answer in the office of the Register of this Court at Cambridge

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, this 19th day of March, 1996.

Donna M. Lambert  
Register of Probate

Cambridge Chronicle, 3/28, 4/4, 4/11/96.

## OUT OF THE BLUE LICENSE

## LEGAL NOTICE

CITY OF CAMBRIDGE  
BOARD OF LICENSE  
COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Out of The Blue, Inc. d/b/a The Blue Room, Caroline Wheaton, manager, holder of an all alcoholic beverages as a restaurant license at One Kendall Square, Building 200 has applied for a transfer of its license to DNS Group, Inc. d/b/a The Blue Room, Deanna L. Briggs, manager at said address.

This applicant has applied to pledge its license and stock.

This applicant has also applied for an entertainment license to include live musical instruments and/or live vocalists, with amplification; audio tape machine/CD only playing background music below ordinary conversation and 1 TV.

The officers and directors of DNS Group, Inc. are: Deanna I. Briggs, President and Director; Nicholas J. Zappia, Jr., Treasurer and Director; Stephen H. Johnson, Clerk and Director.

The premises are described as follows: kitchen, bar and dining room with a separate take-out counter and separate patio area for use in warm weather months.

The hearing on this application will be held on Tuesday evening, April 23, 1996, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

## PEREZ SUMMONS

## LEGAL NOTICE

COMMONWEALTH OF  
MASSACHUSETTS  
THE TRIAL COURT  
DISTRICT COURT DEPARTMENT  
LYNN DIVISION  
ESSEX, SS  
DOCKET NO. 9513 CP 0017

## CARE AND PROTECTION OF

Daysiree Perez  
Cesar Perez

## SUMMONS BY PUBLICATION

TO: Luz Batista  
Cesar Perez; and  
any unknown or unnamed father

A petition has been presented to this Court by the Commonwealth's Department of Social Services, seeking as to the subject children Daysiree Perez and Cesar Perez, that said children be found in need of care and protection and committed to the Department of Social Services. The Court may dispense with your consent to the adoption of the said children if it finds that the children in need of care and protection and that the best interests of the children would be served by said disposition.

You are hereby ORDERED to appear in this Court at 580 Essex Street, Lynn, MA, 01902 on May 31, 1996.

You may bring an attorney with you. If you cannot afford an attorney, the court will appoint an attorney to represent you.

If you fail to appear, the court may proceed with a trial on the merits of the petition and an adjudication of this matter.

For further information, you may call the Clerk Magistrate at the above named court.

Sally F. Padden  
Justice of the District Court

Cambridge Chronicle, 3/28, 4/4, 4/11/96.

## PULLEN GUARDIANSHIP

## LEGAL NOTICE

COMMONWEALTH OF  
MASSACHUSETTS  
THE TRIAL COURT  
PROBATE AND FAMILY COURT DEPARTMENT  
MIDDLESEX DIVISION  
DOCKET NO. 96A0126-C1  
CITATION  
M.G.L. c. 210, SECTION 6

In the Matter of Jasmine Cindy Pullen, minor

To any unknown or unnamed alleged father of parts unknown persons interested in a petition for the adoption of said child and to the Department of Social Services of said Commonwealth.

A petition has been presented to said court by Kay Maria Schmidt and Diane E. Pullen praying for leave to adopt said child and that the name of the child be changed to Jasmine Cindy Pullen-Schmidt

IF YOU DESIRE TO OBJECT THERETO YOU OR YOUR ATTORNEY MUST FILE A WRITTEN APPEARANCE IN SAID COURT AT Middlesex Probate Court, 208 Cambridge St. Cambridge, Ma before TEN O'CLOCK in the forenoon (10:00 A.M.) on May 24, 1996

Witness Sheila E. McGovern Esquire, First Justice of said Court.

Date March 11, 1996.

Donna M. Lambert  
Register of Probate

## ORDER OF NOTICE

It is ordered that notice of said proceed-

ing be given by mailing to the Department of Social Services and by delivering in hand and if in hand service cannot be accomplished, then by mailing by certified mail, return receipt requested, a copy of the foregoing citation to said interested persons two months at least before said return date, and if service is made by mail, unless it shall appear that all persons interested have received actual notice, by publishing a copy thereof in the Cambridge Chronicle publication to be once in each of three consecutive weeks, the last publication to be seven days at least before said return day.

Witness Sheila E. McGovern Esquire, First Justice of said Court

Date March 11, 1996

Donna M. Lambert  
Register of Probate

Cambridge Chronicle, 4/4, 4/11, 4/18.

## ROSENGARTEN LICENSE

## LEGAL NOTICE

CITY OF CAMBRIDGE  
BOARD OF LICENSE  
COMMISSIONERS

Notice is hereby given that Bert Rosengarten has applied for an antique store license at 169 Monsignor O'Brien Highway.

The hearing for this application will be held on Tuesday evening, April 23, 1996 at six o'clock, 831 Massachusetts Avenue, 2nd floor, Cambridge, Mass., 02139.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

## SEZ, INC. LICENSE

## LEGAL NOTICE

CITY OF CAMBRIDGE  
BOARD OF LICENSE  
COMMISSIONERS

Notice is hereby given that SEZ, Inc., doing business as Downstairs Cafe, Elaine Zanetas, Manager has applied for a common victualer's license to be exercised on the 1st floor at 222 Third Street. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises, and to have a total occupancy of 14 persons. Said license if granted would be exercised from 7:30 a.m. to 7:00 p.m. daily.

A hearing on said application will be held on Tuesday, April 23, 1996 at 6:00 p.m., in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue. Any person wishing to comment on said application may attend the hearing, or such person may prior to the hearing submit a written statement to the License Commission, Michael J. Lombardi Municipal Building, 1st floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

Benjamin Barnes  
Kevin Fitzgerald  
Henry Breen  
License Commission

Cambridge Chronicle, 4/11/96.

## SPOKES ANNUAL REPORT

## LEGAL NOTICE

The 1995 Annual Report and Form 990-PF of Spokes of America Corp. is now available for public inspection at 117 Chilton St., Cambridge MA 02138 for 180 days during regular business hours. Tel. (617) 491-0015. Daniel Filene, Pres.

Cambridge Chronicle, 4/11/96.

## STREET PERFORMERS SECTION

## LEGAL NOTICE

FIRST PUBLICATION NO. 2706  
CITY OF CAMBRIDGE  
IN THE YEAR ONE THOUSAND,  
NINE HUNDRED NINETY-SIX  
AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge."

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE CITY OF CAMBRIDGE  
AS FOLLOWS:

That Title 12.16 entitled "Street and Sidewalk Use Regulations" of the Municipal Code is hereby amended by striking out section 12.16.170 entitled "Street Performers" and by substituting in place thereof a new section which reads as follows:

12.16.170 Street performers.

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability to businesses to conduct their businesses uninterrupted. This section seeks to balance the interests of performers with those of the residents and businesses of the City.

The City Council designates the Arts Council of the City to be the agent of the City primarily charged with the responsibility of supervising the provisions of this section.

## A. Definitions.

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. Perform shall not include the production of items for sale.

2. "Performer" means a person who has obtained a permit pursuant to this section.

"Public areas" means public sidewalks, parks, playgrounds and other Cambridge pedestrian areas.

## B. Prohibition.

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

## C. Permit.

1. A permit shall be issued by the Cambridge Arts Council to each applicant therefor in exchange for a completed application and a fee of forty dollars.

2. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that calendar year.

4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than one hundred and sixty dollars total for permits for group members.

5. Upon issuing a permit, the Arts Council shall also give the performer a copy of this section.

6. If a performer loses his or her permit, one replacement per year may be obtained for a fee of fifteen dollars.

## D. Display of Permit.

A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any Cambridge police officer or staff person of the Cambridge Arts Council on request.

## E. Permitted Performances.

1. Performances may take place in the following locations:

a. In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Commissioner of Public Works, or the Chief of Police pursuant to subsection F of this section;

b. On private property, with the written permission of the owner or other person in control of such property;

c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

a. Monday through Thursday, between 7:00 a.m. and 11:00 p.m.  
Friday, between 7:00 a.m. and 12:00 midnight p.m.  
Saturday, between 7:00 a.m. and 12:00 midnight p.m.  
Sunday, between 12 noon and 11:00 p.m.

b. In the public space at the intersection of Mt. Auburn Street and JFK Street, known as Winthrop Park, performances may take place at the following times:

Monday through Thursday, between 7:00 a.m. and 10:00 p.m.  
Friday, between 7:00 a.m. and 11:00 p.m.  
Saturday, between 8:00 a.m. and 11:00 p.m.  
Sunday, between 12:00 noon and 10:00 p.m.

3. a. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels measured at a distance of twenty-five feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of fifty decibels, and exceeds the background noise by at least ten Db(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L90.

b. Drums shall be inaudible at a distance of one hundred fifty feet.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officers shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than fifty feet from another performer or group of performers.

6. A performer may request contributions or money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale recordings of their own work, in the form of records, cassettes, videotapes or compact discs. On sidewalks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), and must not exceed more than 20% of the width of the sidewalk from the property line of the premises in front of which the display is installed. Notwithstanding the foregoing, a performer may set up a display on the public sidewalk in

front of a doorway to a business if the business is not open, assuming said display meets all other requirements of this section. In public areas other than sidewalks, no such display shall exceed twenty-five square feet, and it shall be prohibited to place a carpet, rug, blanket, or other such covering over grass in a public place.

## F. Exclusion of Public Areas.

1. A specific public area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than fourteen days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than ten days prior to said hearing; or

a. Based upon evidence presented to the City Council during its deliberations on the adoption of the ordinance codified in this section, the City Council designates Brattle Street on both sides from the northerly side of Church Street to the northerly lot line of 76 Battle Street as an excluded area, thereby prohibiting performances in that area.

b. Due to the proximity of Quincy Park to a residential area, a hotel, and a library, the City Council designates Quincy Park an excluded area; thereby prohibiting performances in that area.

2. By decision of the Chief of Police in the case of an emergency; any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

3. By decision of the Commissioner of Public Works in the case of an emergency regarding a park or playground; any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

## G. Penalties.

## 1. Noncriminal Disposition.

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the following officials shall be enforcing persons: police officers and/or Cambridge Arts Council staff. The penalty for each violation will be twenty-five dollars.

## 2. Suspension of Permit.

The Cambridge Arts Council and/or the Cambridge police may suspend a permit for no more than thirty days if:

a. a performer is found to have knowingly provided false information in the application; or

b. a performer has received three noncriminal dispositions within one calendar year.

## 3. Revocation of Permit.

The Cambridge Arts Council may revoke a permit for the remainder of the calendar year if a performer has received five noncriminal dispositions during that calendar year.

4. Before suspending or revoking a permit, the Arts Council must hold a public hearing, after ten days written notice to the performer setting forth the facts constituting the basis for the proposed suspension or revocation.

5. A performer may not receive a permit unless all tickets from the previous year have been paid.

## H. Exclusivity.

The provisions of this section take precedence over any other City regulations or ordinance applicable to street performers. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by street performers shall be governed by this section and not by the Cambridge City noise ordinance.

## I. Peace and quiet.

A performance in accordance with this ordinance shall be presumed not to constitute a disturbance of the peace or quiet.

## J. Severability.

The provisions of this section are severable, and if any part of this section should be held invalid by a court or competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect. (Ord. 1142, 1992.; Ord. 1104, 1990).

Passed to a second reading at the City Council meeting held on April 8, 1996 and on or after April 22, 1996 the question comes on passing to be ordained.

ATTEST: - D. Margaret Drury, City Clerk

Cambridge Chronicle, 4/11/96.

## SWIFT GUARDIANSHIP

## LEGAL NOTICE

COMMONWEALTH OF  
MASSACHUSETTS  
THE TRIAL COURT  
THE PROBATE AND  
FAMILY COURT DEPARTMENT  
MIDDLESEX DIVISION  
DOCKET NO. 96P1349GI  
NOTICE OF  
GUARDIANSHIP - MENTALLY ILL  
WITH SURETIES  
NOTICE

To Pauline E. Swift also known as Pauline Elizabeth Swift of Cambridge in said County Middlesex and heirs apparent or presumptive:

A petition has been presented in the above-captioned matter alleging that said Pauline E. Swift is a mentally ill person and praying that Charles W. Gordon, Jr. of Cambridge in the County of Middlesex or some other suitable person be appointed her guardian. "with court authorization to treat with antipsychotic medication in accordance with the treatment plan.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before April 29, 1996. WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge the twenty seventh of March, in the year of our Lord one thousand nine hundred and ninety six.

Donna M. Lambert  
Register of Probate Court

Cambridge Chronicle, 4/11/96.

## TRAFFIC REGULATION

## LEGAL NOTICE

CITY OF CAMBRIDGE  
TRAFFIC, PARKING AND  
TRANSPORTATION

## REGULATION NO. 96-08

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

Regulation No. 66-1 Schedule 6A "PARKING PROHIBITED AT ALL TIMES ON CERTAIN SIDES OF CERTAIN STREETS, TOW AWAY ZONE" is hereby amended by adding the following:

Columbus Ave., North Side, Kimball St. to 107 West of Harrison Ave.

This regulation shall take effect 25 April 1996.

PROMULGATED DATE  
27 March 1996

Susan E. Clippinger  
Director

Cambridge Chronicle, 4/4, 4/11, 4/18/96.

## T.T. THE BEAR'S LICENSE

## LEGAL NOTICE

CITY OF CAMBRIDGE  
BOARD OF LICENSE  
COMMISSIONERS

Pursuant to General Laws, Chapter 140, notice is hereby given that the License Commission has received an application from T. T. The Bear's Place, Inc., Miles Cares, manager, holder of an all alcoholic beverages as a restaurant license has applied for an extension of its entertainment license to include reading of poetry or other works in addition to dancing by patrons; live musical instruments and/or live vocalists, with amplification; two (



# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Six

## AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge."

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

That Title 12.16 entitled "Street and Sidewalk Use Regulations" of the Municipal Code is hereby amended by striking out section 12.16.170 entitled "Street Performers" and substituting in place thereof a new section which reads as follows:

12.16.170 Street performers.

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their businesses uninterrupted. This section seeks to balance the interests of the performers with those of the residents and businesses of the City.

The City Council designates the Arts Council of the City to be the agent of the City primarily charged with the responsibility of supervising the provisions of this section.

### A. Definitions.

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. Perform shall not include the production of items for sale.

2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and other Cambridge pedestrian areas .

### B. Prohibition.

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

### C. Permit.

1. A permit shall be issued by the Cambridge Arts Council to each applicant therefor in exchange for a completed application and a fee of forty dollars .

2. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that calendar year.

4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than one hundred and sixty dollars total for permits for group members.

5. Upon issuing a permit, the Arts Council shall also give the performer a copy of this section.

6. If a performer loses his or her permit, one replacement permit per year may be obtained for a fee of fifteen dollars.

D. Display of Permit.

A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any Cambridge police officer or staff person of the Cambridge Arts Council on request.

E. Permitted Performances.

1. Performances may take place in the following locations:

a. In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Commissioner of Public Works, or the Chief of Police pursuant to subsection F of this section;

b. On private property, with the written permission of the owner or other person in control of such property;

c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

a. Monday through Thursday, between 7:00 a.m. and 11:00 p.m.  
Friday, between 7:00 a.m. and 12:00 midnight p.m.  
Saturday, between 7:00 a.m. and 12:00 midnight p.m.  
Sunday, between 12 noon and 11:00 p.m.

b. In the public space at the intersection of Mt. Auburn Street and JFK Street, known as Winthrop Park, performances may take place at the following times:

Monday through Thursday, between 7:00 a.m. and 10:00 p.m.  
Friday, between 7:00 a.m. and 11:00 p.m.  
Saturday, between 8:00 a.m. and 11:00 p.m.

Sunday, between 12:00 noon and 10:00 p.m.

3. a. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels measured at a distance of twenty-five feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of fifty decibels, and exceeds the background noise by at least ten Db(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean  $L_{90}$ .

b. Drums shall be inaudible at a distance of one hundred fifty feet.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officers shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than fifty feet from another performer or group of performers.

6. A performer may request contributions or money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale recordings of their own work, in the form of records, cassettes, videotapes or compact discs. On sidewalks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), and must not exceed more than 20% of the width of the sidewalk from the property line of the premises in front of which the display is installed. Notwithstanding the foregoing, a performer may set up a display on the public sidewalk in front of a doorway to a business if the business is not open, assuming said display meets all other requirements of this section. In public areas other than sidewalks, no such display shall exceed twenty-five square feet, and it shall be prohibited to place a carpet,

rug, blanket, or other such covering over grass in a public place.

F. Exclusion of Public Areas.

1. A specific public area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than fourteen days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than ten days prior to said hearing; or

a. Based upon evidence presented to the City Council during its deliberations on the adoption of the ordinance codified in this section, the City Council designates Brattle Street on both sides from the northerly side of Church Street to the northerly lot line of 76 Battle Street as an excluded area, thereby prohibiting performances in that area.

b. Due to the proximity of Quincy Park to a residential area, a hotel, and a library, the City Council designates Quincy Park an excluded area, thereby prohibiting performances in that area.

2. By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

3. By decision of the Commissioner of Public Works in the case of an emergency regarding a park or playground: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

G. Penalties.

1. Noncriminal Disposition.

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the following officials shall be enforcing persons: police officers and/or Cambridge Arts Council staff. The penalty for each violation will be twenty-five dollars.

2. Suspension of Permit.

The Cambridge Arts Council and/or the Cambridge police may suspend a permit for no more than thirty days if:

a. a performer is found to have knowingly provided false information in the application; or

b. a performer has received three noncriminal dispositions within one calendar year.

3. Revocation of Permit.

The Cambridge Arts Council may revoke a permit for the remainder of the calendar year if a performer has received five noncriminal dispositions during that calendar year.

4. Before suspending or revoking a permit, the Arts Council must hold a public hearing, after ten days written notice to the performer setting forth the facts constituting the basis for the proposed suspension or revocation.

5. A performer may not receive a permit unless all tickets from the previous year have been paid.

H. Exclusivity.

The provisions of this section take precedence over any other City regulations or ordinance applicable to street performers. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by street performers shall be governed by this section and not by the Cambridge City noise ordinance.

I. Peace and quiet.

A performance in accordance with this ordinance shall be presumed not to constitute a disturbance of the peace or quiet.

J. Severability.

The provisions of this section are severable, and if any part of this section should be held invalid by a court or competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect. (Ord. 1142, 1992,; Ord. 1104, 1990).

Passed to a second reading at the City Council meeting held on April 8, 1996 and on or after April 22, 1996 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk

DRAFT AMENDMENTS PROPOSED BY THE ARTS COUNCIL  
January 12, 1996

12.16.170 Street performers.

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their businesses uninterrupted. This section seeks to balance the interests of the performers with those of the residents and businesses of the City.

The City Council designates the Arts Council of the City to be the agent of the City primarily charged with the responsibility of supervising the provisions of this section.

A. Definitions.

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. Perform shall not include the production of items for sale.

2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and other Cambridge pedestrian areas ~~all public ways in Cambridge.~~

B. Prohibition.

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

C. Permit.

1. A permit shall be issued by the Cambridge Arts Council to each applicant therefor in exchange for a completed application and a fee of ~~forty dollars~~ ~~twenty-five dollars~~.

2. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that calendar year.

4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than one hundred and sixty dollars total for permits for group members.

5. Upon issuing a permit, the Arts Council shall also give the performer a copy of this section.

6. If a performer loses his or her permit, one replacement permit per year may be obtained for a fee of fifteen dollars.

D. Display of Permit.

A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any Cambridge police officer or staff person of the Cambridge Arts Council on request.

E. Permitted Performances.

1. Performances may take place in the following locations:

a. In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Commissioner of Public Works, or the Chief of Police pursuant to subsection F of this section;

b. On private property, with the written permission of the owner or other person in control of such property;

c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

a. Monday through Thursday, between 7:00 a.m. and 11:00 p.m.  
 Friday, between 7:00 a.m. and 12:00 ~~11:00~~ p.m.  
 Saturday, between 7:00 a.m. and 12:00 ~~11:00~~ p.m.  
 Sunday, between 12 noon ~~10:00 a.m.~~ and 11:00 p.m.

b. In the public space at the intersection of Mt. Auburn Street and JFK Street, known as Winthrop Park, performances may take place at the following times:

Monday through Thursday, between 7:00 a.m. and 10:00 p.m.  
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 Saturday, between 8:00 a.m. and 11:00 p.m.

Sunday, between 12:00 noon and 10:00 p.m.

3. a. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels measured at a distance of twenty-five feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of fifty decibels, and exceeds the background noise by at least ten Db(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean  $L_{90}$ .

b. Drums shall be inaudible at a distance of one hundred fifty feet.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officers shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performer's may perform less than fifty feet from another performer or group of performers.

6. A performer may request contributions or money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale recordings representations of their own work, including but not limited to photos, in the form of records, cassettes, videotapes or compact discs. ~~No display of such representations of the performer's own work shall exceed more than twenty-five percent~~ On sidewalks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), and must not exceed more than 20% of the width of the sidewalk from the property line of the premises in front of which the display is installed. In public areas other than sidewalks, no such display shall exceed twenty-five square feet, and it shall be prohibited to place a carpet, rug, blanket, or other such covering over grass in a public place.

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a. Based upon evidence presented to the City Council during its deliberations on the adoption of the ordinance codified in this section, the City Council designates Brattle Street on both sides from the northerly side of Church Street to the northerly lot line of 76 Battle Street as an excluded area, thereby prohibiting performances in that area.

b. Due to the proximity of Quincy Park to a residential area, a hotel, and a library, the City Council designates Quincy Park an excluded area, thereby prohibiting performances in that area.

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3. By decision of the Commissioner of Public Works in the case of an emergency regarding a park or playground: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

G. Penalties.

1. Noncriminal Disposition.

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the following officials shall be enforcing persons: police officers and/or Cambridge Arts Council staff. The penalty for each violation will be twenty-five dollars.

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a. a performer is found to have knowingly provided false information in the application; or

b. a performer has received three noncriminal dispositions within one calendar year.

3. Revocation of Permit.

The Cambridge Arts Council may revoke a permit for the remainder of the calendar year if a performer has received five noncriminal dispositions during that calendar year.

4. Before suspending or revoking a permit, the Arts Council must hold a public hearing, after ten days written notice to the performer setting forth the facts constituting the basis for the proposed suspension or revocation.

5. A performer may not receive a permit unless all tickets from the previous year have been paid.

#### H. Exclusivity.

The provisions of this section take precedence over any other City regulations or ordinance applicable to street performers. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by street performers shall be governed by this section and not by the Cambridge City noise ordinance.

#### I. Peace and quiet.

A performance in accordance with this ordinance shall be presumed not to constitute a disturbance of the peace or quiet.

#### J. Severability.

The provisions of this section are severable, and if any part of this section should be held invalid by a court or competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect. (Ord. 1142, 1992,; Ord. 1104, 1990).

COMMITTEE MINUTES  
COVER SHEET

The Ordinance Committee  
held a public ~~meeting~~/hearing on March 28, 1996, beginning at 5:30 ~~am~~  
pm in the Sullivan Chamber/~~Ackermann Room~~ for the purpose of considering  
proposed amendments to the Street Performance Ordinance  
(Attachment A).

Present at the hearing were Councillor Francis H. Duchay  
, Chair of the Committee, Vice Mayor Kathleen L. Born, ~~Councillor~~  
~~Henrietta David~~, ~~Councillor Francis H. Duchay~~, ~~Councillor Anthony D. Galluccio~~, ~~Councillor~~  
~~Councillor Kenneth E. Reeves~~, Mayor Sheila T. Russell, Councillor Michael A. Sullivan,  
~~Councillor Timothy J. Toomey, Jr.~~, ~~Councillor Katherine Triantafyllou~~, and City Clerk D.  
Margaret Drury. Also present were Deputy City Manager Richard Rossi,  
Deputy City Streets Donald Drisdell, Pallas Lombardi,  
Director of the Arts Council and Lindsay Field, Arts Council.

Councillor

Duchay

convened the hearing, and ~~explained the purpose.~~

Ordinance Committee

5:30 C. Duchy Curran

C. Duchy M. Russell

C. Sullivan C. Brown

DMD

RR

Dr. Driscoll

Pallos Lombardi, Dir

Lindsay Field

EG

1 He

C. Duchy began the meeting w/

an explanation of the procedure for enacting

amendments to the City Ordinances and an

explanation of the format of the hearing

C. Duchy then requested that  
the members of the Ordinance make a presentation

Pallas Lombardi, Dir of the Arts Council,

stated that the proposed amendments were drafted by

the Arts Council + ~~several~~ The amendments are the

products of meetings over the past year with representatives of the Harvard Square Business Association, Westbury Park Trust, the Cambridge Office for Tourism, the performers and the Arts Council. She stated that all of the suggested changes have been agreed upon by all of the parties.

Ms. Lombardi drew the Committee's attention

~~to 3 changes~~ to 3 major ~~changes~~ changes.  
three

Section

A.C. provides for an increase in the permit  
from \$25 to \$40

fee, to fund an increase in monitoring hours.

The season is April to October, prime time, but

permits run from January through December.

the Arts Council issues as 2 550 <sup>permits</sup>; monitoring has been

effort + has reduced <sup>complaints</sup> complaints, but monitoring hours need to be increased.

# INSERT ①

reverts

284

Dr G (S) provides for reverts for the remainder of the year if a person has received free tickets that year, and for a 30-day permit suspension after 3 tickets.

Linda Non  
 PL then introduced Linda Non,

Arlagh, member for The Arts Council. Ms Non

said that her membership last year was mostly

~~weekend~~ in the evenings, and there is a big need

for weekend day membership.

C. Dwyer asked how many people

received 3 or more tickets

Lindsay Field said, <sup>that</sup> last summer <sup>three</sup> 3

received ③ tickets and ④ received ④. She believes that this represents an overlap of the same people

# INSERT (1)

Mrs. Lombardi stated that the other ~~two~~

significant <sup>proposed</sup> amendments are in Sections G.2, through

~~Sec.~~ G.4. <sup>proposed</sup> Sec. G.2 ~~used~~ provides for

suspension of a permit ~~after~~ for up to 30 days after

three tickets within one calendar year. <sup>proposed</sup> Sec. G.3

provides for ~~suspension~~ revocation of a permit for

the remainder of a calendar year after five tickets

and after a <sup>public</sup> hearing before the Arb Council provided for

in Sec. G.4.

Richard Rossi ~~for~~ voiced his support for the work that was done to arrive at the proposed amendments. He lauded the cooperation of all parties. Mr. Rossi pointed out that the amendments also propose excluding Queeny Park from the performance areas. He described the extensive public meetings regarding the development of the park and the ~~overwhelming~~ <sup>strong</sup> opposition of residents to allowing street performance in the park.

C. Diney asked whether R.R. thought the <sup>changes</sup> changes were adequate to deal with the complaints the City Manager's office receives. R.R. said that he believes they are adequate and <sup>reasonable</sup> reasonable.

Mr. Russell asked whether business people

were adequately involved in the <sup>discussion</sup> discussion. Lindsay

Field said the <sup>Kristen Sudholz</sup> ~~Christie Sudholz~~, <sup>Harvard Square</sup> Ivan Sz

Business Association

Bus. Assn. came to the meeting, as well as the

Ivan Sz Deputy Pres.

Mr. Russell asked whether <sup>Harvard Square</sup> Ivan Sz residents

were involved. L F said that residents attended the meeting.

C. Sullivan asked whether it would be possible to ~~not~~ provide for immediate revocation of licenses for anyone who performs in Query Square

Park

Dr. Drisdell, Deputy City Solicitor, stated

that it could be possible, but it should include

INSERT (2)

Councilman Sullivan requested that Mr.

Dusdell draft two proposed amendments for  
the Committee's consideration. The first would

provide for revocation of a permit, after a hearing  
~~by~~ before the Arb Council, after a single citation for  
performing in an excluded area. The second

would provide for a warning ~~and~~ and thereafter

for suspension or revocation after a single

citation for performing in an excluded area.

all of the excluded areas. It is probable that a  
Ct would uphold such a program. It noted that  
this subject is governed by First Amendment  
standards, so that a Ct will look at whether  
the least restrictive alternative has been used.

C. Sullivan requested that DD drop  
propos  
automatic revokato  
an a warning susp.  
for the

INSERT (2)

Kristen Sudholz, Exe Dir, Harv Sq

Bu Issn, 198 St Botolph St. Boston, spoke in

support of the proposed amendments when she met

took the job, she received hundreds of complaints  
from businesses in the square.

Each summer, The Arts Council, esp. Lindsay Fieles

were very cooperative. The meeting went on for 9

months. A very positive dialogue w/ the performers

ensued. This not only protect street performers

from the few "bullies".

Ms. Sudoletz noted that the definition

of "performance" is very important to the businesses

because there were many instances of peddlars calling

themselves performers <sup>who</sup> <sup>were</sup> ~~but~~ really in competition with

the businesses. The definition makes it clear that

performance is something ongoing that can be enjoyed

by passersby without paying a fee.

Ms. Sundholz stated that the Star Sq. Bus-

Assoc takes no position on the Quincy Square issue

C. Duchay asked whether the dialogue into

street performers is continuing, and Ms. Sundholz stated

that it is. They want to keep up the dialogue because

it works.

how this proposal will impact  
C. Duchay asked ~~whether~~ the City <sup>is</sup> has

~~the~~ resource to deal w/ the small but noisy

problem of "street bullies" Ms. Sundholz noted

that the revocation and suspension will be a big

improvement because now there is no enforcement

mechanism to make the performers pay the tickets

or to keep performers from violating the ordinance day

after day

C. Dueby stated that he is troubled by the small number of tickets issued. Mrs. Sudholz noted the need for additional marketing hours.

C. Dueby asked whether the H B

A had considered paying for some of the marketing cost. Mrs. Sudholz stated that the H-S-B-A would be open to discussion

two.

Maura Smith, Director of Tourism,

resident of Kennard Street, spoke in support of

the proposal. She stated that the street

performances are a real asset to tourism in

Conbridge: "As a H-S business person, she is well aware of the need for reasonable limitations on the street performances. This proposal represents a good faith effort on everyone's part to come up with a reasonable compromise."

C. Duchy asked whether the Office for Tourism could pay for monitoring and whether the O T had thought about performers in other areas of the City.

M S stated that budget wouldn't allow O T to request or request tourists in other city areas.

Red Lander, 67 Prescott Street, voiced his

appreciation for the inclusiveness of the process. He said that he supports the proposed rule. It doesn't reflect entirely the performer's point of view; it also does not reflect entirely the business' point of view. He added that if he believes that the suspension provision will be very effective; a 30-day suspension for a performer is huge. He added that he is v. excited by the changes in ~~Harvard Sq~~ Central Square, and hopes to perform there more. He urged more of a compromise regarding Quincy Square Park, ~~and~~

C. Duchey <sup>explained</sup> stated that there were many

<sup>public</sup> meetings at the Quincy Square Park and the

City Council wanted the park, many residents did not  
want a park if street performers could perform, and  
the City Council did agree to limiting street performers  
to get the park built.

Luke Hunsberger, work for, street performer,  
stated that because ~~the~~ all the performers don't  
know the rules, he would suggest having at least  
one warning before suspension or revocation. He ~~spoke~~  
spoke in support of the provision extending the hours.

He added that the suspension will make performers take  
the tickets much more seriously.

Jim McComb, 95 Highland Rd, spoke

in support of the proposal + emphasized the importance  
of more month hours.

David Kovicks, Jamaica Plain, street performer,  
spoke in support of the proposed ~~and~~ amend; <sup>1</sup> ~~esper~~  
more hours and more "feels" in enforcement. He  
noted that another issue is rotation of spots. He  
expressed concern of the Quincy Square Park exclusions

C. Ducey asked for a show of hands in  
support, and seventeen people raised their hands

Ned Lurie suggested an amend on  
p. 3. to specify doorway of open sleds.

C. Ducey then requested testimony in  
opposition.

Edward Ayoub, Somerville, stated that  
he is an occasional performer + he is proposing

"visitor's permit"

a lesser fee for 1 day performer, just to keep

it open to out of town occasional performers

said that he would be interested in  
C. Sullivan asked for the performers.

Mrs. Aym's suggested an addition to

to seek A.I.

the definition of performer, to add that performer does not

include playing pre-recorded music

C. Sullivan asked about the possibility

of having a street performer's festival awards.

Maura Smith said that that could be part of a

street performer festival, which the O T has

discussed.

C. Drueby requested that the group had  
dropped the idea from the Arts Council upon the

City Clerk of any additional recommended changes

asked abt the visits permit she  
C. Born stated that she knew of a

12 yr old child who wanted to play on 1 day. PL

stated that there is not much demand for this.

C. Born suggest abt thinking abt a junior performer's

~~permit~~ one day permit for ~~year~~ kids who

old - r offered \$40.

C. Born asked abt the rotation issue.

Ms. Sudholz said that the deus of the group was

to try a more voluntary rotation. There were also

concerns abt Administration

C. Dunkey expressed his appreciation

for all of the work that has been accomplished.

C. Sullivan moved that it be referred back to

the City Council, ~~(with the expectation of voting on ~~the~~ passage~~

~~to a second reading April 8<sup>th</sup>)~~ and the  
motion passed unanimously on a voice vote.

The hearing was held at 6:52 pm.

For the Committee

Councillor Francis H. Dwyer, Chair

SPEAKER SIGN UP  
IN SUPPORT OF PROMN

KRISTIN T. SUDBOLZ	EXEC. DIR, HARVARD Sq. BUSINESS
Maura Smith	Cambridge Tourism ASSN.
Ned Landin	Street Artist Guild
Luke Hunsberger	" " "
JIM MCCOMBE	" "
DAVID REVICS	" " "
<del>Edward Ayoub</del>	" "



SPEAKER SIGN UP

IN OPPOSITION TO

Edward Ayoub

Draft : for Michael

① Proposed amendment for a ~~revocation~~,  
~~immediate~~ after hearing before Arts Council,  
after a single citation for performing in  
an excluded area.

② Proposed amendment for a warning, then  
a suspension after a single citation for  
performing in an excluded area

after a hearing  
by the Arts Council



RECEIVED BY  
OFFICE OF CITY CLERK  
19.6 JAN 18 PM 2:47  
CAMBRIDGE MA.

Cambridge  
Office for Tourism, Inc.

January 18, 1995

18 Brattle Street  
Cambridge, MA  
02138

Telephone  
617 · 441 · 2884

FAX  
617 · 441 · 7736

Honorable Members of the City Council  
City Hall  
Cambridge, MA 02139

Dear City Councillors:

On behalf of the Cambridge Office for Tourism, I am writing to voice our support for the proposed amendments to the Street Performers Ordinance. Over the past year, we have worked with representatives of the street performers, the Harvard Square Business Association, the Harvard Square Defense Fund, and the Cambridge Arts Council to improve the current regulations to best meet the needs of residents, businesses, and performers.

I am pleased to report that this process has proved to be a successful one as all parties came to the table with a willingness to negotiate and to compromise. The result is a set of amendments which are mutually acceptable to all parties; these changes will not only help better protect residents and businesses in and around Harvard Square, but will also provide the street performers with a fair and clear set of guidelines.

Clearly, the colorful and talented array of street performers in Harvard Square is one of the major attractions that Cambridge has to offer. In fact, the Office for Tourism celebrates their presence in our marketing, advertising, and public relations efforts. We are pleased to have been included in the development of the new guidelines and hope that the Cambridge City Council will support these important and necessary changes.

Sincerely,

MAURA SMITH  
Executive Director

Board of Directors

Chair  
*Richard Rossi*  
City of Cambridge

Vice Chair  
*Janice Saragoni*  
Hynes Convention Center

Treasurer  
*Rita Corkery*  
Harvard University

*Leroy Cragwell*  
Cambridge Resident

*Mary Lou Crane*  
Greater Boston Convention  
and Visitors Bureau

*Gayle Fitzgerald*  
Massachusetts Institute of Technology

*Michael Levie*  
Royal Sonesta Hotel

*Gerald Oldach*  
Cambridge Chamber of Commerce

*Steve Vissotzky*  
Hyatt Regency Cambridge

Executive Director  
*Maura Smith*

Clerk  
*Lisa Peterson*

Consent Communication #13

Communication was received from  
Maura Smith, Executive Director,  
transmitting support for the  
proposed amendments to the Street  
Performer Ordinance.

In City Council January 22, 1996

*Referred to Agenda  
Item #5*



# HARVARD SQUARE

## BUSINESS ASSOCIATION

### OFFICERS

January 16, 1995

#### President

RICHARD R. BEATY  
Hammond/IRB/Ellis & Andrews

#### Vice-President

FRANK S. KRAMER  
Harvard Book Store

#### Vice-President

MARTHA W. SULLIVAN  
The Charles Hotel

#### Treasurer

JAMES H. SMITH  
Cambridge Center  
for Adult Education

#### Secretary

SUE E. KUELZER  
Grendel's Restaurant

#### Executive Director

KRISTIN T. SUDHOLZ

Cambridge City Council  
City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139

Re: Art Council's (AC) proposed changes to the existing Ordinance 12.16.170 governing the actions of Street Performers (SP) in Cambridge.

Dear Members of the City Council:

As Harvard Square is the primary location for street performances in Cambridge, the Harvard Square Business Association (HSBA) recognizes the value that the SP bring to the environment in Harvard Square, and have no wish to see them go away. Yet, the existing ordinance provides loopholes for street peddlers (currently forbidden in Harvard Square by Section 5.36.060) to use the Street Performer ordinance to sell their "wares." Also, the existing ordinance has "no teeth" to it, providing no way to enforce compliance with the ordinance. Therefore, alterations must be made to make this ordinance a more effective regulation that serves both the community and the performers as well. The Harvard Square Business Association (HSBA) has no objections to the proposed changes suggested by the AC, but does have some comments about just a few of the articles in the existing Ordinance.

Obviously, as the ordinance most affects the SP, so their response and concerns must also be addressed. Therefore, attached to this letter is "Draft Amendments Proposed By The Performers, April 1995" (Appendix A) which outlines by color 1) the existing ordinance (black); 2) the AC's recommendations accepted by the performers (green); 3) the SP's recommendations not included, or in lieu of, the AC's recommendations (purple), and 4) the Council's recommendations presently disputed by the SP (red). The entire HSBA Board of Directors has reviewed Appendix A and has the following suggestions and comments about the AC's and the SP's recommendations:

**1) Section A.1.** The existing definition of "perform" tends to provide a loophole for street peddlers or hawkers to make a variety of crafts or other items for sale in Harvard Square, by calling it 'performance art'; the present Street Peddling Ordinance, Chapter 5.36.060, restricts Harvard Square from street peddling. The definition needs to clarify the definition so that the revised ordinance does not allow the sale of such items (e.g.: jewelry, pottery, handmade T-shirts, etc.). Therefore, the HSBA highly encourages the City Council to adapt the AC's amended definition.

**2) Section C.1 & C.3.** This section recommends an increase in permit fees and clarification of the valid permit year. The HSBA agrees with the AC's recommendations. In Appendix A, the SP recommend that besides a yearly permit, that a monthly permit be issued at \$20/month, to be valid until the end of the calendar month for the monthly permit. This allows for traveling semi-professional performers to purchase a permit to play for a short period of time. The performers felt that this would allow for a better quality of performers, as there have been several excellent performers who did not want a year-long permit that wanted to perform in the Square. The HSBA feels that this is a reasonable request and is not opposed to it, but recognizes this may cause extra work on the part of the AC staff. Therefore, either recommendation is acceptable.

**3) Section E. 2a & 2b.** With regard to performance time adjustments and the separation of Winthrop Park in the time schedule, the HSBA supports these changes wholeheartedly, as

### DIRECTORS

ROBERT BANKER  
The Banker Company

CAROL BARTALUSSI  
BayBank

SARIE L. BOOY  
The Cambridge Current

GRENVILLE P. BYFORD  
John Harvard's Brew House

ALISON CHARELLO  
Cambridge Savings Bank

MICHAEL W. DREESE  
Newbury Comics

CYNTHIA FRUDE  
Woolcott & Co.

RICHARD K. GETZ  
Richard Getz Associates

LISA F. GOREN  
HMV Music Superstore

CSILLA JACOBSON  
Omni Travel

SCOTT LEVITAN  
Harvard Real Estate

JEREMIAH MURPHY  
The Harvard Coop

RICHARD M. OLKEN  
Harvard Student Agencies

KATHLEEN O'NEILL  
WordsWorth Books

HARVEY STEINER  
Art Related Technology, Inc.

EDWARD P. VER PLANCK  
Dickson Bros.

ERIC A. WALKER, D.M.D.  
Dentist

LEVIN A. WATERS  
Cambridge Trust Company

these times were a compromise between the SP and the Harvard Square Defense Fund (HSDF). The HSDF agreed to support extended hours on Friday and Saturday nights (a very lucrative time for performers), and in return, the SP were willing to reduce the hours they could play in Winthrop Park and on Sundays in observance of residents and churches in the area (a concern of the HSDF's). The HSBA thought both the extended hours on Friday and Saturday nights and the reduction of Winthrop Park and Sunday hours were reasonable and do recommend the changes.

4) **Section G. 2b. and G. 5** It is important that the AC have the ability to suspend or revoke a permit for non-compliance of the ordinance. We recognize that the performers have concern with this concept, and have offered a counter proposal (Appendix A) that includes serious suspensions of the permit for violations in lieu of revocation. The HSBA prefers the ability of the AC to revoke permits, but the performers' proposal also results in the basic goal of this section: to remove the offending performer from the streets for non-compliance. Therefore, the HSBA accepts both proposals.

5) The SP and the HSBA would like to designate a few of the more congested and popular performance areas, and make them subject to restriction of total time a performer can play in any one of these designated areas. The reason for this is that a small number of performers will arrive at 4:00 a.m. to 'hold' their spot, even though they cannot begin playing until 7:00 a.m. They do this on a daily basis, and thus no other performers are given access to these high visibility areas. The result has been the reduction of the total number and diversity of the performances, as well as the subjection of abutting businesses to listen to the same performers playing the same few "hits" over and over again, 7 days a week, all day long (for which we receive unending complaints). The performers have tried to be more conscientious about such behavior, and this last season have voluntarily rotated their performance sites to great success, allowing other performers access to high visibility locations. Yet, there are always the "bullies" who ruin it for everyone. By designating a few locations (a total of four (4) that are designated on the last page of Appendix) both the abutting businesses and performers will benefit.

The Performers have drafted a very specific proposal for handling the rotation and assignments of these spaces (see Appendix A, Section 3.7); yet, the HSBA feels that it is unnecessary to put such a detailed outline in the ordinance. We believe a simple clause designating the 4 locations, and stating that the locations can be subject to performance limitations as deemed necessary by the AC, will be sufficient. There is no guarantee the SP's suggested procedure will be effective, and altering the ordinance continually to fit the rotation practices is unrealistic and time consuming.

By including this clause and empowering the AC, it allows the AC to "open up" these areas if there are no complaints by businesses or performers because the rotation is taking place voluntarily. The clause also allows the AC to take minimal action to solve the problem if the rotation is no longer voluntary and is causing difficulties for both the SP and abutting businesses/residents.

6) Should the City Council choose to be specific in the Ordinance about performance sites, please note that the Cambridge Office for Tourism has requested that the Ordinance include a clause about restricting performers from playing within a 25 foot radius of the Visitor Information Booth (Appendix B) as the staff cannot hear or respond adequately to questions or requests in person, or on the telephone. The HSBA believes that this is a very reasonable request and supports the inclusion of such a clause.

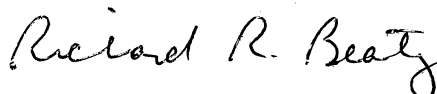
The Arts Council, has worked with the Harvard Square Business Association, Cambridge Office for Tourism, Harvard Square Defense Fund, and most importantly with the Street Performers to draft an amended Ordinance. In essence, the HSBA has no objections with the draft being presented to the Council by the AC, and believes that while interested parties would like to alter the ordinance more to their perspective, that all parties concerned will accept the AC's version without dismay, as the AC's suggested amendments did incorporate the wishes, needs, and concerns of all parties, and compromises were made and accepted in order to reach the amendments presented to you today.

Thank you for your time and consideration of this matter, as we all have the same goal in mind: to make Cambridge and Harvard Square enjoyable places to live, work, and visit.

Sincerely,



Kristin T. Sudholz  
Executive Director



Richard R. Beaty, President, HSBA  
Hammond Real Estate

Consent Communication #12

Communication was received from Harvard Square Business Association, transmitting the Art's Council proposed changes to the existing Ordinance 12.16.170 governing the actions of Street Performers in Cambridge.

In City Council January 22, 1996

*Referred to Agenda*

*Item #5*

Draft Amendments Proposed By The Performers  
June 9th, 1995

Guide: current text: black ink current text to be removed: ~~black ink~~  
Performers proposals: **Bold Type**

12.16.170 Street Performers.

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes **or the reasonable expectations of businesses to conduct their businesses uninterrupted.** This section seeks to balance the interests of the performers with those of the residents **and businesses** of the city.

The City Council designates the Arts Council of the City to be the agent of the City primarily charged with the responsibility of supervising the provisions of the section.

A. Definitions.

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, **puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e. chalk, pastels, or watercolors directly on the pavement), ballooning, painted or sketched portrait art, and fine art painting and drawing.** and reciting. **Perform shall not include the production of craft items for sale.**

2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and all public ways in Cambridge.

B. Prohibition.

No person may perform in a public area with out a permit issued pursuant to subsection C of this section.

C. Permit.

1. A permit shall be issued by the Cambridge Arts Council to each applicant therefor in exchange for a completed application and a fee of: **forty dollars for one year.**  
**twenty dollars for one month.**

2. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that **calendar year for a yearly permit and the end of that calendar month for a monthly permit.**

4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year **or month** in which the permit is valid. Each member of the group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than one hundred and **sixty** dollars total for permits for group members.

5. Upon issuing a permit the Arts Council shall also give the performer a copy of this section.

6. **If a performer loses his or her permit, one replacement permit per year may be obtained for a fee of fifteen dollars. Further replacements may be obtained for forty dollars each.**

D. Display of Permit.

A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any Cambridge police officer or staff person of the Cambridge Arts Council on request.

E. Permitted Performances.

1. Performances may take place in any of the following locations:

a. In public areas, except within one hundred feet of an elementary and or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Commissioner of Public Works, or the Chief of Police pursuant to subsection F of this section;

b. On private property, with the written permission of the owner or the person in control of such property;

c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

a. Monday through Thursday, between 7:00 a.m. and 11:00 p.m.  
Friday, between 7:00 a.m. and ~~12:00~~ ~~11:00 p.m.~~ (mid.)  
Saturday, between 7:00 a.m. and ~~12:00~~ ~~11:00 p.m.~~ (mid.)  
Sunday, between ~~12:00~~ noon ~~10:00 a.m.~~ and 11:00 p.m.

b. **For Winthrop Park only**

**Monday through Thursday, between 7:00 a.m. and 10:00 p.m.**  
**Friday, between 7:00 a.m. and 11:00 p.m.**  
**Saturday, between 8:00 a.m. and 11:00 p.m.**  
**Sunday, between 12:00 noon and 10:00 p.m.**

3. a. No performer or group of performers may generate noise exceeding a median

sound level of eighty decibels measured at a distance of twenty-five feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of fifty decibels, and exceeds the background noise by at least ten dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level to within these limitations. The background noise for this purpose shall mean L<sub>90</sub>.

b. Drums shall be inaudible at a distance of one hundred and fifty feet.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than fifty feet from another performer or group of performers.

6. A performer may request contribution of money or property at a performance, provided that no sign requesting contributions shall exceed twelve by eighteen inches in size. Contributions may be received in and receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale ~~recordings-representations~~ of their own work, ~~including but not limited to photos, in the form of records, cassettes, video tapes or compact discs as well as tied balloons, and original drawings or paintings.....~~ ~~No display of such representation of the performer's own work shall exceed more than twenty five percent.~~ **On side walks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), an must not exceed more than twenty percent** of the width of the sidewalk from the property line of the premises in front of which the display is installed. In public areas other than sidewalks, no such display shall exceed twenty-five square feet, and it shall be prohibited to place a carpet, rug, blanket, or other covering over the grass in a public place.

#### F. Exclusion of Public Areas.

1. A specific area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than fourteen days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than ten days prior to said hearing; or

a. Based upon evidence presented to the City Council during its deliberations on the adoption of the ordinance codified in this section, the City Council designates Brattle Street on both sides from the northerly side of Church Street to the Northerly lot line of 76 Brattle Street as an Excluded Area. Thereby prohibiting performances in that area.

2. By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

3. By decision of the Commissioner of Public Works in the case of emergency regarding park or playground: any holder of a license who disputes the need of said emergency exclusion may appeal to the City Council for review.

#### G. Penalties.

##### 1. Noncriminal Disposition.

Whoever violates any provision of this section may be penalized by a non criminal disposition as provided in G.L. c. 40, s. 21D. For the purposes of this section, the following officials shall be enforcing persons: police officers and /or Cambridge Arts Council staff. The penalty for each violation will be twenty-five dollars.

##### 2. Suspension of Permit

The Cambridge Arts Council and /or the Cambridge police may suspend a permit for no more than thirty days if:

- a. a performer is found to have knowingly provided false information in the application; or
- b. a performer has received three non criminal dispositions within one calendar year for violations of this section.**
- c. A suspension for 120 days may occur if a performer has received five non criminal dispositions within one calendar year for violations of this section.**

4. Before suspending a permit, the Arts Council must hold a public hearing, after ten day written notice to the performer setting forth the facts constituting the basis for the proposed suspension.

**5. A performer may not receive a permit unless all tickets from the previous year have been paid.**

#### H. Exclusivity

The provisions of this section take precedence over any other City regulations or ordinance applicable to street performances. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by street performances shall be governed by this section and not by the Cambridge City noise ordinance.

#### I. Peace and Quiet

A performance in accordance with this ordinance shall be presumed not to constitute a disturbance of the peace or quiet.

J. Severability.

The provisions of this section are severable, and if any part of this section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect. (Ord. 1142, 1992; Ord. 1104 1990)

(musician)

**January 18, 1996**

**Cambridge City Council  
Cambridge City Hall  
795 Mass. Ave.  
Cambridge, MA 02139**

RECEIVED BY  
OFFICE OF CITY CLERK  
JAN 18 PM 12:06  
CAMBRIDGE MA.

**Dear Council Members**

On behalf of the Street Entertainers of Cambridge, I am writing to thank you and the City Council for your careful consideration of these proposed amendments to the city ordinance as pertains to street performance.

It is unfortunate that we have just been notified today of the intentions to move the proposals forward, however, I shall try to address the issues as we see them and get this to you before the deadline.

Included is a copy of our current proposed amendments. In section E "Permitted Performances" we leave out of this version paragraph 7 of the last version submitted to you last year dealing with rotation of performers. Most of the difficulties which led to the need to address the issue of rotation cleared up last Summer through better communication by the artists and increased monitoring. It is felt that there will be continued "natural" improvement if there can be an increase of the monitoring and a clause for suspension as has been requested in all the proposals.

If rotation were ever to be considered we very strongly stand on the side of a precisely worded plan spelled out in the ordinance not a variable directive assigned to an agency.

Another issue which was just brought to my attention concerns a possible request to create an exclusion zone around the info booth in Harvard Sq. We understand the dilemma they are facing and are beginning to investigate options with Maura Smith of the Tourist Bureau, we are greatly concerned that this could create a bad precedent for excluding "business" areas. All other excluded sites deal with hospitals, churches and residents. We feel there are many options available to solve the situation far short of an exclusion zone.

Thanks again for your time and interest.

**Yours Truly,**



**Ned Landin  
Cambridge Representative  
Street Artist's Guild  
P.O. Box 211  
Medford, MA 02156**

Consent Communication #11

Communication was received from Ned Landlin, Cambridge Representative, Street Artist's Guild, transmitting thanks for consideration given to the proposed amendments to the City Ordinance as it pertains to street performance.

In City Council January 22, 1996

*Referred to Agenda  
Item # 5*

# **APPENDIX A**

*Draft Amendments Proposed By The Performers  
April, 19, 1996*

Draft Amendments Proposed By The Performers

April 19th, 1995

Guide: current text: black ink current text to be removed: ~~black ink~~  
concurring Art Council proposals Performers proposals disputed Art Council proposals

12.16.170 Street Performers.

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes **or the ability of businesses to conduct their businesses uninterrupted.** This section seeks to balance the interests of the performers with those of the residents **and businesses** of the city.

The City Council designates the Arts Council of the City to be the agent of the City primarily charged with the responsibility of supervising the provisions of the section.

A. Definitions.

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, **puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e. chalk, pastels, or watercolors directly on the pavement), ballooning, painted or sketched portrait art, and fine art painting and drawing.** and reciting. **Perform shall not include the production of craft items for sale.**

2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and **other Cambridge pedestrian areas. all public ways in Cambridge. (performers suggest no change to this part)**

B. Prohibition.

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

C. Permit.

1. A permit shall be issued by the Cambridge Arts Council to each applicant therefor in exchange for a completed application and a fee of: **forty dollars for one year.**  
**twenty dollars for one month.**

2. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that **calendar year for a yearly permit and the end of that calendar month for a monthly permit.**

4. A permit shall be nontransferable, and shall contain the permit number of the applicant

and the year **or month** in which the permit is valid. Each member of the group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than one hundred and sixty dollars total for permits for group members.

5. Upon issuing a permit the Arts Council shall also give the performer a copy of this section.

6. **If a performer loses his or her permit, one replacement permit per year may be obtained for a fee of fifteen dollars. Further replacements may be obtained for forty dollars each.**

D. **Display of Permit.**

A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any Cambridge police officer or staff person of the Cambridge Arts Council on request.

E. **Permitted Performances.**

1. Performances may take place in any of the following locations:

a. In public areas, except within one hundred feet of an elementary and or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Commissioner of Public Works, or the Chief of Police pursuant to subsection F of this section;

b. On private property, with the written permission of the owner or the person in control of such property;

c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

a. Monday through Thursday, between 7:00 a.m. and 11:00 p.m.  
Friday, between 7:00 a.m. and ~~12:00~~ ~~11:00~~ p.m.  
Saturday, between 7:00 a.m. and ~~12:00~~ ~~11:00~~ p.m.  
Sunday, between ~~12:00~~ noon ~~10:00 a.m.~~ and 11:00 p.m.

b. **For Winthrop Park only**

**Monday through Thursday, between 7:00 a.m. and 10:00 p.m.  
Friday, between 7:00 a.m. and 11:00 p.m.  
Saturday, between 8:00 a.m. and 11:00 p.m.  
Sunday, between 12:00 noon and 10:00 p.m.**

3. a. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels measured at a distance of twenty-five feet from the performer or

group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of fifty decibels, and exceeds the background noise by at least ten dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level to within these limitations. The background noise for this purpose shall mean L<sub>90</sub>.

b. Drums shall be inaudible at a distance of one hundred and fifty feet.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than fifty feet from another performer or group of performers.

6. A performer may request contribution of money or property at a performance, provided that no sign requesting contributions shall exceed twelve by eighteen inches in size. Contributions may be received in and receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale ~~recordings~~ ~~representations~~ of their own work, ~~including but not limited to photos,~~ **in the form of records, cassettes, video tapes or compact discs as well as tied balloons, and original drawings or paintings....** ~~No display of such representation of the performer's own work shall exceed more than twenty-five percent.~~ **On side walks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), and must not exceed more than twenty percent of the width of the sidewalk from the property line of the premises in front of which the display is installed. In public areas other than sidewalks, no such display shall exceed twenty-five square feet, and it shall be prohibited to place a carpet, rug, blanket, or other covering over the grass in a public place.**

7. **Due to high demand by performers for certain -prime- locations and the effect this has on the community four of the locations, herein described, in Harvard Square shall be distributed by lottery.**

**The Cambridge Arts Council shall implement said lottery for the four scheduled locations in accordance with the following:**

a. **The said four locations shall be scheduled for performance by a lottery held daily at such time and place in Harvard Sq. designated by the Cambridge Arts Council.**

b. **Only performers in attendance at the lottery may perform at said four locations.**

c. **If a performance group consists of two or more persons only a single group name may be submitted for the lottery.**

d. If there are twelve or fewer applications for the locations the time slots shall be four hours. If there are more than twelve applications for the locations the time slots shall be three hours.

e. A performer or group may receive more than one of the foregoing locations per day if there are less than twelve performers or groups making application at the lottery.

f. No performer shall perform at any one of said four designated locations more than four hours per day.

g. No performer shall perform in the same one of said four locations during the same time slot in two consecutive days.

h. Monday-Thursday The time slots shall begin at 11am and extend until 11pm.  
Friday-Saturday the time slots will begin at 12noon and extend until 12 mid..  
Sunday the time slot shall begin at 12 noon and extend until 11pm

current rules apply for these locations before time slots begin.

i. if any performer violates these provisions they will be ticketed and barred from entering the daily lottery for thirty days.

j. (rough ) description of locations:

(A map is to be created, possible location markers will be painted on the side walk by Arts Council)

1. THE LEARNINGSMITH/ BARTUCCI'S AREA

2. THE LITTLE COOP AREA

3. THE BIG COOP AREA

4. THE OUT OF TOWN NEWS/PIT AREA

k. The provisions in this paragraph apply only to the said four locations and will not affect any other location or performance time.

l. All other provisions of this section continue to apply to said four locations, only the selection of performers and times shall be altered by this part.

F. Exclusion of Public Areas.

1. A specific area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than fourteen days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than ten days prior to said hearing; or

a. Based upon evidence presented to the City Council during its deliberations on the adoption of the ordinance codified in this section, the City Council designates Brattle Street on both

sides from the northerly side of Church Street to the Northerly lot line of 76 Brattle Street as an Excluded Area. Thereby prohibiting performances in that area.

2. By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

3. By decision of the Commissioner of Public Works in the case of emergency regarding park or playground: any holder of a license who disputes the need of said emergency exclusion may appeal to the City Council for review.

#### G. Penalties.

##### 1. Noncriminal Disposition.

Whoever violates any provision of this section may be penalized by a non criminal disposition as provided in G.L. c. 40, s. 21D. For the purposes of this section, the following officials shall be enforcing persons: police officers and /or Cambridge Arts Council staff. The penalty for each violation will be twenty-five dollars.

##### 2. Suspension of Permit

The Cambridge Arts Council and /or the Cambridge police may suspend a permit for no more than thirty days if:

a. a performer is found to have knowingly provided false information in the application; or

b. a performer has received three non criminal dispositions within one calendar year for violations of this section.

c. A suspension for 120 days may occur if a performer has received five non criminal dispositions within one calendar year for violations of this section.

##### 3. Revocation of Permit

The Cambridge Arts Council may revoke a permit for the remainder of the calendar year if a performer has received five non criminal dispositions during that calendar year.

4. Before suspending or revoking a permit, the Arts Council must hold a public hearing, after ten day written notice to the performer setting forth the facts constituting the basis for the proposed suspension or revocation.

5. A performer may not receive a permit unless all tickets from the previous year have been paid.

#### H. Exclusivity

The provisions of this section take precedence over any other City regulations or ordinance

applicable to street performances. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by street performances shall be governed by this section and not by the Cambridge City noise ordinance.

I. Peace and Quiet

A performance in accordance with this ordinance shall be presumed not to constitute a disturbance of the peace or quiet.

J. Severability.

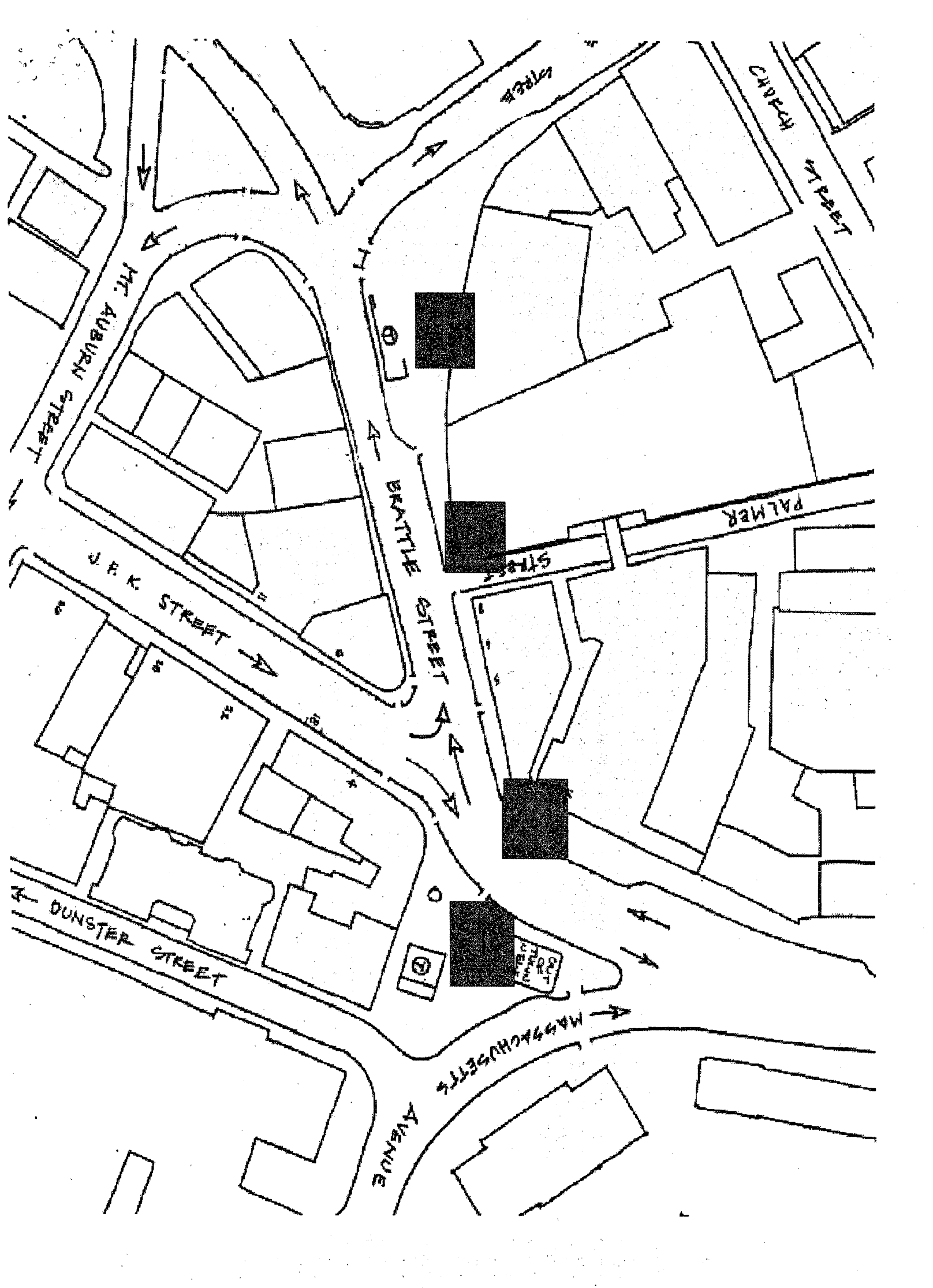
The provisions of this section are severable, and if any part of this section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect. (Ord. 1142, 1992; Ord. 1104 1990)

(musician)

## **APPENDIX B**

*Request for an Amendment to the  
Street Performers Ordinance  
by the  
Cambridge Office for Tourism*

*October 25, 1996*





Cambridge  
Office for Tourism, Inc.

October 25, 1995

18 Brattle Street  
Cambridge, MA  
02138

Mr. Don Drisdell  
City Solicitor's Office  
Cambridge City Hall  
795 Mass. Avenue  
Cambridge, MA 02139

Telephone

617 · 441 · 2884

Dear Don:

FAX

617 · 441 · 7736

On behalf of the Cambridge Office for Tourism, I am writing to request that proposed amendments to the Street Performers Ordinance also include a requirement that street performers are not allowed to perform within a 25-foot radius of the Visitor Information Booth in Harvard Square. When performers locate themselves close to the booth, the volunteers who staff the booth cannot respond to requests for information via telephone or in person. Since the Harvard Square Booth is the second busiest information center in the state, it is essential that we have reasonable conditions in which to serve the public. The 25-foot rule would still allow adequate performance space on the traffic island.

It is my understanding that the Street Performers Ordinance should proceed to Committee within the next few weeks. Please contact me regarding the legality of our proposed change and any additional steps we need to pursue to ensure that this requirement is included in the discussion.

Thanks for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Maura Smith".

MAURA SMITH  
Executive Director

cc: Lindsay Field  
Kristin Sudholz

The Honorable, The City Council  
January 22, 1996  
Page 2

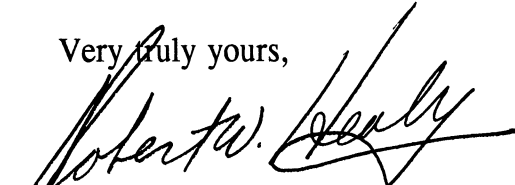
As you can see in the enclosed draft, the Arts Council has suggested changing the present wording "representations of their work" to "recordings of their work" (meaning audio tapes, CD's, and videos--hopefully, making what items can be sold less subject to interpretation).

3) Another suggestion from the performers is the creation of a monthly permit which would be available for \$20 (the performers agree with the price increase of \$40 for a yearly permit). The Arts Council thinks that a monthly permit would make enforcement difficult for both the Monitors and the Police and will encourage more performers to be in the Square, particularly during the peak season, when overcrowding is already a problem.

4) The performers are opposed to allowing the revocation of permits for any reason. They suggest that permits be suspended for a period of 120 days if a performer has received five non-criminal dispositions within one calendar year for violations of the Ordinance. The Arts Council staff and board think that the power of revocation is essential to the effective enforcement of the Ordinance.

It is my recommendation that the Ordinance Committee work with us by accepting the amendments in time for the upcoming Street Performance season, which will begin to escalate in March.

Very truly yours,



Robert W. Healy  
City Manager

RWH/mec



5.

CITY OF CAMBRIDGE  
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300  
FAX. 349-4307

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

January 22, 1996

RICHARD C. ROSSI  
Deputy City Manager

To The Honorable, The City Council:

Attached is a copy of the existing Street Performance Ordinance with several proposed amendments inserted and indicated by the shaded areas.

The amendments have been drafted by the Arts Council and reviewed by the Law Department. These amendments are the products of meetings over the past year with representatives of the Harvard Square Business Association, Winthrop Park Trust, the Cambridge Office for Tourism, the performers and Arts Council staff. Although the enforcement of the Ordinance has been much more effective the past two seasons -- primarily due to the hiring of Street Performance Monitors by the Arts Council -- all of the parties agree that the Ordinance itself needs further refinement in order to better serve those concerned: the performers, businesses, and residents. All of the suggested changes have been agreed upon by all parties.

However, there were a few additional suggestions for amendments that the Arts Council board and staff felt it was inappropriate to recommend due to inherent inconsistencies with the spirit of the Ordinance:

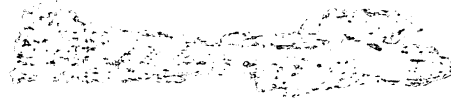
1) The performers have developed a scheme for the "rotation" of the four most popular spots in the Square. This plan would necessitate the exclusion of those four areas from the public areas where performance is presently permitted. These areas would essentially become private, and performances would be scheduled via a daily lottery. The Arts Council is concerned about creating any more exclusions than is absolutely necessary. Even though some exclusions are permitted according to the "time, place, and manner restrictions" allowed by the First Amendment, adding more restrictions could be seen as overly limiting.

2) The performers suggested adding "ballooning, painted or sketched portrait art, and fine art painting and drawing" to the definition of "Perform" in Section A. paragraph 1 of the Ordinance. Further, they suggest adding the wording "tied balloons, and original drawings or paintings" to Section E, Paragraph 6, which enumerates the items performers may sell. The Arts Council does not concur with either of these, as the selling of these goods in Harvard Square is forbidden by the vending ordinance.

Consent Agenda #5

Relative to proposed amendments to  
the existing Street Performance  
Ordinance.

In City Council January 22, 1996



*Referred to the Ordinance  
Committee*

*sent to C. Russell 1/24/96  
gws*



# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Six

## AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge."

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

That Title 12.16 entitled "Street and Sidewalk Use Regulations" of the Municipal Code is hereby amended by striking out section 12.16.170 entitled "Street Performers" and substituting in place thereof a new section which reads as follows:

12.16.170 Street performers.

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their businesses uninterrupted. This section seeks to balance the interests of the performers with those of the residents and businesses of the City.

The City Council designates the Arts Council of the City to be the agent of the City primarily charged with the responsibility of supervising the provisions of this section.

### A. Definitions.

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. Perform shall not include the production of items for sale.

2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and other Cambridge pedestrian areas.

### B. Prohibition.

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

### C. Permit.

1. A permit shall be issued by the Cambridge Arts Council to each applicant therefor in exchange for a completed application and a fee of forty dollars.

2. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that calendar year.

4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than one hundred and sixty dollars total for permits for group members.

5. Upon issuing a permit, the Arts Council shall also give the performer a copy of this section.

6. If a performer loses his or her permit, one replacement permit per year may be obtained for a fee of fifteen dollars.

D. Display of Permit.

A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any Cambridge police officer or staff person of the Cambridge Arts Council on request.

E. Permitted Performances.

1. Performances may take place in the following locations:

a. In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Commissioner of Public Works, or the Chief of Police pursuant to subsection F of this section;

b. On private property, with the written permission of the owner or other person in control of such property;

c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

a. Monday through Thursday, between 7:00 a.m. and 11:00 p.m.  
Friday, between 7:00 a.m. and 12:00 midnight p.m.  
Saturday, between 7:00 a.m. and 12:00 midnight p.m.  
Sunday, between 12 noon and 11:00 p.m.

b. In the public space at the intersection of Mt. Auburn Street and JFK Street, known as Winthrop Park, performances may take place at the following times:

Monday through Thursday, between 7:00 a.m. and 10:00 p.m.  
Friday, between 7:00 a.m. and 11:00 p.m.  
Saturday, between 8:00 a.m. and 11:00 p.m.

Sunday, between 12:00 noon and 10:00 p.m.

3. a. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels measured at a distance of twenty-five feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of fifty decibels, and exceeds the background noise by at least ten Db(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean  $L_{90}$ .

b. Drums shall be inaudible at a distance of one hundred fifty feet.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officers shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than fifty feet from another performer or group of performers.'

6. A performer may request contributions or money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale recordings of their own work, in the form of records, cassettes, videotapes or compact discs. On sidewalks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), and must not exceed more than 20% of the width of the sidewalk from the property line of the premises in front of which the display is installed. Notwithstanding the foregoing, a performer may set up a display on the public sidewalk in front of a doorway to a business if the business is not open, assuming said display meets all other requirements of this section. In public areas other than sidewalks, no such display shall exceed twenty-five square feet, and it shall be prohibited to place a carpet,

rug, blanket, or other such covering over grass in a public place.

F. Exclusion of Public Areas.

1. A specific public area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than fourteen days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than ten days prior to said hearing; or

a. Based upon evidence presented to the City Council during its deliberations on the adoption of the ordinance codified in this section, the City Council designates Brattle Street on both sides from the northerly side of Church Street to the northerly lot line of 76 Battle Street as an excluded area, thereby prohibiting performances in that area.

b. Due to the proximity of Quincy Park to a residential area, a hotel, and a library, the City Council designates Quincy Park an excluded area, thereby prohibiting performances in that area.

2. By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

3. By decision of the Commissioner of Public Works in the case of an emergency regarding a park or playground: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

G. Penalties.

1. Noncriminal Disposition.

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the following officials shall be enforcing persons: police officers and/or Cambridge Arts Council staff. The penalty for each violation will be twenty-five dollars.

2. Suspension of Permit.

The Cambridge Arts Council and/or the Cambridge police may suspend a permit for no more than thirty days if:

a. a performer is found to have knowingly provided false information in the application; or

b. a performer has received three noncriminal dispositions within one calendar year.

3. Revocation of Permit.

The Cambridge Arts Council may revoke a permit for the remainder of the calendar year if a performer has received five noncriminal dispositions during that calendar year.

4. Before suspending or revoking a permit, the Arts Council must hold a public hearing, after ten days written notice to the performer setting forth the facts constituting the basis for the proposed suspension or revocation.

5. A performer may not receive a permit unless all tickets from the previous year have been paid.

H. Exclusivity.

The provisions of this section take precedence over any other City regulations or ordinance applicable to street performers. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by street performers shall be governed by this section and not by the Cambridge City noise ordinance.

I. Peace and quiet.

A performance in accordance with this ordinance shall be presumed not to constitute a disturbance of the peace or quiet.

J. Severability.

The provisions of this section are severable, and if any part of this section should be held invalid by a court or competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect. (Ord. 1142, 1992,; Ord. 1104, 1990).

Passed to a second reading at the City Council meeting held on April 8, 1996 and on or after April 22, 1996 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk

A

DRAFT AMENDMENTS PROPOSED BY THE ARTS COUNCIL  
January 12, 1996

12.16.170 Street performers.

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their businesses uninterrupted. This section seeks to balance the interests of the performers with those of the residents and businesses of the City.

The City Council designates the Arts Council of the City to be the agent of the City primarily charged with the responsibility of supervising the provisions of this section.

A. Definitions.

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2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and other Cambridge pedestrian areas ~~all public ways in Cambridge.~~

B. Prohibition.

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

C. Permit.

1. A permit shall be issued by the Cambridge Arts Council to each applicant therefor in exchange for a completed application and a fee of ~~twenty-five dollars~~ forty dollars.

2. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that calendar year.

4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than one hundred and sixty dollars total for permits for group members.

5. Upon issuing a permit, the Arts Council shall also give the performer a copy of this section.

6. If a performer loses his or her permit, one replacement permit per year may be obtained for a fee of fifteen dollars.

D. Display of Permit.

A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any Cambridge police officer or staff person of the Cambridge Arts Council on request.

E. Permitted Performances.

1. Performances may take place in the following locations:

a. In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Commissioner of Public Works, or the Chief of Police pursuant to subsection F of this section;

b. On private property, with the written permission of the owner or other person in control of such property;

c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

a. Monday through Thursday, between 7:00 a.m. and 11:00 p.m.  
Friday, between 7:00 a.m. and 12:00 ~~11:00~~ p.m.  
Saturday, between 7:00 a.m. and 12:00 ~~11:00~~ p.m.  
Sunday, between 12 noon ~~10:00 a.m.~~ and 11:00 p.m.

b. In the public space at the intersection of Mt. Auburn Street and JFK Street, known as Winthrop Park, performances may take place at the following times:

Monday through Thursday, between 7:00 a.m. and 10:00 p.m.  
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Sunday, between 12:00 noon and 10:00 p.m.

3. a. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels measured at a distance of twenty-five feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of fifty decibels, and exceeds the background noise by at least ten Db(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean  $L_{90}$ .

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4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officers shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than fifty feet from another performer or group of performers.

6. A performer may request contributions or money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale recordings representations of their own work, including but not limited to photos, in the form of records, cassettes, videotapes or compact discs. ~~No display or such representations of the performer's own work shall exceed more than twenty five percent~~ On sidewalks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), and must not exceed more than 20% of the width of the sidewalk from the property line of the premises in front of which the display is installed. In public areas other than sidewalks, no such display shall exceed twenty-five square feet, and it shall be prohibited to place a carpet, rug, blanket, or other such covering over grass in a public place.

F. Exclusion of Public Areas.

1. A specific public area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than fourteen days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than ten days prior to said hearing; or

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2. By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

3. By decision of the Commissioner of Public Works in the case of an emergency regarding a park or playground: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

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3. Revocation of Permit.

The Cambridge Arts Council may revoke a permit for the remainder of the calendar year if a performer has received five noncriminal dispositions during that calendar year.

4. Before suspending or revoking a permit, the Arts Council must hold a public hearing, after ten days written notice to the performer setting forth the facts constituting the basis for the proposed suspension or revocation.

5. A performer may not receive a permit unless all tickets from the previous year have been paid.

#### H. Exclusivity.

The provisions of this section take precedence over any other City regulations or ordinance applicable to street performers. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by street performers shall be governed by this section and not by the Cambridge City noise ordinance.

#### I. Peace and quiet.

A performance in accordance with this ordinance shall be presumed not to constitute a disturbance of the peace or quiet.

#### J. Severability.

The provisions of this section are severable, and if any part of this section should be held invalid by a court or competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect. (Ord. 1142, 1992,; Ord. 1104, 1990).

# City of Cambridge

The Ordinance Committee held a public hearing on March 28, 1996, beginning at 5:30 p.m. in the Sullivan Chamber for the purpose of considering proposed amendments to the Street Performance Ordinance (Attachment A).

Present at the hearing were Councillor Francis H. Duehay, Chair of the Committee, Vice Mayor Kathleen L. Born, Mayor Sheila T. Russell, Councillor Michael A. Sullivan, and City Clerk D. Margaret Drury. Also present were Deputy City Manager Richard Rossi, Deputy City Solicitor Donald Drisdell, Pallas Lombardi, Director of the Arts Council and Lindsay Field, Arts Council.

Councillor Duehay convened the hearing. He began the meeting with an explanation of the procedure for enacting amendments to the City Ordinances and an explanation of the format of the hearing.

Councillor Duehay then requested that the proponents of the ordinance make a presentation.

Pallas Lombardi, Director of the Arts Council, stated that the proposed amendments were drafted by the Arts Council. The amendments are the products of meetings over the past year with representatives of the Harvard Square Business Association, Winthrop Park Trust, the Cambridge Office for Tourism, the performers and the Arts Council. She stated that all of the suggested changes have been agreed upon by all of the parties, and that they have been reviewed by the City Solicitor.

Ms. Lombardi drew the Committee's attention to three major changes. Section C1 provides for an increase in the permit fee from \$25 to \$40 to fund an increase in monitoring hours. The season is April to October, prime time, but permits run from January through December. Each year the Arts Council issues about 550 permits. Monitoring has been effective and has reduced complaints, but monitoring hours need to be increased.

Ms. Lombardi stated that the other significant proposed amendments are in sections G.2. through G.4. Proposed section G.2. provides for suspension of a permit for up to 30 days after three tickets within one calendar year. Proposed section G.3 provides for revocation of a permit for the remainder of a calendar year after five tickets and after a public hearing before the Arts Council provided for in section G.4.

Ms. Lombardi then introduced Linda Non, Arlington, monitor for the Arts Council. Ms. Non said that her monitoring last year was mostly in the evenings, and there is a big need for weekend day monitoring.

## The Ordinance Committee Minutes

Page 2

Councillor Duehay asked how many persons received three or more tickets. Lindsay Field said that last summer three received three tickets and four received four. She believes that this represents an overlap of the same people.

Richard Rossi voiced his support for the work that was done to arrive at the proposed amendments. He lauded the cooperation of all parties. Mr. Rossi pointed out that the amendments also propose excluding Quincy Park from the performance areas. He described the extensive public meetings regarding the development of the park and the strong opposition of residents to allowing street performances in the park.

Councillor Duehay asked whether Mr. Rossi thought the changes were adequate to deal with the complaints the City Manager's office receives. Mr. Rossi said that he believes they adequate and reasonable.

Mayor Russell asked whether business people were adequately involved in the discussion. Lindsay Field said that Kristen Sudholz, Harvard Square Business Association, came to all the meetings, as did the Harvard Square Defense Fund.

Mayor Russell asked whether Harvard Square residents were involved. Lindsay Field said that residents attended the meetings.

Councillor Sullivan asked whether it would be possible to provide for immediate revocation of licenses for anyone who performs in Quincy Square park.

Don Drisdell, Deputy City Solicitor, stated that it could be possible, but it should include all of the excluded areas. It is probable that a court would uphold such a provision. He noted that this subject is governed by First Amendment standards; so that a court will look at whether the least restrictive alternative has been used.

Councillor Sullivan requested that Mr. Drisdell draft two proposed amendments for the City Council's consideration. The first would provide for revocation of a permit, after a hearing before the Arts Council, after a single citation for performing in an excluded area. The second would provide for a warning and thereafter for suspension or revocation after a single citation for performing in an excluded area.

Kristen Sudholz, Executive Director, Harvard Square Business Association, resident of St. Botolph Street, Boston, spoke in support of the proposed amendments. When she first took the job, she received hundreds of complaints each summer from businesses in the Square. The Arts Council, especially Lindsay Field, was very cooperative. The meetings went on for nine months. A very positive dialogue with the performers ensued. This ordinance will protect street performers from the few "bullies".

Ms Sudholz noted that the definition of "performance" is very important to the businesses because there were many instances of peddlers calling themselves performers who really were in competition with the businesses. The definition makes it clear that performance is something ongoing that can be enjoyed by passersby without paying a fee.

Ms. Sudholz stated that the Harvard Square Business Association takes no position on the Quincy Square issue.

Councillor Duehay asked whether the dialogue with street performers is continuing, and Ms. Sudholz stated that it is. They want to keep up the dialogue because it works.

Councillor Duehay asked how this proposal will improve the City recourse to deal with the small but noisy problem of "street bullies." Ms. Sudholz noted that the revocation and suspension will be a big improvement because now there is no enforcement mechanism to make the performers pay the tickets or to keep performers from violating the ordinance day after day.

Councillor Duehay stated that he is troubled by the small number of tickets issued. Ms. Sudholz noted the need for additional monitoring hours.

Councillor Duehay asked whether the Business Association had considered paying for some of the monitoring . Ms. Sudholz stated that the Association would be open to discussing this.

Maura Smith, Director of Tourism, resident of Kinnaird Street, spoke in support of the proposal. She stated that the street performers are a real asset to tourism in Cambridge. As a Harvard Square business person, she is well aware of the need for reasonable limitations on the street performances. This proposal represents a good faith effort on everyone's part to come up with a reasonable compromise.

Councillor Duehay asked whether the Office for Tourism could pay for monitoring and whether the Tourism office had thought about performers in others areas of the City.

Councillor Sullivan stated that budget wouldn't allow the Office for Tourism to pay for monitoring but that she is very interested in interesting tourists in other city areas.

Ned Landin, 67 Prescott Street, voiced his appreciation for the inclusiveness of the process. He said that he supports the proposed ordinance. It doesn't reflect entirely the business point of view; nor it is exactly what the performers want. He added that he believes that the suspension provision will be very effective; a 30-day suspension for a performer is huge. He added that he is very excited by the changes in Central Square, and hopes to perform there more. He urged more of a compromise regarding Quincy Square Park.

Councillor Duehay explained that there were many public meetings about the Quincy Square Park and the City Council wanted the park, many residents did not want a park if street performers could perform, and the City Council did agree to limiting street performers to get the park built.

Luke Hunsberger, Western Avenue, street performer, stated that because all the performers don't know the rules, he would suggest having at least one warning before suspension or revocation. He spoke in support of the provision extending the hours. He added that the possibility of suspension will make the performers take the tickets much more seriously.

Jim McComb, 95 Highland Road, spoke in support of the proposal and emphasized the importance of more monitor hours.

David Rovicks, Jamaica Plain, street performer, spoke in support of the proposed amendment; especially more hours and more "teeth" in enforcement. He noted that another issue is rotation of spots. He expressed concern with the Quincy Square Park exclusion.

Councillor Duehay asked for a show of hands in support, and seventeen people raised their hands.

Ned Landin suggested an amendment on page 3 to specify that prohibition is on performance in front of doorways of open buildings.

Councillor Duehay then requested testimony in opposition.

Edward Ayoub, Somerville, stated that he is a occasional performer and he is proposing a lesser fee for one day performers, a "visitor's permit" just to keep it open to out of town occasional performers.

Councillor Sullivan said that he would be interested in the performers thoughts on this matter.

Mr. Ayoub suggested an addition to the definition of performance in section A.1. to add that a performance does not include playing the recorded music.

Councillor Sullivan asked about the possibility of having street performer's awards. Ms. Smith said that that could be part of a street performers festival, which the Office for Tourism has discussed.

Councillor Duehay requested that the group which had drafted the ordinance through the Arts Council inform the City Clerk of any additional recommended changes.

Councillor Born asked about the visitors permit. She stated that she knew of a 12 year-old child who wanted to play on one day. Ms. Lombardi stated that there is not much demand for this. Councillor Born suggest about thinking about a junior performer's one day permit for kids who couldn't afford \$40.

Councillor Born asked about the rotation issue. Ms. Sudholz said that the decision of the group was to try a more voluntary rotation. There were also concerns about the difficulty of administration of a formalized rotation.

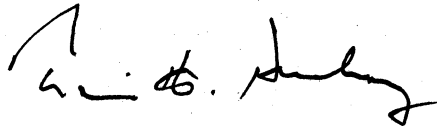
The Ordinance Committee Minutes  
Page 6

Councillor Duehay expressed his appreciation for all of the work that has been accomplished. He stated that he expects the report of this hearing to go before the City Council on April 8, 1996. If the working group that prepared this proposal would like the Council to consider some of the additional suggestions made in this hearing, the group should communicate its position to the City Council.

Councillor Sullivan moved that the proposed amendments be referred back to the City Council, and the motion passed unanimously on a voice vote.

The hearing was adjourned at 6:52 p.m.

For the Committee

A handwritten signature in black ink, appearing to read "F. H. Duehay", written in a cursive style.

Councillor Francis H. Duehay, Chair

Ordinance Committee transmitting a report of a public hearing held on March 28, 1996 for the purpose of considering proposed amendments to the Street Performance Ordinance.

April 22, 1996 Passed to be ordained as amended.

4/25/96 - Published - Chronicle

In City Council April 8, 1996

Report accepted. Placed on file.

Passed to a second reading as amended.