



Committee on Ordinances

March 21, 2017 – 7:00 PM – **Agenda**

City Hall, 133 William Street

City Council Chamber, Room 214

1. Written Motion, Councillor Lopes, requesting that the Committee on Ordinances draft a Home Rule Petition that would expand on the existing State Nuisance Law, to provide local landlords with the authority to evict tenants involved in crimes related to the use or illegal possession of guns. (Ref'd 6/9/16)

INVITEES: Joseph Cordeiro, Chief of Police; John E. Flor, Esq., Neighborhood Task Force; David Gerwatowski, Legal Counsel Attorney; Mikaela McDermott, City Solicitor

2. RELATED MOTION, Councillor Morad, requesting, that the Committee on Ordinances review the City's Code of Ordinances as it relates to the appointment, reappointment and removal of individuals serving active terms on the various Boards and Commissions of the City of New Bedford; and further, that language be crafted and adopted that would prohibit said Board members from serving in excess of ninety days after the term has expired. (Ref'd 1/12/17)

INVITEES: David Gerwatowski, Legal Counsel Attorney; Mikaela McDermott, City Solicitor; Representative, Mayor's Office

3. WRITTEN MOTION, Council President Lopes, requesting that the Committee on Ordinances review the governing structure of the Board of Park Commissioners, as it relates to the Members of the said board. (To be Referred to the Committee on Ordinances.) (Ref'd 2/23/17)

INVITEES: David Gerwatowski, Legal Counsel Attorney; Mikaela McDermott, City Solicitor; Mary S. Rapoza, Director, Parks Recreation & Beaches; Representative, Mayor's Office

4. WRITTEN MOTION, Council President Lopes, requesting that the Committee on Ordinances amend Chapter 2, Section 2-56 of the City Code, relative to Committees, that the Special Committee on Budget Review be a Standing Committee of the City Council. (To be Referred to the Committee on Ordinances.) (Ref'd 1/26/17)

INVITEES: David Gerwatowski, Legal Counsel Attorney

5. RELATED MOTION, Councillor Morad, requesting the Committee on Ordinances revise the Code of Ordinances, Chapter 19, Section (c) to amend said Section to accommodate the structure of the recently ordained Unit C Classification and Salary Plan. (Ref'd 2/23/17)

- 5a. AN ORDINANCE, RELATIVE TO PERSONNEL

INVITEES: David Gerwatowski, Legal Counsel Attorney

Chairman requests clarification from the Committee on the following items:

6. Written Motion, Councillors Lopes and Martins, requesting that the Committee on Ordinances draft an Ordinance as it relates to House Bill 3074, An Act permitting the use of traffic control signal violation monitoring system devices as a means of prompting traffic safety in the City of New Bedford. (Ref'd 05/09/13, 12/12/13 – Refer to Legal Counsel for drafting, 03/19/14 – tabled, 06/23/14 – rft, letter to State Rep, 11/12/14 – tabled, 2/23/15 – remain in Committee, 12/14/15- remain in Committee)

7. Communication, Councillor Martins, submitting an Ordinance from the City of South Bend, Indiana, regarding Honey Bee Keeping Regulations. (Ref'd 08/21/14, 09/17/14 – tabled, 10/22/14 – tabled for 60 days-December, 2/24/15 – remain in Committee, 03/23/15 – tabled, 12/14/15- remain in Committee)
8. Related Motion, Councillor Gomes, requesting that Legal Counsel Gerwatowski draft an Ordinance that would place regulations on replica guns in public spaces and would allow the New Bedford Police Department to confiscate these replica guns if someone under the age of 18 was found with device and notify their parents; and further, that the Ordinance also ban anyone from carrying a replica gun within City limits, and that they be subject to arrest and fine. (Ref'd 1/14/16)
9. Written Motion, Councillor Coelho, requesting, that the Police Department provide the City Council with the number of repeat overdoses in a twenty-four hour period in New Bedford, and that we look into possibly drafting an Ordinance addressing the matter; and further; that we ask our State Legislative Delegation to assist us in drafting a policy that would make mandatory that anyone who overdoses, especially those who overdose repeatedly, not be treated and released, but held in the hospital for twenty-four hour surveillance, they are a harm to themselves and to society and are using up our resources.(To be Referred to the Committee on Ordinances and Public Safety and Neighborhoods.) (Ref'd 1/28/16)
10. Written Motion, Councillor Gomes, requesting, that the City Council send a letter to our State Delegation asking for legislation making it mandatory that production of toy guns do not replicate real handguns, this legislation will serve to save lives and not put Police and law-enforcement agencies in situations where they are dealing with criminals using toy guns in criminal activity and to protect our Citizens against crime. (Ref'd 1/14/16)
11. Written Motion, Councillors Lopes, Rebeiro, Martins, Winterson, Bouquet and Alves, requesting that the Committee on Ordinances draft and approve an Ordinance that would exempt all City Council support staff from the City's policy requiring the Mayor's approval/signature on any requisition form or any other type of paperwork; and further, that the City Council President sign off on such positions; support staff is to include employees in the City Council Office, Clerk of Committees Office, and the position of City Clerk/ Clerk of the City Council. (To be Referred to the Committee on Ordinances) (Ref'd 8/20/15) (11/19/15-tabled; 1/26/16-tabled)
12. Written Motion, Councillors Bousquet, Lopes, Winterson, Alves, Martins, Coelho, Carney, Morad and Council President Gomes and Councillor Rebeiro, requesting on behalf of dog owners in New Bedford, that the City encourage leash law adherence, and severely penalize dog owners who fail to properly restrain their pets in the event of an aggressive attack on another person or pet in the City. (Ref'd 8/20/15, 11/19/15-table, 1/26/16- table)
13. Written Motion, Councillor Gomes, requesting, once more that the Committees on Ordinances and Public Safety and Neighborhoods meet with Acting Police Chief David Lizotte, a Representative from Massachusetts State Police Dartmouth, City Solicitor McDermott, and Legal Counsel Gerwatowski, to discuss the best legal action that can be taken immediately and collectively against panhandling on the City streets, businesses and highways, which has become a real problem for the Police Officers, residents and tourists.(To be Referred to the Committees on Ordinances and Public Safety and Neighborhoods.) (Ref'd 2/11/16)
14. Written Motion, Councillors Bousquet, Lopes, Martins, Morad, Winterson, Coelho and Carney, requesting that the Committee on Ordinances explore creating an Ordinance Enforcement Officer that would make enforcing the City Ordinances a priority and leave the New Bedford Police Department to focus on public safety matters. (To be Referred to the Committee on Ordinances.) (Ref'd 3/10/16) (10/25/16-tabled)
15. Written Motion, Councillors Coelho and Martins, requesting , that the Committee on Ordinances review its current Ordinances on Hawkers and Peddlers, due to small business owners complaining about people using public sidewalks to set up tables and sell flowers without a valid license; and further, that the Police Department enforce the Ordinances currently on the books; and further requesting, that Ms. Connie Pereira, owner of Abracadabra Flower and Gift Service, Inc., be invited to attend the Committee on Ordinances meeting. (Ref'd 6/25/15) (9/15/15-tabled to March 2016 so NBPD has time to enforce the licenses and that enforcement is being properly addressed; 12/14/15-Remain in Committee; 4/19/16 – table for 60 days for Atty Gerwatowski can review the supports received but that NBPD continue to enforce current Ordinances especially since Mother's Day is

coming up, Committee send communication to Police Chief Lizotte asking that he provide the Committee with a written briefing as to any flower vendor violations that had to be addressed over the holiday weekend.)

16. Written Motion, Councillors Rebeiro, Lopes, Council President Gomes, Morad and Oliveira, requesting that the Committee on Ordinances, draft an Ordinance that would place an immediate ban on the use of medians for panhandling in the interest of public safety, medians are ADA compliant as dividers only, most are only 4 feet, whereas sidewalks are ADA compliant to travel and rest on and are 6 feet or more, any individual or organization should utilize sidewalks only. (Ref'd 12/17/15, 2/23/16- table for 30 days, 4/19/16- table for 90 days to allow Atty Gerwatowski to explore the difference between closing Parks from dusk to dawn and applying the same to City medians)
17. Communication, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 19 Personnel, Section 19-7 – Unit C Classification and Salary Plan. (Ref'd 4/28/16)
- 17a. AN ORDINANCE,
18. Written Motion, Councillors Carney, Abreu, Lopes, Martins, Winterson and Rebeiro, requesting, that the Committee on Ordinances, implement a policy that all licenses issued by the City of New Bedford which require a criminal background check known as a CORI, also require that fingerprinting also be added to the process, which will give the City notification of a felony committed in other States; and further, that any additional expenses incurred by the fingerprinting process be reflected in the cost of the license. (Ref'd 4/28/16)
19. Written Motion, Councillor Gomes, requesting, that the City enforce the laws pertaining to repairing vehicles on City streets and that any vehicle being repaired or left unattended on car jacks on City streets be towed immediately at the owners expense and further, that the City Council create a fine for those in violation of the City Ordinance, and that all departments including public safety departments be required to report any vehicles in violation immediately for actions, this issue is becoming a safety, damage and environmental concern. (To be Referred to the Committee on Ordinances, Police Chief Cordeiro, Fire Chief Gomes, EMS Director McGraw, Department of Inspectional Services Director Romanowicz, and Health Department Director Weis.) (Ref'd 6/23/16) (7/15/16-returned unsigned by the Mayor)
20. AN ORDINANCE, amending Chapter 19, PERSONNEL - reclassification of the City Planner from M-12 to M-15. (Passed to a Second Reading 8/18/16) (Ref'd 9/8/16)
21. Written Motion, Councillor Lopes, requesting, that the Committee on Ordinances draft an Ordinance that would limit the number of marijuana retailers to no more than 20 percent of the number of licenses issued by the City of New Bedford for the retail sale of alcoholic beverages not to be drunk on the premises sold under Chapter 138 of the Massachusetts General Laws. (To be Referred to the Committee on Ordinances.) (Ref'd 9/22/16)
22. Report, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE as AMENDED, Relative to the Use of Marijuana in Public. (Ref'd 9/22/16)
- 22a. AN ORDINANCE,
23. AN ORDINANCE, RELATIVE TO VEHICLES FOR HIRE (Ref'd 10/27/16)
24. WRITTEN MOTION, Councillor Bousquet, requesting, that the Committee on Ordinances look into updating the 1963 law in the City Code, Chapter 1, Section 1-5, regarding advertising Ordinances to reflect modern mass communication methods in an age where smart phones, tablets and laptops reign and print media has a small and ever shriveling audience. (To be Referred to the Committee on Ordinances.) (Ref'd 1/12/17)
25. WRITTEN MOTION, Councillor Abreu, Council President Lopes, Councillors Winterson, Martins and Bousquet, requesting that both the City Solicitor and Mayor's Office work with and come before the Committee on Ordinances to re-evaluate the proposed "municipal marketing" strategy as a means to generate a potential substantial amount of positive revenue for the City of New Bedford; Chapter 9, Section 3228 of the City Code currently prohibits the construction of new off-premise signs, if this code were to be amended to allow such "municipal marketing" opportunities for private sector industries, the City would need to establish a competitive

procurement process to insure its legality. (To be Referred to the City Solicitor's Office, Mayor's Office and Committee on Ordinances.) (Ref'd 1/12/17) (2/16/17-returned unsigned by the Mayor)

26. WRITTEN MOTION, Councillor Morad, requesting, on behalf of the property owners, that 671 Summer Street, Plot 91/Lot 152 be REZONED, from RESIDENTIAL "B" to MIXED-USE BUSINESS, and that 674 Summer Street, Plot 91/Lot 249 be REZONED, from RESIDENTIAL "C" to MIXED-USE BUSINESS. (To be Referred to the Committee on Ordinances and the Planning Board.) (Ref'd 2/23/17)
27. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 9, ZONING, by adding Section 5720 Temporary Moratorium on Recreational Marijuana Establishments. (Ref'd 2/23/17)
- 27a. AN ORDINANCE, amending Chapter 9 ZONING by adding Section 5720 Temporary Moratorium on Recreational Marijuana Establishments.