



# Committee on Ordinances

December 12, 2013 – 7:00 PM - **Agenda**  
City Hall, 133 William Street, City Council Chamber, Room 214

\*\* View Minutes \*\*

1. PUBLIC HEARING on a Communication, Mayor Mitchell, to City Council, submitting a request on behalf of the Massachusetts Clean Energy Center, which is currently in the process of redeveloping the South Terminal, that Lot 234, on Assessor's Map 31, be rezoned in its entirety to Waterfront Industrial, the proposed zoning change will bring consistency in the zoning on the lot and in the South Terminal Area. (Ref'd 11/14/13, duly advertised in the Standard-Times on November 27, 2013 and December 4, 2013)

1a. COMMUNICATION, Planning Board -

***INVITEES: Planning Board Chairman Arthur Glassman; DIS Commissioner Dan Romanowicz; City Solicitor John A. Markey; Legal Counsel Attorney David Gerwatowski; Abutters***

2. PUBLIC HEARING, on a Communication, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 9, Section 1200 by updating the definition of Wireless Communication Service and updating Chapter 9, Section 4900 by revising and modernizing the requirements for future wireless communication facilities in the City by amending Sections 4946, 4951 and 4952. (Ref'd 11/14/13, duly advertised in the Standard-Times on November 27, 2013 and December 4, 2013)

2a. AN ORDINANCE,

2b. COMMUNICATION, Planning Board -

***INVITEES: Planning Board Chairman Arthur Glassman; DIS Commissioner Dan Romanowicz; City Solicitor John A. Markey; Legal Counsel Attorney David Gerwatowski***

3. PUBLIC HEARING, on a Written Motion, Councillor Gonsalves, on behalf of Joe and Ana Vinagre of 5 Bay Street, requesting that the portion of the property located at 44 Dartmouth Street (Plot 36/Lot 19) that is zoned Residential be rezoned to MIXED-USE BUSINESS so that the zoning is consistent for the entire property. (Ref'd 10/24/13, duly advertised in the Standard-Times on November 27, 2013 and December 4, 2013)

3a. COMMUNICATION, Planning Board -

***INVITEES: Planning Board Chairman Arthur Glassman; DIS Commissioner Dan Romanowicz; City Solicitor John A. Markey; Legal Counsel Attorney David Gerwatowski; Abutters***

4. WRITTEN MOTION, Councillor Saunders, requesting that Plot 100, Lot 139 (N.S. Davis Street) be REZONED from MIXED USE BUSINESS to INDUSTRIAL B. (Ref'd 9/12/13, 10/16/13 – Hearing held item remains in Committee)

4a. Communication, Planning Board to Councillor Steven Martins, Chairman, Committee on Ordinances, notifying the Committee that the Planning Board held a Public Hearing on October 9, 2013, to discuss the proposed zoning change of Plot 100/Lot 139, Davis Street from "MIXED USE BUSINESS" (MUB) to "INDUSTRIAL B" (IB); the Planning Board voted to send a ***UNFAVORABLE RECOMMENDATION*** to the Ordinance Committee. (10/16/13)

***INVITEES: Planning Board Chairman Arthur Glassman; DIS Commissioner Dan Romanowicz; City Solicitor John A. Markey; Legal Counsel Attorney David Gerwatowski***

5. WRITTEN MOTION, Councillors Coelho, Oliveira and Martins, requesting that the Committee on Ordinances and the Commissioner of Buildings and Inspectional Services, review zoning laws, specifically Chapter 9 §2300 through §2325 regarding accessory uses, as such Sections that relate to the operation of Day Care Facilities, and determine the purpose of said Ordinance and whether the purpose is being served by the enforcement of the Ordinance on the various Day Care Facilities throughout the City; and further, that the review also include an analysis of any public impact that repealing the requirement for Day Care Operators to acquire a Special Permit through the Zoning Board of Appeals would have on City residents and neighborhoods, or if any other adverse effects would result from such a repeal. (Ref'd 8/13/13)

5a. COMMUNICATION, Mayor Mitchell, to City Council, submitting legal constraints faced by the City under the current Home Day-Care Facilities Ordinance and the Special Permit requirements. (Ref'd 8/13/13)

***INVITEES: DIS Commissioner Dan Romanowicz; Rep. of the Mayor Christina Connelly; Legal Counsel Attorney David Gerwatowski***

6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Section 19-135.2 to establish EMS rates that are equal to the Medicare National Fee Schedule +125% rate for ambulance services. (Ref'd 9/12/13)

6a. AN ORDINANCE,

***INVITEES: EMS Director Mark McGraw; Legal Counsel Attorney David Gerwatowski***

7. COMMUNICATION, Mayor Mitchell, to City Council, submitting A VETO of the Home Rule Petition regarding the Residency of Applicants for the Harbormaster position, a waiver clause would preserve the appropriate flexibility as Harbormaster Applicants are considered, for that reason, enclosed is a proposed revised Home Rule Petition which provides for the waiver and moves us forward to our shared goal of hiring a new Harbormaster with a defined tenure. (Ref'd 11/14/13)

7a. AN ACT, relating to the Harbormaster in the City of New Bedford, the proposed Act authorizes the Mayor with the approval of the City Council to appoint a Harbormaster, who must be a resident and registered voter of the City, for a term of not more than five years, the Act also authorizes the Mayor with the approval of the City Council to reappoint an existing Harbormaster for a term of not more than five years. (Ref'd 11/14/13)

7b. REVISED ACT, relating to the Harbormaster of the City of New Bedford, the proposed Act authorizes the Mayor with the approval of the City Council to appoint a Harbormaster, who shall be a resident and registered voter of the City, unless a Residency Waiver is requested by the Mayor and approved by the City Council, said appointment shall be for a term of not more than five years. (Ref'd 11/14/13)

***INVITEES: Rep. of the Mayor Christina Connelly; Legal Counsel Attorney David Gerwatowski***

***Chairman would like the Committees clarification on the following items:***

8. Written Motion, Councillor Gomes, requesting that the Committee on Ordinances look into creating an Ordinance that would protect all promotions throughout the City as far as its Police and Fire employees to ensure when any vacancy occurs, be it due to retirement, resignation, or any other circumstances, that an appointment to fill the vacancy, is made within forty-five (45) days. (Ref'd 3/8/12, 10/23/12)

9. Written Motion, Councillor Gonsalves, requesting that the Committee on Finance discuss a proposal to provide a credit on sewer charges to homeowners who disconnect their roof leaders from the City's sewer system. (Ref'd 11/10/11, 1/31/12 – tabled, 5/9/12 – Referred from Finance Committee for drafting in Ordinance, 9/12/12 – tabled, 10/23/12)
10. Written Motion, Councillor Saunders, requesting, that the City of New Bedford's Planning Department and the Committee on Appointments and Briefings look into the possibility of making it a requirement, that all streetlights in the City of New Bedford be in the Washingtonian/New Bedford style of lighting; and further, as streetlights are replaced, they be replaced with this style of lighting. (Ref'd 5/24/12, 10/23/12)
11. Written Motion, Councillors Gonsalves, Saunders, Lopes, Oliveira, Lawrence and Bousquet, requesting, that the Committee on Ordinances consider an Ordinance to set limits on the number of Yard Sales held per household per year. (Ref'd 6/14/12, 9/12/12 – Letters to MIS, 10/23/12 – refer to legal counsel for drafting)
12. Written Motion, Councillors Gonsalves and Martins, requesting that the Committee on Ordinances review the current Ordinance in the City of Boston regarding the placement of satellites, antennas and receivers on residential properties throughout the City. (Ref'd 6/14/12, 9/12/12 – Letter, Gerwatowski to draft Ordinance, 10/23/12 – tabled, 12/11/12 – table, letters to Mayor)
13. Written Motion, Councillors Alves, Martins and Coelho requesting, in a effort to help to maintain the beauty of residential properties in the City of New Bedford and to help the aesthetics and character of the neighborhood, that the City Council consider an Ordinance similar to one recently passed in the City of Boston that would restrict the placement of satellite dishes on buildings in the City, and that new subscribers be required to register their dish installation with the City; and further, that satellite dishes should be restricted from being placed on the front façade or street-facing side of the building, and require a subscriber to have to prove to the City that signal cannot be received anywhere else if one must be placed on the front of the building, and that all dishes not in use must be removed by the company before a new one can be installed. (Ref'd 6/14/12, 9/12/12 – rpf, 10/23/12 – tabled, 3/19/13 – Letters, with the response within 30 days)
14. Written Motion, Councillors Lawrence and Bousquet, requesting, on behalf of the Mt. Pleasant Street Neighborhood Association, that the City Council explore the possibility of creating an Ordinance that would require all foreclosed and vacant properties to mark copper piping within the property with an identifiable iridescent paint, this would immediately identify any copper that might have been illegally removed from the aforementioned types of property. (Ref'd 6/14/12, 10/23/12 - remain in Committee)
15. Written Motion, Councillors Lawrence and Gonsalves, requesting, that the members of the New Bedford School Committee meet with the City Council to discuss what in the opinion of the School Committee would be an amicable salary as it relates to their position, either by means of a stipend or an actual salary. (Ref'd 8/16/12, 10/23/12- remain in Committee)
16. Written Motion, Councillor Gomes, requesting, that the Committee on Ordinances meet with Downtown business owners, along with the Police Department and our Legal Counsel for the purpose of discussing a plan that would eliminate hanging around Downtown, including, but not limited to City Hall, the Post Office and the New Bedford Public Library, and further, that the Committee discuss a plan of action to deter or create an Ordinance that would make it illegal to panhandle in the Downtown and National Park area; and further, requesting that the Committee explore the possibility of seeking a Business Improvement District for the Downtown New Bedford area. (Ref'd 9/13/12, 10/23/12 – remain in Committee)
17. Written Motion, Councillors Lawrence, Gomes, Saunders, Alves, Council President Martins, Coelho, Lopes, Duarte, Oliveira, Gonsalves, and Bousquet, requesting, the Committee on Ordinances meet with Representatives from the Zeiterion Performing Arts Center, the City Auditor and the Purchasing Agent for the City of New Bedford, to discuss the funding of building management for the City-owned building to include

where the “Z” organization currently sits and the Penler space; and further, that this item be heard at the next Committee on Ordinances meeting. (Ref’d 10/25/12, 12/11/12 – Letters to Legal Counsel, RO, Rel. Motion 12/20/12)

18. Communication, Councillor Bousquet, submitting information regarding amending Chapter 12 of the City Code involving Environmental Justice. (Ref’d 8/16/12, waiting for Mayor’s perspective on language – 12/11/12 requested that the Mayor and Solicitor to meet with Eddie Johnson to discuss changes)

19. Written Motion, Councillors Lopes, Gomes, Alves, Council President Martins, Gonsalves, Lawrence, Oliveria, Bousquet and Duarte, requesting, that the Committee on Ordinances amend Chapter 17, Section 16(b) in the City Code, to restrict sale of synthetic drugs within the City of New Bedford. (Ref’d 10/25/12)

20. Communication, Councillor Lawrence, submitting copies of the Exhibition Hall Commission Member’s List and the Ordinance establishing the New Bedford Exhibition Hall Commission. (Ref’d 10/25/12, tabled - 2/12/13)

21. Written Motion, Councillors Alves, Lawrence, Gomes, Duarte, Bousquet, Gonsalves, Saunders, Coelho, Oliveira, Council President Martins and Councillor Lopes, requesting, that the Administration and the City Solicitor provide the City Council with an update as to the role and responsibility of the Exhibition Hall Commission, in the monitoring, funding and administration of the Zeiterion Performing Arts Center property, which is owned by the City of New Bedford and is the City’s responsibility. (Ref’d 10/25/12)

22. WRITTEN MOTION, Councillor Gonsalves, Council President Martins, Councillors Oliveira, Saunders, Bousquet, Coelho, Duarte and Lawrence, requesting, that the Committee on Ordinances consider amending the livery license requirements for a livery license being issued for a residential address and that the livery license owner be the owner of the property; and further, that the vehicles not be garaged or maintained at said address. (Ref’d 12/20/12)

23. Written Motion, Councillor Martins, requesting that with the passage of Ballot Question 3, the Massachusetts Medical Marijuana Initiative, that the City of New Bedford start discussions and develop a City Ordinance to define how marijuana dispensaries and/or growing facilities might operate; and further, that the Committee on Ordinances research other Ordinances that have been passed in States that already have legalized medical marijuana (such as, Cottonwood, Arizona, Denver, Colorado, Seattle, Washington, etc.) and that we consider security measures, hours of operation, location/allowable zones for licensing, distance regulations (Parks, schools, Churches, daycares, residential neighborhoods; and further, that we work with the Department of Public Health and City Solicitor’s Office in pursuing a local Ordinance that will help protect and benefit the City of New Bedford. (Ref’d 12/27/12, 4/22/13 - tabled)

24. Communication, Mayor Mitchell to City Council, submitting AN ORDINANCE, Amending Chapter 6, Building and other Structures, Article VII, Prevention and Abatement of Nuisances, by adding Section 6-125, Chronic Problem Properties. (Ref’d 1/24/13, tabled 2/12/13, 5/13/13 - tabled)

24a. AN ORDINANCE, Amending Chapter 6, Building and other Structures, Article VII, Prevention and Abatement of Nuisances, by adding Section 6-125, Chronic Problem Properties. (Ref’d 1/24/13, tabled 2/12/13, 5/13/13 - tabled)

25. Written Motion, Councillors Martins, Lopes and Saunders, requesting, that the Committee on Ordinances review the enclosed recommendations submitted by Mr. Allan Wolstenholme, relative to the regulation of dynamic sign displays in the City of New Bedford, and that Legal Counsel Gerwatowski review said documentation for the purpose of drafting an Ordinance to stem the proliferation of these types of signs; and further, that DIS Commissioner Danny Romanowicz also be asked to submit his recommendations in writing to the Committee on Ordinances. (Ref’d 2/14/13)

26. Written Motion, Councillors Gonsalves and Gomes, requesting, that the Committee on Ordinances explore the possibilities of creating an Ordinance similar to the City of Cambridge's Historic Properties Ordinance, in order to protect significant properties in the City of New Bedford, and/or explore the expansion of the City's Local Historic Districts in accordance with the authority granted under the Historic Districts Act, Chapter 40C of the General Laws of Massachusetts, adopted by the City Council and Mayor by the provisions of the New Bedford City Code, Section 2-150 through 2-157. (Ref'd 2/14/13)

27. Written Motion, Councillors Martins and Gonsalves, requesting that the Committee on Ordinances, amend the Residency Waiver requirement to add that prior to the City Council's approval of a Residency Waiver for a person being hired for a position subject to this section, the Director of Personnel, Angela Natho, shall make all applications and resumes submitted for a position to the Personnel Department available for the City Councillors to review and further, that no copies of resumes or applications shall be removed from the Department of Personnel by City Councillors; ***provided, however, if a City Councillor is not able to go to the Personnel Department during the day to view the applications, that the Director of Personnel will bring the applications to he Committee Meeting as requested by the City Council;*** and further, that any person reviewing resumes or applications shall not publicly reveal any names or details contained therein, other than the number of resumes or applications submitted regarding qualified individuals who reside within the City, unless information is revealed previously by the Administration or by the particular individual who submitted the resume or application; and further, this will allow the City Council the opportunity to better screen candidates who are selected for positions by the Administration and assist us in explaining their qualifications compared to the other applicants to our constituents who as taxpayers deserve to be kept informed. (Ref'd 2/28/13)

28. Communication, Councillor Gomes, submitting email request from Lt. Jeffrey Silva, regarding amending the City Code to add fines for ONE-WAY violations. (Ref'd 3/14/13)

29. Written Motion, Councillor Gonsalves, on behalf of the Buttonwood Park Zoo, that City Code Chapter 4, Section 4-5, Relative to Beekeeping, be amended to allow the Zoo to develop an exhibit on Beekeeping. (Ref'd 4/11/13)

30. Written Motion, Councillors Alves and Coelho, requesting that the Committee on Ordinances consider the drafting of an Ordinance that insures the safety and a healthy environment for all the Children's Playground areas to include appropriate fines for any pet owner allows their pets to roam in a Park Playground area. (Ref'd 5/9/13)

31. 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 5/9/13)

32. Written Motion, Councillor Coelho, requesting, that in light of the recent incidents where the theft of copper resulted in dangerous house fires, that the Committee on Ordinance revisit the existing Ordinances, Chapter 15, License and Permits; Business Regulations, Section 33-51, in order to strengthen the guidelines and the enforcement of same; and further, requesting that a representative from the Police Department attend the Committee on Appointments and Briefings meeting to inform the Council as to what is being done in other communities regarding this problem. (Ref'd 5/23/13)

33. Written Motion, Councillor Bousquet, requesting that the City Council place a moratorium on citing anything student entered at the Parker Street Waste site and encourage green space in the interest of public safety. (Ref'd 5/23/13)

34. Written Motion, Councillors Lawrence and Gomes, requesting, that the Committee on Ordinances explore the possibility of creating an Ordinance that mandates that all Medicaid funding coming into the School

Department be directed into and stay within School Department and be used within the said Department. (Ref'd 6/13/13)

35. Written Motion, Councillors Gomes, Duarte and Oliveira, requesting, that the Committee on Ordinances and Legal Counsel Gerwatowski take immediate action and draft an Ordinance that would create curfew zones throughout the City of New Bedford targeting hot spots and areas where criminal activity has affected the quality of life within the neighborhoods, these curfew zones would be from dusk to dawn and be implemented as needed throughout the City; and further, this would give the Police Department and the City a tool in eliminating the criminal activity occurring in neighborhoods across the City which is affecting the quality of life of residents of those neighborhoods. (Ref'd 6/27/13, 8/27/13 – tabled)

36. Written Motion, Councillor Lawrence, requesting, that language be added to the existing Ordinance, Amending Chapter 23, Traffic, Article I, stating that any tow truck found in violation of the oversized vehicle Ordinance will be removed from the City of New Bedford Police Call List; and further, that violators will be unable to conduct business in New Bedford until such time that they adhere to the Ordinance guidelines about parking oversized vehicles on City streets. (Ref'd 7/18/13)

36a. AN ORDINANCE,

37. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 6, Article VII, Prevention and Abatement of Nuisances, by adding Section 6-125, CHRONIC PROBLEM PROPERTIES, which is designed to hold accountable the small number of irresponsible landlords who flagrantly neglect their responsibilities to their tenants, neighborhoods and the City. (Ref'd 8/13/13)

37a. AN ORDINANCE,

38. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 15, Licenses and Permits; Business Regulations by adding Article VIII, RENTAL HOUSING LICENSING, which assist law abiding landlords by certifying the condition of their rental units while at the same time holding the scofflaw absentee landlords accountable. (Ref'd 8/13/13)

38a. AN ORDINANCE,

39. Written Motion, Councillor Saunders, requesting that Item 11 of Part D (Industrial) in Appendix A/Table of Principal Use Regulations of Chapter 9 of the Code of Ordinances in hereby amended by striking the word "N" as it corresponds to Column IB, and insert in place thereof, the word "Y". (Ref'd 8/13/13, 9/23/13 – Hearing continued, 10/16/13 – tabled)