



Committee on Ordinances

February 23, 2015 – 7:00 PM - **Agenda**

City Hall, 133 William Street, City Council Chamber, Room 214

1. Public Hearing, on a Communication, Mayor Mitchell to City Council, submitting an amendment to Appendix A Table of Principal Use Regulations of Chapter 9 of the Code of Ordinances to exclude a Contractor's Yard from Mixed Use Business and Planned Business Districts, said change has been requested by the Planning Department because this use is a Mixed Use Business or Planned Business District is inconsistent with the City's planning objectives and is not compatible with the other allowed uses in those zones. (Ref'd 12/18/14, duly advertised in the Standard-Times on Thursday, February 12, 2015 and Tuesday, February 17, 2015)

1a. AN APPENDIX A TABLE OF PRINCIPAL USE REGULATIONS (Ref'd 12/18/14)

1b. Communication, Planning Board -

INVITEES: City Solicitor Michaela McDermott; City Planner Jill Maclean; Legal Counsel Attorney David Gerwatowski

2. Public Hearing, on a Written Motion, Councillor Winterson, requesting, on behalf of Mr. Thomas Melanson, owner, 204 Court Street, Plot 51/Lot 273, that said property be REZONED, from Residential "B" to MIXED-USE BUSINESS, all three corners of the intersection are already zoned Mixed-Use Business. (Ref'd 12/18/14, duly advertised in the Standard-Times on Thursday, February 12, 2015 and Tuesday, February 17, 2015)

2a. Communication, Planning Board -

INVITEES: Thomas Melanson; City Solicitor Michaela McDermott; City Planner Jill Maclean; Legal Counsel Attorney David Gerwatowski; Abutters

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, 12/12/13, in Committee, duly advertised in the Standard-Times on Thursday, February 12, 2015 and Tuesday, February 17, 2015)

3a. Communication, City Planner Jill Maclean, to Councillor Steven Martins, Chairman, Committee on Ordinances, notifying the Committee that the Planning Board held a Public Hearing on December 11, 2013 to discuss the proposed rezoning of Plot 36, Lot 19 in its entirety to Mixed-Use Business from the current mix of Mixed-Use Business and Residential B. The Planning Board voted to send a ***FAVORABLE RECOMMENDATION*** to the Ordinance Committee. (12/11/13)

INVITEES: Joe and Ana Vinagre; City Solicitor Michaela McDermott; City Planner Jill Maclean; Legal Counsel Attorney David Gerwatowski; Abutters

4. Communication, Mayor Mitchell to City Council, submitting AN ORDINANCE amending Chapter 23, Section 25.1, said amendment is designed to update the language which requires motorized vehicles to be equipped with reflective devices for safety purposes. (Ref'd 12/18/14)

- 4a. AN ORDINANCE,

INVITEES: Community Services Director Cynthia Wallquist; Legal Counsel Attorney David Gerwatowski; City Solicitor Michaela McDermott

5. Written Motion, Councillors Alves, Gomes, Council President Lopes, Councillors Martins, Rebeiro, Winterson, Carney, Oliveira, Coelho and Bousquet, requesting that Legal Counsel Gerwatowski draft an Ordinance that would recognize and confirm the City Seal that has been used for over the past 50-100 years, recognizing and illustrating in detail the proud legacy and the history of our City, as the acknowledged world leader in/Whale Oil that lit up the world for years, and that also recognized our City as the hub of the textile industry and that the City Council acknowledges and declares that it should be recognized and acknowledged as the "Official Seal of the City of New Bedford" and is to be used on all official stationary and publications of the City. (Ref'd 12/18/14, 1/20/15 - tabled)

INVITEES: Legal Counsel Attorney David Gerwatowski

Chairman requests the Committees recommended action on the following items:

6. 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 06/14/12, 09/12/12 – Letters to MIS, 10/23/12 – refer to legal counsel for drafting, 12/12/13 – Remain in Committee) *Invite former Councillor Jane Gonsalves to meeting*
7. 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 06/14/12, 09/12/12 – Letter, Gerwatowski to draft Ordinance, 10/23/12 – tabled, 12/11/12 – table, letters to Mayor) *Invite former Councillor Jane Gonsalves to meeting*
8. 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 02/14/13, 12/12/13 – remain in Committee)

9. 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 02/14/13, remain in Committee – *Invite former Councillor Jane Gonsalves to meeting*)
10. 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 04/11/13, 12/12/13, 04/29/14 – tabled, 09/17/14 – tabled, 10/22/14 – tabled for 60 days-December)
11. 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)
12. WRITTEN MOTION, Councillor Bousquet, requesting, that the City Council place a moratorium on citing anything student centered at the Parker Street Waste site and encourage green space development in the interest of public safety. (Ref'd 05/23/13, 12/12/13 – remain in Committee, 03/19/14 - table)
13. 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 08/13/13, 12/12/13 – remain in Committee)
- 13a. AN ORDINANCE, (Ref'd 08/13/13, 12/12/13 – Remain in Committee)
14. Written Motion, Councillors Bousquet & Gonsalves requesting, the City consider regulating on the premise dynamic display signage before the City had a repeat of the fiasco that took place at the corner of Route 140 and Route 6. (Ref'd 11/26/13, 04/29/14 – tabled, 5/21/14 - tabled)
15. Written Motion, Councillor Alves, requesting, that the Committee on Ordinances meet with Michael Patenaude to discuss the potential benefits of allowing bee keepers to operate in the City of New Bedford. (Ref'd 05/08/14, 9/17/14 – tabled, 10/22/14 – tabled for 60 days-December)
16. Communication, City Planner Jill Maclean, to City Council, regarding Zoning Request Changes, associated with fees and Abutter Notification. (Ref'd 05/8/14, 06/23/14 – table pending notification)
17. Written Motion, Councillor Bousquet and Council President Lopes, requesting, that the Committee on Ordinances draft an Ordinance encouraging food services, supermarkets, and other users of

expended polystyrene foam to discontinue their use of the product and move to recyclable to recycled paper based materials, expended polystyrene foam is a tremendous threat to our oceans and its ecosystems, and as a community who makes its living from the ocean we should be concerned for its health. (Ref'd 05/22/14, 11/12/14 - tabled)

18. AN ORDINANCE, RELATIVE TO SMOKING MARIJUANA IN PUBLIC. (Ref'd 06/12/14)
19. Written Motion, Councillors Martins and Morad, requesting, that the Committee on Ordinances amend Chapter 15-72, FOOD TRUCKS, by including the enclosed attachment, relative to ice cream trucks. (Ref'd 06/26/14)
20. 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 05/23/13, 07/15/14 – Refer to Ordinances, 11/12/14 - tabled)
21. 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)
22. Communication/email, Councillor Bousquet, submitting a copy of an email from Mr. Jay Rodrigues, landlord, 106 Chestnut Street, New Bedford, MA, relative to tenant problems at said address. (Ref'd 09/11/14)
23. Written Motion, Councillors Carney, Bousquet, Gomes, Martins, Council President Lopes, Winterson, Oliveira, Rebeiro, Morad, Alves and Coelho, requesting, on behalf of our Senior Citizens, that the City Council file a Home Rule Petition establishing a Senior Citizens Safety Zone Ordinance, said Ordinance will give the City the authority to establish Senior Citizen safe zones and enable the City to reduce the speed limit to 20 miles an hour in these areas of concern located across the City. (Ref'd 11/25/14, 1/20/15 - tabled)
- 23a. Communication, Representative Koczera, to City Council, regarding the filing of a Home Rule Petition similar to the City of Quincy establishing Senior Citizen Safety Zones. (Ref'd 11/25/14, 1/20/15 - tabled)