



# *Committee on Ordinances*

October 25, 2016 – 7:00 PM - **Minutes**

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

**MEETING: COMMITTEE ON ORDINANCES**

**DATE: OCTOBER 25, 2016**

**TIME: 7:00 P.M.**

**PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING**

**PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; DANA REBEIRO, VICE-CHAIRPERSON (7:08); IAN ABREU; HENRY BOUSQUET; NAOMI CARNEY; DEBORA COELHO; BRIAN GOMES (7:06); JOSEPH LOPES; LINDA MORAD (7:04); KERRY WINTERSON**

**ABSENT: COUNCILLOR JAMES OLIVEIRA**

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Councillor Martins called the Ordinance Committee Meeting to order and took attendance. The Clerk read a Communication from Councillor Oliveira explaining his absence from this meeting. This Communication was received and placed on file by Councillor Abreu and seconded by Councillor Winterson.

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Notice, City Clerk of reference of a 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) was received and placed on file by Councillor Bousquet and seconded by Councillor Abreu. (1)

Attorney David Gerwatowski, Legal Counsel to the City Council, provided his thoughts on such an Ordinance, they were as follows:

Which city employee would do this? Would it be a Police Officer separate from the current staff? The Administration would have to identify as to what would be the best route to take. He felt the position would be better served if it was a uniformed Police Officer. The Committee should receive the input from the Chief of Police.

On motion by Councillor Bousquet and seconded by Councillor Coelho, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Related Motion, Councillor Morad, requesting that the Committee on Ordinances review the current laws related to granting and renewal of Private Livery Licenses in the City to ensure that policies are in place in order to ensure the public's safety and benefit by enforcing timely renewals

by livery license holders; and further, that the City Clerk and the Chief of Police be invited to attend the Committee on Ordinances meeting in order to provide their input as it relates to this issue (Ref'd 6/25/15) (10/19/15-tabled 60 days; 12/14/15-remain in Committee; 1/26/16-tabled; 4/19/16-tabled to May agenda allowing City Clerk Farias, Atty. Gerwatowski & Police Chief Lizotte to include additional language for the Council to review; 6/25/16-remain in Committee) was removed from the table by Councillor Morad and seconded by Councillor Bousquet. (2)

Councillor Morad thanked Attorney Gerwatowski and City Clerk Farias for drafting such a complete Ordinance. The only issue she sees is that the Ordinance does not have any teeth in it allowing for enforcement. It does not physically penalize those who are operating livery vehicles in the city without the proper permits.

Attorney Gerwatowski explained that while this is true, the way the new Ordinance is constructed it does address all the issues that needed to be addressed. Sections now clarified and defined, with some general rules applicable to all and then specific rules have been added depending on the business being run, e.g. taxi and/or livery. He acknowledged it is difficult to penalize anyone conducting a livery business without the proper permits.

The following items were discussed by the Committee Members:

Perhaps insurance companies can be notified that permit holders are in violation, or operating without a license. Unfortunately, to date there is not a mechanism in place to do this. Livery licenses are currently being issued under the state's common carrier law. When in fact common carrier by definition follows a stated route. Livery drivers do not operate this way. The fee structure placed on the Ordinance is in line with other similar communities, such as the City of Fall River. The staggered fines, was liked, it encourages people to come in and license their livery business. It is possible to have a finger printing mechanism, much like the Bristol County Sheriff's Office which allows you to enter a data base that reached outside of the state and look for violations nationally. This would apply to those drivers seeking licenses. The primary issue is with livery companies and drivers, not taxis. There is a monetary value to a taxi medallion, but no such financial interest in a livery license. Most taxi companies want to follow the guidelines for they do not want to lose their permits to conduct their business. Perhaps a mechanism to get livery companies to comply would be to notify the IRS that they are operating a business without the proper permits. This should be looked in to. Currently there is no way to put a lien on a vehicle or tie it into a RMV registration, unlike when your home has a mortgage and you have a lien on it the bank makes sure you are properly insured.

On motion by Councillor Morad and seconded by Councillor Carney, the Committee VOTED: To table this matter for thirty (30) days at the request of City Clerk Farias. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillor Martins, requesting, that Chapter 15, Section 15-52 of the Code of Ordinances, relative to Door to Door Sales, be amended to strike the words fingerprint scan under Definitions B - Restrictions on Door to Door Sales, the new definition will read as follows: B. Restrictions on door to door sales - No person shall engage in door to door sales activity in the City of New Bedford without first obtaining a license from the City Clerk. The City Clerk shall have the authority to grant a license to any person age 18 or over deemed suitable at the discretion of the City Clerk after a CORI check review (Ref'd 9/22/16) and AN ORDINANCE, amending Article III of Chapter 15, relative to Door to Door Sales. (Passed to a Second Reading 9/22/16) (Ref'd 9/22/16) were received and placed on file by Councillor Abreu and seconded by Councillor Bousquet. (3, 3a)

The Chair thanked the Committee for moving the Ordinance forward and explained there were some changes recommended by the City Clerk which is the reason the changes are before them tonight.

On motion by Councillor Bousquet and seconded by Councillor Carney, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, Amending Article III of Chapter 15, relative to Door to Door Sales. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillor Alves, in light that the current New Bedford Fairhaven Harbor Plan expired in June 2015, the City Council requests that as the City develops the next version of the Harbor Plan, that the City restore the Eligibility Credit Program that existed in the 2000 Harbor Plan, but removed in the 2010 Harbor Plan, by restoring the Eligibility Credit Program, the City will provide the greatest degree of reliability as to the impact and benefits of any new developments on the working waterfront. (To be Referred to the Committee on Ordinances.) (Ref'd 12/17/15) (4)

On motion by Councillor Morad and seconded by Councillor Carney, the Committee VOTED: To waive the reading and take "No Further Action" on this matter at this time. This motion passed on a voice vote.

Notice, City Clerk of reference of a Communication, Councillor Martins, submitting an article from the Worcester Telegram, dated February 14, 2016, entitled "Worcester argues for significantly reduced bill for panhandler ordinance legal costs." (To be Referred to the Committee on Ordinances.) (Ref'd 2/25/16) (5)

On motion by Councillor Morad and seconded by Councillor Carney, the Committee VOTED: To waive the reading and take "No Further Action" on this matter at this time. This motion passed on a voice vote.

The Chair took a one (1) minute recess at this time. (7:53)

The Committee came back in session at (7:55)

Councillor Morad informed the Committee that after a brief discussion with Attorney Gerwatowski and City Clerk Farias it would be best to send item number two (2) to the full City Council to be acted on and passed to a second reading.

Notice, City Clerk of reference of a Related Motion, Councillor Morad, requesting that the Committee on Ordinances review the current laws related to granting and renewal of Private Livery Licenses in the City to ensure that policies are in place in order to ensure the public's safety and benefit by enforcing timely renewals by livery license holders; and further, that the City Clerk and the Chief of Police be invited to attend the Committee on Ordinances meeting in order to provide their input as it relates to this issue (Ref'd 6/25/15) (10/19/15-tabled 60 days; 12/14/15-remain in Committee; 1/26/16-tabled; 4/19/16-tabled to May agenda allowing City Clerk Farias, Atty. Gerwatowski & Police Chief Lizotte to include additional language for the Council to review; 6/25/16-remain in Committee) was removed from the table by Councillor Morad and seconded by Councillor Bousquet. (2)

On motion by Councillor Morad and seconded by Councillor Bousquet, the Committee VOTED: To remove this matter from the table and recommend to the City Council ADOPTION of the ORDINANCE, RELATIVE TO VEHICLES FOR HIRE. This motion passed on a voice vote.

Councillor Winterson made a motion to adjourn, which was seconded by Councillor Abreu.

This meeting adjourned @ 7:57 p.m.

ATTEST:

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Denis Lawrence, Jr.,  
Clerk of Committees