



Committee on Ordinances

November 21, 2016 – 7:03 PM - **Minutes**

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

MEETING: COMMITTEE ON ORDINANCES
DATE: NOVEMBER 21, 2016
TIME: 7:03 P.M.
PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; DANA REBEIRO, VICE CHAIRPERSON; IAN ABREU; HENRY BOUSQUET; NAOMI CARNEY (7:11); BRIAN GOMES; JOSEPH LOPES; LINDA MORAD; JAMES OLIVEIRA; KERRY WINTERSON

ABSENT: COUNCILLOR DEBORA COELHO

* * *

Councillor Martins called the Ordinance Committee Meeting to order and took attendance.

* * *

Notice, City Clerk of reference of a Written Motion, Councillors Lopes, Bousquet, Martins, Winterson, Council President Morad, Councillors Carney and Coelho, requesting that the Committee on Ordinances review the City of Boston's Ordinance regarding Recreational Vehicles and further, that the Committee also review a draft Ordinance written by the Police Department for the City of New Bedford on Recreational Vehicles (To be Referred to the Committee on Ordinances) (Ref'd 4/28/16) (8/30/16-tabled 30 days to allow the Chief, Attorney Gerwatowski and Attorney Jaikes to discuss the appropriate language for the Ordinance); and AN ORDINANCE, from the City of Boston regarding Recreational Vehicles (To be Referred to the Committee on Ordinances) (Ref'd 4/28/16) (8/30/16-tabled 30 days to allow the Chief, Attorney Gerwatowski and Attorney Jaikes to discuss the appropriate language for the Ordinance); and further,

AN ORDINANCE, (draft form), from the New Bedford Police Department regarding Recreational Vehicles. (To be Referred to the Committee on Ordinances) (Ref'd 4/28/16) (8/30/16-tabled 30 days to allow the Chief, Attorney Gerwatowski and Attorney Jaikes to discuss the appropriate language for the Ordinance) were removed from the table by Councillor Morad and seconded by Councillor Abreu. (1, 1a, 1b)

Attorney David Gerwatowski submitted the proposed language he drafted with Attorney Eric Jaikes for the Committee's approval; this language was received and placed on file by Councillor Morad and seconded by Councillor Abreu.

Attorney Eric Jaikes, Assistant City Solicitor, reviewed the proposed City Council Ordinance based on the City of Boston's and he worked with Attorney Gerwatowski to create the appropriate language. The only recommendation was to change the language as it related to the fines/fee structure as it related to towing and impounding. Where the fees need to be set by the City Council as they change, it would be to the Council's benefit to add language which would allow the fee structure to adjust to the maximum amounts automatically. This way as the tow and impoundment fees increase by businesses the city's fees would automatically adjust and would remove the need to revisit an Ordinance each time a change in the structure is made.

Councillor Lopes made an amendment, which was seconded by Councillor Abreu, as follows: Section D Enforcement/Penalties, #3 Impoundment, the last sentence after the City of New Bedford, add the following sentence: Towing and storage fees for vehicles impounded pursuant to this Ordinance by either the City or a private towing company shall be at the maximum rate permitted by law. This amendment passed on a voice vote.

On motion by Councillor Lopes and seconded by Councillor Bousquet, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, AS AMENDED, relative to Recreational Vehicles. This motion passed on a voice vote.

On a Related Motion by Councillor Bousquet and seconded by Councillor Winterson, the Committee VOTED: To recommend to the City Council, that a letter be sent to the State Legislature asking that they consider amending the State Law prohibiting 4-wheel quads and off-road recreational vehicles (that are registered) to allow them access to public State Parks and Trails appropriate for use in a safe manner. This motion passed on a voice vote.

* * *

Notice, City Clerk of reference of a Written Motion, Councillors Winterson, Coelho, Gomes, Abreu, Lopes, Martins, Bousquet and Carney requesting, that the Committee on Ordinances draft an Ordinance for Chapter 23, Traffic in the City Code, to deal with uninspected motor vehicles; and further, that violations be added to said section dealing with uninspected vehicles and said enforcement would include both Police Officers and Parking Control Officers (To be Referred to the Committee on Ordinances) (Ref'd 5/26/16) (9/20/16-tabled 60 days) was removed from the table and received and placed on file by Councillor Morad and seconded by Councillor Abreu. (2)

Councillor Winterson submitted the proposed language which was accepted by the Committee. Councillor Morad made a motion to receive and place on file the proposed language submitted by Councillor Winterson, which was seconded by Councillor Bousquet.

On motion by Councillor Lopes and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council REFERRAL of the MOTION, to the Traffic Commission. This motion passed on a voice vote.

On motion by Councillor Morad and seconded by Councillor Bousquet, the Committee VOTED: To recommend to the City Council, REFERRAL of the Proposed Parking Regulation related to uninspected motor vehicles to the Traffic Commission. This motion passed on a voice vote.

* * *

Notice, City Clerk of reference of a Written Motion, Councillor Gomes, requesting, that the Committee on Ordinances look at the Providence, Rhode Island trash and bulky items dumping Ordinance, and discuss if there are parts of the law that can be implemented in the City, along with considering a mattress recycling program, which is one of the biggest bulky items dumped along City streets (Ref'd 7/21/16) and a Communication, Councillor Gomes, submitting a copy of the Providence, Rhode Island Ordinance, amending Chapter 12, Health and Sanitation (Ref'd 7/21/16) were received and placed on file by Councillor Gomes and seconded by Councillor Winterson. (3, 3a)

Councillor Gomes asked Ken Blanchard of DFFM to tell the Committee what he discovered when comparing the City of Providence's language with the City of New Bedford's language. He informed the Committee that he read the Rhode Island language and found it to be similar to the City's language, and based on what he has read he does not suggest any changes to the City's Ordinance.

On motion by Councillor Gomes and seconded by Councillor Abreu, the Committee VOTED: To 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, Mayor Mitchell, to City Council, submitting AN ORDINANCE amending Chapter 6 of the City Code by the addition of Article IX adopting the Stretch Code, 780 CMR Appendix 115.AA, to the 9th Edition Massachusetts Building Code (Ref'd 9/22/16) was received and placed on file by Councillor Morad and seconded by Councillor Lopes. (4, 4a)

Danny Romanowicz, DIS Commissioner asked that Seth Pickering, the Southeast Regional Coordinator for the Green Communities Division at the Massachusetts Department of Energy Resources (MassDOER) and their consultant Michael Berry of the Consulting Firm ICF were present to address the Committee and answer questions.

There are currently 351 communities in the Commonwealth and 187 have adopted the stretch code language to date. To qualify the city needed to have six (6) sites that met the guidelines. These sites included all of the city's solar panel sites. The proposal provides new home incentives for following energy efficient guidelines, which result in

savings to the homeowner and the city in the long run. These incentives which are approved by the State Legislature will continue for some time and they do not see them being in place short term. Commercial construction will be able to enjoy incentives as well. There is a 10% better than normal code that will allow commercial establishments to receive utilities incentive. The new construction homeowner in the city will receive the most incentives. The benefit to the city is the energy savings; it is a financial win for the city. The City of New Bedford has qualified for a green community designation. This designation will result in approximately \$500,000 in financial aid from the State used to increase green initiatives in the city. The funds can only be used for green initiatives and not be placed in the general fund. Once the city approves the ordinance and it is then approved by the State, the city will be in position to apply for funding.

On motion by Councillor Lopes and seconded by Councillor Winterson, the Committee VOTED: To recommend to the City Council, ADOPTION of the ORDINANCE, amending Chapter 6 of the City Code by the addition of Article IX adopting the Stretch Code, 780 CMR Appendix 115.AA, to the 9th Edition Massachusetts Building Code. This motion passed on a voice vote.

* * *

On motion by Councillor Morad and seconded by Councillor Abreu, the Committee VOTED: To waive the reading and follow the Chair's recommendation and take "No Further Action" on items number five (5) and six (6). This motion passed on a voice vote. They are as follows:

Notice, City Clerk of reference of a 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) (tabled-12/12/13, 4/29/14, 9/17/14; 10/22/14-tabled 60 days; 2/23/15-NFA (asked to keep this in Committee because it goes with two other items still pending) 3/23/15-tabled; 12/14/15- remain in committee) (5)

Notice, City Clerk of reference of a Written Motion, Councillor Lopes, requesting, that the Committee on Ordinances review Chapter 12, Section 39.5 of the City Code, which regulates unattended clothing donation containers, and that both Department of Inspectional Services Commissioner Romanowicz and Board of Health Director, Dr. Brenda Weis, be invited to attend a Committee on Ordinances meeting to discuss solutions that will improve the current Ordinance and will properly address the sanitation and quality of life issues that can arise from these collection bins being located in residential neighborhoods. (Ref'd 05/28/15, 12/14/15- remain in Committee) (6)

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

This meeting adjourned @ 7:36 p.m.

ATTEST:

Denis Lawrence, Jr.,
Clerk of Committees