

**NEW BEDFORD, MASSACHUSETTS**

**MEETING: COMMITTEE ON ORDINANCES**  
**DATE: MARCH 12, 2019**  
**TIME: 7:01 P.M.**  
**PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING**

**PRESENT: COUNCILLORS HUGH DUNN, CHAIRMAN; DANA REBEIRO, VICE CHAIRPERSON (7:15); IAN ABREU; NAOMI CARNEY; DEBORA COELHO; MARIA GIESTA; BRIAN GOMES; SCORTT LIMA; JOSEPH LOPES; WILLIAM BRAD MARKEY; LINDA MORAD**

**ABSENT: NO ONE**

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Councillor Dunn called the Ordinance Committee Meeting to order and took attendance; there was no one absent.

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Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, submitting THREE ORDINANCES, amending Chapter 12 Health and Sanitation, Section 12-39.5 Unattended Clothing Donation Containers, amending Chapter 17, Section 17-8 Noncriminal Disposition of violations of certain Ordinances, rules and regulations and amending Chapter 17, Section 17-28 Chapter 40U of the Massachusetts General Laws (Ref'd 10/25/18) were received and placed on file by Councillor Lopes and seconded by Councillor Carney. (1, 1a, 1b, 1c)

Councillor Lopes asked Commissioner Romanowicz if the recommended changes will give Inspectional Services the tools to make it easier to enforce the donation box issues throughout the city. He was told yes, it would. The maximum fine is locked in at \$300.00 as dictated by the State.

Councillor Morad asked Commissioner Romanowicz if they could ban such containers. She was told they could, but that he believes this would increase a lot of illegal dumping in the city. This issue started around the same time the bulky pickup program in the city was changed. People were looking for a way to get rid of bulky items and they began dropping them off at donation boxes. Most of the box owners are out of town.

Councillor Lima asked about the number of boxes in the city and he was told there are close to twenty. He also asked Commissioner Romanowicz if the city should stop issuing certificates allowing these boxes. Commissioner Romanowicz believes the additional Ordinance language will most likely cause agencies to not want to put donation boxes in the city. He asked how often the city catches those dumping illegally at these boxes and he was told hardly ever.

Councillor Giesta asked if they could add language to the Ordinance that makes it mandatory to put cameras at the box locations to deter illegal dumping. She was told

you could by Attorney Gerwatowski, but the way the Ordinance is written it would require the box owners to pay more attention to the donation sites or be fined.

Councillor Markey asked what the cost is to place a box at a donation site, and he was told by Attorney John Flor that the cost is \$300.00; and they must provide the City with a certification of insurance showing \$1,000,000 in liability insurance.

Gail Joseph of the Board of Health told the Committee that the Board of Health recognizes that these boxes are an asset to the community, but the issue is people use them to dump trash. The new language will hold the owner responsible. The Board of Health believes the enforcement of the boxes should remain with Inspectional Services.

Councillor Morad asked if the Board of Health was involved in the Ordinance changes and she was told yes. She asked Attorney Gerwatowski if he read it and if he had any concerns? Attorney Gerwatowski stated the good things within the changes requires more site plan details, the increase in fines would more than likely contribute to a reduction in the number of the boxes in the City. You could add camera language, but that the Ordinance properly holds the box owners responsible for the care, custody and control of the boxes.

On motion by Councillor Lopes and seconded by Councillor Morad, the Committee VOTED: To amend Section 12-39.5 Unattended Clothing Donation Containers under section (C) under PROHIBITIONS, number three (3) by striking “occupied residential unit, or other ongoing activity.” This motion passed on a voice vote.

On motion by Councillor Lopes and seconded by Councillor Morad, the Committee VOTED: To amend Section 12-39.5 Unattended Clothing Donation Containers, on section (E) under APPLICATION REQUIREMENTS, number seven (7) Change “1,000 feet to 5,000 feet.” This motion passed on a voice vote.

On motion by Councillor Lopes and seconded by Councillor Giesta, the Committee VOTED: To amend Section 12-39.5 Unattended Clothing Donation Containers, on section (E) under APPLICATION REQUIREMENTS, number eight (8) add letter “f. Submit site plan of where cameras will be placed.” This motion passed on a voice vote with Councillor Morad opposed.

On motion by Councillor Lopes and seconded by Councillor Giesta, the Committee VOTED: To recommend to the City Council ADOPTION AS AMENDED, AN ORDINANCE, amending Chapter 12 Health and Sanitation, Section 12-39.5 Unattended Clothing Donation Containers. This motion passed on a voice vote.

On motion by Councillor Lopes and seconded by Councillor Carney, the Committee VOTED: To recommend to the City Council ADOPTION of AN ORDINANCE, amending Chapter 17, Section 17-8 Noncriminal Disposition of violations of certain Ordinances, rules and regulations – violating Section 12-39.5 Unattended Clothing Donation Containers, fine \$300.00. This motion passed on a voice vote.

On motion by Councillor Lopes and seconded by Councillor Carney, the Committee VOTED: To recommend to the City Council ADOPTION of AN

ORDINANCE, amending Chapter 17, Section 17-28 Chapter 40U of the Massachusetts General Laws – violating Section 12-39.5 Unattended Clothing Donation Containers, fine \$300.00. This motion passed on a voice vote.

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Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Coelho, Abreu, Lopes, Giesta, Dunn and Lima, requesting, that the Committee on Ordinances revisit the Ordinance, Chapter 17, Section 14, pertaining to false alarm calls placed throughout the City to the Police Department to update said Ordinance, to reduce the number of 911 calls that are placing a strain on Police Department resources. (To be Referred to the Committee on Ordinances.) (Ref'd 7/19/18) (9/17/18-tabled 30 days) (2)

Police Chief Cordeiro was not present for this matter.

On motion by Councillor Morad and seconded by Councillor Abreu, the Committee VOTED: To keep this matter on the table. This motion passed on a voice vote.

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Notice, City Clerk of reference of a 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) (3/21/17-remain in Committee) (3)

On motion by Councillor Morad and seconded by Councillor Giesta, the Committee VOTED: To recommend to the City Council to take “No Further Action” on a 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. This motion passed on a voice vote.

Notice, City Clerk of reference of a WRITTEN MOTION, Council President Lopes, Councillors Winterson and Abreu, requesting that the Committee on Ordinances, draft an Ordinance similar to the Seattle’s Municipal Code 12A.12.015 (B) (1) that establishes penalties for intentionally obstructing or interfering with pedestrian or vehicle traffic as a means of addressing panhandling. (Ref'd 11/21/17) (4)

On motion by Councillor Morad and seconded by Councillor Giesta, the Committee VOTED: To recommend to the City Council to take “No Further Action” on a WRITTEN MOTION, Council President Lopes, Councillors Winterson and Abreu, requesting that the Committee on Ordinances, draft an Ordinance similar to the Seattle’s Municipal Code 12A.12.015 (B) (1) that establishes penalties for intentionally

obstructing or interfering with pedestrian or vehicle traffic as a means of addressing panhandling. This motion passed on a voice vote.

Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Gomes, requesting, that the City and the State Department of Transportation take immediate action on the new Route 18 railroad overpass to install fencing and temporary surveillance cameras for the purpose of catching those that choose to graffiti the railroad crossing; and further, that the Committee on Ordinances once more look at the laws pertaining to graffiti in the City in New Bedford and see if there's anything we can do to strengthen them in order to prosecute and hold accountable those persons who put graffiti in the City in New Bedford. (Ref'd 12/14/17) (11/13/18-tabled) (5)

On motion by Councillor Morad and seconded by Councillor Giesta, the Committee VOTED: To recommend to the City Council to take "No Further Action" on a WRITTEN MOTION, Councillor Gomes, requesting, that the City and the State Department of Transportation take immediate action on the new Route 18 railroad overpass to install fencing and temporary surveillance cameras for the purpose of catching those that choose to graffiti the railroad crossing; and further, that the Committee on Ordinances once more look at the laws pertaining to graffiti in the City in New Bedford and see if there's anything we can do to strengthen them in order to prosecute and hold accountable those persons who put graffiti in the City in New Bedford. This motion passed on a voice vote.

Notice, City Clerk of reference of a WRITTEN MOTION, Council President Morad, requesting that the Committee on Ordinances review the City Code, specifically Section 22-15; Snow and Ice - Removal from Sidewalks; Required, in an effort to determine if changes should be made to said Code Section as currently written. (To be Referred to the Committee on Ordinances.) (Ref'd 4/12/18) (5/15/18-tabled 60 days) (10/23/18-tabled 60 days) (6)

On motion by Councillor Morad and seconded by Councillor Giesta, the Committee VOTED: To recommend to the City Council to take "No Further Action" on a WRITTEN MOTION, Council President Morad, requesting that the Committee on Ordinances review the City Code, specifically Section 22-15; Snow and Ice - Removal from Sidewalks; Required, in an effort to determine if changes should be made to said Code Section as currently written. This motion passed on a voice vote.

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

This meeting adjourned @ 7:55 p.m.

ATTEST:

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Denis Lawrence, Jr.,  
Clerk of Committees