



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

April 1, 2021

City Council President Joseph P. Lopes and
Honorable Members of the City Council
133 William St.
New Bedford, MA 02740

Dear Council President Lopes and Honorable Members:

Attached are proposed amendments to Chapter 17, Offenses and Miscellaneous Provisions, subjecting violators of Chapter 12, Section 12-41.1—Duty of Property Owners to Maintain Yard and Adjacent Areas—to a graduated fine regime, and adding the offenses and associated fines to Section 17-18, Noncriminal disposition of violations of certain ordinances, rules and regulations; AND, Section 17-28, Chapter 40U of the Massachusetts General Laws.

As the City's new stormwater management standards specify installation of grass ribbons with most new sidewalks, these areas are proliferating around the city, and have become a source of visual blight and potential rodent harborage where they are not properly maintained. City code already requires property owners to maintain these areas within the boundaries of their property lines, but some property owners do not comply with this legal obligation.

Moreover, the currently available enforcement mechanism is not proportionate to the level of violation. That is, the only penalty available is a \$300 nuisance violation, which we believe is draconian, and therefore only applied to egregious violations. This amendment will allow for a graduated fine structure that can be applied more consistently, starting with a written warning for a first offense up to a maximum of \$300 after multiple offenses. We believe this enforcement regime is fairer and entirely proportionate to the violation.

This ordinance amendment has been developed as part of our ongoing NB Clean initiative, in consultation with the Neighborhood Quality Task Force and its dedicated enforcement team. Two members of that team—Attorney John Flor and DFFM Director Mark Champagne will be available to answer any questions or concerns that may arise.

Thank you for your consideration of this important measure.

Sincerely,

Jonathan F. Mitchell
JFM/crc



CITY OF NEW BEDFORD

In the Year Two Thousand and Twenty-One

AN ORDINANCE

Amending Chapter 17, Offenses and Miscellaneous Provisions

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1. Chapter 17, Section 17-18, Noncriminal disposition of violations of certain ordinances, rules and regulations (j) is hereby amended by adding the following as offenses:

<u>Section</u>	<u>Subject</u>	<u>Fine</u>
12.41.1	Duty of Property owners to Maintain Yard and Adjacent Areas	
	First offense:	Written warning \$0.00
	Second offense:	\$25.00
	Third and Fourth offense:	\$50.00
	Fifth through Seventh offense:	\$75.00
	Eight through Tenth offense:	\$100.00
	Eleventh through Fourteenth offense:	\$150.00
	Fifteenth through Twentieth offense:	\$200.00
	Twenty-first through Twenty-fourth offense:	\$250.00
	Twenty-fifth or more offense:	\$300.00

Section 2. Chapter 17, Section 17-28, Chapter 40U of the Massachusetts General Laws is hereby amended by adding the following as offenses:

<u>Section</u>	<u>Subject</u>	<u>Fine</u>
12.41.1	Duty of Property owners to Maintain Yard and Adjacent Areas	
	First offense:	Written warning \$0.00

Second offense:	\$25.00
Third and Fourth offense:	\$50.00
Fifth through Seventh offense:	\$75.00
Eight through Tenth offense:	\$100.00
Eleventh through Fourteenth offense:	\$150.00
Fifteenth through Twentieth offense:	\$200.00
Twenty-first through Twenty-fourth offense:	\$250.00
Twenty-fifth or more offense:	\$300.00

Section 3.

This ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.