



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 is a proposed amendment to Chapter 12- Health and Sanitation, Article II, Littering Generally, adding section 12-41.1, Duty of Property Owners to Maintain Yard and Adjacent Areas, instituting a requirement for property owners to maintain all grass areas for which they are responsible, including the sidewalk "ribbon," to a height of eight (8) inches or less.

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 12, Health and Sanitation

31- 509

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

SECTION 1. Chapter 12, Health and Sanitation, Article II, Littering Generally, is hereby amended by adding Section 12-41.1, Duty of Property Owners to Maintain Yard and Adjacent Areas:

Sec. 12-41.1- Duty of Property Owners to Maintain Yard and Adjacent Areas

- (a) The owner of any private property shall not allow grass or vegetation to reach a height of more than 8 inches on the property or on any adjacent sidewalk grass ribbons. "Vegetation" shall mean grass, weeds and other ground cover.
- (b) Any owner who violates, disobeys, neglects or refuses to comply with the terms of this section shall be guilty of a violation and be subjected to a fine of not more than three hundred dollars (\$300.00) per offense. In addition to criminal and civil court actions, this section may be enforced through non-criminal dispositions as provided in M.G.L.A. c. 40 § 21D & M.G.L.A. c. 40U. Each day a violation continues shall be deemed a sperate offense.

Section 2. This ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.