



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date:	November 15, 2011
Subject:	de Rahm, et al. Zoning Petition (Enforcement and Fines)
Recommendation:	The Planning Board recommends <b>ADOPTION</b> of the petition, with recommended changes to the zoning language.

To the Honorable, the City Council,

The Planning Board recommends that the City Council adopt the language that has been provided by the City's Law Department in response to the proposal by the petitioners. That language is attached on the following page.

The recommended zoning language would increase the penalty for a zoning violation to the maximum amount allowed under M.G.L. Chapter 40A, and would provide a mechanism by which violations could be punished by a non-criminal fine. Under current regulations, zoning may only be enforced through criminal proceedings.

If adopted, the proposed change would provide an additional tool to aid in enforcement of the City's zoning regulations, which would help to strengthen and support the City's planning efforts.

Respectfully submitted for the Planning Board,

Hugh Russell, Chair.

***Recommended Zoning Change (Per Cambridge Law Department)***

Amend the Zoning Ordinance of the City of Cambridge by doing the following:

In Section 9.16, add “(1) Criminal Penalty” before the existing language; delete the words “one hundred dollars” and replace with the words “three hundred dollars”; and add at the end of the existing language a new paragraph as follows: “(2) Noncriminal Disposition. Whoever violates any provision of this ordinance may be penalized by a non-criminal disposition as provided in G. L. c. 40, Section 21D. For purposes of this section, the Commissioner of Inspectional Services and his or her designee shall be the enforcing officer. The penalty for each violation shall not exceed three hundred dollars. Each day’s violation shall constitute a separate violation.”

***Recommended Zoning Language as Inline Edits***

Additions and creations are underlined. Deletions are in ~~strikeout~~.

**9.16** (1) Criminal Penalty. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Ordinance may, upon conviction, be fined a sum not to exceed ~~one hundred dollars~~ three hundred dollars for each offense. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense.

(2) Noncriminal Disposition. Whoever violates any provision of this ordinance may be penalized by a non-criminal disposition as provided in G. L. c. 40, Section 21D. For purposes of this section, the Commissioner of Inspectional Services and his or her designee shall be the enforcing officer. The penalty for each violation shall not exceed three hundred dollars. Each day’s violation shall constitute a separate violation.