

Ordinance Review Committee – Meeting Notes 11/18/2020

COMMITTEE MEMBERS: CLLR. BARRY CONNELL, ATTY. JIM CONNELLY, CLLR. JARED EIGERMAN, MOLLY ETTENBOROUGH, CLLR. AFROZ KHAN (CHAIR), GREGG OGDEN, ATTY. MARK REICH (CITY SOLICITOR), LT. RICHARD SIEMASKO, MIKE STRAUSS, RON THURLOW

Meeting Discussion

All committee members were present. The purpose of the meeting is to review a draft guidelines document outlining the criteria for reviewing the ordinances and get an update by assigned reviewers on their progress and findings.

1) Review Guidelines Document - Chair Khan used screen sharing to walk through a working document that she created with the assistance of City Solicitor Mark Reich. The committee discussed what changes were classified as substantive or non-substantive.

a) Non-Substantive

- i) Grammatical changes: Fixing run on sentences and eliminating unnecessary verbiage. The use of an oxford comma was discussed; which is a comma that is used when listing three or more items and then adding a comma on the last item before “and” or “or”. The committee agreed to use the oxford comma throughout the municipal code.
- ii) Massachusetts General Law reference: The committee voted and agreed unanimously to reference the Massachusetts General Laws as M.G.L. Currently, the ordinances specify M.G.L., M.G.L.A. or G.L.
- iii) Capitalization: In some cases, ‘city’ in City of Newburyport is not always capitalized. Councillor Eigerman noted that the publisher, Municode, automatically updates capitalizations to lowercase unless it is an obvious proper name. Chair Khan will follow up to see if the publisher will continue this practice of eliminating capitals through an “auto-check”.
- iv) Statutory References: City Solicitor, Mark Reich, noted that statutory references should be reviewed and if necessary updated or deleted. Members expressed that this may be quite a bit of work to put on people to do. Councillor Eigerman suggested that we flag any references that seem outdated and send over to Mark Reich.

All Non-Substantive changes were agreed to be identified by redlining the word document.

b) Substantive changes

- i) Committee members Greg Ogden and Molly Ettenborough both shared that there are references to Public Area of the Downtown District that are not consistently defined. Councillor Eigerman clarified that those situations may be correct based on the intent of the code. In general, members are encouraged to highlight and make a comment for the group to discuss later.
- ii) Committee members flagged outdated references such as the code specifying “No person keeping, owning or operating a pool or billiard table or bowling alley which is licensed under the provisions of this article shall allow or permit the same to be played on or used on Sunday or between the hours of 12:00 midnight and 7:00 a.m. on any other day”. Some of these outdated concepts have evolved over time and need to be updated but these still would fall under “substantive” changes.

iii) Committee agreed to highlight in YELLOW with comments items that fall under this category.

2) Section by Section Update

Chair Khan requested an update from responsible reviewers by their assignment and chapter.

Chapter	Reviewer	Update
1 – General Provisions		
2 – Administration (Article 1-1V)	Connell, Eigerman & Khan	Completed initial review line by line. Tracking changes in redline. Running specific sections as relevant to Department Heads.
2 – Administration (Article V)	Lt. Siemasko, Thurlow	Minor changes noted based on changes in numbers on personnel. Will be verifying by asking Dept. Heads. Many questions around Fire and Civil Defense.
3 – Animals	Eigerman	Completed review and redline. Nothing interesting.
4 – Boats, Docks & Waterways	Lt. Siemasko, Thurlow	Thurlow on Harbor Commission and identified substantive changes. Need to see if Commissioner Casson wants to group a larger update or through this effort.
5 – Buildings & Building Regulations	Connell, Eigerman	Not started yet.
6 – Civil Defense & Disaster Relief	Lt. Siemasko, Thurlow	Thurlow did go back to M.G.L. for reference since much of this is gone regarding civil defense. Cllr Eigerman thinks this is an important area to update due to COVID. Recommending substantive changes since the position is gone and under the Fire Dept. Lt. Siemasko is recommending that Chief LeClaire be added to this effort.
6.5 – Environment	Ettenborough, Strauss	M. Strauss: Went through but need to go back through based on conversation tonight. Identifying a need to reorder the numbering here in the same section. Atty Reich: Fair to do under “non-substantive” changing. Another question on language in terms of herein, wherein, so as to, etc. Guidance is to use plain English. Never use will, but shall is acceptable. M. Strauss: Guidance requested in tightening up the layout such as listing something that is a definition under an action. Guidance is to define the word when it first shows up.
7 – Fire Prevention & Protection	Lt. Siemasko, Thurlow	Lt. Siemasko is recommending that Chief LeClaire be added to this effort. Would like Chiefs input on Sprinkler System design.
8 – Health & Sanitation	Ettenborough, Strauss	M. Strauss: The word ‘inure’ is used under fines but not used anywhere else. Cllr Eigerman said it really can be

Chapter	Reviewer	Update
		restated as "Should be paid to".
9 – Licenses, Permits & Business Regulations	Connelly, Ogden	G. Ogden: Universal area were fees can be identified would be helpful. Also, noted that there is a fee of \$2.00 under lodging. Atty Reich: Fees are intended to compensate the city for the services being required. This should be flagged though. Cllr Connell: It may be good to just take the reference to specific dollars out and indicate "subject to city council". Atty Reich: It may be good to have a schedule of fees as opposed to putting in the code. This way the fee schedule can be updated; use of "Fees in the amount setforth in the Fee Schedule". Cllr Eigerman: Agrees with Atty Reich that a comprehensive fee and fine schedule is done yearly by the council and can be made updated on the city's website without an update by the publisher. A. Khan shared that she will work with Atty Reich to start creating this.
10 – Miscellaneous Offenses	M. Reich	Atty Reich: Completed and would like to bring them to the bigger group on areas of comments. Confiscating skateboards was noted but good to know that it's there for a purpose. Kite flying and shooting a Bow/Arrow noted as well as posting signs without a process of permission. Antiquated statements are things like troughs of water for man or beast.
11 – Parks & Recreation	Connell, Khan	A.Khan: Review done but question on why dog licenses is referenced here and not in Chapter 3 – Animals. She will send reference to Cllr Eigerman.
12 – Streets, Sidewalks and Other Public Spaces	Connell, Khan	B. Connell: Interesting point that one cannot throw snowballs on the streets. Lt. Siemasko: Under 270 and 279 they can use willful violation of ordinance when needed.
13 – Traffic and Motor Vehicles	Lt. Siemasko, Thurlow	Lt. Siemasko: Chapter 90 covers all the things that the police really adhere to. Not sure if this makes too much sense. R. Thurlow: A list on website of all the traffic conditions in the city. Cllr Eigerman: Cllr. Cronin thought to save money it would make sense to have on the website. It may be better to put back into code. Lt. Siemasko: Low Street was changed to 30 MPH but because it's not on the code, it is back to 35 MPH.
14 – Utilities	Strauss, Ettenborough	Not reviewed yet.
15 – Vehicles for Hire	Connelly,	G. Ogden: Newer conveniences like Uber is not mentioned

Chapter	Reviewer	Update
	Ogden	yet. J. Connelly: The sections are more focused on Taxicabs which are heavily regulated. A. Khan: Can take a look into this more and see if it needs to be updated. Atty Reich: Uber and LYFT not regulated and it may make sense to regulate. Cllrs agreed to flag for rework.
16 – Local Historic District	Eigerman	Completed. Not too much to change.
17 – Stormwater Management	Khan, Strauss	Started review. Nothing substantial.

3) Next Meeting – December 16th at 6:30pm

- a) Invite Chief LeClaire (Ch. 6, Ch. 7) and Clerk Richard Jones (Ch. 13) to Participate in the Committee
- b) Revise and finalize review guidelines for next meeting
- c) Create a webpage on the city’s website dedicated to efforts of the Ordinance Review Committee
- d) Afroz will work with Atty Reich to create a table for fees and fines.
- e) Members should have started their review of all chapters.