

IN THE YEAR TWO THOUSAND AND TWENTY-TWO

_____ AMENDMENT TO CHAPTER 90 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF HOLYOKE, MASSACHUSETTS 1997

AN ORDINANCE

Be it ordained by the City Council of the City of Holyoke as follows:

SECTION 1. Section 90-51 entitled “Pedestrian traffic permitted; prohibited activities”, Division 2 entitled “Reservoirs” of Article II entitled “Water” of Chapter 90 entitled “Utilities” shall be amended:

BY ADDING THE FOLLOWING NUMBERED RESTRICTIONS:

“(10) camping;

(11) ice skating;

(12) use of motorized bicycles and motorized scooters as defined in Massachusetts General Law, Chapter 90, Section 1; and

(13) use of drones.”

SECTION 2. Section 90-53 entitled “Penalty”, Division 2 entitled “Reservoirs” of Article II entitled “Water” of Chapter 90 entitled “Utilities” shall be further amended:

BY REMOVING THE FOLLOWING LANGUAGE:

“Any person and, if applicable, the employer and all other persons concerned therein, violating the provisions of section 90-51 or section 90-52 of this Code shall be fined not more than \$50.00 for each offense.”

AND BY REPLACING WITH THE FOLLOWING LANGUAGE:

“Any person or entity, including but not limited to for profit corporations, non-profit corporations, limited liability companies, partnerships, limited liability partnerships, as well as any employee, servant, or agent thereof, found to have violated the provisions of Section 90-51 shall be fined not less than One Hundred (\$100.00) Dollars for the first offense and not less than Two Hundred Fifty (\$250.00) Dollars for the second and subsequent offenses. Each day of violation shall constitute a separate offense.

The City may enter into a contract with either the Massachusetts Environmental Police, the Hampden County Sheriff, or both, who agree to be responsible for enforcing the provisions of Section 90-51. Violations of Section 90-51 shall be enforceable under the noncriminal disposition procedure set forth in M.G.L, c. 40, §21D. In accordance with M.G.L. c. 40, §21D, the enforcing person may give the offender written notice [also known as the Civil Disposition Citation or Citation] to appear before the Holyoke District Court no later than twenty-one (21) days after the date of the notice. The notice shall be made in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged, and the time and place where the offender must appear. The notice must provide the offender with the option of either (1) paying the amount set forth in the Citation and mailing the payment (either by money order or check) together with a copy of the Citation to the Main Office of the Holyoke Water Works, located at 20 Commercial Street, Holyoke, MA 01040, no later than twenty-one (21) days after the date on the Citation; or (2) contest the violation set forth in the Citation by, no later than twenty-one (21) days after the date on the Citation, making a written request for a hearing. The written request for a hearing must be accompanied by a copy of the Citation and must be mailed to Holyoke District Court, c/o Clerk or Magistrate, Attn: 21D non-criminal hearings, 20 Court Plaza, Holyoke, MA 01040. The Citation must state that the offender’s appearance in District Court is not a criminal proceeding and will not result in a criminal record. The Citation must contain a space where the offender can choose one of the two options set forth herein.

The enforcing person shall sign the Citation and shall be signed by the offender whenever practicable in acknowledgment that the Citation has been received. The enforcing person shall, if possible, deliver to the offender a copy of the Citation at the time and place of the violation. If it is not possible to deliver the Citation to the offender at the time and place of the violation, then a copy of the Citation shall be mailed or delivered to the offender’s last known address within fifteen (15) days of the violation. Such a mailing shall be deemed to be sufficient notice, and a certificate of the person who mailed the Citation in accordance with the provisions of this Section shall be prima facie evidence thereof.”

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. This ordinance shall take effect upon its passage.

APPROVED AS TO FORM:



Kathleen E. Degnan
Assistant City Solicitor