



## Legislation Details (With Text)

<b>File #:</b>	280-20	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Passed	
<b>File created:</b>	9/16/2020	<b>In control:</b>		Rules & Ordinance Committee	
<b>On agenda:</b>	9/22/2020	<b>Final action:</b>		11/10/2020	
<b>Title:</b>	<p>Order: Be it hereby ordained that the Revised Ordinances of 2020 Chapter 11 be amended to add Section 11.08.155 Maintenance of Private Fencing Next to Public Property (containing provisions related to fencing adjoining streets, sidewalks and trails) by adding the following language:</p> <p>A. Every owner of property adjoining any public or private street, alley, sidewalk, trail or other public land shall ensure any fencing along the perimeter of their property remains erect and that any barbed or razor wire remains strung at least 7 feet above ground level. No such owner shall allow any perimeter fence, barbed or razor wire to encroach on or above any public street, private street, alley, sidewalk, trail or other public land or otherwise pose a hazard to members of the public lawfully using such areas.</p> <p>B. As of November 1, razor wire may not be installed or replaced on any fence in the City of Malden.</p> <p>C. This ordinance may be enforced in the manner provided in Mass. Gen. Laws ch 40 § 21D by City Code Enforcement Officers, agents of the Inspectional Service Department, or Department of Public Works supervisory personnel. Penalties for violations of this Ordinance will be strictly enforced, and are as follows:</p> <ol style="list-style-type: none"><li>1. first offense shall be a written, 30-day warning</li><li>2. second offense - \$300 for each continuing day of violation.</li></ol> <p>D. The City may remove the fencing and wiring if: (1) such fencing and wiring has caused an injury to a member of the public present on public property, or (2) if the property owner fails to comply within three days after notice of the second offense. The City may seek reimbursement for the costs of removal of the fencing and wiring in violation of ordinance from the property owner.</p>				
<b>Sponsors:</b>	Stephen Winslow, Barbara Murphy				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Dangerous Fencing 2020 Ordinance.Revised.Final				

Date	Ver.	Action By	Action	Result
11/10/2020	1	City Council	ordained	Pass
11/10/2020	1	City Council	ordained	Pass
10/20/2020	1	City Council	enrolled	Pass
10/20/2020	1	City Council	enrolled	
10/6/2020	1	Rules & Ordinance Committee	amended	Pass
10/6/2020	1	Rules & Ordinance Committee	amended	Pass
10/6/2020	1	Rules & Ordinance Committee	recommended favorably as amended	Pass
9/22/2020	1	City Council	referred	Pass
9/22/2020	1	City Council	referred	

Order: Be it hereby ordained that the Revised Ordinances of 2020 Chapter 11 be amended to add Section 11.08.155 Maintenance of Private Fencing Next to Public Property (containing provisions

related to fencing adjoining streets, sidewalks and trails) by adding the following language:

A. Every owner of property adjoining any public or private street, alley, sidewalk, trail or other public land shall ensure any fencing along the perimeter of their property remains erect and that any barbed or razor wire remains strung at least 7 feet above ground level. No such owner shall allow any perimeter fence, barbed or razor wire to encroach on or above any public street, private street, alley, sidewalk, trail or other public land or otherwise pose a hazard to members of the public lawfully using such areas.

B. As of November 1, razor wire may not be installed or replaced on any fence in the City of Malden.

C. This ordinance may be enforced in the manner provided in Mass. Gen. Laws ch 40 § 21D by City Code Enforcement Officers, agents of the Inspectional Service Department, or Department of Public Works supervisory personnel. Penalties for violations of this Ordinance will be strictly enforced, and are as follows:

1. first offense shall be a written, 30-day warning
2. second offense - \$300 for each continuing day of violation.

D. The City may remove the fencing and wiring if: (1) such fencing and wiring has caused an injury to a member of the public present on public property, or (2) if the property owner fails to comply within three days after notice of the second offense. The City may seek reimbursement for the costs of removal of the fencing and wiring in violation of ordinance from the property owner.