

Offered by: COUNCILOR FRANK BAKER, Flynn, Flaherty, Mejia, Essaibi-George,
Edwards and O'Malley



CITY OF BOSTON IN CITY COUNCIL

AN ORDINANCE REGARDING ACCESS TO PUBLIC SPACES

WHEREAS, Certain conduct on various City controlled properties is a threat to the public safety and health and interferes with the public's ability to use City-owned and City-controlled property, facilities, and rights-of-way for its intended purposes; and,

WHEREAS, Erecting unauthorized structures, tents, or other shelters on sidewalks and other areas controlled by the City prohibits the public's ability and rights to access such areas and interferes with the businesses in the area by prohibiting the access of pedestrians, employees, and delivery trucks; and,

WHEREAS, The immediate protection of the public peace, health, and safety is required and it is in the City's best interest to ensure that its public areas are clean, remain sanitary and accessible, and to promote the public health and safety by ensuring that public areas remain readily accessible for their intended uses.

NOW THEREFORE,

Be it ordained by the City Council of Boston, as follows:

Section 1.

The City of Boston Code, Ordinances, Chapter XVI shall be amended by adding at the end thereof, the following new section.

Access to Public Spaces, Rights of Way, and Prohibition of Obstructions

Purpose

The purpose of this section is to ensure that the public and residents of the City have access to clean and sanitary sidewalks, streets, parks, and other public areas consistent with the intended uses for the public areas. These provisions will balance the needs and rights of the public to access public spaces and businesses for their intended uses.

City Departments and Agencies Coordinated Response

The City shall develop a coordinated response among its various departments and agencies to enforce the provisions of this ordinance. The City shall ensure that sidewalks, streets, and parks are accessible and free from obstruction. The coordinated response shall include establishing

procedures for the removal of items that prevent passage on sidewalks as required by the Americans with Disabilities Act, as amended from time to time, streets and parks. The City shall also examine storage mechanisms for the personal property removed under this ordinance which may include facilities operated by the City, non-profits, or private providers.

Storage of Personal Property on Public Property

No person shall store any personal property either attended or unattended on ways, sidewalks, streets, parks, or other areas controlled by the City. If such personal property creates an obstruction, such property shall be removed by the City.

For purposes of this ordinance the term “personal property” means any tangible property, and includes, but is not limited to, goods, materials, merchandise, tents, tarpaulins, bedding, sleeping bags, hammocks, personal items such as household items, luggage, backpacks, clothing. For purposes of this ordinance, the term “obstruction” means people, tents, personal property, garbage, debris or other objects related to an encampment that are on areas controlled by the City including City parks, sidewalks, streets, ways, or other areas, that interfere with the pedestrian or transportation purposes of public rights of way, or interfere with the areas that are necessary for or essential to the intended use of a public property or facility.

Reporting Requirements

Within 30 days after passage of this ordinance, the Mayor or their designee shall file a report with the City Clerk’s Office to be placed on the agenda for the next City Council meeting that provides for the City coordinated response under the provisions of this ordinance.

Section 2. Severability

The provisions of this ordinance are severable and if any provision, or portion thereof, should be held unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

Section 3. Effective Date

The provisions of this ordinance shall be effective immediately upon passage.

Filed in Council: October 20, 2021