



**CITY OF NEW BEDFORD, MASSACHUSETTS**

**MEETING: COMMITTEE ON ORDINANCES**  
**DATE: JUNE 13, 2023**  
**TIME: 7:01 P.M.**  
**PLACE: CITY COUNCIL CHAMBER, ROOM 214**

**PRESENT: COUNCILLORS RYAN PEREIRA, CHAIR; DEREK BAPTISTE; SHANE BURGO; MARIA GIESTA; SCOTT LIMA; WILLIAM BRAD MARKEY; LINDA MORAD; SHAWN OLIVER**

**ABSENT: COUNCILLORS IAN ABREU; NAOMI CARNEY; BRIAN GOMES**

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Councillor Pereira called the Ordinance Committee Meeting to order and took attendance. The Clerk read Communications into the record from Councillors Carney and Gomes explaining their absence and from Councillor Abreu explaining his tardiness. The Communications were received and placed on file by Councillor Giesta and seconded by Councillor Burgo.

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Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that the City accept M.G.L. Chapter 32B, Section 15 (a) to provide the City with the tools necessary to offer active City employees a group dental insurance plan (Ref'd 07/16/2020) (03/20/2023 – tabled) (04/11/2023 – tabled until April 19, 2023 at 7:30 PM) (04/19/2023 – tabled) AND AN ORDER, that the City of New Bedford accept G.L. c. 32B, § 15(a) to enable the City to offer a group dental plan to all active City employees (Ref'd 07/16/2020) (03/20/2023 – tabled) (04/11/2023 – tabled until April 19, 2023 at 7:30 PM) (04/19/2023 – tabled) were removed from the table by Councillor Lima and seconded by Councillor Morad. This motion FAILED on a roll call vote of Yeas 4, Nays 4, with Councillors Lima, Markey, Morad and Pereira IN FAVOR. The matter remains in committee. (1 & 1a)

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Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Oliver, requesting, that the Committee on Ordinances meet to discuss drafting an Ordinance which would hinder the availability of gasoline for illegal purposes and to address the ongoing public safety issues surrounding the operation of all-terrain vehicles, mini-cycles, dirt bikes and other unauthorized motor vehicles on our City streets (To be Referred to the Committee on Ordinances.) (Ref'd 05/25/2023) was received and placed on file by Councillor Burgo and seconded by Councillor Giesta. This motion passed on a voice vote. (2)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Giesta, Council President Abreu, Councillors Lima, Markey, Pereira, Baptiste and Carney, requesting, that the Police Chief, Paul Oliveira, come before the Committee on Ordinances to discuss the ongoing problem with ATV and dirt bikes, speeding around the City erratically with no respect for the law and the residents; and further, that the Committee work together with the Police Chief and the Administration to create and pass an Ordinance regarding these ATV's and dirt bikes on our City streets, sidewalks and parks (Ref'd 04/28/2022) (05/23/2022 – tabled) was removed from the table by Councillor Burgo and seconded by Councillor Giesta. This motion passed on a voice vote. (3)

These items were taken up together without objection.

Councillor Oliver explained that he submitted the motion as a means of potentially drafting an Ordinance that would hinder the availability of gasoline for illegal purposes, and also to address the ongoing public safety issues surrounding the operation of all-terrain vehicles, mini-cycles, dirt bikes and other unauthorized motor vehicles on City streets. He added that he is aware of the Ordinance on file and stated that he is not trying to reinvent the wheel, but is hoping to strengthen the existing language.

The Chair recognized Chief Paul Oliveira of the New Bedford Police Department. Chief Oliveira acknowledged this was an issue in the City. He shared that the operation of such vehicles is dictated by Mass General Law, and the law states you only need to be 16 ½ years old to legally ride a scooter. They must be registered, but once they are, they are legal to operate on City streets.

Chief Oliveira went on to say that the Police Department is doing what they can to prevent the illegal operation of these vehicles, however, those that are breaking the law don't really care about registering their vehicles. The Chief did say that additional language may help the problem and that he is okay with broadening the Ordinance.

Councillor Baptiste echoed many of the same concerns of Councillor Oliver. He feels that gas stations could help by not selling gasoline to underage operators. He added that we should not be looking to penalize the gas station owners. Chief Oliveira agreed.

Councillor Giesta acknowledged that the City has been dealing with these illegal activities for several years now. She asked how the vehicles are registered. The Chief explained if it's a scooter, it's a sticker and not a plate. Dirt bikes and ATVs do not need to be registered. The Chief reminded the Committee that those driving these vehicles are not worrying about the law or law enforcement.

Councillor Markey asked if cameras would be able to assist with identifying the culprits. He was told they would. The Chief stated that he could not go into detail, but that they are looking to increase camera presence in the City. He added that it would not solve the issue, but it could help.

Councillor Oliver asked Atty. Gerwatowski if there are any hurdles preventing the City from imposing stricter language in the Ordinance. Atty. Gerwatowski replied that State Law allows people to operate these vehicles, and State Law takes precedence over local legislation. He stated that you can add language and tweak the current Ordinance but what it really comes down to is enforcement. It is possible to have a law that is too complicated to enforce. Councillor Pereira suggested that Atty. Gerwatowski look at the City of Brockton's Ordinance as it relates to this issue and added that it may provide some insight on items that can be added to the City's current Ordinance.

City Solicitor Eric Jaikes was recognized and asked by Councillor Lima if the current Ordinance works. Atty. Jaikes stated that he has been very involved with this Ordinance since 2017. The current Ordinance deals with the number of unregistered vehicles on a property, the age to sell gasoline to an owner of a recreational vehicle, and the use of snowmobiles on public streets. The current Ordinance has language included to deal with this issue, but what it comes down to is enforcement. Atty. Jaikes shared that they created the Ordinance to be as strict as possible and in his opinion, there is not much room for improvement. However, he is willing to revisit the Ordinance.

Councillor Giesta asked if the City could simply outlaw such vehicles. She was told it could not because the State permits the use of these vehicles.

Councillor Oliver suggested that Atty. Gerwatowski and Atty. Jaikes meet and revisit the Ordinance to see if anything can be added to make it stronger, including the prohibition of selling gasoline to minors. Both attorneys acknowledged that they would.

On motion by Councillor Oliver and seconded by Councillor Giesta, the Committee VOTED: To table both matters at this time. This motion passed on a roll call vote of Yeas 6, Nays 1. (Councillor Burgo OPPOSED.)

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Councillor Burgo made a motion to adjourn, which was seconded by Councillor Baptiste. This motion passed on a voice vote.

This meeting adjourned at 8:03 p.m.

ATTEST:

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Denis Lawrence Jr.  
Clerk of the Committees