



City of Northampton
MASSACHUSETTS

In the Year Two Thousand and Nineteen

Upon the Recommendation of Councilors Alisa F. Klein, William H. Dwight, and Gina-Louise Sciarra

19.153

AN ORDINANCE

**Establishing Northampton as a Welcoming Community
"Northampton Safe City Ordinance"**

An Ordinance of the City of Northampton, Massachusetts providing that the Code of Ordinances City of Northampton, Massachusetts, be amended ~~to~~ _____ as follows:-

This ordinance shall be known as the City of Northampton Safe City Ordinance and affirms that Northampton is a welcoming city that seeks to ensure public safety and trust between all members of our community.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Section 1.

Definitions

- (a) "Immigration enforcement" refers to the federal agency "Immigration and Customs Enforcement ("ICE"), and any other federal agency charged with the enforcement of immigration laws.
- (b) "Immigration detainers" or "ICE detainers" are requests made by federal immigration officials, including but not limited to those authorized under Section 287.7 of Title 8 of the Code of Federal Regulations to local Law Enforcement or Courts to voluntarily maintain custody of an individual once that individual is released from local custody, and/or to notify a federal agency before the pending release of an individual.
- (c) "Eligible for release from custody" means there is no judicial warrant, judicial order or law that prevents an individual from being released from custody of the City.

Section 2.

Policy

- (a) It is the policy of the City of Northampton that unless required by state ~~and or~~ federal law, the City shall not take any action for the sole purpose of facilitating federal immigration enforcement, including providing non-mandatory information to any state or federal agency.
- (b) Furthermore, City resources shall not be used:

- i. To determine the immigration status of a person unless such inquiry is required by state or federal law or to provide a public benefit.
 - ii. To take action on the basis of actual or perceived immigration status, unless to provide a public benefit.
 - iii. To neither detain or delay the release of an individual otherwise eligible for release from custody on the basis of an immigration detainer.
 - iv. To perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.
- (c) ~~Notwithstanding sections 2(a)(i) and 2(b)(ii) above,~~ A person's immigration status shall not prohibit or inhibit the City's participation in any government operation or program that confers an immigration benefit, including temporarily or permanently protecting noncitizens from removal as provided through programs such as the U Visa, the T Visa, and the federal Violence Against Women Act.

Section 3.

Implementation

- (a) The mayor shall enforce this ordinance and promulgate the necessary policies, procedures, directives, and training necessary to effectively and faithfully enforce and implement this ordinance.
- (b) Nothing in this ordinance shall be construed to violate any valid federal law, or to prohibit any city official from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. § 1373.