

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. C-24

February 6, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON that the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 12 Health and Human Services** and **Chapter 17 Fees for Licensing and Permits; and Civil Fines Generally** as follows:

- I. **DELETE** the words "ON SIDEWALKS" where they appear in the title of **Article VIII of Chapter 12 Health and Human Services** and **INSERT** in place thereof the words "IN THE PUBLIC WAY".
- II. **DELETE** the words "on sidewalks" where they appear in the title of **Sec. 12-70** and **INSERT** in place thereof the words "in the public way".
- III. **DELETE** the word "his" where it appears in the first sentence of **Sec. 12-70(a)** and **INSERT** in place thereof the word "their".
- IV. **DELETE** the words "his designee when he determines" where they appear in the second sentence of **Sec. 12-70(a)(1)** and **INSERT** in place thereof the words "their designee when they determine".
- V. **DELETE** the word "his" where it appears in the first sentence of **Sec. 12-70(a)(4)** and **INSERT** in place thereof the word "their".
- VI. **INSERT** in **Sec. 12-70. Permits for café furniture in the public way** a new subsection b as follows:
 - (b) Notwithstanding anything to the contrary in Chapter 19 of the City of Newton Ordinances, the commissioner, or their designee, may grant revocable permits for the placement of certain café furniture upon designated municipal parking spaces in the public way, excluding municipal off-street parking areas. The commissioner shall consult with the fire, police, public works, inspectional services, and planning departments prior to granting or denying a permit under this section. Permits shall be issued in accordance with the following standards:
 - (1) Permits may only be granted to the proprietor of the business premises which immediately abuts the parking spaces in the public way affected by the permit. All café furniture, trash receptacles, barriers, and any

other items in the area affected by the permit must be removed at any time upon the request of the commissioner or their designee upon their determination that the public convenience and welfare require such removal.

- (2) The commissioner, or their designee, may consider parking and other needs of abutting businesses prior to granting or denying a permit.
- (3) Permits may allow for the placement of tables, chairs, benches, shade umbrellas, and other appurtenances as may be approved or otherwise required by the commissioner or other department, in consultation with the commissioner. All such tables, chairs, benches, shade umbrellas and other appurtenances shall be temporarily placed upon the surface and shall not be affixed thereto. Any shade umbrellas shall be fastened, weighted and otherwise secured while in use. Permits shall require the placement of protective barriers.
- (4) The number, type and placement of such tables, chairs, benches, shade umbrellas, barriers and other appurtenances shall be subject to the approval of the commissioner, in consultation with other appropriate departments of the city, including fire, police, public works, inspectional services and planning departments, and in conformity with any applicable ordinances or general laws.
- (5) Permits may only be granted in those circumstances where the commissioner, or their designee, has determined that the placement of such cafe furniture would not interfere with pedestrian and/or traffic safety.
- (6) Permits shall only allow placement of items from April 1st to January 1st.

And **RELETTER** the remaining paragraphs accordingly.

- VII. **DELETE** the word "such" where it appears in **Sec. 12-70(c)**.
- VIII. **INSERT** after the word "permit" where it first appears in **Sec. 12-70(c)** the words "under this section".
- IX. **INSERT** after the word "permit" where it first appears in the second sentence of **Sec. 12-70(d)** the words "for sidewalk café seating".
- X. **INSERT** after the second sentence of **Sec. 12-70(d)** the following "The fee for each such annual permit for parking space café seating shall be \$250.00 per parking space."

- XI. **DELETE** the word "his" where it appears in the first sentence of **Sec. 12-70(e)** and **INSERT** in place thereof the word "their".
- XII. **INSERT** after the words "café furniture" where they appear in the first sentence of **Sec. 12-70(e)** the words "and barriers".
- XIII. **DELETE** the word "a" where it appears in the second sentence of **Sec. 12-70(e)** and insert in place thereof the word "any".
- XIV. **INSERT** after the words "sidewalk café seating" where they appear in **Sec. 12-70(f)** the words "or parking space café seating".
- XV. **DELETE** the word "sidewalk" where it appears in **Sec. 12-70(h)(1)**.
- XVI. **INSERT** after the word "area" where it appears in **Sec. 12-70(h)(1)** the words "affected by the permit".
- XVII. **DELETE** the words "sidewalk" where it appears twice in **Sec. 12-70(h)(2)**.
- XVIII. **INSERT** after the word "area" where it appears in **Sec. 12-70(h)(2)** the words "affected by the permit".
- XIX. **INSERT** after the word "sidewalk" where it appears in **Sec. 12-70(l)** the words "or within the public way".
- XX. **INSERT** after the word "enforcement" where it appears in **Sec. 12-70(m)** the words "and administration of".
- XXI. **INSERT** after the words "health and human services department," where they appear in **Sec. 12-70(n)** the words "department of public works,"
- XXII. **INSERT** after the words "Sec. 12-70. Café Furniture on Sidewalk" where they appear in subsection (b) **HEALTH AND HUMAN SERVICES DEPARTMENT** of **Sec. 17-23. Enforcing persons and revised ordinances subject to civil fine** the words "or Street".

Approved as to legal form and character:

Alissa O. Giuliani

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City Solicitor

Under Suspension of Rules

23 Yeas, 0 Nays, 1 Absent (Councilor Downs)

Carol Moore

(SGD) Carol Moore

Acting City Clerk

Ruthanne Fuller

(SGD) RUTHANNE FULLER

Mayor

Date: 2/22/2023