

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, JANUARY 22, 2014

7:45 PM  
Room 222

**ITEMS SCHEDULED FOR DISCUSSION:**

- #399-13     ALD. LINSKY, HESS-MAHAN, ALBRIGHT, CROSSLEY, DANBERG, BLAZAR, LAREDO & SCHWARTZ requesting to re-charge a task force to devise recommendations as to best practices and/or potential regulatory approaches to achieve improvements regarding the use of leaf blowers in the City of Newton.  
[10/28/13 @ 7:01 PM]
- #254-12(2)     THE PROGRAMS & SERVICES COMMITTEE recommending an ordinance to ban single-use plastic bags at certain retail establishments in the City of Newton.  
[01/10/14 @ 3:36 PM]

---

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, please contact the Newton ADA Coordinator, Joel Reider, at least two days in advance of the meeting: [jreider@newtonma.gov](mailto:jreider@newtonma.gov) . or 617-796-1145. For Telecommunications Relay Service dial 711.

**ITEMS NOT YET SCHEDULED FOR DISCUSSION:****REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #254-12(3) THE PROGRAMS & SERVICES COMMITTEE proposing an ordinance to require a fee, charged to consumers, for the use of paper bags at certain retail establishments in the City of Newton. [01/10/14 @ 3:36 PM]

**REFERRED TO PROG. & SERV. AND PUBLIC SAFETY & TRANS COMMITTEES**

- #410-13 ALD. JOHNSON, ALBRIGHT AND LINSKY requesting discussion with the Parks & Recreation, Police, Fire and Law Departments regarding options to decrease vandalism at the Albemarle Park (Halloran Recreation Complex) before April, 2014 [11/12/13 @ 4:15 PM]

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #403-13 HIS HONOR THE MAYOR submitting the FY15-FY19 Capital Improvement Plan and Long Range Projection pursuant to section 5-3 of the Newton City Charter. [10/21/13 @ 9:59 AM]

**REFERRED TO FINANCE AND PROGRAMS & SERVICES COMMITTEE**

- #402-13 ALD. FULLER, GENTILE, RICE and LINSKY requesting a Home Rule Petition to amend Article 9 of the Charter to clarify that Neighborhood Area Councils shall maintain and control their own financial accounts and records, independent of City finances; and to further clarify that such independent financial accounts and records shall remain subject to City audit. [10/28/13 @ 10:18 AM]
- #398-13 ALD. BAKER & DANBERG requesting a discussion of a possible ordinance, regulations or otherwise, to complement zoning regulation of any licensed Registered Marijuana Dispensaries to respond to any secondary impacts so as to make the operation of such dispensaries as successful as possible. [10/28/13 @ 10:00 AM]
- #397-13 ALD. SANGIOLO on behalf of the URBAN TREE COMMISSION, proposing amendments to the Tree Preservation Ordinance. [10/28/13 @ 2:46 PM]
- #200-13 ALD. JOHNSON requesting a discussion with the Parks & Recreation Department and the Department of Public Works to establish a process for managing the placement and removal of City, for-profit, and non-profit signs advertising events. [05/28/13 @ 9:26 AM]
- #199-13 ALD. JOHNSON AND SANGIOLO requesting an update from the School Committee and School Department regarding the request from the Board of Aldermen to reduce the family cap on activity fees. [05/20/13 @ 11:05 PM]
- #95-13(2) THE PROGRAMS & SERVICES COMMITTEE requesting an update from the Health Care Advisory Committee. [09/12/13 @ 9:49AM]

#34-13 ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]

#334-12 ALD. SWISTON AND LINSKY requesting a discussion with the Licensing Board regarding the licensing and permit requirements for non-profit organizations. [10/10/12 @ 3:52 PM]

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

#257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.

**REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES**

#256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing an ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]

#229-12 RECODIFICATION COMMITTEE recommending a review and possible amendment to the *Board of Aldermen Rules & Orders 2012-2013* relative to review of draft ordinances by the Law Department.

#145-12 ALD JOHNSON requesting a review by the Solicitor's office as to what constitutes "reorganization" per our City Charter. [05/16/12 @ 10:24PM]

#144-12 ALD. HESS-MAHAN proposing to repeal the time restrictions for filing special permit applications/site plan reviews for Major Projects during July and August in Article X Section 5 of the Rules and Orders of the Board of Aldermen.

**REFERRED TO PROG. & SERV AND PUBLIC FACILITIES COMMITTEES**

#36-12 ALD. CROSSLEY & FULLER requesting Home Rule legislation or an ordinance to require inspections of private sewer lines and storm water drainage connections prior to settling a change in property ownership, to assure that private sewer lines are functioning properly and that there are no illegal storm water connections to the city sewer mains.

A) Sewer lines found to be compromised or of inferior construction would have to be repaired or replaced as a condition of sale;

B) Illegal connections would have to be removed, corrected, and re-inspected in accordance with current city ordinances and codes, as a condition of sale.

[01/24/12 @ 8:07 AM]

**REFERRED TO PROG & SERV, PUB. FACIL. AND FINANCE COMMITTEES**

#312-10 ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10/27/10 @ 11:07 AM]

Respectfully Submitted,

Amy Mah Sangiolo

CITY OF NEWTON  
IN BOARD OF ALDERMEN

April 2, 2012

BE IT RESOLVED:

WHEREAS, various studies have identified potential adverse health impacts for those exposed to the exhaust emissions, particulate matter, dust, and noise resulting from the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers, affecting both the operators of such equipment and the public at large; and

WHEREAS, many residents have expressed concerns that the City of Newton's Ordinances do not adequately and effectively protect both operators and its residents from exhaust emissions, particulate matter, dust, and noise resulting from the operation of such equipment; and

WHEREAS, many municipalities in the Commonwealth of Massachusetts, including neighboring communities such as Brookline and Cambridge, and in other states across the Country have adopted and implemented ordinances or by-laws that restrict the operation of such equipment, to protect the health and welfare of their residents as well as their environment; and

WHEREAS, the reduction of exhaust emissions, particulate matter, dust, and noise resulting from the operation of such equipment is a public purpose that would serve to protect the public health, welfare and environment of the City of Newton and those persons who live and work in it; and

WHEREAS, a comprehensive review of the health and environmental impacts from exhaust emissions, fugitive dust, and noise caused by the use of such equipment, various approaches to regulating the use thereof, including ordinances and by-laws adopted by other municipalities, complaints and concerns of Newton residents, and the financial and operational impacts of various regulatory schemes, including enforcement challenges, would aid the Board of Aldermen in responding to these concerns;

NOW THEREFORE BE IT RESOLVED by the Newton Board of Aldermen, that

1. The Board of Alderman hereby establishes a Special Task Force to meet to review and evaluate research provided by various sources on the health and environmental impacts from exhaust emissions, particulate matter, dust, and noise

caused by the use of leaf blowers and other landscaping equipment, various approaches to regulating the use thereof including ordinances and by-laws adopted by other municipalities, complaints and concerns of Newton residents and operators, and the financial and operational impacts of various regulatory schemes, including enforcement challenges. The Special Task Force shall consult with department heads or their designees from the departments of Health & Human Services, Public Works, Law, and Police, in addition to any other City departments that the members of the Special Task Force deem necessary or advisable.

2. Based on the results of its review and evaluation, said Special Task Force shall prepare a report and make recommendations to the Board of Aldermen for amendments to the City of Newton's Ordinance for the purpose of reducing exhaust emissions, particulate matter, dust, and noise resulting from the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers, in order to protect the public health, welfare and environment of the City of Newton and those persons who live and work in it, for consideration by the Board of Aldermen.
3. The membership of said Special Task Force shall consist of thirteen (13) members comprised of the following:

Eight (8) citizens, one from each Ward, to be appointed by the President of the Board and the Chair of the Programs and Services Committee, to be approved by the Programs and Services Committee on behalf of the Board, from recommendations by the aldermen from each Ward. To the extent possible, it would be helpful but is not required that, in addition to having experience with or exposure to exhaust emission, fugitive dust and noise resulting from the operation of landscaping equipment, citizens may also include interests, experience or expertise in other areas including public health, environmental protection, operating a home business, owning rental property(ies), recreation, conservation or other related fields.

One (1) alderman to be appointed by the President of the Board and the Chair of the Programs and Services Committee, to be approved by the Programs and Services Committee on behalf of the Board.

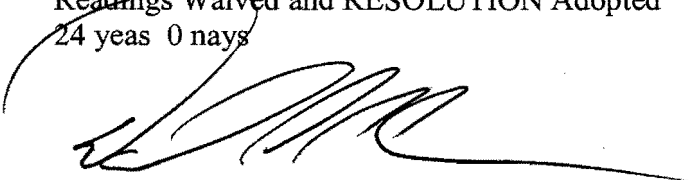
One (1) representative from a landscaping firm in the City to be approved by the Programs and Services Committee on behalf of the Board, based on recommendations from members of the Board of Aldermen.

One (1) representative from a major institution (e.g., Boston College, Lasell College, Mount Ida College), which owns substantial land and uses leaf blowers and other landscaping equipment to maintain its property, appointed by the President of the Board and the Chair of the Programs and Services Committee, to be approved by the Programs and Services Committee on behalf of the Board, based on recommendations from members of the Board of Aldermen;

One (1) representative from one of the public or private golf courses in the City, appointed by the President of the Board and the Chair of the Programs and Services Committee, to be approved by the Programs and Services Committee on behalf of the Board, based on recommendations from members of the Board of Aldermen;

4. The aldermanic representative of the Special Task Force shall be the Chair and the members of said Special Task Force shall choose the Vice Chair of the Special Task Force;
5. This Resolution shall be forwarded to said Special Task Force as its charge from the Board of Aldermen.

Under Suspension of Rules  
Readings Waived and RESOLUTION Adopted  
24 yeas 0 nays



(SGD) DAVID A. OLSON, City Clerk

O-28

Plastic Bag Reduction Ordinance

**Section 8.68.010 Short Title.**

This Chapter may be cited as the “Plastic Bag Reduction Ordinance” of the City of Cambridge.

**Section 8.68.020 Declaration of findings and policy—Scope.**

The City Council hereby finds that the reduction in the use of plastic bags by commercial entities in the City of Cambridge (the “City”) is a public purpose that protects the marine environment, advances solid waste reduction and protects waterways. This Ordinance seeks to reduce the number of plastic bags that are being used, discarded and littered, and to promote the use of reusable checkout bags by retail stores located in the City. Further, this Ordinance seeks to reduce the use of paper bags, due to their greater use of natural resources and higher cost impacts on retailers. This Ordinance also seeks to ensure that customers using reusable checkout bags are made aware of the need to keep those bags sanitized between uses in order to protect against the transmission of food-borne illnesses.

**Section 8.68.030 Definitions.**

(a) The following words shall, unless the context clearly requires otherwise, have the following meanings:

1. “Department” means the City’s Department of Public Works.
2. “Commissioner” means the City’s Commissioner of Public Works.
3. “Checkout Bag” means a carryout bag provided by a Retail Establishment to a customer at the point of sale. A Checkout Bag shall not include
  - a. bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a Retail Establishment;
  - b. laundry or dry-cleaner bags; or
  - c. newspaper bags.
4. “Recyclable Paper Bag” means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words “Recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag.
5. “Reusable Bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 3.0 mils in thickness.
6. “Retail Establishment” means any commercial enterprise, defined as the following, whether for or not-for profit, including, but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, farmers’ markets, jewelry stores, household goods stores, street fairs or festivals or bazaars.



**Section 8.68.040 Requirements.**

A. If a Retail Establishment provides Checkout Bags to customers, such bags shall be either a Recyclable Paper Bag or a Reusable Bag. Public information advising customers to sanitize Reusable Bags to prevent food-borne illness must be prominently displayed or communicated upon sale.

B. The Commissioner shall have the authority to promulgate regulations to accomplish any of the provisions of this Chapter.

C. Each Retail Establishment as defined in Section 8.66.030, above, shall comply with this Chapter.

**Section 8.68.050 Effective Date.**

This Chapter shall take effect one hundred and eighty (180) days from the date of enactment.

**Section 8.68.060 Exemption.**

A. The Commissioner may exempt a Retail Establishment from the requirements of this Chapter for a period of up to six (6) months, upon a finding by the Commissioner that the requirements of this Chapter would cause undue hardship to a Retail Establishment. An “undue hardship” shall only be found in:

1. Circumstances or situations unique to the particular Retail Establishment such that there are no reasonable alternatives to bags that are not Recyclable Paper Bags or Reusable Bags, or

2. Circumstances or situations unique to the Retail Establishment such that compliance with the requirements of this Chapter would deprive a person of a legally protected right, or

3. Circumstances where a Retail Establishment requires additional time in order to draw down an existing inventory of single-use plastic check out bags. Any Retail Establishment receiving an exemption shall file with the Commissioner monthly reports on inventory reduction and remaining stocks.

B. Any Retail Establishment shall apply for an exemption to the Commissioner using forms provided by the Department, and shall allow the Commissioner or his or her designee, access to all information supporting its application.

C. The Commissioner may approve the exemption request, in whole or in part, with or without conditions.

D. The Commissioner, by regulation, may establish a fee for exemption requests.

**Section 8.68.070 Enforcement.**

A. Fine. Any Retail Establishment who shall violate any provision of this Chapter shall be liable for a fine of not more than \$300 and each day's violation shall constitute a separate offense.

B. Whoever violates any provision of this Chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D. For purposes of this section, the Commissioner of the Department of Public Works, the Executive Director of the License Commission, the Executive Director of the Inspectional Services Department and the Commissioner of the Health Commission, or their designees shall be enforcing persons.

**Section 8.68.080 Severability.**

It is the intention of the City Council that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain valid and enforceable.