



Public Safety & Transportation Committee Agenda

City of Newton In City Council

Wednesday, February 8, 2017

7:00 PM

Room 205

Items Scheduled for Discussion:

- #4-17** **Providing the 2016 Annual Report on the work of Traffic Council**
TRAFFIC COUNCIL CHAIR, providing the Annual Report on the work of the Traffic Council for 2016 pursuant to Section 19-30(g) of the City of Newton Revised Ordinances 2012. [12/19/16 @ 4:53 PM]
- #366-16** **Requesting a review and update on Traffic Council responsibilities**
COUNCILORS NORTON, SCHWARTZ AND AUCHINCLOSS, requesting a review and update on Traffic Council responsibilities by shifting certain areas to the executive branch, including the installation of stop signs and safety upgrades. [10/17/16 @ 9:15 AM]
HELD 5-0 on 12/07/16, Councilor Cote not voting

7:45 PM

The Public Safety & Transportation and Programs & Services Committees will meet jointly on the following three items:

Chair's Note: The Chair will not be accepting public comment at this meeting.

REFERRED TO PROGRAM & SERVICES AND PUBLIC SAFETY COMMITTEES

- #443-16** **Ord. amendment regarding immigration status and guidelines for community policing**
HIS HONOR THE MAYOR, CHIEF OF POLICE, PRESIDENT LENNON, AND COUNCILOR KALIS, proposing an amendment to the City of Newton Revised Ordinances Chapter 12, Article V; Human Rights Commission and Advisory Council, to add a new section (C) to §12-50 defining: 1) the Policy of the City of Newton regarding immigration status and 2) the final Foundational Guidelines for Community Policing. [12/16/16 @ 10:45 AM]
Program & Services Held 7-0, Auchincloss not voting on 01/18/17
Public Safety & Transportation Held 6-0, Cote not voting on 01/18/17

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

REFERRED TO PROGRAM & SERVICES AND PUBLIC SAFETY COMMITTEES

- #443-16(2) Ordinance amendment to protect undocumented residents**
COUNCILORS ALBRIGHT, AUCHINCLOSS, HESS-MAHAN, NORTON, CROSSLEY, BROUSAL-GLASER, HARNEY, FULLER, LEARY AND DANBERG, proposing an amendment to the City of Newton Revised Ordinances to protect undocumented residents which at a minimum does the following:
- 1) No city official will request or seek information regarding a person's immigration status.
 - 2) No city official will report to, respond to or cooperate with Immigration Customs Enforcement with regard to status of any persons who has contact with a city official or employee except in the case where that person has been convicted of a felony, is on a terrorist watch list, poses a serious substantive threat to public safety, or is compelled to by operation of law except as required by law. [12/16/16 @ 9:11 AM]
- Program & Services Held 7-0, Auchincloss not voting on 01/18/17**
Public Safety & Transportation Held 6-0, Cote not voting on 01/18/17

Referred to Program & Services and Public Safety Committees

- #443-16(3) Ordinance amendment to create a "Welcoming City" Ordinance**
HIS HONOR THE MAYOR, CHIEF OF POLICE, PRESIDENT LENNON, COUNCILOR ALBRIGHT, AUCHINCLOSS, BLAZAR, BROUSAL-GLASER, CROSSLEY, DANBERG, FULLER, HARNEY, HESS-MAHAN, KALIS, LAREDO, LEARY, LIPOF, NORTON, RICE, SANGIOLO AND FORMER MAYOR COHEN requesting an ordinance amendment that reaffirms the City's commitment to fair treatment for all and codifies current community policing practices. One of the city's most important objectives is to enhance relationships with all residents and make all residents, workers and visitors feel safe and secure regardless of immigration status.

Items Not Scheduled for Discussion at this meeting:

- #25-17 Resolution requesting MBTA repair the pedestrian bridge near the Elliot MBTA station**
COUNCILORS YATES, RICE AND CROSSLEY, requesting that the MBTA repair the pedestrian bridge from the south side of Route 9 to the Elliot MBTA station. [01/23/17 @ 1:41 PM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #359-16 Submittal of the FY 2018 to FY 2021 Capital Improvement Plan**
HIS HONOR THE MAYOR submitting the Fiscal Years 2018 to 2022 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/11/16 @ 11:28 AM]

- #345-16 Requesting a review, amendment or elimination of the Winter Overnight Parking Ban**
PUBLIC SAFETY & TRANSPORTATION COMMITTEE, requesting a review and possible amendment or elimination of the winter overnight parking ban. [10/06/16 @ 9:10 AM]
HELD 6-0 on 11/02/16

REFERRED TO PROGRAMS & SERVICES AND PUBLIC SAFETY COMMITTEES

- #312-15 Update from Health Department on opiate overdose epidemic**
ALD. COTE, HARNEY AND NORTON, requesting a review and discussion of the opiate overdose epidemic including an update from the Health Department appraising the board on the current situation to include comparative statistics from previous years as to the number of opiate overdoses handled by first responders. In addition, what is being done immediately to take this on and what support can the Board provide. [10/19/15 @ 1:30 PM]

REFERRED TO PUB FACIL, PROG & SERV, AND PS&T COMMITTEES

- #46-15 Discussion of parking options and permits at municipal and school parking lots**
ALD. JOHNSON & CICCONE, requesting a discussion with the Commissioner of Department of Public Works and the School Department to determine and discuss parking options including use of school properties based on the current municipal parking lot programs including the issuance of permits. [02/11/15 @ 1:35 PM]
- #28-14 Discussion on duplicate street names**
ALD. CICCONE AND FULLER, on behalf of the Health Department and the Emergency Medical Services (EMS) requesting a discussion on duplicate street names. [01/09/14 @ 10:57 AM]
- #240-12 Request Chapter 19 Motor Vehicles & Traffic be amended, Sec. 19-224 and 19-226**
RECODIFICATION COMMITTEE, requesting that **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended to determine who has jurisdiction for parking on municipal land, the owning department as described in **Sec. 19-224. Parking prohibited on city grounds.** or the Traffic Council as described in **Sec. 19-26. Authority and role of Traffic Council.**

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

- #413-11 Updates on the renovations to the City's fire stations**
ALD. CICCONE, SALVUCCI, GENTILE & LENNON, updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city's fire stations. [11/17/11 @ 11:07 AM]

#137-11 **Possible changes to long-term meter fees to discourage short-term use**
ALD. DANBERG AND FULLER, requesting possible changes to City Ordinance 19-191,
Parking Meter Fees, to require a minimum purchase at long-term parking meters in
order to discourage short-term use. [04/26/11 @ 9:52 AM]

Respectfully submitted,
Allan Ciccone, Jr. Chair

City of Newton

Setti D. Warren
Mayor

DEPARTMENT OF PUBLIC WORKS

TRANSPORTATION DIVISION

110 Crafts Street
Newton, MA 02460

DATE: DECEMBER 16, 2016

To: Members of the Public Safety and Transportation Committee

From: David Koses, Transportation Coordinator

RE: #4-17 Traffic Council Chair providing the Annual Report of the work of the Traffic Council for 2016

MEMORANDUM

On December 3, 2007, the Board of Aldermen approved as amended, docket item #421-05, which authorized changes to the structure of the Traffic Council. At that time, the Committee requested an annual update of Traffic Council Actions. The attached information is provided to the Committee as requested. No action is necessary.

During 2016, Traffic Council held eleven evening meetings. As shown in Appendix A, during 2016 Traffic Council heard 67 items and took final action on 57 of them. A list of all items heard during 2016 is shown in Appendix B, including the ten items which are still being held (shown in italics). Traffic Council approved (or approved as amended) 65% of all items heard, took no action on 16%, and denied two items. During 2016, the following item was the only item that was submitted for appeal to the City Council.

- DAVID KOSES, TRANSPORTATION COORDINATOR, requesting a change to the parking regulations on Chestnut Street between Washington Street and Davis Street

The City Council voted to uphold the Traffic Council vote, which created a 15-minute parking zone, 8:00 a.m. to 5:00 p.m. in front of 25 Chestnut Street. Note that item TC28-16, which was docketed following the Parking Clerk's relocation out of 25 Chestnut Street, came before Traffic Council on 11.16.16. This vote modified the parking regulations in front of 25 Chestnut Street once again, by creating three 15 minute parking spaces and two two-hour parking spaces.

APPENDIX A: Summary of 2016 Traffic Council Actions

Traffic Council Meetings	Number	
	11	
Distribution by Vote	Number	Pct
No Action Necessary	11	16%
Approved	41	61%
Approved as Amended	3	4%
Denied	2	3%
Heard in 2016, Held, and still being held at end of 2016	10	15%
Number of Unique Items Handled:	67	100%
Trials Undertaken in 2016		0%
Distribution of Items by Ward	Number	Pct
1	13	19%
2	7	10%
3	5	7%
4	6	9%
5	11	16%
6	14	21%
7	1	1%
8	6	9%
<i>Multiple Wards</i>	4	6%
Total Number of Items Heard:	67	100%
Appeals of Traffic Council Decisions	1	1%
Backlog during 2016	# of Items	Date
Average	26	
Minimum Backlog	21	6.23.16
Maximum Backlog	30	2.25.16

APPENDIX B: List of All Traffic Council Items Heard During 2016

			Hold	N A N	Approve	Approve as Amended	Deny	Trial	Appeal	Ward
Date	#	Description	33	1 1	41	3	2	10	1	
1.21	TC 27- 14	ROSALIE ROAD RESIDENTS, requesting that speed limit signs of 25 mph be posted on Rosalie Road after entry from Dedham Street, as well as on Rosalie Road west of the intersection with Country Club Road		X						8
1.21 and 2.25	TC 32- 15	BEECHER PLACE & BEECHER TERRACE RESIDENTS, requesting consideration of implementing restricted parking to only one side of Beecher Place	X			X				6
1.21 and 3.24 and 4.14	TC 33- 15	ALD. CROSSLEY & YATES, requesting clarification and possible changes to the parking regulation on Oak Street between Chestnut Street and Needham Street	X		X					5
1.21 and 2.25	TC 59- 15	ALDERMEN CROSSLEY, RICE AND YATES, requesting changes to the parking regulations on Locke Road, in order to incorporate Locke Road into the Waban Village Parking District	X			X				5
1.21 and 2.25	TC 52- 15	WARD 2 ALDERMEN, requesting a change to the parking regulations on Kirkstall Road between Walnut Street and Woodside Road	X		X					2
1.21 and 2.25 and 6.22	TC 56- 15	DAVID KOSES, TRANSPORTATION COORDINATOR, requesting a change to the parking regulations on Chestnut Street between Washington Street and Davis Street	X		X				X	3
2.25 and 3.24	TC 25- 15	BARRY WHITE, 106 Sumner Street, requesting a two-hour parking restriction on the easterly side of Sumner Street from Marshall Street to Commonwealth Avenue.	X		X					6
2.25 and 12.15	TC 10- 15	WARD 6 ALDERMEN, requesting one 15-minute parking space on Beacon Street, Newton Centre in front of or near Murray's Liquors, in order to serve the needs of several nearby businesses, many of whose customers need very short-term parking, and who may lose business due to the current lack of it.	X	X				X		6

			Hold	N A N	Approve	Approve as Amended	Deny	Trial	Appeal	Ward
2.25	TC 39- 15	PATRICIA ENG, 112 Cedric Road, requesting that during soccer season parking be allowed on one side of Cedric Road. No parking 9:00 a.m.–5:00 p.m., Saturdays, April 15 – November 30 on Cedric Road.		X						6
2.25 and 3.24	TC 47- 15	ENRIQUE MITMAN, 27 Bow Road, requesting “no parking this side” on the east side of Bow Road during school hours to address safety concerns.	X		X					6
3.24 and 4.14	TC 91- 13	JUDITH SIPORIN, 300 Franklin Street, requesting a parking restriction on Franklin Street, Weekdays, to deter commuter parking and address safety concerns. (Wards 7 & 1) [12/13/13 @ 1:48 PM] HELD 4-1, Babcock opposed on 11/20/14. Hold for the following trial: No parking, Franklin Street, between Centre Street and Park Street, north side, 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM, except Saturdays, Sundays and Holidays. HELD 4-1, Koses opposed on 10/01/15. Hold for the following trial: No parking, Franklin Street, between Centre Street and Park Street, north side, 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM, except Saturdays, Sundays and Holidays. No parking, Franklin Street, between Centre Street and Park Street, south side, 7:00 AM to 9:00 AM, except Saturdays, Sundays and Holidays.	X		X					1 and 7
3.24	TC 53- 15	ROBERT MORGAN, 11 Renee Terrace, requesting a two-hour parking restriction on Renee Terrace to deter commuter parking.					X			7

			Hold	N A N	Approve	Approve as Amended	Deny	Trial	Appeal	Ward
3.24 and 4.14	TC 42- 14	RICHARD THOMAS, 15 Cousens Circle, requesting Resident Restricted Area parking on Cousens Circle to deter commuter parking. (Ward 6) [06/20/14 @ 9:54 AM]. HELD 4-0 on 07/31/14. Held for trial of the following: parking restriction on Cousens Circle from 7 AM to 9AM and 7 PM to 9PM, weekdays. HELD 5-0 on 02/26/15.	X		X					6
3.24 and 4.14	TC 46- 15	ALD. DANBERG, BLAZAR AND SCHWARTZ, on behalf of David Autor, requesting that the following parking restrictions be instituted for safety and better traffic flow: 1) No parking 7:00 a.m. to 7:00 p.m., weekdays on Paul Street from the driveway at 6 Paul Street to the corner of Cypress Street, east side. 2) No parking 7:00 a.m. to 7:00 p.m., weekdays on Cypress Street from the corner of Paul Street to the driveway at 51 Cypress Street, south side.	X		X					6
3.24 and 4.14	TC 44- 15	JUDY ARMSTRONG, 61 Vaughn Avenue, requesting "no parking this side" on the west side of Plymouth Road between #163 Plymouth Road and #11 Endicott Street.	X		X					5 and 6
3.24	TC 8- 16	<i>DAVID KOSES, TRANSPORTATION COORDINATOR, requesting the temporary removal of approximately six parking meters in the proximity of 1164 Centre Street, with the spaces to be reserved for Fire Department staff, to accommodate parking for the Fire Station 3/Fire Headquarters Project.</i>	X							6
3.24	TC 9- 16	<i>DAVID KOSES, TRANSPORTATION COORDINATOR, requesting a temporary change to the parking regulations on Tyler Terrace between #50 Tyler Terrace and Centre Street, to accommodate parking for the Fire Station 3/Fire Headquarters Project.</i>	X							6

			Hold	N A N	Approve	Approve as Amended	Deny	Trial	Appeal	Ward
4.14 and 12.15	TC 18- 15	<i>NICOLE VAIANI, 15 Cypress Street, requesting replacement of all 12-hour meters to short-term meters (3-hour, 6-hour or 8-hour meters) to deter commuters and to accommodate Newton Centre patrons and businesses.</i>	X					X		6
4.14	TC 36- 15	ALD. JOHNSON AND ALBRIGHT, requesting a loading zone on Washington Street near Beech Street to provide for deliveries of area businesses		X						2
4.14 and 5.26	TC 61- 15	ALDERMEN CROSSLEY, RICE AND YATES, requesting changes to the parking regulations on Manitoba Road, in order to incorporate Manitoba Road into the Waban Village Parking District.	X		X					5
4.14	TC 2- 16	COUNCILOR HESS-MAHAN, requesting to restrict parking to a one-hour limit eastbound side of Davis Street from Highland Avenue to Spencer Street to deter commuter parking and allow turnover.		X						3
4.14	TC 6- 16	SGT. BABCOCK, requesting a stop sign on Westwood Street at Webster Street to address safety concerns.			X					3
4.14	TC 4- 16	SGT. BABCOCK, requesting no parking, anytime – tow zone area, Hartman Road (between Brookline Street and Clifton Road), 7:30 a.m. to 4:30 p.m., school days, both sides to address safety concerns.			X					8
5.26	TC 7- 16	<i>COUNCILOR LAPPIN, requesting a discussion of and possible actions for traffic circulation around the island at the corner of Rosalie Road and Dedham Street.</i>	X					X		8
5.26	HP 1- 16	ALLAN CICCONE, Sr., on behalf of Patricia Ciccone, requesting a handicap parking space in front of 20 West Street. (Ward 1) [03/23/16 @ 10:55 AM]			X					1
5.26	TC 19- 16	DAVID KOSES, TRANSPORTATION COORDINATOR, requesting removal of a handicap parking space located at 4 Hovey Street. (Ward 1) [05/12/16 @ 9:16 AM]			X					1
5.26	TC 18- 16	DAVID KOSES, TRANSPORTATION COORDINATOR, on behalf of homeowner requesting removal of a handicap parking space located at 24 Ricker Road. (Ward 1)			X					1

			Hold	N A N	Approve	Approve as Amended	Deny	Trial	Appeal	Ward
5.26	TC 5- 16	SGT. BABCOCK, requesting no parking - tow zone area, Elmwood Street (between 31 Elmwood Street and the rear entrance of 400 Centre Street) to the beginning of Baldwin Street, west side to address safety concerns. (Ward 1) [02/05/16 @ 12:39 PM]			X					1
5.26	TC 16- 16	GLORIA SON, TRAFFIC ENGINEER, requesting the addition into the TPR of a traffic signal at the intersection Pearl Street and Watertown Street. (Ward 1) [05/06/16 @ 12:20 PM]			X					1
5.26	TC 15- 16	GLORIA SON, TRAFFIC ENGINEER, requesting the removal from the TPR of a traffic signal at the intersection Pearl Street and Capital Street. Capital Street and Watertown Street. (Ward 1) [05/06/16 @ 12:20 PM] [REVISED 05/17/16]			X					1
5.26	TC 14- 16	GLORIA SON, TRAFFIC ENGINEER, requesting the addition into the TPR of a stop sign at the intersection Pearl Street and Capital Street Capital Street and Watertown Street. (Ward 1) [05/06/16 @ 12:20 PM] [REVISED 05/17/16]			X					1
5.26	TC 13- 16	GLORIA SON, TRAFFIC ENGINEER, requesting the removal from the TPR of a stop sign at the intersection Pearl Street and Capital Street. (Ward 1) [05/06/16 @ 12:20 PM]			X					1
5.26	TC 20- 16	DAVID KOSES, TRANSPORTATION COORDINATOR, requesting the following changes to the traffic and parking regulations on Hartman Road: 1) Remove all existing traffic and parking regulations along Hartman Road. 2) Add the following into the traffic and parking regulations for Hartman Road: No parking, tow-zone, Brookline Street, 100 feet northerly, both sides. 3) Add the following into the traffic and parking regulations for Hartman Road: No parking, tow-zone, 7:30 am to 4:30 pm, school days, from a point 100 feet north of Brookline Street to Clifton Road, both sides			X					8

			Hold	N A N	Approve	Approve as Amended	Deny	Trial	Appeal	Ward
6.23	TC 1- 16	<i>COUNCILOR BROUSAL-GLASER, requesting a discussion of parking regulations on Oak Avenue, both in terms of location to corner of Webster Street and length of stay to deter commuter parking</i>	X					X		3
6.23 and 7.28	TC 3- 16	SGT. BABCOCK, requesting no parking signage on Woodside Road between Kirkstall Road and Oakwood Road, 8:00 a.m. to 4:00 p.m., school days, except by Newtonville Resident parking permit	X		X					2
6.23	TC 66- 15	<i>ALDERMEN ALBRIGHT AND NORTON, requesting a review and possible change to the parking regulations on Carter Street.</i>	X					X		2
6.23 and 7.28	TC 10- 16	COUNCILORS NORTON AND ALBRIGHT, requesting no parking, between the hours of 8:00 a.m. to 12:00 p.m., Saturdays only, in front of Congregation Beth El-Atareth, 561 Ward Street.	X		X					2
6.23 and 11.17	TC 11- 16	COUNCILORS SANGIOLO AND HARNEY, requesting a review and possible changes to the parking regulations on Charles Street, between the underpass and the dead end, as well as on Riverside Road.	X		X			X		4
6.23 and 11.17	TC 12- 16	COUNCILORS, SANGIOLO, HARNEY AND GENTILE, requesting parking restrictions on Albert Road to alleviate parking issues from neighboring development.	X	X				X		4
7.28 and 12.15	TC 24- 16	<i>WARD 6 COUNCILORS, on behalf of Rowena Road residents, requesting a discussion of parking restrictions on Rowena Road, including the possible implementation of a one-side only parking regulation along all or part of Rowena Road</i>	X					X		6

			Hold	N A N	Approve	Approve as Amended	Deny	Trial	Appeal	Ward
7.28	TC 14- 15	WILLIAM PAILLE, DIRECTOR OF TRANSPORTATION, requesting discussion and potential approval of new parking regulations in the area of Collins Road and Waban Avenue in Waban, in conjunction with the reconstruction of the intersection. (Note: This item was HELD 5-0 on 05/28/15).	X		X			X		5
7.28	TC 64- 15	ALDERMEN CROSSLEY, RICE AND YATES, requesting changes to the parking regulations on the section of Collins Road between Beacon Street and Southwick Road (including the reconfigured one-way northbound section of Collins Road), in order to incorporate this section of Collins Road into the Waban Village Parking District.		X						5
7.28	TC 17- 16	<i>COUNCILOR RICE, requesting a 2-hour parking restriction or other parking restrictions on Ridgeway Terrace to deter commuter parking.</i>	X					X		5
7.28	TC 29- 16	SHANE MARK, DIRECTOR OF OPERATIONS, requesting parking restrictions in the area of 428 to 440 Wolcott Street.	X		X					4
7.28	TC 73- 14	DAVID KOSES, TRANSPORTATION DIVISION, requesting discussion and possible action related to parking regulations and parking flow on Crafts Street, between North Street and Washington Street.		X						1, 2 and 3
7.28	TC 23- 11	ALD. CICCONE, on behalf of the Public Safety & Transportation Committee and Ald. Lennon requesting improvements of pedestrian safety, activity and traffic situations in the area of Charlesbank and Nonantum Roads.		X						1
9.22	TC 32- 16	DAVID KOSES, TRANSPORTATION COORDINATOR, requesting a change to the School drop off zone on Brookline Street, contained in Sec. 179 of the Traffic and Parking Regulations, to account for changes to the blue zone that result from the construction of the separated bus lane			X					8

			Hold	N A N	Approve	Approve as Amended	Deny	Trial	Appeal	Ward
9.22	HP 5- 15	SGT. BABCOCK, requesting a handicap parking space on Brookline Street, near the entrance to the Memorial Spaulding Elementary School			X					8
9.22 and 10.22	TC 65- 15	ALDERMEN CROSSLEY, RICE AND YATES, requesting changes to the parking regulations on Southwick Road, in order to incorporate Southwick Road into the Waban Village Parking District	X		X					5
9.22 and 10.22	TC 63- 15	ALDERMEN CROSSLEY, RICE AND YATES, requesting changes to the parking regulations on the section of Waban Avenue between Nehoiden Road and Collins Road (including the reconfigured one-way southbound section of Waban Avenue), in order to incorporate these sections of Waban Avenue into the Waban Village Parking District.	X		X					5
9.22 and 10.22	TC 57- 15	ALDERMEN CROSSLEY, RICE AND YATES, requesting changes to the parking regulations on the section of Annawan Road between Waban Avenue and the 90-degree turn near #26 Annawan Road, in order to incorporate this section of Annawan Road into the Waban Village Parking District	X		X					5
9.22	TC 34- 16	DAVID KOSES, TRANSPORTATION COORDINATOR, requesting the removal of the handicap parking space at 66 Court Street in Newtonville, as it may no longer be needed			X					2
9.22	TC 31- 16	DAVID KOSES, TRANSPORTATION COORDINATOR, clarifying that Sections TPR-205 and TPR-176 of the Traffic and Parking Regulations should include the block of Upland Road between Oakwood Road and Pheasant Road within the Newtonville Neighborhood Parking District, with the following parking restriction in place: Two hour limit except by Newtonville permit, 8:00 a.m. to 4:00 p.m., school days. This regulation was approved at the April 4, 2013 Traffic Council meeting and was not subsequently revised		X						2

			Hold	N A N	Approve	Approve as Amended	Deny	Trial	Appeal	Ward
10.20 and 11.17	TC 28- 16	COUNCILOR HESS-MAHAN, requesting a change to the parking restriction in front of 25 Chestnut Street from 15-minute parking zone to a two-hour parking restriction, 8:00 a.m. to 5:00 p.m., weekdays only.	X		X					3
10.20	TC 36- 16	DAVID KOSES, TRANSPORTATION COORDINATOR, requesting a stop sign at the end of Gardner Street, as it intersects with School Street.			X					1
10.20	TC 30- 16	BARBARA DANGELO, 56 Lincoln Road, requesting a "Do Not Enter" Sign at the intersection of Crafts Street and Lincoln Road					X			1
10.20	TC 23- 16	<i>COUNCILOR LEARY, requesting removal of the "Right on Red After Stop" sign at the traffic light on Washington Street and Charlesbank Road/Saint James Street heading westbound as you enter the Newton Corner rotary.</i>	X							1
10.20	TC 22- 16	DINORA JUSTICE, et al. 134 Hunnewell Avenue, requesting the installation of a "No Turn on Red" sign at the intersection of Tremont and Park Streets in Newton Corner to address safety concerns			X					1
11.17 and 12.15	TC 35- 16	<i>COUNCILORS SANGIOLO, HARNEY AND GENTILE, requesting parking restrictions on a) Maple Street from Woodland Road to Auburn Street; b) Central Street from Commonwealth Avenue to Grove Street; c) Auburn Street from Commonwealth Avenue to Grove Street to alleviate increased parking due to construction at Lasell College and discontinued use of the Lasell parking lots as temporary modular classrooms have been located on the parking lots.</i>	X							4

			Hold	N A N	Approve	Approve as Amended	Deny	Trial	Appeal	Ward
11.17	TC 37- 16	DAVID KOSES, TRANSPORTATION COORDINATOR, on behalf of local residents, requesting new stop signs at the following intersections: 1) Chaske Avenue eastbound, at the intersection of Melrose Street. 2) Melrose Street southbound, at the Commonwealth Avenue Carriageway.			X					4
11.17	TC 42- 16	DAVID KOSES, TRANSPORTATION COORDINATOR, requesting new parking regulations along Concord Street, near the intersection of Hagar Street.			X					4
11.17	TC 39- 16	COUNCILOR RICE, requesting to designate overnight resident parking sticker program at the angle parking spaces at the end of Chestnut Street past Oak Street.			X					5
11.17	TC 41- 16	DAVID KOSES, TRANSPORTATION COORDINATOR, on behalf of neighborhood residents, requesting the addition of a stop sign at the end of Montclair Road at the intersection with Short Street/Beacon Street.			X					5
12.15	TC 40- 16	DANIELLE PROVOST, 67 Grafton Street, requesting a stop sign at the intersection of Grafton, Homer and Water Streets to address safety concerns and deter speeders			X					6
12.15	TC 48- 16	DAVID KOSES, TRANSPORTATION COORDINATOR, requesting a stop sign at Elgin Street, eastbound, at the intersection of Langley Road.				X				6
12.15	TC 47- 16	DAVID KOSES, TRANSPORTATION COORDINATOR, requesting the addition of on-street accessible parking spaces into the Traffic and Parking Regulations (TPR).			X					citywide
12.15	TC 43- 16	DAVID KOSES, TRANSPORTATION COORDINATOR, requesting a stop sign at Elgin Street, eastbound, at the intersection of Langley Road.		X						6

Danielle Delaney

To: Danielle Delaney
Subject: FW: PS&T item (review and update on TC responsibilities)

From: Jake Auchincloss
Sent: Saturday, January 21, 2017 1:25 PM
To: Danielle Delaney; Emily Norton; Gregory R. Schwartz
Subject: Re: PS&T item (review and update on TC responsibilities)

Hi Danielle,

I believe we are trying to determine whether David Koses could make more decisions unilaterally, and which ones he would prioritize for having more control over.

I do not see this or his year-end review on the February agenda, however.

Regards,

Jake Auchincloss
Councilor-at-Large, Ward 2

From: Danielle Delaney
Sent: Thursday, January 12, 2017 4:53:50 PM
To: Emily Norton; Gregory R. Schwartz; Jake Auchincloss
Subject: PS&T item (review and update on TC responsibilities)

Hello,

.... Is there some specific information that you are seeking that perhaps can be put together ahead of time and attached to the agenda for discussion? We are thinking of putting this item on a February agenda (the same night that D Koses presents his 2016 report on the work of Traffic Council) .

#366-16 Requesting a review and update on Traffic Council responsibilities
COUNCILORS NORTON, SCHWARTZ AND AUCHINCLOSS, requesting a review and update on Traffic Council responsibilities by shifting certain areas to the executive branch, including the installation of stop signs and safety upgrades. [10/17/16 @ 9:15 AM]

Please let me know your thoughts.

Thank you
Danielle Delaney
Committee Clerk
City Council
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ddelaney@newtonma.gov

updated 01/06/17

§ 19-24

NEWTON ORDINANCES — MOTOR VEHICLES AND TRAFFIC

§ 19-26

*Editor's notes—See subsections (h), (i) and (j) of section 19-204 regarding penalties pursuant to certain violations of the temporary permit parking program known as Tiger Permit parking.

~~Secs. 19-10—19-24. Reserved.~~

ARTICLE II.
TRAFFIC COUNCIL; TRAFFIC PETITIONS

Sec. 19-25. Establishment of traffic council; membership.

(a) There shall be a traffic council which shall be made up of five members, as follows:

- (1) One appointed member who shall be a resident of the City who has expertise in traffic engineering or traffic planning, shall be appointed for a term of three (3) years in accordance with the procedures of the City Charter Section 3-3. One or more alternates, who shall also be resident(s) of the city with expertise in traffic engineering or traffic planning, shall be appointed for a term of three (3) years in accordance with the procedures of the city charter Sec 3-3. The chairman may designate an alternate resident member to attend traffic council meetings as a voting member whenever the permanent resident member is unable to attend and during any such time that there is no permanent resident member due to expiration of three-year term, resignation, or other reason
- (2) The chairman of the board of aldermen's Public Safety and Transportation Committee, or the chairman of such successor standing committee which the board of aldermen may establish to consider matters relating to parking and traffic shall serve ex-officio. Such chairman, whenever unable to attend a traffic council meeting, may designate the vice chairman of such committee to attend in the chairman's place; and in the event that the vice chairman is unavailable, the chairman may designate another member of such committee to attend in the chairman's place.
- (3) The other three members shall be employees of the city, as follows: one employee whose duties include traffic engineering and one employee whose duties include transportation planning, as designated jointly by the commissioner of public works and the director of planning and development; and one sworn police officer with a rank of sergeant or higher, whose duties include management of traffic and parking enforcement, as designated by the chief of police.

(b) The traffic council shall elect one of its members to serve as chairman for a term of one year, provided however, that the aldermanic member shall not be eligible to serve as chairman. (Ord. No. Z-12, 12-03-07; Ord. No. Z-23, 04-22-08; Ord. No. A-46, 10-06-14)

Sec. 19-26. Authority and role of Traffic Council

(a) Subject to the provisions of section 19-30, the traffic council shall have sole authority to adopt, amend and repeal regulations governing operation and parking of vehicles at particular locations on streets and public grounds under the control of the city, and for such purposes, the traffic council shall constitute the rule-making body of the city under the provisions of section 18 of chapter 90 of the general laws and section 2 of chapter 85 of the general laws.

(b) Nothing herein shall authorize the traffic council to adopt any regulation establishing fines for violations.

(c) The traffic council shall be guided by all applicable statutes and such policies and standards which may be from time to time established by the board of aldermen pursuant to section 19-33(a).

§ Sec. 19-27

NEWTON ORDINANCES — MOTOR VEHICLES AND TRAFFIC

§ Sec. 19-28

(d) Upon request, the traffic council shall advise the mayor and/or board of aldermen on matters concerning traffic and parking issues affecting the city.

(e) The traffic council may make rules and regulations governing its procedures and filing requirements.

(f) No person shall operate or park a vehicle in violation of the traffic and parking regulations.

(g) In the construction of chapter 19, references to this chapter shall also be construed to include the traffic and parking regulations. (Ord. No. Z-12, 12-03-07; Ord. No. Z-111, 06-18-12)

Sec. 19-27. Records and regulations of the Traffic Council; clerk.

(a) The clerk of the board of aldermen shall serve as clerk to the traffic council and shall keep its records, including such regulations as it adopts from time to time. (Ord. No. Z-12, 12-03-07; Ord. No. Z-111, 06-18-12)

Sec. 19-28. Procedures for filing traffic/parking petitions; petition and signature requirements.

(a) The traffic council may not adopt, amend or repeal regulations governing operation or parking of vehicles on streets and public grounds under the control of the city unless a written petition meeting the requirements of this section has been filed.

(b) Each such petition shall clearly identify the geographic location for which traffic council review is sought. Each such petition shall be set out on the form provided by the traffic council, and filed with the clerk.

(c) Petitions for intersectional controls and regulations, including but not limited to stop signs, traffic signals, and no turn on red, must be signed by no fewer than six (6) owners or tenants of the residential, commercial and non-profit units whose building or lot of land is located within five hundred (500) feet of the affected intersection. For purposes of this subsection a "unit" shall be defined as that portion of a building or lot of land which is subject to separate ownership or lease.

(d) Petitions for parking restrictions, truck exclusions, speed limits and all other traffic regulations must be signed by one owner or tenant of no fewer than one half of the residential, commercial and non-profit units which abut the affected street or way, as the clerk in his judgment shall determine, provided that in no event shall more than ten (10) signatures be required. For purposes of this subsection a "unit" shall be defined as that portion of a building or lot of land which is subject to separate ownership or lease.

(e) Petitions concerning resident restricted areas shall be governed by the signature requirements and other provisions of section 19-201.

(f) Notwithstanding the foregoing subsections d) and e), the following petitions shall be exempt from such signature requirements:

- (1) petitions submitted by an alderman; and
- (2) petitions submitted by the chief of police or chief of fire for safety reasons;
- (3) petitions submitted by one or more members of the traffic council;
- (4) petitions submitted by the clerk of the board upon his determination that there is an inconsistency between a prior vote of the board of aldermen and the codified ordinance due to a clerical oversight; and

- (5) petitions for handicapped parking which shall be subject to the provisions of Section 19-178. (Ord. No. Z-12, 12-03-07)

Sec. 19-29. Docketing of petitions; determination of eligibility for hearing.

(a) Upon the receipt of a petition concerning a matter within the jurisdiction of the traffic council, the clerk of the board of aldermen shall make an initial determination whether it complies with the requirements of the foregoing section. In the event that it so complies, the clerk of the board shall promptly place the matter on the agenda of the traffic council, and simultaneously notify the board of aldermen that the matter has been docketed with the traffic council. (Ord. No. Z-12, 12-03-07)

(b) The chairman of the traffic council shall refer all docketed petitions to the department of public works for a preliminary determination of eligibility for hearing in accordance with the threshold standards provided in subsection (c) below. Any petition which the department determines does not meet the threshold standards shall not be added to the traffic council docket and shall be ineligible for further consideration for at least one year. The petitioner and the board of aldermen shall be so notified in writing by the traffic council. Petitions meeting the threshold standards shall proceed to a hearing before the traffic council in accordance with the provisions of Section 19-31.

(c) Threshold standards for traffic council hearing eligibility:

- (1) Petitions for stop signs, traffic signals, and all other regulatory devices shall meet the minimum standards set forth in the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, latest edition, with amendments, as adopted by the Commonwealth of Massachusetts;
- (2) Petitions for school zones, regulations governing the use or operation of heavy commercial vehicles, and speed limits shall meet the minimum standards established by the Massachusetts Department of Highways; and
- (3) Petitions for traffic calming measures shall meet all of the following standards:
 - i. traffic volume on the street is greater than 1,000 vehicles per day;
 - ii. measured 85th percentile speeds are equal to or greater than 9 mph above the speed limit; and
 - iii. for vertical deflections, street classification shall be minor collector or local street.
 - iv. for raised crossing(s), the minimum criteria established by the city crosswalk policy shall be met.
- (4) The traffic council shall hear site-specific requests, even if the above thresholds for hearing eligibility are not met, under one of the following conditions:
 - i. as directed by the board of aldermen via site plan approval, special permit condition, or other board order or resolution;
 - ii. where a Community Development Block Grant or other source of public funding has been formally allocated to fully or partially fund a site-specific traffic calming project.

§ 19-31

NEWTON ORDINANCES — MOTOR VEHICLES AND TRAFFIC

§ 19-32

(Ord. No. Z-81, 2-22-11; Ord. No. Z-111, 06-18-12)

Sec. 19-30. Procedures for Traffic Council; effective date.

(a) In order to promote citizen participation, the traffic council shall endeavor to hold its meetings during evening hours when the board of aldermen or its committees do not have regularly scheduled meetings.

(b) A majority of the members of the traffic council shall constitute a quorum. A vote to adopt, amend or repeal a regulation or to establish or discontinue a field trial shall require agreement among no fewer than three of the members, but while a quorum is present, any other motion may be adopted by a simple majority vote.

(c) The traffic council shall make every effort to complete its review of each item within three (3) months from the date the matter first appears on its agenda.

(d) Whenever the traffic council receives a petition concerning a matter which was the subject of a traffic council decision within the prior twelve month period, the traffic council shall immediately deny the petition on the ground that no action is deemed necessary, unless the traffic council determines that there has been a material and compelling change of conditions which merits further analysis.

(e) In rendering a final decision on a petition, the traffic council may approve, deny, or amend the petition, provided the petition as amended is effective within the same or a reduced geographic area.

(f) Subject to the provisions of section 19-33(c), regulations adopted, amended or repealed by the traffic council pursuant to section 19-26(a) shall become effective at the expiration of twenty days or at any later date specified by the traffic council.

(g) By September 30 of each year, the traffic council shall submit to the board of aldermen an annual report on the work of the council, which shall include a statistical summary of the items on the council's agenda, and the disposition or status of each item. The report shall include the date of the filing of each petition and the date of its disposition. (Ord. No. Z-12, 12-03-07)

Sec. 19-31. Public notice of traffic council meetings.

(a) The clerk shall send or deliver written notice of the traffic council meeting to those persons who have signed petitions which are to be heard at such meeting and to each ward alderman for the affected ward(s).

(b) In addition to such notice by the clerk, the traffic council may request the clerk to give the same notice to other parties who, in its judgment, may be substantially affected by such petition. The traffic council may also utilize other means to enhance public notice of an upcoming meeting, including but not limited to publication and/or placement of free-standing "sandwich board" signs at or near the location which is the subject of the petition. (Ord. No. V-154, 12-1-97)

(c) The traffic council may adopt such other notification procedures as it may deem appropriate. (Ord. No. Z-12, 12-03-07)

Sec. 19-32. Field trials

(a) The traffic council may, from time to time for the purpose of field trial, make temporary rules regulating the operation and parking of vehicles in connection with petitions under its consideration.

(b) The committee of the board of aldermen which has jurisdiction over appeals pursuant to section 19-33 may, as part of its consideration of a pending appeal, for the purpose of field trial, make temporary rules regulating the operation or parking of vehicles.

(c) Field trials initiated pursuant to sections a) or b) above are subject to the following provisions:

- (1) Except as provided below in subsection iii, a field trial may not exceed a period of sixty (60) days, but may be discontinued at any time by the entity initiating the trial;
- (2) Any field trial shall be promptly discontinued in the event the chief of police or the commissioner of public works determines that it constitutes a public safety hazard.
- (3) The entity initiating the field trial may vote to extend the period of the field trial upon a determination that doing so would promote public safety. Thereafter, unless the initiating entity votes to discontinue the field trial for reasons of public safety, it shall then remain in effect until a final determination upon the petition or appeal is reached. (Ord. No. Z-12, 12-03-07)
- (4) In instances where a field trial will affect traffic flow, the department of public works shall provide easily visible signage, to ensure adequate notice (both prior to and for the duration of the field trial) to passing motorists within the vicinity of the field trial.
- (5) If the petition or appeal for which the field trial was implemented is denied, the street shall be returned to its original condition as soon as practicable.
- (6) The department of public works shall provide a status report to the initiating entity at the conclusion of the field trial, and if the initiating entity so requests, on a more frequent basis during the field trial.
- (7) The department of public works shall provide to the board of aldermen a report as to the status of all on-going field trials on a quarterly basis. (Ord. No. Z-46, 12-01-08)

Sec. 19-33. Role of board of aldermen; appeals from Traffic Council.

(a) The board of aldermen may establish policies and standards regarding traffic and parking matters for particular locations, and periodically review and revise such policies and standards, to be used as guidelines by the traffic council.

(b) Following the traffic council's adoption, amendment or repeal of a regulation pursuant to said council's authority under section 19-26(a), an appeal may be taken to the board of aldermen in accordance with the procedures set out in section 19-34. The clerk of the board of aldermen shall send or deliver notice of hearing on appeal to all persons notified of the original traffic council hearing and to such other persons as the board of aldermen may determine.

(c) Upon the filing of an appeal relative to the traffic council's adoption, amendment or repeal of a regulation, the status quo shall be maintained pending final outcome of the appeal. Upon the receipt of such an appeal petition, the clerk of the board of aldermen shall treat the appeal as a new item for the board of aldermen and place it on the board's docket.

(d) The board of aldermen's decision of such an appeal may adopt, amend, or repeal regulations concerning the geographic area that was the subject of the petition initially filed with the traffic council, or may remand the matter to the traffic council for further review. (Ord. No. Z-12, 12-03-07; Ord. No. Z-79, 02-22-10)

Sec. 19-34. Procedures for filing appeals

(a) An appeal shall be filed with the clerk of the board by filing a petition meeting the requirements of this section within twenty (20) days of the traffic council's adoption, amendment or repeal of a regulation pursuant to its authority under section 19-26(a).

(b) No appeal may be filed unless the following signature requirements are met:

- (1) In the case of an appeal from a petition filed under Sections 19-28 c), d) or e), the owner/tenant signature requirements for filing the original petition are met;
- (2) In the case of an appeal from a petition filed under Section 19-28 f), the signature of any petitioner(s), provided that members of the traffic council may not file an appeal.
- (3) In the case of an appeal from a petition filed under Section 19-28 f) where any petitioner(s) does not appeal, an appeal may be taken by (1) any alderman, or (2) by an interested party provided the same owner/tenant signature requirements to initiate a petition under Sections 19-28 c), d) or e) are met. (Ord. No. Z-12, 12-03-07)

Secs. 19-35—19-45. Reserved.

**ARTICLE III.
AUTHORITY AND DUTIES OF POLICE**

Sec. 19-46. Police to direct traffic; construction sites; direction in event of fire or emergency.

It shall be the duty of officers designated by the chief of police to enforce the provisions of this chapter. Only sworn officers are hereby authorized to direct all traffic either in person or by means of visible or audible signals in conformance with the provisions of this chapter, including at construction sites in the public way. However, in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic as conditions may require, notwithstanding the provisions of this chapter. (Rev. Ords. 1973, § 13-39; Ord. No. V-125, 7-14-97)

Cross reference—Fire protection and prevention, Ch. 10

Sec. 19-47. Temporary closing of streets.

The chief of police is hereby authorized to close, temporarily, or otherwise regulate motor vehicle traffic, on any street or highway in an impending or existing emergency, or for any lawful assemblage, demonstration or procession. (Rev. Ords. 1973, § 13-40; Ord. No. 83, 8-18-75)

Cross reference—Streets and sidewalks, Ch. 26

Sec. 19-48. Temporary parking prohibitions.

The chief of police is hereby authorized to prohibit parking temporarily where it is otherwise allowed or allow parking temporarily where it is otherwise prohibited on any street or highway or part thereof in an impending or existing emergency or for a lawful assemblage or demonstration or procession provided, however for purposes of this section an intercollegiate varsity football game cannot be the basis for the chief's decision to allow parking temporarily where it is otherwise prohibited. In considering whether to prohibit or allow said temporary parking for a lawful assemblage, the chief of police shall consider whether said prohibition or allowance of temporary parking has repeatedly and adversely affected a particular neighborhood, village or area of the City of Newton. Vehicles parked in places where parking is prohibited, temporarily, may be moved by or under the direction of an officer.

#443-16(3)



SETTI D. WARREN
MAYOR

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February 3, 2017

Dear City Councilors:

We have docketed a new version of the Welcoming City Ordinance today after several weeks of collaborative work on this new draft. All other items, drafts and documents linked to the other two docket items are being withdrawn and we will focus our committee work on Feb 8 on this version. We would expect an action of No Action Necessary on the prior two versions, and the draft foundational guidelines have been supplanted with this new draft.

We believe this collaborative proposed ordinance accomplishes the shared goals of affirming Newton as a safe and welcoming city for all regardless of immigration status as well as codifying our current community policing approach. Police Chief David MacDonald has reviewed this language and supports this document.

We look forward to the discussion and we hope we will have agreement on this proposed ordinance.

Sincerely,

Mayor Setti D. Warren
Former Mayor David Cohen
Chief David MacDonald
Council President Scott Lennon

Councilors:

Susan Albright
Jake Auchincloss
Richard Blazer
Barbara Brousal-Glaser
Deborah Crossley
Victoria Danburg
Ruthanne Fuller
Jay Harney

Ted Hess-Mahan
David Kalis
Marc Laredo
Alison Leary
Rick Lipof
Emily Norton
John Rice
Amy Sangiolo

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

***Be it ordained by the City Council of the City of Newton as follows:**

That the Revised Ordinances of the City of Newton, 2012, as amended, are hereby further amended with respect to Chapter 2 by inserting after Article VI the following new article:

Article VII. Welcoming City

Sec 2-400. Purpose and Intent. The City of Newton has long derived strength from its diverse community, including those who identify as immigrants. Through the City's commitment to social justice and inclusion, one of the City's most important objectives is to enhance relationships with all residents, including immigrants, and to make all residents, workers and visitors feel safe and secure regardless of immigration status. We believe it is critical to reaffirm in this ordinance, the City's commitment to fair treatment for all.

Sec 2-401. Definitions.

“Administrative warrant” means an immigration warrant issued by ICE, or a successor or similar federal agency charged with enforcement of civil immigration laws, used as a non-criminal, civil warrant for immigration purposes.

“Agency” means every City department, division, commission, council, committee, board, other body, or person established by authority of an ordinance, executive order, or City Council order.

“Agent” means any person employed by or acting in behalf of an agency but shall not include independent sub-contractors of the City.

“Citizenship or immigration status” means all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States.

“ICE” means the United States Immigration and Customs Enforcement Agency and shall include any successor agency charged with the enforcement of civil immigration laws.

“Immigration detainer” means an official request issued by ICE, or other federal agency charged with the enforcement of civil immigration laws, to another federal, state or local law enforcement agency to detain an individual based on a violation of a civil immigration law.

“Serious violent felony” means a felony crime as defined in M.G.L. c. 265, *Crimes Against the Person*.

Sec 2-402. Prohibitions.

No Agency or Agent shall:

- (a) identify, investigate, arrest, detain, or continue to detain a person solely on the belief that the person is not present legally in the United States or that the person has committed a civil immigration violation or that the person is otherwise deportable;
- (b) arrest, detain, or continue to detain a person based on any immigration detainer, federal administrative warrant, or any other such order or request in any form whatsoever or otherwise honor any such detainer, warrant or request to detain, interview or transfer a person to federal authorities, provided however, the police department may arrest, detain or continue to detain a person in accordance with Sec 2-403;
- (c) notify federal authorities about the release or pending release of any person for immigration purposes except in accordance with Sec 2-403;
- (d) provide federal authorities with information about the upcoming release of a person in custody or the person’s home or work address for immigration purposes;
- (e) cooperate with or enforce any federal program requiring the registration of individuals on the basis of religious affiliation or ethnic or national origin.

Sec 2-403. Exceptions to Prohibitions. The prohibitions in Sec 2-402 shall not apply where the individual to whom such information pertains provides his or her informed consent as to how the information might be used (or if such individual is a minor, the informed consent of that person’s parent or guardian), where the information is necessary to provide a City service or where otherwise required by valid state or federal law. In addition, the Newton Police Department may detain or arrest an individual in cooperation with ICE only when an investigation conducted by or information received by any City Agency indicates that: the individual has an outstanding criminal warrant, has a prior conviction for a serious violent felony, is being investigated for terrorism, or if there is a law enforcement or public safety purpose to do so that is not related to the enforcement of civil immigration law provided that the arrest or detention is based upon valid Massachusetts arrest authority and is consistent with the 4th Amendment to the United States Constitution and Article XIV of the Massachusetts Constitution.

Sec 2-404. Requesting or Maintaining Information Prohibited. No Agency, or Agent shall request or maintain information about, or otherwise investigate or assist in the investigation of, the citizenship or immigration status of any person unless such inquiry is required by valid state or federal law.

Sec 2-405. Use of City Resources Prohibited. No Agency or Agent shall use City funds, resources, facilities, property, equipment, or personnel to assist in the enforcement of federal civil immigration law or to gather information regarding the citizenship or immigration status of any person, unless permitted under section 2-403. Nothing in this section shall prevent an Agency or Agent from lawfully discharging duties in compliance with and in response to a lawfully issued judicial warrant, judicial subpoena or immigration detainer.

Sec 2-406. Ordinance Not to Conflict with Federal Law. Nothing in this ordinance shall be construed or implemented to conflict with any otherwise valid and enforceable duty and obligation imposed by a court order or any valid federal or applicable law. Nothing in this subsection shall prohibit or restrain the Agency or Agent from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with Section 1373 of Title 8 of the United States Code.

Sec 2-407. No Private Right of Action. This ordinance does not create or form the basis of liability on the part of the City, its Agencies or Agents. It is not intended to create any new rights for breach of which the City is liable for money or any other damages to any person who claims that such breach proximately caused injury. The exclusive remedy for violation of this ordinance shall be through the City's disciplinary procedures for employees under applicable City regulations, unless the Agency or Agent is lawfully discharging duties as set forth in Sec 2-402 and Sec 2-403.

Sec 2-408. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Newton hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions were to be declared invalid or unconstitutional.