

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

WEDNESDAY, OCTOBER 8, 2014

Present: Ald. Ciccone (Chair), Yates, Cote, Fuller, Schwartz, Johnson, Lipof and Harney
Also Present: Ald. Crossley (Chair), Gentile, Lappin, Danberg, Brousal-Glaser and Laredo
Absent: Ald. Albright, Lennon
Also Present: Ald. Hess-Mahan
City Staff: David Turocy, Commissioner of Public Works; Capt. Marc Gromada and Sgt. Jay Babcock, Newton Police Department and Bill Paille, Director of Transportation

REFERRED TO PS&T, PUBLIC FACILITIES AND FINANCE COMMITTEES

#310-10(2) ALD. DANBERG, BLAZAR, KALIS, SCHWARTZ, ALBRIGHT, HESS-
(#409-12) MAHAN, RICE, COTE, LEARY, AND NORTON, requesting amendments to Sec. 26-8D of the City of Newton Ordinances to modify and make permanent the trial program for removal of snow and ice from sidewalks and to provide for enforcements and fines for violations. [09/10/14 @ 2:12 PM]

ACTION: **PUBLIC FACILITIES HELD 6-0 on 10/08/14**
HELD 7-0, Ald. Schwartz not voting

NOTE: The Public Safety & Transportation Committee discussed the item jointly with the Public Facilities Committee. Please see the Public Facilities report for a detailed account of this discussion.

Ald. Yates made the motion to hold this item. Committee members agreed 7-0.

#357-14 ALD. ALBRIGHT & SGT. BABCOCK, requesting that Chapter 19 be amended to create an ordinance that would prohibit citizens, organizations including profit and non-profit from reserving parking spaces on any public roadway, street or municipal parking lots without the authorization of the Newton Police Department. [09/12/14 @ 10:34 AM]

ACTION: **APPROVED 7-0, Ald. Johnson not voting**

NOTE: Sgt. Babcock joined the Committee for discussion on this item.

Sgt. Babcock stated that this item was docketed after Ald. Albright and he received complaints from constituents regarding religious congregations reserving on-street parking spaces. This item was docketed after speaking with the Law Department and City Clerk who agreed there was no ordinance on this prohibition. An ordinance would allow the Police Department the ability to enforce the prohibition of different types of barricades including placing of cones, chairs, etc. on the streets. The ordinance does not include a fine. He then said that he spoke with the three congregations and two have agreed they would no longer reserve on street parking. He provided an example to the Committee. He said that last year, one congregation reserved twenty-four on

street parking spaces that blocked residents driveways and home frontages.

This draft ordinance includes verbiage that a person may request permission to reserve on-street parking by contacting the Police Department who will make the determination and perhaps allow permission. The intent of this ordinance is to allow the department to have control of the City streets. The department does not anticipate they will have to reinforce this ordinance often. Currently, the procedure is that the Police Department contacts the City Clerk who informs the Ward Aldermen of a parking restriction. At times, the Mayor's office relays this information to residents by "Robot calling". Sgt. Babcock then stated that the Fire Department agrees to this request.

Without further discussion, Ald. Cote made the motion to approve this item. Committee members agreed 7-0, Ald. Johnson not voting.

At approximately, 8:30 pm, Ald. Yates motioned to adjourn.

Respectfully submitted,

Allan Ciccone, Jr. Chairman

1. **PROPOSED ORDINANCE LANGUAGE:**

26-8D ~~Trial program for r~~Removal of snow and ice from sidewalks.

In order to allow for safe pedestrian and wheelchair passage, every owner or occupant of a building or lot of land abutting upon a paved sidewalk or any person having charge of such property shall use reasonable efforts to remove snow and ice from the sidewalk and handicap access ramps, and shall use reasonable efforts to treat said sidewalk and ramps to allow for a safe passageway of approximately thirty-six (36) inches in width, provided that where such sidewalk is less than thirty-six (36) inches in width the passageway shall encompass its entire width and handicap access ramps. Snow and ice shall be removed, and sidewalks and ramps shall be treated, within ~~thirty (30)~~**twenty-four (24)** hours after such snow has ceased to fall or such ice has formed, **or within twenty-four (24) hours after a snow emergency has ended if one has been declared.** This section shall apply to snow and ice which falls from buildings, other structures, trees or bushes, as well as to that which falls from clouds. This section shall not apply to owners or occupants of a building or lot **in a business district or which is a business use** covered by Section 26-8. The mayor or his designee is authorized ~~to coordinate volunteer snow clearing assistance or~~ to grant an exemption, renewable annually, for citizens who upon written petition demonstrate hardship due to a combination of health and financial duress. ~~The provisions of this section shall take effect on November 1, 2011 and shall expire on November 1, 2013 unless terminated earlier or renewed or modified by the board of aldermen. During this trial period, enforcement shall be limited to issuance of notices of non-compliance for violations of any provision of this section."~~

2. **PROPOSED CIVIL FINE for Sec. 26-8D - add to Sec. 20-21(d) as follows:**

Sec. 26-8. Removal of snow and ice from sidewalks in certain districts.

() Any offense \$25.00

Sec. 26-8D Removal of snow and ice from sidewalks

() Any offense \$100.00

Sec. 26-9. Putting snow and ice upon streets, sidewalks and bridges

() Placing snow or ice on a public way (street, sidewalk or bridge)
First offense in calendar year \$100.00
Second offense in calendar year \$200.00
Third offense and subsequent offenses in calendar year \$300.00

() Causing or permitting snow or ice to be placed upon a public way (street, sidewalk or bridge)
First offense in calendar year \$100.00
Second offense in calendar year \$200.00
Third offense and subsequent offenses in calendar year \$300.00

City of Newton



Setti D. Warren
Mayor

DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE COMMISSIONER
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

October 3, 2014

Sidewalk Snow Clearing Fact Sheet

In advance of the October 8th Public Facilities Committee meeting to discuss a city-wide mandatory sidewalk snow clearing ordinance, the following information is provided:

Operations

The City of Newton will be required to clear snow from the sidewalks of all municipal properties, including municipal/school building, parks, playgrounds, parking lots, etc. Accordingly, the DPW has increased the number of miles of sidewalks being plowed by the City from 67 miles to approximately 82 miles.

The DPW Sidewalk Plowing program consists of the following routes/elements:

- 6 School sidewalk routes
- 1 Bridges routes (12 bridges cleared)
- 1 Rte. 9 route (Parker to Chestnut)
- 1-2 Hand crews (snow blowers, shovels) – out of the way properties, pinch points that restrict sidewalk plow access, heavily used transportation nodes
- Post storm – clear handicap ramps in villages

Compliance

Last winter, the DPW responded to 192 reports of “sidewalks not cleared” in Web Q/A. The DPW received an additional 47 reports of “illegal snow dumping”.

Calls are triaged by DPW Engineering Inspectors into following categories:

- City owned/route sidewalk – reported back to DPW for clearing
- Business owned sidewalk – reported to police for enforcement under existing ordinances
- Resident owned sidewalk – resident issued “notice of non-compliance” door hanger for first instance, residents were sent letters for subsequent instances

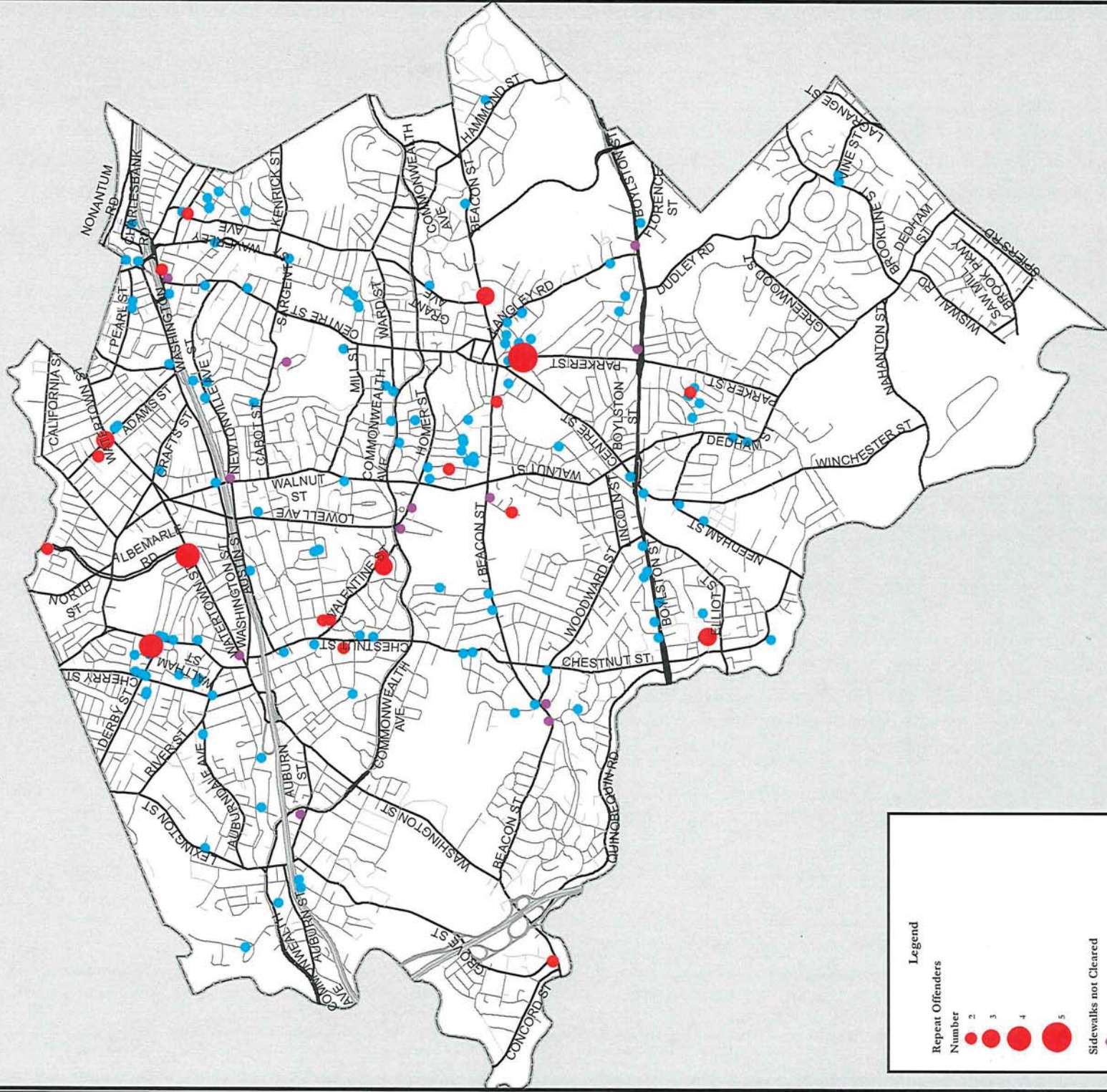
DPW handed out in excess of 500 notices of non-compliance as investigation of individual report resulted in notices to numerous neighboring properties

Anecdotal information indicates approximate 80% compliance rate after residents notified.

Waivers

Residents with a demonstrated hardship were allowed to file for a waiver.

- 2011-12 55 waivers were approved out of 100 requested
- 2012-13 45 waivers were approved out of 50 requested
- 2013-14 37 waivers approved out of 40 requested



Legend

Repeat Offenders Number

- 1 (smallest red dot)
- 2
- 3
- 4
- 5 (largest red dot)

Sidewalks not Cleared

- Snow - A business sidewalk needs to be shoveled (purple dot)
- Snow - A residential sidewalk needs to be shoveled (blue dot)

Sidewalks Not Cleared 2013-14

City of Newton, Massachusetts

CITY OF NEWTON, MASSACHUSETTS
Mayor - Seth D. Warren
GIS Administrator - Douglas Greenfield



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

Sec. 19-141. Unauthorized signs, signals, markings, or parking barriers.

(a) No person ~~or corporation~~ shall place, maintain or display upon or in view of any street any unofficial device, sign, signal, curb marking or street marking which purports to be or is an imitation of or resembles an official traffic device, sign, signal, curb marking or street marking or which attempts to direct the movement of traffic or which hides from view any official sign, signal, marking or device. The chief of police is hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed without notice. (Rev. Ords. 1973, § 13-117)

(b) No person shall place, maintain or display upon any public street or municipal parking lot any unofficial sign, object or barrier to reserve parking for, or to restrict or prevent parking of any motor vehicle unless authorized by the chief of police. The chief of police is hereby empowered to remove every such prohibited sign, object or barrier or cause it to be removed without notice.

Please note: Section 1-3 of the revised ordinances, **Rules of Construction**, define the word “person” as follows:

Person. The word “person” shall extend and be applied to trusts, associations, firms, proprietorships, partnerships, corporations, bodies politic and corporate, and all other entities, no matter how organized, as well as to individuals.

Rules of construction apply to use of the word wherever used throughout the ordinances, therefore, there is no need to add terms other than “person” to Section 19-141 for the prohibition to apply to corporations, non-profits, institutions and other entities.