

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 18, 2013

Present: Ald. Ciccone (Chair), Johnson, Yates, Schwartz, Kalis, Harney, Swiston and Fuller

Also Present: Ald. Danberg

City Staff: Sgt. Jay Babcock and Officer Rocco Marini, Newton Police Department; David Koses, Planning Department; Bill Paille, Director of Transportation; Marie Lawlor, Assistant City Solicitor, Asst. Chief Paul Chagnon and Chief Bruce Proia, Newton Fire Department

Others Present: Harry Sanders

**REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEE**

#41-11 ALD. JOHNSON, LENNON AND DANBERG requesting discussion of the elimination, except during snow emergencies, of the overnight parking ban which is in effect from November 15 through April 15. [01/18/11 @ 9:00 PM]

**ACTION:** **HELD 8-0**

**NOTE:** Sgt. Babcock provided a PowerPoint presentation on this item, attached to this report. Sgt. Babcock said that the sub-committee made up of members of the Department Public Works, Fire Department, Planning Department, Police Department and Aldermen was formed to develop an overnight winter parking ban override program as a pilot program in Ward 1.

The Department of Public Works concern is snow removal. The Fire and Police Departments first concern and priority is maintaining safe emergency vehicle access. The Police Department will determine the safest location. There is no appeals process. These departments reserve the right to relocate parking assignments due to error or emergency vehicle access difficulty when permits are issued. Flexibility will be necessary when permits are issued.

Some residents receive between 10-20 tickets each winter because there is nowhere to park and some residences within the City do not have parking on site creating a hardship. The intent of this program is to issue permits to residents on an as needed basis. Permits will be issued to a specific address and as close as possible to the desired requested location without causing conflicts between neighbors. Residents within 1000' feet of a City municipal parking lot (free of charge in winter months) would not be issued permits. Parking will be available in these parking lots along the perimeter. All stickers will note the designated municipal parking lot location. Commercial, leased vehicles or college students will not be eligible for permits.

The current ordinance allows parking for one hour between the hours of 2 a.m. and 6 a.m., which requires the Police to revisit a street if there is a car parked on the street between those hours to determine if it has been there longer than the permitted time. The fine for on-street parking is currently \$5.00, which is less than it costs the City to administer the ticket.

Sub-committee members agreed to a \$20.00 nonrefundable application fee in order to process each request for a parking permit. If approved, an \$80.00 nonrefundable permit fee is required in order to process each permit request. These fees must be paid prior to receiving a permit. Part of the application process before permits are issued is to discuss the desired permit location and receive approval from the Police Department, Fire Department and Department Public Works.

If the pilot program is approved and enacted, emergency parking bans would still require all streets to be cleared of cars. Violations such as impeding snow removal will result in a review and possible revocation of a parking permit. In addition, the registered owner will also be subject to a towing charge when the vehicle is removed from the street at the owner's expense.

Committee members raised concerns, questions and suggestions regarding elimination of the overnight parking ordinance.

#### Concerns

**Two major concerns:** Program would be very labor intensive to the Police Department that is understaffed. The priority and concern of maintaining safe emergency vehicle access and public safety.

- Residences that do not have parking on-site.
- Permit program may deter people from moving into the City especially if there are more vehicles than off street parking spaces.
- Roadways narrow after heavy snowstorms due to snow banks.
- Permit program may impede the City's snow removal operations.
- An increase in violation fines may cause financial hardship.
- If residents are refused a permit, this may cause financial hardship.

#### Questions

- Why implement a permit program for only 4 hours per day between the hours of 2 am and 6 am (winter months only) if emergency vehicle access is first priority?
- If the permit program were a success, would it be considered and implemented all year?
- Why was a winter parking ban put into effect from November 15 through April 15?
- How will residents/ tenants be notified and educated of the permit program?
- An average number of times/per year plowing is performed except during snow emergencies?
- Will permits be issued on a first-come, first-served basis?
- If a vehicle is parked in your designated space, will they be fined?
- Where do you park if a vehicle is parked in your designated space before 2 am?

#### Suggestions

- Additional Police Department staffing is necessary to implement the program, issue permits, issue violations and maintain police enforcement. A full time clerk is necessary.
- Perhaps implement the program next year when the Police Department is properly staffed.
- Limit the number of parking permits.

- Increase the current fine of \$5.00 per night to \$25.00 per night.
- The ability to renew permits for following years on-line.
- Color-code a street map to determine where permits will be or not be issued.
- Track the number of applications received, number of applications denied, number of permits issued and the address.
- Perhaps issue the permits by zone or street rather than a specific address.

Chief Proia said that permits would not have to be issued on a case-by-case basis because the Department Public Works maintains a database of road widths that the Police Department will use to determine the safest location including even, odd or fire hydrant side of street prior to issuing permits. Chief Proia stated that he is confident a pilot will work and necessary adjustments would be made.

Some Committee members and Aldermen present agree a permit program is necessary and feel that Ward 1 is appropriate because there are approximately 200 residences without driveways. Neighbors sometimes have to come to agreements to share their driveways and do tandem parking in the winter months. It is a way to control parking issues. Allowing the Police Department to issue permits to a specific address assists them with vehicle information that is designated to that address. Violators will be fined. An alternative to this program would be to raise the current \$5.00 fine making residents find alternative off-street parking.

Sgt. Babcock answered that if you arrive home and a vehicle is parked in your designated space (before 2 am) you can contact the Police Department who will provide you an alternative parking space. The City completes most plowing efforts on side streets between 2 am to 6 am.

If enacted, Sgt. Babcock said that the Police Department would review and make necessary adjustments to the program in the spring. He will track the number of applications received, number of applications denied, number of permits issued and the address.

Ald. Yates made the motion to hold this item pending a draft ordinance. Committee members agreed 8-0 with the understanding the winter overnight parking ban would be a pilot program in Ward 1.

#232-12      FRANK TERRIO on behalf of NEWTON YELLOW CAB requesting either an exemption from the City of Newton Ordinances 2012, Sec. 19-309.  
**Requirements as to vehicles generally - c), no vehicle shall be approved for use as a taxicab or public automobile or van in the city when the vehicle is ten (10) years old or older, the age of each vehicle to be determined from the year of manufacture to the year for which the vehicle license is to issue.** or an amendment to allow a vehicle to be used as a taxicab, public auto or van when the vehicle is over ten years old if it passes Police Department inspection.  
 [08/02/12 @ 2:53 PM]

**ACTION: NO ACTION NECESSARY 6-0, Ald. Schwartz and Harney not voting**

**NOTE:** Chair Ciccone stated that this item was docketed by Mr. Terrio requesting a City Ordinance change to allow companies to place vehicles on the road that are over ten years old as long as they are able to pass inspection with the Newton Police Department.

Chair Ciccone stated he recently spoke with petitioner, Mr. Terrio who informed him that he sold the two 10-year old vehicles and that he no longer requests this exemption.

Without discussion, Ald. Johnson made the motion for no action necessary. Committee members agreed 6-0, Ald. Schwartz and Harney not voting.

**REFERRED TO PUBLIC SAFETY/TRANSPORTATION & FINANCE COMMITTEES**

#281-12 **HARRY SANDERS** requesting creation of an ordinance to allow pawnbrokers in the City of Newton pursuant to G.L. c. 140 section 70 with potential for non-fixed location of business. Secured property storage would not entail retail walk-in; model would entail possible satellite locations enabling the possibility of integrating Newton students. [08/31/12 @ 12:25 PM]

**ACTION:** NO ACTION NECESSARY 7-0, Ald. Schwartz not voting

**NOTE:** Assistant City Solicitor, Marie Lawlor; Sgt. Babcock, Officer Marini and petitioner, Harry Sanders joined the Committee for discussion on this item.

Mr. Sanders provided Committee members with E-commerce Pawnbroker License information, attached to this report. Mr. Sanders stated that he docketed this item to engage Newton students in E-commerce with an E-commerce pawnbroker licenses such as eBay and craigslist. Mr. Sanders stated he has researched approximately thirty-five municipalities in the state that have fixed location Pawnbroker license facilities. He stated some Newton residents using eBay and craigslist do not have a way to produce revenue for the city and state, although desired. The technology tax may provide potential revenue to the state.

Committee members raised concerns, questions and suggestions regarding the creation of an ordinance for the following reasons:

**Concerns**

- Lending money to people that are in need.
- City does not have a pawnbroker license.
- Not having a fixed location. Address of an established business must have a registered mailing address.

**Questions**

- What is the legal age required to execute a contract or lend money?

**Suggestions**

- The program involves Newton students. Please request the School Department to become involved.

Mr. Sanders answered that eBay requires a legal age of 18 years.

Ms. Lawlor said that Massachusetts General Law allows cities and towns the opportunity to determine if they allow pawnbrokers in their municipality by creating an Ordinance or by-law.

The thirty-five municipalities (with fixed locations) in the state have extensive ordinances including the requirement of CORI checks. The City would have to determine and approve an allowable loan payback interest rate using the range allowed by the State Division of Banking. Ms. Lawlor suggests involving the Police Department to work with the Aldermen to determine an appropriate policy.

Mr. Sanders said that the Police Department would have access to the storage locations in the City if an item was pawned. Officer Marini stated that it is necessary for the Police Department to obtain warrants searching private locations determining if products are stolen. Sgt. Babcock stated it is necessary to involve the Detective Bureau in this discussion. Chair Ciccone asked Mr. Sanders if he has obtained the necessary information from the storage locations regarding insuring the products. Mr. Sanders answered that he has not.

Mr. Sanders said that this was an informational session. Without further discussion, Ald. Fuller made the motion for no action necessary with the understanding additional information is necessary. Committee members agreed 7-0, Ald. Schwartz not voting.

#267-12      ALD. CICCONE, proposing that **Sec. 19-309. Requirements as to vehicles generally. and 19-332. Procedure for obtaining licenses.** be amended to include limousines and that **Sec. 19-338 Limousine Permits** be amended to include an annual fee of \$25 and an annual inspection. [08/21/12 @ 10:29 AM]  
**ACTION:**      **REFERRED TO FINANCE 7-0, Ald. Schwartz not voting**  
**APPROVED 7-0, Ald. Schwartz not voting**

**NOTE:**      This item was discussed with #194-12, see note below.

#194-12      ALD. CICCONE proposing that **Sec. 19-309. Requirements as to vehicles generally. and 19-332. Procedure for obtaining licenses.** be amended to include vans and that **Sec. 17-3. Fees for certain licenses and permits.** be amended to include a \$25 annual fee for vans. [06/21/12 @ 11:28AM]  
**ACTION:**      **REFERRED TO FINANCE 7-0, Ald. Schwartz not voting**  
**APPROVED 7-0, Ald. Schwartz not voting**

**NOTE:**      Items #267-12 and #194-12 were discussed together.

Assistant City Solicitor, Marie Lawlor; Officer Marini and Sgt. Babcock joined the Committee for discussion on these items.

Chair Ciccone stated that the purpose of these docket items is to provide uniformity to vehicle requirements and to allow the Police Department the ability to begin conducting safety inspections on limousines and vans annually. These items were held in October 2012, to obtain revised draft ordinance language because Committee members felt all vehicles for hire should be inspected and licensed the same.

Ms. Lawlor provided Committee members with revised draft ordinance language covering vehicle requirements, procedures for obtaining licenses and fees, attached to this report. Ms.

Lawlor said that the intent is to require vehicles for hire, including vans and limousines be included in the City Ordinance requiring that they be inspected annually in March or October. To approve and amend the City Ordinance, Sec. 17-3, to include an annual van license fee of \$25.00 (same as public auto and limousines).

Sgt. Babcock requests these items be approved because it is necessary to conduct the same inspection on limousines and vans as other vehicles for hire. Currently, limousines and vans are only required to pass a yearly state inspection. Officer Marini stated that their inspection of vehicles for hire is more extensive than the state inspection. By conducting annual inspections, vehicles would comply with safety measures and people would be ensured that vehicles are “up to code”.

Committee members asked when the City last increased public vehicle license fees. Sgt. Babcock answered that it is his intent to docket a request increasing fees to become effective in 2014.

Ald. Johnson made the motion to approve these items. Committee members agreed on approving these items and referring them to the Finance Committee 7-0, Ald. Schwartz not voting.

At approximately 10:35 pm, Ald. Kalis moved to adjourn. Committee members agreed 7-0, Ald. Schwartz not voting.

Respectfully submitted,

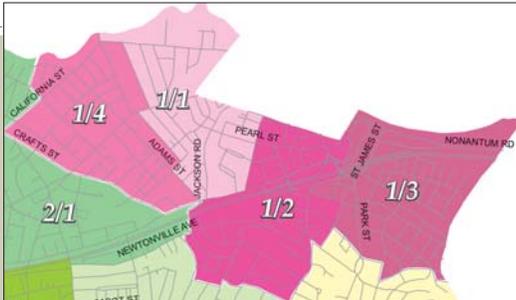
Allan Ciccone, Jr. Chairman

## WINTER OVERNIGHT

#41-11

### PARKING BAN OVERRIDE PERMIT PROGRAM

Public Safety and Transportation Committee  
October 9, 2013



#### WARD 1 PILOT

## Problem Statement

#41-11

- Lack of off-street parking availability
  - Some residents have no driveway
  - Some residents have more cars than driveway space
  - Cannot park on the street Nov 15 – April 15, 2-6AM
  - Some residents receive very frequent tickets during winter months
    - × Current ticket only \$5
    - × May propose to increase ticket fee
    - × Increased fee will hit some homeowners hard
  - Option: Develop an overnight winter [parking ban override](#) program

## “Winter Parking Ban Waiver” Characteristics

#41-11

- Proposed Approval Process:
  - Residents apply in person at Traffic Bureau
  - Applicant must provide the following:
    - × Proof - residency
    - × Proof - more vehicles registered to address than driveway space available
  - Traffic Bureau investigates each application
    - × Site visit; determination of approved parking location
    - × Traffic Bureau decision in conjunction with Fire, DPW
  - Approved location is at the discretion of the Traffic Bureau
    - × There is no appeals process
    - × Approved parking location subject to change

## “Winter Parking Ban Waiver” Characteristics

#41-11

- Proposed Fee:
  - Application fee of \$20 (non-refundable) per vehicle
  - Each household may request waiver permits for up to three vehicles
  - If request is approved, fee to receive permit is \$80 per vehicle
  - May reapply if conditions change – but requires new application fee
  - \$5 replacement fee per sticker
  - All fees must be made in person, during regular hours, by check only

## "Winter Parking Ban Waiver" Characteristics <sup>#41-11</sup>

### • Proposed Characteristics of the Permit:

- Issued by the Traffic Bureau for a particular location
- Permits come in the form of a sticker
  - ✕ Sticker must be affixed to windshield, lower left corner, driver-side
- Valid between November 15, 2013 and April 15, 2014
- Does NOT OVERRIDE CITYWIDE SNOW EMERGENCY
  - ✕ Permit may be revoked if vehicle is not removed after declared snow emergency

## "Winter Parking Ban Waiver" Characteristics <sup>#41-11</sup>

### • Other Proposed Characteristics of the Program:

- Not available to Commercial Vehicles
- Valid within Ward 1 only during Pilot period
  - ✕ Board of Aldermen to review program after winter season
- Not available to residences located within 1,000 feet of a public parking lot
  - ✕ Vehicles registered within 1,000 feet of a public lot are eligible to receive a Municipal Lot Sticker (free of charge)

## "Winter Parking Ban Waiver" Characteristics <sup>#41-11</sup>

### • Other Characteristics and Examples:

- Only one permit allowed per individual
  - ✕ Example: 2 vehicles registered to one person. Address has no driveway. Up to one permit may be approved.
  - ✕ Example: 2 cars registered to different people at an address. Address has no driveway. Up to two permits may be approved.
- Only one permit allowed beyond the available off-street space
  - ✕ Example: 5 cars registered to 2 people living in 1 housing unit. 2 off-street spaces available. Up to two permits may be approved.
  - ✕ Example: 5 cars registered to 3 people in 1 housing unit, with no driveway. Up to three permits may be approved.
  - ✕ Example: 8 cars registered to building where 10 people live in 3 housing units, with parking for 3 cars. Up to five permits may be approved.

## Traffic Bureau Staffing <sup>#41-11</sup>

### • New responsibilities

- Permits related to Newton North Neighborhood Parking Plan

### • Anticipated future responsibilities

- Permits related to Auburndale Village parking plan
- Additional neighborhood parking plans

### • Pilot Parking Waiver

- Requires staff time for on-site research for each permit issued

## Proposed Schedule

#41-11

- **September 2013**

- PS&T presentation and comment
- Draft ordinance language

- **Fall 2013**

- PS&T, Public Facilities, Finance, BOA approval
- Traffic Bureau orders stickers, hiring

- **Winter 2013-2014**

- Pilot Underway

- **2014**

- Review pilot, modification, expansion

## Questions and Comments

#41-11

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BOARD OF ALDERMEN

CITY OF NEWTON

DOCKET REQUEST FORM

RECEIVED  
Newton City Clerk

2012 AUG 31 PM 12:25

DEADLINE NOTICE: Aldermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING in order to be assigned to Committee(s) and voted for inclusion that evening.

To: Clerk of the Board of Aldermen

Date: 8-31-2012

From (Docketer): Harry Sanders

Address: Po Box 600578

Phone: 617 390 3454 E-mail: beabay@comcast.net

Additional sponsors:

[Empty box for additional sponsors]

1. Please docket the following item (it will be edited for length if necessary):

Requesting creation of ordinance for pawnbrokers license with potential for non-fixed location of business. Secured property storage would not entail retail walk-in. Model would entail possible satellite locations enabling the possibility of integrating the students of Newton.

2. The purpose and intended outcome of this item is:

- |  |   |
|--|---|
| <input type="checkbox"/> Fact-finding & discussion             | <input type="checkbox"/> Ordinance change         |
| <input type="checkbox"/> Appropriation, transfer,              | <input type="checkbox"/> Resolution               |
| <input type="checkbox"/> Expenditure, or bond authorization    | <input type="checkbox"/> License or renewal       |
| <input type="checkbox"/> Special permit, site plan approval,   | <input type="checkbox"/> Appointment confirmation |
| <input type="checkbox"/> Zone change (public hearing required) | <input type="checkbox"/> Other: _____             |

3. I recommend that this item be assigned to the following committees:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Programs & Services    | <input type="checkbox"/> Finance                             | <input type="checkbox"/> Real Property     |
| <input type="checkbox"/> Zoning & Planning      | <input type="checkbox"/> Public Safety                       | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities      | <input type="checkbox"/> Land Use                            | <input type="checkbox"/> No Opinion        |
| <input type="checkbox"/> Post Audit & Oversight | <input type="checkbox"/> Committee on Community Preservation |  |

4. This item should be taken up in committee:

Immediately (Emergency only, please). Please state nature of emergency:  
[Empty box for emergency details]

- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 below
- Following public hearing

5. I estimate that consideration of this item will require approximately:

- One half hour or less
- More than one hour
- More than one meeting

- Up to one hour
- An entire meeting
- Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

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\_\_\_\_\_

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7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion\*:

8. I  have or  intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. \*

(\*Note to docketer: Please provide all additional materials to the Clerk's office by Noon on Friday before the Committee meeting where it will be discussed. The materials must be provided in both electronic form and hard copy. This will give Aldermen a chance to review all relevant materials before discussion. Materials not submitted 48 hours in advance of a meeting will require a vote to suspend the rules the night of the Committee's discussion in order to allow the material to be presented.)

Please check the following:

- 9.  I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
- 10.  I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is: \_\_\_\_\_
- 11.  I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.

\_\_\_\_\_  
Signature of person docketing the item

[Please retain a copy for your records]

#281-12

from  
Harry Sanders  
09/17/13

eCommerce Pawnbroker License

Today's youth are surprisingly more advanced technologically than previous generations. The opportunity of engaging Newton's youth in e-commerce such as eBay and craigslist creates global marketability for unexplored parochial product resource. Our observations have found a gap between generations internet proclivity with senior citizens shying away, while youth are aggressively pursuing ecommerce opportunities

What is a pawnbroker? N. *pawnbroker* - a person who lends money at interest in exchange for personal property that is deposited as security.

The idea of collateralizing a loan is a personal decision; optioning for either loan or outright sale is attractive in today's economy. Terms of collateralization vary with a standard minimum of 30 days, municipalities can regulate the period. With the internet, potential sale can begin before expiration of reclaim period, expediting cash flow sale receipts. Items which are in secure storage are not for viewing by the general public, are law enforcement accessible and secured by 24/7 security.

Mass. General Law chapter 140 sec70 provides: *The police commissioner of Boston, the license commission of Lowell, the aldermen of any other city, or the selectmen of any town, if ordinances or by-laws therefor have been adopted in such city or town, may license suitable persons to carry on the business of pawnbrokers in such city or town, subject to sections two hundred and two to two hundred and five, inclusive, and may revoke such licenses at pleasure.* The traditional pawnbroker license relies upon a fixed location, which would not be in keeping with community values. Imagine a pawn shop at the crossroad of Beacon & Langley, a controversial location to say the least. With the digital age the general licensing of the person rather than the place of business delves into municipal trust and affirmation of character building, mirroring intrinsic values of the community.

Engaging Newton youth in ecommerce with an ecommerce pawnbroker license provides financial support for college bound students, an assurance of quality transactions for at-home seniors, and a waste stream reduction. Many of Newton's Senior citizens have valuable and marketable hidden treasure and are fearful of engaging an internet scammer in fraudulent internet transactions. The ability for elders and the general populous of Newton to convert items into cash could certainly be an asset.

Our entrepreneurial program recognizes global 'supply & demand' technique in a struggling economy. The EPB is a novel approach for the integration of government supported restrictions, enhanced internet commerce practice, and an incentive for instilling moral values in our free enterprise society.

Implications for recovering stolen property: The Newton Police Department property locker is burdened with recovered items. Unclaimed items are displayed on a national website designed for law enforcement. Youth savvy of underground dealings would be in a position to aid law enforcement in many different ways by turning those unclaimed items into potential funds for the City of Newton. The state's internet sales tax calls for a taxing plan without any apparent benefit or reward to the participant. The EBP is a step in recognizing the vitality of international commerce brought home to the local level.

RECEIVED  
Newton City Clerk  
SEP 17 AM 8:10  
Davis A. Quinn, Clerk  
Newton, MA 02459



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**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

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**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

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**CHAPTER 140** LICENSES

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**Section 70** Licensing of pawnbrokers; governing statutes; revocation

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Section 70. The police commissioner of Boston, the license commission of Lowell, the aldermen of any other city, or the selectmen of any town, if ordinances or by-laws therefor have been adopted in such city or town, may license suitable persons to carry on the business of pawnbrokers in such city or town, subject to sections two hundred and two to two hundred and five, inclusive, and may revoke such licenses at pleasure.



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**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

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**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

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**CHAPTER 140** LICENSES

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**Section 71** Retention of articles; sale; disposition of proceeds; notice; other disposition; personal apparel

Section 71. Articles deposited in pawn with a licensed pawnbroker shall, unless redeemed, be retained by him on the premises occupied by him for his business for at least four months after the date of deposit, if not of a perishable nature; and, if perishable, for at least one month after said date. After the expiration of the applicable period of time, he may sell the articles by public auction, apply the proceeds thereof in satisfaction of the debt or demand and the expense of the notice and sale, and pay any surplus to the person entitled thereto on demand; provided, that no such sale of any article which is not of a perishable nature shall be made unless not less than ten days prior to the sale a written notice of the intended sale shall have been sent by registered mail to the person entitled to the payment of any surplus as aforesaid, addressed to his residence, as appearing in the records of such pawnbroker. No article taken in pawn by such pawnbroker exceeding twenty-five dollars in value shall be disposed of otherwise than as above provided, any agreement or contract between the parties thereto to the contrary notwithstanding. Articles of personal apparel shall not be deemed to be of a perishable nature within the meaning of this section.



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**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

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**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

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**CHAPTER 140** LICENSES

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**Section 72** Interest rate; penalty

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Section 72. The authorities which issue such licenses may fix the rate of interest which such pawnbrokers may receive on loans, and may fix different rates which may be received for different amounts of money lent; and no licensed pawnbroker shall charge or receive a greater rate of interest than that so fixed. Any such pawnbroker who violates any provision of this or the preceding section shall be punished by a fine of not more than fifty dollars.



**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

**CHAPTER 140** LICENSES

**Section 73** Entry upon premises; investigation; examination of articles, books and inventories

Section 73. The chief of police of a city, the selectmen of a town, any officer authorized by either of them, or a state police officer may at any time enter upon any premises used by a licensed pawnbroker for the purposes of his business, ascertain how he conducts his business, and examine all articles taken in pawn or kept or stored in or upon said premises and all books and inventories relating thereto. Every such pawnbroker, his clerk, agent, servant or other person in charge of the premises shall exhibit to such officer on demand any or all of such articles, books and inventories.



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**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

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**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

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**CHAPTER 140** LICENSES

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**Section 74** Obstruction of entrance or examination by officer; failure to exhibit items demanded

Section 74. A licensed pawnbroker, clerk, agent or other person in charge of such premises who refuses to admit thereto an officer authorized to enter the same, or who fails to exhibit to him on demand all such articles, books and inventories, and any person who wilfully hinders, obstructs or prevents such officer from entering the premises or from making the examination authorized in the preceding section, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one year, or both.



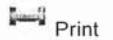
**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

**CHAPTER 140** LICENSES

**Section 75** Unlicensed business

Section 75. Whoever, not being licensed, carries on such business or is concerned therein within such town, or, being licensed, carries on such business or is concerned therein in any other place or manner than that designated in his license or after notice to him that his license has been revoked shall be punished by a fine of not more than fifty dollars.



**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

**CHAPTER 140** LICENSES

**Section 76** Loans on personal property; purchases on condition of reselling; exceptions

Section 76. No person shall, in any city or in any town of ten thousand or more inhabitants, engage in or carry on the business of loaning money upon mortgages, deposits or pledges of wearing apparel, jewelry, ornaments, household goods or other personal property, or of purchasing such property on condition of selling it back again at a stipulated price, unless he is licensed as a pawnbroker; but this and the six following sections shall apply only if such property is deposited with the lender, and shall not apply to loans made upon stock, bonds, notes or other written evidences of ownership of property or of indebtedness to the holder or owner of any such securities.



**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

**CHAPTER 140** LICENSES

**Section 77** Fee; bond

Section 77. The fee for a license as a pawnbroker or renewal thereof shall be established in a town by town meeting action and in a city by city council action, and in a town with no town meeting by town council action, by adoption of appropriate by-laws and ordinances to set such fees, but in no event shall any such fee be greater than one hundred dollars. The licensee shall, at the time of receiving such license, file with the authorities who issue the license a bond to such city or town, in the sum of three hundred dollars, with two sureties approved by such authorities, and conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed.



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**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

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**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

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**CHAPTER 140** LICENSES

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**Section 78** Regulations; interest rate

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Section 78. The authorities who grant licenses to pawnbrokers shall establish regulations, to the satisfaction of the commissioner of banks, relative to the business carried on and the rate of interest to be charged by them, and a pawnbroker shall not charge or receive upon any loan a greater rate of interest than that fixed by the licensing authorities.



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**PART I** ADMINISTRATION OF THE GOVERNMENT  
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**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

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**CHAPTER 140** LICENSES

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**Section 79** Record book; information furnished to authorities

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Section 79. Every pawnbroker shall keep a book in which, at the time of making a loan, shall be legibly written in the English language an account and description, including all distinguishing marks and numbers, of the articles pawned, the amount of money loaned thereon, the time of pawning them, the rate of interest to be paid on such loan, and the name and residence of the person pawning such articles, and shall furnish a correct record of such transactions, containing all such information, once a week, or oftener if required, to the licensing authorities or to any person designated by them. Every pawnbroker shall also photograph any person pawning articles and keep the photographs with said books as part of his records.



**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

**CHAPTER 140** LICENSES

**Section 80** Memorandum for pawner; charge

Section 80. Every such pawnbroker shall, at the time of making such loan, deliver to the person who pawns any article a memorandum or note signed by him and containing the substance of the entry required by the preceding section. No charge shall be made or required by any pawnbroker for such entry, memorandum or note.



**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

**CHAPTER 140** LICENSES

**Section 81** Inspection of books

Section 81. Said book shall at all reasonable times be open to the inspection of the mayor, of the members of the board of police, of the superintendent of police and deputy superintendents, of the chief inspector of police, of any officer of the state police or of any person authorized by them in writing for that purpose who exhibits such written authority to such pawnbroker.



**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

**CHAPTER 140** LICENSES

**Section 82** Penalty

Section 82. Whoever violates any provision of the six preceding sections shall be punished by a fine of not less than fifty nor more than three hundred dollars or by imprisonment for not more than two months, or both.

**#281-12**



**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

**CHAPTER 140** LICENSES

**Section 82A** Violations of Sec. 79; liability of pawnbroker

Section 82A. Any pawnbroker who violates the provisions of section seventy-nine in reference to articles pawned which are found to be stolen articles shall be liable for the loss incurred by the loan, and the pawned article may be reclaimed by the owner of the same.



**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

**CHAPTER 140** LICENSES

**Section 83** Tools; purchase or pawn; record book; signature of seller or pawner

Section 83. When a licensed pawnbroker buys or takes in pawn any tool such as is used by contractors, builders or mechanics, he shall enter in a book kept for that purpose a description of the same and the amount paid for or loaned upon the same, and shall cause the person offering such tool for sale or for pawn to sign his name and address therein. The pawnbroker shall also write therein the name and address of the said person.



**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

**CHAPTER 140** LICENSES

**Section 84** Wrong name or address of seller or pawner

Section 84. Any person thus offering any tool for pawn or for sale who signs a wrong name or address shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months. Any pawnbroker who knowingly writes the wrong name or address of a person thus offering a tool for sale or for pawn, or knowingly permits the signing of such wrong name or address, shall be fined one hundred dollars for the first offence, and upon a second offence his license shall be revoked, and he shall not be permitted to conduct the business of pawnbroker in the commonwealth for one year.

**#281-12**



**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

**CHAPTER 140** LICENSES

**Section 85** Statutes not applicable

Section 85. The provisions of sections eighty-six to one hundred and twelve, inclusive, shall not apply to licensed pawnbrokers.

#281-12



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**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

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**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

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**CHAPTER 140** LICENSES

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**Section 202** Signature on, record, contents and term of licenses; fees

Section 202. Licenses granted elsewhere than in Boston to dealers in junk, old metals and second hand articles, junk collectors, pawnbrokers and keepers of billiard saloons, pool or sippio rooms or tables, bowling alleys, roller skating rinks, carousels, inclined railways, Ferris wheels, outdoor exhibitions of fire fighting for the amusement of the public and picnic groves shall be signed by the clerk of the city or town where they are granted. Every such license shall, before being delivered to the licensee, be recorded by such clerk, in a book kept for that purpose. Such license shall set forth the name of the licensee, the nature of the business, and the building or place in such city or town in which it is to be carried on, and shall continue in force until May first following unless sooner revoked. The board or officer issuing such a license shall, except as provided in section seventy-seven, receive for the use of the city or town such amount, not less than two dollars for each license, as the board or officer considers reasonable. In Boston licenses for billiard saloons, pool or sippio rooms or tables, bowling alleys and picnic groves shall be signed by the licensing board and recorded by its clerk and licenses for roller skating rinks, carousels, inclined railways, Ferris wheels and outdoor exhibitions of fire fighting for the amusement of the public shall be signed by the mayor and recorded by his clerk; the other licenses referred to in this section shall be signed by the police commissioner and recorded by his clerk.



**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE XX** PUBLIC SAFETY AND GOOD ORDER

**CHAPTER 140** LICENSES

**Section 205** Revocation of license; record; notice

Section 205. Upon the revocation of such a license, such clerk shall note the revocation upon the face of the record thereof, and shall give written notice to the licensee by delivering it to him in person or by leaving it at the place of business designated in the license.

LAW DEPARTMENT MEMORANDUM

To: Members of the Public Safety and Transportation Committee

From: Marie M. Lawlor, Assistant City Solicitor

Date: September 10, 2013

Re: Docket Items #267-12 and #194-12 Pertaining to licensing and inspections of vans and limousines

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Attached please find a redlined copy of the latest revisions pertaining to the above docket items.

Please note that although a complete copy of the Division 1 of Article XIL (Vehicles for Hire) is attached for completeness and reference, the only redlines are to the following sections and occur on the pages noted:

Sec. 19-309 *Requirements as to vehicles generally* on Pages 3-4

Sec. 19-338 *Limousine permits* on Page 11

Sec. 19-339 *Van license* on Pages 12-13

**ARTICLE XII.  
VEHICLES FOR HIRE**

DIVISION 1. GENERALLY

**Sec. 19-301. Definitions.**

For the purposes of this article, the words and phrases used shall have the following meanings:

*Chief of police:* The chief of police of the City of Newton or his designee.

*City:* City of Newton.

*Person:* A person, firm, company, corporation, partnership or other entity, or an owner, or operator of a taxicab or public automobile as defined herein.

*Public Automobile:* A passenger car or station wagon used for transporting persons or goods for hire which has a seating capacity of up to five persons, which is not marked with the company name or number, other than a medallion number, is not equipped with a taximeter, does not operate on a fixed route, and which is hired by means of telephone request or contract arranged in advance of the time designated for pickup.

*Limousine:* A large, luxurious motor vehicle with an enclosed passenger compartment having a seating capacity of up to eight (8) passengers and operated by a uniformed driver or chauffeur and operated pursuant to either:

- (1) a contract prearranged significantly in advance of the date and time designated for passenger pickup;  
or
- (2) a contract formed pursuant to a telephone request made by a prospective passenger or passengers to a company which receives requests for transportation for hire, and, in any event not otherwise available to the general public for hire as a mode of transportation.

The definition of limousine shall not include vehicles engaged exclusively to provide service to funeral homes.

*Taxicab:* A passenger car or station wagon used for transporting persons or goods for hire, having a seating capacity of up to five persons, which is marked with the company name, assigned number and color and equipped with a taximeter, and which does not operate on a fixed route and which is hired by means of a taxi stand, solicitation from persons on the street or telephone request. The definition of a taxicab shall not include public automobiles as defined herein.

*Van:* a passenger vehicle for transporting persons or goods for hire with a seating capacity of up to fifteen persons, which may be marked with the company name or number, which is not a public automobile, limousine or taxicab as defined herein, and which is hired by means of a telephone request or contract

arranged in advance of the time designated for pickup.

(Rev. Ords. 1973, § 21-2; Ord. No. T-291, 8-9-93; Ord. X-54, 5-19-03)

Cross reference—Taxicab stands, § 19-171

**Sec. 19-302. Duty of police relative to licensed vehicles.**

It shall be the duty of the police officers of the city to observe the movements of vehicles licensed pursuant to division 2 of this article, especially in the nighttime, and see that all rules and orders are obeyed.

(Rev. Ords. 1973, § 21-3)

**Sec. 19-303. Taxis authorized to transport passengers upon request or from assigned stand.**

A taxi may transport passengers on request from persons on any street or public way or from any assigned taxi stand or a stand on private property where permission is granted by the owner. (Rev. Ords. 1973, § 21-4)

**Sec. 19-304. Public automobiles and vans prohibited from soliciting passengers upon public ways or conveying such upon request from taxi stands.**

All persons in charge of public automobiles and vans are prohibited from soliciting passengers for hire on the public ways of the city in any manner. Such persons are also prohibited from conveying in public automobiles any person who may, upon a public way of the city or from a taxi stand, request to be transported. (Rev. Ords. 1973, § 21-5; X-54, 5-19-03)

**Sec. 19-305. Taxi stands.**

(a) Public taxi stands on public ways are to be designated and assigned by the board of aldermen.

(b) No such stand shall be designated, or individual or company assigned to a taxi stand, until after a public hearing has been held thereon by the public safety committee of the board of aldermen, of which at least seven (7) days notice shall be mailed by the city clerk to the owners of property abutting on such way at the proposed location of such stand on each side of the way and to the owners of property abutting upon such properties abutting on such properties abutting on the way, all as shown by the most recent assessment lists of the board of assessors; provided, that no notice need be given to the owner of any property no part of which is situated less than three hundred (300) feet from such proposed location. After such hearing, the public safety committee shall make its recommendation to the full board of aldermen.

(c) No stand so designated under this section shall be removed until after a public hearing has been held thereon by the public safety committee of the board of aldermen and a determination has been made by the full board of aldermen that such taxi stand is not in the best interests of the public safety and welfare.

(d) All taxi stands designated by the board of aldermen shall be duly posted and marked by the commissioner of public works.

(e) The taxi stands that, as of December 1, 1989, have been duly designated as taxi stands in the City of Newton by the board of aldermen are those on the list maintained by the planning department which list has been certified by the city clerk.

(f) Taxi stands shall be assigned to individuals or entities holding at least one license to operate a taxi in the City of Newton.

(g) The board of aldermen shall review the status of taxi stands every year. The board of aldermen reserves the right to assign more than one taxi cab company or holder of a taxi license to a taxi stand location.

(h) *Transfer of taxi stands*: No taxi stand designated or assigned to a particular person pursuant to this section shall be transferred unless such transfer is approved by the board of aldermen.

(i) The open public taxi stand located at Newton Corner shall not be used by any vehicle which has been assigned a special license pursuant to paragraph 19-333 (c) of this ordinance. (Rev. Ords. 1973, § 21-6; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93; Ord. No. Z-111, 06-18-12)

**Sec. 19-306. Refusal to carry passenger.**

No person in charge of a taxi shall refuse unreasonably to carry a passenger. (Rev. Ords. 1973, § 21-18)

**Sec. 19-307. Operators to be respectful to passengers.**

The operator of any vehicle licensed pursuant to this chapter shall be respectful to passengers at all times. (Rev. Ords. 1973, § 21-19)

**Sec. 19-308. Picking up passenger after taxi is occupied or engaged.**

No person having charge of a taxi shall take up or carry any passenger after the taxi has been occupied or engaged by a prior passenger without the consent of such prior passenger. (Rev. Ords. 1973, § 21-20)

*Cross reference*—Health generally, Ch. 12

**Sec. 19-309. Requirements as to vehicles generally.**

(a) Vehicles licensed or permitted pursuant to this ordinance shall be kept in good condition, the interior shall be kept clean and suitable for occupancy and mechanically fit for the safety of passengers, as determined by the chief of police. No commercial advertising shall be permitted on the outside of such vehicles except the name or trade name and number of the person owning such vehicle.

(b) *Annual inspection of ~~taxicabs and public automobiles~~ vehicles*: All vehicles ~~licensed~~ pursuant to the provisions of this ordinance which are used for transporting persons to which medallions have been assigned shall be inspected annually by the chief of police in March ~~and/or~~ October of each year, and at such other times as deemed necessary by the chief of police. Each inspection shall include, but not be limited to the following:

- (1) inspection of the interior and exterior of the vehicle for appearance, cleanliness, and mechanical fitness;
- (2) recording the odometer reading of each vehicle, and verifying that the vehicle identification number (VIN), the taximeter serial number and the number of the taxi medallion or public automobile corresponds with such information as listed on the license assigned to the vehicle;
- (3) verification that the vehicle has a properly operating odometer, as determined by the chief of police. A vehicle with an inoperable or faulty odometer shall fail inspection; and
- (4) verification that each vehicle has a valid inspection sticker issued by the Commonwealth of

Massachusetts indicating that the vehicle has passed said inspection. A vehicle which does not have such a sticker shall fail inspection.

(5) verification that the vehicle is equipped with working seatbelts in open view and available for use in all seating areas used by passengers

(c) Effective January 1, 1995 and thereafter, no vehicle shall be approved for use as a taxicab or public automobile or van in the city when the vehicle is ten (10) years old or older, the age of each vehicle to be determined from the year of manufacture to the year for which the vehicle license is to issue. (Rev. Ords. 1973, § 21-22; Ord. No. 88, 10-6-75; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93; Ord. No. X-54, 5-19-03)

**Sec. 19-310. Vehicle identification card, identity light and markings on taxis.**

(a) All taxis in the city shall display an identity light on top of the taxi which shall be visible from the front and rear and shall be illuminated at night. Such identity light shall be of such color and the word "taxi" or company name shall be lettered thereon in such color and size as the chief of police shall approve. The cylinder for the identity light shall be at least ten (10) inches long. All taxis licensed in the city shall have the name or trade name of the owner and the word "Newton" painted on both sides of the body of the taxi in standard letters not less than four (4) inches high and one-half inch wide.

(b) All taxis in the city shall display a vehicle identification card, issued by the chief of police, which bears the owner's name, telephone number, and the medallion number of the taxi. Such vehicle identification card shall be displayed in the passenger compartment of each taxi in such a manner as to be visible to passengers at all times. (Rev. Ords. 1973, § 21-23; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93; Ord. No. Z-99, 11-21-11)

**Sec. 19-311. Taxicab seat belts.**

All taxicabs and public automobiles licensed by the board of aldermen to do business in the city shall be equipped with working seatbelts in open view and available for use in all seating areas used by passengers. (Rev. Ords. 1973, § 21-24; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

**Sec. 19-312. Requirement of taximeters.**

(a) All taxicabs in the city shall be equipped with a taximeter. All taximeters in the city shall be inspected by the sealer of weights and measures not less often than annually and in any case shall be approved by said sealer of weights and measures as of the date the medallion is issued for each taxicab licensed pursuant to this ordinance. A taximeter with a broken seal shall be replaced and inspected at the time such taximeter is installed.

(b) Tampering or breaking a seal on a taximeter shall be cause for revocation of the license. In the event that the sealer of weights and measures determines that a seal on a taximeter has been broken or tampered with, the sealer of weights and measures shall report the name of the licensee of the vehicle in which said taximeter was installed to the chief of police and clerk of the board of aldermen. The board of aldermen may take such action as deemed necessary, including revocation of the license following a hearing which shall be held upon no less than seven (7) days prior notice to the licensee. The vehicle medallion shall be surrendered upon revocation of the license. (Rev. Ords. 1973, § 21-25; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

**Sec. 19-313. Rates of fare of taxis.**

(a) The following rates of fare for taxis in the city are established: the charge for one passenger with ordinary baggage shall not exceed two dollars (\$2.00) for the first two-sixths mile or fraction thereof, and fifty cents (\$.50) for each additional one-sixth mile or fraction thereof.

(b) Waiting time shall include all time during which the vehicle is not in motion after its arrival at the place to which it has been called, starting no sooner than three (3) minutes after the party engaging the same has been notified. A charge may be made of not exceeding fifty cents (\$.50) per minute or thirty dollars (\$30.00) per hour of waiting time thereafter; provided, that no charge shall be made for time occasioned by the premature arrival in response to a call and the time for which the vehicle was ordered, or for time lost through inefficiency of the vehicle or its driver. Waiting time shall also include all time during which the vehicle, while en route with passengers, is not in motion due to delays caused by traffic, at a charge not exceeding forty cents (\$0.40) for each one minute or fraction thereof.

(c) There is hereby established a chit system for purposes of allowing reduced taxi rates and fares to senior citizens of the city as they are defined herein. Any citizen of the city who is sixty (60) years of age or older and who presents adequate verification of such age shall be entitled to purchase chits or tickets from the office of any taxi company which is a member of the Newton Taxi Association. Such chits or tickets, which shall be printed on a form approved by the city department of senior services, shall be sold in such a manner that the actual purchase price to a senior citizen is at least ten (10) per cent less than the face value represented thereon. Such chits or tickets shall, upon presentation by a senior citizen to an authorized driver for the issuing company, represent payment for taxi fares and waiting time charges in an amount corresponding to the face value thereof.

(d) *Gasoline surcharge:* A gasoline surcharge may be added to the taxi fare for each trip after the initial taximeter drop. The surcharge shall be \$1.00 from June 1, 2007 through November 30, 2007. Thereafter the surcharge may be established for successive six-month periods beginning on December 1 and June 1 of each year, based on the Gasoline Pump Price for regular gas for the prior day in Boston, Massachusetts as published by the American Automobile Association, and in accordance with the following schedule:

<b><u>Gasoline Pump Price</u></b>	<b><u>Gasoline Surcharge</u></b>
<b>\$ 2.01</b>	<b>\$ 0.50</b>
<b>\$ 2.51</b>	<b>\$ 1.00</b>
<b>\$ 3.01</b>	<b>\$ 1.50</b>
<b>\$ 3.51</b>	<b>\$ 2.00</b>
<b>\$ 4.01</b>	<b>\$ 2.50</b>
<b>\$ 4.51</b>	<b>\$ 3.00</b>

(Rev. Ords. 1973, § 21-26; Ord. No. 8-12-74; Ord. No. 320, 3-19-79; Ord. No. R-135, 4-6-81; Ord. No. S-345, 12-5-88; Ord. No. T-66, 12-18-89; Ord. No. T-121, 2-4-91; Ord. No. T-147, 5-6-91; Ord. No. T-177, 10-21-91; Ord. No. T-220, 3-2-92; Ord. No. W-26, 12-18-00; Ord. No. X-104, 8-9-04; Ord. X-137, 2-7-05;

Ord. No. X-175, 05-26-05; Ord. No. X-172, 9-19-05; Ord. No. X-219, 6-19-06; Ord. No. X-246, 12-18-06; Ord. No. Y-24,7-9-07 )

**Sec. 19-314. Rate card to be displayed.**

Every owner, driver or person having charge of a taxi shall place upon the visor of the taxi or attach to the taximeter in such manner that the same shall be visible to the passenger at all times and have available for inspection by the customer at all times a card at least three (3) by five (5) inches having plainly printed thereon the rate of fare and name of the owner. (Rev. Ords. 1973, § 21-27; Ord. No. T-66, 12-18-89)

**Sec. 19-315. Charges for hire of public automobiles.**

(a) The charges for the hire of public automobiles are established as follows, not to exceed:

- (1) Twenty-four dollars (\$24.00) per hour when such automobile is hired by the hour for travel in the city.
- (2) Two dollars and forty cents (\$2.40) per mile for the first mile when hired by the mile and forty cents (\$0.40) each one-sixth mile.

(b) This section shall not apply to public automobiles hired for funerals, weddings and christenings. (Rev. Ords. 1973, § 21-28; Ord. No. T-66, 12-18-89)

**Sec. 19-316. Vehicles transporting goods.**

(a) No person shall set up, use or drive any wagon, dray or other vehicle, whether on wheels or runners, for the conveyance from place to place within the city, for hire, of any goods, wares, merchandise, furniture or any other article of transportation without a license for such wagon, dray or other vehicle from the board of aldermen.

(b) The board of aldermen may grant such licenses to suitable persons and revoke the same at their discretion. For every license so granted there shall be paid to the city clerk, for the use of the city, the sum of one dollar (\$1.00); provided, that any owner of a job wagon or other vehicle who is licensed to set up or use more than one such vehicle shall pay one dollar (\$1.00) for the first vehicle and fifty cents (\$0.50) for each additional vehicle so licensed. All licenses granted as aforesaid shall expire on the first day of May next after the date thereof.

(c) No person under eighteen (18) years of age shall drive or have charge of any wagon, dray or other vehicle licensed under this section without special permission of the board of aldermen. (Rev. Ords. 1973, § 21-29; Ord. No. T-66, 12-18-89)

**Secs. 19-317—19-329. Reserved.**

DIVISION 2. BUSINESS LICENSE

**Sec. 19-330. Requirement of a license.**

(a) Except as otherwise provided in subsection (d), no person shall engage in the business of transporting persons or goods for hire by means of a taxicab or public automobile within the limits of the city unless:

- (1) said person has obtained for each such vehicle a taxicab or public automobile license, as applicable,

pursuant to sections 19-332 through 19-333 and said license has not been suspended, rescinded, surrendered, revoked or declared void for non-use; and

- (2) each such vehicle which has been so licensed has a current city medallion affixed to the vehicle as directed by the chief of police; and
- (3) the driver of said vehicle is licensed by the city in accordance with the provisions of section 19-346 of the Revised Ordinances and said license has not been suspended, rescinded, or revoked.

(b) Each license issued pursuant to this provision shall designate the vehicle registration number, the Vehicle Identification Number (VIN) and the odometer reading at the time the license is approved; the vehicle medallion number; and, with respect to each taxicab license, the license shall include the serial number of the taximeter.

(c) Taxicab and public automobile licenses shall expire on December 31 of each year.

(d) Notwithstanding the provisions of subsection (a), nothing herein shall be construed as prohibiting a driver of a taxicab or public automobile which is licensed to operate in another city or town of the commonwealth from driving through Newton, or from accepting a passenger, passengers, packages or other merchandise within the city provided that:

- (1) said taxicab or public automobile is requested by or on behalf of said passenger or person requesting a package or merchandise pickup; and
- (2) said request is made by telephone, or by radio dispatch from the owner or operator's principal place of business which is located outside the city.

(e) *Penalty*: Any person who violates the requirements of this section 19-330 shall be subject to a fine of \$300 for each offense. (Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

**Cross reference**—Licensing and permits generally, Ch. 17

#### **Sec. 19-331. Fee for license and taxi stands.**

(a) For every license granted pursuant to section 19-330 there shall be paid, for the use of the city, the fee prescribed by section 17-3.

(b) With each application for assignment of a taxi stand under section 19-305, there shall be paid to the city clerk the handling fee prescribed by section 17-3. (Rev. Ords. 1973, § 21-8; Ord. No. T-66, 12-18-89)

#### **Sec. 19-332. Procedure for obtaining licenses.**

(a) *Procedure for renewal of taxicab and public automobile licenses*: Beginning in September each year, the city clerk shall send a renewal application form and a copy of this ordinance, as may be amended from time to time, to each person who currently holds a taxicab or public automobile license. Said form shall include the following information for each vehicle: the vehicle registration number, the vehicle identification number (VIN) and odometer reading; the vehicle medallion number; and, in addition, with respect to each taxicab license sought, the form shall include the serial number of the taximeter. Said form shall also include the location of the vehicle during business and non-business hours, specifications as to employee parking, vehicle storage and operations, and measures to mitigate any impact on the surrounding area. A separate license shall be required for each vehicle to be used by the applicant. A copy of the registration certificate for each vehicle and a certificate of insurance indicating the amount of coverage for

each vehicle shall accompany the application. Completed application forms shall be returned to the city clerk no later than September 30. The non-refundable fee for each license, as specified in section 17-3 of these Revised Ordinances, shall be paid to the city clerk at the time the completed license application is returned to the city clerk.

(b) *Procedure for obtaining first-time taxicab or public automobile license:* The city clerk shall send an application form for a taxicab or public automobile license to any person requesting the same upon receipt of a registration certificate for each vehicle for which a license is sought. Said form shall include all of the information as required for the renewal form as stated in subsection (a) above. A separate license shall be required for each vehicle to be used by the applicant. The chief of police shall assign a medallion number for each new license issued pursuant to the provisions of this ordinance.

(c) The city clerk shall forward copies of all completed application forms for which all applicable fees have been paid to the chief of police and to board of aldermen during the month of October of each year.

(d) Inspections for the issuance of vehicle licenses and medallions shall be scheduled during the month of October. Upon submission of a completed application form, the applicant for a taxicab or public automobile license shall arrange for an inspection of each vehicle for which a license is sought by contacting the chief of police no later than fifteen (15) days prior to the date the vehicles will be available for inspection. In the event that a vehicle fails such inspection, the applicant shall have thirty (30) days in which to correct all deficiencies noted and schedule a second inspection. The chief of police shall notify the city clerk and the public safety and transportation committee of the board of aldermen of the result of each such inspection. A vehicle which does not pass inspection shall not be eligible for a license.

(e) The public safety and transportation committee of the board of aldermen shall approve or deny each taxicab and public automobile license application in accordance with the provisions of section 19-333 at the first regularly scheduled meeting of said committee during the month of November of each year. The committee shall forward its recommendations for approval or denial to the full board of aldermen during the month of December of each year. The city clerk shall notify each applicant and the chief of police in writing as to the board's decision. Upon receipt of notice that a license application has been approved, the licensee shall contact the chief of police in order to obtain a medallion for each taxicab and public automobile for which a license has been granted.

(f) Each license shall identify the taxi stands to which the licensee has been assigned pursuant to section 19-305 of this ordinance. (Rev. Ords. 1973, § 21-9; Ord. No. 627, 2-19-74; Ord. No. 88, 10-6-75; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93; X-53, 5-19-03; Ord. No. X-54, 5-19-03)

### **Sec. 19-333. Number of licenses.**

(a) No more than one (1) taxicab license shall be issued for each population unit of one thousand (1,000) or additional fraction thereof, except that if a greater number of such licenses shall have been granted, issued or were in force as of November 1, 1992 than would be permissible under said limitation, such licenses shall remain in full force and effect and no subsequent requests for renewals of such licenses by those persons holding such licenses as of November 1, 1992 shall be denied solely for reasons of declining population. If the number of taxicab licenses outstanding as of November 1, 1992 exceeds the limitation set forth herein, no further licenses shall be issued or granted until the number of licenses outstanding shall have been reduced, by cancellation, revocation, failure to renew, failure to use as provided in section 19-336, or otherwise, to an amount less than that permitted by the limitation of this subsection, and, thereafter, licenses may be issued only as provided herein.

(b) No more than one (1) public automobile license shall be issued for each population unit of five

thousand (5,000) or additional fraction thereof, except that if a greater number of such licenses shall have been granted, issued or were in force as of November 1, 1992 than would be permissible under said limitation, such licenses shall remain in full force and effect and no subsequent requests for renewals of such licenses by those persons holding such licenses as of November 1, 1992 shall be denied solely for reasons of declining population. If the number of public automobile licenses outstanding as of November 1, 1992 exceeds the limitation set forth herein, no further licenses shall be issued or granted until the number of licenses outstanding shall have been reduced, by cancellation, revocation, failure to renew, failure to use as provided in section 19-336 of this ordinance, or otherwise, to an amount less than that permitted by the limitation of this subsection, and, thereafter, licenses may be issued only as provided herein.

(c) *Special taxicab or public automobile licenses:* Notwithstanding the provisions of subsection (a) of this section, the board of aldermen, in its discretion, may grant additional taxicab or public automobile licenses to a person who has, on or after the effective date of this section, a written contract to provide transportation services by means of a taxicab and or public automobile to a specially identifiable population, including, but not limited to, elderly persons or persons with special needs. In order to obtain a special license, such a person must file an application for a special license with the city clerk in the manner provided in section 19-332 and provide a notarized copy of such contract. The board of aldermen may grant such licenses for one year, or for the term of the contract, not to exceed a maximum of three years, provided that the licensee shall be required to provide a current notarized copy of the contract to the board of aldermen for each year of the license term of a special license. Special licenses granted pursuant to this provision shall not be included in the number of licenses outstanding for purposes of maintaining the limit on the total number of licenses as set forth in subsections (a) and (b). (Rev. Ords. 1973, § 21-10; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93; Ord. No. W-59, 9-18-01)

**Sec. 19-334. Revocation of licenses without medallions.**

(a) In the event that a medallion is not obtained for the vehicle for hire, within sixty (60) days after the license application is approved or renewed, the license shall be null and void.

(b) The police officer designated by the chief of police in charge of distribution of medallions shall communicate in writing in December of each year to the board of aldermen or its agent as to how many medallions have been issued as of that date.

(c) The board of aldermen, in its discretion, may re-issue any licenses for unused medallions. (Rev. Ords. 1973, § 21-11; Ord. No. T-66, 12-18-89)

**Sec. 19-335. Transfer of licenses.**

Licenses and medallions issued for vehicles pursuant to this ordinance shall not be affixed to or otherwise transferred to a vehicle other than the vehicle for which the license was issued, except as provided in section 19-336(c). Licenses for taxicabs and public automobiles shall not be used interchangeably. In the event of a change in ownership of the holder of a license or licenses issued hereunder, no license shall be renewed or issued until the city clerk is presented with proof of ownership and registration of each taxicab or public automobile for which the holder seeks a license and until the board of aldermen approves such transfer of licenses. (Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

**Sec. 19-336. License plates or medallions; fee for same; transfer to new vehicle.**

(a) Each person who obtains a license for a taxicab or public automobile pursuant to section 19-330 of this article shall obtain a pair of metal plates, or markers or medallions, hereinafter "medallion", issued by the chief of police which shall be affixed to each such vehicle with respect to which a license is so obtained, and

which shall be conspicuously displayed in plain sight on the exterior of the vehicle as directed by the chief of police. A fee of fifty dollars (\$50.00) shall be charged for each pair of plates, markers or medallions. Each medallion shall be of such size and color as the chief of police may determine, shall contain the words "taxi license" or "public automobile license" as applicable, the date of expiration and the number of the license, which number shall be at least one inch in height.

(b) The chief of police shall inspect each vehicle for which a license has been granted during March and October of each year. The odometer reading of each vehicle shall be recorded at the time of the inspection, along with the number of the license and medallion assigned to each vehicle, and, with respect to taxicabs, the serial number of the taximeter. Medallions affixed to vehicles for which the odometer reading indicates mileage of less than 2,000 miles since the date of the inspection, shall be removed by the chief of police and surrendered without return of the license or medallion fee or any portion of said fees.

(c) *Transfer of taxicab or public automobile license upon sale of vehicle:* Whenever a person who is the holder of a license for a taxicab or public automobile sells or otherwise retires from use any taxicab or public automobile licensed pursuant to this article, and such vehicle is replaced by another vehicle to be used as a taxicab or public automobile, then, upon presentation of the registration certificate of such new vehicle to the city clerk by the holder of such license, the new vehicle shall become a licensed taxicab or public automobile without payment of any additional fee, provided that the chief of police has inspected and approved each such new vehicle for use and provided that, with respect to a taxicab, the taximeter is approved by the sealer of weights and measures and the serial number of such taximeter is recorded on the license of the new taxicab by the sealer of weights and measures. The medallion issued with respect to such taxicab or public automobile so sold or retired from use may be affixed to the new vehicle upon inspection of said new vehicle by the chief of police and, with respect to a taxicab, upon approval of the taximeter as required by this provision. (Rev. Ords. 1973, § 21-9; Ord. No. 627, 2-19-74; Ord. No. 88, 10-6-75; Ord. No. T-66, 12-18-89; Ord. No. T-168, 9-3-91; Ord. No. T-291, 8-9-93)

**Sec. 19-337. Procedure for suspension or revocation of licenses with medallions.**

(a) A license for which a medallion has been obtained may be suspended or revoked for a violation of any of the provisions of this article or for just cause, as determined by the board of aldermen. Except as otherwise provided in section 19-336(b) and subsections (b) and (c) of this section, no license shall be suspended or revoked until after a public hearing, held by the public safety and transportation committee of the board of aldermen, or such other committee as may be designated by the board of aldermen in accordance with its rules and regulations. Said public hearing shall be held not less than seven (7) working days after notice of the intent to suspend or revoke has been sent by certified mail to the licensee.

(b) Notwithstanding the provisions of the foregoing subsection (a), a person who operates a vehicle or vehicles licensed pursuant to this ordinance shall surrender the medallion of any such vehicle upon request of the chief of police for operating a vehicle which (1) fails to satisfy all of the requirements of the vehicle inspection as stated in section 19-309; or (2) for operating a vehicle for which the vehicle registration and/or insurance has lapsed.

(c) A person who operates a vehicle or vehicles licensed pursuant to this ordinance shall notify the chief of police if a vehicle has been out of service for more than fourteen (14) consecutive days and shall surrender the medallion of such vehicle to the chief of police unless the licensee establishes to the satisfaction of the chief of police that said vehicle is out of service in order for the licensee to perform or procure repairs. If the vehicle is being repaired, the licensee shall provide the date by which the vehicle will be returned to service and notify the chief of police when the vehicle is returned to service. In the event that the vehicle remains out of service for more than fourteen (14) days beyond the anticipated repair date and the licensee is unable to establish to the satisfaction of the chief of police that the delay is warranted, then

the licensee shall surrender the medallion to the chief of police.

(d) The chief of police shall notify the clerk of the board of aldermen of each medallion that has been confiscated in the manner provided in subsections (b) and (c) of this section and which has remained in the possession of the chief of police for more than thirty (30) consecutive days. Upon receipt of such notice, the public safety committee, or such other committee as may be designated by the board of aldermen, shall schedule a hearing to revoke the license of such vehicle and shall provide notice of the same to the licensee in the manner provided in subsection (a) of this section. Nothing herein shall be construed to prohibit a licensee from requesting a hearing upon the confiscation of a medallion as provided in subsections (b) and (c) of this section. (Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

### Sec. 19-338. Limousine permits.

Every person who is engaged in the business of transporting persons for hire by means of a limousine, as defined herein, shall obtain a business permit from the city clerk. Said permit shall be issued upon receipt of a completed application form and upon payment of a non-refundable fee which shall not exceed the cost of administering the issuance of said permit, and which, in any event, shall not exceed twenty-five dollars (\$25.00) for each limousine owned and operated by the business. Said permit shall expire on December 31 in each year. Prior to the issuance of a permit in each year, the applicant must comply with the procedures in Sec. 19-309(b) and Sec. 19-332(d) pertaining to police department inspection for each limousine owned and operated by the business. The permit application form shall include, but not be limited to, the following information:

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- (1) the name and address of the business and the names of the corporate officers, if any;
  - (2) the name of the business manager or other person to contact in regard to complaints;
  - (3) the total number of limousines owned and operated by the business; ~~and~~
  - (4) a copy of the vehicle registration for each limousine. (~~Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93~~)
  - (5) Confirmation from the police department that the applicant has complied with the procedures in Sec. 19-309(b) pertaining to police department inspection for each limousine owned and operated by the business and that each limousine has passed such inspection.
- (Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

**Editor's note:** As amended in 1983, this section required such permits to be obtained within ninety days of its effective date.

### Sec. 19-339. Van license.

(a) Except as otherwise provided in subsection (d), no person shall engage in the business of transporting persons or goods for hire by means of a van within the limits of the city unless:

- (1) said person has obtained for each such vehicle a van license, as applicable, pursuant to this section and said license has not been suspended, rescinded, surrendered, revoked or declared void for non-use; and

(2) the driver of said vehicle is licensed by the city in accordance with the provisions of section 19-346 of the Revised Ordinances and said license has not been suspended, rescinded, or revoked.

(b) Each license issued pursuant to this provision shall designate the vehicle registration number, the Vehicle Identification Number (VIN) and the odometer reading at the time the license is approved.

(c) Van licenses shall expire on December 31 of each year.

(d) Notwithstanding the provisions of subsection (a), nothing herein shall be construed as prohibiting a driver of a van which is licensed to operate in another city or town of the commonwealth from driving through Newton, or from accepting a passenger, passengers, packages or other merchandise within the city provided that:

(1) said van is requested by or on behalf of said passenger or person requesting a package or merchandise pickup; and

(2) said request is made by telephone, or by radio dispatch from the owner or operator's principal place of business which is located outside the city.

(e) For every license granted pursuant to this section there shall be paid, for the use of the city, the fee prescribed by section 17-3, which shall not exceed \$25.00 per van.

(f) *Procedure for obtaining first-time van license:* The city clerk shall send an application form for a van license to any person requesting the same upon receipt of a registration certificate for each vehicle for which a license is sought. Said form shall include all of the information set forth below. A separate license shall be required for each vehicle to be used by the applicant. Prior to the issuance of a license, applicant shall follow the procedures in Sec. 19-309(b) pertaining to police department inspection of each van to be licensed.

(1) the name and address of the business and the names of the corporate officers, if any;

(2) the name of the business manager or other person to contact in regard to complaints;

(3) a copy of the business certificate from a municipality of the Commonwealth issued pursuant to G.L. c. 110, §5;

(4) the total number of vans owned and operated by the business;

(5) a copy of the vehicle registration for each van and a certificate of insurance indicating the amount of coverage for each van; the Vehicle Identification Number (VIN) and the odometer reading; and

(6) Confirmation from the police department that the applicant has complied with the procedures in Sec. 19-309(b) pertaining to police department inspection for each van and that each such van has passed inspection.

~~confirmation that each van is:~~

~~a) equipped with working seatbelts in open view and available for use in all seating areas used by passengers; and~~

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~~b) kept in good condition, with the interior kept clean and suitable for occupancy and mechanically fit for the safety of passengers.~~

(g) *Procedure for renewal of van licenses:*

Beginning in September of each year, the city clerk shall send a renewal application form and a copy of this section, as may be amended from time to time, to each person who currently holds a van license. Said form shall include the following information for each vehicle: the vehicle registration number, the vehicle identification number (VIN) and odometer reading. A separate license shall be required for each vehicle to be used by the applicant. A copy of the registration certificate for each vehicle and a certificate of insurance indicating the amount of coverage for each vehicle shall accompany the application. Completed application forms shall be returned to the city clerk no later than September 30. The non-refundable fee for each license, as specified in section 17-3 of these Revised Ordinances, shall be paid to the city clerk at the time the completed license application is returned to the city clerk. Prior to the renewal of a license, applicant shall follow the procedures in Sec. 19-309(b) pertaining to police department inspection of each vehicle to be licensed

The public safety and transportation committee of the board of aldermen shall approve or deny each van license application at the first regularly scheduled meeting of said committee during the month of November of each year. The committee shall forward its recommendations for approval or denial to the full board of aldermen during the month of December of each year. The city clerk shall notify each applicant in writing as to the board's decision. (Ord. No. X-54, 5-19-03)

**Sec. 19-340 Penalties.**

Any person who violates any provision of sections 19-302 through 19-338, excluding section 19-330, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), and each day or part thereof during which a violation occurs or continues shall constitute a separate offense. (Ord. No. T-291, 8-9-93)

**Secs. 19-340—19-345. Reserved.**

**Sec. 17-3. Fees for certain licenses and permits.**

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be paid a fee on an annual basis or unless otherwise noted to the city clerk for each of the following applications, permits, licenses or charges, the sum set forth as follows:

- (1) Motor vehicle dealer's license first, second and third class..... \$100.00
- (2) Billiard, pool tables, bowling centers (non coin operated)..... \$15.00 each
- (3) Dealer in second-hand articles (antique, consignment or pawn broker shops) ..... \$50.00
- (4) Storage of inflammables; public and private
  - a) 500 gals or less ..... \$10.00
  - b) 501 gals to 5,000 ..... \$30.00
  - c) 5001 gals to 10,000 ..... \$40.00
  - d) 10,000 gals to 20,000 ..... \$50.00
  - e) over 20,000 gals ..... \$60.00
- (5) Blasting bond permits (G.L. c. 148, § 19) ..... \$10.00
- (6) Junk collector's license ..... \$100.00
- (7) Junk dealer's license (storage yards)..... \$100.00
  - a) Dealers in secondhand articles..... \$50.00
- (8) Lodging house and dormitory licenses  
..... \$50.00
- (9) Musical instrument performers and street singers
  - a) Commercial applicants per event..... \$20.00
  - b) Non-profit applicants per event ..... \$5.00
- (10) Public Auto/Van/Limousine permit fee, each vehicle ..... \$25.00
- (11) Taxi license, each vehicle ..... \$25.00
  - a) Taxi license, each driver ..... \$25.00

b) Replacement for lost taxi license, each driver .....	\$10.00
(12) Taxi stand, each location .....	\$15.00
(13) Sale of municipal ordinances per copy .....	\$75.00
a) Sale of zoning ordinances per copy .....	\$25.00
b) Sale of government and officers booklet, per copy .....	\$3.00