

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE AGENDA

WEDNESDAY, OCTOBER 9, 2013

7:00 PM **PLEASE NOTE EARLY START TIME**

Room 209, then Room 202

**ITEMS SCHEDULED FOR DISCUSSION:**

*The Committee will meet jointly with the Public Facilities Committee on the following item at 7:00 pm in Room 209.*

**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]  
**HELD 8-0 on 09/18/13**

#311-13 ALD. LENNON, requesting a discussion of proposed changes to Chapter 17, Article IV –Second Hand Junk Dealers, of the Revised Newton Ordinances in an effort to tighten up language to address concerns of the Police Department. [09/09/13 @ 1:19 PM]

#310-13 ALD. LENNON, on behalf of Dominic Proia, 17 Peabody Street, to discuss an amendment to the resident permit parking program. [09/09/13 @ 1:19 PM]

**ITEMS NOT SCHEDULED FOR DISCUSSION:**

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

#314-13 NEWTON POLICE DEPARTMENT, proposing that **Sec. 19-336(a). License plates or medallions; fee for same; transfer to new vehicle.** be increased from \$50 to \$100, effective 2014. [09/12/13 @ 11:21 AM]

#302-13 ALD. FULLER, CICCONE & ALBRIGHT, requesting a presentation and discussion by the Executive Office and Chief of Police on the findings of the recently completed Newton Police Department departmental review. [08/12/13 @ 8:32 PM]

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

- #244-13 ALD. SWISTON, on behalf of Beth Birnham, 24 Stanley Road, Waban, requesting the development of a wildlife management plan that may include a communications policy, a citizen group and public education. [06/12/13 @ 2:56 PM]
- #150-13 ALD. JOHNSON, ALBRIGHT & LINSKY, requesting the Planning Department create a traffic and parking management plan for the Education Center, Day Middle School, Horace Mann Elementary School and Carr School neighborhood area by December 2013. [03/29/13 @ 9:11 AM]

**REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES**

- #428-12 ALD. CICCONE & FULLER requesting a discussion with the Executive Office and the Police Department regarding police staffing and overtime costs. [12/07/12 @ 1:34 PM]  
**HELD 6-0, Ald. Swiston not voting on 01/09/13**
- #300-12 DIRECTOR OF PLANNING & DEVELOPMENT, requesting amendments to Chapter 19 to establish parameters around which parking meter “holidays” may be allowed and identifying the authority for making determinations of eligibility. [09/24/12 @ 3:17 PM]  
**HELD 5-1-0, Ald. Johnson opposed, Fuller and Yates not voting on 02/06/13**
- #299-12 DIRECTOR OF PLANNING & DEVELOPMENT, requesting a discussion regarding a policy-based management plan for parking. [09/24/12 @ 3:17 PM]  
**HELD 6-0, Ald. Fuller and Yates not voting on 02/06/13**

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.
- #240-12 RECODIFICATION COMMITTEE requesting that **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended to determine who has jurisdiction for parking on municipal land, the owning department as described in **Sec. 19-224. Parking prohibited on city grounds.** or the Traffic Council as described in **Sec. 19-26. Authority and role of Traffic Council.**
- #239-12 RECODIFICATION COMMITTEE requesting a discussion as to whether the increased Tiger Permit Fees in **Chapter 19 MOTOR VEHICLES AND TRAFFIC** and the process established as part of the temporary Tiger program are still valid for the smaller permanent program.

- #238-12 RECODIFICATION COMMITTEE requesting a discussion to determine whether Hawk lights should be regulated in **Chapter 19 MOTOR VEHICLES AND TRAFFIC** or in the *Traffic and Parking Regulations*.
- #237-12 RECODIFICATION COMMITTEE requesting a discussion relative to amending **Sec. 19-188 Establishment of spaces and installation of parking meters; type of meters; operation and maintenance.** of **Chapter 19 MOTOR VEHICLES AND TRAFFIC** by deleting in paragraph (a) the reference to specific denominations for payment.
- #236-12 RECODIFICATION COMMITTEE recommending **Sec. 19-175. Angle parking.** of **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended by deleting the words “board of aldermen” and inserting in place thereof the words “traffic council” and by inserting after the word “and” the words “the commissioner of public works”.
- #235-12 RECODIFICATION COMMITTEE recommending that **Sec. 19-113. Pedestrians crossing ways or roadways.** in **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended by removing the existing description of a marked crosswalk.
- #234-12 RECODIFICATION COMMITTEE recommending that the definition of *Speed humps* in **Sec. 19-1.** of **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended to make it consistent with current design/practice standards.
- #233-12 RECODIFICATION COMMITTEE recommending that the definition of *Crosswalk* in **Sec. 19-1.** of **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended to define that it is a portion of a roadway clearly indicated for pedestrians crossing with marked lines only.
- REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES**
- #413-11 ALD. CICCONE, SALVUCCI, GENTILE & LENNON updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city’s fire stations. [11/17/11 @ 11:07 AM]
- #137-11 ALD. DANBERG AND FULLER requesting possible changes to City Ordinance 19-191, Parking Meter Fees, to require a minimum purchase at long-term parking meters in order to discourage short-term use. [4/26/11 @ 9:52 AM]  
**HELD 5-0, Ald. Fuller not voting on 01/23/13**

Respectfully submitted,

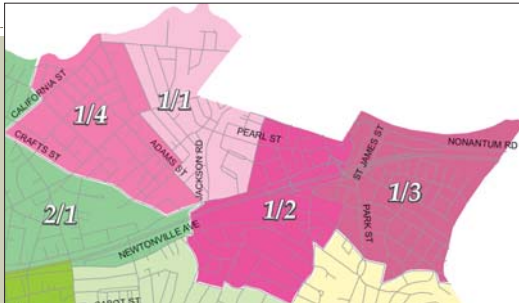
Allan Ciccone, Jr. Chairman

## 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

**19-206. Overnight on-street resident parking permit program**

Notwithstanding the provisions of Section 19-174(b), there shall be a resident overnight on-street parking permit program (the “program”) in the City of Newton to govern overnight on-street parking of residents’ motor vehicles during the winter. Such program shall commence on November 15, 2013 and expire on April 15, 2014 unless renewed or modified by the board of aldermen. The program shall be administered by the chief of police or his designee.

A. *Overnight on-street resident parking permit, eligibility*

- (1) A resident overnight on-street parking permit of a design specified by the chief of police shall be issued by the police department to an owner or lessor of a motor vehicle which is registered in the Commonwealth of Massachusetts or other state, with a registered gross weight of under two and one-half (2 ½) tons, principally garaged in the City of Newton, owned or leased by a resident of the City of Newton who otherwise qualifies for of issuance of a permit under this section.
- (2) Residents of properties located within one thousand (1,000) feet of a municipal parking lot shall not be eligible to receive a permit.
- (3) Commercial vehicles shall not be eligible to receive a permit.
- (4) Eligibility is limited to residents of Ward 1.

B. *Locations and number of overnight parking permits*

- (1) (a) The chief of police, with guidance from the fire chief and the commissioner of public works, shall determine the locations where overnight on-street permit parking will be allowed. Approved parking locations are subject to change.  
  
(b) The chief of police shall, in the exercise of his discretion, determine which location to assign to a particular resident based on consideration of the street conditions, street capacity, availability of spaces, proximity, as well as considerations of public safety. No resident is guaranteed a permit or an assignment to any particular location.
- (2) The maximum number of permits allowed is as follows:
  - (a) No more than one permit is allowed per individual for no more than one vehicle;

(b) The maximum number of permits allowed per dwelling unit shall be equal to the number of vehicles registered to the dwelling unit, less the number of off-street parking spaces available on the property to the residents of that dwelling unit, as determined by the chief of police, provided, however, that no more than three permits may be issued per dwelling unit.

C. *Procedure and fees*

(1) Applications for a permit shall be submitted on such form and in such manner as the chief of police may specify.

(2) The following non-refundable fees to defray the costs of program administration shall be payable as directed by the chief of police:

Application fee:	\$20.00 per vehicle
Permit Fee:	\$80.00 per vehicle
Permit replacement fee:	\$ 5.00

(3) Each application shall be accompanied by:

- (a) A non-refundable application fee of \$20.00;
- (b) Such proof of residency as may be required by the chief of police;
- (c) Such proof of the number of vehicles registered to the applicant's address as may be required by the chief of police.

(4) Upon receipt of an application, the chief of police shall investigate each application by conducting a site visit in order to determine the number of off-street parking spaces available for the applicant's dwelling unit.

(5) In the event the chief of police determines an applicant to be eligible for a permit, he shall determine and assign the location for which the permit shall be valid, and shall notify each applicant of any determination. Determinations of the chief of police under this section shall be final.

(6) Upon notification of eligibility and location assignment, the applicant shall pay an additional non-refundable permit fee of \$80.00 in order for the permit to issue.

(7) Any outstanding fines for parking violations attributable to the motor vehicle for which a permit is requested must be paid in full before such permit is issued.



D. *Display of overnight resident parking permit*

The chief of police shall establish rules governing display of permits. A permit that is not properly displayed or visible shall not be a valid permit. Each permit shall visibly display the registration number of the vehicle to which it is assigned, the assigned location, and the expiration date of the permit.

E. *Effect of overnight on-street resident parking permit*

(1) Vehicles which display a valid permit shall be exempt from the winter overnight parking restrictions specified in section 19-174(b). Such permit shall not be valid in any street or in any location other than the location to which it is assigned.

(2) Permits shall not be in effect during the period of a declared snow emergency.

(3) The chief of police may temporarily suspend the effect of permits in any location if he determines such suspension is necessary for public safety purposes.

(4) A permit is not valid for any vehicle other than the vehicle for which it was issued and whose registration number is displayed on the permit.

(5) Until its expiration, surrender or revocation, a permit shall remain valid until April 15, 2014.

F. *Revocation of permits*

(1) A permit shall be revoked if it is transferred to a different vehicle than the vehicle to which it was assigned.

(2) A permit shall be revoked if the vehicle's registration address changes, or if the applicant no longer resides at the address.

(3) A permit may be revoked if the vehicle is not removed from the location during a declared snow emergency or during a temporary period of suspension for public safety purposes.

G. If any provision of this section or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this section and the application of such provision to other persons or circumstances shall not be affected thereby.

BOARD OF ALDERMEN

# 311-13

RECEIVED  
Newton City Clerk

CITY OF NEWTON

DOCKET REQUEST FORM

2013 SEP -9 PM 1:19

**DEADLINE NOTICE: Aldermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. ON THE MONDAY PRIOR TO A FULL BOARD MEETING.**

To: Clerk of the Board of Aldermen

Date: September 9, 2013

From (Docketer): Scott Lennon

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Additional sponsors: \_\_\_\_\_

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

requesting a discussion of proposed changes to Chapter 17, Article IV - Second Hand Junk Dealers, of the Revised Newton Ordinances in an effort to tighten up the language to address concerns of the police department.

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

- |  |  |
|--|--|
| <input type="checkbox"/> Fact-finding & discussion             | <input checked="" 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 checked="" 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:  
\_\_\_\_\_

- 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 on reverse
- Following public hearing

PLEASE FILL OUT BOTH SIDES

**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~~100.00
- (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~~100.00
- (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/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

**ARTICLE IV.  
SECONDHAND AND JUNK DEALERS**

**DIVISION 1. GENERALLY**

**Sec. 17-83. Identification of seller required.**

No person licensed to deal in second-hand articles shall acquire any such article for resale unless first shown positive identification by the prospective seller. The person so licensed shall retain a photographic copy of each prospective seller's identification. (Rev. Ords. 1973, § 9-7; Ord. No. 292, 8-14-78)

**Cross reference**—Recycling and Trash, Ch. 11

**State law references**—Licensing, regulation of junk and secondhand dealers, G.L. c. 140, § 54; control of junkyards, G.L. c. 140B

**Sec. 17-84. Book required to be kept; weekly reports to be filed with police department.**

(a) Every shopkeeper licensed to deal in second-hand articles shall maintain a book in which each such article is recorded at the time of acquisition. Such book shall be maintained legibly, and no entry shall be erased, obliterated or defaced. The following, or such other form, including electronic form, and such other information as may be required by the chief of police, shall be used:

Name and place of business of licensee:

\_\_\_\_\_

<i>Description of Article</i>	<i>From whom acquired</i>	<i>Date and Hour Acquired</i>
(Include serial nos., engravings, markings)	(Name, age, address)	

\* \* \* \* \*

~~(b) In the case of acquisition by lots or on consignment, items with a purchase price of less than twenty five dollars (\$25.00) each may be grouped and described according to category.~~

(eb) A duplicate, legible copy of each week's entries in such book and in such form as may be required by the chief of police shall be delivered by the licensee to the chief of police by no later than 5:00 p.m. on the Monday following the close of each business week. The chief of police may grant a waiver of the reporting requirement for classes of articles or types of transactions, in accordance with regulations proposed by the chief of police and approved by the board of aldermen. (Rev. Ords. 1973, § 9-8; Ord. No. 292, 8-14-78)

**Cross reference**—Police, Ch. 24

**Sec. 17-85. Police examination of weekly reports.**

The chief of police shall designate an officer to examine each report for the purpose of locating any article that is like or similar to one which may have been reported lost or stolen. If any such article is found, the licensee(s) shall be so notified and thereafter shall place a "hold" not to exceed thirty (30) seven (7) days on said article while an investigation is made to determine the true owner. (Rev. Ords. 1973, § 9-9; Ord. No. 292, 8-14-78)

**Sec. 17-86. Waiting period before sale of goods; waiver.**

(a) No shopkeeper licensed to deal in second-hand articles shall permit to be sold any such articles acquired by him until thirty (30) ~~five (5)~~ days shall have passed after the date of filing of the weekly report to the chief of police.

(b) The chief of police may grant waivers in writing of the waiting period for specific articles, classes of articles, or types of transactions in accordance with regulations proposed by the chief of police and approved by the board of aldermen. (Rev. Ords. 1973, § 9-10; Ord. No. 298, 8-14-78)

**Sec. 17-87. Enforcement; inspection.**

For the purposes of enforcing this chapter the chief of police or any police officers authorized by him may, during business hours, enter upon the business premises used by a licensee and may make a reasonable demand to be shown any or all articles covered by the license. All such articles shall be exhibited to any such officer whenever a reasonable demand shall be made for same. (Rev. Ords. 1973, § 9-11; Ord. No. 298, 8-14-78)

**Sec. 17-88. Dealing with minors prohibited.**

No dealer in junk, old metals or second-hand articles shall directly or indirectly purchase or receive by way of barter or exchange such goods, or allow such goods to be deposited upon or within his premises, shop or vehicles by any person known or believed to be under eighteen (18) years of age, a minor. (Rev. Ords. 1973, § 9-12; Ord. No. 298, 8-14-78)

**Sec. 17-89. Manner of storage.**

(a) No second-hand articles or junk shall be stored in any yard nearer than four (4) feet to any building, and clear space of four (4) feet shall be left between any such articles so stored and the rear or sideline of the lot, except when these lines are the line of a street or passageway at least four (4) feet wide.

(b) Any such articles stored outside on a licensee's premises shall be stored in an orderly manner and shall be screened from view by landscaping or fencing. (Rev. Ords. 1973, § 9-13; Ord. No. 298, 8-14-78)

**Sec. 17-90. Sale and marking of new articles.**

Whenever new, unused or unworn articles are displayed, offered for sale or sold under the same license or on the same licensed premises where the sale of used or second-hand articles is permitted, such used or secondhand articles must be marked clearly and conspicuously as such. (Rev. Ords. 1973, § 9-14; Ord. No. 298, 8-14-78)

**Sec. 17-91. Articles not covered by this article.**

The purchase, sale or barter of clothing, excluding furs, books, prints, coins or stamps shall not be deemed to be purchase, sale or barter of secondhand articles within the meaning of G.L. c. 140, §§ 54 and 55 relating to the licensing of secondhand articles dealers. (Rev. Ords. 1973, § 9-16; Ord. No. 298, 8-14-78)

**Secs. 17-92—17-102. Reserved.**

## DIVISION 2. LICENSES

**Sec. 17-103. Required.**

No person shall be a dealer in, collector of or keep a shop for the purchase, sale or barter of secondhand articles, old metals or junk unless licensed by the chief of police. In deciding whether to grant a license to an applicant, the

chief of police shall consider:

- (1) whether the applicant has a criminal record, particularly a record of theft, burglary, robbery, larceny, receiving stolen goods or the like;
- (2) the proposed storage facilities for the second hand articles or junk;
- (3) the location of the proposed place of business; and
- (4) whether the public's interest or convenience is served by granting the license. (Rev. Ords. 1973, § 9-1; Ord. No. 292, 8-14-78; Ord. No. T-86, 4-2-90)

**Sec. 17-104. Classes; fees.**

(a) Licenses issued under this division shall be of two (2) classes: Class I, dealers in second-hand articles, including antiques and old metals (hereinafter called "secondhand articles"); and Class II, junk dealers and junk collectors.

(b) Any person receiving a license pursuant to this division shall pay for such license the fee prescribed by section 17-3. (Rev. Ords. 1973, § 9-2; Ord. No. 292, 8-14-78)

**Sec. 17-105. Numbering; contents; posting.**

(a) All licenses granted under the provisions of this division shall be numbered.

(b) A copy of this division shall be printed upon every license issued hereunder. Such license shall set forth the name of the licensee(s), number of the license, and the nature and permanent location at which the business is to be carried on.

(c) Every such license shall be posted conspicuously in the permanent place of business of the licensee. (Rev. Ords. 1973, § 9-3; Ord. No. 292, 8-14-78)

**State law reference**—Contents of license, G.L. c. 140, § 202

**Sec. 17-106. Conformance with zoning ordinance; removal to another location.**

(a) No license shall be issued to a dealer in secondhand articles or junk unless the licensee's place of business is located in conformity with the requirements of the zoning ordinance, chapter 30 of the Revised Ordinances of the city.

(b) No such dealer shall change the permanent place of business from that designated in the license without the prior consent of the chief of police. (Rev. Ords. 1973, § 9-4; Ord. No. 292, 8-14-78; Ord. No. T-86, 4-2-90)

**Sec. 17-107. Revocation of license.**

The chief of police may revoke after a public hearing any licenses issued pursuant to this division when revocation is deemed to be in the public interest or convenience. Failure to comply with any term or provision of this article may result in the suspension or revocation of a license. (Rev. Ords. 1973, § 9-15; Ord. No. 298, 8-14-78; Ord. No. T-86, 4-2-90)

**Sec. 17-108. Duration; renewal.**

Each license issued under this division shall be in effect for twelve (12) months from the date of its issuance, and

§ 17-108

NEWTON ORDINANCES – LICENSES AND PERMITS GENERALLY

§ 17-108

may be renewed annually. (Rev. Ords. 1973, § 9-5; Ord. No. 292, 8-14-78)

**Secs. 17-109—17-129. Reserved.**

BOARD OF ALDERMEN

# 310-13

RECEIVED  
Newton City Clerk

CITY OF NEWTON

2013 SEP -9 PM 1:19

DOCKET REQUEST FORM

**DEADLINE NOTICE:** Aldermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. ON THE MONDAY PRIOR TO A FULL BOARD MEETING.

To: Clerk of the Board of Aldermen

Date: September 9, 2013

From (Docketer): Scott Lennon

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Additional sponsors: \_\_\_\_\_

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

Scott Lennon on behalf of Dominic Proia, 17 Peabody Street, to discuss an amendment to the resident permit parking program.

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

- |  |  |
|--|--|
| <input type="checkbox"/> Fact-finding & discussion             | <input checked="" 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 checked="" 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:

\_\_\_\_\_

- 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 on reverse
- Following public hearing

PLEASE FILL OUT BOTH SIDES



- (4) Resident stickers and visitor permits and ordinances governing their use shall be effective daily between the hours of 7:00 p.m. and 7:00 a.m. for municipal lot parking. All other parking and traffic regulations and ordinances of the City of Newton remain in full force and effect and must be obeyed by sticker or permit parkers.
- (5) All sticker or permit parking in municipal lots shall automatically be suspended upon the declaration of a snow emergency in the city by the chief of police or his designee.
- (6) Resident stickers and visitor permits will automatically be revoked if a motor vehicle ceases to qualify under this section, if the sticker or permit is applied to a vehicle other than the one so designated at the time of application, or if the applicant for a visitor permit ceases to qualify under this section.
- (7) For purposes of this section, all references to municipal parking lots or to municipal lots shall be deemed the equivalent of references to municipal off-street parking areas as may appear in chapter 19 of the Revised Ordinances or the traffic and parking regulations. References to municipal parking lots, municipal lots or municipal off-street parking areas shall not include any parking areas adjacent to Newton public schools or within school grounds.
- (8) Appeals from this section must be filed in writing with the board of aldermen within thirty (30) days of the police department's denial of an application for a resident sticker or visitor permit, which board shall be limited in its review to factual errors in information submitted to the chief of police or the police department or to whether the chief of police or police department's discretion was abused.
- (9) This ordinance, together with any amendments thereto, will be posted in the offices of the police department. (Ord. No. R-288, 1-17-83; Ord. No. R-289, 2-8-83; Ord. No. R-294, 2-22-83; Ord. No. S-2, 7-11-83; Ord. No. T-304, 11-1-93; Ord. No. Z-111, 06-18-12)

**Sec. 19-201. Resident sticker and visitor permit parking program.**

There shall be a resident sticker and visitor permit parking program in the City of Newton to govern parking of residents' and visitors' motor vehicles on designated city streets in restricted areas during designated times, as follows:

*A. Establishment of restricted area.*

- (1) One or more residents or property owners of the City of Newton, the chief of police or the commissioner of public works or his designee may petition the traffic council to establish, extend, reduce or delete an area in which parking shall be restricted to vehicles displaying valid resident stickers or visitor permits for that area. In order for a resident's or property owner's petition to establish or extend a restricted area to be considered by the traffic council, it must be submitted with signatures of one or more residents of each of at least fifty percent (50%) of the dwelling units located in the area in which parking restrictions are proposed. Such an area may be any portion or all of one or more streets, but the minimum proposed restricted area must be at least one street block in length, and any restricted area must be bordered only by properties the primary use of which is residential. In accordance with guidelines approved by the board of aldermen, the traffic council may consider a petition for a restricted area that is not bordered only by properties the primary use of which is residential or for a restricted area that is less than one block in length. In addition, no petition for a restricted area will be considered unless alternative parking restrictions, such as time limitations or parking prohibitions, covering the entire proposed restricted area, have been in effect for at least one (1) year immediately prior to such consideration. Permit parking restrictions shall not be established for any period between 2:00 a.m. and 6:00 a.m.

- (2) Upon receipt of such a petition as specified above, the traffic council shall schedule a public hearing within ninety (90) days and notices of such hearing shall be sent to abutters and to those residents and property owners of record at all addresses within five hundred (500) feet of the proposed or existing restricted area. The traffic council shall not deny a petition because of defects in the notice procedure required by this section, unless a resident, property owner, or abutter has been prejudiced thereby.
- (3) In reviewing the petition, the traffic council shall consider the following criteria:
  - a) vehicular circulation and safety;
  - b) pedestrian safety;
  - c) lack of convenient off-street parking for residents of the area of the proposed restriction;
  - d) level of demand for on-street parking by nonresidents of the area of the proposed restriction, including analysis of probable displacement of nonresidential parking to adjacent residential areas if the proposed restrictions should be implemented;
  - e) extent to which existing and/or alternative parking regulations are ineffective to deal with parking problems in the area of the proposed restriction.
- (4) The traffic council may establish a restricted area only in an area where alternative parking restrictions, such as time limitations or parking prohibitions, have been in effect for at least one (1) year immediately prior to the petition. The traffic council shall review the effectiveness of the existing restrictions prior to establishment of a new restricted area.
- (5) Following the public hearing, the traffic council may adopt a regulation establishing or deleting one or more areas, as related to the petition, in which parking shall be restricted to residents of the particular restricted areas during time periods to be established as part of such ordinance.
- (6) This section shall not apply in neighborhood parking districts established pursuant to Section 19-202.

*B. Issuance of resident parking stickers:*

- (1) Resident parking stickers shall identify the restricted area to which they apply and shall be of a design specified by the chief of police. One such sticker for a restricted area shall be issued by the chief of police or his designee to an owner of a motor vehicle which is registered in the Commonwealth of Massachusetts, with a registered gross weight of under two and one half (2½) tons, which is principally garaged in the City of Newton at an address which borders a restricted area or which is contiguous to a lot that borders said restricted area, as established in accordance with subsection (a) above, which is owned or used by a resident of the City of Newton at said address, and which otherwise qualifies for issuance of a sticker under this section. Notwithstanding the foregoing, the owner of a motor vehicle principally garaged at a lot which is contiguous to the rear lot line of a non-corner lot bordering the restricted area will not be entitled to a sticker.
- (2) Upon establishment of a restricted area by the traffic council, the city engineer shall determine those addresses at which registered vehicles shall be eligible to receive resident parking stickers, and forward a list of such addresses to the chief of police and to the board of assessors. The board of assessors shall provide a description of the use at each address including the existing number of dwelling units as it appears in the assessing records, and forward that information to the chief of police.

- (3) Acceptable proof of residency in subsection (1) hereof will be either (A) a current registration certificate issued by the Registry of Motor Vehicles, Commonwealth of Massachusetts, stating the information required in subsection (1); or (B) a current registration certificate issued by the Registry of Motor Vehicles, Commonwealth of Massachusetts, accompanied by a Massachusetts Registry of Motor Vehicles "Change of Address Form", properly completed and stating the information required in subsection (1). The police department may require the Registry of Motor Vehicles "Change of Address Form" to be completed by the applicant and left with the department for mailing directly to the Registry of Motor Vehicles if there is any doubt as to the authenticity of the applicant's proof under subsection (3)(B). The Registry form must contain the information required in subsection (1).
- (4) The number of resident parking stickers issued to a resident at an eligible address shall be limited as follows: the maximum number of resident parking stickers for residents at eligible addresses shall be two (2) per dwelling unit. Motor vehicles not registered at the address shall not be eligible for a sticker.
- (5) Other provisions governing resident sticker parking:
  - a) Resident parking stickers shall show the registration number of the vehicle to which it is assigned, the sticker's effective year, and the area in which it is effective.
  - b) The chief of police may establish rules governing the display of resident parking stickers.
  - c) Resident parking stickers shall expire on December 31 of each year.
  - d) Any outstanding fines for parking violations attributable to the motor vehicle for which a resident parking sticker is requested must be paid in full before said sticker is issued.
  - e) The fee for resident parking stickers shall be twenty-five dollars (\$25.00) per year per vehicle.
  - f) Notwithstanding the provisions of this section or any other provision in this chapter to the contrary, no penalty shall be imposed for the parking on any street designated as resident permit parking area of any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinctive number plate authorized by section 2 of chapter 90 of the General Laws or for the parking of any vehicle used to transport a disabled veteran or handicapped person who bears a properly displayed special parking identification placard as authorized by section 2 of chapter 90 of the General Laws.

*C. Issuance of visitor parking permits:*

- (1) Visitor parking permits shall be distinguished by area, shall be transferable between vehicles, and shall be of a design specified by the chief of police.
- (2) Two (2) such permits for a restricted area shall be issued by the chief of police or his designee to any resident eligible for the issuance of resident parking stickers. Notwithstanding the foregoing, the maximum number of visitor parking permits shall be two (2) per dwelling unit. For residents of a dwelling unit in a restricted area in which there exists a home office or home occupation permitted as an accessory use by sections 30-8(c) and 30-9(2)(i) of the Revised Ordinances, the maximum number of visitor parking permits may be increased by one (1), unless the home office is that of a physician or dentist, in which case the maximum number of visitor parking permits may be increased by two (2).
- (3) Visitor parking permits shall show the permit's effective year and shall expire on December 31 of each year.

- (4) Visitor parking permits will not be replaced if lost.
- (5) Visitor parking permits shall be issued to qualified residents free of charge.
- (6) The chief of police may establish rules governing the display of resident parking stickers.

D. *Exemptions:*

- (1) Visitor parking permits for a restricted area may be issued by the chief of police or his designee in such a number, and to such institutions, organizations, or persons, as the traffic council shall authorize in establishing permit-parking restrictions in accordance with subsection (a) above.
- (2) Such additional visitor permits shall be issued, where authorized by the traffic council, free of charge.
- (3) The chief of police or the chief's designee may, at his discretion and upon request of any resident at an eligible address, waive the permit parking restrictions in a restricted area for a limited period of time.

E. *Other provisions governing resident sticker parking and visitor permit parking:*

- (1) Applications for resident stickers or visitor permits shall be made on a form prescribed by the chief of police or his designee.
- (2) Resident stickers and visitor permits and ordinances governing their use shall be effective in locations and during hours established in accordance with subsection (a) above. All other parking and traffic regulations and ordinances of the City of Newton shall remain in full force and effect and must be obeyed by sticker and permit holders.
- (3) Resident stickers and visitor permits do not authorize holders to park overnight in municipal lots.
- (4) All sticker or permit parking shall automatically be suspended upon the declaration of a snow emergency or any disaster in the city by the chief of police or his designee.
- (5) Resident stickers and visitor permits will automatically be revoked if a motor vehicle ceases to qualify under this ordinance, if the sticker or permit is applied to a vehicle other than the one so designated at the time of application, or if the applicant for a visitor permit ceases to qualify under this section.
- (6) Resident stickers and visitor permits if not properly affixed or displayed on the motor vehicle, shall be deemed to be of no effect.
- (7) The fee for issuance of a replacement resident parking sticker shall be two dollars (\$2.00).
- (8) No parking restrictions established hereunder shall be effective on legal holidays, on Sundays from 6:00 a.m. to 2:00 p.m., on Saturdays or on religious holidays on streets abutting any house of worship during hours of religious services at such house of worship, or during municipal or Newton Public Schools or Newton Community Schools events or functions in areas affected by said events or functions.
- (9) If any provision of this ordinance or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.
- (10) This section, together with any amendments thereto, will be posted in the office of the city clerk. (Ord. No.

S-155, 2-18-86; Ord. No. T-168, 9-3-91; Ord. No. T-169, 7-8-91; Ord. No. T-230, 6-01-92; Ord. No. T-236; 7-13-92; Ord. No. T-304; 11-01-93; Ord. No. V-154, 12-1-97; Ord. No. Z-12, 12-03-07; Ord. No. Z-38, 11-17-08; Ord. Z-39, 11-17-08; Ord. No. Z-48, 03-16-09; Ord. No. A-19, 04-01-13)

**Sec. 19-202. Neighborhood parking district program.**

The traffic council may, from time to time, establish neighborhood parking districts in an area comprised of contiguous streets where demand for on-street parking necessitates a comprehensive approach to managing parking. The traffic council shall establish rules and requirements particular to that district for the purpose of creating consistent parking regulations and equitably distributing parking impacts throughout the district. Such districts shall be published in the traffic and parking regulations.

*(a) Establishment of neighborhood parking districts.*

- (1) Following a public hearing, traffic council may establish a neighborhood parking district, and shall establish for each such district parking rules and regulations applicable within such districts, and may establish rules allowing for the issuance of resident, visitor and non-resident stickers and permits to override street regulations.

*(b) Issuance of neighborhood parking district parking stickers and permits.*

- (1) *Resident parking permits.* Upon establishment of a restricted area by the traffic council, the city engineer shall determine those addresses at which registered vehicles shall be eligible to receive resident parking stickers, and forward a list of such addresses to the chief of police and to the board of assessors. The board of assessors shall provide a description of the use at each address including the existing number of dwelling units as it appears in the assessing records, and forward that information to the chief of police. Such resident parking stickers shall otherwise be issued and enforced by the chief of police in accordance with the provisions, regulations, and fee established in 19-201 B. (3), (4) and (5).

- (2) *Visitor parking permit.* Visitor parking permits shall be issued as per section 19-201C.

*(3) Non-resident parking stickers or permits.*

- a) A limited number of non-resident parking stickers or permits may be made available for use on streets within a neighborhood parking district in accordance with such rules and regulations for that district. Traffic council may establish rules governing the maximum number of parking stickers or permits allocated to non-residents on each particular street, and rules related to where on the street a non-resident sticker or permit may be applicable, and which shall be included in the traffic and parking regulations.
- b) The chief of police may establish acceptable documentation required to obtain a non-resident sticker or permit.
- c) Non-resident parking stickers or permits shall be valid for a one year period. The chief of police may establish the month of the year in which the permit expires for any given neighborhood parking district.
- d) Any outstanding fines for parking violations attributable to the motor vehicle for which a non-resident parking sticker or permit is requested must be paid in full before said sticker is issued.