

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

WEDNESDAY, OCTOBER 9, 2013

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

Absent: Ald. Harney

Also Present: Ald. Salvucci, Lennon, Albright, Gentile, Crossley, Danberg and Laredo

City Staff: Sgt. Jay Babcock, Newton Police Department; David Koses, Planning Department;

Bill Paille, Director of Transportation; Detective Stephen Fontano, Newton Police Department

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

#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 7-0**

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

Ald. Swiston made the motion to hold this item pending additional information. Committee members agreed 7-0.

#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]

ACTION: **NO ACTION NECESSARY 7-0**

NOTE: Ald. Lennon and Detective Stephen Fontano joined the Committee for discussion on this item.

Chair Ciccone said that this is a discussion item requesting proposed amendments to **Article IV. Second Hand and Junk Dealers** and proposed fee increases to **Sec. 17.3 Fees for certain licenses and permits.**

The City of Newton Ordinance **Article IV Second Hand and Junk Dealers Sec. 17-86. Waiting period before sale of goods; waiver** states that ‘no shopkeeper licensed to deal in second-hand articles shall permit to be sold any such articles acquired by him until five (5) days have passed after the date of filing of the weekly report to the chief of police’. The Police Department is requesting the City of Newton Ordinance be amended to thirty (30) days.

Detective Fontano said that the Police Department is requesting fee increases and amendments to the City of Newton Ordinance. One amendment requests a change from five days to thirty days after the date of filing of the weekly report to the chief of police to allow homeowners time to identify, notice items missing and for the department to complete their investigation. Detective Fontano reviewed each section of the redline draft provided and addressed requested amendments with the Committee members.

Ald. Lennon said that he docketed this item on behalf of the Police Department who is requesting amendments and fee increases to the City of Newton Ordinances based on their experience in the field. The department feels that the City of Newton Ordinance needs to be strengthened. Detective Fontano, Captain Anastasia and the City Law Department have reviewed the pertinent section of the City of Newton Ordinance. The redline draft provided reflects the fee increases and the amendments.

Committee members raised questions and suggestions regarding the amendments to the City of Newton Ordinance.

Questions

- What do nearby municipalities with a similar ordinance use as a waiting period before the sale of goods?
- How many second hand dealer shops are there in the City?
- How long are photocopies of each prospective seller's identification kept before purging?
- What type of personal information is entered into the database?
- Would dealers be required to purchase updated computer equipment to maintain records and is there a state law requirement?

Suggestions

- Change the redline draft of Sec. 17-86(a) from him to *him or her*.
- Request the City Law Department review the WISP law and if necessary, amend the redline draft.
- Request the Police Department Information Technology Department review the WISP law.

Detective Fontano answered that the Police Department inquired with the North Eastern Massachusetts Law Enforcement Council (NEMLEC) and nearby municipalities regarding their ordinance. After review of Waltham, Lowell and Boston ordinances that have second hand dealers and pawnshops, Newton determined thirty days was appropriate before articles are sold. He then said that there are approximately thirty second hand dealers in the City. The discussion of purging files still has to be reviewed. Detective Fontano suggests keeping electronic and hard copy records for one-year or until an investigation is complete. If necessary, the department would maintain records longer. Most dealers have appropriate computer equipment to maintain records.

Ald. Swiston stated that in 2010, Massachusetts enacted 'WISP' (Written Information Security Program) data security law in order to protect residents, and their personal information including social security numbers and bank account information, attached to this report. Ald. Swiston suggested that the redline draft be amended, if necessary reflecting the 'WISP' law.

Chair Ciccone suggested the Committee create docket #311-13(2) as an action item. Ald. Lennon agreed and suggested the Committee vote no action necessary on this item, as it was a discussion item.

As suggested, Ald. Johnson made the motion to approve the creation of a new docket item to be referred to the Public Safety & Transportation and Finance Committees and made the motion to vote no action necessary on this item. Committee members voted in favor by a vote of 7-0.

#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]

ACTION: **NO ACTION NECESSARY 6-0, Ald. Fuller not voting**

NOTE: Ald. Lennon, Sgt. Babcock, Mr. Koses and Mr. Proia joined the Committee for discussion on this item.

Ald. Lennon said that he docketed this discussion item requesting to amend the “Resident Permit Parking Only” program on Peabody Street as a request from Mr. Proia who explained to him that residents are experiencing parking difficulties. The “Resident Permit Parking Only” program was implemented in order to alleviate ongoing parking problems. Peabody Street residents were allowed to participate in the “Resident Permit Parking Only” program because commuters, patrons and merchants were parking up the area. Peabody Street is a narrow street, allowing safe parking on one side, with multiple driveways. Peabody Street has approximately 12-14 legal parking spaces. The “Resident Permit Parking Only” program allows two permits per unit and two guest passes per unit.

Ald. Lennon said that the City of Newton Ordinance states that residents are entitled to a resident permit if their vehicle is 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. 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. Eligible residents of Washington Street or Pearl Street could apply and legally park on Peabody Street. The Washington Street apartment building is on the contiguous lot.

Ald. Lennon stated that he communicated with Asst. City Solicitor Lawlor by email, attached to this report. Ald. Lennon asked if the ordinance could be amended to eliminate the contiguous block provision or if the entire ordinance needed to be modified or is there a way to work around this in terms of adding language about prioritizing spots for residents of streets where the program actually lies. Ms. Lawlor indicated to him that if the “Resident Permit Parking Only” program is amended, it is amended for all “Resident Permit Parking Only” programs in the City. She then indicated that one possibility is to remove (by ordinance amendment) the contiguous lot eligibility language, or at least modify it so that Traffic Council could decide whether such a lot would be eligible on a case-by-case basis.

Ald. Lennon said that Traffic Council does not have the authority to change City ordinance or to remove parking permits, but the Board of Aldermen, if they desire, could modify the City ordinance and notify the residents. Traffic Council could decide whether such a lot would be

eligible on a case-by-case basis. He requests an amendment be approved for the “Resident Permit Parking Only” program approving that only Peabody Street residents be allowed to park on Peabody Street. He suggested that residents of the contiguous area and residents of #337 Washington Street be notified prior to continuing discussion as City ordinance allows them to apply for permits to park on Peabody Street.

Committee members raised concerns, suggestions and questions regarding amendments to the “Resident Permit Parking Only” program.

Concerns

- Peabody Street residents cannot have guests park.

Suggestions

- Obtain draft ordinance language amending the “Resident Permit Parking Only” program for Peabody Street residents (only) or remove (by ordinance amendment) the contiguous lot eligibility language, or at least modify it so that Traffic Council could decide whether such a lot would be eligible on a case-by-case basis.
- Docket an item for Traffic Council’s consideration to determine if such a lot would be eligible on a case-by-case basis.

Questions

- Number of permits issued on Peabody Street?
- Is a parking management plan in the queue for Newton Corner?
- Where will residents of #337 Washington Street park?

Sgt. Babcock said that the department has issued eighteen permits on Peabody Street (ten from Washington Street and eight from Peabody Street). Each permit receives two guest passes, totaling thirty cars being permitted to park on Peabody Street. He feels that residents of #337 Washington Street should be forced to find alternative parking. He then said that he is concerned if the language is modified allowing Traffic Council to decide whether such a lot would be eligible on a case-by-case basis because residents will request program amendments to their streets. Ald. Lennon answered that such a request would have to be docketed for Traffic Council. Chair Ciccone said that the Crowne Plaza allows residents to park in their facility during the winter months at a discounted rate.

Mr. Koses said that the Executive Department is interested in a parking management plan especially in the area of the Underwood Elementary School. There are approximately fifteen streets remaining in the “Resident Permit Parking Only” program. The apartment complex at #337 Washington Street has eighteen units with no parking forcing them to park on Peabody Street.

Mr. Proia said that he requested this item be discussed because guests do not have a place to park. When the “Resident Permit Parking Only” program was put into effect, it was hopeful it would allow parking for guests. It appears residents and guests of #337 Washington Street are parking up the area forcing Peabody Street residents and guests to be squeezed out. Winter exasperates the parking issues.

Chair Ciccone suggested draft language be written and an action item be docketed #310-13(2). Ald. Lennon agreed and recommended that the Committee vote no action necessary on this item, as it was a discussion item. Ald. Lennon will continue working with the Law Department preparing draft ordinance language.

As suggested, Ald. Swiston made the motion for no action necessary on this item with the understanding that the Committee will receive draft ordinance language, create an action item and docket an item for Traffic Council's consideration. Committee members agreed 6-0, Ald. Fuller not voting.

At approximately 9:45 pm, Ald. Yates made the motion to adjourn. Committee members agreed 6-0, Ald. Fuller not voting.

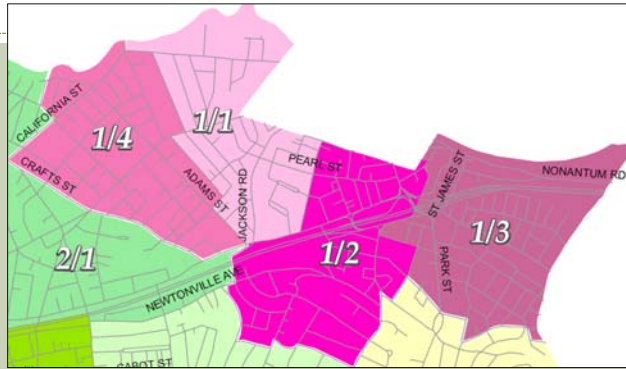
Respectfully submitted,

Allan Ciccone, Jr. Chairman

WINTER OVERNIGHT

PARKING BAN OVERRIDE PERMIT PROGRAM

Joint Public Safety and Public Safety and Transportation Committee Meeting
October 9, 2013



WARD 1 PILOT

Problem Statement

- 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
 - ✦ *Future fee increase possible*
 - ✦ Fee increase would hit some homeowners hard
 - Option: Develop an overnight winter **parking ban override** program

“Winter Parking Ban Waiver” Characteristics

- Proposed Approval Process:
 - Residents apply in person at Traffic Bureau
 - Applicant must provide the following:
 - ✦ Proof - residency
 - ✦ Proof - vehicles registered to address
 - Traffic Bureau investigates each application
 - ✦ Site visit; determination of approved parking location (i.e., block)
 - ✦ Traffic Bureau decision in conjunction with Fire, DPW
 - Approved parking location is at the discretion of the Traffic Bureau
 - ✦ No appeals process
 - ✦ Subject to change

“Winter Parking Ban Waiver” Characteristics

- Proposed Fee:
 - Application fee of \$20 (non-refundable) per vehicle
 - 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

“Winter Parking Ban Waiver” Characteristics

- **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

- **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

“Winter Parking Ban Waiver” Characteristics

- **Other Characteristics and Examples:**
 - Only one permit allowed beyond available off-street spaces
 - Only one permit allowed per individual
 - No more than three permits allowed per dwelling unit

Traffic Bureau Staffing

- **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

- **September 2013**
 - PS&T presentation and comment
 - Draft ordinance language
- **October/November 2013**
 - PS&T, Public Facilities, Finance, BOA approval
 - Traffic Bureau orders stickers, hiring
- **November 2013 – April 2014**
 - Pilot Underway
- **2014**
 - Review pilot, modification, expansion

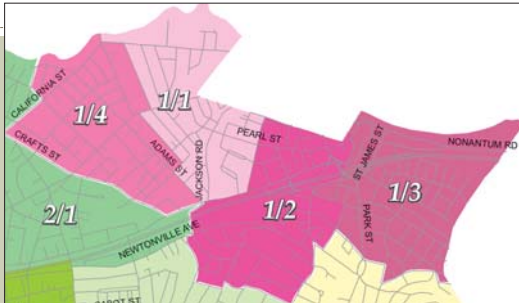
Questions and Comments

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
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 - × 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 ^{#41-11}

• 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 ^{#41-11}

• 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 ^{#41-11}

• 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 ^{#41-11}

• 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

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

Secs. 17-109—17-129. Reserved.



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COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND
BUSINESS REGULATION

10 Park Plaza – Suite 5170, Boston MA 02116
(617) 973-8700 FAX (617) 973-8799
www.mass.gov/consumer

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

GREGORY BIALECKI
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

BARBARA ANTHONY
UNDERSECRETARY

Frequently Asked Question Regarding 201 CMR 17.00

What are the differences between this version of 201 CMR 17.00 and the version issued in February of 2009?

There are some important differences in the two versions. First, the most recent regulation issued in August of 2009 makes clear that the rule adopts a risk-based approach to information security, consistent with both the enabling legislation and applicable federal law, especially the FTC's Safeguards Rule. A risk-based approach is one that directs a business to establish a written security program that takes into account the particular business' size, scope of business, amount of resources, nature and quantity of data collected or stored, and the need for security. It differs from an approach that mandates every component of a program and requires its adoption regardless of size and the nature of the business and the amount of information that requires security. This clarification of the risk based approach is especially important to those small businesses that do not handle or store large amounts of personal information. Second, a number of specific provisions required to be included in a business's written information security program have been removed from the regulation and will be used as a form of guidance only. Third, the encryption requirement has been tailored to be technology neutral and technical feasibility has been applied to all computer security requirements. Fourth, the third party vendor requirements have been changed to be consistent with Federal law.

To whom does this regulation apply?

The regulation applies to those engaged in commerce. More specifically, the regulation applies to those who collect and retain personal information in connection with the provision of goods and services or for the purposes of employment. The regulation does not apply, however, to natural persons who are not in commerce.

Does 201 CMR 17.00 apply to municipalities?

No. 201 CMR 17.01 specifically excludes from the definition of "person" any "agency, executive office, department, board, commission, bureau, division or authority of the Commonwealth, or any of its branches, or any political subdivision thereof." Consequently, the regulation does not apply to municipalities.

Must my information security program be in writing?

Yes, your information security program must be in writing. The scope and complexity of the document will vary depending on your resources, and the type of personal information you are storing or maintaining. But, everyone who owns or licenses personal information must have a written plan detailing the measures adopted to safeguard such information.



What about the computer security requirements of 201 CMR 17.00?

All of the computer security provisions apply to a business if they are technically feasible. The standard of technical feasibility takes reasonableness into account. (See definition of “technically feasible” below.) The computer security provisions in 17.04 should be construed in accordance with the risk-based approach of the regulation.

Does the regulation require encryption of portable devices?

Yes. The regulation requires encryption of portable devices where it is reasonable and technically feasible. The definition of encryption has been amended to make it technology neutral so that as encryption technology evolves and new standards are developed, this regulation will not impede the adoption of such new technologies.

Do all portable devices have to be encrypted?

No. Only those portable devices that contain personal information of customers or employees and only where technically feasible. The "technical feasibility" language of the regulation is intended to recognize that at this period in the development of encryption technology, there is little, if any, generally accepted encryption technology for most portable devices, such as cell phones, blackberries, net books, iphones and similar devices. While it may not be possible to encrypt such portable devices, personal information should not be placed at risk in the use of such devices. There is, however, technology available to encrypt laptops.

Must I encrypt my backup tapes?

You must encrypt backup tapes on a prospective basis. However, if you are going to transport a backup tape from current storage, and it is technically feasible to encrypt (i.e. the tape allows it) then you must do so prior to the transfer. If it is not technically feasible, then you should consider the sensitivity of the information, the amount of personal information and the distance to be traveled and take appropriate steps to secure and safeguard the personal information. For example, if you are transporting a large volume of sensitive personal information, you may want to consider using an armored vehicle with an appropriate number of guards.

What does “technically feasible” mean?

“Technically feasible” means that if there is a reasonable means through technology to accomplish a required result, then that reasonable means must be used.

Must I encrypt my email if it contains personal information?

If it is not technically feasible to do so, then no. However, you should implement best practices by not sending unencrypted personal information in an email. There are alternative methods to communicate personal information other through email, such as establishing a secure website that requires safeguards such as a username and password to conduct transactions involving personal information.

Are there any steps that I am required to take in selecting a third party to store and maintain personal information that I own or license?

You are responsible for the selection and retention of a third-party service provider who is capable of properly safeguarding personal information. The third party service provider provision in 201 CMR 17.00 is modeled after the third party vendor provision in the FTC’s Safeguards Rule.



I have a small business with ten employees. Besides my employee data, I do not store any other personal information. What are my obligations?

The regulation adopts a risk-based approach to information security. A risk-based approach is one that is designed to be flexible while directing businesses to establish a written security program that takes into account the particular business's size, scope of business, amount of resources and the need for security. For example, if you only have employee data with a small number of employees, you should lock your files in a storage cabinet and lock the door to that room. You should permit access to only those who require it for official duties. Conversely, if you have both employee and customer data containing personal information, then your security approach would be more stringent. If you have a large volume of customer data containing personal information, then your approach would be even *more* stringent.

Except for swiping credit cards, I do not retain or store any of the personal information of my customers. What is my obligation with respect to 201 CMR 17.00?

If you use swipe technology only, and you do not have actual custody or control over the personal information, then you would not own or license personal information with respect to *that* data, as long as you batch out such data in accordance with the Payment Card Industry (PCI) standards. However, if you have employees, see the previous question.

Does 201 CMR 17.00 set a maximum period of time in which I can hold onto/retain documents containing personal information?

No. That is a business decision you must make. However, as a good business practice, you should limit the amount of personal information collected to that reasonably necessary to accomplish the legitimate purpose for which it is collected and limit the time such information is retained to that reasonably necessary to accomplish such purpose. You should also limit access to those persons who are reasonably required to know such information.

Do I have to do an inventory of all my paper and electronic records?

No, you do not have to inventory your records. However, you should perform a risk assessment and identify which of your records contain personal information so that you can handle and protect that information.

How much employee training do I need to do?

There is no basic standard here. You will need to do enough training to ensure that the employees who will have access to personal information know what their obligations are regarding the protection of that information, as set forth in the regulation.

What is a financial account?

A financial account is an account that if access is gained by an unauthorized person to such account, an increase of financial burden, or a misappropriation of monies, credit or other assets could result.

Examples of a financial account are: checking account, savings account, mutual fund account, annuity account, any kind of investment account, credit account or debit account.



Does an insurance policy number qualify as a financial account number?

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An insurance policy number qualifies as a financial account number if it grants access to a person's finances, or results in an increase of financial burden, or a misappropriation of monies, credit or other assets.

I am an attorney. Do communications with clients already covered by the attorney-client privilege immunize me from complying with 201 CMR 17.00?

If you own or license personal information, you must comply with 201 CMR 17.00 regardless of privileged or confidential communications. You must take steps outlined in 201 CMR 17.00 to protect the personal information taking into account your size, scope, resources, and need for security.

I already comply with HIPAA. Must I comply with 201 CMR 17.00 as well?

Yes. If you own or license personal information about a resident of the Commonwealth, you must comply with 201 CMR 17.00, even if you already comply with HIPAA.

What is the extent of my “monitoring” obligation?

The level of monitoring necessary to ensure your information security program is providing protection from unauthorized access to, or use of, personal information, and effectively limiting risks will depend largely on the nature of your business, your business practices, and the amount of personal information you own or license. It will also depend on the form in which the information is kept and stored. Obviously, information stored as a paper record will demand different monitoring techniques from those applicable to electronically stored records. In the end, the monitoring that you put in place must be such that it is reasonably likely to reveal unauthorized access or use.

Is everyone’s level of compliance going to be judged by the same standard?

Both the statute and the regulations specify that security programs should take into account the size and scope of your business, the resources that you have available to you, the amount of data you store, and the need for confidentiality. This will be judged on a case by case basis.

I password protect data when storing it on my laptop and when transmitting it wirelessly. Is that enough to satisfy the encryption requirement?

No. 201 CMR 17.00 makes clear that encryption must bring about a “*transformation* of data into a form in which meaning cannot be assigned” (emphasis added). This is to say that the data must be *altered* into an unreadable form. Password protection does not *alter* the condition of the data as required, and therefore would not satisfy the encryption standard.

I am required by law to contract with a specific third party service provider, not necessarily of my choosing. Must I still perform due diligence in the selection and retention of that specific third party service provider?

Where state or federal law or regulation requires the use of a specific third party service provider, then the obligation to select and retain would effectively be met.

November 3, 2009



#311-13

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Massachusetts Data Security Law (WISP) and Your IT

Mar 08 Posted by [Gabrielle Bellegarde](#) in [Compliance](#)

The Comprehensive Written Information Security Program (WISP) is a strict data security law enacted by the Commonwealth of Massachusetts in order to protect residents and their Personal Information. This regulation requires businesses to develop, implement, and maintain a written WISP that outlines the risk and identifies safeguards to protection Personal Information.

The regulation, 201 CMR 17.00, applies to all persons that own, store or manage Massachusetts residents' Personal Information. This applies for employees and/or consumers. This includes data stored on computers, laptops, mobile devices, external media, the Internet, or on paper. This regulation affects both the storage and transmittal of such information.

"Personal Information" is defined as a Massachusetts resident's name in combination with his or her Social Security number, Driver's License or State ID number, or financial account or credit/debit card number that would permit access to the resident's financial accounts.

From the perspective of your Information Technology, there are several considerations concerning the security of stored and transmitted data. It is important to consult with your IT provided to ensure that all of the requirements are up-to-date and managed. Considerations include:

- Network protection and monitoring
- Up-to-date firewall protections
- Strong password protection on all devices
- Data encryption capabilities for storage and transmittal
- Secure user authentication protocols
- Secure off-site data backup with encryption

Your IT provider can work with you to create an individualized plan for the technical aspect of your WISP compliance. More information can be found here: <http://www.mass.gov/ocabr/docs/idtheft/compliance-checklist.pdf>

Tags: [IT laws](#)

- [PRINT](#)

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

Danielle Delaney

To: ddelaney@newtonma.gov
Subject: (Fwd) Fwd: 19-201 - Resident Permit Parking Program
Date sent: Tue, 08 Oct 2013 12:41:40

#310-13

----- Forwarded message follows -----

Date sent: Tue, 8 Oct 2013 15:30:44 +0000 (UTC)
From: "Scott F. Lennon" <sflennon@comcast.net>
To: allancicconejr@comcast.net
Copies to: ddelaney@newtonma.gov
Subject: Fwd: 19-201 - Resident Permit Parking Program

Hi Guys

FYI for PST on 10/9

Scott

From: "Marie Lawlor" <mlawlor@newtonma.gov>
To: "Scott F. Lennon" <sflennon@comcast.net>
Cc: allancicconejr@comcast.net
Sent: Monday, July 23, 2012 11:41:22 AM
Subject: Re: 19-201 - Resident Permit Parking Program

Hi Scott,

I see the problem: Under Sec. 19-201 (B) (1) residents of a lot contiguous to the rear lot line of corner lot that borders the restricted street are indeed eligible for a sticker. (In this case, it's the apt. bldg. on Washington Street bordering the rear lot line of the lot on the corner of Peabody & Washington).

As you mention, one possibility is to remove (by ordinance amendment) the contiguous corner lot eligibility language, or at least modify it so that Traffic Council could decide whether such a lot would be eligible on a case by case basis.

I also see a remote possibility in the language of 19-201 (A) (1). That section provides that the minimum size of a restricted area is one block, but that the Traffic Council "may consider a petition for a restricted area that is less than one block in length" in accordance with guidelines approved by the board (I'm not sure if there are any guidelines on this issue, but will try to find out). The section does provide for petitions to "reduce" a restricted residential area. The petition could potentially ask to reduce the residential restriction on Peabody so as not to include the portion nearest Washington Street. I'm not sure how successful such a petition would be before Traffic Council. Also, of course, spaces in the area removed would not be reserved for residents, so it may not help.

I'd be happy to meet with you and Jay, or give me a call to talk about it.

Thanks,

Marie

On 11 Jul 2012 at 20:47, Scott F. Lennon wrote:

>

- > Hi Marie
- >
- > Hope you are well. I am unsure if I should be speaking with you but I wanted to get some advice
- > on the RPPP.
- >
- > I have been in discussions with a Peabody Street (which has a RPPP established) resident who
- > states that it is virtually impossible to park on Peabody Street because of the provision (I believe)
- > about the contiguous block. An apartment complex on Washington Street is eligible and he says
- > between them and guests they take up all the spots and Peabody Street residents get squeezed
- > out.
- >
- > My question is, can we modify certain streets to eliminate the contiguous block provision or does
- > the entire ordinance need to be modified? Or, is there a way to work around this in terms of
- > adding language about prioritizing spots for residents of streets where the program actually lies?
- >
- > Thanks for any advice you may be able to supply. If it is easier, we can meet about it and include
- > Jay too.
- >
- > Thanks
- >
- > Scott

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.

----- End of forwarded message -----

Danielle Delaney
Committee Clerk
Board of Aldermen
617-796-1211
ddelaney@newtonma.gov

- (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.