

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE AGENDA

WEDNESDAY, FEBRUARY 23, 2011

7:45 PM
Room 202

ITEMS SCHEDULED FOR DISCUSSION:

#54-11 ALD. DANBERG & SALVUCCI requesting a report from Public Works and Police Departments regarding the Community Parking Permit Program and changes to City Ordinance 19-205 for the upcoming permit year, which begins June 1, 2011. [02/03/11 @ 9:16 AM]

DISCUSSION ITEM:

DPW and PLANNING DEPARTMENT, requesting a discussion regarding recommendations for the Newton North High School "Tiger Parking Permit" program, following completion of all on-site surface parking later this year.

DISCUSSION ITEM:

DPW, requesting a discussion of the status of the Cypress St multi-space parking meter, installed in February 2011.

#65-10 ALD. YATES, SHAPIRO, JOHNSON, SWISTON AND HARNEY asking the MBTA to provide safer access to bus route 52 for residents of Nahanton Woods, and employees and students of Mount Ida College. [2/17/10 @ 10:29 PM]
HELD 7-0 (Ald. Fuller not voting) on 11/03/10

ITEMS NOT SCHEDULED FOR DISCUSSION:

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]
PUBLIC FACILITIES HELD 6-0 (Ald. Salvucci not voting) on 02/09/11
HELD 6-0 on 02/09/11

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Kathleen Cahill, 617-796-1125, via email at KCahill@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

- #371-10 ALD. CICCONE on behalf of Annette Kaplan, 2 Washington Street, Newton Corner, requesting amendment to Section 19-309, *Requirements as to vehicles generally*, of the City of Newton Revised Ordinances to require taxi companies to display the company name, telephone number, and medallion number in all vehicles, visible from the back seat. [12/13/10 @ 4:10 PM]
HELD 7-0 on 01/05/11

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #363-10 ALD. ALBRIGHT & DANBERG, proposing a trial of parking meter free Saturdays between Thanksgiving and New Year for the shopping areas to support shopping at local businesses in Newton. [11/15/10 @ 6:30 PM]
HELD 5-0 (Ald. Yates and Swiston not voting) on 01/05/11

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #311-10 HIS HONOR THE MAYOR submitting the FY'12-FY'16 Capital Improvement Program, totaling \$174,246,135 pursuant to section 5-3 of the Newton City Charter and the FY'11 Supplemental Capital budget which require Board of Aldermen approval to finance new capital projects over the next several years. [10/18/10 @ 5:24PM]
- #279-10 ALD. JOHNSON, ALBRIGHT & LINSKY, requesting the development of a comprehensive traffic and parking plan for the Newton North High School neighborhood with the following streets as its borders: Commonwealth Avenue, Washington, Harvard and Valentine Streets. This plan to be completed by November 30, 2010 will include a fix to short term (immediate needs) and longer term needs to effectively manage the traffic circulation within the neighborhood, provide pedestrian and vehicular safety, and preserve quality of life for the neighborhood, school staff and faculty. [10/06/10 @ 12:33 PM]
HELD 6-0 on 02/09/11
- #49-10 NEWTON BICYCLE/PEDESTRIAN TASK FORCE seeking a discussion on a proposal to make changes to the City of Newton's bicycle-related ordinances in order to better align them with State Law and to make it possible for Newton's Safe Routes to School program to develop bike routes suitable for children. [02/09/10 @ 9:11 AM]
HELD 4-0 (Ald. Fuller not voting) on 03/03/10
- #19-10 DAVID KOSES, Traffic Council Chair, requesting discussion of a stationary radar sign program. [01/11/10 @ 3:55 PM]
HELD 8-0 on 01/20/10
- #264-09 ALD. HESS-MAHAN proposing to amend Sections 19-166, 19-219 and 26-16 of the Revised Ordinances to allow certain two wheel vehicles, including motorized vehicles that must register as limited use vehicles pursuant to the MGL ch. 90 as amended by Chapter 523 of the Acts of 2008, to continue to park on sidewalks. [09/01/09 @ 11:40 AM]

- #261-09 ALD. JOHNSON requesting a review of the City of Newton Ordinances Chapter 24, Sections 26–34 Alarm System Regulations to more clearly express the fines and penalties to residential and commercial property owners for false alarms. [08/19/09 @ 9:53 AM]

REFERRED TO PS&T COMMITTEE by TRAFFIC COUNCIL on 10/23/08

- #235-09 ALD. SANGIOLO, HARNEY & GENTILE on behalf of residents on
TC2(2)-08 Wolcott Street requesting that the traffic control signal located at Wolcott and Lexington Streets be moved to a different location or removed altogether. (Ward 4) [3/28/08 @ 9:59 AM]
- #147-09 ALD. VANCE, HESS-MAHAN AND DANBERG requesting discussion with members of the Administration of such possible adoption by Newton's city government of a program such as Zipcar's Fast Fleet vehicle-sharing and management system as a means of reducing the costs of vehicle usage by city employees and the impact of such usage on the environment. [05/11/09 @ 9:58 AM]

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE on 05/04/09

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES on 02/17/09

- #60-09 ALD. SANGIOLO, GENTILE AND HARNEY requesting the installation of traffic islands on CONCORD STREET to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [02/03/09 @ 1:01 PM]
FINANCE NO ACTION NECESSARY 7-0 on 03/08/10
- #113-08 PLANNING DEPARTMENT requesting a presentation and discussion of the Newton Corner Phase 2 Study to be conducted by the Central Transportation Planning Staff. [03/07/08 @ 3:45 PM]
- #21-08 ALD. LINSKY AND DANBERG requesting discussion with appropriate personnel from the Massachusetts Bay Transportation Authority (MBTA) relative to ongoing service levels and conditions on mass transit and rail lines affecting Newton residents. [01/04/08 @ 10:19 AM]
- #477-04 ALD. LENNON, GERST, MERRILL AND VANCE requesting traffic study/safety analysis of ST. JAMES STREET and CHARLESBANK ROAD, from the Mass Pike on-ramp at exit 17 to NONANTUM ROAD, Newton Corner. Analysis should include traffic improvements/safety enhancements to provide for increased pedestrian and vehicle safety in this very busy, densely populated area. Said study should also include review (and possible upgrade) of the traffic island and lights the intersection of ST. JAMES STREET/ST.JAMES TERRACE/CHARLESBANK ROAD as well as possible capital improvements for increased vehicular safety at the intersection of CHARLESBANK ROAD/NONANTUM ROAD.
(Public Hearing held on 03/30/05)


Respectfully submitted,

Allan Ciccone, Jr., Chairman

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, 6/1/92; Ord. No. T-236; 7/13/92; Ord. No. T-304; 11/1/93; 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)

Sec. 19-202—19-204 Reserved. (Sections moved to Traffic and Parking Regulations (Ord. No. Z-12, 12-03-07; Ord. No. Z-25, 05-05-08))



19-205. Prepaid Community Parking Permits.

(a) Community Parking Permit Administration

- (1) There shall be a prepaid community parking permit program (hereafter, "program"), which shall be operated in accordance with the terms of this section. Such program shall commence on June 1, 2010.
- (2) The program shall be administered by the chief of police or his designee, for all businesses and residents which meet the program criteria for eligibility.

- (3) Community parking permits (hereafter, “permits”) shall be issued for parking spaces as specified by subsection (a) (4). The commissioner of public works shall determine the exact location of parking spaces to be made available for community permit parking.
- (4) Permits shall be issued at the following locations:
- a) Up to 75% of all metered spaces, with a time limit of greater than four hours, located both in municipal lots and on streets.
 - b) Up to 75% of all unmetered spaces in the following municipal parking lots: Adams Street and Chapel Street (Nonantum).
 - c) The above spaces will continue to operate as metered parking spaces (4)a) or as unmetered time limit spaces (4)b) unless a permit is purchased.

(b) Eligibility for Permit

The following individuals shall be deemed eligible for a permit:

- (1) All owners of businesses including non-profit organizations (hereafter “business” or “businesses”) operating from an address within a district zoned for business in the city of Newton may apply for a permit that authorizes its holder to park in an assigned space. A permit holder must be an owner or employee of the business, and need not be a Newton resident to qualify for a permit.
- (2) A resident of the city of Newton who applies for a permit for a vehicle which is registered to a residential address located within the city of Newton.
- (3) Applicants shall produce such evidence as the police department considers reasonable to verify eligibility.
- (4) The vehicle to which a permit is affixed must be a passenger vehicle registered in the Commonwealth of Massachusetts, for Newton business applicants, or within the city of Newton, for resident applicants. Permits may not be used for the parking of commercial vehicles as defined in section 19-174.

(c) Issuance of Community Parking Permits

- (1) Prior to the start of a new permit year, existing permit holders shall be given a reasonable opportunity to renew their permits. Thereafter, permits shall be issued on a first-come, first-serve basis until the maximum number of permits for a village center has been issued. If the maximum number of permits has been issued for a village center, the police department shall maintain a chronological list of all owners who indicate in writing their interest in a community parking permit for a particular location. When a community parking space becomes available at the requested location, it shall be offered to the first eligible applicant whose name appears on the chronological list for that village center.
- (2) A permit application must be submitted to the police department. Thereafter, in order to renew a permit, a renewal application must be submitted with payment of the corresponding fee.
- (3) A community parking permit shall be valid for a period of not more than one year from its date of issuance.

(d) Community Parking Permit Fees

- (1) An annual fee will be charged for the issuance of each permit. The fee shall be \$1200.00 per year if paid in a single installment prior to issuance of the permit. The fee shall be \$1,280.00 per year if paid in quarterly installments of \$320.00 each. If a quarterly payment is not received when due, the police department shall revoke the associated permit. If late payment is received and the permit is reinstated, an additional charge of \$25.00 may be administered to defray the cost of reinstalling a parking meter and then removing it.
- (2) For a nominal fee to be determined by the chief of police, permit holders may purchase duplicate permit stickers for the assigned space to allow for shared use of that space by multiple users. All duplicate permit holders shall meet the criteria defined in subsection (a).
- (3) The annual fee for the permit shall be payable prior to issuance, and shall be pro-rated if issued after June 1.
- (4) No permit shall be issued under this section unless and until the applicable permit fee has been paid.

(e) Display of Community Permit

The chief of police shall establish rules governing the display of community parking permits. A community parking permit that is not placed in the required location or visible shall not be a valid permit.

(f) Effect of Community Permit

- (1) A permit shall provide its holder the right to park in an assigned space between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday.
- (2) A permit shall not be valid during the period of a declared snow emergency.
- (3) The holder of a permit shall immediately notify the police department if the business to which it is assigned ceases to operate in Newton or changes its business location, or if the holder no longer resides in the city of Newton and/or owns a vehicle registered to an address in the city of Newton.
- (4) Until its expiration, surrender or revocation, a permit shall remain valid for the length of time the assigned holder continues to meet the criteria of subsection (b).

(g) Conditions for revocation of permit.

- (1) A permit shall be revoked if it is found that it has been transferred to another business, or is being utilized by a person that is not an employee of the business to which it was issued, or in the case of a resident applicant, is being utilized by a non-resident or on a vehicle not registered to a residential address in the city of Newton.
- (2) A permit shall be revoked if the business to which it is assigned ceases to operate in Newton.
- (3) A permit may be revoked if it is found that the vehicle on which the permit is affixed is parking regularly at a location to which it was not assigned.
- (4) A permit shall be revoked if the applicable permit fees are not paid when due.
- (5) It is the responsibility of the owner of the business to which the permits are issued to ensure that employees use the permits in accordance with this section and the terms of their permits.

(h) Penalties.

The penalty for parking in violation of the provisions of this section shall be \$25.00 per offense as provided in section 19-9(2). Such vehicle shall be removed or towed to a convenient place and the owner of the vehicle so removed or towed away shall be liable for the cost of such removal and storage, if any, within the limits set forth in 19-226. The owner of any vehicle removed or towed under the provisions of this section shall also be subject to the penalties provided in section 19-8 of this chapter. (Ord. No. Z-40, 01-20-09; Ord. No. Z-53, 10-19-09; Ord. No. Z-63, 05-03-10)

Secs. 19-206—19-218. Reserved.

**ARTICLE VIII. TOW-AWAY ZONE
REGULATIONS**

Sec. 19-219. General prohibitions for tow zones.

(a) No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park in any of the following places:

- (1) upon any sidewalk;
- (2) upon any crosswalk;
- (3) upon any way within twenty (20) feet of an intersecting way except alleys;
- (4) upon a way within ten (10) feet of a fire hydrant;
- (5) on the roadway side of any vehicle stopped or parked at the edge or curb of a way;
- (6) in front of a public or private driveway;
- (7) upon any way where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic;
- (8) on any way or other area under control of the city in accordance with section 19-226 if:
 - a) such vehicle has been previously tagged five (5) or more times for parking violations in the city; and
 - b) the owner or person in control of such vehicle has failed to return the tags for any such previous violations to the parking clerk of the City of Newton as required by the provisions of G.L. chap. 90, section 20A, as amended;
- (9) in a fire lane.
- (10) any vehicle parked in violation of section 19-205 "Commercial parking permits. (Rev. Ords. 1973, § 13-182; Ord. No. R-257, 7-12-82; Ord. No. S-251, 6-1-87; Ord. No. T-164, 8-8-91, Ord. No. Z-40, 01-20-09).

Sec. 19-220 Reserved. (Section moved to Traffic Regulations (Ord. No. Z-12, 12-03-07))