

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

WEDNESDAY, MARCH 23, 2011

Present: Ald. Ciccone (Chairman), Johnson, Swiston, and Fuller

Absent: Ald. Harney, Yates, Shapiro and Freedman

Also Present: Ald. Lennon, Danberg and Salvucci

City Staff: Clint Schuckel, Traffic Engineer; Captain Howard Mintz, Newton Police Department and David Koses, Transportation Planner

Chairman's Note: The Committee met jointly with the Public Facilities Committee to receive an update on fire station renovations from the Commissioner of Public Buildings. Please refer to the Public Facilities report for a detailed account of this discussion.

#85-11 ALDERMEN CICCONE AND FULLER requesting a discussion of the financial impact of adding Police Department personnel on the overtime account.
[03/14/11 @ 9:17 AM]

ACTION: HELD 4-0

NOTE: Chairman Ciccone asked that this item be held to allow Chief Cummings and Maureen Lemieux the opportunity to attend a future meeting to discuss the possibility of adding additional police officers. In Ms. Lemieux's e-mail to Chairman Ciccone she indicated the patrol officer count would remain the same this fiscal year but it is intended to begin discussion this summer of hiring additional officers for next fiscal year.

Ald. Fuller made the motion to hold this item until a future meeting. Committee members agreed 4-0.

#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]

ACTION: RESCIND ORDINANCE Z-63, Dated 05/3/10, 4-0, SUBJECT TO 2ND CALL

NOTE: Ald. Danberg, Ald. Salvucci, Captain Mintz, David Koses and Clint Schuckel joined the Committee for discussion on this item.

Mr. Schuckel provided a PowerPoint presentation on this item, attached to this report. The current program will expire on May 31, 2011. To date, 120 permits have been sold, the majority in Newton Corner and Newton Centre. Permits cost \$1,200.00 if paid in a single installment and \$1,280.00 if paid in quarterly installments of \$320.00 each. The revenue projection for this

permit year, in both fy10 and fy11 is estimated at \$113,000. Mr. Schuckel reviewed with Committee members the pros, cons, recommendations and schedule of the program. As requested from the February 23 Committee meeting, he described the program costs, permits versus meter revenue and survey results.

PROGRAM COSTS

- Personnel: 10 hours per week= \$25,000 (Police administration), 2 hours per week= \$5,000(Engineering) and 4 hours per week= \$12,500 (DPW field crew)
- Direct Costs: Stickers, letters, postage= \$250 (Police Department), Signs (\$20 x 60 spaces)= \$1,200 (DPW)

TOTAL: \$50,000 PROGRAM COSTS

PERMITS VS METER REVENUE

- Permit Revenue: \$100/month= \$5/day (20 days: Mon-Fri), No fee collected on Saturdays, Permits= 83% meter occupancy (5/6 days). Meters operate regularly on Saturdays.
- Meter Revenue: Assume meters occupied 70% of the time, \$87.50/month= \$3.50/day (25 days: Mon-Sat).
- Net \$12.50/month per space= \$150/space/year, \$150 x 120 spaces, the loss of ticket revenue is unknown

TOTAL: \$18,000 REVENUE

COMMUNITY PARKING PERMIT SURVEY

- Email sent to 81 unique addresses week of March 14. Twenty-nine responses (36%) as of March 23, 2011. Mr. Schuckel indicated the survey results did not affect the pros and cons of the program. Overall, the survey proved people were happy with the program but were skeptical to continue if the cost was raised.

Mr. Schuckel suggests charging a \$4.00 minimum purchase fee to discourage short-term parking at long-term spaces. Ald. Fuller and Danberg agreed the program should be eliminated since there are inadequate resources to properly manage the program due to the low revenue versus the program costs. They suggested the installation of additional long-term meters for business' and employees.

Ald. Danberg asked Mr. Schuckel for his opinion on what could be implemented to perhaps cut down on program costs. Mr. Schuckel said the requirement of one single payment would be helpful to the Police Department because they would not have to chase people for their payment. Ald. Danberg suggested a credit card be taken, charging the person quarterly. Mr. Schuckel said the majority of transactions were paid by credit card. When people use the kiosk there is a minimum charge of \$1.50 for debit or credit cards at a cost of approximately .20 cent per transaction the City will pay.

Ald. Lennon suggested long-term meter spaces be marked "No Parking 7am to 9am" allowing employees the opportunity to park before commuters park.

Captain Mintz said Mr. Smith does not have the resources or time to administer the program, as it is a very time consuming program. Traffic Bureau has been asked to administer the program but they are not capable of taking on the responsibility because they have limited IT skills and personnel to handle the program.

Mr. Koses said the Transportation Advisory Committee is in the process of finalizing their parking recommendations on this program and the Resident Parking Permit Program.

Ald. Fuller suggested people be notified of the program if it is eliminated. She also suggested docketing the \$4.00 minimum purchase on meters. Ald. Danberg asked how businesses with special permits would be affected on their requirement to purchase long-time spaces.

Ald. Johnson made the motion to eliminate the Community Parking Permit by repealing City Ordinance 19-205 because it is cost prohibitive. The item is subject to second call pending the Law Department's decision of businesses with special permits that may have a condition to purchase long-term spaces. Committee members agreed 5-0.

Committee Clerk's Note: Ordinance No. Z-63, Board Order #80-08(3), dated May 3, 2010, attached to this report. Marie Lawlor, Assistant City Solicitor as requested provided a confidential memo dated March 31, 2011 this letter is on file in the City Clerk's office.

#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]

ACTION: **HELD 4-0**

NOTE: Clint Schuckel and David Koses joined the Committee for discussion on this item.

Mr. Schuckel provided a summary of the two studies conducted over the past six years.

Phase I – This study looked primarily at low cost, short-term improvements:

- Change traffic signals
- Additional signage
- Change lane striping
- Collect traffic data movements

Phase 2 – This study looked primarily at high cost, long-term improvements:

- Move the existing Interchange 17 westbound on-ramp to a new location off Washington Street, just west of Church Street
- Add a westbound on-ramp at Interchange 16
- Convert St. James Street operations to one-way southbound
- Add a 1-90 westbound off-ramp to North Beacon Street (Rt. 20)
- Add a slip-ramp next to the east-side bridge from Centre Avenue to 1-90 Westbound
- Construct a new two-lane, two-way bridge over I-90 connecting Centre Street on both sides of the rotary

- Expand the rotary beyond the east and west-side bridges
- Add an eastbound off-ramp at Interchange 16
- Install tolls at the 1-90 eastbound on-ramps at Interchange 16 and 17
- Modify traffic operations at the east-side bridge approach

Ald. Lennon stated funding would be necessary to complete the expensive recommendations made in the Phase 2 study. He asked Mr. Schuckel to provide a written update on Phase 1 recommendations with what has been implemented thus far. He then suggested docketing items that have not been completed to bring Phase 1 recommendations to fruition. He also suggested advocating the Executive Department to move forward with the Phase 2 recommendations. Ald. Fuller asked if recommendations made could not come to fruition what Mr. Schuckel would recommend. She then asked what CTPS recommended in Phase 1 and 2 and what could be completed as recommended. Mr. Schuckel said that CTPS recommends adding an I-90 westbound off-Ramp to North Beacon Street (Route 20) which would be the most beneficial to Newton Corner and I-90. Mr. Schuckel will prioritize Phase 1 and 2 recommendations prioritizing which would be the most beneficial to the City.

Richard Belkin, Newton Corner Neighborhood Association, said he encourages the City to try managing the traffic flow with additional signals, lights and signs. He stated pedestrians should be the number one priority. He then said the Newton Corner Advisory Committee is working diligently to have Phase 1 recommendations implemented. He then suggested perhaps moving some bus stops. Mr. Koses said this suggestion could be requested after a discussion with the Ward 1 Aldermen.

Ald. Johnson suggested docketing an item for Traffic Councils review on the installation of a traffic signal at the rotary. Mr. Schuckel said the rotary is City property but the City would have to obtain State approval for installation.

Ald. Swiston made the motion to hold this item pending additional information as requested from Mr. Schuckel until April 6. Committee members agreed 5-0.

#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)

ACTION: NO ACTION NECESSARY 4-0

NOTE: Clint Schuckel provided a PowerPoint presentation on the Nonantum Road update, attached to this report.

Nonantum Road Update

- April/May 2011: Soil nails, retaining wall and culvert repair
- June/July 2011: Sidewalk, final curb and lighting conduit
- August 2011: Lighting
- September 2011: Final paving
- October 2011: Landscape
- Spring 2012: Landscape and final punch list

Mr. Schuckel stated the intersection at Nonantum and Charlesbank Roads is State property. The project is moving as expected; it is anticipated to be completed this fall. A conduit is being installed at this intersection for future consideration of installing a traffic signal. The road has been re-configured from two lanes to one lane in each direction.

Ald. Lennon asked if the new proposed sign for St. James Street included a “Truck Exclusion” on Nonantum Road. Mr. Schuckel indicated he would research this request. Ald. Lennon indicated it remains problematic for pedestrians to cross Charlesbank Road because DCR is not installing a pedestrian activated signal. Pedestrians must cross at Galen Street or Brooks Street. It is necessary for the City and Ward 1 Aldermen to discuss a safe pedestrian route on Charlesbank Road. Mr. Schuckel said Charlesbank Road remains difficult because it is 18’ wide with high volumes of traffic with no easy alternatives although the reconstruction at the corner of Nonantum Road has helped.

Ald. Lennon requested this Committee docket an item to improve pedestrian activity, safety and traffic situations in the Charles Bank and Nonantum Roads area.

Captain Mintz indicated the Police Department and DCR has had conversations relating to the Walk for Hunger route. DCR has decided the walking route would not include Charlesbank Road because of safety issues. Ald. Johnson asked Captain Mintz to provide a map of the walk (this map was distributed in the March 25 packet).

Ald. Swiston made the motion for No Action Necessary, recommending docketing an item as Ald. Lennon recommended. Committee members agreed 4-0.

At approximately, 10:35 pm Ald. Swiston moved for adjournment, Committee members agreed 4-0.

Respectfully submitted,

Allan Ciccone, Jr., Chairman

54-11 Community Parking Permits

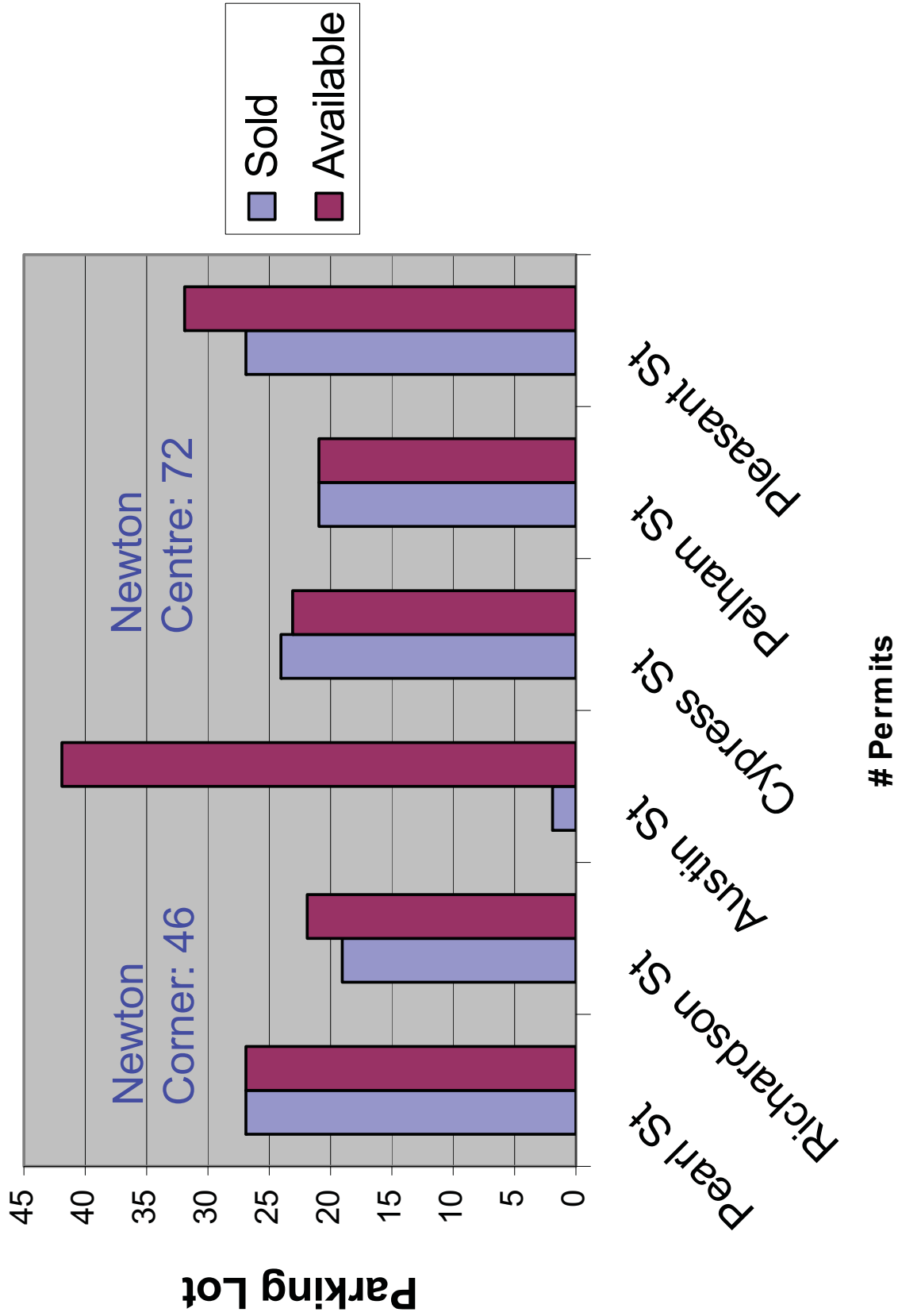
PS&T March 23, 2011

CPP: Year 2 Statistics

- Permits sold to date: 120
- # sold on annual basis: 32 27%
- # sold on quarterly basis: 37 31%
- # sold prorated monthly: 51 42%
- Revenue projection: \$113,000*

* Current permit year, revenue in both fy10 & fy 11

Permits Sold to Date



CPP Pros

- City receives 1-4 “up front” payments for full value of meter fee for 5 (Mon-Fri) out of 6 days
- Less meters require weekly emptying, counting coin
- Offers ability to give preferential treatment to Newton employees/residents over MBTA “out of towners”
- Provides convenient payment option for users
- Provides RESERVED parking for users

CPP Cons

- The City has insufficient staff to properly manage the program across departments
 - Enforcement (check sticker, call for tow, consideration)
 - Maintenance (e.g., posting signs, snow removal)
 - Administration of sales, stickers, complaints
- Reserved spaces sometimes = empty spaces, which does not mean full utilization and creates frustration (& complaint calls) when meters are full
- No premium charged for a RESERVED space

Program Costs

- Personnel
 - 10 hours per week= \$25,000 (Police admin)
 - 2 hours per week= \$5,000 (Engineering)
 - 4 hours per week= \$12,500 (DPW field crew)
- Direct Costs
 - Stickers, letters, postage= \$250 (Police)
 - Signs (\$20 x 60 spaces)= \$1,200 (DPW)
- TOTAL: ~\$50,000

Permits vs. Meter Revenue

- Permit Revenue
 - \$100/month = \$5/day (20 days: Mon-Fri)
 - No fee collected on Saturdays
 - Permits = 83% meter occupancy (5/6 days)
- Meter Revenue
 - Assume meters occupied 70% of the time
 - \$87.50/month = \$3.50/day (25 days: Mon-Sat)
- Net
 - \$12.50/month per space = \$150/space/year
 - \$150 x 120 spaces = **\$18,000***
- Loss of ticket revenue unknown

CPP Survey

- Email sent to 81 unique addresses
- 29 responses (36%) as of 4pm today

1. Please select the choice which best describes you.



Create Chart



Download

I am a Newton resident



24.1%

7

I work in Newton



62.1%

18

I live and work in Newton



13.8%

4

answered question

29

skipped question

0

2. I purchased a commercial parking permit because

	Response Percent	Response Count
It provides a reserved parking space	86.2%	25
I don't have to bring change to work everyday	0.0%	0
Other (please specify) Hide Responses	13.8%	4

Responses (4) | [Text Analysis](#) | [My Categories \(0\)](#)

GOLD FEATURE: Text Analysis allows you to view frequently used words and phrases, categorize responses and turn open-ended text into data you can really use. To use Text Analysis, upgrade to a GOLD or PLATINUM plan.

[Learn More](#)

[Upgrade »](#)

Showing 4 text responses

No responses selected

because going out every 3 hours to put quarters in the meter is a waste of time

3/22/11 6:15AM [View Responses](#)

I work at Kenneth Wildes a beauty salon across from the reserved parking space on Pelham Street and work by appointment and cannot run to the meter on time. Additionally it provides a matter of safety as people watch my space for me and my car when I leave at night.

3/22/11 6:36AM [View Responses](#)

Not only do I have to drive my son to school in the morning and then be able to find a place to park, I need to be readily available to pick him up during the day (sick, appointments, etc) and then be able to get back to work. During the day I need somewhere to park. I cannot leave my desk everyday -every hr or 3 hrs to fill a meter (if I can find one) and still be able to be successful at my job as well.

3/22/11 9:20PM [View Responses](#)

I am a business owner in Newton Centre, and it is too disruptive to have my employees feed the meter and move their cars through out the business day. I have purchased 3 parking spaces.

3/23/11 11:38PM [View Responses](#)

3. In my opinion, the City's management of the permit program is:

Create Chart



Download

Excellent



60.7%

17

Fair



35.7%

10

Poor



3.6%

1

answered question

28

skipped question

1

4. The biggest complaint I have about the parking permit program is (you may select more than one):

	Response Percent	Response Count
Someone frequently parks in my space	20.7%	6
Snow was blocking my space several times this winter	31.0%	9
My parking space was not posted by the start date	6.9%	2
No complaints	37.9%	11
Other (please specify) Hide Responses	27.6%	8

[Responses \(8\)](#) |
 [Text Analysis](#) |
 [My Categories \(0\)](#)

GOLD FEATURE: Text Analysis allows you to view frequently used words and phrases, categorize responses and turn open-ended text into data you can really use. To use Text Analysis, upgrade to a GOLD or PLATINUM plan.
 [Learn More](#)
[Upgrade »](#)

Showing 8 text responses No responses selected

- During the snow storms and immediately following the signs were not cleared and others would be in my spot
- 3/22/11 5:17AM [View Responses](#)
-
- Not available on Saturdays
- 3/22/11 5:22AM [View Responses](#)
-
- Not safe. My car was put on jacks and the wheels were stolen.
- 3/22/11 5:34AM [View Responses](#)
-
- I need Reserved Saturday Parking which is currently unavailable to me.
- 3/22/11 6:36AM [View Responses](#)
-
- Cost. \$900 is more than I can afford as a single mom - but it necessary to keep the job that I have, be successful in it - and be reachable for my son.
- 3/22/11 9:20PM [View Responses](#)
-
- I joined in Feb with some issues, but since the meters in the Cypress lot were upgraded, no problems
- 3/23/11 12:57AM [View Responses](#)

5. If the City increased the permit fee to \$200/month, I would:

	Response Percent	Response Count
Go back to using the meters	24.1%	7
Continue to purchase a permit	20.7%	6
Find another way to get to work	17.2%	5
Other (please specify) Hide Responses	37.9%	11

Responses (11) | [Text Analysis](#) | [My Categories \(0\)](#)

GOLD FEATURE: Text Analysis allows you to view frequently used words and phrases, categorize responses and turn open-ended text into data you can really use. To use Text Analysis, upgrade to a GOLD or PLATINUM plan.

[Learn More](#)

[Upgrade »](#)

Showing 11 text responses

No responses selected

That's insane and nearly twice what it costs to pay for a meter for 10 hours each day

3/22/11 7:27AM [View Responses](#)

I don't know what I'd do. I guess I would have to look for another job - which we all know is NOT out there at this point in time.

3/22/11 9:20PM [View Responses](#)

I dont know- but 2 hrs is not enough in meters and not enough 12 he meters are available

3/22/11 10:19PM [View Responses](#)

Parking fees have recently increased by 100% in the lots (increase from 25 to 50 cents/hr), it would be unfair to imagine that another large increase would be reasonable.

3/23/11 12:57AM [View Responses](#)

Be pretty upset - my company currently reimburses for permits, and I'm not sure if they would pay the additional cost

3/23/11 2:50AM [View Responses](#)

I would still be forced to buy the spaces, as to not disrupt my business, by I think that the \$200/month is extreme for a small

6. If the City parking meters accepted debit or credit cards, rather than just coins, would that change your answer to # 5 above?

[Create Chart](#) [Download](#)

	Response Percent	Response Count
Yes	6.9%	2
No	89.7%	26
Other (please specify) Hide Responses	3.4%	1

Responses (1) | Text Analysis | My Categories (0)

GOLD FEATURE: Text Analysis allows you to view frequently used words and phrases, categorize responses and turn open-ended text into data you can really use. To use Text Analysis, upgrade to a GOLD or PLATINUM plan.

[Learn More](#)

[Upgrade »](#)

Showing 1 text responses

No responses selected

No. Because, Panera Breads customers use up most of the parking spaces most of the time. Additionally, I still cannot run out to the meter every 3 hours that's required of me now.

3/22/11 6:36AM [View Responses](#)

7. Other comments (17)

- 11 = I'm happy, but don't change the price
- 3 = Need more long-term parking spaces
- 1 = should be Newton employees only
- 1 = assign to business, not vehicle
- 1 = other

Is Luke a game changer?



CPP Recommendations

- Consider elimination since there are inadequate resources to properly manage program
- Fund additional parking kiosks
 - Provides non-coin alternatives
 - Collects data on (paid) occupancy
 - Provides infrastructure for variable rates, validation, etc.
- Add minimum purchase of \$4.00 (= 8 hours at 50 cents/hour) to discourage short-term parking at long-term spaces

Schedule

- February 23
 - Initial discussion
- March 23
 - PS&T vote on program changes or elimination
- April
 - Notice to permit holder re: program status
- May 31
 - Current program expires

477-04 Newton Corner

PS&T March 23, 2011


Nonantum Rd Update

- April / May 2011
 - Soil Nails / Retaining Wall / Culvert Repair
- June / July 2011
 - Sidewalk / Final Curb / Lighting Conduit
- August 2011
 - Lighting
- September 2011
 - Final Paving
- October 2011
 - Landscape
- Spring 2012
 - Landscape / Punchlist

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))

CITY OF NEWTON
IN BOARD OF ALDERMEN

ORDINANCE NO. Z-63

May 3, 2010

BE IT ORDAINED BY THE BOARD OF ALDERMEN
OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended with respect to Chapter 19 MOTOR VEHICLES AND TRAFFIC as follows:

1. Delete in its entirety Section 19-205 **Commercial parking permits**, as established by Ordinance Z-40, dated January 20, 2009 and as most recently amended by Ordinance Z-53, dated October 19, 2009, and insert in its place the following section:

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.

2. Delete, in its entirety, the last clause in paragraph (2) of Section 19-9 and insert in its place the following language:

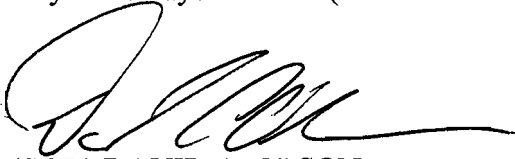
“parking in a designated community parking space without a permit (section 19-205).”

Approved as to legal form and character:


DONNALYN LYNCH KAHN

City Solicitor

Under Suspension of Rules
Readings Waived and Adopted
23 yeas 0 nays 1absent (Alderman Sangiolo)



(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

CONFIDENTIAL

CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM

TO: Members of the Public Safety & Transportation Committee

FROM: Marie M. Lawlor, Assistant City Solicitor

DATE: March 31, 2011

RE: Paneera Bread and Deluxe Station Diner -Effect of Community Parking Permit Program repeal on special permits

You have asked as to what impact, if any, the proposed repeal of the Community Parking Permit Program Newton Revised Ordinances, 2007, §19-205 (formerly called the Commercial Parking Permit program), will have on recent special permits granted for Paneera Bread and for the Deluxe Station Diner. Review of each special permit reveals that there will be no impact on either.

1. Paneera Bread, Petition #242-09

Review of the special permit reveals no condition pertaining to participation in the Community Parking Permit program.

2. Deluxe Station Diner, Petition #45-10

Condition 10 of the Special permit states as follows:

“10. The petitioner shall participate in the City’s commercial employee meter permit program for two spaces, if available.” [emphasis supplied]

On its face, the condition contemplates that if spaces are unavailable for any reason, participation is not required. Therefore by its terms, Condition 10 will simply be inoperative if spaces become unavailable due to program repeal. The repeal will not impact the Special Permit.