

4/8/10

DRAFT FOR DISCUSSION PURPOSES:

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO.

April , 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 most recently amended by Ordinance Z-53, 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 (4a) or as unmetered time limit spaces (4b) 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 (a).

(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

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor