

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

WEDNESDAY, OCTOBER 7, 2009

Present: Ald. Linsky (Chair), Danberg, Harney, Fischman, Swiston, Coletti and Vance

Absent: Ald. Ciccone

Also Present: Ald. Hess-Mahan, Baker and Sangiolo

City Staff: Clint Schuckel (Traffic Engineer), David Koses (Transportation Planner), Ann Cornaro (IT Director), Chief Joseph LaCroix (Newton Fire Department), Tom Lopez (Newton Fire Department Union President), Sgt. James Norcross (Newton Police Department) and David Koses (Transportation Planner)

DISCUSSION ITEM: Chairman's Note: At the Chair's request, the City's Information Technology Director, Ann Cornaro will join the Committee to provide the status of enforcing fire code violators.

NOTE: Chief LaCroix, Newton Fire Department and Ann Cornaro (IT Director) joined the Committee for discussion on this item.

Chief LaCroix provided Committee members with an update on this program. He indicated the tickets have been printed. There are two types; one is a state controlled ticket and the other, created by City Ordinance, covers the Fire Prevention Code as well as the Fire Alarm Ordinance. Procedures have been established with Court Magistrate Schultz. The Fire Department also worked with the Treasury Department to allow people to pay their fines in the same way as a parking ticket. The biggest problem was the tracking program. Another complication involved fire dispatch going to combined fire/police dispatch at the Police Station. Previously it had been set up with Fire Dispatch at Fire Headquarters. Eventually a program evolved where the Fire Department could respond to an address and there could be a check to see if any permits had been issued from any department. A class has been scheduled for October 16th. This will allow Fire Department employees to check into any problems in this new ticketing process.

Ms. Cornaro told the Committee that this software was purchased in 2003. One positive feature is the integration to the financial package (general ledger). If there are any fines, the charge code can be associated to the table. There would be no rekeying of that batch. Less duplication of effort would be achieved. Following training and testing, a live date to begin the program will be established.

Chairman Linsky noted the Police Department is able to generate everything right in their cruiser. Ms. Cornaro responded that would be part of Phase 2. She explained when the Inspection Services Department (ISD) first went live, palm pilots were purchased so any inspections could be downloaded and then the inspector would come back to the office; and then upload to the database. She further explained that technology changes eventually would have all

inspectors using lap tops with wireless cards allowing them to be out in the field and have the entire data base on their laptop. All of the data would have to be keyed in before going to Phase 2. The only people allowed to issue citations would be the Fire Chief, Operations Chief, all of the Deputy Chiefs, and Fire Prevention Inspectors.

Chairman Linsky asked what the total amount of employees authorized to handle these citations. Chief LaCroix responded approximately 12 fire employees.

Ald. Fischman asked about an overview of the system and Ms. Cornaro said observations were positive; the system is user friendly and it would just be a matter of recognizing all of the codes that would need input and that would be handled by IT after they are identified. Support will continue by the IT Department. Chairman Linsky sees this as a real critical element as it is not always about the equipment put out but making the best use and saving lives. In his view, this would also generate money for the Fire Department.

Chief LaCroix said it does generate revenue but that was not the primary intent. There have been many discussions with schools such as Boston College where the Chief said we had the capabilities of not only knowing which building was activated but once the Fire Department arrived at the location, they would be aware of which floor and which device. There had been a large number of false alarms at Boston College and once the floor and location could be identified, any fines could be downloaded. In lieu of fining that whole floor if the perpetrator was made known to the school, only that individual would face the consequences and not the whole floor.

REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMITTEES

#271-09 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) from bonded indebtedness for the purpose of purchasing a fire engine. [08/31/09 @ 2:55 PM]

ACTION: **APPROVED 4-0-2 (Ald. Harney and Linsky abstaining; Coletti and Danberg not voting)**

NOTE: Chief LaCroix, Newton Fire Department and Tom Lopez, Newton Fire Department Union President joined the Committee for discussion on this item.

Chief LaCroix said in the continuing effort to replace apparatus, Engine 4 was the next in line for replacement. Due to the present economy, it seemed that orders have been cancelled and the City could get a good deal if it were in the market for apparatus. This pumper could probably be purchased for a little bit under the \$500,000 but right now it depends on when the bids are in and back. After January 1, there will be a new EPA regulation coming in on motors that could add between \$25,000 and \$35,000 per motor. The regulation used for apparatus standards would also increase costs. Modifications could be made to fit City standards. He further explained that there is also a two-year bumper to bumper warranty above the other warranties. The Chief said if we wait, the price will be in the \$600,000 bracket. There will probably be an increase between two and three percent. There are a number of reasons that it is attractive to purchase this apparatus now rather than wait. Engine 4 is really in dire need of

replacement. It is a 1992 emergency 1 pumper and when the truck was checked, it was noted that the frame creaks everywhere, all cabinet doors have aluminum corrosion along the inside and around the locking handles, several of the cabinet door skins are coming apart from the door frame, several cabinet doors are not locking properly, rear step is coming apart, numerous electrical problems, all tire rims are rusting, all pump discharge ball valves are leaking, front and jump seat doors do not close properly, numerous tools are in need of replacement, several stress cracks on aluminum flooring, interior vinyl in front and jump seat areas are ripped, front intake valve does not work due to corrosion, front bumper is coming apart, windshield wipers are a constant problem and phone lines inside are restricted. When Chief LaCroix asked for the evaluation and was aware of the results, he felt Engine 4 should be replaced.

Ald. Swiston asked the status of all the fire engines. Chief LaCroix said Engine 1 was purchased in 1999, Engine 2 is a new Engine, Engine 3 was purchased in 2004, Engine 4 is 17 years old, Engine 7 was purchased in 2007, Engine 19 is a 1987 pumper but was refurbished in 2004 and returned to use in 2005. Technically a refurbished vehicle lasts an additional ten years from that point. Engine 11 and Engine 12 are spares. Ladder 1 is thirteen year old; Tower 2 is two years old, and Ladder 3 is a new truck. That group completes our active vehicles. Ladder 4 and Ladder 5 are reserved Ladder trucks.

Ald. Vance asked the Chief about the two to three percent increase in the price of these vehicles after October. Chief LaCroix said the projected cost of this truck, if it would go into customized specs in 2010, could be as high as \$600,000.

Ald. Danberg commented that since the money would come from bonded indebtedness, the rates are presently very good it would, in her opinion; make sense to look into getting the upgraded model with the new environmental apparatus that was mentioned.

Chief LaCroix provided Committee members with a report from "The Greenwood Alert" (attached to this report). In his opinion, he is not in favor of refurbished trucks and felt buying new is the best way to go. Ald. Swiston felt there was not much gain for staying with refurbished trucks.

Chief LaCroix said that part of the maintenance involves steam cleaning. Corrosion is a problem with surrounding communities due to chemicals that are put on roads to keep them clear. Some of the older trucks are not as well protected as newer ones. Pierce protects all of their undercarriages and has warranties.

Tom Lopez provided Committee members with his letter (attached to this report). Mr. Lopez believes Engine 10 does not meet standards in two different areas. He stressed that there was an injury to a firefighter and he felt it was important to address these issues.

Chairman Linsky said there are many needs that the Fire Department has and there needs to be a balance on how to go forward. There are technological, equipment, and staffing needs. Ald. Swiston asked about stimulus funds and Chief LaCroix said Newton was not eligible. Ald. Harney still questioned which engine should be replaced first. In Chief LaCroix's opinion Engine

4 is the one. Chief LaCroix respects the opinion of Tom Lopez but stressed Engine 4 is in the most need for replacement.

Ald. Vance said Mr. Lopez is correct in the need to address the whole issue but it is impossible to address everything at once. Ald. Vance was satisfied with what was presented and he felt the money should be spent to replace Engine 4 as a reasonable choice.

Chairman Linsky asked if the market were really searched, could more of the Department's needs be met. Chief LaCroix responded that it would be like buying a used car when you really don't know what the vehicle has been through or how it was treated.

Ald. Vance made the motion to approve this item and the Committee voted in favor by a vote of 4-0-2 (Ald. Harney and Linsky abstaining; Coletti and Danberg not voting)

#80-08(2) ALD.LINSKY AND DANBERG requesting an update from City staff on the City's commercial permit program and consideration of any changes based on the demand for permits to date. [06/08/09 @ 3:27 PM]

ACTION: **APPROVED 5-0 (Ald. Coletti and Harney not voting)**

NOTE: Clint Schuckel, Traffic Engineer, gave an update to the Committee explaining that this program went into effect June 1, 2009. Currently forty-one parking permits have been sold; thirty-five of which are in Newton Centre. Two amendments are proposed to that existing ordinance. The first is to extend the distance for Newton Centre from 1000 ft. to 1500 ft. The second proposal is a clarification as to how the permits are to be distributed if you have more individuals wanting them than there are available spaces. When there isn't more demand than spaces, a lottery is not warranted. If this program becomes permanent, there are still the multi-department concerns that were noted by the City Clerk. Permits are double the cost of long-term parking meters which might be why more have not been sold. Complaints received have been primarily from MBTA commuters who see these spaces being reserved. Complaints also have been heard about use on Saturdays. Many of the permit holders don't need the Saturday space and other people can't use the empty spaces. Mr. Schuckel mentioned a few minor ordinance changes; one relative to the lottery and one relative to extending the zone in Newton Centre.

Ald. Danberg said extending the area to 1500 feet in Newton Centre would be favorable. She also said there is a possibility that the ordinance could change to reflect a five day use instead of six days. A number of people who have taken advantage of this ordinance are real estate businesses where people come and go. The issue, in her opinion, that we need to deal with is are we serving the needs of the City in the right way by allowing people to come and go from the spot that they have already paid for and the City has received its money for but that other people are wishing that they could park in.

Chairman Linsky said we are learning as we go along and eventually we can reach a point that we see the kind of changes that can be made. One thing that could probably be done for further issuances would be the consideration of trying a five-day permit program. Mr. Schuckel said the next year program could be limited to Monday through Friday.

Ald. Vance made the motion to approve the redline draft of added language to the ordinance prepared by Marie Lawlor, Assistant City Solicitor (attached to this report) and the Committee voted in favor by a vote of 5-0 (Ald. Coletti and Harney not voting)

#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]

ACTION: **HELD 7-0**

NOTE: Ald. Hess-Mahan and Sgt. Norcross, Newton Police Department joined the Committee for discussion on this item.

Ald. Hess-Mahan addressed the Committee and explained that once the stickers expire on Vespa and Honda Scooters, they would have to register and once that happens, parking on sidewalks would be prohibited. He noted that we don't want to discourage people from using these low emission and high gas mileage vehicles. It would seem the City would like to pursue the use of these vehicles for trips into village centers and schools.

Mr. Glenn Wrigley, 83 Ripley Street, said he commutes about six miles to his job in Boston. His vehicle takes \$6.00 of gasoline for two weeks of commuting. He would prefer to park at a meter but the problems include inability to chain his scooter.

Ald. Hess-Mahan said he felt there should be a clear rule regarding scooter parking on sidewalks. Ald. Danberg suggested the possibility of a sticker that would allow people to park. Mr. Wrigley said this has been discussed but the problem would be that the sticker would only be valid for Newton. Ald. Danberg said perhaps a licensing fee would work.

Sgt. Norcross had concerns about this issue and wanted to be sure that public safety would be the first priority. He felt the possibility of designating certain areas in the villages might be feasible. Mr. Schuckel suggested having the Law Department draft an ordinance.

Ald. Swiston made the motion to hold this item and the Committee voted in favor by a vote of 7-0.

#278-09 ALD. BAKER AND DANBERG requesting discussion of possible modifications in the parking ordinances or regulations of the City regarding parking controls that can authorize the traffic engineer to impose temporary regulations to encourage safer passage and intersection visibility in less than emergency conditions, but while more durable restrictions are considered. [09/15/09 @ 4:22 PM]

HELD 5-0 (Ald. Linsky not voting; Coletti and Harney not present and voting) on 09-23-09

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

NOTE: Docket items #278-09 and #279-09 were discussed together.
Ald. Baker, Clint Schuckel, Traffic Engineer and David Koses, Transportation Planner joined the Committee for discussion on this item.

Ald. Baker, Mr. Schuckel and Mr. Koses have discussed ways to respond to this. Discussion included whether there could be a change in the ordinance that could facilitate the ability for the Traffic Council to take some action earlier than normal if there were a nuisance type situation. Another question involved clarification of what is an abandoned vehicle. The third question was would there be value in having the resident parking ordinance modified with a provision for a portion of a street that is partially residential and partially non-residential. Ald. Baker wondered if there could be something available in the short term if there was a reasonable basis for it. Mr. Koses said he felt the status quo should be kept. If there were a real emergency the Police Department could put in a restriction.

Ald. Danberg made the motion no action necessary and the Committee voted in favor by a vote of 7-0.

#279-09 ALD BAKER AND DANBERG requesting discussion of ways to respond to long-term parking in neighborhoods from April 15 through the summer to November 15. [09/15/09 @ 4:23 PM]

HELD 5-0 (Ald. Linsky not voting; Coletti and Harney not present and voting) on 09-23-09

ACTION: HELD 6-0 (Ald. Coletti not voting)

NOTE: Docket items #278-09 and #279-09 were discussed together.

Ald. Baker and Sangiolo joined the Committee for discussion on this item.

Ald. Baker asked if there should be another tool to deal with the problem of having a parking restriction in effect for one year before any resident sticker parking is available. Part of the problem in this area involves student parking.

Ald. Vance noted that the question is whether you have to use the one year restriction before instituting resident sticker parking.

Ald. Sangiolo feels the present policy has worked well. She felt the restriction should only be used when the residents of the area have a problem with sharing that space.

David Koses felt we should be able to try this restriction without waiting a year but perhaps not go from absolutely nothing to a full time "resident only" without wait.

Ald. Baker would like to see if he along with Clint Schuckel, David Koses, Sgt. Norcross, and Ald. Danberg could come back with something to consider. Ald. Vance would like to see language specifying that the alternative parking restrictions that would have to be considered for a year could include resident only parking for no more than a two hour period that could be one of the alternatives tried first before going to full sticker parking.

Ald. Danberg made the motion to hold this item and the Committee voted in favor by a vote of 6-0 (Ald. Coletti not voting).

#196-09 ALD. MANSFIELD AND SANGIOLO requesting rescission of Sec. 19-99 (b), Speed humps of the Revised Ordinances of the City of Newton. [06/17/09 @ 11:24 PM]

HELD 6-1 (Ald. Fischman not voting, Coletti not present and voting) on 09-09-09

ACTION: NO ACTION NECESSARY 5-0 (Ald. Vance and Fischman not voting)

NOTE: Clint Schuckel, Traffic Engineer once again joined the Committee for discussion on this item.

Mr. Schuckel said a sub-committee has met five times. (Committee members include Ald. Schnipper and Ald. Sangiolo with Ald. Linsky, Ald. Lennon and Ald. Danberg also attending several times) Mr. Schuckel said they talked to the City of Cambridge extensively about how their traffic-calming program works as well as discussions with the Fire Chief and the Police Department. The Committee seems to be trying to find a resolution to this by the end of the calendar year. Mr. Schuckel questioned if it is decided to take the ordinance that bans speed humps off the book, what the replacement would be.

Ald. Danberg noted that when these speed humps were created; there were no other types of traffic calming devices available. Mr. Schuckel said the legal definition of a speed hump describes its dimensions and raised crosswalks and raised intersections are larger in dimension than a speed hump.

Ald. Danberg made the motion no action necessary and the Committee voted in favor by a vote of 5-0 (Ald. Vance and Fischman not voting).

#425-02 ALD. PARKER, LINSKY, JOHNSON AND STEWART requesting ordinance change to allow a trial program sharing on-street parking on a given street by designating some areas as resident only (for residents of that street) and other areas for longer-term parking by Newton residents accessing public transportation and by employees of area businesses.

HELD 4-0 (Ald. Harney, Danberg, Fischman and Coletti not present and voting) on 03-05-08

ACTION: HELD 4-0 (Ald. Vance, Fischman and Coletti not voting)

Ald. Swiston made the motion to hold this item and the Committee voted in favor by a vote of 4-0 (Ald. Vance, Fischman and Coletti not voting).

At approximately, 11:15 pm Ald. Danberg moved for adjournment, which was approved 4-0 (Ald. Vance, Fischman and Coletti not voting).

Respectfully Submitted,

Stephen M. Linsky, Chairman

the GREENWOOD

EMERGENCY VEHICLES

FIRE TRUCK FACELIFT

#271-09
271-09

ALERT

Now in our 26th year!
Volume 1, Fall 2005



Side view before

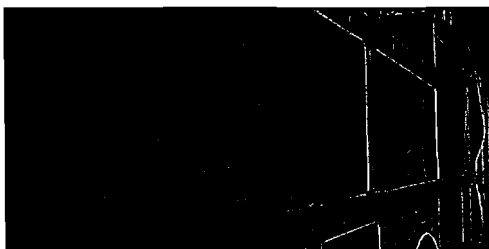
It's more than a just a little polish and a little shine. Think of it as an extreme makeover. We're talking about a real facelift for one fire truck that needed a serious overhaul.



Drilling new parts

The city of Newton, Massachusetts purchased its Emergency-One pumper fire truck back in 1987. According to the N.F.P.A.'s Fire Protection Handbook, a 10-15 year life expectancy is considered normal for first-line pumping engines. In some cases, trucks that make fewer responses to alarms can remain viable for up to 20 years with reasonable efficiency, but almost none should be considered reliable after 25 years.

City officials knew the lime-green and white vehicle needed to be replaced or, at the very least, seriously refurbished. The latter is often a smarter



Side view in progress

long-term investment for fire departments who want to stagger replacing a whole fleet of trucks or reserve their budgets for purchasing a brand-new truck at some point down the road.

With that in mind, Greenwood's Special Projects Manager Earle Nash had to decide whether Newton's truck was even a candidate for a major refurbishing. Nash, a 20-year veteran of the business, has refurbished more than 200 vehicles, and says his priority is determining whether the "window of opportunity has passed for a particular truck, making it impractical to consider such a major project, even if that means not taking the business." Some of the major factors to consider are: age, condition, body replacements, 4-door cab conversions, length of remaining service, N.F.P.A. standards, and available funds. The most critical factors, however, are cost-effectiveness and exposure to risk.

Since Newton's truck passed all the tests, it was decided that an extreme makeover was in order for the 18 year-old fire truck. Greenwood's staff set about stripping the vehicle and dismantling it, removing every part literally piece by piece. Nash ordered a complete paint restoration, converting the lime-green exterior to white and fire-engine red. Greenwood has the latest technologies on hand to do the job, including a fifty-foot state-of-the-art self-contained spray booth, and custom-made racks that allow the large doors to dry independently without risk of scratches or smudges.

In addition to a new coat of paint, Newton's truck also got a new set of brakes, a new radiator, chassis leaf springs, a master switch, an upgraded lighting package, new siren speakers and updated cab seating. Greenwood also made general repairs



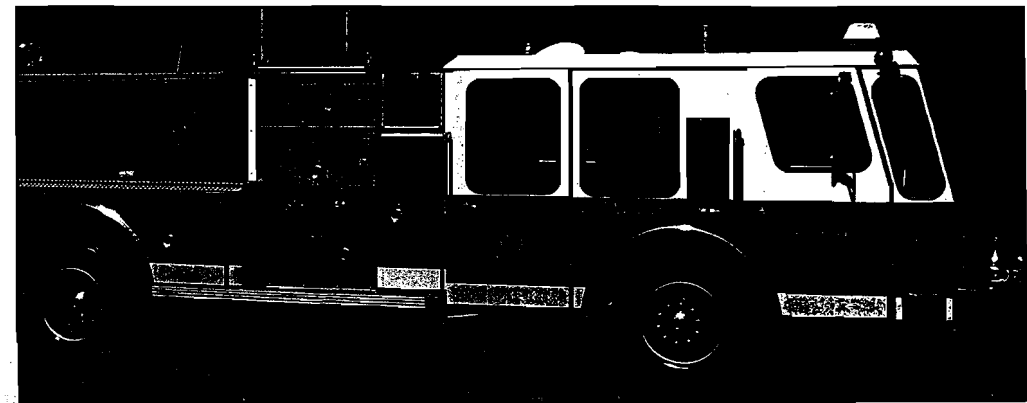
Drying racks

"Although our truck was in pretty good shape to start, it looks brand new now. They did a beautiful job."

Mike Sturniolo
Newton's Motor Squad Superintendent

to the fire pump and its related components, the vehicle's air system and the truck's body. It also received some much-needed safety enhancements, including the addition of non-skid surfaces on walk areas, and the relocation of air horns from atop the roof to the front bumper.

What resulted from this major refurbishing was a practically brand-new, cutting edge fire truck for the city of Newton. Nash says that with all of the new parts, the newly painted exterior, and the up-to-date safety features, Newton's fire truck -- "Engine 10" -- will be functioning in top form for at least another seven to ten years.



Side view after

Engine Points

As you know I support the purchase of a new engine. My concern is that we need to replace engine 10 rather than engine 4. I brought this up at the budget hearings last May and still stand by this. Engine 10 is 22 + years old and does not meet NFPA Standards in two respects.

1. NFPA 1911 states that any truck built prior to 1991 should be removed from service because of the stricter standards in the construction of fire apparatus.

2. NFPA 1911 also states that any truck over 15 years of service should be removed from front line service and over twenty from service all together.

I understand that engine ten was refurbished and the chief feels that this makes it ok to keep engine 10 in service. I disagree for the following reasons,

1. A true reimbursement by NFPA says it will be one half the replacement cost of the truck. So by today's pricing you are looking at \$225=250,000 dollars for refurbishment and we did not spend that amount on engine ten.

2. Engine ten is in Oak hill by themselves for a fair amount of time and they need to have a reliable truck. The people who live there are no different than the people in Nonantum.

3. The chief himself has testified in your committee that in his opinion a truck only lasts 10 to 12 years so why is it ok to keep a truck double that in service and replace a truck that is 15 years old.

4. When engine six was taken out of service it was engine ten that received the bulk of the work load, they are responding to more calls at greater distances and hence the reason for a reliable truck.

I needed not remind people that the accident that injured Lt. Geary involved a truck that was twenty four years old and was refurbished as well.

Now, we all know that a mechanical failure could happen with a new truck there is no way of predicting theses thing but it is much less likely to happen with a new one.

Thanks Tom

RUNS

#271-09

Engine 4 before loss of engine 6	7/1/2004- 6/30/2005	1607
Engine 10 before loss of engine 10	7/1/2004-6/30/2005	806
Engine 4 after loss of engine 6	7/1/2005-6/30/2006	1600
	7/1/2006-6/30/2007	1615
Engine 10 after loss of engine 6	7/1/2005-6/30/2006	1111
	7/1/2006-6/30/2007	1094

80-08 (2)

DRAFT FOR DISCUSSION PURPOSES:

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO.

October , 2009

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 Section 19-205 *Commercial Parking Permits*, as inserted by Ordinance No. Z-40 as follows:

1. Insert, after the first sentence of paragraph (1) of subsection (b) *Eligibility for Commercial Parking Permit* the following sentence:

“In the case of the Newton Centre/Pelham Street and Newton Centre/Pleasant Street lots, however, an otherwise eligible business may apply if located no further than 1500 feet from either of said lots.”

2. Insert, after the last sentence of paragraph (1) of subsection (c) *Issuance of Commercial Permits*, the following sentence:

“If open spaces remain in any lot after the initial lottery or at any time thereafter, and if no other eligible applicants appear on the chronological list for that location, the limitation to two commercial parking permits per business contained in subsection (b)(4) above shall not apply.

Approved as to legal form and character:

DANIEL M. FUNK
City Solicitor

Under Suspension of Rules

Readings Waived and Adopted

EXECUTIVE DEPARTMENT

Approved: June 21, 2006

(SGD) DAVID A. OLSON
City Clerk

(SGD) DAVID B. COHEN
Mayor

| **Item #80-08(2) REDLINE DRAFT FOR DISCUSSION PURPOSES:**

Added language is in bold underscored

19-205. Commercial parking permits.

(a) Types and Number of Commercial Parking Permits:

(1) There shall be a Commercial Parking Permit program (hereafter, 'program'), which shall be operated in accordance with the terms of this section. Such program shall commence on June 1, 2009 and expire May 31, 2010 unless renewed or modified by the board of aldermen.

(2) The program shall be administered by the chief of police or his designee, for all businesses so designated by the city clerk as approved to participate in the program.

(3) Commercial parking permits shall be issued for spaces in municipal lots as specified by subsection (a) (4). The commissioner of public works shall determine the exact location of parking spaces to be made available for commercial permit parking.

(4) The maximum number of municipal parking lot spaces eligible for commercial parking permits are as follows:

- a) Auburndale/Melrose Avenue: 20 spaces
- b) Newton Corner/Pearl Street: 20 spaces
- c) Newton Corner/Richardson Street: 15 spaces
- d) Newton Highlands/Hartford Street: 5 spaces
- e) Newtonville/Austin Street: 30 spaces
- f) Newton Centre/Pelham Street: 20 spaces
- g) Newton Centre/Pleasant Street: 20 spaces
- h) Nonantum/Adams Street: 10 spaces
- i) Nonantum/Chapel Street: 10 spaces
- j) West Newton/Cherry Street: 5 spaces

Metered spaces and spaces subject to time limitations shall continue to operate in the same manner, unless a commercial parking permit is purchased.

(b) Eligibility for Commercial Parking 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 commercial parking permit that authorizes its holder to park in an assigned space in an assigned municipal parking lot located no further than 1000 feet from the location of said business. **In the case of the Newton Centre/Pelham Street and Newton Centre/Pleasant**

Street lots, however, an otherwise eligible business may apply if located no further than 1500 feet from either of said lots. A holder must be an owner or employee of the business, and need not be a Newton resident to qualify for a commercial parking permit.

(2) An owner operating a business from an address as specified in subsection (b)(1) will be eligible for a commercial parking permit if he or she can provide proof of ownership at the Newton business location. Applicants shall be required to produce such evidence as the city clerk and/or the chief of police consider reasonable to verify eligibility.

(3) The vehicle to which a commercial parking permit is affixed must be a passenger vehicle registered in the Commonwealth of Massachusetts. Commercial parking permits may not be used for the parking of commercial classification vehicles as defined in section 19-174.

(4) Each eligible business shall be limited to two (2) commercial parking permits. If open spaces remain after the initial lottery conducted by the city clerk pursuant to section (c) (1), the city clerk may distribute those spaces by lottery or by chronological list.

(c) Issuance of Commercial Permits

(1) Initial issuance of commercial parking permits will be by lottery conducted by the city clerk. Thereafter, the city clerk or his designee shall maintain a chronological list of all owners who indicate in writing their interest in a commercial parking permit for a particular location. When a commercial parking permit space becomes available at the requested location, it may be offered to the first eligible applicant whose name appears on the chronological list for that location. **If open spaces remain in any lot after the initial lottery or at any time thereafter, and if no other eligible applicants appear on the chronological list for that location, the limitation to two commercial parking permits per business contained in subsection (b)(4) above shall not apply.**

(2) In order to participate in the initial lottery, a business must submit a completed commercial permit application to the city clerk. Thereafter, in order to obtain a commercial parking permit, a business must submit a completed commercial permit application to the city clerk and pay the appropriate fee.

(3) A commercial parking permit shall be valid for a period of not more than one year from its date of issuance. All permits shall expire on May 31, 2010.

(d) Commercial Parking Permit Fees

(1) An annual fee will be charged for the issuance of each commercial parking permit. The initial fee for a commercial parking permit shall be \$960.00. The

board of aldermen may set and increase the fee for each permit at any time to defray the reasonable cost of issuing the permits and administering the program plus the associated parking meter revenue. For a nominal fee to be determined by the chief of police, the business owner may purchase duplicate permit stickers for the assigned space to allow for shared use of that space by multiple employees of that business.

(2) The annual fee for the commercial parking permit shall be payable prior to issuance, and shall be pro-rated if issued after June 1.

(3) No commercial parking permit shall be issued under this section unless and until the applicable permit fee has been paid.

(e) Display of Commercial Permit

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

(f) Effect of Commercial Permit

(1) A commercial parking permit shall provide its holder the right to park in an assigned space designated for commercial parking in the assigned municipal parking lot between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.

(2) A commercial parking permit shall not be valid during the period of a declared snow emergency.

(3) The holder of a commercial parking permit shall immediately notify the city clerk or his designee if the business to which it is assigned ceases to operate or changes its business location.

(4) Until its expiration, surrender or revocation, a commercial parking permit shall remain valid for the length of time the assigned holder continues to do business at the address to which the permit was issued.

(g) Conditions for revocation of commercial parking permit.

(1) A commercial parking 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.

(2) A commercial parking permit shall be revoked if the business to which it is assigned ceases to operate or changes its business location, unless such change in

location is within the 1000' distance from the assigned lot as determined by the city clerk.

(3) A commercial parking 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 commercial parking 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 commercial 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.

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