

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO. Z-40

January 20, 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 **Chapter 19 Motor Vehicles and Traffic** as follows:

1. Insert a new section 19-205 as follows:

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

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- 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. 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.

(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

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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.

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(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.

2. Add to the provisions of subsection (2) of Section 19-9, *Penalty for parking violations*, the following clause:

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

3. Add a new paragraph (10) to the provisions of subsection (a) of Section 19-219:

(10) any vehicle parked in violation of section 19-205 "Commercial parking permits."

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Approved as to legal form and character:

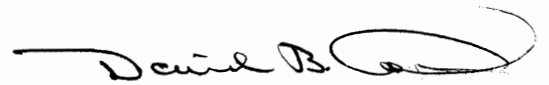


DANIEL M. FUNK
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted
21 yeas, 1 nay (Alderman Freedman), 2 absent (Aldermen Gentile and Linsky)



(SGD) DAVID A. OLSON
City Clerk



(SGD) DAVID B. COHEN
Mayor

Date: 3/31/09

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