



Public Safety & Transportation Committee Report

City of Newton **In City Council**

Wednesday, October 5, 2016

Present: Councilors Ciccone (Chair), Blazar, Fuller, Yates, Cote, Harney and Norton

Absent: Councilor Lipof

Also Present: Councilors Crossley (Chair), Lennon, Danberg, Laredo, Albright, Gentile and Brousal-Glaser

Absent: Councilor Lappin

Also Present: Councilors Rice and Leary

City Staff: Shane Mark, Director of Operations, Department of Public Works; Nicole Freedman, Director of Transportation; Marie Lawlor, Associate City Solicitor; Sgt. Jay Babcock, Cap. Paul Anastasia and Lt. John Daly, Newton Police Department

Referred to Public Safety & Transportation, Public Facilities and Finance **Committees**

#335-16 **Request for Ordinance amendments to require removal of snow from sidewalks**
COUNCILOR DANBERG requesting that §26-8 through §26-9 and §20-21 of the City of Newton Rev. Ord's., 2012, be amended to establish criteria and provisions for requiring removal of snow in all districts by property owners, occupants, and property managers from sidewalks abutting their property and to review and amend enforcement provisions including structure of fines for snow removal violations. [09/27/16 @ 11:36 AM]

ACTION: **Public Facilities Held 7-0**
 Public Safety & Transportation Held 7-0

NOTE: Committee members were provided with proposed amendments, a redline and a clean copy of the draft Ordinance and a list of residential sidewalk snow ordinances in the Boston Region for discussion purposes, attached to this report.

The Public Safety & Transportation Committee discussed this item jointly with the Public Facilities Committee. Please refer to the Public Facilities report for a detailed account of this discussion.

Councilor Yates made the motion to hold this item pending additional material as requested. The Public Facilities Committee Chair stated that she anticipates discussing this item on October 19, 2016. Committee members agreed 7-0.

#329-16 Request amendment to Sec. 19-175. Angle parking.
COUNCILOR RICE, requesting that **Sec. 19-175. Angle parking.** of the City of Newton Revised Ordinances, 2012, be amended to allow Traffic Council to designate on street angle parking for overnight resident sticker and visitor permit parking.
[09/22/16 @ 10:52 AM]

ACTION: APPROVED 7-0

NOTE: : Councilor Rice, Shane Mark, Director of Operations, Department of Public Works; Nicole Freedman, Director of Transportation; Marie Lawlor, Associate City Solicitor; Sgt. Jay Babcock, Cap. Paul Anastasia and Lt. John Daly, Newton Police Department joined the Committee for discussion on this item.

Council members were provided with a redline copy of the draft Ordinance for discussion purposes, attached to this report.

Councilor Rice stated that he docketed this item in order to provide relief to residents for overnight resident sticker and visitor permit parking. In Newton Upper Falls, there are no municipal parking lots available for the residents. In the past, the church allowed residents to park in their parking lot but that has unfortunately ended. Last winter, residents would drive to park in the Newton Highlands municipal parking lot and bus home. He then said that if this item were approved, it may also benefit residents and visitors by providing additional parking options in the city.

Councilor Rice said that he has discussed this option with Mr. Mark and the Department of Public Works, Mr. Koses, Ms. Lawlor and the Newton Police Department who said that they would support this request.

Ms. Lawlor stated that by approving this request at existing parking locations, it would allow the following: "Traffic Council may designate one or more on-street angle parking areas or portions thereof for an overnight resident sticker and visitor permit on-street angle parking program." This would help alleviate parking burdens. A Traffic Council petition would need to be docketed for consideration of each location requested. This program would allow residents and visitors to park year round. If approved, the program would be governed and administered through the Newton Police Department with the same requirements, eligibility, etc. for overnight resident sticker and visitor permit parking permits except during snow emergencies.

The Department of Public Works has indicated that they would support this request, as it would not interfere with snow plowing operations. The Police Department has indicated that they would support this request, as it would not interfere with public safety concerns.

Committee members said that this item provides other options for residents and visitors and agreed that when desired a petition should be filed with Traffic Council for their consideration on each location requested.

Without further discussion, Councilor Yates moved approval of the item. Council members agreed 7-0.

A clean copy of the draft Ordinance is attached to this report.

#414-13(4) Revise Ordinance to raise the age limit for retired police officers to work details
HIS HONOR THE MAYOR requesting that Chapter 24-6 of the City of Newton Revised Ordinances, 2012, be amended to reflect the special legislation approved by the General Court authorizing the Mayor, upon recommendation of the Chief of Police, to appoint former Newton police officers who have retired for superannuation and who are under age 70 to serve as special police officers for the purpose of performing police details in the City of Newton. [09/21/16 @ 6:21 PM]

ACTION: APPROVED 7-0

NOTE: Marie Lawlor, Associate City Solicitor; Sgt. Jay Babcock, Cap. Paul Anastasia and Lt. John Daly joined the Committee for discussion of this item.

Council members were provided with a request from the mayor, a redline copy of the draft Ordinance and a signed copy of Chapter 266 of the Acts of 2016 for discussion purposes, attached to this report.

Chair Ciccone stated that on September 16, 2016 the Governor signed a special legislation that will become effective on December 15, 2016 allowing retired Newton Police Officers who are under the age of 70 years old to perform police details.

Without discussion, Councilor Blazar moved approval of the item. Council members agreed 7-0.

A clean copy of the draft Ordinance is attached to this report.

At approximately 9:50 p.m., Councilor Yates made a motion to adjourn. Committee members agreed 7-0.

Respectfully submitted,

Allan Ciccone, Jr. Chair

PROPOSED SNOW ORDINANCE AMENDMENT (9/29/2016):

- Consolidates sidewalk snow removal requirements into one section Sec. 26-8.
- Commercial: adds mixed use and manufacturing districts to the business district requirements, and reduces the time period for compliance from 24 hours to 12 hours. Changes fine structure from graduated (\$100/\$200/\$300) to \$100 flat for each offense. (Each day violation continues constitutes a separate offense under Sec. 1-6 of the ordinances).
- Commercial: includes properties used for institutional purposes with properties used for commercial purposes in other districts to which business district requirements apply.
- Adds a new category to which business district requirements and fines will apply: multi-family buildings containing 4 or more dwelling units, regardless of district.
- Makes the pilot program for residential districts permanent, and reduces the time for compliance from 30 hours to 24 hours. Adds \$25 fine for any offense. (Each day violation continues constitutes a separate offense under Sec. 1.6 of the Ordinances).
- Deletes current snow clearing assistance provisions for compilation by DPW of lists of persons available to provide snow clearing either for a fee or on a volunteer basis, but authorizes mayor or designee to coordinate volunteer or municipal snow clearing assistance for residential district requirements in cases of hardship.
- Authorizes mayor or designee to grant hardship exemptions due to health and financial duress.
- Authorizes Mayor or designee to delay period for compliance depending on severity of storm or other factors.

SNOW ORDINANCEDRAFT FOR DISCUSSION 9/29/2016 REDLINE COPY**Sec. 26-8. Removal of snow and ice from sidewalks ~~in certain districts.~~**

~~Every owner or occupant of a building or lot of land abutting upon a sidewalk which is within a business district, as defined by chapter 30, and every owner or occupant of a building situated in other than a business district as defined by such chapter and which is used for a purpose permitted in districts zoned for business but not permitted in districts zoned for single, private or general residences, whether or not such use is a noneconforming use under the provisions of such chapter, which building abuts upon a sidewalk, or stands upon a lot of land abutting upon a sidewalk, shall cause any snow to be removed from the sidewalk and any ice on the sidewalk to be removed, sanded or salted within twenty four (24) hours after such snow has ceased to fall or such ice has come to be formed. The preceding provision shall apply to snow and ice which falls from buildings, other structures, trees or bushes as well as to that which falls from clouds.~~

~~(a) *Business, mixed use, and manufacturing districts.* In all business, mixed use and manufacturing districts as defined by chapter 30, and for properties used for commercial or institutional purposes in other districts, the owner, or his/her agent, of any land abutting a paved sidewalk of a street shall cause said sidewalk, including handicap access ramps, to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of such sidewalk within the first twelve (12) hours after such snow or ice has come upon the sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.~~

Comment [m1]: This leaves out public use and open space districts – any reason to include them?

~~(b) *Multi-family dwellings.* The owner, or his/her agent, of any building designed or occupied as a residence by four or more families or which contains four or more dwelling units shall cause all paved sidewalks of a street, including handicapped access ramps, which abut the land upon which the building is situated to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of said sidewalk within the first twelve (12) hours after such snow or ice has come upon such sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.~~

~~(c) *Residential districts.* In residential districts, as defined by chapter 30, except as set forth in (a) and (b) above, the owner, or his/her agent, of any land abutting a paved sidewalk of a street shall cause said sidewalk, including all handicap access ramps, to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along such sidewalk within the first twenty-four (24) hours after such snow or ice has come upon such sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.~~

~~(d) *Hardship.* The mayor or his designee is authorized to and may coordinate volunteer or municipal snow clearing assistance and/or to grant an exemption from the provisions of (c) above, renewable annually, for homeowners who upon written petition demonstrate hardship due to health and financial duress.~~

~~(e) *Compliance delay.* Depending on the severity of a storm or other factors, the Mayor or his designee, in consultation with the Commissioner of Public Works, may delay the period for compliance with this section. Notice of a compliance delay shall be posted on the City's website and other good faith efforts to notify the public shall be made, such as social media outlets, cable access television, e-mail list serves, or emergency telephone notification systems.~~

(Rev. Ords. 1973, § 19-8; Ord. No. T-127, 3-4-91; Ord. No. T-165, 8-12-91; Ord. No. U-3, 2-22-94)

State law references—Removal of snow from sidewalks, G.L. c. 85, § 5; G.L. c. 40, § 21(2), (3), (4)

Sec. 26-~~98A.~~ Municipal City snow clearing—Clearing of sidewalks used as school routes.

SNOW ORDINANCEDRAFT FOR DISCUSSION 9/29/2016 REDLINE COPY

The commissioner of public works shall clear snow from certain city sidewalks including portions of both school pedestrian routes and specific arterial and collector roadways, subject to appropriation and the availability of city personnel and equipment. The commissioner, after consultation with the superintendent of schools, chief of police and other appropriate city personnel, shall determine the total number of miles of city sidewalks to be cleared for the purposes of this ordinance based on the availability of personnel, vehicles and funding. Each year during the month of November, the commissioner shall publish a list of said sidewalk snow clearing routes. Said list shall include the street names and, where appropriate, the names of intersecting streets up to which the sidewalks will be cleared. The commissioner shall send a copy of said list to the chief of police and the superintendent of schools. (Ord. No. U-23, 7-11-94)

Sec. 26-8B. Same—Snow clearing assistance.

~~The commissioner shall annually prepare lists of persons available to provide snow clearing assistance either for a fee or on a volunteer basis. The lists shall be prepared in consultation with appropriate school and senior services department personnel, interested neighborhood organizations, houses of worship, parent teacher associations, and other similar groups that indicate a willingness to participate in snow clearing assistance. Said lists shall be made available during the month of November each year. The list of persons available to provide snow clearing assistance for a fee shall be available upon request to any Newton resident. Low income elderly or low income handicapped persons requesting volunteer snow clearing assistance shall be referred to the senior services department to be matched with available volunteers. For the purposes of this section, "elderly" shall be defined as a person sixty (60) years of age or older, "handicapped person" shall be defined as a person with a physical condition which substantially limits the ability to engage in physical snow clearance activities and "low income" shall be defined in accordance with guidelines established by the United States Department of Housing and Urban Development for the Community Development Block Grant Program. (Ord. No. U-23, 7-11-94; Ord. No. 175, 05-26-05)~~

Sec. 26-8C10. Municipal snow removal operations – clearance Same—Snow clearance standards.

The commissioner of public works shall endeavor to minimize the blocking of sidewalks and intersections with plowed snow so as not to hinder pedestrian passage. The commissioner shall remove plowed snow from sidewalks and intersections that block pedestrian access, to the extent that such removal is feasible, as determined by the commissioner, and subject to appropriation. (Ord. No. U-23, 7-11-94)

Sec. 26-8D. Trial program for removal of snow and ice from sidewalks.

~~In order to allow for safe pedestrian and wheelchair passage, every owner or occupant of a building or lot of land abutting upon a paved sidewalk or any person having charge of such property shall use reasonable efforts to remove snow and ice from the sidewalk and handicap access ramps, and shall use reasonable efforts to treat said sidewalk and ramps to allow for a safe passageway of approximately thirty-six (36) inches in width, provided that where such sidewalk is less than thirty-six (36) inches in width the passageway shall encompass its entire width and handicap access ramps. Snow and ice shall be removed, and sidewalks and ramps shall be treated, within thirty (30) hours after such snow has ceased to fall or such ice has formed. This section shall apply to snow and ice which falls from buildings, other structures, trees or bushes, as well as to that which falls from clouds. This section shall not apply to owners or occupants of a building or lot covered by Section 26-8. The mayor or his designee is authorized to coordinate volunteer snow clearing assistance or to grant an exemption, renewable annually, for citizens who upon written petition demonstrate hardship due to a combination of health and financial duress. The provisions of this section shall take effect on November 1, 2011 and shall expire on November 1, 2015 unless terminated earlier or renewed or modified by the board of aldermen. During this trial period, enforcement shall be limited to issuance of notices of non-compliance for violations of any provision of this section. (Ord. No. Z-83, 3-21-11, Ord. No. A-8, 01-22-13; Ord. No. A-49, 12-01-14)~~

SNOW ORDINANCE
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Sec. 26-~~119~~. Putting snow and ice upon streets, sidewalks and bridges.

(a) No person shall block, obstruct or otherwise hinder or impair pedestrian or vehicular traffic on the public ways of the city by placing snow or ice or permitting or causing snow or ice to be placed upon a street, sidewalk or bridge, except that snow or ice removed from a sidewalk may be piled in the adjoining gutter or on the loam border between the sidewalk and the street. This section shall not apply to municipal snow removal operations.

(b) Without limiting the applicability of the foregoing paragraph (a), the owner or occupant of property whose driveway or sidewalk is cleared of snow shall be responsible for promptly removing snow placed on the public way (street, sidewalk and/or bridge) adjoining the owner's property as a result of clearing snow from the driveway or sidewalk of the owner. For purposes of this paragraph, "clearing snow" shall include, but is not limited to, plowing, shoveling, sweeping and any other similar means of removing snow from the driveway or sidewalk. This section shall not apply to municipal snow removal operations. (Rev. Ords. 1973, § 19-9; Ord. No. T-166, 8-12-91; Ord. No. X-97, 07-12-04)

**ARTICLE III.
CIVIL FINES/NON-CRIMINAL DISPOSITION**

Sec. 20-21. Enforcing persons and revised ordinances subject to civil fine.

(d) POLICE DEPARTMENT: City police officers shall be authorized to issue written notice of the following violations:

.....PENALTY
() Warning \$0.00

Sec. 26-8 (a). Removal of snow and ice from sidewalks, ~~business, mixed use, manufacturing-in certain~~ districts.

() ~~First Any~~ offense ~~in calendar year~~ \$100.00

Sec. 26-8 (b). Removal of snow and ice from sidewalks, multi-family (4 or more dwelling units).

~~() Second offense in calendar year~~ ~~\$200.00~~

~~() Third and subsequent offenses in calendar year~~ ~~\$300.00~~

~~() Any offense~~ ~~\$100.00~~

Sec. 26-8 (c). Removal of snow and ice from sidewalks, residential (1-3 family dwellings).

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() Any offense \$25.00

Sec. 26-~~9~~11. Putting snow and ice upon streets, sidewalks and bridges

~~(a)~~ (a) Placing snow or ice on a public way (street, sidewalk or bridge)

() First offense in calendar year \$100.00

() Second offense in calendar year \$200.00

() Third offense and subsequent offenses in calendar year \$300.00

~~(b)~~ (b) Causing or permitting snow or ice to be placed upon a public way (street, sidewalk or bridge)

() First offense in calendar year \$100.00

() Second offense in calendar year \$200.00

() Third offense and subsequent offenses in calendar year \$300.00

SNOW ORDINANCE
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Sec. 26-8. Removal of snow and ice from sidewalks.

(a) *Business, mixed use, and manufacturing districts.* In all business, mixed use and manufacturing districts as defined by chapter 30, and for properties used for commercial or institutional purposes in other districts, the owner, or his/her agent, of any land abutting a paved sidewalk of a street shall cause said sidewalk, including handicap access ramps, to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of such sidewalk within the first twelve (12) hours after such snow or ice has come upon the sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.

(b) *Multi-family dwellings.* The owner, or his/her agent, of any building designed or occupied as a residence by four or more families or which contains four or more dwelling units shall cause all paved sidewalks of a street, including handicapped access ramps, which abut the land upon which the building is situated to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of said sidewalk within the first twelve (12) hours after such snow or ice has come upon such sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.

(c) *Residential districts.* In residential districts, as defined by chapter 30, except as set forth in (a) and (b) above, the owner, or his/her agent, of any land abutting a paved sidewalk of a street shall cause said sidewalk, including all handicap access ramps, to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along such sidewalk within the first twenty-four (24) hours after such snow or ice has come upon such sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.

(d) *Hardship.* The mayor or his designee is authorized to and may coordinate volunteer or municipal snow clearing assistance and/or to grant an exemption from the provisions of (c) above, renewable annually, for homeowners who upon written petition demonstrate hardship due to health and financial duress.

(e) *Compliance delay.* Depending on the severity of a storm or other factors, the Mayor or his designee, in consultation with the Commissioner of Public Works, may delay the period for compliance with this section. Notice of a compliance delay shall be posted on the City's website and other good faith efforts to notify the public shall be made, such as social media outlets, cable access television, e-mail list serves, or emergency telephone notification systems.

(Rev. Ords. 1973, § 19-8; Ord. No. T-127, 3-4-91; Ord. No. T-165, 8-12-91; Ord. No. U-3, 2-22-94)

State law references—Removal of snow from sidewalks, G.L. c. 85, § 5; G.L. c. 40, § 21(2), (3), (4)

Sec. 26-9. Municipal snow clearing—Clearing of sidewalks used as school routes.

The commissioner of public works shall clear snow from certain city sidewalks including portions of both school pedestrian routes and specific arterial and collector roadways, subject to appropriation and the availability of city personnel and equipment. The commissioner, after consultation with the superintendent of schools, chief of police and other appropriate city personnel, shall determine the total number of miles of city sidewalks to be cleared for the purposes of this ordinance based on the availability of personnel, vehicles and funding. Each year during the month of November, the commissioner shall publish a list of said sidewalk snow clearing routes. Said list shall include the street names and, where appropriate, the names of intersecting streets up to which the sidewalks will be cleared. The commissioner shall send a copy of said

SNOW ORDINANCE
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list to the chief of police and the superintendent of schools. (Ord. No. U-23, 7-11-94)

Sec. 26-10. Municipal snow removal operations – clearance standards.

The commissioner of public works shall endeavor to minimize the blocking of sidewalks and intersections with plowed snow so as not to hinder pedestrian passage. The commissioner shall remove plowed snow from sidewalks and intersections that block pedestrian access, to the extent that such removal is feasible, as determined by the commissioner, and subject to appropriation. (Ord. No. U-23, 7-11-94)

Sec. 26-11. Putting snow and ice upon streets, sidewalks and bridges.

(a) No person shall block, obstruct or otherwise hinder or impair pedestrian or vehicular traffic on the public ways of the city by placing snow or ice or permitting or causing snow or ice to be placed upon a street, sidewalk or bridge, except that snow or ice removed from a sidewalk may be piled in the adjoining gutter or on the loam border between the sidewalk and the street. This section shall not apply to municipal snow removal operations.

(b) Without limiting the applicability of the foregoing paragraph (a), the owner or occupant of property whose driveway or sidewalk is cleared of snow shall be responsible for promptly removing snow placed on the public way (street, sidewalk and/or bridge) adjoining the owner's property as a result of clearing snow from the driveway or sidewalk of the owner. For purposes of this paragraph, "clearing snow" shall include, but is not limited to, plowing, shoveling, sweeping and any other similar means of removing snow from the driveway or sidewalk. This section shall not apply to municipal snow removal operations. (Rev. Ords. 1973, § 19-9; Ord. No. T-166, 8-12-91; Ord. No. X-97, 07-12-04)

**ARTICLE III.
CIVIL FINES/NON-CRIMINAL DISPOSITION**

Sec. 20-21. Enforcing persons and revised ordinances subject to civil fine.

(d) POLICE DEPARTMENT: City police officers shall be authorized to issue written notice of the following violations:

.....	<u>PENALTY</u>
() Warning	\$0.00
Sec. 26-8 (a). Removal of snow and ice from sidewalks, business, mixed use, manufacturing districts.	
() Any offense.....	\$100.00
Sec. 26-8 (b). Removal of snow and ice from sidewalks, multi-family (4 or more dwelling units).	
() Any offense	\$100.00
Sec. 26-8 (c). Removal of snow and ice from sidewalks, residential (1-3 family dwellings).	

SNOW ORDINANCE
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() Any offense \$25.00

Sec. 26-11. Putting snow and ice upon streets, sidewalks and bridges

(a) Placing snow or ice on a public way (street, sidewalk or bridge)

() First offense in calendar year \$100.00

() Second offense in calendar year \$200.00

() Third offense and subsequent offenses in calendar year \$300.00

(b) Causing or permitting snow or ice to be placed upon a public way (street, sidewalk or bridge)

() First offense in calendar year \$100.00

() Second offense in calendar year \$200.00

() Third offense and subsequent offenses in calendar year \$300.00

Residential Sidewalk Snow Ordinances in the Boston Region

Municipality	Time allotted to clear	Fine*
Arlington	8 hours	\$25-50/day
Belmont	By 8pm	\$0/50/100 to \$350 max
Boston	3 hours	\$50-100
Brookline	30 hours	\$25
Cambridge	12 hours snow/6 hours ice	\$50
Chelsea	24 hours	\$0/50/150/300
Everett	12 hours	\$0/0/25/50
Lynn	10 hours	\$50
Malden	24 hours	Cost of removal of violation and a fine up to \$200
Medford	6 hours	\$25/50
Salem	6 hours	\$25/75/100
Somerville	By 10 am or 10 pm	\$50/100/200
Winthrop	6 hours	\$25/50/100
Newton	30 hours	none

- Slashes mean per instance—so \$0/25/50 means—warning first instance, \$25 second instance \$50 third and subsequent instance.

Source:

<http://massgis.maps.arcgis.com/apps/MapSeries/index.html?appid=3c4b4d684b6a4d35894efe8d04a145a7>

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

October , 2016

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS
FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are
hereby further amended with respect to **Article VII** of **Chapter 19** as follows:

INSERT after paragraph (b) of Sec. 19-175 the following new paragraph (c):

(c) The traffic council may designate one or more on-street angle parking areas or portions thereof for an overnight resident sticker and visitor permit on-street angle parking program. For the purposes of this program, angle parking areas shall include on-street areas in which parking is perpendicular to the curb. Such program shall be governed and administered in accordance with the provisions of the resident sticker and visitor permit municipal lot parking program set forth in Sec. 19-200. The traffic council shall maintain the list of areas so designated in its traffic and parking regulations.

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

Docket # 329-16

DRAFT FOR DISCUSSION PURPOSES 9/27/2016

Add a new paragraph (c) to Sec. 19-175 as follows (added language is underscored):

Sec. 19-175. Angle parking.

(a) The traffic council shall determine upon what streets angle parking shall be permitted and the commissioner of public works shall mark or sign such streets or cause the same to be marked or signed.

(b) Upon streets or parts of streets which have been marked or signed for angle parking, vehicles shall be parked with one wheel within twelve (12) inches of the curb and at the angle to the curb indicated by such marks or official signs. The vehicle shall be parked so that all four (4) wheels of the vehicle shall be placed wholly within the painted lines provided.

(c) The traffic council may designate one or more on-street angle parking areas or portions thereof for an overnight resident sticker and visitor permit on-street angle parking program. For the purposes of this program, angle parking areas shall include on-street areas in which parking is perpendicular to the curb. Such program shall be governed and administered in accordance with the provisions of the resident sticker and visitor permit municipal lot parking program set forth in Sec. 19-200. The traffic council shall maintain the list of areas so designated in its traffic and parking regulations.

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

October , 2016

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS
FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended with respect to **Sec. 24-6 Police Retiree Detail Patrol** of **Article I** of **Chapter 24** as follows:

1. **Delete** the last sentence of paragraph (a) of Sec. 24-6 and **insert** in place thereof the following language:

“Notwithstanding the maximum age restrictions applied to regular Newton police officers under chapter 32 of the General Laws, retired police officers shall be eligible to serve as special police officers under this section until they reach the age of 70.”

2. **Delete**, in the fourth sentence of paragraph (i) of Sec. 24-6 the number “65” and **insert** in place thereof the number “70”.
3. **Delete** the fifth sentence of paragraph (i) of Sec. 24-6 in its entirety.
- .

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



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#414-13(2)

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

September 20, 2016

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

On September 16, 2016, the Governor signed Chapter 266 of the Acts of 2016 *An Act Relative to Special Police Officers in the City of Newton*. This special legislation, which raises the age limit for service on Newton's special retiree police detail patrol from age 65 to age 70, will become effective December 15, 2016 (90 days after signing).

I write to request that your Honorable Council docket for consideration a corresponding amendment to Section 24-6, of the Newton Revised Ordinances, 2012, in order to implement such special legislation.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

2016 SEP 21 PM 6:21
City of Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Sec. 24-6 Police Retiree Detail Patrol

The mayor may appoint, at the recommendation of the police chief and as the police chief deems necessary, retired Newton police officers as special police officers, to be known as the Newton Police Retiree Detail Patrol, to perform police details or any duties arising therefrom or during the course of police detail work, whether or not related to the detail work, subject to the following requirements and conditions. Special police officers appointed under this section shall be paid for performing assigned details at the same rate as regular police officers performing assigned details.

(a) The retired police officers shall have been regular Newton police officers and retired from Newton based on superannuation. ~~They shall be subject to the same~~ Notwithstanding the maximum age restrictions ~~as~~ applied to regular Newton police officers under chapter 32 of the General Laws, retired police officers shall be eligible to serve as special police officers under this section until they reach the age of 70.

(b) Prior to appointment under this section, a retired Newton police officer shall pass a medical examination by a physician or other certified professional chosen by the City to determine whether the retired Newton police officer is capable of performing the essential duties of a special police officer under this section, the cost of which shall be borne by the retired Newton police officer.

(c) Special police officers appointed under this section shall not be subject to chapter 31 of the General Laws, section 99A of chapter 41 of the General Laws, chapter 150E of the General Laws, or chapter 151A of the General Laws. Special police officers appointed under this section shall not be eligible for special leave, vacation, or other benefits enumerated in article II of chapter 2 of these ordinances.

(d) Special police officers shall, when performing the duties under this section, have the same power to make arrests and perform other police functions as do regular police officers of the City of Newton.

(e) Special police officers shall be appointed for an indefinite term, subject to removal by the mayor or the chief of police at any time with a 14 day written notice.

(f) The workweek for special police officers appointed under this section shall be seven (7) consecutive twenty-four (24) hour periods, for a total of one hundred and sixty-eight (168) hours, which shall commence at 8:00 A.M. at the start of each Monday of the calendar week. In no case shall any special police officer appointed under this section perform police details or any duties arising therefrom in excess of forty (40) hours in any given workweek.

(g) Special police officers appointed under this section shall be subject to the rules and regulations, policies and procedures and requirements as the chief of police and the mayor may impose from time to time, including, but not limited to restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms licensing and qualifications and requirements regarding uniforms and equipment. Compliance with all requirements will be at no cost to the City of Newton. Special police officers appointed under this section shall not be subject to section 96B of chapter 41 of the General Laws.

(h) Special police officers appointed under this section shall be sworn before the city clerk of the City of Newton who shall keep a record of all such appointments.

(i) Special police officers appointed under this section shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under section 111F of chapter 41 shall be

calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks before the incapacity. In no event shall payment under section 111F of chapter 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under section 111F of chapter 41 shall terminate in accordance with section 111F of Chapter 41 or when a special police officer appointed under this section reaches the age of 65~~70~~, whichever occurs sooner. ~~If the age limitation applicable to regular police officers serving a city is increased from 65 years of age, the termination of benefits under section 111F of chapter 41, as provided in this section for special police officers, shall terminate at such a higher age limit, but in no event shall the benefits extend beyond the age of 70 for any such special police officer.~~ Special police officers appointed under this section shall not be subject to section 85H or 85H 1/2 of chapter 32, nor eligible for any benefits pursuant thereto.

(j) Appointment as a special police officer under this section does not entitle that person to assignment to any detail.

(k) Retired Newton police officers serving as special police officers under this section shall be subject to the limitations on hours worked and on earnings restrictions as provided in paragraph (b) of section 91 of chapter 32 of the General Laws. (Ord. No. A-45, 09-15-14)

H 3885

Chapter 266
of the Acts of 2016

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Eighty-Ninth General Court

AN ACT RELATIVE TO SPECIAL POLICE OFFICERS IN THE CITY OF NEWTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 96 of the acts of 2014 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Notwithstanding the maximum age restrictions applied to regular Newton police officers under chapter 32 of the General Laws, the retired Newton police officers shall be eligible to serve as special police officers pursuant to this act until they reach the age of 70.

SECTION 2. Said chapter 96 is hereby further amended by striking out section 8 and inserting in place thereof the following section:-

Section 8. A special police officer appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details or averaged over a lesser period of time for an officer designated as a special police officer less than 52 weeks before the incapacity. A payment under said section 111F of said chapter 41 shall not exceed, in a calendar year, the limitation on earnings contained in paragraph (b) of section 91 of chapter 32 of the General Laws. A payment under said section 111F of said chapter 41 shall terminate in accordance with said section 111F of said chapter 41 or when a special police officer appointed under this act reaches the age of 70, whichever occurs first. A special police officer appointed under this act shall not be subject to section 85H or 85H½ of said chapter 32 or eligible for the benefits.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, September 6, 2016.

Passed to be enacted,

Paul J. Donato Acting
Speaker.

In Senate, September 6, 2016.

Passed to be enacted,

William U. Brown Acting
President.

Sept 16, 2016.

Approved,
at 10 o'clock and 37 minutes, P. M.

Ch. D. Blawie Governor.