



City of Gloucester City Council

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Telephone 508-281-9722 Fax 508-281-8472

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, March 15, 2010 – 6:30 PM
Council Committee Room - First Floor
City Hall, 9 Dale Avenue

AGENDA

1. Unfinished Business:
 - A) COM2010-001 (Tobey/Ciolino) Order that the City Council Continue to Consider becoming a member of Essex North Shore Agricultural and Technical School District (Cont'd from 01/25/2010)
 - B) CC2010-019 (Verga/Whynott) City Council to investigate the possibility and procedure to consolidate polling locations (Cont'd from 02/08/2010)
 - C) Order: CC2009-046 (Grow) Amend Sec. 17 of GCO re: Civil Service Ballot Measure & Procedure for Selection of Chief of Police (Cont'd from 02/22/10)
 - D) Memo from Operations Manager-Public Properties re: Proposed changes to Beach and Stage Fort Park Regulations (Cont'd from 02/22/10)
2. Memo from Police Chief re: Amendment to Code of Ordinance increasing bus stop violation fines and all other fines by the Police Department to be reviewed
3. CC2010-010 (Verga) Amend GCO Sec. 22-269 "Stop Intersections" and/or Sec. 22-269.1 "Yield Intersections" re: Intersection of Hesperus Circle & Hesperus Avenue
4. Stormwater Utility Fee
5. Other Business

COMMITTEE
Councilor Sefatia Theken, Chair
Councilor Ann Mulcahey, Vice Chair
Councilor Bruce Tobey

Committee members – Please bring relevant documentation
Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor, Jim Duggan
Linda T. Lowe
Chief Michael Lane
Mark Cole

10 MAR -9 AM 8:50
CITY CLERK
GLOUCESTER, MA

LAW DEPARTMENT
MEMORANDUM

TO: Ordinance and Administration Committee

FROM: Suzanne P. Egan
General Counsel

RE: Police Chief
Code of Ordinances

DATE: March 9, 2010

Please find attached the proposed amendment to chapter 17 of the Code of Ordinances pertaining to the Police Chief. The proposed ordinance changes the organization of the chapter and therefore the numbering of certain sections must be changed. To make the chapter easier to read, all sections pertaining to the chief's position and his/her duties have been placed at the beginning of the chapter.

The proposed amendments also update the chapter so that it is consistent with the law and the collective bargaining agreements. Section 17-18 was updated to reflect the residency requirements for police officers. Section 17-19 currently sets forth a particular number of officers for each job category. The section is amended to allow for changes in the number of personnel employed by the department based on the needs of the city.

Enclosure

Cc David Bain
Linda T. Lowe
Dana Jorgensson

10 MAR 10 AM 7:40
CITY CLERK
GLOUCESTER, MA

Chapter 17 POLICE

Article II. Police Department

Amend section 17-16 by deleting it in its entirety and adding

17-16 Police Chief

a) The mayor shall appoint the police chief who shall hold the office for a term of three years. The appointment of the police chief shall be subject to confirmation by the city council as provided in section 2-10 of the charter. The police chief is exempt from the provisions of chapter 31 of the General Laws.

b) Within thirty days of the position of the chief of police being declared vacant, the mayor shall appoint a temporary police chief who shall serve until a permanent chief is selected in accordance with the provisions hereof.

Amend section 17-17 by deleting it in its entirety and adding the following:

17-17 Powers and duties of police chief

The police chief shall manage the police department. He/she shall be responsible for the discipline and efficiency of the department. The police chief shall act as the city marshal. He/she shall have control of the department, its officers and members, the care of the police station, the care and custody of all the property of the department and shall keep a record of its business.

Amend section 17-18 by deleting it in its entirety and adding the following:

17-18 Appointment and removal of officers

The mayor shall have the power to appoint all police officers and patrolmen who shall hold their office at the discretion of the mayor subject to the laws pertaining to civil service and to the collective bargaining agreement. All police officers are required to be citizens of the United States and within nine months of his/her appointment, to reside within 15 miles of the limits of the City of Gloucester as required by chapter 41 section 99A of the General Laws.

Amend section 17-19 by deleting it in its entirety and adding the following

17-19 Composition

The police department shall consist of the police chief, and as many lieutenants, sergeants and patrolman as may be deemed necessary. The department shall also include supporting administrative staff.

Amend section 17-20 by replacing section 17-20 with 17-18
Amend Section 17-21 by replacing section 17-21 with section 17-19

Chapter 17 POLICE*

***Cross reference(s)**--Offenses generally, § 14-1 et seq.; alarm systems, § 14-26 et seq.; Ch. 14; traffic and motor vehicles, Ch. 22.

State law reference(s)--Police generally, M.G.L.A. c. 147.

ARTICLE I. IN GENERAL

Sec. 17-1. Administration of waterways.

- (a) *Police department.* [The following duties shall be the responsibility of the police department in the administration of waterways:]
- (1) Enforce all Massachusetts Commonwealth laws while patrolling the city waterways.
 - (2) Operate, maintain and manage equipment and vessels assigned (Police boat/fire boat).
 - (3) Investigate, prosecute criminal activity on waterways and waterfront in cooperation with other members of the Gloucester Police Department and other law enforcement agencies, USCG, etc.
 - (4) Make arrests on water.
 - (5) Report to the chief of police.
 - (6) Assist the fire department, US Coast Guard with fire prevention and suppression, law enforcement, hazardous materials investigations and emergency medical services.
 - (7) Check on lobster violations under the city ordinance and state laws. Enforce Chapter M.G.L.A. 130, Sections 31, 17, 18, 18a, 39, 41, 41a, 43, 44, marine fisheries laws: Destruction of weir-fish trap; lobster and crab licenses; markings on buoys--exhibition of license; display of license numbers and buoy colors; hours of tending traps; taking of female lobsters with eggs; possession of short lobsters.
 - (8) Check properties on islands not accessible from land.
- (b) *Joint duties.* [The following duties shall be the joint responsibility of the police department and the harbormaster in the administration of waterways.]
- (1) Enforce waterways laws, ordinances and rules and regulations (MGL Chapter 40, Section 21D (Fines and Ticketing) and Gloucester Code section 1-15 and MGL Chapter 90B, Sections 1--19 (Motorboats and other vessels) and other enforcement per M.G.L.A. 102, Chapter 17-28 (shipping and Seaman, Harbor and Harbormasters).

Police: Plus all other applicable city and state laws.

(2) Patrol city waterways.

Police: Enforce all Mass. Laws.

(3) Respond to emergencies within scope, training and resources.

(4) Operate, maintain and manage equipment and vessels assigned (Police boat/fire boat--police; Harbormaster boat--harbormaster).

(5) Coordinate with other agencies and assist within scope, training and resources.

(6) Observe water quality, assist appropriate agencies.

(7) Assist in keeping navigation channels clear, keep harbor free of debris.

Harbormaster: Primary responsibility.

(8) Patrol major events to promote and protect public safety--Fiesta, 4th of July, schooner races, etc.

Police: Other occasions as directed by chief of police.

(9) Issue citations on water.

(10) Enforce the BWI, make arrests and bring complaints to court.

(Ord. No. 19-1995, § I, 3-7-95)

Editor's note--Nonamendatory Ord. No. 19-1995, § I, adopted March 7, 1995, has been included herein as section 17-1 at the discretion of the editor.

Cross reference(s)--Relationship to the harbormaster and city staff, § 10-5.

Secs. 17-2--17-14. Reserved.

ARTICLE II. POLICE DEPARTMENT*

***Cross reference(s)**--Departments generally, § 2-260 et seq.; enforcement of traffic and motor vehicles chapter by police officers, § 22-20; authority of police officers to direct traffic, § 22-21; right of way of police patrol vehicles, § 22-95; authority of police to request a vehicle to move, § 22-147; authority of police to tow vehicles, § 22-241; police to keep records of towed vehicles, § 22-246.

State law reference(s)--Civil service regulations pertaining to police officers, M.G.L.A. c. 31, §§ 58--65; police officers generally, M.G.L.A. c. 41, § 96 et seq.

Sec. 17-15. Definition.

The word "officers," as appearing in this article, shall be construed to include "reserve officers."

(Code 1970, § 16-1)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 17-16. Composition.

The police department shall consist of a chief of police, who shall be the executive head of the police department and shall hold office in accordance with Chapter 382 of the Acts and Resolves of the General Court of 1962, and who shall exercise and perform the duties heretofore provided for the city marshal, six (6) lieutenants, seven (7) sergeants, and as many police officers with the rank of patrolman as the city council shall deem necessary, and one (1) principal clerk, one (1) senior clerk, one (1) executive/confidential secretary (non-union, nonmanagement status), one (1) confidential secretary, investigations, and one (1) custodian. The city council hereby deems it necessary that the number of regular police officers with the rank of patrolman in the department be no more than sixty-two (62) until otherwise provided. The present authorized complement of full-time officers with the rank of patrolmen is fifty-four (54).

(Code 1970, § 16-2; Ord. of 6-3-76, § 1; Ord. of 12-11-79, § 1; Ord. of 4-8-80, § I; Ord. of 1-26-82, § I; Ord. No. 7-1990, § I, 1-16-90; Ord. No. 60-2000, § I, 4-11-00)

Sec. 17-17. Appointment, terms and removal of officers.

The mayor shall have full and exclusive power to appoint the chief of police and all other police officers and patrolmen who shall hold their offices during the pleasure of the mayor and may be removed by him, provided the same is in accordance with the laws pertaining to civil service. All newly appointed police officers are hereby required to be citizens of the United States and to reside in Gloucester within nine (9) months of their permanent appointment date and for the duration of their employment as a City of Gloucester police officer.

(Code 1970, § 16-3; Ord. No. 5-1992, § I, 2-18-92; Ord. No. 46-1995, § I, 11-14-95)

State law reference(s)--Appointment of municipal police officers, M.G.L.A. c. 31, § 59.

Sec. 17-18. Unlawful use of insignia, etc.

It shall be unlawful for any person, including a constable, to wear, display, possess or make use of in any manner whatsoever, a similarity of or replica of an official police uniform, badge, insignia or any other sign on which appears the word "police"; nor shall any person wear, display or possess a badge, insignia, hat shield or buttons or other sign imitating in any manner the official police badge, hat shield or buttons worn by police officers; nor shall any person, in any other manner by the wearing of any uniform, badge, insignia, hat shield or buttons or other sign,

attempt to create or allow to be created by so wearing, the impression in the minds of the public that he is a police officer of the city, unless such person is in fact a regular or reserve officer of the police department.

(Code 1970, § 16-18)

State law reference(s)--Identification cards for municipal police officers, M.G.L.A. c. 41, § 98D.

Sec. 17-19. Firefighters appointed as police officers.

A firefighter may be appointed as a police officer but shall not work as a police officer until he/she is permanently appointed as a police officer and has transferred from the fire department.

(Code 1970, § 16-5; Ord. No. 14-1993, § I, 11-16-93)

Cross reference(s)--Fire department, § 8-15 et seq.

Sec. 17-20. Powers and duties of chief of police.

The chief of police shall be the chief executive officer of the police department and shall be responsible for its discipline and efficiency. He shall have control of the department, its officers and members; the care of the police station; the care and custody of all the property of the city used by the department; and shall keep a record of all its business.

(Code 1970, § 16-6)

Cross reference(s)--Officers and employees generally, § 2-40 et seq.

State law reference(s)--Powers and duties of municipal chiefs of police, M.G.L.A. c. 41, § 98.

Sec. 17-21. Chief of police to act as dog constable.

The chief of police shall have, possess and exercise the powers and duties of the city's dog constable.

(Code 1970, § 16-7)

Cross reference(s)--Dogs, § 2-15 et seq.

State law reference(s)--Dog officers or constables, M.G.L.A. c. 140, § 151 et seq.

Sec. 17-22. Chief to receive complaints and prosecute.

The chief of police shall receive all complaints from the citizens and from the officers of the police department against any breach of the criminal laws, this Code or the other ordinances of the city and shall prosecute all cases, where, in his judgment, there may have been a wilful violation of either.

(Code 1970, § 16-8)

Sec. 17-23. Records of persons arrested and disposal of cases.

The chief of police shall keep a record with a full and complete index, of all persons arrested, birth, age, height, race, residence and the nature of the offense with such other description as may be useful for the identification of such person. When cases are brought before the court, he shall inform himself of the disposal of each case and make a record of the same.

(Code 1970, § 16-17)

Sec. 17-24. Powers and duties of police officers.

(a) Each officer of the police department shall acquaint himself with the business of the department, shall hold himself ready at all times, whenever his services may be required, shall answer the calls and obey the orders of his superior officer and shall make daily reports of his activities and of important facts coming to his knowledge to the chief of police.

(b) Each officer of the police department shall see that not only the laws of the commonwealth, but also that the provisions of this Code and the other ordinances of the city, are observed and enforced.

(Code 1970, § 16-10)

State law reference(s)--Powers and duties of municipal police officers, M.G.L.A. c. 41, § 98.

Sec. 17-25. Acceptance of gifts, etc., by officers.

No police officer shall, directly or indirectly, accept from any person, either liable to arrest or complaint, or in custody, or after discharge from custody, nor from any friend of such person, any gratuity, gift or reward whatsoever, or accept, from any person, money or other compensation for services rendered while on duty.

(Code 1970, § 16-11)

State law reference(s)--Bribery and corruption of municipal employees, M.G.L.A. c. 268A, §§ 2--4.

Sec. 17-26. Officers acting as bail or surety.

No police officer, regular or reserve, other than the chief of police, shall, except at the express request of the trial judge, become bail or surety in any criminal proceeding in the District Court of Eastern Essex or in any criminal proceeding in any other court relating to an offense alleged to have been committed within the territory of which the district court has jurisdiction.

(Code 1970, § 16-12)

Sec. 17-27. Return of city property when member leaves office.

When any police officer resigns or is discharged or in any way vacates his office, he shall deliver all city property in his possession to the chief of police or officer in charge.

(Code 1970, § 16-13)

Sec. 17-28. Suspension of police officers.

The chief of police shall have the power to suspend any police officer for cause, and shall immediately notify the mayor of any action taken. Any suspension under this section made by the chief of police shall be in accordance with the rules governing civil service.

(Code 1970, § 16-4)

Sec. 17-29. Mutual aid program.

A city or town which accepts this section may enter into an agreement with another city or town, or other cities and towns, to provide mutual aid programs for police departments to increase the capability of such departments to protect the lives, safety, and property of the people in the area designated in the agreement. Said agreement may include the furnishing of personal services, supplies, materials, contractual services, and equipment when the resources normally available to any municipality in the agreement are not sufficient to cope with a situation which requires police action. (MGL reference, Ch. 40, Sec. 8G) (Ord. 03-23, 5/13/2003)

Executive Summary of Major Changes to the Beach Regulations

II A. 1 b: Moves a Non-Domiciled residential property owner from Non-Resident sticker status to Resident sticker status (with \$20.00 fee) per 14 July 09 Council vote.

II A. 1 c: Moves a Non-Domiciled Senior Citizen residential property owner from Non-Resident Senior Citizen sticker status to Resident (Senior Citizen) sticker status (with \$20.00 fee) per 14 July 09 Council vote.

II A. 1 d: Establishes a College Student category with resident sticker status (with \$20.00 fee).

II A. 1 e: Moves a Non-Domiciled owner of residential property held in trust, from Non-Resident sticker status to Resident sticker status (with \$20.00 fee) per 14 July 09 Council vote.

II A. 3 b: Clarifies the status of the Senior Citizen sticker with reference to "Resident Sticker Parking Only" areas.

II B 3: Allows a Senior Citizen property owner to purchase a Resident sticker (with \$20.00 fee).

II B. 4: Allows a Senior Citizen to purchase a Resident sticker in addition to their Senior Citizen sticker (with \$20.00 fee).

II B. 8: Allows and restricts the parking of buses and large vans on weekends and holidays at all locations (with appropriate fees).

Appendix A:

1. Parking fees – establishes new fees for buses and large vans on weekends and holidays at all locations.
2. Sticker fees
 - a. Resident sticker – establishes \$20.00 fee for college student and trust property beneficiary.
 - b. Non-Resident sticker – increases the "Essex and Rockport" category fee to \$250.00.
 - c. Senior Citizen sticker – establishes a \$5.00 per sticker fee. To be effective in 2011, and to be prorated over a 5 year period.

BEACH & STAGE FORT PARK REGULATIONS

Effective April 1, 2010

I. Schedule of Operations:

A. Good Harbor & Wingaersheek Beaches

1. Access to Parking Lots:

- a. Seasonal: Gates opened April 1 to October 31 annually
Gates closed November 1 to March 31 annually
- b. Daily in Season: Gates opened at 8:00am and locked at 9:00pm
- c. Vehicles in beach parking lots shall be placed only within areas designated by the Director of Public Works or his agents.
- d. Vehicles (except City vehicles engaged in beach maintenance) including off-road vehicles, motorbikes, mopeds, motorcycles, trucks, dune buggies, and snowmobiles are prohibited on beaches or dunes at Good Harbor and Wingaersheek beaches without authorization.

2. User Fees:

Parking fees may be collected from May 1 to September 30 annually and shall be collected daily from Memorial Day to Labor Day, in accordance with the schedule of fees established in Appendix A.

3. Certified Lifeguards:

Red Cross certified lifeguards shall be on duty daily, weather permitting, from 9:00am to 5:00pm from Memorial Day to Labor Day. Weather permitting, lifeguards may also be on duty weekdays and weekends during May and September.

4. Snack Bars:

Snack bars may be open weekends during May and September and shall be open daily from Memorial Day to Labor Day, weather permitting. Hours of operation shall be from 9:00am to 6:00pm daily.

5. Rest Rooms:

Rest rooms may be open weekends during May and September and shall be open daily from Memorial Day to Labor Day. Hours of operation will be from 8:00am to 8:00pm daily. The restrooms may be closed early during periods of inclement weather when the parking lot is operations are also closed.

6. Bike Racks:

At Good Harbor Beach, bicycles are allowed only at the concession, and at the bike rack on Nautilus Road and not on the footbridge.

B. Stage Fort Park

1. Access to Parking Lots:

- a. Seasonal: Gates opened April 1 to October 31 annually
Gates closed November 1 to March 31 annually.
- b. Daily in Season: Gates opened at 8:00am and locked at 9:00pm.
- c. Vehicles in parking lots shall be placed only within areas designated by the Director of Public Works or his agents.
- d. Vehicles (except City vehicles engaged in beach maintenance) including off-road vehicles, motorbikes, trucks, dune buggies, and snowmobiles are prohibited on beaches and within the enclosed areas of Stage Fort Park without authorization.

2. User Fees:

Parking fees may be collected from May 1 to September 30 annually, and shall be collected daily from Memorial Day to Labor Day, in accordance with the schedule of fees established in Appendix A.

3. Certified Lifeguards:

Red Cross certified lifeguards shall be on duty daily, weather permitting, from 9:00am to 5:00pm, Memorial Day to Labor Day at Half Moon Beach only.

4. Snack Bars:

Not applicable

5. Rest Rooms:

Rest rooms may be open weekends during May and shall be open daily from Memorial Day to Labor Day, 8:00am to 6:00pm; and during special events as required. The restrooms may be open during the months of September and October from 9:00am to 6:00pm daily or to coincide with the hours of operation of the Visitor Center.

6. Permits – Group Functions and Picnic Areas:

- a. Groups of 25 persons or more shall be required to obtain a group permit for the general use of park facilities and the dedicated use of a group picnic area.
- b. Individuals shall be required to obtain a permit for the dedicated use of the Bandstand (Gazebo), Rose Garden, beach areas and group picnic areas.
- c. Designated group picnic areas may be reserved in conjunction with the issuance of a group permit. Group picnic areas are designated as: Area A – the hollow area to the rear (east) of the rest facility building, Area B – the area to the south of Tablet Rock, Area C – the upland area to the far west of the volleyball court.
- d. Catered events may be conducted in the designated picnic areas in conjunction with a group permit.
- e. User fees: see Appendix A.

C. Niles, Pavilion, and Plum Cove Beaches:

1. Parking Restrictions:

There shall be resident sticker parking only in designated areas at Niles and Plum Cove beaches (Ord. – 22-270.1).

2. Open Parking:

Pavilion beach

3. Certified Lifeguards:

Red Cross certified lifeguards shall be on duty daily, weather permitting, starting Father's Day weekend through Labor Day 9:00am to 5:00pm, Pavilion beach excepted.

D. Closing of Beaches & Parks:

The Director of Public Works, as well as legally-authorized public health or other law enforcement officials, shall have discretion to close city beaches and parks to the public should questions of public health or safety arise. Parking fees will not be refunded. Signs shall be posted during times when beaches are open but there are no lifeguards on duty.

E. Beach and Park Rental:

1. Beaches, parks, playgrounds and other outdoor recreational facilities may be rented out in whole or in part for commercial use and social activities when such use does not conflict with permitted use.
2. User fees: see Appendix A

II. Beach Parking:

A. Sticker Eligibility:

1. RESIDENT STICKER criteria:

- a. Domiciled Residents of Gloucester, verified with vehicle registration and other supporting documentation, if required. Include copy of lease agreement if car is leased.
- b. Non-domiciled Residents of Gloucester who own residential property in Gloucester, verified with a copy of their real estate property tax bill, vehicle registration and a copy of vehicle lease/rental agreement if the vehicle is leased/rented.

- c. Non-domiciled Senior Citizens of Gloucester, who own residential property in Gloucester, verified with a copy of their real estate tax bill, vehicle registration and a copy of vehicle lease/rental agreement if vehicle is leased / rented.
 - d. Non-domiciled college student in a full time student status and living at college, verified by a current and valid college identification card, and documentation showing proof of linkage to Gloucester residency.
 - e. Legal owner (beneficiary) of real estate property held in trust, verified with a copy of the trust document, real estate tax bill, vehicle registration and vehicle lease/rental agreement if vehicle is leased or rented.
 - f. Armed Forces Service members stationed in Gloucester, verified with vehicle registration and an official letter from their Commanding Officer confirming permanent residency stationing. Include copy of lease agreement if car is leased.
 - g. User fees: see Appendix A.
2. NON-RESIDENT STICKER criteria:
- ~~a. Non-Domiciled Residents who own residential property in Gloucester, verified with a copy of their tax bill and vehicle registration. Include copy of lease agreement if car is leased.~~
 - a. Non-Domiciled Residents who rent property; must be for a minimum of 60 days and verified with a lease agreement, vehicle registration and other supporting documentation, if required. Include copy of lease agreement if car is leased..
 - ~~b. A residential taxpayer having no residency in Gloucester, verified with a copy of their tax bill and vehicle registration. Include copy of lease agreement if car is leased.~~
 - b. Domiciled Residents of Essex and Rockport, verified with vehicle registration and copy of their driver's license. Include copy of lease agreement if car is leased.
 - c. All other Non-Residents of the City of Gloucester, no more than 200 stickers to be sold annually. Include copy of vehicle registration and lease agreement if car is leased.
 - d. User fees: see Appendix A
3. SENIOR CITIZEN STICKER criteria:
- a. Domiciled Senior Citizen Residents of Gloucester, age 65 and older, verified with their vehicle registration and drivers license. Include copy of lease agreement if car is leased.
 - b. A Senior Citizen sticker carries residency status for the purpose of parking in "Resident Sticker Parking Only" designated areas.
 - c. User fees: see Appendix A
4. GUEST VOUCHER criteria:
- a. Motel, hotel, guest house, camp ground owners, and licensed innkeepers only may receive bulk issue of beach parking guest vouchers for the current season as needed for issue to guests that are actually booked into accommodations at their establishments.
 - b. Vouchers will only be issued to establishments that show State Room Tax # or valid Federal Employer ID Number, ~~or Social Security Number~~, which ever applies. This procedure is subject to review by the Director of Public Works and abuse may result in revocation of Vouchers.
 - c. Vouchers shall be valid for one day only, Memorial Day to Labor Day, 8:00am to 3:00pm. Reduced rates for late arrivals do not apply to Guest Vouchers. Vouchers are non-negotiable and non-transferable.
 - d. User Fees: see Appendix A.

B. Issue restrictions:

1. All stickers will be issued to a vehicle based on registration and property ownership, and not to a person or residence, except senior citizen stickers.
2. Senior citizen stickers will be issued to a qualifying vehicle (based on registration), together with the qualifying individual (based on age) for his/her exclusive use. The qualifying individual must be present in the vehicle for the vehicle to receive exempted admittance. There is a limit of one senior citizen sticker per qualifying individual / vehicle combination.
3. A Non-Resident Senior Citizen who otherwise qualifies for a resident sticker as a non-resident property owner, may obtain a resident sticker upon payment of the appropriate resident sticker fee.

4. A Resident Senior Citizen who qualifies for and receives a Senior Citizen sticker, may also receive a resident sticker for the same vehicle upon payment of the appropriate resident sticker fee.
5. Non-Domiciled Gloucester residential property owners may receive a beach sticker ~~for~~ as the owner(s) of record, with a maximum of two stickers per owner.
6. A resident can get a sticker for a company owned car if they have a letter, on company stationery, signed by an officer of the firm, stating the employee has exclusive use of the vehicle. The employee must provide proof of residency.
7. Commercial, industrial, professional, and business property owners do not qualify for Resident Stickers without proof of residency.
8. Personal property ownership does not qualify as real estate property ownership for the purpose of establishing proof of residency.
9. Dealer plates are not acceptable as proof of registration, real estate ~~or~~ property ownership or residency.
10. All stickers shall be permanently affixed to the approved vehicle at the time of issuance. Stickers shall be affixed to the extreme lower left corner of the front windshield or to a driver's side window. ~~Loose stickers will not be honored.~~
11. Loose stickers will not be honored.
12. To prevent confusion, misunderstanding and delays at the parking lot entrance gate, all patrons will be asked to remove all expired stickers.
13. All stickers and guest vouchers are non-transferable and non-negotiable.
14. Stickers expire at the end of the calendar year in which issued, except senior citizen stickers which will be issued in five year increments beginning in 2011 and shall expire in year dates ending in zero and five.

C. User Fees:

1. Parking fees: see Appendix A.
2. Sticker and voucher fees: see Appendix A.
3. All user parking fees, once paid, are nonrefundable.
4. Parking user fees shall routinely be collected at the full applicable rate at Stage Fort Park from 8:00am to 4:00pm daily.
5. Parking user fees shall routinely be collected at the full applicable rates from 8:00am to 3:00pm daily at Good Harbor Beach and Wingaersheek Beach. From 3:00pm to 5:00pm a reduced rate of \$10 off the applicable weekday rate and \$10.00 off the applicable weekend/holiday rates shall be collected at both locations in order to ~~fairly~~ equitably accommodate late arrivals. This reduced rate does not apply to Guest Vouchers.
6. When, at the option of the Director, Beach parking fees are collected on the weekdays or weekends before Memorial Day and after Labor Day, there will be a \$10 discount off the applicable daily rate to reflect non-peak season beach conditions.
7. Buses and vans that drop off passengers within the park or beach parking areas shall first pay the applicable parking fee regardless if the parking lot is used or not.
8. All stickers, including seniors, that are lost, stolen, destroyed, missing, confiscated, or invalidated due to a change in plates or registration will be charged a re-issuance fee at the time of application for a replacement sticker.
9. Exemptions: domiciled resident senior citizens only, age 65 and older. An issuance fee will be effective in 2011, which shall be prorated over a five year period.
10. Special Events: The Director of Public Works may establish nominal parking fees for groups, organizations and special events in order to cover ~~the~~ city expenses of conducting the event.

D. Parking Restrictions:

1. Parking restrictions posted in and around beaches, park areas, and the Beach District (Ord. 22-176(b)) will be strictly enforced. Violators may be tagged and towed at owners expense.
2. Unattended children and pets shall not be left in vehicles in the beach and park parking lots.
3. All City beach and park employees (collectors, lot attendants, lifeguards, etc.), contract concession personnel, and contract rest room personnel that are residents of Gloucester, must have a current beach sticker in order to enter and park in the parking lot. Any non-resident employee will need to purchase a "employee pass for non-residents" at the price of a Resident beach sticker. This pass will be valid only on days the employee is working at the beach or park.
4. Employee and contractor vehicles shall be parked in the general use parking lot areas and will not be parked adjacent to concession facilities.
5. Vehicles, public and employee, shall not be parked closer than 30 feet to a collector booth.

6. Reserved parking areas for "resident sticker use only" may be established and made available for dedicated resident use from lot opening time up to 1:00pm daily, at which time the reserved parking areas will revert to unrestricted use.
7. There shall be "resident sticker parking only" on Witham Street, west side, from Thatcher Road to the beach; Niles Beach, westerly side, fronting on the beach; Plum Cove Beach parking lot, adjacent to the ball field; and Folly Cove Beach, between poles #356 and #357 (Ord. 22-270.1).
8. Except when space is reasonably available, the parking of buses at Good Harbor Beach at all times; and at Wingersheek Beach and Stage Fort Park on Saturday, Sunday and Holidays, shall be prohibited.

E. Enforcement:

1. Violation of sticker eligibility criteria and sticker issue restrictions may result in enforcement actions to include sticker confiscation, and/or ineligibility for sticker issuance for one succeeding calendar year.
2. Violation enforcement authority is vested in the Public Properties Operations Manager, Beach Constables, Parking Lot Supervisors of the DPW, and Treasurer/Collector.

III. Miscellaneous Restrictions:

A. Horses:

Horseback riding is prohibited on city beaches and in Stage Fort Park, year round.

B. Games & Sports:

Baseball, softball, football, archery, frisbee tossing, horseshoe pitching, golfing or any other rough-game sports or play is permitted only in areas designated by the Director of Public Works.

C. Inflatable Objects:

Use of inflatable toys, rafts, tubes, mattresses or other inflated objects and the use of all floating objects, except "boogie boards", in the water of all public beaches is prohibited. Boogie Boards will be permitted within the boundaries of a designated area to be located at the far eastern end of the public portion of Good Harbor Beach. A "boogie board" will be defined as a small 19" to 44" soft board comprised of foam, polyurethane, polystyrene, etc., with an attached wrist leash. Floating boards that do not meet this definition are prohibited from use on the beach.

D. Umbrellas, Tents, & Shelters:

Umbrellas must be properly anchored to prevent wind-caused accidents. No tents or shelters are allowed with the exception of sun shades and umbrellas.

E. Airplanes & Helicopters:

No airplanes or helicopters shall be permitted to take off or land from City beaches or park land (other than on official Government business). Violators will be reported to the Federal Aviation Agency.

F. Model Airplanes (Radio Control Aircraft):

Good Harbor Beach Parking Lot

1. Permitted to fly only when beach parking lot is not in operation (no attendant on duty).
2. Restricted to times when pedestrian and vehicle traffic are at a minimum.
3. Not permitted before 8:30am.
4. Shall fly over the parking lot and marsh areas, not the road or beach.
5. Noise levels will be restricted to an acceptable level (non-flow thru, expansion chamber mufflers only).
6. Pilots shall fly in a safe and responsible manner at all times.
7. Pilots will be responsible and liable for their actions.
8. Pilots will abide by regulations in effect and maintain a safe environment.
9. Pilots will be considerate of wetlands and wildlife.

G. Scuba or Skin Diving:

1. At no time will Scuba or skin divers be allowed to use underwater weapons of any type in waters off city beaches.
2. Snorkeling paraphernalia used by non-scuba or skin divers shall be restricted at the discretion of the lifeguards.

H. Boat Launching & Surfing:

1. Boat launching and landing are prohibited at all public beaches between the hours of 9:00 a.m. and 5:00 p.m., from Memorial Day to Labor Day, without the permission of the lifeguard.
2. Surfing is prohibited at all public beaches between the hours of 9:00 a.m. and 5:00 p.m., from Memorial Day to Labor Day, without the permission of the lifeguard.
3. Boardsailing shall be prohibited at all Gloucester City public beaches subject to the following exceptions:
 - a. At Niles beach, boardsailers may access the southeastern most 75 feet of public beach and shall be prohibited from the harbor channel.
 - b. At Cressey's beach, boardsailers may access only a 75 foot section of the beach located immediately to the west of the drive-through ramp in the seawall and shall be prohibited from the Harbor channel.
 - c. At other public beaches boardsailing is prohibited between 9:00am and 5:00pm daily from Memorial Day to Labor Day.

I. Sand Dune Protection:

Motor vehicles of any kind are prohibited from driving on sand dunes at City beaches. Pedestrian or animal access to Dunes Conservation Areas is strictly prohibited.

J. Audio Devices:

Radios, portable stereos, so-called "boom boxes", etc., are prohibited at City beaches and parks. Personal systems with individual speaker outlets (i.e. ear pieces, walkman, ear phones) are permitted.

K. Pets:

1. Dogs and other pets shall be prohibited from being on all public beaches from May 1 to September 15 of each year. Dogs on public beaches from September 16 to April 30 of each year shall be under direct control of the owner or keeper in accordance with the local Animal Control Ordinance.
2. Dogs and pets in Stage Fort Park shall be under direct control of the owner or keeper by leash at all times in accordance with the local Animal Control Ordinance.

L. Alcoholic Beverages Prohibited:

In accordance with state law and local ordinance, the unpermitted use of alcoholic beverages on all City beaches, parks, playgrounds, ball fields, and parking lots is prohibited. Bottles and glass of any kind are prohibited on city beaches, parks, playgrounds, ball fields, and parking lots.

M. Litter Control:

Rubbish and litter shall be deposited in trash receptacles, dumpsters, and / or bags provided by the City. Littering on city beaches, parks, playgrounds, ball fields, and parking lots is prohibited and punishable by fines up to \$100 per violation. Good Harbor, Wingersheek, Niles and Plum Cove beaches have instituted a "Carry In – Carry Out" policy. Beach goers must be prepared to take away all trash as there are no longer any trash receptacles on the beach for public use.

N. Conduct and Behavior:

All persons destroying public property or engaging in disorderly conduct will be prosecuted to the full extent of the law. Sleeping or camping on city beaches, parks, playgrounds, ball fields, and parking lots between 9:00pm and 8:00 am is strictly prohibited.

O. Open Fires Prohibited:

Open fires of any type are prohibited on city beaches and Stage Fort Park. Cooking is allowed with either gas or charcoal grills at Stage For Park only. All hot coals must be deposited in designated containers.

APPENDIX A

PARKING AND RENTAL FEES ESTABLISHED

1. Parking fees

a. SFP

Passenger car, SW, mini-van, SUV	\$10.00 weekdays \$15.00 weekends, holidays
Motorcycle	\$5.00 each
Van (8+ seats)	\$15.00 each weekdays \$20.00 weekends, holidays
Bus (13+ seats)	\$20.00 each weekdays \$25.00 weekends, holidays
Bus (26+ seats)	\$25.00 each weekdays \$30.00 weekends, holidays
Guest Voucher	\$5.00 discount off the full daily rate

b. GHB/WING

Passenger car, SW, mini van, SUV	
8:00am to 3:00pm	\$20.00 weekdays \$25.00 weekends, holidays
3:00pm to 5:00pm	\$10.00 weekdays \$15.00 weekends, holidays
Motorcycle	\$5.00 each
Van (8+ seats)	\$25.00 each weekdays \$30.00 weekends, holidays
Bus (13+ seats)	\$30.00 each weekdays \$35.00 weekends, holidays
Bus (26+ seats)	\$35.00 each weekdays \$40.00 weekends, holidays
Guest Voucher	\$10.00 discount off the full daily rate

2. Sticker fees:

a. Resident sticker

Domiciled resident	\$20.00
Non-resident property owner	\$20.00
Non-resident Senior Citizen property owner	\$20.00
Non-resident college student	\$20.00
Trust property owner (beneficiary)	\$20.00
Stationed Armed Forces Servicemen	\$20.00

b. Non-Resident sticker

Non-domiciled resident (+60 day renter)	\$50.00
Non-resident (Essex and Rockport)	\$250.00
Non-resident (200 available)	\$250.00

c. Senior Citizen sticker

Domiciled resident Senior Citizen (65+)	No charge (\$5.00 effective 2011)
---	---

3. Re-issue fee

\$5.00

3. Beach and Park Rental fees:

Beach fee: off season (commercial)	\$250.00 daily
Beach fee: in season (Memorial to Labor) (commercial)	\$400.00 daily
Beach fee: non commercial	\$25.00 daily
Stage Fort Park: group area use permit (Sch, YMCA, Camp)	\$25.00 daily
Stage Fort Park: group area use permit – non catered	\$50.00 daily
Stage Fort Park: group area use permit – catered	\$200.00 daily
Stage Fort Park: Bandstand (Gazebo)	\$100.00 2 hr max
Stage Fort Park: Rose Garden	\$100.00 2 hr max
Stage Fort Park: off season, commercial	\$250.00 daily
Stage Fort Park: in season, commercial	\$400.00 daily

4. Special Events:

The Director of Public Works may establish nominal parking fees for groups, organizations and special events in order to cover the city expenses of conducting the event.

Chief Michael W. Lane

0A
**Gloucester Police
Department**

MEMO

RECEIVED

FEB 16 2010

Mayor's Office

To: Jim Duggan, Chief Administrative Officer

From: Chief Michael W. Lane

CC:

Date: February 2, 2010

Re: Bus stop violation fine changes

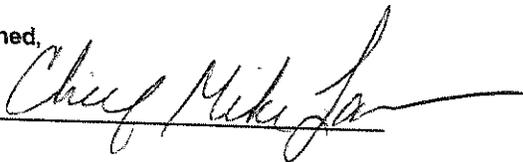
Effective April 7, 2009, Mass. State Law 90, Section 20A ½ was amended by the State Legislature to increase the parking fines for bus stop violations in the Commonwealth. As it now stands in Gloucester, bus stop violations are subject to a \$ 15 fine. If accepted by Gloucester, fines would be increased to \$ 100.

I request the the cities Ordinance and Administration Committee, review the revised law and recommend the adoption of Mass General Law ch90-section 20A1/2 into the Code of Ordinances.

Currently, meter enforcement personnel are issuing parking tickets for \$ 15 for bus stop violation. A mending ordinance 22-176 would bring bus stop violation tickets to the \$ 100.

Thank you.

Signed,



Chief Michael W. Lane

PARKING VIOLATION			POLICE DEPARTMENT CITY OF SALEM			
Month	Date	Year	Violation No.			
STATE			REGISTRATION			
<input type="checkbox"/> MA	<input type="checkbox"/> CT					
<input type="checkbox"/> NH	<input type="checkbox"/> RI					
<input type="checkbox"/> NY	<input type="checkbox"/> NJ					
Other		PLATE NO. COLOR	PLATE TYPE	PA	DD	OTHER
		<input type="checkbox"/> S <input type="checkbox"/> R		<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> A.M.	VEHICLE MAKE	VEHICLE TYPE	VEHICLE COLOR			
<input type="checkbox"/> P.M.						
Location			Meter Number			
Name			Office I.D. No.			



+037T0075626

- | | |
|---|---|
| <input type="checkbox"/> 01 HPV Parking \$100 | <input type="checkbox"/> 14 Bus stop \$15 |
| <input type="checkbox"/> 02 Within 10' of a fire hydrant \$50 | <input type="checkbox"/> 15 Service zone |
| <input type="checkbox"/> 10 Interfering with snow removal \$15 | <input type="checkbox"/> 16 Taxi Stand |
| <input type="checkbox"/> 03 RESTRICTED AREA | <input type="checkbox"/> 17 Within 20' of a corner |
| <input type="checkbox"/> 04 Not within a designated space | <input type="checkbox"/> 18 Resident permit area low zone |
| <input type="checkbox"/> 05 In front of a schoolhouse | <input type="checkbox"/> 19 Upon a sidewalk |
| <input type="checkbox"/> 06 Parking vehicles for sale prohibited | <input type="checkbox"/> 20 Within 4' of driveway or private road |
| <input type="checkbox"/> 07 Emergency snow artery | <input type="checkbox"/> 21 Alongside or opposite street excavation |
| <input type="checkbox"/> 08 Less than 12' of unobstructed lane | <input type="checkbox"/> 22 Using vehicle for the sole purpose of advertising |
| <input type="checkbox"/> 09 Night Parking | <input type="checkbox"/> 23 Within a posted low zone |
| <input type="checkbox"/> 11 Fire lane | <input type="checkbox"/> 24 Street sweeping low zone |
| <input type="checkbox"/> 12 Upon a crosswalk | <input type="checkbox"/> 25 Other _____ |
| <input type="checkbox"/> 12 Right wheel not within 12' of curb (including double parking) | |

\$10 \$15 \$50 \$100 TOTAL DUE

DO NOT MAIL CASH. Pay only by postal note, money order or check made payable to: City of Salem. Mail check to P.O. Box 27, Hopedale, MA 01747. Payment or appeal must be completed within 21 days. Appeal in writing to Hearing Officer Salem City Hall, 93 Washington Street, Salem, MA 01970 or appear in person for hearing Tuesday 10am to 2pm Or Thursday 9pm to 7pm at Salem City Hall, Room 2, Salem, MA (978) 745-9595.

SEE OTHER SIDE FOR IMPORTANT INFORMATION.
 PLACE CHECK IN ENVELOPE - PEEL OFF TAPE AND FOLD TO SEAL.

10 MAR - 3 PM 3:52
 GLOUCESTER, MA
 CITY CLERK

ATTENTION LT. WILLIAMS

VIOLATION		TOWN OF MANCHESTER-BY-THE-SEA			
STATE	PLATE TYPE	PLATE NUMBER COLOR			
<input type="checkbox"/> MA	PA CO OTHER	GREEN RED OTHER			
	PREFIX	REGISTRATION NO.	SUFFIX		
	OTHER	VEHICLE MAKE	VEHICLE COLOR		
LOCATION OF VIOLATION					
MONTH	DATE	YEAR		A.M. TO	A.M.
				P.M.	P.M.
OFFICER		BADGE NO.	ROUTE NO.		
I HAVE AFFIXED THIS NOTICE TO VEHICLE					
		TODAY NO.	FINE AMOUNT		

DATA PROCESSING

- CODE**
- | FINE NO. | PARKING VIOLATION |
|-----------------|--|
| GROUP A | 1. OVERTIME PARKING |
| \$25.00 | 2. NOT PARKING WITHIN MARKED SPACE |
| EACH | 3. IMPROPER ANGLE PARKING |
| | 4. PARKING MORE THAN 12" FROM CURB |
| | 5. WRONG DIRECTION PARKING |
| | 6. PARKING UPON OR IN FRONT OF ANY PRIVATE ROAD OR DRIVEWAY |
| | 7. ALL NIGHT PARKING |
| | 8. PARKING WITHIN 10 FT. OR OPPOSITE FIRE STATION |
| | 9. OBSTRUCTING PUBLIC TRANSPORTATION |
| | 10. PARKING IN RESTRICTED OR PROHIBITED AREA |
| | 11. PARKING WITHIN 10 FT. OF FIRE HYDRANT |
| | 12. PARKING WITHIN 20 FT. OF INTERSECTION |
| | 13. PARKING ON CROSSWALK OR A SIDEWALK |
| | 14. DOUBLE PARKING |
| | 15. PARKING IN LOADING ZONE |
| | 16. INTERFERING WITH FREE FLOW OF TRAFFIC |
| | 17. INTERFERING WITH SNOW REMOVAL, PLOWING, OR STREET CLEANING |
| | 18. WINTER PARKING BAN |
| | 19. VEHICLE FOR SALE |
| GROUP B | 20. PARKING IN AREA DESIGNATED FOR THE HANDICAPPED |
| \$100.00 | |
| EACH | |

008401

Failure to pay this notice within twenty-one days after the date of this violation will result in an additional \$5.00 penalty before registry action is taken. After the Registry of Motor Vehicles is notified, additional penalties will be added as prescribed by law.
DO NOT MAIL CASH. Pay only by **POSTAL NOTE, MONEY ORDER OR BY CHECK** made payable to: **TOWN OF MANCHESTER-BY-THE-SEA** in person at the Town Clerk's Office.
SEE OTHER SIDE FOR IMPORTANT INFORMATION.
PLACE CHECK IN THIS ENVELOPE. PEEL OFF TAPE TO SEAL.

VIOLATION TOWN OF ROCKPORT

STATE: MA OTHER

PLATE TYPE: FA CC OTHER

PLATE NUMBER COLOR: GREEN RED OTHER

PREFIX: _____ REGISTRATION NO.: _____ SUFFIX: _____

VEHICLE MARK: _____ VEHICLE COLOR: _____

LOCATION OF VIOLATION: _____ METER NO.: _____

MONTH: _____ DATE: _____ YEAR: _____

OFFICER: _____ BADGE NO.: _____

I HAVE AFFIXED THIS NOTICE TO VEHICLE

VIOL. CODE NO. _____ FINE DUE \$ _____

GROUP	FINE NO.	VIOLATION
GROUP A \$50.00 each	1.	RESIDENT/BEACH STICKER VIOLATION
	2.	TOW ZONE NO PARKING AREA
	3.	UPON CROSSWALK OR SIDEWALK
GROUP B \$25.00 each	4.	OBSTRUCTING PUBLIC TRANSPORTATION
	5.	LESS THAN 10 FEET UNOBSTRUCTED LANE
	6.	WITHIN 10 FEET OF FIRE STATION
	7.	ALL NIGHT PARKING WHEN RESTRICTED
	8.	ACROSS A PRIVATE ROAD OR DRIVEWAY
	9.	PROHIBITED AREA
	10.	ACROSS FROM FIRE STATION
	11.	WITHIN 20 FEET OF INTERSECTION
	12.	WITHIN AN INTERSECTION
	13.	INTERFERENCE WITH SNOW REMOVAL
	14.	WITHIN 3 FEET OF DRIVEWAY
	15.	NOT WITHIN DESIGNATED MARKINGS
GROUP C \$15.00 each	16.	WRONG DIRECTION/TWIGHT WHEELS NOT AT CURB
	17.	OVERTIME PARKING
	18.	METER VIOLATION
	19.	DOUBLE PARKING
	20.	OVER ONE FOOT FROM CURB
GROUP D \$100.00 each	21.	WITHIN A LOADING ZONE
	22.	IMPROPER ANGLE PARKING
	23.	PARKED IN RURAL OR WOODED AREA
	24.	BUS STOP
	25.	WITHIN 10 FEET OF FIRE HYDRANT
	26.	HANDICAPPED PARKING

Failure to obey this notice within TWENTY-ONE DAYS AFTER THE DATE OF THE VIOLATION WILL RESULT IN AN ADDITIONAL AND PENALTY BEFORE REGISTRY ACTION IS TAKEN. After the Registry of Motor Vehicles is notified, additional penalties will be added as prescribed by law. DO NOT MAIL. CASH. Pay only by POSTAL NOTE, MONEY ORDER or by CHECK made payable to: ROCKPORT PARKING CLERK, P.O. BOX 447, MARLBOROUGH, MA 01752 or in person at: OLD POLICE STATION, 97 BROADWAY, ROCKPORT, MA.

SEE OTHER SIDE FOR IMPORTANT INFORMATION.
PLACE CHECK IN THIS ENVELOPE. PEEL OFF TAPE TO SEAL.

TO EXPOSE ADHESIVE, REMOVE LINER
TO EXPOSE ADHESIVE, REMOVE LINER
TO EXPOSE ADHESIVE, REMOVE LINER
TO EXPOSE ADHESIVE, REMOVE LINER

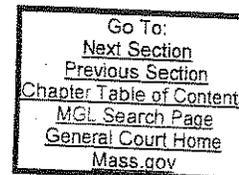
The General Laws of Massachusetts

Search the Laws

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XIV. PUBLIC WAYS AND WORKS

CHAPTER 90. MOTOR VEHICLES AND AIRCRAFT



Chapter 90: Section 20A½. Cities of Boston and Cambridge; parking violations; tags; appearance; failure to appear; adjudication by mail

Section 20A½. In the cities of Boston and Cambridge and in any city or town which accepts the provisions of this section, each manager in a city having a Plan D or E form of charter or the mayor, with the approval of the city council or board of aldermen in any other city, or the town council or board of selectmen of a town shall designate or appoint a parking clerk. The parking clerk shall report to the council or aldermen of a city, the council or board of selectmen of a town and shall supervise and coordinate the processing of parking notices in such city or town. The parking clerk shall have the authority, after such authorization by the mayor and city council in a city or town council or selectmen in a town, to hire and designate such personnel as may be necessary or contract by competitive bid for such services, subject to appropriation, to implement the provisions of this section; provided, however, that such positions shall be filled in the city of Boston and Cambridge by granting preference to persons who had been employees of said cities in the fire, police or traffic crossing guard service, and all such positions in said city of Boston and Cambridge shall be subject to chapter thirty-one, and in no case in the city of Boston and Cambridge shall the amount expended for administration of this section exceed eleven per cent of the total amount of the annual receipts collected by the parking clerk.

It shall be the duty of every police officer who takes cognizance of a violation of any provision of any rule, regulation, order, ordinance or by-law regulating the parking of motor vehicles established for their respective city or town, forthwith to give the offender a notice, which shall be in tag form as provided in this section, to appear before the parking clerk of the city or town wherein the violation occurred at any time during regular office hours, not later than twenty-one days after the date of such violation. All tags shall be prepared in triplicate and shall be prenumbered.

Said tag shall be affixed securely to the motor vehicle and shall contain, but shall not be limited to, the following information: the make, color and registration number of the vehicle involved and the state of issuance of said registration number, the date, time and place of the violation, the specific violation charged and, if a meter violation, the number of said meter, the name and badge number of the officer and his division, a schedule of established fines, instructions for the return of the tag and a notice which reads: This notice may be returned by mail, personally or by an authorized person. A hearing may be obtained upon the written request of the registered owner. Failure to obey this notice within twenty-one days after the date of violation may result in the non-renewal of the license to drive and the registration of the registered owner.

At or before the completion of each tour of duty, the officer shall give to his commanding officer those copies of each notice of such violation taken cognizance of during such tour. Said commanding officer shall retain and safely preserve one of such copies and shall at a time no later than the beginning of the next business day of the city or town after receipt of such notice deliver another of

such copies to the parking clerk before whom the offender has been notified to appear. The parking clerk shall maintain a docket of all such notices to appear.

Any person notified to appear before the parking clerk, as provided herein, may appear before such parking clerk, or his designee, and confess the offense charged, either personally or through an agent duly authorized in writing or by mailing to such parking clerk the notice accompanied by the fine provided therein, such payment to be made only by postal note, money order or check made out to the parking clerk. Payment of the fine established shall operate as a final disposition of the case. Notice affixed to a motor vehicle as provided in this section, shall be deemed a sufficient notice, and a certificate of the officer affixing such notice that it has been affixed thereto, in accordance with this section, shall be deemed prima facie evidence thereof and shall be admissible in any judicial or administrative proceeding as to the facts contained therein.

[Sixth paragraph effective until April 7, 2009. For text effective April 7, 2009, see below.]

The traffic and parking commission of the city of Boston, the traffic commission or traffic director of any other city or town having such a commission or director with authority to promulgate traffic rules, the city council of any other city, and the board of selectmen of any other town, shall, from time to time, establish by rule or regulation a schedule of fines for violations subject to this section committed within such city or town; provided, however, that all such fines shall be uniform for the same offense committed in the same zone or district, if any; and provided, further, that the fine for the violation of the parking of motor vehicles within ten feet of a fire hydrant shall not be more than one hundred dollars, and provided, further, that any fine established under the provisions of this section for all other parking violations shall not exceed \$50, if paid within 21 days, nor shall it exceed \$55, if paid thereafter, but before the parking clerk reports to the registrar, as provided below and shall not exceed \$75 if paid thereafter.

[Sixth paragraph as amended by 2008, 465, Sec. 2 effective April 7, 2009. For text effective until April 7, 2009, see above.]

The traffic and parking commission of the city of Boston, the traffic commission or traffic director of any other city or town having such a commission or director with authority to promulgate traffic rules, the city council of any other city, and the board of selectmen of any other town, shall, from time to time, establish by rule or regulation a schedule of fines for violations subject to this section committed within such city or town; provided, however, that all such fines shall be uniform for the same offense committed in the same zone or district, if any; and provided, further, that the fine for the violation of the parking of motor vehicles within ten feet of a fire hydrant shall not be more than one hundred dollars, and provided, further, that the fine for the violation of parking a motor vehicle within a posted bus stop shall be \$100; and provided further, that any fine established under the provisions of this section for all other parking violations shall not exceed \$50, if paid within 21 days, nor shall it exceed \$55, if paid thereafter, but before the parking clerk reports to the registrar, as provided below and shall not exceed \$75 if paid thereafter.

Should any person notified to appear hereunder fail to appear and, if a fine is provided hereunder, to pay the same, or having appeared desire not to avail himself of the benefits of the procedure established by this section, the parking clerk shall forthwith schedule the matter before a person hereafter referred to as a hearing officer, said hearing officer to be the parking clerk of the city or town wherein the violation occurred or such other person or persons as the parking clerk may designate. Written notice of the date, time and place of said hearing shall be sent by first-class mail to the registered owner. Said hearing shall be informal, the rules of evidence shall not apply and the decision of the hearing officer shall be final subject to judicial review as provided by section fourteen of chapter thirty A.

If any person fails to appear in accordance with said notice, the parking clerk shall notify the registrar of motor vehicles who shall place the matter on record and, upon receipt of two or more such notices, shall not renew the license to operate a motor vehicle of the registered owner of the vehicle or the registration of said vehicle until after notice from the parking clerk that all such matters have been disposed of in accordance with law. Upon such notification to the registrar, an additional twenty dollar charge, payable to the registrar of motor vehicles, shall be assessed against the registered owner of said vehicle. It shall be the duty of the parking clerk to notify the registrar forthwith that such case has been so disposed of in accordance with law, provided however, that a certified receipt of full and final payment from the parking clerk of the city or town in which the violation occurred shall also serve as legal notice to the registrar that said violation has been disposed of. The notice to appear provided herein shall be printed in such form as the registrar of motor vehicles may approve. The parking clerk shall distribute such notices to the commanding officer of the police department of the city or town upon request, and shall take a receipt therefor. The registrar shall approve such other forms as he deems appropriate to implement this section, and said forms shall be printed and used by the cities and towns.

If any person shall have failed to appear in accordance with five or more said notices, notwithstanding any notification to the registrar, the parking clerk may notify the chief of police or director of traffic and parking of said city or town that the vehicle involved in said multiple violations shall be removed and stored, or otherwise immobilized by a mechanical device, at the expense of the registered owner of said vehicle until such time as the matter has been disposed of in accordance with law.

As used in this section, the words "motor vehicle" shall, so far as apt, include trailer, semi-trailer and semi-trailer unit.

The provisions of this section shall apply to violations of rules and regulations relative to the use of parking areas subject to the control of the county commissioners adjacent to or abutting county buildings, and county commissioners are hereby authorized to make such rules and regulations. Said provisions shall also apply to violations of rules and regulations relative to the parking of motor vehicles established by any commission or body empowered to make such rules and regulations.

Any person notified to appear before the parking clerk, as provided herein, may without waiving his right to a hearing before the parking clerk or hearing officer as provided by this section, and also without waiving judicial review as provided by section fourteen of chapter thirty A, may challenge the validity of the parking violation notice and receive a review and disposition of the violation from the parking clerk or a hearing officer by mail. The alleged parking violator may, upon receipt of the notice to appear, send a signed statement explaining his objections to the violation notice as well as signed statements from witnesses, police officers, government officials and any other relevant parties. Photographs, diagrams, maps and other documents may also be sent with the statements. Any such statements or materials sent to the parking clerk for review shall have attached the persons' name and address as well as the ticket number and the date of the violation. The parking clerk or hearing officer shall, within twenty-one days of receipt of said material, review the material and dismiss or uphold the violation and notify, by mail, the alleged violator of the disposition of the hearing. If the outcome of the hearing is against the alleged violator, the parking clerk or hearing officer shall explain the reasons for the outcome on the notice. Such review and disposition handled by mail shall be informal, the rules of evidence shall not apply, and the decision of the parking clerk shall be final subject to any hearing provisions provided by this section or to judicial review as provided by section fourteen of chapter thirty A. Each parking violation issued shall carry a statement explaining the procedure to adjudicate the violation by mail.

Sec. 22-176. Penalties for parking violations.

(a) *Generally.* Pursuant to the authority granted in M.G.L.A. c. 90, § 20A1/2, any person violating the provisions of this article regulating the parking of motor vehicles, except as provided in subsection (b) shall be punished by a fine as follows:

Code	Violation	Fine
------	-----------	------

- (01) Within 10 feet of a hydrant . . . \$15.00
- 02 Within 10 feet of the entrance to a fire station . . . 15.00
- 03 Across the street from a fire station . . . 15.00
- 04 Prohibited area (beach district) . . . 25.00
- 05 Upon roadway in a rural district . . . 15.00
- 06 Less than 10 feet from obstructed lane . . . 5.00
- 07 Within 20 feet of an intersection . . . 5.00
- 08 Obstructing public transportation . . . 5.00
- 09 Across a private road or driveway entrance . . . 10.00
- 10 Upon a sidewalk or crosswalk . . . 10.00
- 11 All night parking when restricted . . . 10.00
- 12 Bus stop or taxi stand . . . 5.00
- 13 Upon a roadway in a rural and non-beach district . . . 5.00
- 14 Double parking . . . 5.00
- 15 Obstructing snow removal or parking on emergency snow artery
10.00
- 16 Wrong direction (right wheels not at curb) . . . 6.00
- 17 Obstructing street cleaning . . . 5.00
- 18 Prohibited area, non-beach district . . . 5.00
- 19 Overtime parking . . . 5.00
- 20 Vehicle for sale sign . . . 5.00
- 21 Over 1 foot from curb . . . 5.00
- 22 Service or loading zone . . . 5.00
- 23 Within intersection . . . 10.00
- 24 Meter violation . . . 5.00
- 25 Improper angle parking . . . 5.00
- 26 Disabled or handicapped parking . . . 25.00 Ord.01-23 Deleted 6/25/2001)

(01) Within 10 feet of a hydrant...\$50.00

- 02 Within 10 feet of the entrance to a fire station...50.00
- 03 Across the street from a fire station...50.00
- 04 Prohibited area (beach district)...50.00
- 05 Upon roadway in a rural district...25.00
- 06 Less than 10 feet from obstructed lane...25.00
- 07 Within 20 feet of an intersection...25.00
- 08 Obstructing public transportation...25.00
- 09 Across a private road or driveway entrance...25.00
- 10 Upon a sidewalk or crosswalk...25.00
- 11 All night parking when restricted...25.00
- 12 Bus stop or taxi stand...25.00
- 13 Upon a roadway in a rural and non-beach district...25.00
- 14 Double parking...25.00
- 15 Obstructing snow removal or parking on emergency snow artery...25.00
- 16 Wrong direction (right wheels not at curb)...25.00
- 17 Obstructing street cleaning...25.00
- 18 Prohibited area, non-beach district...25.00
- 19 Overtime parking...25.00
- 20 Vehicle for sale sign...25.00
- 21 Over 1 foot from curb...25.00
- 22 Service or loading zone...25.00
- 23 Within intersection...25.00
- (24 Meter violation...10.00 (03-21 Delete, 5/13/2003)
- 24 Meter violation...15.00 (03-21, 5/13/2003)
- 25 Improper angle parking...15.00
- 26 Disabled or handicapped parking...100.00 (Ord. 01-23 6/25/2001)
Ord. 01-37 Deleted 9/25/2001)
- 01 Within 10 feet of a hydrant... \$50.00
- 02 Within 10 feet of the entrance to a fire station... 50.00
- 03 Across the street from a fire station...50.00
- 04 Prohibited area (beach district)... 15.00
- 05 Upon roadway in a rural district... 15.00
- 06 Less than 10 feet from obstructed lane... 15.00
- 07 Within 20 feet of an intersection...15.00
- 08 Obstructing public transportation...15.00

- 09 Across a private road or driveway entrance... 15.00
 - 10 Upon a sidewalk or crosswalk... 15.00
 - 11 All night parking when restricted... 15.00
 - 12 Bus stop or taxi stand... 15.00
 - 13 Upon a roadway in a rural and non-beach district... 15.00
 - 14 Double parking... 15.00
 - 15 Obstructing snow removal or parking on emergency snow artery... 15.00
 - 16 Wrong direction (right wheels not at curb)... 15.00
 - 17 Obstructing street cleaning... 15.00
 - 18 Prohibited area, non-beach district... 15.00
 - 19 Overtime parking... 15.00
 - 20 Vehicle for sale sign... 15.00
 - 21 Over 1 foot from curb... 15.00
 - 22 Service or loading zone... 15.00
 - 23 Within intersection... 15.00
 - 24 Meter violation... 10.00
 - 25 Improper angle parking... 15.00
 - 26 Disabled or handicapped parking... 100.00
- (Ord. 01-37 9/25/2001)

(b) *In beach district.* For the purposes of this subsection the beach district shall consist of the following streets or parts of streets:

- (1) Atlantic Road
- (2) Atlantic Street
- (3) Arlington Street
- (4) Bass Avenue
- (5) Bass Rocks Road
- (6) Beach Road, from the intersection of Nautilue Road to Brightside Avenue
- (7) Bridgewater Street
- (8) Eastern Point Road, from Rocky Neck Avenue to Farrington Avenue
- (9) Farrington Avenue
- (10) Harbor Road
- (11) Hough Avenue
- (12) Locust Grove Cemetery
- (13) Loma Drive
- (14) Nautilus Road
- (15) Puerto Drive

- (16) Rio Drive
- (17) River Road
- (18) Rocky Neck Avenue
- (19) Salt Island Road
- (20) Seaside Cemetery
- (21) Stephen's Lane
- (22) Thatcher Road
- (23) Washington Street, both sides, from Langsford Street to the Rockport Line
- (24) Witham Street, from Starknaught Heights to Salt Island Road

In the beach district, any person violating any of the following provisions of this article regulating the parking of motor vehicles shall be punished as prescribed in subsection (a) except that, between May 1 and September 15, of each year, parking is prohibited at all times in the beach district and the beach district is hereby declared to be a "prohibited area" for the purposes of subsection (a), Code 04. Any person parking in the beach district between May 1 and September 15 shall receive a citation for parking in a prohibited area in addition to any other citation he may receive for any other parking violation he may commit.

(Code 1970, §§ 21-119, 21-120; Ord. of 7-10-75, § 1; Ord. of 2-19-76, § 1; Ord. of 6-17-76, § 1; Ord. of 11-17-76, § 1; Ord. of 1-9-79, § I; Ord. of 7-10-79, § I; Ord. of 3-2-82, § I; Ord. of 4-14-87, § I; Ord. of 4-12-88, § II; Ord. No. 96-1998, § I, 7-28-98)

Editor's note--Subsection 22-176(c), relative to payment schedule for fines imposed under § 22-176, has been deleted as being superseded by the provisions of an ordinance of April 14, 1987, § I, at the editor's discretion.



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

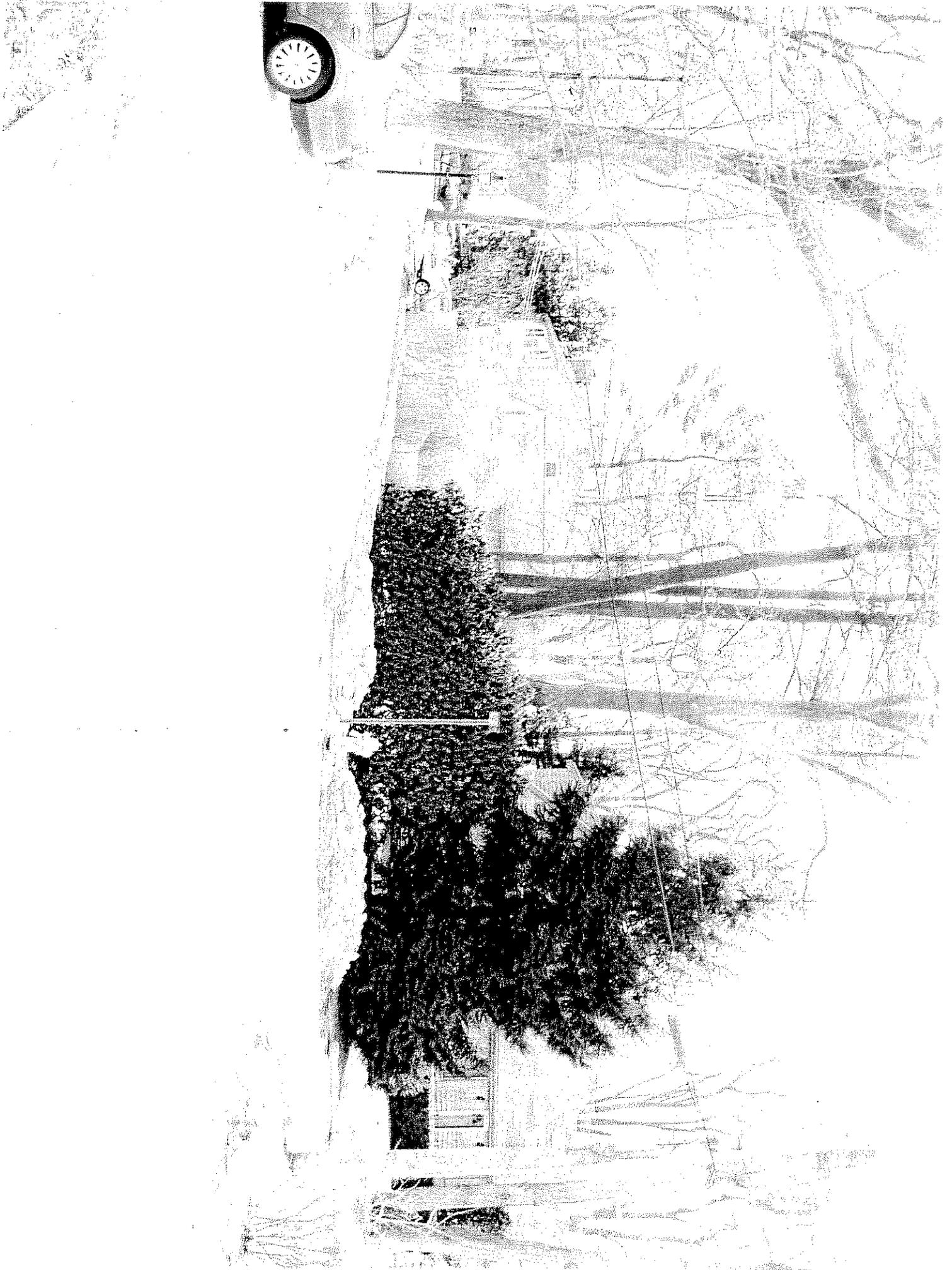
ORDER: #CC2010-010
COUNCILLOR: Greg Verga

DATE RECEIVED BY COUNCIL: 03/02/2010
REFERRED TO: O&A
FOR COUNCIL VOTE:

Ordered that the GCO Sec. 22.269 "Stop Intersections" and/or Sec. 22.269.1 "Yield Intersections" be amended by adding

Intersection of Hesperus Circle and Hesperus Avenue

Councillor Greg Verga



City Hall
Nine Dale Ave
Gloucester, MA 01930



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CITY OF GLOUCESTER
OFFICE OF THE MAYOR

Memorandum

To: City Council President Hardy and Members of the Gloucester City Council

From: Jim Duggan, Chief Administrative Officer *JAD*

Date: March 1, 2010

Re: **Stormwater Utility Fee**

It was the intention of the Administration to present something through the Mayor's Report to be referred to the appropriate committee regarding the subject referenced above. However, following multiple conversations and meetings with city staff over the last two weeks, it was concluded that the complexities of how to establish a stormwater utility rate structure appears to be the most difficult element of the program. The equity of any proposal is the most challenging aspect.

Additionally, there are numerous legal questions that need answers before making a formal decision. For example, can property owners on septic systems be charged a stormwater utility fee? How are the 900 tax exempt properties assessed? How will this fee be charged, via utility bill or tax bill? What happens in the event of a revenue deficit?

Therefore, I would like to suggest that a standing meeting be established with key city personnel, including a member from the Budget and Finance Committee, to explore the development of the fee structure for a stormwater utility.