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GLOUCESTER CITY COUNCIL
CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, September 16, 2013 – 6:00 p.m.
1st Fl. Council Conference Rm. – City Hall
AGENDA

(Items May be taken out of order at the discretion of the Committee)

1. Continued Business:

- A) CC2013-017 (Verga) Amend GCO Chapter 21, Article IV (Repair of Private Ways) Sections, 21-81 through 21-85 to add specific standards on what the City should require for the level of design, amount of work, and allocation of funds for permanent repairs to private ways (Cont'd from 06/17/13)
- B) CC2013-028 (LeBlanc) Request Traffic Commission to investigate parking of vehicles on Washington Street at the intersection of Derby Street, Stone Court, Grove Street and Centennial Avenue (Cont'd from 08/05/13)
- C) CC2013-029 (LeBlanc) Request traffic study regarding tractor trailer trucks turning from Middle Street to Angle Street & whether GCO Chapter 22, Sec. 22-173 shall be so amended (Cont'd from 08/05/13) **(TBC 09/30/13)**
- D) CC0213-031 (Verga) Request the Traffic Commission investigate traffic flow on Englewood Road in Magnolia to determine whether current signage is adequate or whether additional signage is needed (Cont'd from 08/19/13)
- E) CC2013-033 (McGeary) Amend GCO c. 22, Sec. 22-270 (Prohibited parking at all times) by deleting East Main Street from Bass Avenue to the entrance to the Quincy Market Storage building off of East Main Street" (Cont'd from 08/19/13)
- F) CC2013-034 (LeBlanc) Amend GCO c. 22, Sec. 22-287 (Disabled veteran, handicapped parking) re: Riggs Street #6 (Cont'd from 08/19/13) **(TBC 09/30/13)**
- G) Memorandum from Mayor & a Memorandum from Community Development Director re: Tourism Commission (Cont'd from 08/19/13)

2. CC2013-040 (Verga) Request to review GCO Chapter 4 "Animals," Art. II "Dogs," Sections 4-15 to 4-22 and to Consider whether to add the offense of "Running at large prohibited" to GCO Sec. 1.15 to allow for fines by non-Criminal enforcement & signage to be placed in areas of concern

3. CC2013-041 (Tobey) Request the O&A Committee reviews an ordinance for Council enactment: "that the City Shall lease no property or structure unless funding is approved by 2/3rd majority of the City Council

COMMITTEE

Councilor Sefatia Theken, Chair
Councilor Robert Whynott, Vice Chair
Councilor Steve LeBlanc, Jr.

Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor Carolyn Kirk
Jim Duggan
Linda T. Lowe
Suzanne Egan
Robert Ryan
Tom Daniel
Police Chief Leonard Campanello/Jaimie Levie

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.



**CITY OF GLOUCESTER 2013
CITY COUNCIL ORDER**

TO BE CONTINUED TO AUGUST 19, 2013

ORDER: CC#2013-017
COUNCILLOR: Greg Verga

DATE RECEIVED BY COUNCIL: 03/26/13
REFERRED TO: O&A & P&D
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances, Chapter 21 "Streets, Sidewalks, and Other Public Places", Article IV "Repair of Private Ways", sections 21-81 through 21-85 as amended April 10, 2012, be **AMENDED** to **ADD** specific standards on what the City should require for the level of design, the amount of work, and the allocation of funds for permanent repairs to private streets; and further

ORDERED that this matter shall be referred to the Ordinances and Administration Standing Committee and the Planning and Development Standing Committee for review and recommendation.

Greg Verga
Ward 5 Councillor

Chapter 21

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE IV. REPAIR OF PRIVATE WAYS*

Sec. 21-80. Intent; definitions; exclusions; city not required to maintain.

(a) Definitions. The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning.

Abutter and *abutting owner* means all persons holding ownership rights in property abutting a private way and all persons holding ownership rights in any property the access to which, by necessity, requires travel over such private way.

Abutting parcel means any property actually abutting the private way regulated by this article and any property the access to which, by necessity, requires travel over such private way.

Private ways.

(1) The term “private way” includes, within the scope of this article, statutory private ways and dedicated private ways.

- a. The term “statutory private ways” means those ways which have been laid out pursuant to M.G.L. c.82, §21 and are subject to M.G.L. c. 84, §§23-24. Such ways are open to the same type and extent use as public ways.
- b. The term “dedicated private ways” are those ways which were not laid out under statutory authority but are open to free public use of a nature and extent sufficient to constitute evidence of the permanent intention of abutting property owners to abandon private rights in the ways.

(2) The term “private ways” within the scope of this article does not include permissive private ways or unconstructed (paper) ways.

- a. The term “permissive private ways” means those ways that have not been laid out by a public authority or dedicated to public use and are wholly the subject of private ownership. A permissive private way is open to public use solely by the continuing permission or license of the owner or abutter; such owner or abutter displays a continuing intent to exercise dominion over the way and may, for example, post the way with signs limiting or prohibiting public use.
- b. The term “unconstructed” or “paper ways” means those ways or portions thereof that have been created on paper by a deed, easement, plan or other instrument or by subdivision or approval not required (ANR) plan under the Subdivision Control Act, but have not yet been paved, improved or otherwise constructed on the ground.

(b) Pursuant to Chapter 325 of the Acts of 2002 and Massachusetts General Laws c.84, §12 and c. 40, § 6N, this article is intended to establish the process by which temporary and permanent repairs may be made to private ways and to facilitate the performance of permanent repairs upon private ways in the city so that they may become eligible for conversion to public ways.

(c) In order to qualify for permanent or temporary construction or repair under this article, all private ways otherwise eligible must have been open to the public for six or more years and must abut four or more occupied residences or operating businesses.

(d) None of the ways described in this section are of the type of which the city has an existing duty of maintenance or repair for which the city is liable in damages for defects. Abutters to private ways are responsible for the maintenance of such ways. Constructed private ways must be maintained so that there are no defects to impede the safe passage of emergency vehicles. Nothing in this article is intended to create any duty to maintain or repair such private ways or to subject the city to any liability for defects therein.

(Ord. of 11-18-1980, §1; ord. of 4-10-2012(01))

Cross reference – Definitions and rules of construction generally, §1-2.

Sec. 21-81 – Type and extent of work.

(a) Permanent construction or repair to private ways shall be performed with the goal of improving the way such that it becomes eligible for conversion to a public way. Such permanent construction or repair shall include, but not be limited to, the construction, resurfacing and reconstruction of private ways consistent with the standards set forth in the current edition of the City of Gloucester Planning Board’s “Rules and Regulations Governing the Subdivision of Land,” section 2.2.7 and Appendix C. Permanent construction or repair may also include the installation and construction of drainage systems.

(b) Temporary construction or repair shall include the filling of potholes in the subsurface of private ways and repairs to the surface materials, but shall not include significant excavation, regrading, drainage work, or the resurfacing thereof. Oiling and tarring of private ways by the city shall not be permitted.

(Ord. of 11-18-1980, §2)

Cross reference – Definitions and rules of construction generally, §1-2.

Sec. 21-82 – Permanent or temporary construction or repair, when available.

(a) Permanent construction or repair may be performed by the city upon approval of the abutters’ petition by the city council in accordance with the procedures set forth in sections 21- 84 and 21-85.

(b) Temporary construction or repair may be performed by the city upon a determination by the director of public works that the condition of a way adversely affects the safety of the inhabitants and that construction or repair of a permanent nature is unnecessary to cure the condition, or upon determination that the condition of the way constitutes an emergency which requires the immediate performance of construction or repair in order to protect the health or safety of the inhabitants of the city. Such temporary repair shall not be considered as maintenance of the private way nor shall the way be considered a public way as a result of any repair.

(Ord. of 11-18-1980, §3)

Sec. 21-83 – Funding for approved construction or repair.

(a) Up to one hundred percent of the total cost of performance of approved permanent construction and repair work, including the cost of all plans or specifications shall be paid by the abutting owners, the amount to be so paid to be divided by the number of abutting parcels and assessed to the owners thereof. Any amount to be paid by the city shall be paid from funds appropriated to a separate account in the yearly city budget or from the capital improvement program.

(b) In any case involving construction or repairs consisting less than \$4,000.00, the city may satisfy its financial obligation under subsections (a) and ~~(b)~~ of this section through the provision of either in-kind services or cash payment of the amount established pursuant to this section. In-kind services may be performed by the department of public works if, in the judgment of its director, the department has the existing capability to render such performance. Where the cost of construction or repair exceeds \$4,000.00, the work shall be awarded to private contractors by means of the applicable bidding procedures.

(c) The city shall not require that abutting owners pay a cash deposit as a prerequisite to the performance of approved work. However, betterments shall be assessed and collected for such work in accordance with the provisions of M.G.L. c. 80, §1 et. seq. and other applicable laws.

(d) In the case of temporary repairs, the city shall be obligated to pay 100 percent of the total cost.

(Ord. of 11-18-1980 §4)

~~NOTE: Delete Sections 21-84 and Section 21-85 in their entirety and renumber. Add new Sections 21-84 and 21-85.~~

Sec. 21-84 - Meeting and vote by abutting owners.

(a) Prior to submitting any petition under this article, and after notice to all abutters, a meeting of all abutting owners must be held. The meeting shall be called by any three or

more abutting owners. Notice of the meeting, stating the date, time and location thereof, shall be given at least seven days in advance by posting the notice in the city clerk's office and by mailing the notice to all abutting owners by certified mail, return receipt requested. A receipt by electronic mail or other proof of certified mailing shall be deemed sufficient evidence that notice has been given to abutting owners.

(b) At the meeting of abutting owners as required by subsection (a) of this section, separate votes shall be taken and recorded to determine whether certain repairs are to be sought and whether such repairs shall be paid for pursuant to the terms of this article. A majority of the abutting owners must attend the meeting and must vote in favor of both issues in order to qualify for construction or repair under this article. Each property, whether held singly, jointly or by a trust or corporation, shall be entitled to cast one vote by the designated or agreed-upon representative of the owners, and who must be in attendance at the meeting. The official record of the meeting, including the attendees and the votes cast shall be included with the petition for permanent repairs to a private way when the abutters present the petition to the city clerk as described in section 21-85, below.

(Ord. of 11-18-1980, §6; Ord. of 4-10-2012 (01))

Sec. 21-85 – Procedural prerequisites for petitions to city council for permanent construction or repair.

~~[New Draft – see previous redraft of re-ordered 21-85 in its entirety immediately below this version.]~~

(a) Any performance of permanent construction or repair as set forth in this article is subject to the availability of funding and must be authorized by a majority vote of the city council.

(b) Abutters to a private way shall begin the process of seeking permanent repair to the way by making a written request for a preliminary assessment from the city engineer as to whether the way could be improved to meet the specifications contained in the Planning Board's "Rules and Regulations Governing the Subdivision of Land," section 2.2.7 and Appendix C, and be eligible for potential conversion to a public way. Such requests must be signed by a minimum of three abutters to the way.

(c) The city engineer shall issue a preliminary assessment in writing as to the potential for the private way to be converted to a public way within 60 days of receiving such request. The city engineer shall rely on the guidelines contained in the Planning Board's "Rules and Regulations Governing the Subdivision of Land," section 2.2.7 and Appendix C in making the assessment. The city engineer shall also consult with the fire chief as to emergency access requirements needed. As part of the project, the city engineer shall prepare a preliminary estimate of the cost of the project. The engineer's preliminary cost estimate is for guidance of the petitioners only and does not replace the full set of engineering plans required in section 21-85 (g) below.

(d) Upon receiving a favorable preliminary assessment from the city engineer as to the potential conversion of the way to a public way, abutters seeking the permanent repair of a private way shall submit to the city council a petition signed by no less than 51 percent of the abutting owners of the private way subject to the proposed construction or repair. The submittal of the petition must conform to the requirements of subsections (d) through (j) of this section and subsections (a) and (b) of Sec. 21-84.

(e) Petitioners shall use only official petition forms, available from the city clerk's office upon request. The petition form shall specify the intended share of the cost of the project to be borne by the petitioners and the cost estimate prepared by the city engineer as specified in Section 21-85 (c).

(f) The original petition and an official record of the votes cast at the abutters' meeting, as required by section 21-84, shall be submitted to the city clerk. All petitions must plainly indicate that a meeting of the abutting owners has been held and votes recorded as provided in accordance with Section 21-84. The city clerk shall file a copy of the petition with the mayor's office and with the director of public works.

(g) The original petition and official record of the votes cast at the abutters' meeting must be accompanied by the abutters' proposal for permanent repair of a private way, including a set of engineering plans, prepared and signed by a registered engineer qualified in the field. Such plans shall be of sufficient detail to indicate the nature and extent of the work requested and the quantity and type of material necessary. Such plans shall also indicate an estimated cost of the requested construction or repair.

(h) Within 30 days after the filing date of the petition, the mayor and the director of public works shall review the petition and the plans in accordance with the standards set forth in the Planning Board's "Rules and Regulations Governing the Subdivision of Land," section 2.2.7 and Appendix C, and shall submit to the city council their recommendation as to whether the plans are consistent with the standards contained therein and whether the permanent repair or construction of the way could result in its eventual conversion to a public way.

(i) The city council must hold a public hearing upon the petition within 60 calendar days of filing thereof, except that in a particular case the council, by two-thirds vote thereof, may extend the deadline for hearing by a maximum of 30 days. Review of the petition by the city council shall include a determination whether the construction or repair is required by public convenience and necessity.

(j) Notice of the council's decision shall be posted and a copy thereof shall be mailed to all abutting owners.

(Ord. of 11-18-1980, §5)

~~[Rather than redlining — below is the earlier draft of the revised and re-ordered 21-85 followed by the existing 21-84 intact for comparison purposes.]~~

~~Sec. 21-85—Procedural prerequisites for permanent construction or repair.~~

~~(a) Petitions for permanent repairs shall use only official petition forms, available from the city clerk's office upon request.~~

~~(b) After the abutters meeting and prior to the filing of any petition, prospective petitioners shall be encouraged to contact the city engineer and/or the director of public works to discuss the proposal informally for the purpose of receiving guidance and information. The original petition shall be submitted to the city clerk. The city clerk shall file a copy of the petition with the mayor's office and with the director of public works for their response as provided in subsection (f) below. All petitions submitted to the council must plainly indicate that a meeting of the abutting owners has been held and votes recorded as provided in section 21-84.~~

~~(c) A petition signed by no less than 51 percent of the abutting owners of the portion of the private way subject to the proposed construction or repair, must be submitted to the city council. Such petition must conform to the requirements of this section.~~

~~(d) All petitions submitted to the city council for consideration must be accompanied by a set of preliminary engineering plans prepared and signed by a registered engineer qualified in the field. Such plans must be of sufficient detail to indicate the nature and extent of the work requested and the quantity and type of material necessary. Such plans must also indicate an estimated cost of the requested construction or repair. In no event shall the cost of any such preliminary plans be included in the project costs to be shared by the city and the abutting owners. Any performance of permanent construction or repair as set forth in this article must be authorized by a majority vote of the city council. No authorization shall be granted unless the requirements of this section have been satisfied.~~

~~(e) After the filing of the petition as described in subsection (c) of this section, the city engineer or director of public works shall be consulted by the petitioners for purposes of preliminary review and comment up on the petition and plans prior to the forwarding of said materials to the city council. Such review may include a recommendation that the petition be withdrawn by the petitioners or rejected by the city council as an insufficient or inappropriate solution to the problem presented.~~

~~(f) Within 30 days after the filing date of the petition, the mayor and the director of public works shall review the petition submitted to them by the city clerk and shall submit to the city council their recommendations concerning the necessity and feasibility of the project, the appropriate priority to be assigned to the project, and the availability of funding. Failure to submit the required reports shall be deemed to signify approval of the proposed work.~~

~~(g) The city council must hold a public hearing upon the petition within 60 calendar days of filing thereof, except that in a particular case the council by two-thirds vote thereof may extend the deadline for hearing by a maximum of 30 days. Review of the petition by the city council shall include a determination whether the construction or repair is required by public convenience and necessity.~~

~~(h) Approval of a petition shall require majority vote of the city council. Notice of the council's decision shall be posted and a copy thereof shall be mailed to all abutting owners.~~

~~(Ord. of 11-18-1980, §5)~~

Current Version

Sec. 21-84—Procedural prerequisites for permanent construction or repair.

~~(a) Any performance of permanent construction or repair as set forth in this article must be authorized by a majority vote of the city council. No such authorization shall be granted unless the requirements of subsection (b) through (i) of this section have been satisfied.~~

~~(b) A petition signed by no less than 51 percent of the abutting owners of the portion of the private way subject to the proposed construction or repair, must be submitted to the city council. Such petition must conform to the requirements of this section.~~

~~(c) Petitioners shall use only official petition forms, available from the city clerk's office upon request.~~

~~(d) The original petition shall be submitted to the city clerk. The city clerk shall file a copy of the petition with the mayor's office and with the director of public works. Prior to the filing of any petition, prospective petitioners shall be encouraged to contact the city engineer and/or the director of public works to discuss the proposal informally for the purpose of receiving guidance and relevant information.~~

~~(e) All petitions submitted to the city council for consideration must be accompanied by a set of preliminary engineering plans prepared and signed by a registered engineer qualified in the field. Such plans must be of sufficient detail to indicate the nature and extent of the work requested and the quantity and type of material necessary. Such plans must also indicate an estimated cost of the requested construction or repair. In no event shall the cost of any such preliminary plans be included in the project costs to be shared by the city and the abutting owners. Any performance of permanent construction or repair as set forth in this article must be authorized by a majority vote of the city council. No authorization shall be granted unless the requirements of this section have been satisfied.~~

~~(f) After the filing of the petition as described in subsection (c) of this section, the city engineer or director of public works shall be consulted by the petitioners for purposes of~~

~~preliminary review and comment up on the petition and plans prior to the forwarding of said materials to the city council. Such review may include a recommendation that the petition be withdrawn by the petitioners or rejected by the city council as an insufficient or inappropriate solution to the problem presented.~~

~~(g) Within 30 days after the filing date of the petition, the mayor and the director of public works shall review the petition submitted to them by the city clerk and shall submit to the city council their recommendations concerning the necessity and feasibility of the project, the appropriate priority to be assigned to the project, and the availability of funding. Failure to submit the required reports shall be deemed to signify approval of the proposed work.~~

~~(h) The city council must hold a public hearing upon the petition within 60 calendar days of filing thereof, except that in a particular case the council by two thirds vote thereof may extend the deadline for hearing by a maximum of 30 days. Review of the petition by the city council shall include a determination whether the construction or repair is required by public convenience and necessity.~~

~~(i) Approval of a petition shall require majority vote of the city council. Notice of the council's decision shall be posted and a copy thereof shall be mailed to all abutting owners.~~

~~(Ord. of 11-18-1980, §5)~~

Chapter 21

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE IV. REPAIR OF PRIVATE WAYS*

Sec. 21-80. Intent; definitions; exclusions; city not required to maintain.

(a) Definitions. The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning.

Abutter and *abutting owner* means all persons holding ownership rights in property abutting a private way and all persons holding ownership rights in any property the access to which, by necessity, requires travel over such private way.

Abutting parcel means any property actually abutting the private way regulated by this article and any property the access to which, by necessity, requires travel over such private way.

Private ways.

(1) The term “private way” includes, within the scope of this article, statutory private ways and dedicated private ways.

- a. The term “statutory private ways” means those ways which have been laid out pursuant to M.G.L. c.82, §21 and are subject to M.G.L. c. 84, §§23-24. Such ways are open to the same type and extent use as public ways.
- b. The term “dedicated private ways” are those ways which were not laid out under statutory authority but are open to free public use of a nature and extent sufficient to constitute evidence of the permanent intention of abutting property owners to abandon private rights in the ways.

(2) The term “private ways” within the scope of this article does not include permissive private ways or unconstructed (paper) ways.

- a. The term “permissive private ways” means those ways that have not been laid out by a public authority or dedicated to public use and are wholly the subject of private ownership. A permissive private way is open to public use solely by the continuing permission or license of the owner or abutter; such owner or abutter displays a continuing intent to exercise dominion over the way and may, for example, post the way with signs limiting or prohibiting public use.
- b. The term “unconstructed” or “paper ways” means those ways or portions thereof that have been created on paper by a deed, easement, plan or other instrument or by subdivision or approval not required (ANR) plan under the Subdivision Control Act, but have not yet been paved, improved or otherwise constructed on the ground.

(b) Pursuant to Chapter 325 of the Acts of 2002 and Massachusetts General Laws c.84, §12 and c. 40, § 6N, this article is intended to establish the process by which temporary and permanent repairs may be made to private ways and to facilitate the performance of permanent repairs upon private ways in the city so that they may become eligible for conversion to public ways.

(c) In order to qualify for permanent or temporary construction or repair under this article, all private ways otherwise eligible must have been open to the public for six or more years and must abut four or more occupied residences or operating businesses.

(d) None of the ways described in this section are of the type of which the city has an existing duty of maintenance or repair for which the city is liable in damages for defects. Abutters to private ways are responsible for the maintenance of such ways. Constructed private ways must be maintained so that there are no defects to impede the safe passage of emergency vehicles. Nothing in this article is intended to create any duty to maintain or repair such private ways or to subject the city to any liability for defects therein.

(Ord. of 11-18-1980, §1; ord. of 4-10-2012(01))

Cross reference – Definitions and rules of construction generally, §1-2.

Sec. 21-81 – Type and extent of work.

(a) Permanent construction or repair to private ways shall be performed with the goal of improving the way such that it becomes eligible for conversion to a public way. Such permanent construction or repair shall include, but not be limited to, the construction, resurfacing and reconstruction of private ways consistent with the standards set forth in the current edition of the City of Gloucester Planning Board’s “Rules and Regulations Governing the Subdivision of Land,” section 2.2.7 and Appendix C. Permanent construction or repair may also include the installation and construction of drainage systems.

(b) Temporary construction or repair shall include the filling of potholes in the subsurface of private ways and repairs to the surface materials, but shall not include significant excavation, regrading, drainage work, or the resurfacing thereof. Oiling and tarring of private ways by the city shall not be permitted.

(Ord. of 11-18-1980, §2)

Cross reference – Definitions and rules of construction generally, §1-2.

Sec. 21-82 – Permanent or temporary construction or repair, when available.

(a) Permanent construction or repair may be performed by the city upon approval of the abutters’ petition by the city council in accordance with the procedures set forth in sections 21- 84 and 21-85.

(b) Temporary construction or repair may be performed by the city upon a determination by the director of public works that the condition of a way adversely affects the safety of the inhabitants and that construction or repair of a permanent nature is unnecessary to cure the condition, or upon determination that the condition of the way constitutes an emergency which requires the immediate performance of construction or repair in order to protect the health or safety of the inhabitants of the city. Such temporary repair shall not be considered as maintenance of the private way nor shall the way be considered a public way as a result of any repair.

(Ord. of 11-18-1980, §3)

Sec. 21-83 – Funding for approved construction or repair.

(a) Up to one hundred percent of the total cost of performance of approved permanent construction and repair work, including the cost of all plans or specifications shall be paid by the abutting owners, the amount to be so paid to be divided by the number of abutting parcels and assessed to the owners thereof. Any amount to be paid by the city shall be paid from funds appropriated to a separate account in the yearly city budget or from the capital improvement program.

(b) In any case involving construction or repairs consisting less than \$4,000.00, the city may satisfy its financial obligation under subsections (a) and of this section through the provision of either in-kind services or cash payment of the amount established pursuant to this section. In-kind services may be performed by the department of public works if, in the judgment of its director, the department has the existing capability to render such performance. Where the cost of construction or repair exceeds \$4,000.00, the work shall be awarded to private contractors by means of the applicable bidding procedures.

(c) The city shall not require that abutting owners pay a cash deposit as a prerequisite to the performance of approved work. However, betterments shall be assessed and collected for such work in accordance with the provisions of M.G.L. c. 80, §1 et. seq. and other applicable laws.

(d) In the case of temporary repairs, the city shall be obligated to pay 100 percent of the total cost.

(Ord. of 11-18-1980 §4)

Sec. 21-84 - Meeting and vote by abutting owners.

(a) Prior to submitting any petition under this article, and after notice to all abutters, a meeting of all abutting owners must be held. The meeting shall be called by any three or more abutting owners. Notice of the meeting, stating the date, time and location thereof, shall be given at least seven days in advance by posting the notice in the city clerk's office and by mailing the notice to all abutting owners by certified mail, return receipt

requested. A receipt by electronic mail or other proof of certified mailing shall be deemed sufficient evidence that notice has been given to abutting owners.

(b) At the meeting of abutting owners as required by subsection (a) of this section, separate votes shall be taken and recorded to determine whether certain repairs are to be sought and whether such repairs shall be paid for pursuant to the terms of this article. A majority of the abutting owners must attend the meeting and must vote in favor of both issues in order to qualify for construction or repair under this article. Each property, whether held singly, jointly or by a trust or corporation, shall be entitled to cast one vote by the designated or agreed-upon representative of the owners, and who must be in attendance at the meeting. The official record of the meeting, including the attendees and the votes cast shall be included with the petition for permanent repairs to a private way when the abutters present the petition to the city clerk as described in section 21-85, below.

(Ord. of 11-18-1980, §6; Ord. of 4-10-2012 (01))

Sec. 21-85 – Procedural prerequisites for petitions to city council for permanent construction or repair.

(a) Any performance of permanent construction or repair as set forth in this article is subject to the availability of funding and must be authorized by a majority vote of the city council.

(b) Abutters to a private way shall begin the process of seeking permanent repair to the way by making a written request for a preliminary assessment from the city engineer as to whether the way could be improved to meet the specifications contained in the Planning Board's "Rules and Regulations Governing the Subdivision of Land," section 2.2.7 and Appendix C, and be eligible for potential conversion to a public way. Such requests must be signed by a minimum of three abutters to the way.

(c) The city engineer shall issue a preliminary assessment in writing as to the potential for the private way to be converted to a public way within 60 days of receiving such request. The city engineer shall rely on the guidelines contained in the Planning Board's "Rules and Regulations Governing the Subdivision of Land," section 2.2.7 and Appendix C in making the assessment. The city engineer shall also consult with the fire chief as to emergency access requirements needed. As part of the project, the city engineer shall prepare a preliminary estimate of the cost of the project. The engineer's preliminary cost estimate is for guidance of the petitioners only and does not replace the full set of engineering plans required in section 21-85 (g) below.

(d) Upon receiving a favorable preliminary assessment from the city engineer as to the potential conversion of the way to a public way, abutters seeking the permanent repair of a private way shall submit to the city council a petition signed by no less than 51 percent of the abutting owners of the private way subject to the proposed construction or repair.

The submittal of the petition must conform to the requirements of subsections (d) through (j) of this section and subsections (a) and (b) of Sec. 21-84.

(e) Petitioners shall use only official petition forms, available from the city clerk's office upon request. The petition form shall specify the intended share of the cost of the project to be borne by the petitioners and the cost estimate prepared by the city engineer as specified in Section 21-85 (c).

(f) The original petition and an official record of the votes cast at the abutters' meeting, as required by section 21-84, shall be submitted to the city clerk. All petitions must plainly indicate that a meeting of the abutting owners has been held and votes recorded as provided in accordance with Section 21-84. The city clerk shall file a copy of the petition with the mayor's office and with the director of public works.

(g) The original petition and official record of the votes cast at the abutters' meeting must be accompanied by the abutters' proposal for permanent repair of a private way, including a set of engineering plans, prepared and signed by a registered engineer qualified in the field. Such plans shall be of sufficient detail to indicate the nature and extent of the work requested and the quantity and type of material necessary. Such plans shall also indicate an estimated cost of the requested construction or repair.

(h) Within 30 days after the filing date of the petition, the mayor and the director of public works shall review the petition and the plans in accordance with the standards set forth in the Planning Board's "Rules and Regulations Governing the Subdivision of Land," section 2.2.7 and Appendix C, and shall submit to the city council their recommendation as to whether the plans are consistent with the standards contained therein and whether the permanent repair or construction of the way could result in its eventual conversion to a public way.

(i) The city council must hold a public hearing upon the petition within 60 calendar days of filing thereof, except that in a particular case the council, by two-thirds vote thereof, may extend the deadline for hearing by a maximum of 30 days. Review of the petition by the city council shall include a determination whether the construction or repair is required by public convenience and necessity.

(j) Notice of the council's decision shall be posted and a copy thereof shall be mailed to all abutting owners.

(Ord. of 11-18-1980, §5)

Received 9/6/13
(def) for Q&A

**CITY OF GLOUCESTER
TRAFFIC COMMISSION**

**A meeting was held on Thursday September 5th, 2013 at 6:00 p.m.
in the third floor Conference Room
at Gloucester City Hall**

The meeting was opened by Chairman Robert B. Ryan at 6:00 p.m. Also attending were members Larry Ingersoll, Robert Francis, Anthony Bertolino and Michael Mulcahey. Also present were City Councilor Steven LeBlanc and residents Matt & Rosemary Lundberg (Angle St. order); Michael Carroll, Ann Wightmen, Andrea Kiefer, John & JoAnn Burlingham, Steve McGivern, Barry & Sue Blaisdell and Linda & James Janus (East Main parking order)

AGENDA

The following was TABLED at our last meeting:

Order # CC2013-028 (Councilor LeBlanc) ORDERED that the Traffic Commission be requested to investigate the parking of vehicles between the hours of 6:00 a.m. and 5:00 p.m., Monday through Friday, on Washington Street, westerly side, from its intersection with Stone Court, 200' in a southerly direction; Washington Street, easterly side, from its intersection with Derby Street in a northerly direction, to the entrance of Oak Grove Cemetery; Washington Street easterly side, from its intersection with Grove Street; Washington Street, westerly side from its intersection with Centennial Avenue and report and make their recommendations to the Ordinances and Administration Committee.

Background: This issue is being revisited because a number of complaints have resulted from residents who reside on the above streets that the parking spaces are being taken up by commuters who are not parking in the commuter parking provided in the MBTA parking lot.

*(July Meeting) After a discussion, a MOTION was made, seconded and PASSED to **TABLE** the order. This issue was also discussed at a previous meeting and the first order was withdrawn by the Councilor. The TC believes that a strict NO PARKING order and even a 2 hour limit will adversely affect the neighborhood. The area is multi family and driveways can not handle the current amount of vehicles but there is no separate restriction that can be made for people parking legally on a city street and using the MBTA. The Councilor will speak to the neighborhood concerning their issues as how to work towards an agreeable solution to the problem.*

*(September Meeting) Councilor LeBlanc said there is no easy solution to this issue and agreed to withdraw the order. A few residents TC member Ingersoll spoke to were not in favor and it would be hard to imagine that area businesses would be in favor. One audience member suggested to meter the area to prevent all day parking. **NO ACTION** was taken by the TC due to the Councilor withdrawing the order.*

ORDER #CC2013-029 (Councilor LeBlanc) Ordered that the TC be requested to conduct a traffic study regarding tractor trailer trucks turning from Middle Street onto Angle Street and report and make recommendations to the O&A Committee on whether the COO Chapter 22 (Traffic) Sec. 22-173 (Operation of trucks, trailer trucks and other commercial vehicles) should be amended.

Background: Residents at the corner of Middle & Angle Street having had their wrought iron fence knocked down at least twice by trailer trucks taking the corner.

*After a discussion and speaking to the residents who brought this to Councilor LeBlanc's attention, a MOTION was made, seconded and PASSED to **TABLE** this order until proper measurements of the area can be taken. Members of the TC will meet with the residents when the measurements are made. A suggestion was made to re-direct TT units down Middle Street and onto Western Avenue but that would not be feasible due to the narrowness of lower Middle Street and the start of Western Avenue near Tally's. A suggestion was made if a guardrail would be possible which would protect the property and pedestrians and would face the brunt of the damage if TT units took the corner too tight. Allowance would have to be made for the crosswalk and this is why measurements need to be done.*

ORDER #CC2013-031 (Councilor Verga) Ordered that the TC investigate the traffic flow on Englewood Road in Magnolia, which is one-way, and determine and report if current signage is adequate or whether additional signage is required.

*After observing the area, the TC recommends that additional signage be placed on the street. A RIGHT TURN ONLY sign at the NE corner of Ocean Avenue and Englewood Road; A LEFT TURN ONLY sign at the NW corner of Ocean Avenue and Englewood Road; and an additional DO NOT ENTER sign at the SW corner of Ocean Avenue and Englewood Road across from the present sign to give drivers double notice of the one way section. A MOTION was made, seconded and **PASSED** to forward these recommendations.*

ORDER #CC2013-033 (Councilor McGeary) Ordered that the Gloucester COO Chapter 22 (Traffic) Sec.22-270 (Parking Prohibited at All Times) be amended by DELETING:

East Main Street, both sides, from Bass Avenue to the entrance to the Quincy Market Cold Storage building off East Main Street.

*The TC found that there numerous ordinances concerning East Main Street that need to be condensed. Most residents want the parking returned on the west side of East Main Street between Wall Street and Cripple Cove. Several residents of 65 East Main (Condo units) noted that since the parking was removed the speed of TT units has increased and the amount of vehicles going the wrong way up East Main to Bass or up East Main to make the turn onto Wall Street (to avoid traffic on Sayward Street - this is most likely local people) has increased. They said the municipal lot is being monopolized by charter fisherman and there is little room for others. The owner of Zeke's Place also noted that cars are traveling faster and that the area had no problems before the signs were installed. It seems that something that wasn't broke got fixed. All of the area residents present at this meeting were in favor of returning the parking to what it was before. Two letters were read into the record, one in favor and one against the change. Councilor McGeary was at another meeting but sent an e mail explaining the order. (copies attached). After a discussion, a MOTION was made, seconded and PASSED to **NOT RECOMMEND** the order. (Vote was 4-1 with member Francis voting to keep it the way it is now). TC member Francis explained that the Fire Department needs additional room to maneuver and get to side streets in the area and the parking restricts them. The TC and residents also noted that Wall Street should be looked into as being restricted to one direction from Parker Street heading east towards East Main Street. **The intent of the TC is to recommend that the ordinance read:***

Sec. 22-70 (Parking Prohibited at All Times) be amended by DELETING:

East Main Street, both sides, from Bass Avenue to the entrance to the Quincy Market Cold Storage building off East Main Street and

ADDING:

East Main Street, both sides, from Bass Avenue to 159 East Main Street (Americold Building) across from Chapel Street with the exception of East Main Street, westerly side from Wall Street in a southerly direction for a distance of 360' (Pole # 3671)

ORDER #CC2013-034 (Councilor LeBlanc) Ordered that the Gloucester COO Chapter 22, Sec. 22-287 (handicapped parking) be amended by ADDING:

one handicapped space in front of #6 Riggs Street

*Councilor LeBlanc wishes to remove the present handicapped parking space at #7 Riggs Street and move it across the street to #6 Riggs Street. After a discussion, a MOTION was made, seconded and PASSED to **TABLE** the order as there were some questions the TC wished to ask the requestor, who was not present.*

The meeting was adjourned at 6:57 p.m.

ROBERT B. RYAN, Chairman

LARRY INGERSOLL, Secretary

54 E. Main St.
Gloucester, MA 01930
4 September 2013

Traffic Commission
City of Gloucester
Gloucester, MA 01930

Dear Sir or Madam:

I wish to comment on the order regarding parking on East Main Street between Wall Street and the public parking lot at Cripple Cove, which I was told would be on the agenda for the Sept. 5 meeting. I am unable to attend the meeting in person.

I believe you will be considering a request to allow parking.

I live at 54 E. Main Street for 12 years, which is directly across from Wall Street.

While I'm reluctant to deny my good neighbor's request for parking, I have enjoyed not having parking along this section since the city began enforcing the no parking a few months ago. Prior to that enforcement, people parked there as long as I've owned my house, with only sporadic enforcement.

I like the clear street for (1) aesthetic reasons, but, more importantly, (2) it makes it easier to exit my driveway. I don't have to make a hard right and risk skimming a utility pole at the corner of my driveway. (The aesthetics are worth noting; besides not having cars to look at, noticeably less litter accumulates – or at least it's more accessible to being picked up by myself and my great neighbor Bob Wheeler!)

The public parking lot that is only a few hundred feet at most from nearby residences would seem to offer ample convenience and opportunity for parking by visitors, residences and service vehicles. Additionally, all nearby residences have garages or off-street parking except for one small house that is almost directly opposite the parking lot. It would seem to me that, as is often the case, service vehicles are given a temporary de facto pass at ticketing for the short-term generally required for their work.

Barry correctly points out that there has been an increase in people traveling the wrong way up East Main. It is a marked increase this year and I contacted Councilman Geary about this in June and again last week. I've also written to the police chief. I believe,

however, that this increase is due less to the widening passage and more to the lack of the visual cue of parked cars facing the wrong-way drivers. This is a subtle but important distinction. I base this on the fact that in past years, I've observed the wrong-way drivers to be primarily locals wishing to take a short-cut onto Wall Street. This year, I notice more drivers passing Wall Street – an indication that they are visitors who missed the one-way sign. A few weeks ago, I came hood to hood with a tractor trailer truck in front of my own house. I spoke to the driver, who was unaware this was a one-way street.

I have suggested to Councilman Geary ways in which this problem could be ameliorated with little cost, effort and time. The simplest is a more prominent sign with more appropriate placement.

A secondary issue is Wall Street itself, clearly a street that should be one way if ever there was one, because it is so narrow. Many times a day I witness cars that need to back out of Wall Street onto East Main in order to let on oncoming car exit Wall Street.

In spite of these sentiments, I'd like to understand the reasoning for the parking prohibition – whether it's a safety issue or there are other reasons. Regardless, the city might note that currently, two of the three no-parking signs are completely obstructed by foliage.

Sincerely,

Laurie Hagar
978-290-1812

Sept 5, 2013

Dear Commissioners,

My name is Condaei Branti and I own a home at 40 Cent Main St. Regrettably, I am unable to attend the Traffic Commission meeting as I am a RN and have to work. I am writing to request that parking be restored to the public from Wall St. to 49 Cent Main St. next to the public lot. I have parked across the street from my home for the past 10 years and have never had a problem. The street is certainly wide enough for the many cars and large trucks that pass by daily. I have spoken with two Gloucester police officers familiar with the street and they both agreed parking has never been a problem there. The following are the reasons I want the parking restored.

1. When a townought my home, parking was permitted. I had no parking space and this would impact on the future sale of the property. Some might say I could park in the public lot. This is true except has anyone tried to park there in the summer, week-ends, or on holidays. The lot is usually full with out of state visitors, beach goers and tourist cars.

2. Cars already go to fast on this residential street. If parking is not

2.
restored, I feel speeding will increase as
drivers will have a wide open street with no
parked cars to give them pause.

3 Visitors, repair vehicles, etc. now
have no place they can park near my home.

I hope you will see these reasons
as valid and restore the parking. Thank-
you.

Candace Truitt.
40 East Main St.



CITY OF GLOUCESTER 2013 CITY COUNCIL ORDER

ORDER: CC#2013-028
COUNCILLOR: Steve LeBlanc

DATE RECEIVED BY COUNCIL: 07/16/13
REFERRED TO: O&A & Traffic Commission
FOR COUNCIL VOTE:

ORDERED that the Traffic Commission be requested to investigate the parking of vehicles between the hours of 6:00 a.m. and 5:00 p.m., Monday through Friday, on Washington Street, westerly side, from its intersection with Stone Court, 200' in a southerly direction; Washington Street, easterly side, from its intersection with Derby Street in a northerly direction, to the entrance of Oak Grove Cemetery; Washington Street easterly side, from its intersection with Grove Street; Washington Street, westerly side from its intersection with Centennial Avenue and report and make their recommendations to the Ordinances and Administration Committee; and further

ORDERED that this matter shall be referred to the Ordinances and Administration Committee for review and recommendation and to the Traffic Commission on whether the Code of Ordinances Chapter 22 "Traffic" shall be so amended.

Steve LeBlanc
Ward 3 Councillor

Background: This issue is being revisited because a number of complaints have resulted from residents who reside on the above streets that the parking spaces are being taken up by commuters who are not parking in the commuter parking provided in the MBTA parking lot.



**CITY OF GLOUCESTER 2013
CITY COUNCIL ORDER**

ORDER: CC#2013-029
COUNCILLOR: Steve LeBlanc

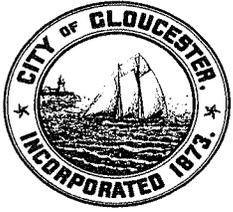
DATE RECEIVED BY COUNCIL: 07/23/13
REFERRED TO: O&A & Traffic Commission
FOR COUNCIL VOTE:

ORDERED that the Traffic Commission be requested to conduct a traffic study regarding tractor trailer trucks turning from Middle Street onto Angle Street and report and make their recommendations to the Ordinances and Administration Committee; and further

ORDERED that this matter shall be referred to the Ordinances and Administration Committee for review and recommendation and to the Traffic Commission on whether the Code of Ordinances Chapter 22 "Traffic" Sec. 22-173 "Operation of trucks, trailer trucks and other commercial vehicles" shall be so amended.

Steve LeBlanc
Ward 3 Councillor

Background: Residents on the corner of Middle and Angle Street having had their wrought iron fence knocked down at least twice by trailer trucks taking the corner.



**CITY OF GLOUCESTER 2013
CITY COUNCIL ORDER**

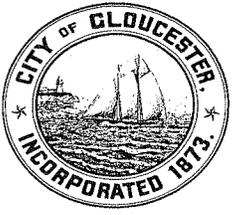
**ORDER: CC#2013-031
COUNCILLORS: Greg Verga**

**DATE RECEIVED BY COUNCIL: 08/13/13
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:**

ORDERED that the Traffic Commission be requested to investigate the traffic flow on Englewood Road in Magnolia, which is a one-way, and determine and report if current signage is adequate or whether additional signage is required; and further

ORDERED that this matter shall be referred to the Ordinances and Administration Standing Committee for review and recommendation.

Greg Verga
Ward 5 Councillor



**CITY OF GLOUCESTER 2013
CITY COUNCIL ORDER**

ORDER: CC#2013-033
COUNCILLOR: Paul McGeary

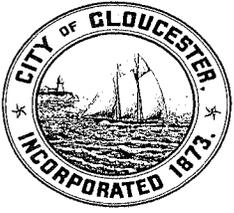
DATE RECEIVED BY COUNCIL: 08/13/13
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:

ORDERED that Gloucester Code of Ordinances Chapter 22 "Traffic" Sec. 22-270 "Parking prohibited at all times" be amended by **deleting:**

"East Main Street, both sides, from Bass Avenue to the entrance to the Quincy Market Cold Storage building off East Main Street"; and further

ORDERED that this matter shall be referred to Traffic Commission and the Ordinances and Administration Standing Committee for review and recommendations.

Paul McGeary
Ward 1 Councillor



**CITY OF GLOUCESTER 2013
CITY COUNCIL ORDER**

**ORDER: CC#2013-034
COUNCILLOR: Steve LeBlanc**

**DATE RECEIVED BY COUNCIL: 08/13/13
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:**

ORDERED that the Gloucester Code of Ordinances Chapter 22, Sec. 22-287 "Disabled veteran, handicapped parking" by adding

one (1) handicapped parking space in front of Riggs Street #6

And further

ORDERED that this matter shall be referred to Traffic Commission and the Ordinances and Administration Standing Committee for review and recommendations.

Steve LeBlanc
Ward 3 Councillor

Ordinances & Administration Committee

Monday, August 19, 2013 – 6:00 p.m.
1st Fl. Council Committee Rm. – City Hall
-Minutes-

Present: Councilor Sefatia Theken, Chair; Councilor Robert Whynott, Vice Chair; Councilor Steven LeBlanc

Absent: None.

Also Present: Mike Hale

The meeting was called to order at 6:00 p.m. Items were taken out of order.

1. Continued Business:

- A) Memorandum from Mayor & Memorandum from Community Development Director re: Tourism Commission (Cont'd from 07/15/13)

Councilor Theken said that the Committee was in receipt of an email from Tom Daniel, Community Development Director regarding an update on the status of the Tourism Commission (on file). In that email he said there was one more slot to be filled on the Tourism Commission in order to present to the Council a full slate of appointees to reconstitute the Commission. Once that position has a possible appointee he said he would file, through the Office of the Mayor, a slate of appointees for the review of the O&A Committee and Council.

This matter is continued to September 16, 2013.

- B) Review of Process of placement of handicap parking space signage and keeping signage current with the Gloucester Code of Ordinances (Cont'd from 08/05/13)

Councilor Whynott noted that there is a procedure in place if the ward councilor is notified that someone has died or moved away, an order is filed to remove the handicap sign, but the sign is removed immediately by the DPW which **Mike Hale**, DPW Director confirmed that the process is still in place and works in the same manner.

Councilor LeBlanc said there should be some type of review every couple of years of handicapped spaces listed in GCO Sec. 22-287 by ward because there are handicap spaces that are no longer used because the original requestor has died or moved away.

Councilor Theken suggested that all the ward councilors should get a list of the handicap spaces by ordinance in their ward and review what is in their ward. **Mr. Hale** suggested that the Traffic Commission review every couple of years City handicapped spaces as they exist at that time because he knew of several situations where the spaces had been put in place years ago and the requestors were no longer living on a particular street.

Mr. Hale also touched upon informational signs that are still posted when they were no longer needed and had a brief discussion with the Committee.

This matter is considered closed.

2. New Appointments & Reappointments:

Appointments:

Waterways Board

TTE 02/14/14 Robert Gillis (Economic Development Member)

Mr. Gillis under direct questioning of the Committee said that he has attended the Waterways Boards meetings. He said he is a past president of the Chamber of Commerce who served as a liaison to waterfront property owners and has familiarity with the harbor issues. At this time he is in the process of being proposed as a member to the EDIC. He added he had yet to finish the State Ethics Commission test and file it with the City Clerk.

In a discussion with **Councilor Theken**, **Mr. Gillis** said that the fishing industry is not gone and expressed discouragement about the federal government's cutbacks to ground fishing. He said there may need to be changes in the rules and regulations, but fishing is the heritage of the Gloucester community.

Councilor LeBlanc said spoke of two boat captains' experience that he spoke with over the weekend saying that respectively the captains spent \$75,000 and \$25,000 in goods and services during one week's time and neither

MOTION: On motion by Councilor LeBlanc , seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of John Rando to the Licensing Board, TTE 05/13/19.

3. Memorandum from Mayor & Memorandum from Community Development Director re: Tourism Commission

Councilor Romeo-Theken asked Thomas Daniel, Community Development Director if he had a chance to look at some of the minutes from the P&D and O&A Committee meetings at which the Tourism Commission was discussed. She added that there was a nice workshop for the public last year. **Mr. Daniel** stated that he did not receive those minutes. **Councilor Romeo-Theken** stated there was a lot of good input given by the public and a lot of time was spent gathering that information and it should be reviewed as part of this process. **Linn Parisi, Discover Gloucester,** stated that an initial meeting of Discover Gloucester was held in February of 2012, they spoke before City Council for a combined O&A and P&D at the end of February, and in March an ad-hoc committee met to discuss recommendations for the new tourism ordinance. In total, 12 people met for 10 hours and made recommendations which were presented before P&D and O&A. These recommendations were passed August 8, 2012. **Mr. Daniel** stated that he was not aware that this process had taken place, but was aware of the revised recommendations and has met with some of the people who participated.

Councilor Romeo-Theken stated that she has previously requested a larger budget for Tourism, but it has actually decreased. A lot of people have given input and there has been a lot of back and forth on this issue. She added that if it was not for Linn Parisi's team, Discover Gloucester, we would not even be on the map anymore. **Councilor Romeo-Theken** discussed past initiatives to promote tourism and the fishing industry. **Mr. Daniel** stated that the revised ordinance written last year is setting the path. There are a lot of good efforts and programs that are being worked on, but there are also gaps and inefficiencies. The goal is to develop a five year plan for tourism and the Tourism Commission is the entity that is charged with developing that plan. Members of this Commission will be representing a sector and they should feel the responsibility to communicate back to the network they are representing. **Councilor Romeo-Theken** stated that this needs to happen and it may take someone who is paid staff to reign in the Commission. She asked **Mr. Daniel** how he arrived at these nine members. **Mr. Daniel** stated that it goes back to the ordinance and the various groups outlined. There are two cultural districts that are doing a lot of work and working together that should be included. Some communities focus their tourism entirely around arts and cultures, but the culture in Gloucester is what will generate repeat business. These cultural districts were a natural fit to support this idea of repeat business. What is not included is a representative from the DMO, but the Mayor has agreed to get a representative from the destination marketing organization (DMO) on the Commission. The DMO should be represented on here, but does not need to be a separate seat. There is an opportunity for up to eleven seats according to the ordinance. **Councilor Romeo-Theken** this ordinance has come from the Administration and City Council will change it and give eleven seats. She added that if a person has the power to vote they need to be a resident. **Mr. Daniel** stated that the ordinance that was approved previously states that two non-residents can serve as ex officio members, one of which may be the Cape Ann Chamber of Commerce.

Mr. Daniel stated that the call for volunteers goes out and ideally there will be two representatives from each sector presented to be chosen by the Administration. One name for each seat will be presented to the City Council for approval. The people chosen should have the right skill set and be able to liaise back to the community they represent. **Councilor Whynott** stated that if the Tourism Commission is not meeting because they cannot reach quorum they can lower the quorum. **Ms. Parisi** stated that Discover Gloucester is the Seaport Gloucester DMO. She stated that this organization has not ever been part of the City of the Chamber of Commerce. **Councilor Romeo-Theken** stated that the DMO kept going on despite obstacles, even from the City. Five years later we are still arguing about who is going on the Commission. **Mr. Daniel** stated that there are two different cultural districts and they both have strong identities, nationally and internationally. People come for arts and culture, spend money, and do so repeatedly. The Downtown is different and brings different partners. There are two separate networks that are valuable to have a seat at the table. **Councilor Romeo-Theken** asked how it was decided to have one representative for accommodations, when there are different types of accommodations in the City. **Mr. Daniel** said it is important to balance the number of seats. **Councilor Romeo-Theken** stated that she believes the seats should be changed. We need to promote people coming to the City and staying through avenues they did not already know existed. The hotels are the ones that pay for these initiatives with the taxes their establishments earn. We need to make sure there are other attractions and that they are well advertised. She added that **Mr. Daniel** should be working more closely with the Visitor's Center volunteer coordinator for the City.

Mr. Daniel stated there have been a lot of good ideas for ways to improve Tourism in the City. There was discussion about the local amenities and attractions. Councilor Romeo-Theken commented that there is not a seat on this Commission for parks and/or recreation. Ms. Parisi stated that when people met last summer they discussed the representatives who should be on the Commission. They were included in the recommendations presented to the Council. She also suggested that communication with and amongst various City departments needs to be improved. Councilor Romeo-Theken stated that there might need to be two representatives from accommodations and to better define tourist attractions. Ms. Parisi stated that the industry definition of tourist attraction includes a broad spectrum of categories including museums, galleries, and retail spaces so there is crossover among categories. Councilor Romeo-Theken stated that there needs to be clearer definitions of particular terms, especially tourist attractions. Rocky Neck has been around for a long time and has not stepped forward to participate with Tourism initiatives. Mr. Daniel reiterated that he is working from the previous ordinance and acknowledges that there are people who have worked very hard. This is an effort to have a Commission that reflects the hard work that went into the ordinance. One of the gaps is that there has not been a direct staff connection. Councilor Romeo-Theken stated that a staff representative for this Commission would need to work with the community and the City Council, not just the Administration. She stated that Mr. Daniel should call a meeting with a representative from each of the sectors listed in the ordinance to see what they could bring to the Commission. Pauline Bresnahan, Pauline's Gifts, stated that tourism should be for the entire City and sometimes when Rocky Neck is asked to be a representative their focus is on their section of Gloucester and not the City as a whole.

Councilor Romeo-Theken told Mr. Daniel to go back and talk to the people who have already been working on Tourism issues because they are the ones who will support you. Councilor Hardy stated that the City Council will support the Commission and any legislation it produces. John Orlando, Harborview Inn, asked as far as choosing representatives, will Mr. Daniel be involved in that process. Will he be making recommendations to the Mayor? Councilor Romeo-Theken confirmed that he will. Mr. Daniel stated that he will be involved in helping the Mayor determine from the applications received who should be part of the Commission. Then the appointments will be brought to the City Council. He added that the next step is getting names of people and reviewing them. Hopefully we will have a good group of people who are interested in serving. Councilor Romeo-Theken is asking Mr. Daniel to have more conversations various community members and come back with eleven seats that will be filled for the Tourism Commission. Mr. Daniel stated that we cannot get everything, but we can have a diverse representation. He will be vetting some people and seeing where that falls on the matrix. Councilor Romeo-Theken stated that the extra tax base from accommodations was supposed to support a separate Commission and hire a person to manage its members.

Councilor Cox stated that when she was appointed to the Tourism Commission she began actively recruiting people so there are several names on the Mayor's desk. Councilor Romeo-Theken does not expect miracles for this season, but wants to get ready for next season. She added that the DMO should be in the ordinance as a seat.

This matter is continued to July 15, 2013.

4. *CC2013-019 (LeBlanc) Amend GCO Chapter 22, Sec. 22-287 (Disabled Veteran, handicapped parking)
Re: Middle Street #15 (TBC 06/17/13)*

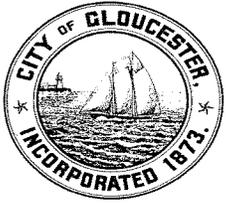
This matter is continued to June 17, 2013.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:50 PM.

Respectfully submitted,
Jaimie Corliss
Principal Clerk

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Memo from City Clerk dated 6/3/2013 with attached revised job descriptions and organizational chart



**CITY OF GLOUCESTER 2013
CITY COUNCIL ORDER**

ORDER: CC#2013-040
COUNCILLORS: Greg Verga/Jackie Hardy

DATE RECEIVED BY COUNCIL: 09-10-13
REFERRED TO: O&A & Animal Control Officer
FOR COUNCIL VOTE:

ORDERED that the City Council request the Ordinances and Administration Standing Committee and the Animal Control Officer review the Gloucester Code of Ordinances Chapter 4 "Animals" Article II "Dogs" Sec. 4.15 through 4-22; and whether to add the offense of "Running at large prohibited" to code Sec. 1-15 to allow for fines by non-criminal enforcement; and

ORDERED to discuss and review the proper language for signage to be prominently placed in areas of concern, i.e. beaches, Stage Fort Park, etc. reminding pet owners of rules and penalty for violation of ordinance.

ORDERED that this matter shall be referred to the Ordinances and Administration Standing Committee for review and recommendation for any changes.

Greg Verga
Ward 5 Councillor

Jackie Hardy
Ward 4 Councillor

Gloucester, Massachusetts, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 4 - ANIMALS >> ARTICLE II. DOGS >>

ARTICLE II. DOGS ^[2]

Sec. 4-15. Running at large prohibited.

Sec. 4-16a. Dogs prohibited on beaches at certain times.

Sec. 4-16b. Dogs prohibited in city-owned cemeteries at all times.

Sec. 4-16c. Dogs prohibited on athletic fields.

Sec. 4-16d. Off-leash dog areas.

Sec. 4-17. Female dogs in heat to be confined.

Sec. 4-18. Impoundment; notice to owner; transfer of custody.

Sec. 4-19. Redemption of impounded dogs.

Sec. 4-20. Pound; dog officer.

Sec. 4-21. Dog fouling.

Sec. 4-22. Fees and penalties.

Sec. 4-15. Running at large prohibited.

- (a) No person owning or keeping a dog in the city shall permit such dog at any time to run at large in the city. Each incident in which a dog, licensed or unlicensed, is on public or private property without authorization and is not under the direct control of its owner by a leash not exceeding six feet in length shall be a violation of this section.
- (b) As used in this section, the term "at large" shall mean the dog is off the premises of its owner or keeper and not under the direct control of a competent person by a leash not exceeding six feet in length.

(Ord. of 2-8-1977, § 1; Ord. of 8-11-1981, § 1)

Sec. 4-16a. Dogs prohibited on beaches at certain times.

Dogs shall be prohibited from public beaches from May 1 to September 15, annually. Dogs shall be allowed on public beaches from September 16 to April 30, annually, and shall be under the control of the owner or keeper.

(Ord. No. 95-1998, § 1, 7-7-1998; Ord. of 7-23-2002, § 1)

Editor's note—

Ord. No. 95-1998, § 1, adopted July 7, 1998, repealed the former § 4-16 and enacted §§ 4-16a and 4-16b as set out herein. Section 4-16 pertained to dogs prohibited on beaches at certain times and derived from § 11 of an ordinance adopted February 8, 1977, and § 2 of an ordinance adopted August 11, 1981.

Sec. 4-16b. Dogs prohibited in city-owned cemeteries at all times.

Dogs shall be prohibited from all city-owned cemeteries at all times.

(Ord. No. 95-1998, § 1, 7-7-1998)

Sec. 4-16c. Dogs prohibited on athletic fields.

Dogs shall be prohibited from all city-owned athletic fields at all times.

(Ord. of 1-22-2002(01), § 1)

Sec. 4-16d. Off-leash dog areas.

The department of public works director may designate, with the approval of the mayor and the city council, specific lands for use as off-leash dog areas, with their operation being subject to regulations enacted pursuant to Section 7-16(b) of the City Charter.

(Ord. of 10-12-2010(01))

Sec. 4-17. Female dogs in heat to be confined.

Every female dog in heat shall be confined in a building or secured enclosure in such a manner that it cannot come into contact with another animal except for planned breeding.

(Ord. of 2-8-1977, § 1; Ord. of 8-11-1981, § 1)

Sec. 4-18. Impoundment; notice to owner; transfer of custody.

- (a) The city's dog officer shall catch and confine any dog found to be in violation of any provision of this article. When any dog has been impounded, the owner shall be notified within 24 hours of the violation and fine which is being assessed. The owner or keeper of an impounded dog shall have ten days in which to recover the dog.
- (b) Except as provided below, any dog which is held in confinement by the dog officer that shall not have been claimed by the owner or keeper at the end of the ten day period shall be transferred to the care and control of the Massachusetts Society for the Prevention of Cruelty to Animals or some other similar organization, or to any person offering to pay the fee for confinement. In no case shall a dog be sold or delivered to or given to any person or organization intending to use the dog or vivisection purposes.
- (c) Impoundment under this chapter shall also include the placement by the dog officer of the dog in a kennel licensed by the commonwealth.

(Ord. of 2-8-1977, § 1; Ord. of 8-11-1981, § 1; Ord. of 4-18-1989, § 1)

Sec. 4-19. Redemption of impounded dogs.

- (a) No dog confined for a violation of this article shall be released to its owner or keeper except as provided herein. The dog officer shall issue to the owner or keeper of any such dog a citation for the violation of this article. The violations in any calendar year shall bear a fine of the following:
 - (1) For the first offense: \$10.00;
 - (2) For the second offense: \$30.00;
 - (3) For the third or subsequent offense: \$50.00.
- (b) In case of the first and each succeeding violation in any calendar year, no dog shall be released prior to the receipt by the dog officer of due notice of the payment of the fine for all outstanding notices of violation or of the deposit of the amount of the fines as a security for the payment of said fines. In every case in which the owner or keeper refuses to pay such fines or a deposit for security for such fines, the dog shall be held until a hearing on the charged

violation has been held and the owner shall be liable for all confinement charges as provided herein. As used in this subsection, the term "outstanding notices of violation" shall include only those notices of violation resulting in confinement.

- (c) Notwithstanding the provisions of this section to the contrary, no dog so confined shall be released prior to the payment of confinement and care charges of the actual contract cost to the city of confining, impounding or boarding the dog.
- (d) The provisions of this article shall not apply to any person or organization who owns, keeps or maintains any dog as part of a canine corps for the commonwealth or any of its political subdivisions while actually engaged in the performance of official duties.

(Ord. of 2-8-1977, § 1; Ord. of 11-1-1977, § 1; Ord. of 8-11-1981, § 1; Ord. of 4-18-1989, § 1)

Sec. 4-20. Pound; dog officer.

- (a) The city shall make provision for a pound for the confinement of stray dogs, dogs impounded due to violations of this article, or dogs rescued from danger or distress. The operation of the pound shall incorporate the regular services of a licensed veterinarian. Notwithstanding the provisions of this section to the contrary, if the city has not provided for a city pound the city may contract with a kennel which is licensed by the commonwealth.
- (b) The city shall make provision for the services of at least one fulltime dog officer, whose duty it shall be to enforce the provisions of this article, of the licensing laws relevant to dogs, and of other relevant commonwealth law. The dog officer shall have the power to decide on the merit of complaints of citizens with regard to what they feel are nuisance dogs and issue citations to owners which, unless appealed under commonwealth law, shall be referred to the district court if citation is ignored.

(Ord. of 2-8-1977, § III; Ord. of 8-11-1981, § 3; Ord. of 4-18-1989, § 1)

Cross reference— Officers and employees, § 2-40.

State law reference— Animal pounds generally, M.G.L. c. 49, § 22 et seq.; dog officers generally, M.G.L. c. 140, § 151.

Sec. 4-21. Dog fouling.

- (a) *Duty to dispose.* It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his dog on any sidewalk, street or other public area. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his dog on any private property neither owned nor occupied by said person.
- (b) *Duty to possess means of removal.* No person, who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog. Furthermore, no person who, owns, possesses or controls such dogs, shall appear on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog. Disposal in city trash barrels or bins or in storm drains is prohibited.
- (c) *Method of removal and disposal.* For the purposes of this subsection, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of human feces, specifically reserved for the disposal of canine feces, or as otherwise designated as appropriate by the agent of the board of health.
- (d) *Fines for violation.* Violation of this regulation shall be punished by a fine of \$25.00 for the first offense in a calendar year and \$50.00 for any additional offenses within the same calendar

year. Section 4-18(a), impoundment, does not apply to violations of this section.

- (e) *Enforcement.* Violations of this section shall be enforced in accordance with all other applicable laws governing municipal ordinances; however, at the option of the enforcing person, violation may be enforced noncriminally pursuant to M.G.L. c. 40, § 21D and as provided in section 1-15, rather than by a criminal complaint in district court.
- (f) *Exemption.* This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his handicap, is physically unable to comply with the requirements of this section.
- (g) *Severability.* The provisions of this section are severable; and, if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.
- (h) *Notification.* Upon licensing of a dog, the owner shall be given subsections (a) through (h) of this section by the dog officer, city clerk or person issuing the license.

(Ord. No. 13-1994, § 1, 8-9-1994)

Sec. 4-22. Fees and penalties.

- (a) *Revised fees for dog licenses, effective July 1, 2002.* Male/female/neutered/spayed, each dog: \$22.50.
- (b) *Late penalty, effective April 30, 1993.* The owner shall pay a penalty of \$10.00 for any dog whose license fee has not been paid by April 30 of the current licensing renewal year.

(Ord. of 3-16-1993; Ord. No. 121-1998, § 1, 9-29-1998; Ord. of 5-28-2002(06), § 1; Ord. of 6-6-2006)

FOOTNOTE(S):

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Cross reference— Chief of police to act as dog constable, § 17-21; dogs prohibited in school grounds or buildings, § 18-6. [\(Back\)](#)

State Law reference— Municipal authority to regulate dogs, M.G.L. c. 140, § 173. [\(Back\)](#)

Sec. 1-15. Penalty for violation of certain specified sections of Code.

Violation of the Code sections set forth in this section may be enforced noncriminally by way of the ticketing procedures set forth in M.G.L. c. 40, § 21D. For the purpose of this section the specific penalty which is to apply for a violation of each such section shall be as listed below and the municipal officers or employees whose titles are listed under such section shall be deemed to be enforcing officers for each such section:

Chapter 4, section 4-21, dog fouling.

Penalty:

First offense in a calendar year, \$25.00;

Second and subsequent offenses in a calendar year, \$50.00.

The enforcement officer for violation is the animal control officer.

Chapter 5, article II, section 5-19, inspections of buildings erected on pilings.

Each day a violation continues will be treated as a separate offense. A violation of this ordinance shall be \$300.00 per day and/or condemnation of the building.

Chapter 5, article II, division 4, sections 5-35—5-39.3, vacant buildings.

Penalty: Each day a violation continues will be treated as a separate offense. A violation of this division shall be three hundred dollars (\$300.00) per day.

Enforcing person: Inspector of buildings or his/her designee.

Chapter 6, section 6-4, visitors conduct, but excluding section 6-4(e)(11).

Penalties: Penalties shall be set at a minimum of \$50.00 for the first violation, with further violations to be up to \$300.00.

Enforcing persons: Board of health, department of public works, police department.

Chapter 6, section 6-4(e)(11), animals/public cemeteries.

Penalties: Penalties in accordance with chapter 4, animals.

Enforcing persons: animal control officer, police department.

Chapter 9, article I, sections 9-1 and 9-9, garbage and litter.

Penalty: \$20.00 for each of the first three offenses; \$100.00 thereafter.

Enforcing persons: police officers, parking control officers, health agents, health inspector, building inspector and building inspector's assistant and school department's director of operations and school facilities supervisor.

Chapter 9, trash, recycling and litter, section 9-8, littering prohibited:

Upon finding violation of section 9-8, the district court shall fine the violator according to the severity of the violation of up to \$300.00 for each offense.

Enforcing persons: police officers, board of health members or their agents and recycling coordinator.

Chapter 10, section 10-53, use of public ramp at DunFudgin.

Penalty:

\$25.00 per violation.

Each day of violation shall constitute a separate offense.

Chapter 10, all articles and sections.

Penalty:

\$100.00 per violation.

Each day of violation shall constitute a separate offense.

Enforcing persons: harbormaster, assistant harbormasters, police officers.

Chapter 13, section 13-5, prohibited sound, and section 13-6, maximum permissible sound levels—enumerated.

Penalty: For violations of section 13-5 and section 13-6, a minimum of \$100.00 per violation, not to exceed \$300.00 per violation.

Enforcing persons: police officers, building inspector, DPW personnel, health agents and health inspectors.

Chapter 14, section 14-14, smoking on school grounds, and board of health regulations prohibiting involuntary exposure to tobacco products to minors.

Penalty:

- \$25.00 for the first offense;
- \$50.00 for the second offense; and
- \$100.00 for the third and subsequent offenses.

Chapter 14, article II, sections 14-26 through 14-33, alarm systems.

Penalty:

- Section 14-27(a), (b), (c), (d), or (e) or 14-29: \$25.00;
- Section 14-30(b): \$25.00 for the fourth false alarm; and
- \$50.00 for each false alarm thereafter.

These penalties are for a single-alarm system.

The penalties apply to multiple-alarm systems after the number of alarms is greater than three times the number of systems. After 30 days of the date of the assessment, penalties unpaid will be assessed a \$10.00 per day delinquency surcharge.

Enforcing persons: fire or police personnel, designated by the fire chief or police chief.

Chapter 14, section 14-15, public consumption of marijuana or tetrahydrocannabinol prohibited.

Penalty:

- First offense: \$100.00;
- Second offense: \$200.00;
- Third offense: \$300.00.

Enforcing persons: police officers.

Chapter 21, article 1, section 21-4(c) (house numbers).

Penalty:

- Written warning notice on first offense;
- \$20.00 for second offense; and
- \$50.00 for each offense thereafter.

Enforcing persons: the enforcement officer for violation of section 21-4(b) is the building inspector or his agent.

This method of enforcement is optional and shall not supplant enforcement by criminal complaint or indictment brought in the district court.

Chapter 21, section 21-11, playing ball, etc.

Penalties:

- First offense: written warning notice.
- Second offense: \$25.00.
- Third offense and each offense thereafter: \$50.00.

Enforcing persons: Police department personnel.

Chapter 22, article V, section 22-150, loading and unloading on city streets.

Penalty:

First offense: \$100.00 for truck and \$100.00 for firm.

Second offense: \$200.00 for truck and \$200.00 for firm.

Third and consecutive offenses: \$500.00 for truck and \$500.00 for firm.

Enforcing persons: Police officers or parking control officers.

Chapter 23, article III, section 23-60, water use restrictions.

Penalty:

\$50.00 for first violation.

\$100.00 for subsequent violations.

Enforcing persons: department of public works, water division personnel; fire or police personnel; health agents and health inspectors.

Chapter 23, article IV, division I, section 23-77, pole specifications. ;b1; Penalty:

\$100.00 per instance to the owner of record of the pole in question.

Enforcing persons: director, department of public works or designee.

(Ord. of 8-4-1987, § 1; Ord. of 2-16-1988, § 1; Ord. of 2-14-1989, § 1; Ord. of 4-4-1989; Ord. No. 20-1990, § 1, 9-25-1990; Ord. No. 17-1993, 12-14-1993; Ord. No. 12-1994, § 1, 8-9-1994; Ord. No. 26-1997, § 1, 2-4-1997; Ord. No. 27-1997, § 1, 2-4-1997; Ord. No. 30-1997, § 1, 2-18-1997; Ord. No. 44-1997, § 1, 3-18-1997; Ord. No. 63-1997, § 1, 9-16-1997; Ord. No. 78-1998, § 1, 2-17-1998; Ord. No. 94-1998, § 1, 7-7-1998; Ord. No. 113-1998, § 1, 8-3-1998; Ord. of 10-22-2002(02), § 1; Ord. of 6-10-2003(01), § 1; Ord. of 9-2-2008(02); ; Ord. of 9-2-2008(05); Ord. of 4-7-2009(04); Ord. of 6-8-2010(04); Ord. of 11-29-2011(01); Ord. of 7-24-2012(03))



**CITY OF GLOUCESTER 2013
CITY COUNCIL ORDER**

ORDER: CC#2013-041
COUNCILLORS: Bruce Tobey

DATE RECEIVED BY COUNCIL: 09-10-13
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the Ordinances and Administration Standing Committee review an ordinance for council enactment providing substantially as follows:

The City shall lease no property or structure unless the funding for that lease is expressly approved by a 2/3rd majority of the membership of the City Council; and further

ORDERED that this matter shall be referred to the Ordinances and Administration Standing Committee for review and recommendation.

Bruce Tobey
Councillor at Large