

Committee on Rules, Orders, Appointments, & Ordinances

*Councilor David A. Murphy
Councilor Maureen T. Carney
Councilor Ryan R. O'Donnell*

*Meeting Date: February 18, 2015
Meeting Time: 5:00 pm - 6:00 pm
City Council Chambers, 212 Main Street
Northampton, Massachusetts*

Meeting Agenda

**Activate NCTV Camera to Record Minutes*

1. Announcement Of Audio/Video Recording Of Meeting
2. Members Present/Absent
3. Meeting Called To Order
4. Joint Public Hearing W/ Planning Board
 1. **Zoning Amendment to 350-2, 350-8.11 & 350-11.6 which will define and specify bicycle parking and pedestrian access standards**
 2. **Zoning Amendment to 350-11.5 B2(g) and 11.6 D and F3 to Site Plan Review criteria to incorporate best management practices for stormwater of encourage the incorporation of green infrastructure technologies.**

Documents: [14.331_201412091204.PDF](#),
[14.333_STORMWATER_SECTION_280__CONDOS.PDF](#),
[14.347_BICYCLE_ORDINANCE.PDF](#)

4.I. 14.333 As Recommended By Public Works Committee For ROAO Consideration
Requested by Councilor O'Donnell

Documents: [14.333 ASREVISED BY PUBLIC WORKS COMMITTEE.PDF](#)

5. Public Comment
6. Approve Minutes Of The Previous Meeting
 - 6.I. Minutes Of January 12, 2015

Documents: [ROAO_JAN_12_2015.PDF](#)
7. Orders And Ordinances For Review
 - 7.I. 14.229 & 14.245 Solid Waste Reduction Ordinances-Plastic Bag & Non-Criminal Penalties / Enforcing Officers
(Referred by City Council on September 18, 2014)

Note: the Document Plastic_Bag_Ordinance below is a revised version approved by the Comm. on Economic & Community Development, Housing & Land Use on Dec. 17, 2014.

The Original document is labeled Original_Solid_Waste.

Documents: [14.229_PLASTIC_BAG_ORDINANCE.PDF](#),
[14.245_ENFORCING_OFFICERS_PENALTIES.PDF](#), [14.229_ORIGINAL_SOLID_WASTE.PDF](#)

- 7.II. 14.347 Ordinance Regarding Bicycles & Pedestrian Facilities
(Referred from City Council on January 15, 2015)

Documents: [14.347_BICYCLE_ORDINANCE.PDF](#)

- 7.III. 14.331 Ordinance Pertaining To Best Management Practices For Stormwater As Part Of The Site Plan Review
(Referred from City Council on Dec. 18, 2014)

Documents: [14.331_201412091204.PDF](#)

- 7.IV. 14.333 Ordinance Regarding Section 280.4 & 280.6 Stormwater Flood Control Utility
(Referred from City Council on Dec. 18, 2014)

Documents: [14.333_STORMWATER_SECTION_280__CONDOS.PDF](#)

- 7.IV.i. 14.333 With Amendments By The Public Works Committee Of The City Council For consideration by the Committee on Rules, Orders, Appointments and Ordinances

Documents: [14.333_W_DPW_COMM_AMENDMENTS.PDF](#)

- 7.V. 14.327 Ordinance For Code Section 312-102 Schedule I: Parking Prohibited All Times
Repeal parking prohibited all times for a section of New South Street (Referred by City Council on December 4, 2014)

Documents: [14.327_NEW_SOUTH_STREET_201412021121.PDF](#)

- 7.VI. 15.355 & 15.356 Ordinances Pertaining To Snow & Ice On Sidewalks
(Referred from City Council on January 15, 2015)

Documents: [15.356_SNOW_REMOVAL_SEC_285-17.PDF](#),
[15.355_SNOW_REMOVAL_PENALTIES_FEES.PDF](#)

- 7.VII. 14.320 Ordinance Amending Section 312-103-II
(This Ordinance was replaced by 14.321 which was an Ordinance to Amend Section 312-104. 14.321 was approved by the City Council. To close 14.320, per the City Solicitor, it needs to be sent back to City Council with a negative recommendation).

Documents: [14.320_MIDDLE_ST.NO_PARKING_201411251241.PDF](#)

8. Appointments For Committee Approval

- 8.I. New Appointment To The Agricultural Commission

15.354 Timothy Smith of 13 River Road: Mr. Smith, if approved, will fill the unexpired term of Margaret Gifford. The term of this appointment will expire June, 2017.

(Referred from City Council January 15, 2015)

Documents: [15.354_SMITH_AGRICULTURAL_APPOINTMENT.PDF](#)

9. New Business

10. Adjourn

Contact: Pamela L. Powers
Clerk to the City Council
powers@northamptonma.gov
(413) 587-1210

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Fourteen

UPON THE RECOMMENDATION OF THE Office of Planning & Sustainability

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 350-11.5 and 11.6 of said code; providing for best management practices for stormwater as part of site plan review.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section **350-11.5 and 11.6** of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

11.5 Procedures *{Add the following redlined/underlined text}*

B. The application for site plan approval shall be accompanied by a site plan, drawings and supporting documentation in a form specified by rules and regulations which shall show, among other data, the following:

.....
(2)(g) Location and description of all stormwater drainage facilities, (including stormwater detention facilities, water quality structures, drainage calculations where applicable, and drainage easements), potential water quality impacts, planned Best Management Practices (BMPs) during the construction phase, and the planned BMPs to be used to manage runoff created after development. For major projects, applicants shall incorporate green infrastructure and low impact design to the extent feasible. For major projects that do not trigger a separate storm water permit, applicants shall submit information on all analysis conducted to incorporate low impact design and green infrastructure. Major projects that do not trigger separate storm water permitting must provide a proposed inspection schedule for the project during construction and upon completion. Inspections shall be performed by a qualified professional as confirmed by Planning Board.

(h) Location and description of public and private utilities, sewage disposal facilities, and water supply; 11.6 *{Add the following redlined/underlined text. Delete text as stricken}*

D. The requested use will not overload, and will mitigate adverse impacts on, the City's resources, including the effect on the City's water supply and distribution system, sanitary and storm sewage collection and treatment systems, fire protection, streets and schools. The construction materials and methods for water lines, sanitary sewers, storm sewers, fire protection, sidewalks, private roads, and other infrastructure shall be those set forth in the Northampton Subdivision Regulations^{II} (even for projects that are not part of a subdivision) unless the Planning Board finds that a different standard is more appropriate. Major projects that do not trigger separate storm water permitting shall have conditions that stipulate when inspections shall be completed and submitted to the City. Annual reports, as necessary depending on the stormwater management system, shall be submitted to the City.

F. (3)

Major projects, except in the Central Business District, must be designed so there is no increase in peak flows from the one- or two- and ten-year Soil Conservation Service design storm from predevelopment conditions (the condition at the time a site plan approval is requested). Green infrastructure and low impact design shall be incorporated to the extent feasible to ensure runoff is handled on site. At the very minimum the runoff from up to 1" rain storm (first flush) shall be detained on site for an average of six hours. These requirements shall not apply if the project will discharge into a City storm drain system that the Planning Board finds can accommodate the expected discharge with no adverse impacts. In addition, catch basins shall incorporate sumps of a minimum of four feet and, if they will remain privately owned, a gas trap.

CITY OF NORTHAMPTON MASSACHUSETTS

In the Year Two Thousand and Fourteen

Upon the Recommendation of Councilors Ryan R. O'Donnell and Paul D. Spector

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1.

That §280-4 of the Code of ordinances be amended as follows:

§ 280-4 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

PROPERTY ASSOCIATIONS

A condominium, cooperative, or other form of ownership in which fees are divided among multiple record title owners by instrument recorded in the Hampshire Registry of Deeds or Hampshire Land Court.

SECTION 2.

That §280-6 of the Code of ordinances be amended as follows:

§ 280-6 Rates.

- J. Property associations may submit to the Department of Public Works a copy of the instrument recorded in the Hampshire Registry of Deeds or Hampshire Land Court that defines the percentage of common ownership attributable to each unit thereof. Upon receipt of a copy of such instrument the Department shall cause each individual owner to be billed separately for the percentage attributable to such unit.**

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Fourteen

UPON THE RECOMMENDATION OF THE Office of Planning & Sustainability

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 350-2, 350-8.11, and 350-11.6 of said code; providing for bicycle parking and pedestrian access standards.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section **350-2, 350-8.11 and 350-11.6** of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

§ 350-2. Definitions

{Insert the following new definition. No other changes to section.}

Bicycle Parking

An area within which one intact bicycle may be conveniently and securely stored and removed, without requiring the movement of other parked bicycles, vehicles, or other objects to access the space. Spaces are **Short-Term** designed to serve trips of up to a few hours and shall include **Bicycle Racks**, a fixed-in-place stand, which allows a bicycle to lean against it in either an upright position with both wheels on a level surface, or in a vertical position with one wheel on a level surface, or **Long-Term** designed to serve residents and others who require storage of a bicycle overnight, and which is designed to securely enclose and protect bicycles from weather, being located in a building, garage, bicycle shed, covered bicycle cage, or bicycle locker.

§ 350-8.11. Bicycle Parking

{Delete former 350-8.11 Bicycle Storage and replace with the following.}

- A. Bicycle parking shall be provided for any new building, addition or enlargement of existing building, or, except for in Central Business District, for any change in the use of a building.
- B. The number of bicycle parking spaces shall be calculated using the following table.

Table of Short-Term and Long-term Bicycle Parking Requirements

<u>Use</u>	<u>Bicycle Parking Requirement*</u>
<u>Residential, hotel, motel, bed-and-breakfast</u>	<u>0.1 space per dwelling unit or hotel room (of which at least 50% shall be long term)</u>
<u>Theater, gymnasium, auditorium, church, takeout or sit-down restaurant, bar, nightclub, YMCA, library, museum, funeral parlor, country club, community facility</u>	<u>1.0 per 1,000 square feet</u>
<u>Commercial, retail, seasonal retail, personal service, office, hospital, other medical uses</u>	<u>0.5 per 1,000 square feet</u>

<u>Use</u>	<u>Bicycle Parking Requirement*</u>
<u>Manufacturing, industrial, utility, power plant, warehouse, storage, wholesale establishment, automobile retail, sales, rental, service and wash</u>	<u>0.1 per 1,000 square feet</u>
<u>K-12 school, college, business, trade, or industrial school classroom, laboratory, and other teaching areas</u>	<u>1.0 space per classroom</u>
<u>Mixed use</u>	<u>Requirements for each use</u>
<u>Temporary uses in unheated outdoor space in any business or industrial district</u>	<u>None required</u>
<u>Any permitted use not covered by this schedule</u>	<u>Closest use determined by Building Commissioner</u>

*The Office of Planning and Sustainability can authorize a reduction in parking requirements when there are unique reasons why new bicycle parking is not required, including the availability of adequate public bicycle parking, or accept payment in-lieu of bicycle racks when providing racks on public property provides a better option.

C. All short-term bicycle parking shall incorporate bicycle racks and the following additional specifications (see *Northampton Bicycle Parking Guide* for graphics and precedents):

- (1) Bicycle racks shall be located within 50 feet (50') of the primary building entrance. If the primary building entrance is within 50 feet (50') of the public right of way, the bicycle rack should also be located adjacent to public streets or sidewalks or, with city approval, within the public right of way.
- (2) Bicycle racks shall allow at least two-and-a-half feet (2.5') clear horizontal distance from the center point of the bicycle rack in a direction perpendicular to the length of the bicycle, and at least three feet (3') clear horizontal distance from the center point of the bicycle rack in each direction parallel to the length of the bicycle, to provide adequate space to store and remove a standard bicycle.
- (3) Bicycle racks shall be arranged either in rows (bicycles are parked side-to-side) or in alignment (bicycles are parked end-to-end). Where bicycle racks are arranged in rows, they shall be spaced at least two-and-a-half feet (2.5') apart on center. Where bicycle racks are arranged in alignment, they shall be spaced at least eight feet (8') on-center.
- (4) When a bicycle rack is placed perpendicular to the curb, it must be located on the sidewalk with at least four feet (4') from the curb to the nearest vertical component of the bicycle rack and units placed parallel to the curb must be placed on the sidewalk with at least two feet (2') from the curb to the bicycle rack.
- (5) Bicycle racks shall be at least eight feet (8') from a curbside or wall fire hydrant.
- (6) Where twenty (20) or more bicycle parking spaces are required, at least five percent (5%) of the required spaces must provide an additional two feet (2') of space parallel to the length of the bicycle to accommodate tandem bicycles or bicycles with trailers.
- (7) Bicycle racks shall include surfacing that is designed and maintained to be mud and dust free. The use of rock or gravel areas is permitted provided that edging materials, such as landscape timbers are used so that the bicycle parking space is clearly demarcated and the rock material is contained.
- (8) With the exception of residential uses, bicycle racks must be sufficiently separated from motor vehicle parking areas to protect parked bicycles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles, vegetation, or similar features.
- (9) With the exception of single and two-family uses, bicycle racks must be accessible by way of at least one clear, lighted, ADA accessible stabilized-surface five foot (5') wide access route from bicycle parking to a public right of way that does not require carrying the bicycle and is free of any obstructions.

- (10) Bicycle racks that require a user supplied locking device shall be designed to accommodate both chain and U-shaped locking devices and shall support the bicycle frame at two locations (not just the wheel).
- (11) Bicycle racks may provide bicycle parking spaces on each side, provided that both sides meet the spacing requirements set forth herein. If a bicycle rack meets the spacing requirements on one side of the stand but not the other (as may be the case where a bicycle rack is attached to a wall), then it may provide bicycle parking spaces on that side only.
- (12) The preferred designs for bicycle racks are post and loop, inverted "U," and wave. Other designs may be approved by Planning Board or Office of Planning and Sustainability to allow new or innovative technologies that provide equal or greater convenience and accessibility to bicyclists when compared to facilities designed according to the *Northampton Bicycle Parking Guide* standards.

§ 350-11.6. Approval Criteria

{Revise subsection F paragraph (2) as shown. No other changes to section.}

F(2) Pedestrian, bicycle and vehicular traffic movement on site must be separated, to the extent possible, and sidewalks must be provided between businesses within a development and from public sidewalks, cycle tracks and bike paths. All projects shall include sidewalks and tree belts abutting the street, except where site topography or other limitations makes them infeasible. In such cases where the sidewalk is infeasible, the developer shall install an equal number of feet of sidewalk and/or tree belt in another area of the community as deemed by the Planning Board or Office of Planning and Sustainability. All sidewalks shall meet the following standards:

- (a) All internal and external sidewalks will be constructed of cement concrete. Sidewalks will be at least six feet (6') in width in all commercial zoning districts and all industrial zoning districts. In all residential zoning districts sidewalks shall be at least five feet (5') in width.
- (b) If gratings are located in walking surfaces, then they shall have spaces no greater than 1/2 inch wide in one direction. If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel.
- (c) Ramps allowing access to the sidewalk and street by variously-abled persons shall be required at the corner or within the curb area immediately adjacent to the sidewalk.
- (d) For any new driveway, the portion of the driveway that crosses the sidewalk shall conform to the sidewalk requirements set forth herein, regardless of whether there is a sidewalk improvement extending along the balance of the frontage property, with sidewalks constructed with extra depth to withstand cars.
- (e) The sidewalk cross slope of 1:50 should be maintained across the entire driveway. The driveway apron should be located in the tree belt between the pedestrian way and the roadway.
- (f) Curb extensions may be used at any corner location, or at any mid-block location where there is a marked crosswalk, provided there is a parking lane into which the curb may be extended. They may include transit stops. Curb extensions must be designed so as not to impede bicycle traffic. Curbs may be extended into one or both streets at a corner. No obstructions or private use should occur in the curb extension.

CITY OF NORTHAMPTON MASSACHUSETTS

In the Year Two Thousand and Fourteen

Upon the Recommendation of Councilors Ryan R. O'Donnell and ~~Paul D. Spector~~ the Public Works Committee of the City Council.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1.

That §280-4 of the Code of ordinances be amended as follows:

§ 280-4 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

PROPERTY ASSOCIATIONS

A condominium, cooperative, or other form of ownership in which fees are divided among multiple record title owners by instrument recorded in the Hampshire Registry of Deeds or Hampshire Land Court.

SECTION 2.

That §280-6 of the Code of ordinances be amended as follows:

§ 280-6 Rates.

J. Bills for residential, commercial and multiple-use condominium properties shall be determined by dividing the total hydraulic acreage for the parcel equally by the total number of condominium property owners.

K. ~~J.~~ Property associations may submit to the Department of Public Works a copy of the instrument recorded in the Hampshire Registry of Deeds or

Hampshire Land Court that defines the percentage of common ownership attributable to each unit thereof. Upon receipt of a copy of such instrument the Department shall cause each individual owner to be billed separately for the percentage attributable to such unit.



January 12, 2015
5:00 p.m. – 7:00 p.m.
City Council Chambers
212 Main Street, Northampton, MA 01060
Meeting Minutes

***Activate NCTV Camera to Record Meeting**

1. Members present/absent: Councilor David A. Murphy, Councilor Maureen Carney, Councilor Ryan R. O'Donnell
2. Meeting Called to Order: Councilor Murphy called the meeting to order at 5:00 pm.
3. Announcement of Audio/Video Recording of Meeting: Councilor Murphy announced that the meeting would be video and audio taped.
4. Approve Minutes of the December 8, 2014: A motion to approve minutes was made by Councilor O'Donnell; Councilor Carney seconded the motion. The minutes were approved on a voice vote of 3 Yes, 0 No.
5. Ordinance 14.331 Ordinance Pertaining to Site-Plan Review for Stormwater as part of the site-plan review process **(Referred from City Council Meeting on Dec. 18, 2014)**

This revision would add specific language regarding the use of Best Management Practices for Stormwater Facilities. While all requirements are currently asked of project plans, the requirements are not codified. The idea is to specify that green infrastructure and low-impact designs for stormwater management are preferred and that projects should incorporate BMP for all stormwater and other water management programs.

Since the agenda did not specify that a Public Hearing was planned for this item, the Public Hearing will be continued (without opening at this meeting) to the next Committee on Rules, Orders, Appointments and Ordinances meeting on February 9, 2015 at 5:00pm.

6. Ordinance 14.333 Flood Control Utility Fee **(Referred from City Council Meeting on Dec. 18, 2014)**

This ordinance applies to condominium owners. The City Solicitor would like to review the Ordinance, therefore Councilor Carney moved to postpone review of the Ordinance until the Feb. 9, 2015 meeting; Councilor O'Donnell seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No.

7. Ordinance 14.343 – Ordinance to correct Errors in Section 312 **(Referred from City Council Meeting on Dec. 18, 2014)**

The Ordinance corrects a number of errors currently in the code, including an incorrect section reference, incorrect time increments, typographical errors, and an incorrect parking space size. Councilor O'Donnell is also recommending a wording change to the preface section in order to provide clarity on the applicability of the Ordinance. Councilor O'Donnell moved to return the Ordinance to the City Council with a positive recommendation; Councilor Carney seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No.

8. Appointments:
New Appointment to the CPC: Toni Hochstadt

Councilor Carney moved to return the Community Preservation Committee appointment of Toni Hochstadt to City Council with a positive recommendation; Councilor O'Donnell seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No.

New Appointment to the Northampton Arts Council

Councilor O'Donnell moved to return the Northampton Arts Council appointment of Esther White to City Council with a positive recommendation; Councilor Carney seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No.

9. Councilor O'Donnell moved to adjourn the meeting at 5:25pm; Councilor Carney seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No.

*Contact:
Pamela L. Powers
Clerk to the City Council
ppowers@northamptonma.gov
413-587-1224*

December 17th, 2014

Proposed Amendments

After discussions with stakeholders, I am proposing the following amendments (I have redrafted or deleted certain language in the ordinance to be consistent with these proposed amendments):

1. The title of the ordinance has been slightly changed.
 2. Section 1.4 eliminated the exemption from the ordinance businesses under 2,000 feet for two reasons: 1) it creates a burden of mandating the city create an inventory of applicable businesses 2) Fairness: it should apply equally and even small businesses contribute to the issue.
 3. Sections 2.1. and 2.3: the reusable bag definition has gone from 3 mils to 1.5 mils. This thickness is consistent with the California plastic bag ban state law, and gives business owners more flexibility with regard to substitutes.
 4. Section 3.1: amended as per the recommendations of Solicitor Seewald.
 5. Section 3.2: deleted.
 6. Section 4.3: deleted.
 7. Date of effect, Section 6.1, changed from November 1st, 2016 to January 1st, 2016.
 8. References to "City" have been changed to the "Board of Health" in section 7.
 9. Section 7.1: hardship deferment periods have gone from 1 year to 6 months.
- These proposed amendments will be presented at the Committee on Economic and Community Development, Housing and Land Use tonight.

Respectfully Submitted,

Jesse Adams
City Councilor at Large
City Council Vice President

Paul Spector
Ward 2 City Council

City of Northampton
MASSACHUSETTS

ORDINANCE §272-18

An ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §272-18 of said Code; providing that ENVIRONMENTAL PROTECTION AND SOLID WASTE REDUCTION.

In the Year Two Thousand and Fourteen

UPON THE RECOMMENDATION OF Councilor Jesse M. Adams and Councilor Paul D. Spector

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Section 1: That section §272-18 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

Section §272-18 ENVIRONMENTAL PROTECTION AND SOLID WASTE REDUCTION.

BE IT ORDAINED AS FOLLOWS:

Section 1 General Definitions.

1.1 Compostable Packaging – shall mean packing that is made of material that conforms to the current American Society for Testing and Materials International D6400 for compostability.

1.2 Biodegradable Packaging - shall mean packaging other than plastic or styrofoam which composts into beneficial breakdown components.

1.3 Recyclable - Material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

1.4 Retail Establishment - shall mean all sales outlets, stores, shops, pharmacies or other places of business located within the City of Northampton which sell or convey merchandise directly to the ultimate consumer.

1.5 Retail Food Establishment - shall mean all sales outlets, stores, shops, restaurants, markets, supermarkets, clubs or other places of business which sell,

serve or convey foods directly to the ultimate consumer. This definition shall include but is not limited to any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured, sold or offered to the public; similar places in which food or drink is prepared for sale or service on the premises or elsewhere; and any other establishment or operation, including in-home caterers, where food is processed, prepared, stored, served or provided for the public regardless of whether there is a charge for the food.

1.6 Retail Service Establishments - shall mean all places of business located within the City of Northampton where a service, specialized or professional work, is offered to the public regardless of whether there is a charge for the service.

1.7 Merchandise - shall mean products that are purchased in the retail stores.

1.8 ASTM – shall mean a testing standard developed by the American Society for Testing and Materials.

Section 2 Shopping Bag Definitions.

2.1 “Thin-film single-use plastic bags” are bags with a thickness of 1.5 mils or less and are intended for single-use transport of purchased products.

2.2 “Biodegradable bags” are bags that: 1) contains no polymers derived from fossil fuels; and 2) is intended for single use and will decompose in a natural setting to an environmentally beneficial material at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.

2.3 “Reusable bags” are bags that have a thickness greater than 1.5 mils and is specifically designed for multiple use and is made of thick recyclable plastic, cloth, fabric or other durable materials that do not decompose into harmful chemical components. A reusable bag may be recyclable or compostable and is specifically designed and manufactured for multiple reuse.

2.4 “Compostable plastic bags” are plastic bags that (1) conforms to the current American Society for Testing and Materials International D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.

Section 3 General Prohibition and Regulation.

3.1 No retail establishment, retail food establishment, or retail service establishment as defined in sections 1.4, 1.5 and 1.6, respectively, shall sell or convey merchandise to ultimate consumers in thin-film single-use plastic bags and shall only use such

bags that are: 1) Reusable bags; or 2) Biodegradable bags; or 3) Compostable plastic bags.

Section 4 Exemptions.

Section 3 of this regulation shall not apply to the following items:

4.1 Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles;

4.2 Any flexible transparent covering for uncooked or raw meat, poultry, raw fish, hard cheese, cold cuts, fruit, and vegetable products, baked goods, or bread;

Section 5 Penalties and Enforcement.

5.1 If it is determined that a violation of any section of this ordinance has occurred the Health Department or its designee shall issue a warning notice for the initial violation.

5.2 If an additional violation of this ordinance has occurred within one year after a warning notice has been issued for an initial violation, the Health Department or its designee shall issue a notice of violation and shall impose a penalty against the retail establishment.

5.3 The penalty for each violation that occurs after the issuance of the warning notice shall be no more than: 1) \$50 for the first offense; 2) \$100 for the second offense and all subsequent offenses. Payment shall be made within twenty-one days to the City Clerk. Non-payment of such fines may be enforced through civil action in the Northampton District Court. No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.

5.4 Violators shall have twenty-one (21) calendar days after the date that a notice of violation is issued to pay the penalty.

Section 6 Date of Effect.

6.1 This ordinance will take effect on January 1st, 2016.

Section 7 Hardship Deferments.

7.1 Upon written application, the Health Department, after a public hearing, may defer application of any section of this ordinance for a six month period after the effective date stated in Section six (6) of this ordinance upon a showing of hardship. Hardship will be found when: 1) compliance with any section of this ordinance

would cause significant economic difficulty; 2) there is no readily available compliant substitute.

7.2 Any entity granted a deferment by the Health Department must reapply prior to the end of the six month exemption period and demonstrate continued undue hardship if it wishes to have the deferment extended. Deferments may only be granted for intervals not to exceed six months.

7.3. A deferment granted in accordance with this section may be extended for no more than two additional six month periods, upon written application to the Health Department at least two months prior to the expiration of the prior deferment period and upon a showing that the circumstances justifying the deferment continue to exist.

7.4 A deferment application shall include all information necessary Health Department to make its decision, including, but not limited to, documentation showing the factual support for the claimed deferment. The Health Department may require the applicant to provide additional information to permit it to determine facts regarding the deferment application.

7.5 The Health Department may approve the deferment application, in whole or in part, with or without conditions that it deems necessary to protect the environment and public health and further the interests of this ordinance.

7.6 Deferment decisions are effective immediately and final.

Section 8 Severability and ordinance numbering.

Any word, term, or section deemed illegal for any reason may be severed from this ordinance without affecting viability of the whole.

The remaining sections in Article II Integrated Solid Waste Management shall be renumbered to 272-19 through 272-23.

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand Fourteen and

UPON THE RECOMMENDATION OF *Councilor Jesse Adams & Councilor Paul Spector*

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances City of Northampton, Massachusetts, be amended by revising section § 40-5 of said Code providing that *List of Enforcing Officers & Penalties for Non-Criminal Dispositions.*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows

Section 1. That section § 40-5 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

“Section § 40-5

List of Enforcing Officers & Penalties for Non-Criminal Dispositions.

Chapter/Section	Enforcing Officer	Fine
§ 272-18	<i>Board of Health, and/or their designees</i>	<i>First Offense: \$50</i> <i>Second and Subsequent Offenses:</i> <i>\$100 each occurrence</i>

City of Northampton
MASSACHUSETTS

ORDINANCE §272-18

An ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §272-18 of said Code; providing that SOLID WASTE REDUCTION AND ENVIRONMENTAL PROTECTION.

In the Year Two Thousand and Fourteen

UPON THE RECOMMENDATION OF Councilor Jesse M. Adams and Councilor Paul D. Spector

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Section 1: That section §272-18 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

Section §272-18 SOLID WASTE REDUCTION AND ENVIRONMENTAL PROTECTION.

BE IT ORDAINED AS FOLLOWS:

Section 1 General Definitions.

1.1 Compostable Packaging – shall mean packing that is made of material that conforms to the current American Society for Testing and Materials International D6400 for compostability.

1.2 Biodegradable Packaging - shall mean packaging other than plastic or styrofoam which composts into beneficial breakdown components.

1.3 Recyclable - Material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

1.4 Retail Establishment - shall mean all sales outlets, stores, shops or other places of business located within the City of Northampton which sell or convey merchandise directly to the ultimate consumer and satisfies at least one of the following requirements: (a) a retail space of 2,000 square feet or larger or at least two locations under the same name within the City of Northampton that total 2,000 square feet or more; or (b) a retail pharmacy with at least two locations under the

same ownership within the City of Northampton; or (c) a full-line, self-service supermarket which sells a line of dry grocery, canned goods or nonfood items and some perishable items.

1.5 Retail Food Establishment - shall mean all sales outlets, stores, shops, restaurants, clubs or other places of business greater than 2,000 square feet which sell, serve or convey foods directly to the ultimate consumer. This definition shall include but is not limited to any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured, sold or offered to the public; similar places in which food or drink is prepared for sale or service on the premises or elsewhere; and any other establishment or operation, including in-home caterers, where food is processed, prepared, stored, served or provided for the public regardless of whether there is a charge for the food.

1.6 Retail Service Establishments - shall mean all places of business located within the City of Northampton where a service, specialized or professional work, is offered to the public regardless of whether there is a charge for the service.

1.7 Merchandise - shall mean products that are purchased in the retail stores.

1.8 Prepared Food - shall mean any food or beverage prepared for consumption on the Food Establishment's premises, using any cooking or food preparation technique. This does not include any raw, uncooked meat, fish or eggs unless provided for consumption without further food preparation.

1.9 Disposable Food Service Container - shall mean single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers. This definition does not include single-use disposable items such as straws, cup lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.

1.10 Polystyrene - shall mean expanded polystyrene which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term "polystyrene" also includes clear or solid polystyrene which is known as "oriented polystyrene".

1.11 Expanded Polystyrene (EPS) - shall mean polystyrene that has been expanded or "blown" using a gaseous blowing agent into a solid foam.

1.12 ASTM - shall mean a testing standard developed by the American Society for Testing and Materials.

Section 2 Shopping Bag Definitions.

2.1 "Thin-film single-use plastic bags" are bags with a thickness of 3.0 mils or less and are intended for single-use transport of purchased products.

2.2 "Biodegradable bags" are bags that: 1) contains no polymers derived from fossil fuels; and 2) is intended for single use and will decompose in a natural setting to an environmentally beneficial material at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.

2.3 "Reusable bags" are bags that has a thickness greater than 3.0 mils and is specifically designed for multiple use and is made of thick recyclable plastic, cloth, fabric or other durable materials that do not decompose into harmful chemical components. A reusable bag is recyclable or compostable and is specifically designed and manufactured for multiple reuse.

2.4 "Compostable plastic bags" are plastic bags that (1) conforms to the current American Society for Testing and Materials International D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.

Section 3 General Prohibition and Regulation.

3.1 No retail establishment above the defined sizes in sections 1.4, 1.5 and 1.6 located and doing business within the City of Northampton shall sell or convey merchandise to ultimate consumers within the City of Northampton at the conclusion of any sales transaction which takes place on the premises of such retail establishment at or near a sales counter or equivalent customer purchasing station but prior to removal of such merchandise from the premises of such retail establishment in thin-film single-use plastic bags and shall only use such bags that are: 1) Reusable bags; or 2) Biodegradable bags; or 3) Compostable plastic bags.

3.2 No retail food establishment as defined in section 1.5 located and doing business within the City of Northampton shall give, sell, provide, or dispense Prepared Food to Customers in Disposable Food Service containers made from Expanded Polystyrene. Food containers given, sold, provided or dispensed to any customer within the City of Northampton must be composed of biodegradable and compostable materials.

Section 4 Exemptions.

Sections 3 of this regulation shall not apply to the following items:

4.1 Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles;

4.2 Any flexible transparent covering for uncooked or raw meat, poultry, raw fish, hard cheese, cold cuts, fruit, and vegetable products, baked goods, or bread;

4.3 Any food packaging used during direct patient care at hospitals or nursing homes;

4.4 Any plastic covers, covering materials, or lids that are not replaceable by biodegradable substitutes;

4.5 Any other packaging that is non-biodegradable for which there is no available substitute, so that a "hardship" is found by the method described in section 7 below.

4.6 Any bags which were purchased by the retail establishments prior to passage of this ordinance. Proof of the date of purchase of such packaging must be presented upon request.

4.7 Single use utensils.

Section 5 Penalties and Enforcement.

5.1 If it is determined that a violation of any section of this ordinance has occurred the Health Department or its designee shall issue a warning notice for the initial violation.

5.2 If an additional violation of this ordinance has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.

5.3 The penalty for each violation that occurs after the issuance of the warning notice shall be no more than: 1) \$50 for the first offense; 2) \$100 for the second offense and all subsequent offenses. Payment shall be made within twenty-one days to the City Clerk. Non-payment of such fines may be enforced through civil action in the Northampton District Court. No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.

5.4 Violators shall have twenty-one (21) calendar days after the date that a notice of violation is issued to pay the penalty.

Section 6 Date of Effect.

6.1 This ordinance will take effect on November 1st, 2016.

Section 7 Hardship Deferments.

7.1 Upon written application, the Board of Health, after a public hearing, may defer application of any section of this ordinance for a one year period after the effective date stated in Section six (6) of this ordinance upon a showing of hardship. Hardship will be found when: 1) compliance with any section of this ordinance would cause significant economic difficulty; 2) there is no readily available compliant substitute.

7.2 Any entity granted a deferment by the City must reapply prior to the end of the one year exemption period and demonstrate continued undue hardship if it wishes to have the deferment extended. Deferments may only be granted for intervals not to exceed one year.

7.3. A deferment granted in accordance with this section may be extended for no more than two additional one year periods, upon written application to the Board of Health at least two months prior to the expiration of the prior deferment period and upon a showing that the circumstances justifying the deferment continue to exist.

7.4 A deferment application shall include all information necessary for the City to make its decision, including, but not limited to, documentation showing the factual support for the claimed deferment. The Board of Health may require the applicant to provide additional information to permit it to determine facts regarding the deferment application.

7.5 The Board of Health may approve the deferment application, in whole or in part, with or without conditions that it deems necessary to protect the environment and public health and further the interests of this ordinance.

7.6 Deferment decisions are effective immediately and final.

Section 8 Severability and ordinance numbering.

Any word, term, or section deemed illegal for any reason may be severed from this ordinance without affecting viability of the whole.

The remaining sections in Article II Integrated Solid Waste Management shall be renumbered to 272-19 through 272-23.

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Fourteen

UPON THE RECOMMENDATION OF THE Office of Planning & Sustainability

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 350-2, 350-8.11, and 350-11.6 of said code; providing for bicycle parking and pedestrian access standards.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section **350-2, 350-8.11 and 350-11.6** of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

§ 350-2. Definitions

{Insert the following new definition. No other changes to section.}

Bicycle Parking

An area within which one intact bicycle may be conveniently and securely stored and removed, without requiring the movement of other parked bicycles, vehicles, or other objects to access the space. Spaces are **Short-Term** designed to serve trips of up to a few hours and shall include **Bicycle Racks**, a fixed-in-place stand, which allows a bicycle to lean against it in either an upright position with both wheels on a level surface, or in a vertical position with one wheel on a level surface, or **Long-Term** designed to serve residents and others who require storage of a bicycle overnight, and which is designed to securely enclose and protect bicycles from weather, being located in a building, garage, bicycle shed, covered bicycle cage, or bicycle locker.

§ 350-8.11. Bicycle Parking

{Delete former 350-8.11 Bicycle Storage and replace with the following.}

- A. Bicycle parking shall be provided for any new building, addition or enlargement of existing building, or, except for in Central Business District, for any change in the use of a building.
- B. The number of bicycle parking spaces shall be calculated using the following table.

Table of Short-Term and Long-term Bicycle Parking Requirements

<u>Use</u>	<u>Bicycle Parking Requirement*</u>
<u>Residential, hotel, motel, bed-and-breakfast</u>	<u>0.1 space per dwelling unit or hotel room (of which at least 50% shall be long term)</u>
<u>Theater, gymnasium, auditorium, church, takeout or sit-down restaurant, bar, nightclub, YMCA, library, museum, funeral parlor, country club, community facility</u>	<u>1.0 per 1,000 square feet</u>
<u>Commercial, retail, seasonal retail, personal service, office, hospital, other medical uses</u>	<u>0.5 per 1,000 square feet</u>

<u>Use</u>	<u>Bicycle Parking Requirement*</u>
<u>Manufacturing, industrial, utility, power plant, warehouse, storage, wholesale establishment, automobile retail, sales, rental, service and wash</u>	<u>0.1 per 1,000 square feet</u>
<u>K-12 school, college, business, trade, or industrial school classroom, laboratory, and other teaching areas</u>	<u>1.0 space per classroom</u>
<u>Mixed use</u>	<u>Requirements for each use</u>
<u>Temporary uses in unheated outdoor space in any business or industrial district</u>	<u>None required</u>
<u>Any permitted use not covered by this schedule</u>	<u>Closest use determined by Building Commissioner</u>

*The Office of Planning and Sustainability can authorize a reduction in parking requirements when there are unique reasons why new bicycle parking is not required, including the availability of adequate public bicycle parking, or accept payment in-lieu of bicycle racks when providing racks on public property provides a better option.

C. All short-term bicycle parking shall incorporate bicycle racks and the following additional specifications (see *Northampton Bicycle Parking Guide* for graphics and precedents):

- (1) Bicycle racks shall be located within 50 feet (50') of the primary building entrance. If the primary building entrance is within 50 feet (50') of the public right of way, the bicycle rack should also be located adjacent to public streets or sidewalks or, with city approval, within the public right of way.
- (2) Bicycle racks shall allow at least two-and-a-half feet (2.5') clear horizontal distance from the center point of the bicycle rack in a direction perpendicular to the length of the bicycle, and at least three feet (3') clear horizontal distance from the center point of the bicycle rack in each direction parallel to the length of the bicycle, to provide adequate space to store and remove a standard bicycle.
- (3) Bicycle racks shall be arranged either in rows (bicycles are parked side-to-side) or in alignment (bicycles are parked end-to-end). Where bicycle racks are arranged in rows, they shall be spaced at least two-and-a-half feet (2.5') apart on center. Where bicycle racks are arranged in alignment, they shall be spaced at least eight feet (8') on-center.
- (4) When a bicycle rack is placed perpendicular to the curb, it must be located on the sidewalk with at least four feet (4') from the curb to the nearest vertical component of the bicycle rack and units placed parallel to the curb must be placed on the sidewalk with at least two feet (2') from the curb to the bicycle rack.
- (5) Bicycle racks shall be at least eight feet (8') from a curbside or wall fire hydrant.
- (6) Where twenty (20) or more bicycle parking spaces are required, at least five percent (5%) of the required spaces must provide an additional two feet (2') of space parallel to the length of the bicycle to accommodate tandem bicycles or bicycles with trailers.
- (7) Bicycle racks shall include surfacing that is designed and maintained to be mud and dust free. The use of rock or gravel areas is permitted provided that edging materials, such as landscape timbers are used so that the bicycle parking space is clearly demarcated and the rock material is contained.
- (8) With the exception of residential uses, bicycle racks must be sufficiently separated from motor vehicle parking areas to protect parked bicycles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles, vegetation, or similar features.
- (9) With the exception of single and two-family uses, bicycle racks must be accessible by way of at least one clear, lighted, ADA accessible stabilized-surface five foot (5') wide access route from bicycle parking to a public right of way that does not require carrying the bicycle and is free of any obstructions.

- (10) Bicycle racks that require a user supplied locking device shall be designed to accommodate both chain and U-shaped locking devices and shall support the bicycle frame at two locations (not just the wheel).
- (11) Bicycle racks may provide bicycle parking spaces on each side, provided that both sides meet the spacing requirements set forth herein. If a bicycle rack meets the spacing requirements on one side of the stand but not the other (as may be the case where a bicycle rack is attached to a wall), then it may provide bicycle parking spaces on that side only.
- (12) The preferred designs for bicycle racks are post and loop, inverted "U," and wave. Other designs may be approved by Planning Board or Office of Planning and Sustainability to allow new or innovative technologies that provide equal or greater convenience and accessibility to bicyclists when compared to facilities designed according to the *Northampton Bicycle Parking Guide* standards.

§ 350-11.6. Approval Criteria

{Revise subsection F paragraph (2) as shown. No other changes to section.}

F(2) Pedestrian, bicycle and vehicular traffic movement on site must be separated, to the extent possible, and sidewalks must be provided between businesses within a development and from public sidewalks, cycle tracks and bike paths. All projects shall include sidewalks and tree belts abutting the street, except where site topography or other limitations makes them infeasible. In such cases where the sidewalk is infeasible, the developer shall install an equal number of feet of sidewalk and/or tree belt in another area of the community as deemed by the Planning Board or Office of Planning and Sustainability. All sidewalks shall meet the following standards:

- (a) All internal and external sidewalks will be constructed of cement concrete. Sidewalks will be at least six feet (6') in width in all commercial zoning districts and all industrial zoning districts. In all residential zoning districts sidewalks shall be at least five feet (5') in width.
- (b) If gratings are located in walking surfaces, then they shall have spaces no greater than 1/2 inch wide in one direction. If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel.
- (c) Ramps allowing access to the sidewalk and street by variously-abled persons shall be required at the corner or within the curb area immediately adjacent to the sidewalk.
- (d) For any new driveway, the portion of the driveway that crosses the sidewalk shall conform to the sidewalk requirements set forth herein, regardless of whether there is a sidewalk improvement extending along the balance of the frontage property, with sidewalks constructed with extra depth to withstand cars.
- (e) The sidewalk cross slope of 1:50 should be maintained across the entire driveway. The driveway apron should be located in the tree belt between the pedestrian way and the roadway.
- (f) Curb extensions may be used at any corner location, or at any mid-block location where there is a marked crosswalk, provided there is a parking lane into which the curb may be extended. They may include transit stops. Curb extensions must be designed so as not to impede bicycle traffic. Curbs may be extended into one or both streets at a corner. No obstructions or private use should occur in the curb extension.

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Fourteen

UPON THE RECOMMENDATION OF THE Office of Planning & Sustainability

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 350-11.5 and 11.6 of said code; providing for best management practices for stormwater as part of site plan review.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section **350-11.5 and 11.6** of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

11.5 Procedures *{Add the following redlined/underlined text}*

B. The application for site plan approval shall be accompanied by a site plan, drawings and supporting documentation in a form specified by rules and regulations which shall show, among other data, the following:

.....
(2)(g) Location and description of all stormwater drainage facilities, (including stormwater detention facilities, water quality structures, drainage calculations where applicable, and drainage easements), potential water quality impacts, planned Best Management Practices (BMPs) during the construction phase, and the planned BMPs to be used to manage runoff created after development. For major projects, applicants shall incorporate green infrastructure and low impact design to the extent feasible. For major projects that do not trigger a separate storm water permit, applicants shall submit information on all analysis conducted to incorporate low impact design and green infrastructure. Major projects that do not trigger separate storm water permitting must provide a proposed inspection schedule for the project during construction and upon completion. Inspections shall be performed by a qualified professional as confirmed by Planning Board.

(h) Location and description of public and private utilities, sewage disposal facilities, and water supply; 11.6 *{Add the following redlined/underlined text. Delete text as stricken}*

D. The requested use will not overload, and will mitigate adverse impacts on, the City's resources, including the effect on the City's water supply and distribution system, sanitary and storm sewage collection and treatment systems, fire protection, streets and schools. The construction materials and methods for water lines, sanitary sewers, storm sewers, fire protection, sidewalks, private roads, and other infrastructure shall be those set forth in the Northampton Subdivision Regulations^{II} (even for projects that are not part of a subdivision) unless the Planning Board finds that a different standard is more appropriate. Major projects that do not trigger separate storm water permitting shall have conditions that stipulate when inspections shall be completed and submitted to the City. Annual reports, as necessary depending on the stormwater management system, shall be submitted to the City.

F. (3)

Major projects, except in the Central Business District, must be designed so there is no increase in peak flows from the one- or two- and ten-year Soil Conservation Service design storm from predevelopment conditions (the condition at the time a site plan approval is requested). Green infrastructure and low impact design shall be incorporated to the extent feasible to ensure runoff is handled on site. At the very minimum the runoff from up to 1" rain storm (first flush) shall be detained on site for an average of six hours. These requirements shall not apply if the project will discharge into a City storm drain system that the Planning Board finds can accommodate the expected discharge with no adverse impacts. In addition, catch basins shall incorporate sumps of a minimum of four feet and, if they will remain privately owned, a gas trap.

CITY OF NORTHAMPTON MASSACHUSETTS

In the Year Two Thousand and Fourteen

Upon the Recommendation of Councilors Ryan R. O'Donnell and Paul D. Spector

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1.

That §280-4 of the Code of ordinances be amended as follows:

§ 280-4 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

PROPERTY ASSOCIATIONS

A condominium, cooperative, or other form of ownership in which fees are divided among multiple record title owners by instrument recorded in the Hampshire Registry of Deeds or Hampshire Land Court.

SECTION 2.

That §280-6 of the Code of ordinances be amended as follows:

§ 280-6 Rates.

- J. Property associations may submit to the Department of Public Works a copy of the instrument recorded in the Hampshire Registry of Deeds or Hampshire Land Court that defines the percentage of common ownership attributable to each unit thereof. Upon receipt of a copy of such instrument the Department shall cause each individual owner to be billed separately for the percentage attributable to such unit.**

**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the Year Two Thousand and Fourteen

Upon the Recommendation of Councilors Ryan R. O'Donnell and ~~Paul D. Spector~~ the Public Works Committee of the City Council.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1.

That §280-4 of the Code of ordinances be amended as follows:

§ 280-4 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

PROPERTY ASSOCIATIONS

A condominium, cooperative, or other form of ownership in which fees are divided among multiple record title owners by instrument recorded in the Hampshire Registry of Deeds or Hampshire Land Court.

SECTION 2.

That §280-6 of the Code of ordinances be amended as follows:

§ 280-6 Rates.

J. Bills for residential, commercial and multiple-use condominium properties shall be determined by dividing the total hydraulic acreage for the parcel equally by the total number of condominium property owners.

K. ~~J.~~ Property associations may submit to the Department of Public Works a copy of the instrument recorded in the Hampshire Registry of Deeds or

Hampshire Land Court that defines the percentage of common ownership attributable to each unit thereof. Upon receipt of a copy of such instrument the Department shall cause each individual owner to be billed separately for the percentage attributable to such unit.

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year **Two Thousand and Fourteen**

UPON THE RECOMMENDATION OF **Mayor David J. Narkewicz**

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances City of Northampton, Massachusetts, be amended by revising section 312-102 of said Code; is providing for repealing prohibited parking on New South Street.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Section 1. That section **312-102** of the Code of Ordinances of the City of Northampton, Massachusetts, is amended so that such section shall read as follows:

The table contained in section 312-102 Schedule I: Parking Prohibited All Times is amended by deleting the following:

Location	Side	From	To
New South Street* [Added 7-20-1995]	Westerly	Point 253 feet southerly from Main Street	Point 275 feet southerly from Main Street

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Fifteen

UPON THE RECOMMENDATION OF Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section #285-17 of said code; providing for **Snow and ice on sidewalks; removal by owner or occupant required; removal by City**

it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section **285-17** of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

Amend §285-17 Snow and ice on sidewalks; removal by owner or occupant required; removal by City

Delete §285-17 in its entirety and replace as follows:

§285-17 Removal of snow and ice from sidewalks

A.

The owner responsible for a building, structure or lot of land bordering on any street, lane, court, square or public place within the city where there is a sidewalk, including any curb ramp/cut, shall, after snow has ceased to fall thereupon or whenever snow shall have collected or deposited upon any such sidewalk, within 24 hours, remove the same or cause the same to be removed from such sidewalk; and also remove or cause to be removed from such sidewalk, or cover or cause to be covered with sand or some other suitable substance, within 24 hours after it has formed or appeared, any ice with which the same may be encumbered, in such way as to render such sidewalk safe and convenient for travel, to the full width. If a person is found to be violating the provisions of this section, it shall be the duty of the Chief of Police, or his/her designee, the Director of Public Works, or his/her designee, or Parking Enforcement Officers, to assess a fine to any such person in accordance with the fine schedule set forth in Chapter 40 entitled "Noncriminal Enforcement," § 5. Each twenty-four-hour period a violation of Subsection A or B exists shall be considered to constitute a separate offense.

B.

No person shall place, deposit, or move ice or snow onto the paved surface of a street, or onto a gravel shoulder area if any.

C.

Upon neglect of or violation of the duties imposed by the provisions of Subsections A and B of § 285-17, such duties may be performed by the Director of Public Works or his/her designee at the expense of the person(s) or entities liable to perform those duties. Assessment of costs under this subsection shall not preclude any party from being fined under §40-5.

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Fifteen

UPON THE RECOMMENDATION OF Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section #40-5 of said code; providing for **list of enforcing officers and penalties for noncriminal disposition**

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section **40-5** of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

§40-5 List of enforcing officers and penalties for noncriminal disposition

Add as follows:

Chapter/Section	Officer	Penalty
285-17	Department of Public Works Director or his/her designee, Police, Parking Enforcement	First violation: \$50 Second violation: \$100 Third violation: \$250

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Eleven

**UPON THE RECOMMENDATION OF THE TRANSPORTATION & PARKING
COMMISSION**

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §312-103-II of said code; providing that *NO PARKING CERTAIN TIMES*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section §312-103-II of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

§312-103-II

ADD:

SIDE

FROM

MIDDLE STREET WESTERLY

CHESTNUT STREET NORTHERLY

TO

632 FEET ON WESTERLY SIDE OF MIDDLE STREET

TWO HOUR PARKING FROM 8:00 AM TO 6:00 PM DAILY



CITY OF NORTHAMPTON, MASSACHUSETTS

Mayor David J. Narkewicz
City Hall
210 Main Street Rm 12
Northampton MA 01060-3199
413-587-1249; fax: 413-587-1275
mayor@northamptonma.gov

MEMORANDUM

DATE: January 12, 2015
TO: City Council
FROM: Mayor David J. Narkewicz
SUBJECT: **Appointment to Committees**

Please find the attached appointments and re-appointments to City Boards, Committees and Commissions:

Agricultural Commission

- Timothy Smith, 13 River Road- term January 2015 – June 2017, (new appointment) to fill the unexpired term of Margaret Gifford.

cc: City Clerk, Wendy Mazza

1/12/2015



Mayor of Northampton Mass. <mayor@northamptonma.gov>

Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

1 message

Sat, Jan 10, 2015 at 8:02 AM

noreply@civicplus.com <noreply@civicplus.com>
To: mayor@northamptonma.gov

If you are having problems viewing this HTML email, click to view a [Text version](#).

Application for Appointment to Boards, Committees and Commissions

City of Northampton Application for Appointment to Boards, Committees, and Commissions

Please return the completed form to: Mayor@northamptonma.gov or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

First Name*
Timothy

Last Name*
Smith

Address1*
13 River Road

City*
Whately

State*
MA

Zip*
01093

Home Phone
413-665-7680

Work Phone
587-1414 ex3460

Occupation & Place of Employment

Facility Manager, Smith Vocational High school

Email
tsmith@smithtec.org

Sex

This information is optional and will be used for diversity purposes only. Complete it only if you wish to do so.

Male Female

Age

This information is optional and will be used for diversity purposes only. Complete it only if you wish to do so.

15.354

- Under 29
- 40 - 49
- 60 - 69

- 30 - 39
- 50 - 59
- 70 plus

Boards and Committees

Please indicate the boards and committees you have an interest serving on.

- Agricultural Commission
- Arts Council
- Central Business Architecture Committee
- Conservation Commission
- Disability Commission
- Health, Board of
- Housing Partnership
- License Commission
- Parks and Recreation Commission
- Public Shade Tree Commission
- Redevelopment Authority
- Transportation & Parking Commission
- Youth Commission
- Almoners, Board of
- Assessors, Board of
- Community Preservation Committee
- Council on Aging
- Energy & Sustainability Commission
- Historical Commission
- Human Rights Commission
- Municipal Affordable Housing Trust Fund Board of Trustees
- Planning Board
- Public Works Commission
- Registrars, Board of
- Trust Fund Committee
- Zoning Board of Appeals

What skills and experience will you bring to this committee assignment?*

Farm Manager at Smith Vocational High School for four years, over twenty years of farming on my own land, 15 years of employment at the Umass dairy farm

Are you currently serving or have you served on any city committee?*

- No
- Yes

Please list other city committees you have served on
Energy & Sustainability Commission

Required: Please read the following, by signing below you state that you understand and agree.

The filing of this form does not guarantee my appointment. An application is kept on file for two (2) years; after that I must file a new application. Being appointed to a committee, board, or commission means that I am considered a Municipal Employee under MGL Chapter 268A and thereby subject to Conflict of Interest Law MGL Chapter 268A, Financial Disclosure Law MGL Chapter 268B, as well as Open Meeting Law MGL Chapter 39: Section 23B. I understand that I will take the conflict of interest test after being appointed and that I also must be sworn in by the City Clerk. I will contact the appointing authority with any questions about my service. Important: Once this form is submitted it becomes a public document, if there is information you do not want open to the public please do not include it on this form.

Signature*
Timothy Smith

Date*
1/10/2015

The following form was submitted via your website: Application for Appointment to Boards, Committees and Commissions

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David J. Narkewicz, Mayor
210 Main Street, Northampton, MA 01060

First Name: Timothy

Last Name: Smith

Address1: 13 River Road

City: Whately

State: MA

Zip: 01093

Home Phone: 413-665-7680

Work Phone: 587-1414 ex3460

Occupation & Place of Employment: Facility Manager, Smith Vocational High school

Email: tsmith@smithtec.org

Sex: Male

Boards and Committees: Agricultural Commission

What skills and experience will you bring to this committee assignment?: Farm Manager at Smith Vocational High School for four years, over twenty years of farming on my own land, 15 years of employment at the Umass dairy farm

Are you currently serving or have you served on any city committee?: Yes

Please list other city committees you have served on: Energy & Sustainability Commission

Required: Please read the following, by signing below you state that you understand and agree.: The filing of this form does not guarantee my appointment. An application is kept on file for two (2) years; after that I must file a new application. Being appointed to a committee, board, or commission means that I am considered a Municipal Employee under MGL Chapter 268A and thereby subject to Conflict of Interest Law MGL Chapter 268A, Financial Disclosure Law MGL Chapter 268B, as well as Open Meeting Law MGL Chapter 39: Section 23B. I understand that I will take the conflict of interest test after being appointed and that I also must be sworn in by the City Clerk. I will contact the appointing authority with any questions about my service.

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Signature: Timothy Smith

Date:

Additional Information:

Form Submitted on: 1/10/2015 8:02:46 AM

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