

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand and Twenty-One

Upon the recommendation of Council President Gina-Louise Sciarra, Councilor Karen Foster and Councilor John Thorpe

21.355 An Ordinance Relative to Housekeeping Changes to the General Ordinances

An ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to incorporate housekeeping changes recommended by the Ordinance Review Committee in its report dated March 31, 2021 and additional changes proposed by the Office of Planning and Sustainability and the Disability Commission subsequent to the issuance of the Ordinance Review Committee's report.

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

The Code of Ordinances shall be and hereby is amended as follows:

In section 40-5, by deleting in subsection B after the phrase "Ch. 156" the phrase "Director of Planning and Development" and replacing it with the phrase "Director of Planning and Sustainability".

In section 40-5, by deleting in subsection B after the phrase "Ch. 161" the phrase "Director of Planning and Development" and replacing it with the phrase "Director of Planning and Sustainability".

In section 40-5, by deleting in subsection B after the phrase "Ch. 337" the phrase "Director of Planning and Development" and replacing it with the phrase "Director of Planning and Sustainability".

In section 40-5, by deleting in subsection B after the phrase "Regulations of the Conservation Commission" the phrase "Chairman, Conservation Commission" and replacing it with the phrase "Chair, Conservation Commission or his/her staff agent or designee".

In section 116-1, by deleting the phrase "an alarm at said residence or place of business" and replacing it with the phrase "a false alarm at said residence or place of business", by deleting the phrase "three false alarms in any calendar year" and replacing it with the phrase "false alarm".

In Section 124-11, by deleting in subsection (B)(2) the word "handicapped" and replacing it with the phrase "people with disabilities".

In section 128-13, by deleting in subsection E the word “handicapped”, by inserting after the word “person” the phrase “with a disability”, and by deleting the word “handicap” and replacing it with the word “disability”.

In section 156-5, by deleting in subsection C(8) the phrase “Handicapped access” and replacing it with the phrase “Wheelchair accessible” and by deleting the phrase “a physically handicapped person” and replacing it with the phrase “people with disabilities”.

In section 156-6, by deleting in subsection A the word “Development” and replacing it with the word “Sustainability”.

In section 156 -6, by deleting in subsection D(5) the phrase “his or her” and replacing it with the word “their”.

In section 156-9, by deleting in subsection A(8) the phrase “Handicapped access” and replacing it with the phrase “Wheelchair accessible” and by deleting the phrase “a physically handicapped person” and replacing it with the phrase “people with disabilities”.

In section 156-10, by deleting in subsection B the word “Development” and replacing it with the word “Sustainability”.

In section 161-6, by deleting in subsection D the first sentence in its entirety and by deleting in the second sentence the word “also”.

In section 161-8, by deleting in subsection A the word “Development” and replacing it with the word “Sustainability”.

In section 285-4, by deleting in subsection C(4)(b) the word “handicap” and replacing it with the word “accessible”.

In sections 285-31 through 285-50, inclusive, by deleting such sections in their entireties.

In section 312-21 by deleting in subsection E the word “handicapped” and replacing it with the word “accessible”.

In section 312-33 by deleting in subsection C(1)(c) the word “handicapped” and replacing it with the word “accessible”.

In section 312-43, by deleting the section in its entirety and replacing it with the following:

§ 312-43 Parking for persons with disabilities.

A. No person, other than a person who holds and displays an accessible parking plate or placard, shall stop or park a vehicle in a parking space designated as accessible parking. Violators will be towed. (See § 312-95I.)

B. Any person who violates the provisions of this section shall be subject to penalties as stated in § 312-95B(4).

C. On-street and off-street accessible parking spaces are established in accordance Schedule XVI in § 312-117, which Schedule XVI is specifically incorporated in this section.

D. "Accessible parking" shall be construed to mean parking spaces designed to comply with 2010 ADA Standards for Accessible Design, as such standards may be amended from time to time.

E. The term "accessible parking plate or placard" as used in this section shall be construed to mean a "disabled parking placard/plate" issued by the Massachusetts Registry of Motor Vehicles.

In section 312-44, by deleting the section in its entirety and replacing it with the following:

§ 312-44 Temporary accessible parking permits.

A. Issuance of Temporary Accessible Parking Permit.

(1) The Parking Enforcement Administrator or designee is hereby authorized to issue a temporary accessible parking permit, valid for 90 days from the date of issuance, upon written proof from a physician that the person seeking to obtain the permit has a qualifying mobility impairment.

(2) The temporary accessible parking permit shall be displayed in the manner and place prescribed by the Parking Enforcement Administrator upon payment of such fee as the Parking Enforcement Administrator may establish.

B. "Mobility impairment" shall be construed to mean any person who is temporarily afflicted with a condition qualifying such person as a "physically handicapped person" as defined in Chapter 22, § 13A, of the Massachusetts General Laws, as amended.

C. The temporary accessible parking permit shall permit the holder of such permit to park in any accessible parking areas located within the City of Northampton.

D. Extension of permit, renewal.

(1) Should the authorized holder of the temporary accessible parking permit seek an extension of said permit, such person must, on or before the date of expiration of the permit, request the Parking Enforcement Administrator or designee to renew the temporary accessible parking permit for another period of 90 days. Only one such extension shall be granted.

(2) The renewal of the temporary accessible parking permit shall be issued only if the applicant provides written proof from a physician that the applicant continues to have a qualifying mobility impairment.

E. Should the applicant be aggrieved by the decision of the Parking Enforcement Administrator or designee not to issue or renew the temporary accessible parking permit, the applicant may, within ten days of the adverse finding, appeal in writing to the Hearing Officer, who shall within ten business days review the appeal and, after hearing, either sustain the Parking Enforcement Administrator's decision or issue the permit.

In section 312-45, by deleting the phrase “disabled veteran or handicapped person” and by replacing it with the phrase “person with disabilities”.

In section 312-46, by deleting the phrase “a handicapped person” and replacing it with the phrase “persons with disabilities”.

In section 312-47, by deleting the phrase “disabled veteran or handicapped persons” and by replacing it with the phrase “people with disabilities” and by deleting the phrase “use by handicapped persons” and replacing it with the phrase “use by people with disabilities”.

In section 312-49, by deleting in subsection C(3) the word “Disabled” and replacing it with the word “Accessible”.

In section 312-49, by deleting in subsection D the phrase “handicap access” and replacing it with the phrase “accessible wheelchair”.

In section 312-95, by deleting in subsection I the phrase “for the physically handicapped” and replacing it with the phrase “as accessible parking”.

In section 312-99, by deleting in subsection B(2) item 14 the figure “15” and replacing it with the figure “12”.

In section 312-117, by deleting in the title thereof the word “Handicapped” and replacing it with the word “Accessible”.

In section 312-117, by deleting in subsection A the word “handicapped” and replacing it with the word “accessible”.

In section 312-117, by deleting in subsection B the word “handicapped” and replacing it with the word “accessible”.

In section 312-121, by deleting in subsection C the word “handicapped” and replacing it with the word “accessible”.

In section 312-122, by inserting n subsection F after the phrase “handicapped plates” the phrase “or accessible parking placard”.

In section 337-2, by adding in subsection G after the phrase “Highway Business”, the words “Entranceway Business”.

In section 337-2, by deleting the phrase “Special Industrial” and replacing it with the phrase “Office Industrial”.

In section 337-2, by deleting in subsection G, the phrase “Nonresidential uses only in the Business Park District”, and by deleting the associated phrase “Vernal pool and areas within 100 feet of the vernal pool.”

In section 337-2, by deleting in subsection G, after the phrase “Water Supply Protection” the phrase “overlay which were zoned residential as of January 1, 2006” and by inserting in its place the word “Zone”.

In section 337-2, by adding in subsection G after the phrase “Residential A”, the phrase “, Farms Forests and Recreation”.

In section 337-10, by adding in subsubsubsection E (2)(h)(7) after the phrase “General Business”, the phrase “Highway Business, Entranceway Business,” and replacing the phrase “Special Industrial” with “Office Industrial”.

In section 337-10, by deleting in subsubsection 7 of subsection E the phrase “All water supply protection overlay areas zoned residential as of January 1, 2006, regardless of the underlying zoning, and all”.

In section 337-10, by deleting subsection C in its entirety, and by renumbering subsections D – G, inclusive, to subsections C – F.