

**REVISED ORDINANCES**  
**OF**  
**NEWTON, MASSACHUSETTS**  
**2012**

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CHARTER  
ORDINANCES  
RELATED LEGISLATION  
GENERAL LAWS ACCEPTED

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Adopted, June 18, 2012

Effective, July 8, 2012

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Published by Order of the Board of Aldermen

## PREFACE

I am proud to present the 2012 Revised Ordinances of the City of Newton, Massachusetts. In accordance with City Charter §11-4, which requires that the ordinances be recodified every 5 years, this revision is a complete re-enactment and codification of all ordinances of a general and permanent nature enacted by the Board of Aldermen through June 18, 2012. In addition, this volume contains the following materials:

- User's Guide
- City Charter with Index
- Index to the Ordinances
- General Laws Accepted
- Related Laws (Home Rule Legislation)
- Reference Tables

The 2012 volume replaces the brown volume, *Revised Ordinances of the City of Newton, 2007*. Readers should refer to the 2012 volume for current ordinance provisions. In addition, readers should be aware that the Revised Ordinances are amended on a regular basis. Thus, it is suggested that readers contact the Office of the City Clerk/Board of Aldermen in order to identify amendments that were adopted after June 18, 2012. As well, readers are directed to the City's website for an on-line unofficial version of the ordinances that is updated as amendments are passed. The on-line version is also completely text searchable. The website can be found at [www.newtonma.gov](http://www.newtonma.gov)

In addition to the incorporation of all of the Ordinances passed by the Board since October 1, 2007, a number of technical changes were made during the recodification process. The use of the word Code to refer to the Ordinances was removed from this Recodification as the term "ordinances" is described in Chapter 1, Section 1 as the appropriate term to use. The Boards and Commissions and the general provisions for Boards and Commissions found in *Chapter 2 - Administration* were moved to the previously unused Chapter 7 and the Chapter named *Chapter 7 - Boards and Commissions*. The title of Chapter 5 was changed from *Buildings* to *Public Buildings and Inspectional Services* to better reflect the departments and contents of the chapter. Also the Vacant Buildings; Fences; and Soil, Loam and Gravel sections previously found in Chapter 20 were moved to Chapter 5 to more appropriately list them with the Inspectional Services Department which oversees them. In Chapter 18 a new Article XVII was added to address changes passed by the general court to how trust funds may invest funds. A major overhaul of the organization of Chapter 19 - Motor Vehicles and Traffic was undertaken since the Traffic and Parking Ordinances were removed from the Ordinances to create the Traffic and Parking Regulations in 2008. A complete listing of all of the technical changes that were made can be found in the Report of the 2012 Aldermanic Recodification Committee which is available in the City Clerk's Office.

A number of requested changes to the ordinances that were submitted to the Recodification Committee could not be addressed as part of the recodification process. The Recodification Committee has created a list of items to be docketed with the Board of Aldermen for discussion and possible future amendments. Reference to these docket request items is also included in the Report of the 2012 Aldermanic Recodification Committee.

This recodification effort was a cooperative effort between the Board of Aldermen, the staff of the Clerk's Office, and the Law Department. The final product reflects our joint efforts.

This project could not have been successfully accomplished without the cooperation and support of many city officers and employees. I would like to express special appreciation to the members of the 2012 Recodification Committee: Alderman Lisle Baker, who served as Committee Chair, and Alderman Cheryl Lappin. I would also like to thank the staff that assisted the Committee: Asst. Clerk of the Board Linda Finucane; Associate City Solicitor Ouida Young; and Attorney Gayle Smalley who served as consultant to the Committee. This group worked and met regularly over the course of several months to undertake and complete this project. This group was also joined for specific tasks by City Solicitor Donnalyn Kahn, Assistant City Solicitor Marie Lawlor, and Assistant City Solicitor Robert Waddick.

A handwritten signature in black ink, appearing to read "D. A. Olson". The signature is fluid and cursive, with a large initial "D" and "A".

David A. Olson  
City Clerk/Clerk of the Board

CITY OF NEWTONIN BOARD OF ALDERMEN

June 18, 2012

## ORDINANCE NO. Z-111

*An Ordinance Adopting and Enacting a Revision of the Ordinances of the City of Newton, Massachusetts; Establishing the same; Providing for the Repeal of Certain Ordinances not Included Therein, Except as Herein Expressly Provided; Providing for the Effective Date of Such Revision and a Penalty for the Violation Thereof, Providing for the Manner of Amending Such Revision; and Providing When This Ordinance Shall Become Effective.*

*Be It Ordained by the Board of Aldermen of the City of Newton as Follows:*

**Section 1.** That the Revised Ordinances, consisting of Chapters 1 to 30, each inclusive, be hereby adopted, and enacted as the "Revised Ordinances of Newton, Massachusetts, 2012" and shall be in full force and effect from and after the enactment hereof; and Section 1-1 of the Revised Ordinances shall be amended to so state.

**Section 2.** That the Revised Ordinances herein enacted shall not affect any of the following:

1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such revision;
2. Any ordinance promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds of the City or any evidence of the City's indebtedness;
3. Any contract or obligation assumed by the City;
4. Any right or franchise granted by the City;
5. Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the City;
6. Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget;
7. Any ordinance relating to local improvements and assessments therefor;
8. Any ordinance annexing territory to the City or discontinuing territory as a part of the City;
9. Any ordinance relating to classification and compensation plans and salaries of officers and employees of the City;
10. Any ordinance establishing official bonds, not inconsistent herewith;
11. Any ordinance rezoning specific property;
12. Any ordinance enacted after June 18, 2012;
13. Any ordinance accepting any General Laws of the Commonwealth.

**Section 3.** Whoever violates a provision of any ordinance of the City, whether included in the Revision hereby adopted or any other ordinances of the City, whereby any act or thing is enjoined or prohibited or required, shall unless other provision is expressly made, be liable to a penalty not exceeding three hundred dollars (\$300.00) for each offense, unless another penalty is specifically provided.

Each day any violation of these Revised Ordinances or of any other ordinance of the City continues shall constitute a separate offense.

**Section 4.** That any and all additions and amendments to such Revision, when passed in such form as to indicate the intention of the Board of Aldermen to make the same a part thereof, shall be deemed to be incorporated in such Revision so that reference to the "Revised Ordinances of Newton, Massachusetts, 2012" shall be understood and intended to include such additions and amendments.

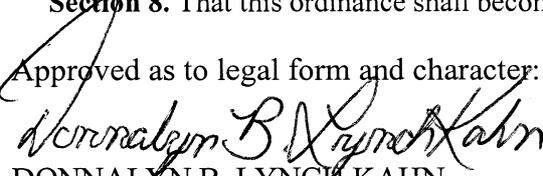
**Section 5.** In case of the amendment of any section of such Revision for which a penalty is not provided, the general penalty as provided in Section 3 of this ordinance and Section 1-6 of such Revision shall apply to the section as amended; or, in the case such amendment contains provisions for which a penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended unless such penalty is specifically repealed therein.

**Section 6.** That a copy of such Revision shall be kept on file in the office of the City Clerk, preserved in loose-leaf form, or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk or someone authorized by him to insert in their designated places all amendments or ordinances which indicate the intention of the Board of Aldermen to make the same a part of such Revision when the same have been printed or reprinted in page form, and to extract from such Revision all provisions which may be from time to time repealed by the Board of Aldermen. This copy of such Revision shall be available for all persons desiring to examine the same.

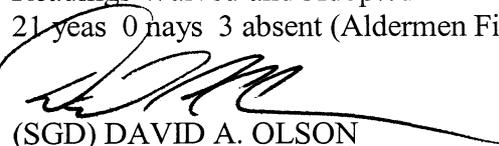
**Section 7.** That it shall be unlawful for any person to change or amend by additions or deletions any part or portion of such Revision, or to insert or delete pages or portions thereof, or to alter or tamper with such Revision in any manner whatsoever which shall cause the law of the City of Newton to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 3 of this ordinance.

**Section 8.** That this ordinance shall become effective on the 8th day of July, 2012.

Approved as to legal form and character:

  
DONNALYN B. LYNCH KAHN  
City Solicitor

Under Suspension of Rules  
Readings Waived and Adopted  
21 yeas 0 nays 3 absent (Aldermen Fischman, Merrill, and Swiston)

  
(SGD) DAVID A. OLSON  
City Clerk

  
(SGD) SETT D. WARREN  
Mayor

Date: \_\_\_\_\_

OFFICIALS  
of the  
CITY OF NEWTON  
AT THE TIME OF THIS CODIFICATION

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Setti D. Warren

*Mayor*

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*Aldermen*

	<i>Aldermen at Large</i>		<i>Ward Aldermen</i>
Ward 1	Allan Ciccone, Jr.	Carleton P. Merrill	Scott F. Lennon
Ward 2	Susan S. Albright	Marcia T. Johnson	Stephen M. Linsky
Ward 3	Greer Tan Swiston	Ted Hess-Mahan	Anthony J. Salvucci
Ward 4	Amy Mah Sangiolo	Leonard J. Gentile	John W. Harney
Ward 5	Deborah Crossley	Brian E. Yates	John B. Rice
Ward 6	Victoria Danberg	Gregory R. Schwartz	Richard B. Blazar
Ward 7	Marc C. Laredo	Ruthanne Fuller	R. Lisle Baker
Ward 8	Mitchell L. Fischman	David A. Kalis	Cheryl Lappin

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Donnalyn B. Lynch Kahn  
*City Solicitor*

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David A. Olson  
*City Clerk/Clerk of the Board of Aldermen*