



## ORDINANCE REVIEW COMMITTEE

### Members

*Councilor John Thorpe, Chair*  
*Megan Paik, Citizen, Vice-Chair*  
*Councilor Marianne LaBarge*  
*Councilor Jim Nash*  
*Jeff Napolitano, Citizen*

### MEETING MINUTES

Date: March 1, 2021, Time: 5:30 p.m.

### Virtual Meeting

1. **MEETING CALLED TO ORDER/ROLL CALL:** At 5:31 p.m., Councilor Thorpe called the meeting to order. On a roll call, the following members were present: Councilor John Thorpe, Councilor James Nash, Councilor Marianne LaBarge, Member Jeff Napolitano and Member Megan Paik. Also present were City Solicitor Alan Seewald and Administrative Assistant Laura Krutzler.
2. **ANNOUNCEMENT OF AUDIO/VIDEO RECORDING**  
Councilor Thorpe announced that the meeting was being audio/video recorded.
3. **PUBLIC COMMENT**  
There being no public comment, Councilor Thorpe moved to the next item on the agenda.
4. **APPROVAL OF MINUTES OF JANUARY 11, 2021 AND FEBRUARY 1, 2021**  
Councilor Nash moved to approve the minutes. Councilor LaBarge seconded.

Ms. Krutzler said she had posted the minutes with the amendments by Member Paik in red-faced bold.

Member Paik said she noticed that, after she left the meeting, Attorney Seewald said if anyone could figure out how to diversity committees they would be doing a great service because it has been an intractable problem. Doing targeted outreach works, she pointed out. She cited the Northampton Policing Review Commission (NPRC) as an example.

Attorney Seewald clarified that he said it has been a problem the whole time he has served as counsel to towns. He doesn't serve on many municipal committees. Ms. Krutzler said she would make the correction to the minutes.

The motion passed unanimously 5:0 by roll call vote

5. **REVIEW OF LANGUAGE FOR SECTION 312-43 PARKING FOR PHYSICALLY HANDICAPPED**

Ms. Krutzler screen-shared a revised version drafted by Attorney Seewald. [See attachment to master version of minutes.].

Attorney Seewald said he had incorporated the changes proposed by ADA Coordinator Keith Benoit and would be happy to take questions.

Councilor Nash said this is great; it brings them up to date. It's also very clear and readable. Hats off, he said.

Councilor LaBarge said there was some question about signage in the city and she knows that cost was a big question. Councilor Foster suggested the possibility of placing a sticker over state signs to reflect the revised language of the local ordinance.

Attorney Seewald said his concern is that the placards are still referred to as handicapped plates at the state level and they are state placards. He doesn't really have a strong feeling about it. He will leave it to the committee if it wants to recommend to City Council or the DPW that there be a change to the signs. He thinks DPW Director LaScaleia's concern would be the cost.

Councilor Nash moved to send the revised language to bucket #1. Councilor LaBarge seconded. The motion passed unanimously 5:0 by roll call vote.

6. **FINAL DISPOSITION OF TOPICS ALREADY REVIEWED**

❖ **Bucket No. 1 – Housekeeping Changes**

❖ **Ordinances Reviewed for Impact on Marginalized Communities**

Ms. Krutzler screen shared bucket #1.

Councilor Nash apologized for his abrupt departure at the last meeting.

Members reviewed the housekeeping changes. Councilor Nash commented that it all looked very much in order.

Councilor Foster joined the meeting, so members briefly pulled Section 312-43 up to show her the proposed changes. Councilor Foster said it looked like the revision incorporated the changes requested.

**ORDINANCES REVIEWED FOR IMPACT ON MARGINALIZED COMMUNITIES**

Ms. Krutzler screen shared the spreadsheet with the combined list of ordinances which have been reviewed by the committee.

Attorney Seewald asked for guidance as to what members would like him to include in the final report with regard to the affordable housing ordinance and ordinance to allow half-scale units to count as a single-family for density purposes (20.181 An Ordinance Relative to Affordable Housing (350-6-12) and 21.189 An Ordinance to Create an Incentive for Smaller Houses by Allowing Two Half-Scale Units to Count as a Single-Family for Density Purposes).

Member Napolitano said he thinks they would like to go on record as affirming and supporting their passage. Councilor Thorpe agreed

Attorney Seewald noted that they may already be enacted by the time the committee submits its report.

Member Paik said she thought they could add a little bit of nuance or broad-stroke ideas about how the ordinances will impact marginalized populations. She thought as a committee they should come to some kind of a consensus about how they define marginalized communities, she added.

She referred to emails the administrative assistant forwarded from Keith Benoit with the demographics of renters from the American Community Survey (ACS). She thinks they need to clarify that when they talk about marginalized populations in this committee they are referring to low-income renters, people with disabilities, etc. That will help them make the connection as to how certain ordinances might affect them.

For two-families by right, there is a concern that the ordinance may spur more building of larger and thus less market-rate affordable homes in the short term, she elaborated. Yes, it will probably increase the housing stock which in time may lower prices. She thought they could start there.

Otherwise, if this committee is just affirming what is already going on in the city, they don't really need a review committee for that, she suggested.

It doesn't have to be terribly nuanced. It could just be, "with these caveats, we recommend the two-family by right."

Councilor LaBarge said she understands Member Paik's concerns. She has heard concerns about the term "affordable" and its definition. Homes of \$275,000 are still a lot of money for a family trying to own a home. To her an affordable home is not helping marginalized residents who live in this city. On Riverside Drive, they're looking at homes of \$500,000. There is no way a young couple with a family could afford that.

She asked what the price range of 'affordable' is. Habitat is affordable, she asserted. If they could have more of those homes, that is affordable. Hopefully the ordinances they now have coming aboard will make a significant difference. They don't know what the cost will be to build smaller homes with the energy efficiency requirement.

On Glendale Road, Habitat is putting up an affordable home that is also handicapped-accessible, she noted.

There are three different ordinances, Councilor Nash reminded. The flat out affordable housing provision is intended to simplify the application process for an affordable housing developer, he pointed out. The other proposals are the two-family by right and incentive for creation of half-scale units.

Of the three, the 'tiny house' and affordable housing change are clearly targeting affordability. The other one [the two-family ordinance] is less clear.

There was a front page story in the Times this week about the lack of housing stock on the market, Attorney Seewald observed. All of this is going to be cyclical but, right now, they're seeing a very low stock of houses and it is driving cost up.

Part of it is people don't want people traipsing through their houses right now. There are any number of reasons there are a low number of houses for sale.

In the metropolitan areas, houses are just through the roof right now. The cost of housing and the lack of starter houses on the market is notable. He thinks that's happening to some extent here in Northampton as well.

Attorney Seewald clarified that there is a legal definition of "affordable" having to do with being affordable to a person earning a percentage of the area median income (AMI). There is both an informal meaning of affordable and a technical meaning referring to a property eligible for inclusion on the state inventory of affordable housing.

Referring to the ordinances in the pipeline, he noted that these are the kinds of changes they can make so that when things turn, they have a stock of smaller houses and houses that can become less expensive. There are a limited number of things they can actually do by ordinance to effect the affordability of houses and the housing market generally. He has a son that lives in the Seattle area and he and his wife are trying to buy a house and 800 square foot houses are going from between \$500,000 and \$600,000. They can't afford that; no way. And houses on the market are going for up to \$100,000 over asking price. They're in a difficult period and hopefully things will adjust as time goes on. "These are the kinds of things we can do to make us ready for when the market adjusts," he suggested.

Member Paik agreed with the need to increase the housing stock. She doesn't think there is much in the two-family by right ordinance that would incentivize builders to build smaller and cheaper vs. larger and more expensive. Temporary demand is coming from affluent urban refugees who during COVID19 want a home out in the country, she noted. That could change. Maybe in a few years the demand will be coming more from families who need starter homes. She doesn't know if prices will ever fall to the \$250,000 - \$300,000 range that people really need.

She feels like, as a committee, they wouldn't really be serving their purpose if they didn't add a little bit of that to this recommendation. There are many things out of their control and it is difficult with ordinances to affect the housing market. Some people debate whether adding the requirement of energy efficiency unnecessarily drives up the cost of housing.

She feels like 'yes,' they should recommend this because overall there is the possibility of creating more housing. The other two she feels more comfortable recommending because they actually address impediments to fair housing choice as listed in 'Unlocking Opportunity.' These ordinances may generate the building of smaller and less expensive rentals.

### **TWO-FAMILY BY RIGHT**

Two-family by right is interesting, Councilor Nash observed. It is suggesting two scenarios. Across the city, property owners can create a two-family or add another single-family home if space allows. In terms of affordability and flexibility for an existing structure, the two-family is actually the preferred way to go. The two family could be a large home that a young family moves into on one floor and rents out the other. As time goes on, that family can incorporate the other part of the house or not. By sharing walls, it increases affordability and efficiency and also increases the flexibility of the structure itself. That's the piece he's most excited about with the two-family ordinance. The concept of adding an additional home or structure is

where the possibility of a \$500,000 or \$600,000 home comes in. Creating a two-family may involve adding a doorway, adding a garage or adding a room that allows owners to create the space for an additional unit. If they wanted to weigh in on that aspect, that might be a place to go, he suggested.

Member Paik agreed. She said she thought that should be how their recommendations should be structured; i.e. - implementing the ordinance in this way would actually benefit marginalized populations defined as housing insecure, lower income, disabled and BIPOC, who are over represented as renters.

Councilor Nash moved to recommend that their committee, using the lens of supporting people from marginalized communities, ask that the council figure out a way to incentivize two-family over two single-family homes. Member Paik seconded.

Councilor Nash said he's not sure what that mechanism would be. He is expecting some lively discussion on council floor. He thinks they would need either Wayne Feiden or Carolyn Misch to help craft language.

Member Paik said she doesn't think they need to figure out particulars but can simply state that it would be more beneficial for renters and those seeking to get into the housing market if it was implemented that way.

The truth is, if they're going to incentivize two-families (duplexes) as opposed to two individual small homes, two-families could be two four-bedroom homes and two single-family homes could be limited in size, Attorney Seewald pointed out. The prohibition against regulating the size of dwellings applies to single-family homes. If they are encouraging going to two-families, perhaps there ought to be encouragement to limit the size of two-families, he suggested.

All of this is not something this committee is going to do between now and the end of the month, he noted. This takes study, it takes crafting of zoning and that's what the planning department is for. What they are encouraging is amendments to zoning that would incentivize smaller two-family units, understanding that without these incentives, the great profit center is in increasing the size of the building. Builders are still putting in two kitchens and two bathrooms, they are just making rooms larger, and that's where the profit is.

Councilor Nash asked if he shot his motion down.

No, Attorney Seewald said. He thinks incentivizing smaller two-families is something this committee could rationally recommend. But just recommending two families instead of smaller individual structures may not really be accomplishing what they're trying to do since they could still build large two-families.

He also pointed out that some lower-income families may not be able to be accommodated in 900 square feet but may need larger houses too. "This is all a balance here that I really can't tell you how to balance these things," he commented.

We're not a monolithic society. The marginalized communities are not monolithic any more than any other community, other than being marginalized, he observed. Member Paik agreed she would never want to generalize by saying that simply because people are lower income they would prefer smaller houses. It's safe to say they need more affordable options.

Members made some general observations about the housing market, such as the fact that interest rates have very little way to fall right now; they're extremely low and building costs are very high. From previous studies, it's known that there are a dearth of houses with more than two bedrooms, Member Paik added.

Perhaps what you're urging is for the city council to study ways to incentivize lower-cost housing, Attorney Seewald proposed. The city council can form ad hoc committees and actually do this work. They are identifying a problem for the city council to work on. The problem is, they're already doing a lot of these things. They actually have very innovative zoning and a very forward thinking and innovative planning department. What they're experiencing is the limits of their ability through ordinances to impact market forces, particularly in a community that's very attractive even before COVID. People are willing to pay more than a community this size would usually warrant.

"We're paying the penalty for being an attractive place to live, an attractive place to raise families and now, even worse, an attractive place to get refuge from the cities during a pandemic," he asserted.

Also, Northampton has students coming every year who have more money than the marginalized community as a general rule and are able to rent places out from under more marginalized communities. This is another intractable problem.

Member Paik said she was going to make that point. Students, particularly of Smith College but also graduates from other colleges, are renters in town and should probably be excluded from their discussion. They need to exclude them from their definition of marginalized populations. They have access to other resources and opportunities that struggling families do not. They could probably forecast that, even historically, people who are BIPOC tend to be renters.

She asked how much Attorney Seewald feels he could add to their recommendation.

Attorney Seewald said he hasn't heard a recommendation yet. He thinks he has heard more background. He thinks this committee can call on the city council to pass ordinances to help people to live in Northampton but he is not sure this committee can define what those ordinances are. He sees this more as background than specific recommendations.

It's important to fill in committee action on ordinances already considered, Attorney Seewald recommended. He would encourage them to get back to that discussion. Two-family by right will already be in zoning by the time this report is filed. They can inform the city council that this was something supported and is the kind of ordinance they would recommend. He thinks he has direction on what to do with two-family by right. He is hoping to get direction on other ordinances hanging out there that members haven't yet taken a position on so he can start drafting this week.

Based on what Attorney Seewald shared, Councilor Nash withdrew his motion. ***"Let's make a recommendation to council through our report to explore ways to incentivize affordable housing through our ordinances and [have] council, planning and the mayor's office work together to find ways to incentivize housing for marginalized communities,"*** Councilor Nash proposed.

Attorney Seewald said he thinks that's going to underlie their approach to all these ordinances. Councilor Nash said he would like to have language to that effect be part of the narrative. He is supportive of having a narrative around their recommendations, he confirmed.

As the second on Councilor Nash's motion, Member Paik agreed to its withdrawal.

### RECOMMENDATIONS

Members proceeded to go through each ordinance one by one and make the following recommendations:

- ❖ Northampton Housing Partnership's Housing Stability Notification Ordinance – *Councilor Nash moved to adopt a tenant notification ordinance similar to Somerville and Boston to educate tenants during the eviction process. Councilor LaBarge seconded. The motion passed unanimously 5:0 by roll call vote.*

Members discussed, with Member Paik asking if they were recommending it as presented in draft form by Keith Benoit in November. She remembered he thought there were still a couple of issues with the enforcement piece. She suggested organizing it the way she did for the snow removal ordinance.

Member Napolitano said they might not want to wade into the weeds. He thinks they could simply recommend the concept, and Attorney Seewald said he totally recommends that. The devil is in the details of all of these and they will never get through them if they're going to decide the minutiae.

- ❖ Two Family By Right  
*Councilor Nash said he believes this falls under their decision to encourage the city council to explore options for affordable housing for marginalized communities.*
- ❖ Liberalizing residential in Florence center and downtown – *Councilor Nash moved to include this with other zoning ordinances dealing with housing. Councilor LaBarge seconded. The motion passed unanimously 5:0 by roll call vote.*

Councilor Nash said he would support this going with the other zoning ordinances around housing. They have a lot of vacancies downtown in first floor retail spaces. While he wouldn't want to see first floor retail spaces on Main Street used as residential there may be other areas of the downtown where this shift could take place.

- ❖ 20.181 An Ordinance Relative to Affordable Housing (Section 350-6.12) – *Councilor Nash moved to include this with the residential housing recommendations. Councilor LaBarge seconded. The motion passed unanimously 5:0 by roll call vote.*
- ❖ Requiring Rental Agency Fees to be Paid by Landlords instead of Tenants – *No Action Taken*  
*Attorney Seewald reminded members that, as previously stated, in his opinion, the city council does not have the authority to do this. He will note that this was brought to the committee and that, under the supervision of the city solicitor, members accepted the opinion that it was not within the authority of the council to enact.*
- ❖ Fair Chance Ordinance – *Member Paik moved to not recommend a Fair Chance Ordinance in Northampton at this time. Member Napolitano seconded. The motion passed unanimously 5:0 by roll call vote.*

Member Paik confirmed that, after reviewing the toolkit, she concluded that the ordinance is not appropriate for Northampton. The places it has been enacted – Seattle, DC and New York – are all places with large housing departments. The enforcement mechanism for the ordinance is an administrative complaint process, which Northampton currently does not have.

Attorney Seewald said he thought they also discussed that the CORI statute was specifically amended at the state level to give access to this information to landlords, so the state legislature has spoken in this regard. This does not apply to excluding consideration of eviction history but he does not know how this could be prevented since court records of evictions are public records.

- ❖ Proposal to Expand Notification under §350-3.5 - *Action deferred pending outcome of Planning Board discussion*
- ❖ 312-51 Towing of Vehicles Impeding Snow Removal Operations - *Action deferred pending outcome of Planning Board discussion*

These two proposals will be discussed with the Planning Board at its March 11, 2021 regular meeting, Councilor Nash advised.

- ❖ Commercial Buffer Zone Proposal – *Action deferred at Councilor Nash's request pending further research*

Councilor Nash requested that consideration of this measure be deferred. They have more research to do.

- ❖ Ordinance banning the selling of public lands and buildings gifted to the city to private developers – *Councilor Nash moved to recommend not taking action on this at this time. Member Paik seconded. After the following discussion, the motion passed unanimously 5:0 by roll call vote.*

Member Napolitano expressed his understanding that the premise is not accurate in that there have not been public buildings gifted to private developers.

Attorney Seewald said that buildings have been not gifted but have been provided at favorable rates, such as the Survival Center. He happened to be president of the Survival Center board at the time, he disclosed.

The Survival Center has a very favorable long-term lease on a city-owned building because it invested a lot of money into rebuilding and converting it. He also was on the committee that decided what to do with the South Street School (now Northampton Community Music Center) back when Mayor Clare Higgins was mayor. In both cases, the buildings were in disrepair and were repurposed for uses identified as community needs.

The Florence Community Center is the only building he's been involved with that was literally sold for commercial purposes. Every other one has been restricted for some positive community use.

Obviously, before his time, in the mid-1980's, the Old School Commons on the corner of Main and South Street was sold to developers. Since that time, he has not been involved in the sale or gift of buildings for something less than approaching market value.

The Florence Community Center was no longer being used for city purposes, Councilor Nash noted. It was largely being rented out as commercial space for non-profits, a web developer and an opera company. The city shouldn't be in the business of operating commercial property and it was sold to somebody to continue operating it in that fashion.

The bottom line is that none of these buildings were appropriate for people to live in, Attorney Seewald elaborated. The city must comply with sanitary codes. That's why the city is proceeding with its establishment of a resiliency hub to house people particularly in emergency situations.

There was once a prestigious non-profit known as the American Friends Service Committee in the building in Florence, Member Napolitano related. He is not sure that he necessarily understands the argument about not being able to put people experiencing homelessness in a space that has hot water and heat. Why is that not appropriate? He asked.

Because they are providing housing that is not housing and does not have proper facilities, Attorney Seewald said. There might be a particular location that could have been used, but the survival center was not in a space that could have been used 'as is' for housing, it was garages. They could not have put people in these spaces for any long-term use without renovating them.

But it could have been short-term use, right? Member Napolitano pressed.

Possibly, but they were not set up for housing, Attorney Seewald reiterated.

Member Paik said she thinks the general concern is that housing is not the highest priority for the use of surplus buildings. Of course, all buildings need to be renovated to be safe and sanitary for people, she agreed.

Member Napolitano said he is not sure if this is pertinent to the motion at hand but when people have no shelter and are living in the cold, it certainly would be better than living in the cold. He doesn't think that is necessarily a valid argument.

Attorney Seewald reminded members that they are talking about prohibiting the city from selling buildings. With this and other ordinances, if they can get five votes to pass an ordinance, they can get the same five votes to repeal the ordinance and sell the building. "You're trying to prohibit future city councils from doing something that the same quantum of votes can vote to do," he pointed out. These ordinances are in some way ineffective because the city council can always sell a building; all it has to do is vote to sell the building.

Member Napolitano asked if this wasn't literally true of every ordinance, but Attorney Seewald pointed out that not all ordinances prevent city councils from doing something. Most ordinances regulate the conduct of private citizens, not the conduct of future city councils. They feel good and might have some inhibitory effect but they're not like regular ordinances that bind citizens and can't be changed by citizens on their own.

Tay's request was to create affordable housing and not to create a shelter for people who are houseless, Councilor Nash noted. Her request is that public buildings "must be turned into affordable housing first and foremost before any other potential sales," he quoted. If a public building were available downtown, he is sure the mayor's office and city council would be in favor of figuring out a way to use it during this crisis.

"You look skeptical, Jeff," Councilor Nash observed.

"I am very skeptical," Member Napolitano acknowledged.

He will tell them that city officials are and have been working on finding a building (not a city building) for the resiliency hub, Attorney Seewald advised. They are in some negotiations right now that he's not at liberty to speak about publicly yet. "It's not something we're doing nothing about."

"We have advanced affordable housing, not necessarily in city-owned buildings," he added, referring to the two new four-story buildings downtown on Pleasant Street for affordable housing. While they can't take complete credit for it, the city worked hard with the developers. He wants to go on record as saying that Wayne has worked very hard to get affordable housing into their community. They have always been over the 10% that the state requires of every community and have assiduously worked toward that end.

The big buildings that went up in downtown Amherst are not affordable housing; they're really expensive, he observed.

As a councilor, he has heard a lot of concern about people being houseless downtown and knows the mayor's office worked like crazy to open up the shelter at First Churches, Councilor Nash related. The question is whether city space is available. Maybe in retrospect they could consider opening up City Hall. However, a shelter needs sanitary facilities, water and heat and the ability to keep people socially distant because of the pandemic.

- ❖ Request to immediately legalize temporary structures and tents in public and repeal all camping ordinances. ***Councilor Nash moved to not recommend this to council at this time. Member Paik seconded. The motion passed unanimously 5:0 by roll call vote.***

Councilor Nash expressed his understanding that houseless advocates came to them with a standard list of requests and this particular request does not apply to Northampton since it does not prohibit camping in public places. He stressed that he is not encouraging camping in public parks. As he stated at a previous meeting, he would be willing to explore ways for people to camp more safely in Northampton. There are a

lot of people who don't want to go into a shelter even under brutal winter conditions, so he thinks it's worth exploring a way for people to camp in a safer, more sanitary way.

She certainly wouldn't want to support an ordinance prohibiting temporary structures, Member Paik volunteered. As the weather warms and there is no longer a moratorium on evictions, they will see more temporary structures and camping and it will become more relevant, she predicted.

Member Napolitano asked if it would be worth adding something to the narrative accompanying the report on this subject, and Member Paik said she would like to do so. ***Attorney Seewald said he could add a note that this was brought to the committee and while the committee did not see the need to recommend an ordinance legalizing temporary structures, the committee also would not support an ordinance that would impede those choosing to reside outside of the traditional house. He sees a lot of encampments when he walks his dog in the meadows, he noted.***

- ❖ Request to 'stop criminalizing and harassing unhoused people asking for money or panhandling on the street without a permit – ***Councilor Thorpe moved not to refer/recommend action but with an explanation as to why. Councilor LaBarge seconded. The motion passed 4:0 by roll call vote with Councilor Nash absent.***

Councilor Nash said he did a quick review of the ordinance today and there's no mention of panhandling and soliciting for money. They're not only not enforcing a prohibition on panhandling but it's not on the books, he advised.

He was contacted by the American Civil Liberties Union (ACLU) General Counsel in Boston to inform him of the striking down of the state law and he assured her they have no anti-panhandling statutes in Northampton and, if they did, they would not enforce them and they do not enforce the state law. He has been in contact with the police chief to reinforce this. "There are no anti-panhandling ordinances on our books," he confirmed. Chapter 245 all deals with commercial peddling and soliciting.

- ❖ Request to 'enforce 'ban the box' law in Northampton workplaces – ***Member Napolitano moved not to refer/recommend action with explanation. Councilor Thorpe seconded. The motion passed unanimously 5:0 by roll call vote.***

They have no authority to enforce state law, Attorney Seewald reminded. The legislature specifically amended the CORI statute to allow employers access to this information.

If they could, he'd wholeheartedly support it, Councilor Nash volunteered.

- ❖ Request to "create an ordinance that imposes penalties and incentivizes against the maintenance of private property vacancies." ***Councilor Nash moved to not recommend this at this time. Member Napolitano seconded. The motion passed unanimously 5:0 by roll call vote.***

This is something he and the mayor have discussed, and it is a concern, Attorney Seewald acknowledged. One particular property owner keeps properties vacant for a very long time downtown, and it's not a good thing. They're going to have more vacancies downtown as they emerge from the pandemic and he doesn't think it's a bad thing to study and try to figure out a way to motivate landlords not to maintain vacant properties. They would have to figure out how to do it before he could decide if it is something they could legally do. This is a difficult one, he said.

Councilor Nash thanked Tay Porco for bringing the requests forward because it made the committee do its due diligence. As an advocate for houseless people, he appreciated being challenged on what the city is doing and it caused him to do a lot of research.

In relation to Attorney Seewald's quest for a way to take action, he was struck by the fact that the street-scape and sidewalk right up to the door belong to the city. They could turn that into gallery space or do things in that right of way so they are no longer looking at an empty storefront. He doesn't know if they could legally do that, but it was a thought. He sticks with his original motion not to take action at this time.

❖ §350-7.2 General Sign Regulations C - *Member Napolitano moved to not refer this and to associate it with the city solicitor's comments. Councilor Nash seconded. The motion passed unanimously 5:0 by roll call vote.*

The current ordinance is unconstitutional; they cannot distinguish between or among signs based on content. The content of the sign is irrelevant. All sign regulations need to be content neutral. They can regulate signs for aesthetics and safety.

7. **CONTINUATION OF DISCUSSION OF FINAL REPORT**

Member Paik moved to continue this discussion at the next meeting. Councilor Nash seconded. The motion passed unanimously 5:0 by roll call vote.

8. **ADJOURN**

Councilor Nash moved to adjourn. Member Napolitano seconded. The motion passed unanimously 5:0 by roll call vote. The meeting was adjourned at 8:05 p.m.

312.43 Accessible Parking  
[Added 10-15-1981]

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.

[§ 312-44 Temporary Accessible parking permits](#)  
[Added 2-18-1982; amended 4-15-1982; 3-21-2002]

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.

§ 312-45 Parking spaces required; formula.

[Added 11-4-1982<sup>[1]</sup>]

Pursuant to MGL c. 40, § 21, any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or any other place where the public has a right of access as invitees or licensees shall reserve parking spaces in said off-street parking areas for any vehicle owned or operated by a disabled veteran or disabled person whose vehicle bears the distinguishing license plate authorized by MGL c. 90 § 2.

<b>Number of Parking Spaces</b>	<b>Accessible Parking Spaces Required</b>
15-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

[1]

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 312-46 Designation of parking spaces.

[Added 11-4-1982; amended 12-3-2015]

Parking spaces designated as reserved under the provisions of § 312-44 shall be identified by the use of above-grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be

adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be 12 feet wide or two eight-foot-wide areas with four feet of cross hatch between them except at parallel parking locations; and shall be designated with the International Symbol of Accessibility parking space marking.