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PROCEDURES AND CRITERIA FOR THE ISSUANCE OF PARKING FREEZE PERMITS



BOSTON AIR POLLUTION CONTROL COMMISSION ARTICLE 2: EAST BOSTON PARKING FREEZE

Approved by vote of the Boston Air Pollution Control Commission, XX/XX/XXXX

CONTENTS

- Section I. Introduction and Purpose
- Section II. Definitions
- Section III. East Boston Parking Freeze Area
- Section IV. Responsibilities of the Air Pollution Control Commission
- Section V. General Provisions
- Section VI. Applications and Public Hearings by the Air Pollution Control Commission
- Section VII. Criteria for the Issuance of a Parking Freeze Permit
- Section VIII. Procedures for the Relocation of Spaces to the Massport Freeze
- Section IX. Enforcement Proceedings
- Section X. Amendments
- Section XI. Severability
- Section XII. Effective Date

- Appendix A. East Boston Parking Freeze Area
- Appendix B. Fees

Section I. Introduction and Purpose

A. Establishment of the Parking Freeze

On November 24, 1989, the Massachusetts Department of Environmental Protection (“DEP”) adopted the City of Boston’s East Boston Parking Freeze regulations, 310 Code of Massachusetts Regulations (“CMR”) 7.31 and the Massport/Logan Airport Parking Freeze Regulations, 310 CMR 7.30. The City of Boston’s East Boston Parking Freeze Regulations established a freeze on the availability of park and fly parking spaces and rental motor vehicle parking spaces in the East Boston Parking Freeze Area.

B. Statement of Jurisdiction

These Procedures and Criteria have been adopted by the Boston Air Pollution Control Commission (the “Commission”) under the provisions of M.G.L. Chapter 111, § 31C.

The Commission will coordinate and administer the East Boston Parking Freeze within East Boston. Other City agencies will work in cooperation with the Commission.

Section II. Definitions

BOSTON TRANSPORTATION DEPARTMENT (BTD) means the agency within the City of Boston responsible for transportation and traffic-related activities, including the regulation of off-street parking spaces in the City under M.G.L. c. 148. s. 56.

COMMISSION means the Boston Air Pollution Control Commission.

EAST BOSTON PARKING FREEZE means the freeze on the number of park and fly and rental parking spaces within the East Boston Parking Freeze Area established pursuant to 310 CMR 7.31.

EMPLOYEE PARKING SPACES means parking spaces provided for use by employees of MASSPORT and employees of tenants at Logan Airport.

MASSPORT/LOGAN AIRPORT PARKING FREEZE means the freeze on the number of commercial and employee parking spaces within the Logan Airport Parking Freeze Area established pursuant to 310 CMR 7.30.

MODIFICATION shall constitute any of the following changes:

- I. changes to the overall number of Parking Spaces;
- II. changes in the use of the Parking Spaces;

- III. changes in the layout of the Parking Spaces;
- IV. changes in the ingress or egress; or
- V. changes in ownership of the Parking Facility locus.

MOTOR VEHICLE means any equipment or mechanical device propelled primarily on land and licensed to travel on public ways by power other than muscular power, but does not include railroad and railway engines, railcars or rolling stock. This definition includes, but is not limited to, vehicles powered by gasoline and mixtures of simple alcohols and gasoline, diesel fuel and other petroleum products, or electricity.

PARK AND FLY PARKING SPACES means privately owned and operated off-street parking spaces located in the East Boston Parking Freeze Area provided for use by Logan Airport air travelers and visitors.

PARKING FACILITY shall be defined to include any lot, garage, building, or structure, or combination or portion thereof that has Park and Fly Parking Spaces or Rental Motor Vehicle Parking Spaces.

FREEZE or PARKING FREEZE means to maintain at all times the total number of Park and Fly Parking Spaces and Rental Motor Vehicle Parking Spaces available for use in the East Boston Parking Freeze Area as of the effective date of 310 CMR 7.31.

MOTOR VEHICLE PARKING SPACE or PARKING SPACE means that area of public or private property that is designated or used for the parking or storage of one motor vehicle, excluding areas used for the loading and unloading of goods.

OFF-STREET PARKING SPACE means a parking space on private or public property adjacent to and/or with access to, but not located on a private or public way.

PARKING FREEZE PERMIT means any permit issued to an owner, operator or lessee of a parking facility where the parking spaces are allocated pursuant to these Procedures and Criteria.

RENTAL MOTOR VEHICLE PARKING SPACES means off-street parking spaces for rental/leased passenger motor vehicles at a facility owned, operated and/or leased by a motor vehicle rental company.

Section III. East Boston Parking Freeze Area

The boundary of the East Boston Parking Freeze Area, as established in 310 CMR 7.31 (1) (b), is as follows:

Beginning at the point where Waldemar Avenue meets Walley Street and continuing in a westerly direction along Waldemar Avenue to the William McClellan

Highway and continuing in a northwesterly direction in a straight line to the Chelsea River; then southwesterly along the high water line of the River to the Boston Inner Harbor; then continuing generally southeasterly along the high water line of the Harbor to the Logan Airport boundary; then following along the westerly boundary of the Airport, (which in this area runs generally northwesterly along Maverick Street, northeasterly along Geneva Street, and southeasterly, northeasterly, northwesterly around Memorial Stadium) to the Massachusetts Bay Transportation Authority (MBTA) Blue Line right-of-way, just north of the Blue Line Airport Station; then northeasterly along the Blue Line right-of-way to the southerly edge of property known as the Robie Industrial Park; then easterly, northerly and westerly along the boundary of said Park and extending along an imaginary straight line to the MBTA Blue Line right-of-way; then northeasterly along the Blue Line right-of-way and the Airport boundary, in the vicinity of the southerly end of Moore Street then southeasterly along the airport boundary to the high water mark of the harbor; then northeasterly along the high water mark of the Harbor to the Belle Isle Inlet, then generally northerly along the Belle Isle Inlet to Bennington Street in East Boston; then southwesterly along Bennington Street to the intersection with Leverett Avenue; then northwesterly along an imaginary straight line to the point of beginning (the "East Boston Parking Freeze Area"). In the event that the property described herein as Robie Industrial Park shall be owned and leased by Massport at some point in the future, then at the time of such purchase or lease, the Robie Industrial Park parcel shall become part of the Logan Airport Parking Freeze Area.

Section IV. Responsibilities of the Air Pollution Control Commission

- A. The Commission is a five (5) member body established pursuant to the City of Boston Code, Ordinances, Chapter 7, Section 2. It is provided full jurisdiction to regulate and control atmospheric pollution under Chapter 111, Section 31C of the Massachusetts General Laws, and other applicable laws, ordinances and regulations.
- B. The Air Pollution Control Commission shall, on behalf of the City of Boston, coordinate and administer the East Boston Parking Freeze. In carrying out this responsibility, the Commission shall perform, or cause to be performed, the following duties, among others:
 - i. Maintain to the extent possible, complete and accurate records which indicate the current inventory of allocated park and fly and rental motor vehicle parking spaces within the East Boston Parking Freeze Area, and the current number of Park and Fly Parking Spaces and

Rental Motor Vehicle Parking Spaces which may be available for allocation pursuant to these Procedures and Criteria,

- ii. In accordance with the procedures set below, process all applications for Parking Freeze Permits,
 - iii. Prepare an annual report to the Regional Administrator of the Environmental Protection Agency and Commissioner of the Commonwealth of Massachusetts Department of Environmental Protection, and
- C. In carrying out these duties, the Commission shall consult with and seek the assistance of other appropriate agencies of the city, state, and federal governments, including requesting that the Boston Redevelopment Authority, doing business as the Boston Planning and Development Agency (the "BPDA") or any successor Agency, the BTD or any successor Department, analyze and make recommendations on applications for Parking Freeze Permits.
- D. The Commission shall, by majority vote, approve, disapprove, or approve with conditions all applications for Parking Freeze Permits, provided, however, that it may delegate its authority as provided herein.
- E. The Commission shall have the power to enforce the provisions of these Procedures and Criteria and the provisions of 310 CMR 731, as amended, and to modify, amend or rescind its approval of a Parking Freeze Permit.
- F. The Commission or its designee may, as far as they deem it necessary in carrying out the provisions herein, enter upon any lands subject to a permit at reasonable times and without prior notice, in order to conduct inspections related to compliance with the terms and conditions of a Parking Freeze Permit.

Section V. General Provisions

- A. Any owner, operator or lessee of Park and Fly Parking Spaces or Rental Motor Vehicle Parking Spaces must maintain a valid Parking Freeze Permit pursuant to Section VI of these Procedures and Criteria.
- B. No owner, operator or lessee of Park and Fly Parking Spaces or Rental Motor Vehicle Parking Spaces shall allow for the parking of motor vehicles in excess of the number of Park and Fly Parking Spaces or Rental Motor Vehicle

Parking Spaces available for use on the effective date of 310 CMR 7.31 and which is set forth in the Parking Freeze Permit.

- C. No owner, operator or lessee shall operate, construct or modify a parking facility without first obtaining the applicable Parking Freeze Permit from the Commission under the provisions of these Procedures and Criteria.
- D. Any modification of an existing parking Facility that solely decreases the number of parking spaces at the existing Parking Facility or changes the layout of existing parking spaces, may be approved administratively by the Commission's designee. Section VI(A)(iii) and Section VI(D) shall not apply to such modifications.
 - i. The Commission's designee shall approve such modification, provided the permittee under the existing Parking Freeze Permit provides the Commission an up-to-date site plan and justification for such change or decrease, to be reflected in the Commission's records. Failure to do so shall constitute a violation of these Procedures and Criteria and may result in enforcement action pursuant to Section IX. Said site plan must include, at a minimum, the existing conditions, the proposed project, grading and spot elevations, location of the facility, layout of all the spaces, entry and exit locations, and total square footage of the parking area.
- E. Any modification of an existing Parking Facility that solely changes the ownership of the Parking Facility, may be approved administratively by the Commission's designee. Section VI(A)(iii) and Section VI(D) shall not apply to such modifications.
 - i. The Commission's designee shall approve such modification, provided the permittee provides notice be provided to the Commission within fourteen (14) days of the change. Failure to do so shall constitute a violation of these Procedures and Criteria and may result in enforcement action pursuant to Section IX. Notice shall include (i) a copy of the instrument evidencing the transfer of the rights and obligations under such Parking Freeze Permit to the successor-owner and assumption by the successor- owner of said rights and obligations and (ii) the name and address of the new permittee, to be reflected in the Commission's records.
- F. Prior to requesting a modification to a Parking Freeze Permit, the holder of a

Parking Freeze Permit may request a determination from the Commission as to whether any proposed change in the operation of the parking facility will require a modification to the Parking Freeze Permit.

- G. Any modification or closing of a parking facility which reduces the number of Parking Spaces available at a parking facility shall be reported to the Commission in writing, specifying the exact number and location of Parking Spaces eliminated and the reasons for the elimination, pursuant to Section V(D). Failure to do so shall constitute a violation of these Procedures and Criteria and may result in enforcement action pursuant to Section VIII. Provided that the decrease in the number of Parking Spaces available at said Parking Facility is temporary and for less than one year, and that after the interim period the original number of spaces is not exceeded, the entrances and the exits are not changed, and that the decrease and the date at which the decrease takes effect are noted in the facility's records in a detailed manner, the decrease does not have to be reported.
- H. Where either Park and Fly Parking Spaces or Rental Motor Vehicle Parking Spaces are eliminated, the Commission may establish an inventory that consists of one (1) parking space for every two (2) parking spaces eliminated for each category of parking spaces and may, following a public hearing, reallocate these parking spaces pursuant to the procedures set forth herein.
- I. Rights to eliminated parking spaces cannot be transferred by or between any owners, operators or lessees, or between parcels of land.
- J. In determining the number parking spaces that are available for reallocation, only Park and Fly Parking Spaces or Rental Motor Vehicle Parking Spaces which have been physically eliminated may be counted, provided, however, that the elimination of parking spaces by way of governmental action, including, land variance or zoning and land use requirements, shall not be considered.
- K. Any holder of a Parking Freeze Permit must notify the Commission in writing, if, at the end of the construction or modification of the Parking Facility, the number of Park and Fly Parking Spaces and/or Rental Motor Vehicle Parking Spaces in the Parking Facility is less than the number of Parking Spaces allocated in the Parking Freeze Permit. Such notification shall specify the exact number of Park and Fly Parking Spaces or Rental Motor Vehicle Parking Spaces and request the Parking Freeze Permit be modified

pursuant to Section V(D).

- i. Failure to report that the number of Park and Fly Parking Spaces and/or Rental Motor Vehicle Parking Spaces in the Parking Facility is less than the number of parking spaces allocated in the Parking Freeze Permit, provided the decrease is not a temporary change recorded pursuant to Section V(G), shall constitute a violation of these Procedures and Criteria and may result in enforcement action pursuant to Section IX, up to and including modification, suspension, or revocation of the Parking Freeze Permit.
- L. The operation, construction or modification of a parking facility authorized pursuant to a Parking Freeze Permit issued hereunder shall be carried out in accordance with the site plan and design submitted with the application. Said site plan must include, at a minimum, the existing conditions, the proposed project, grading and spot elevations, location of the facility, layout of all the spaces, entry and exit locations, and total square footage of the parking area. Should the applicant wish to alter the site plan or design submitted with the application subsequent to issuance of the Parking Freeze Permit, the Commission must approve any change in said plan or design prior to the applicant undertaking such operation, construction or modification.
- M. All parking facilities (excluding garages) shall comply with the City of Boston Transportation Department's Rules Regulating Open-Air Parking Spaces.
- N. The issuance of a Permit hereunder shall in no way be considered or construed to provide the owner, operator or tenant with any rights or approvals to use such parking spaces under any other law, ordinance or regulation and shall not be construed to confer a "property right".

Section VI. Applications and Public Hearings of the Air Pollution Control Commission

- A. Procedures for Obtaining or Modifying a Parking Freeze Permit
- i. Any new Parking Facility is subject to these Procedures and Criteria and 310 CMR 7.31, and must submit an application for a Parking Freeze Permit prior to commencing construction or modification.
 - ii. Every application for a Parking Freeze Permit shall be submitted on such a form as the Commission may, from time to time, designate. All

information and required design and site plans shall be furnished. If an application is incomplete in any respect, it may be rejected.

- iii. Fees for processing applications for a Parking Freeze Permit shall be paid by check, made out to the City of Boston Air Pollution Control Commission, and submitted along with the application. No Parking Freeze Permit shall be issued until the application fee, as designated by the Commission in Appendix B, has been collected. In addition, the applicant shall be responsible for the costs of the advertising fees associated with the publication of the notice of hearing.
 - i. One (1) paper copy and one (1) electronic copy of every application for a Parking Freeze Permit, including the associated site plan, shall be submitted to the Boston Air Pollution Control Commission. Hard copies can be mailed or hand delivered to Boston City Hall, Room 709, Boston, MA 02201.

B. Procedures for Renewing a Parking Freeze Permit or Exemption Certification

- i. A Parking Freeze Permit issued hereunder shall, unless said Parking Freeze Permit has been suspended or revoked, expire on the first day of July in the year succeeding the year in which it was issued. Every holder of a Parking Freeze Permit must annually renew said Parking Freeze Permit on or before the first day of July by submitting the renewal form as designated by the Commission.
- ii. The Commission, through its designee, will annually renew existing Parking Freeze Permits for a fee, as designated by the Commission in Appendix B, when the applicant certifies there have been no modifications to the Parking Facility.
- iii. After the first day of July, the Commission may allow a grace period of up to 10 business days to allow any holders of a Parking Freeze Permit to renew their Parking Freeze Permit. Holders of a Parking Freeze Permit that fail to renew their Parking Freeze Permit on or before the first day of July or during the allotted grace period, shall be subject to enforcement proceedings listed in Section IX of these Procedures and Criteria.

C. Renewal Requirements

- i. Any holder of a Parking Freeze Permit shall at the time of renewal,

unless said Parking Freeze Permit has been suspended or revoked, submit a signed renewal form, as the Commission may, from time to time, designate, which shall report any reduction in the number of Park and Fly or Rental Motor Vehicle Parking Spaces available in the Parking Facility and the reasons for the elimination. All such spaces included within the reduction may then be reallocated pursuant to Section V(H).

A Parking Freeze Permit will not be renewed should an applicant fail to provide the signed renewal form or renewal fee.

D. Time Periods

- i. The Commission shall hold hearings regarding applications for Parking Freeze Permits at least quarterly on or about the 15th day of March, June, September, and December, provided there are applications for Parking Freeze Permits submitted by the filing deadline.
- ii. Only applications received at least thirty (30) days prior to the next scheduled hearing will be considered at that date, unless the Commission, at its discretion, has granted permission in writing for a late filing and the applicant is capable of meeting all notification requirements. All applications to request a new or modify an existing Parking Freeze Permit, not handled administratively pursuant to Section V(D) or Section V(E), will be considered in the order received.
- iii. The Commission shall provide the applicant a Notice of Public Hearing which must be published by the applicant, at its expense, in a newspaper of general circulation in the Freeze Area. The notice shall be published at least fourteen (14) days, but not more than twenty-one (21) days in advance of the hearing and shall state the date, time, and place of such hearing, as well as a description of the premises, including a street address, if any, and a brief description of the request. The notice shall indicate that a copy of the application(s) is available for public inspection at the office of the City of Boston Environment Department. A copy of the notice, as published, and the date, page, and name of the publication shall be submitted to the Commission prior to the hearing date.
- iv. The applicant shall provide notification in writing, or by other means such as the Commission may determine, to all abutters of the affected

premises with a copy of the public hearing notice at least fourteen (14) but not more than twenty-one (21) days prior to the hearing. Written notice shall be provided by hand delivery or certified mail (return receipt requested), or by certificates of mailing. Evidence of these efforts shall be supplied to the Commission prior to the hearing date.

- a. Abutters shall mean owners of land abutting the affected premises and owners of land directly opposite on any public or private street or way, and owners of land within 300 feet of the property line of the affected premises.
 - b. Abutter notices shall be sent in both English and the second most commonly spoken language(s) in the neighborhood(s) where the project is proposed, per the instructions outlined in the Commission's Filing Guide.
- v. Fourteen (14) days before the hearing date, the Commission's designee will complete a joint staff report, on such a form as the Commission may, from time to time, designate, that analyzes the application, presents transportation and planning facts and data relevant to the criteria set out in Section VII., and highlights any further information required in order to make a full assessment of the application, incorporating any additional information provided by BTM, the BPDA or the Mayor's Office.
 - vi. An advance notice of the date of the next hearing will be published at least 10 days prior to said hearing by the Boston City Clerk.
 - vii. A notice of all applications to be heard at the hearing shall be sent to the Regional Administrator, Environmental Protection Agency, and to the Commissioner, Massachusetts Department of Environmental Protection by the Commission's designee. Notice shall also be sent to the Office of Neighborhood Services and to each District City Councilor representing any part of the Freeze Area, at least 10 days prior to the hearing date.
 - viii. Within thirty (30) days after the hearing, the Air Pollution Control Commission shall approve or disapprove the application for a Parking Freeze Permit based upon the criteria set forth in Section VII. and on consideration of the information contained in the application and presented at the public hearing. The Commission's findings and

determination shall be in writing and shall indicate the location of the parking facility or and the number of Park and Fly or Rental Motor Vehicle Parking Spaces, including the special conditions, if any, upon which approval is given.

Section VII. Criteria for the Issuance of a Parking Freeze Permit

The Commission may approve an application for a Parking Freeze Permit only if all requirements as set forth herein have been met including, without limitation:

- A. That enough spaces are available for allocation.
- B. The proposed facility is currently and shall remain in compliance with all local, state, and federal permit requirements and applicable laws, including these Procedures and Criteria and any Parking Freeze Permit issued hereunder.
- C. The proposed facility will be consistent with the following transportation planning objectives:
 - i. the anticipated number of vehicles and the times at which vehicles will enter and leave a facility during the course of each day will not contribute significantly to traffic flows during peak traffic periods;
 - ii. it is located and designed so that the surrounding sidewalks and streets are sufficient to accommodate pedestrians and vehicular movements;
 - iii. It will not increase vehicle miles traveled with the East Boston Parking Freeze Area causing adverse impacts or contributions to air pollution or traffic congestion on local and arterial streets..
- D. The proposed parking facility will be consistent with the requirements as adopted by the Commission, including not limited to the electric vehicle readiness policy, the off-street bicycle parking guidelines, parking ratios as established by the BTD, and any other sustainable mobility and travel demand management policies, as appropriate and as adopted at the time an application is filed with the Commission.

Section VIII. Procedure for the Relocation of Spaces to the Massport Freeze

- A. Park and fly parking spaces may be relocated from the East Boston Parking Freeze Area to the Massport/Logan Airport Parking Freeze area only where Massport has taken steps to provide for in the plan developed pursuant to the provisions of 310 CMR 7.30 and 7.31.

B. No such relocation shall be available where park and fly parking spaces are eliminated in the East Boston Parking Freeze Area for any other reason including, but not limited to:

- i. rescission or nonrenewal of a permit by the Commission;
- ii. a taking of property by any governmental body that results in the reduction of parking spaces; or
- iii. where a Parking Freeze Permit holder does not seek renewal of their Parking Freeze Permit.

Section IX. Enforcement Proceedings

The provisions of these Procedures and Criteria and of 310 CMR 7.31, and the terms and conditions in the Parking Freeze Permits issued hereunder, shall be enforced by the Commission or its designee by way of the provisions provided herein or by filing an action in a court of competent jurisdiction in accordance with Massachusetts law. The Commission is not required to commence or complete the enforcement provisions provided herein prior to seeking enforcement by filing a court action.

The Commission or its designee may commence enforcement proceedings by issuing a Notice of Probable Violation (the "NOPV"), if the Commission or its designee has reason to believe that a violation of these Procedures and Criteria, of 310 CMR 7.31, or of the terms and conditions of a Parking Freeze Permits or Exemption Certification has occurred or is continuing to occur. The NOPV shall state the factual basis for the allegation of a violation and the proposed remedial action to be taken by the person served (the "Respondent") if the Commission or its designee finds a violation. The NOPV shall state that the Respondent must:

- A. reply in writing to the NOPV within fifteen (15) days from the date of the NOPV; and
- B. appear at an informal conference with the Commission or its designee on a designated day which is at least fifteen (15) days from the date of the NOPV.

The written reply must be filed with the Commission and must be signed by the Respondent or the Respondent's designee. It must include a complete statement of all relevant facts and authority, and a full description of the reasons that the Respondent disputes the violation(s) alleged in the NOPV. If the Respondent or his representative fails to file a written reply or to appear at the informal conference, the Respondent shall be deemed to have admitted the accuracy of the factual

allegations and legal conclusions stated in the NOPV, and the Respondent shall be subject to the enforcement action proposed in the NOPV.

A hearing officer designated by the Commission shall conduct an informal review of the violation which shall consist of an informal conference and an analysis of the Respondent's written reply.

At any informal conference, the Respondent shall have the right to be represented by an attorney or other person, and shall have the right to present relevant documents to the hearing officer. The hearing officer shall make available to the Respondent any evidence in the Commission's possession which indicates that the Respondent may have committed a violation, and the Respondent or his representative shall have the opportunity to rebut this evidence. However, this informal conference shall not be construed to be an adjudicatory proceeding as defined in M.G.L. c. 30A.

The hearing officer shall make a decision in writing. If the Respondent is not satisfied with the decision, he may request a hearing by the Commission, provided that the Respondent makes such a request in writing within seven (7) calendar days of the date the decision is issued. Failure to request a hearing by the Commission will be considered an admission of the factual allegations and legal conclusion stated in the hearing officer's decision, and the Respondent shall be subject to the enforcement action proposed in the NOPV.

A hearing before the Commission shall be de novo. The notice provisions provided in Section VI. shall not apply. At the hearing, the Respondent may be represented by an attorney or other person. Pursuant to City of Boston Code, Ordinances 7-2, the Commission may require the production of records and documents and compel the attendance and testimony of witnesses before it.

If the Commission finds, after a hearing, that the Respondent has committed a violation, it may take appropriate enforcement action including, but not limited to, rescinding or modifying the Parking Freeze Permit, issuing an administrative penalty or initiating an enforcement proceeding in a court of competent jurisdiction. Parking Freeze Permits may be suspended or revoked as set forth in this Section, provided, however, that where an alleged violation threatens the public health or welfare, Parking Freeze Permits may be suspended or revoked prior to initiating the procedures herein.

Enforcement measures shall take into consideration the severity and frequency of the violation. Where enforcement includes the suspension or revocation of the Parking Freeze Permit, it shall be implemented in a progressive manner, as follows:

- A. the first violation may result in a suspension or revocation of a Parking Freeze Permit for not more than five (5) days;
- B. the second violation may result in a suspension or revocation of a Parking Freeze Permit for not more than ten (10) days;
- C. the third violation may result in a suspension or revocation of a Parking Freeze Permit for not more than fifteen (15) days.
- D. Further violations may result in the indefinite suspension or revocation of the Parking Freeze Permit.

Following or in addition to the suspension or revocation of a Parking Freeze Permit, or in response to a violation of the provisions of these Procedures and Criteria or of 310 CMR 7.31, the Commission or its designee may undertake enforcement proceedings pursuant to M.G.L. Chapter 111, §31C, which states violations may be punishable:

- A. for the first offense, by a fine of not less than one thousand (\$1,000) nor more than five thousand dollars (\$5,000), and
- B. for a subsequent offense, by a fine of not less than five thousand (\$5,000) nor more than ten thousand dollars (\$10,000).

For the purpose of this Section, each day and part thereof on which a violation of such an order, rule or regulation occurs, whether such violation be continuous or intermittent, shall be construed as a separate and succeeding offense. Additionally, for the purpose of this Section, each Parking Space in violation of such an order, rule, or regulation, whether such violation be continuous or intermittent, shall be construed as a separate and succeeding offense. In addition, upon authorization by the Department of Environmental Protection, the Commission may issue penalties pursuant to 310 CMR 7.52 and M.G.L. Chapter 111, § 142B.

If the Commission or its designee takes cognizance of a violation of the provisions herein, including the terms and conditions of the Parking Freeze Permits issued hereunder or of 310 CMR 7.31, the Commission or its designee may, as an alternative to instituting criminal proceedings, utilize the procedures provided under M.G.L. Chapter 40, § 21D.

Section X. Amendments

The Commission may, from time to time, amend these Procedures and Criteria by simple majority vote of a quorum of Commission members (a majority of members then in office) at a public hearing on the record. Such proposed amendments must be advertised in a newspaper of general circulation at least twenty-one (21) days in advance of the hearing date and a notice shall be posted with the Boston City Clerk.

Copies of the proposed amendments shall be made available to the public upon request. The Commission shall give the public an opportunity to be heard at the public hearing and shall consider testimony received in its deliberation on the proposed changes to the Procedures and Criteria. Upon adoption of any amendment, the revised version of the regulations shall be transmitted to the Massachusetts Department of Environmental Protection for approval and the U.S. Environmental Protection Agency Region 1 office in Boston.

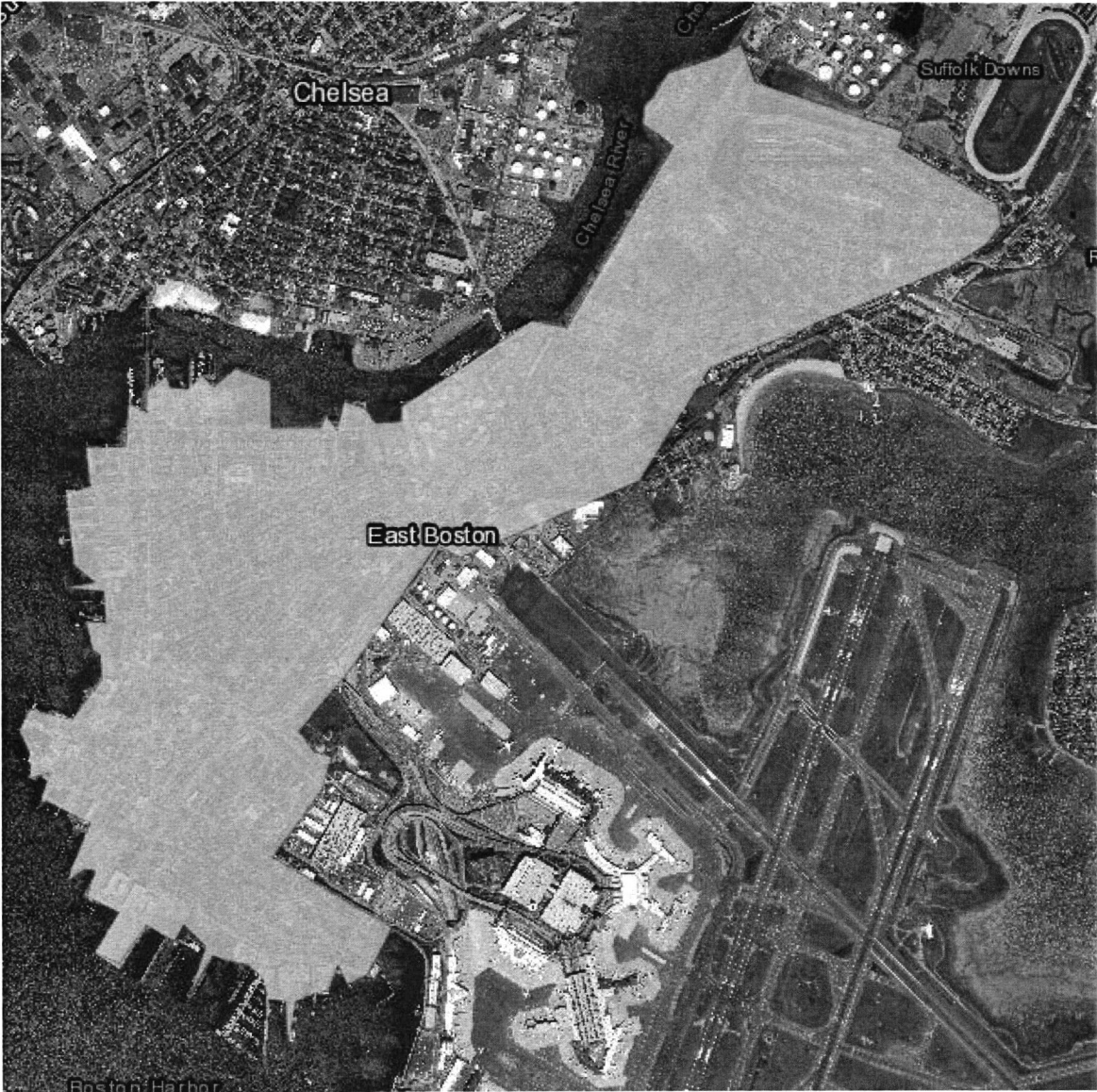
Section XI. Severability

The invalidity of any section or provision of these Procedures and Criteria shall not invalidate any other section or provision thereof, nor shall it invalidate any Parking Freeze Permit, approval, or determination which previously has been issued.

Section XII. Effective Date

These Procedures and Criteria shall take effect on January 1, 2021.

Appendix A: East Boston Parking Freeze Area



Appendix B: Fees

A. Application Fees

Pursuant to Section VI(A), at the time of filing an application, the applicant shall pay a filing fee as specified below. No application shall be deemed complete or timely without the payment of all required fees.

The application fee is set at \$20 per space effective January 1, 2021.

B. Renewal Fees

Pursuant to Section VI(B), the Commission, through its designee, will annually renew existing Parking Freeze Permits for a fee, so far as there is no change to the Parking Freeze Permit or it has been modified administratively pursuant to Sections IV(D) and IV(E).

The renewal fee is set at \$20 per space effective July 1, 2021.