

Malden, Massachusetts

Date: May 1, 2025

His Honor the Mayor has approved Paper #443 Series of 2024

Below is a true attest copy of same:

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) Title 2, Chapters 12 and 16 are hereby amended as noted in the body of said paper, effective upon the successful passage of a Home Rule Petition approving corresponding amendments to the City Charter.

- **Strike MCC 2.12.100 DEPARTMENT OF PUBLIC WORKS in its entirety and replace with the following:**

2.12.100 Department of Public Works

A. Established

There shall be a Department of Public Works under the supervision of a Director of Public Works who shall be appointed to a term of three years by the Mayor, with City Council approval.

B. Authorities and Responsibilities

1. The Department provides for the routine maintenance and repair of roads, sidewalks, street lights and traffic signals, and drainage facilities.
2. The Department sweeps roads, storm drain covers, and public parking lots and removes snow and ice from roads and sidewalks abutting city owned properties.
3. The Department manages solid waste programs including trash disposal, recycling and yard waste, and the placement and maintenance of city owned trash barrels.
4. The Department maintains open spaces and unimproved lands owned by the city, equips and maintains playgrounds and, in conjunction with the Parks and Recreation Commission, provides for the maintenance, preparation and improvement of all city parks.
5. The Department plants and maintains trees, and ornamental shrubs along roadways and active and passive recreation areas subject to review and approval by the Tree Warden.

- **Add MCC 2.12.108 DEPARTMENT OF WATER UTILITIES to include the following:**

2.12.108 Department of Water Utilities

A. Established

There shall be a Department of Water Utilities under the supervision of a Director of Water Utilities who shall be appointed to a term of three years by the Mayor, with City Council approval. The mission of the Department is to provide residents and businesses with the highest quality drinking water, sewer and storm drainage systems while ensuring the safety, reliability, and efficiency of those systems.

B. Authorities and Responsibilities

1. The Department provides for the routine and emergency maintenance and repair of city water, sewer and storm drain utilities including stormwater detention areas on city land. The Department also maintains hydrants, standpipes, street fountains and all other city-owned connections with the water system.
2. The Department ensures drinking water quality meets the Safe Drinking Water Act standards through inspection, testing and maintenance of city infrastructure and ensuring private water service connections and operations meet regulations and standards necessary to protect drinking water quality. The Department hires personnel with the necessary experience and certifications to operate the drinking water system.
3. The Department operates, flushes and otherwise maintains the water system to ensure adequate pressure for users and firefighting, and repairs and reads water meters.
4. The Department ensures that the city's storm drain system complies with the Clean Water Act by taking actions necessary to comply with storm water discharge permits including storm water quality testing, discovering and removal of cross-connections between the sewer and storm drain system, reduction of groundwater infiltration and other necessary actions.
5. The Department operates, cleans and otherwise maintains the sewer and drain systems to ensure reliable flow of sewage and stormwater.
6. The Department operates any structures related to flood control or prevention.

- **Strike MCC 2.12.110 ENGINEERING DEPARTMENT in its entirety and replace with the following:**

2.12.110 Engineering Department

A. Established

There shall be an Engineering Department under the supervision of a City Engineer, who shall be appointed by the Mayor subject to confirmation by the City Council to serve for a term of three years.

B. Authorities and Responsibilities

1. The Department has custody of all plans relating to public works and improvements, including streets, water and sewer lines, bridges and drains.
2. The Department reviews plans and administers contracts for capital improvements to street, sidewalks and water and sewer mains, drainage systems, and any other related city infrastructure.
3. The Department establishes rules and regulations for connection to municipal water, sewer and drainage systems and approves the location of connections.
4. The Department provides for installation and maintenance of water meters, monitors the usage of metered water and provides monthly records of water usage to the Treasurer.

5. The Department provides technical and administrative support to the Conservation Commission and the Public Works Commission.

- **Add MCC 2.12.115 FIRE DEPARTMENT to include the following:**

2.12.115 Fire Department

A. Established

There shall be a Fire Department, commanded by a Fire Chief, who shall be appointed for a term of three years by the Mayor. The Fire Chief shall enter into an employment contract with the City for a period not to exceed three years, subject to renewal at the Mayor's discretion.

The Fire Chief makes recommendations to the Mayor, who shall be the appointing authority, for hires and promotions of all departmental personnel in accordance with civil service guidelines, union contract or city ordinances.

The Fire Chief shall be responsible for all policy making, organization, supervision and management of the Fire Department and have all other authorities and responsibilities provided by law to municipal Fire Chiefs.

There shall be a Fire Commissioner who shall be appointed for a term of three years by the Mayor. The Fire Commissioner shall serve in a civilian role and shall have none of the powers, access or authority vested in sworn Firefighters.

The Fire Commissioner shall be an ambassador to the public in educating and engaging the public in the requirements of civil service and the process of becoming a Firefighter. The Fire Commissioner shall be the hearing officer and hear appeals to suspensions, demotion or removal of departmental personnel by the Fire Chief and make a written report to the Mayor with a recommendation for action. The Fire Commissioner shall bear witness to the swearing in of newly hired or newly promoted officers.

B. Authorities and Responsibilities

1. The Fire Department takes all necessary steps to extinguish fires and mitigate incendiary conditions within the city, including the demolition of any building or structure and the removal of any obstruction for the purpose of preventing or extinguishing fires or incendiary conditions.

2. The Department functions as first responders to calls for medical aid and assists in the reestablishment of order in the event of civil disturbance, disaster or riot or other emergency.

3. The Department maintains a record of all fires that occur within the City requiring the services of the Department.

4. The Department carries out the terms and provisions of all fire service agreements entered into with other governmental units.

5. The Department investigates the causes of all fires and provides written reports of all suspected arson.

6. The Department includes a Fire Prevention Bureau, which inspects all buildings and structures as provided for by the State Fire Code and provides for the issuance and renewal of certificates of compliance with state Board of Fire Prevention regulations.

- **Add MCC 2.12.165 POLICE DEPARTMENT to include the following:**

2.12.165 Police Department

A. Established

There shall be a Police Department, commanded by a Chief of Police, who shall be appointed for a term of three years by the Mayor. The Chief of Police shall enter into an employment contract with the City for a period not to exceed three years, subject to renewal at the Mayor's discretion.

The Chief of Police shall be the chief executive officer of the Department and the departmental authority in all matters of policy, operations and discipline. They exercise all lawful powers of their office and issues such lawful orders as are necessary to assure the effective performance of the Department and shall have all other authorities and responsibilities provided by law to municipal Police Chiefs and as outlined in the Malden Police Department Accreditation manual.

The Chief of Police makes recommendations to the Mayor, who shall be the appointing authority, for hires and promotions of all departmental personnel in accordance with civil service guidelines, union contract or city ordinances.

There shall be a Police Commissioner who shall be appointed for a term of three years by the Mayor. The Police Commissioner shall serve in a civilian role and shall have none of the powers, access or authority vested in sworn Police Officers.

The Police Commissioner shall be a departmental ambassador to the public in educating and engaging the Malden public in the requirements of civil service and the process of becoming a Police Officer.

The Police Commissioner shall be the primary department liaison to the Police Community Advisory Committee and shall coordinate actions and updates with the Chief of Police on the same.

The Police Commissioner shall bear witness to the swearing in of newly hired or newly promoted officers. The Police Commissioner shall be the hearing officer and hear appeals to suspensions, demotions or removal of departmental personnel by the Police Chief and make a written report to the Mayor with a recommendation for action.

B. Authorities and Responsibilities

1. The Police Department is responsible for the protection of life and property, the preservation of peace, order and safety of residents.

2. The Department attempts to prevent crime and to detect and arrest offenders.

3. The Department investigates criminal incidents and is empowered to enforce laws and ordinances through arrest or prosecution of offenders.

4. The Chief of Police issues licenses and permits for firearms and makes recommendation to the Mayor on individuals to be appointed as constables and special police officers.

C. Supervision of Animal Control Officer

The Animal Control Officer is appointed by the Mayor and works under the supervision of the Chief of Police. The Animal Control Officer enforces laws and ordinances relative to the keeping, handling, management, and control and licensing of animals in the city.

- **Strike MCC 2.16.120 PUBLIC WORKS COMMISSION in its entirety and replace with the following:**

2.16.120 Public Works Commission

A. Established

There shall be a Public Works Commission consisting of three members, appointed by the Mayor, subject to confirmation by the City Council, to serve for a term of three years.

B. Authorities and Responsibilities

1. Establish water and sewer rates and hears and decides all applications for abatement of water and sewer charges.
2. Maintains public ways and sidewalks and promulgates rules and regulations for the same.
3. Works in concert with the Parks & Recreation Commission to plan for and provide for the maintenance of playgrounds.
4. The Commission may accept or discontinue use of public ways and may assess betterments on abutters to improvements to any public or private way.

- **Strike MCC 2.16.140 STADIUM AND ATHLETIC FIELD COMMISSION in its entirety, rename, and replace with the following:**

2.16.140 Parks and Recreation Commission

A. Established

There shall be a Parks & Recreation Commission consisting of 5 members, appointed by the Mayor to serve for a term of three years and subject to confirmation by the City Council. The Recreation Director and staff shall provide professional support to the Body, provide communication to the Ward Councillors, and issuance of compliance and permits.

B. Authorities and Responsibilities

1. The Parks & Recreation Commission manages all city parks, stadiums, playing fields and playgrounds, and reviews and approves the design and location of playing fields, athletic courts and playground equipment provided for use by residents.
2. The Parks & Recreation Commission establishes fees for permits for use of its fields and promulgates regulations for the use of fields, parks, stadiums and other recreational facilities under its control.
3. The Commission coordinates with the Department of Public Works to provide for the maintenance of parks and playgrounds, the preparation of fields for scheduled activities and equipping of playgrounds.
4. The Commission advises the Recreation Coordinator on development of a comprehensive plan to make recreational activities, programs, events and facilities available to residents.

- **Add MCC 2.16.150 TRANSPORTATION COMMISSION to include the following:**

2.16.150 Transportation Commission

A. Established

There shall be a Transportation Commission consisting of seven members as follows: the Chief of Police, City Engineer, Director of Parking, OSPCD Director, Director of Inspectional Services, and two residents appointed by the Mayor to serve for a term of three years. Transportation Planner shall serve as a non-voting advisory member to the Commission.

B. Authorities and Responsibilities

1. Promotes the safe and efficient use of public spaces dedicated to travel and parking through the establishment of policies and practices that encourage multiple modes of transportation and that take into account the varying needs of all users of public travel spaces in Malden.
2. Establishes rules and regulations for the movement, restriction of movement, stopping or standing of vehicles on, and their exclusion from, all or any streets, municipal public parking places, ways, highways, roads and parkways, under the control of the city.
3. Upon the recommendation of the Parking Director, approves all fees related to parking meters, parking lots, and parking garages, as well as any permit programs administered by the Parking Department.
4. Approves traffic signs, signals, markings and other devices for the control of traffic in the city and for informing all road users of rules, regulations and prohibitions.
5. Prescribes penalties for the violations of all regulations properly adopted by the Commission.

6. Reviews and approves requests from MBTA for any modifications to city public travel spaces.

- **Be it additionally ordained that the Code of the City of Malden (MCC) is hereby further amended by striking “Director of Public Works” and replacing with “Director of Water Utilities” in the following paragraphs of Section 11:**
 1. Sewers
 - a. 11.04.010 (including the title)
 - b. 11.04.030, 11.04.040, 11.04.050, 11.04.060, 11.04.070, 11.04.080 and 11.04.090
 2. Water
 - a. 11.20.010, 11.20.050

The above noted amendments to the Code of the City of Malden shall be effective only upon the successful passage of the Home Rule Petition as submitted to the Legislature as requested by the Mayor and Council President as communicated in City Council Paper 418-24.

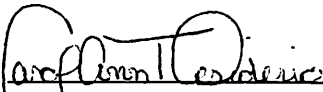
Sponsored by Stephen Winslow

Paper #443 Series of 2024, of which the above is a true copy

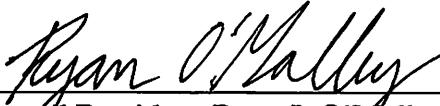
Ordained, by the City Council, by eleven (11) yea and zero (0) nay votes, the City Council consisting of eleven members at their April 29, 2025 meeting.

Approved, May 1, 2025 by His Honor, Mayor Gary J. Christenson

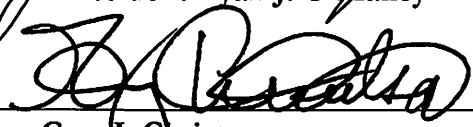
Attest:



City Clerk Carol Ann T. Desiderio



Council President Ryan J. O'Malley



Mayor Gary J. Christenson