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TO: City Council, License Committee

FROM: Alicia A. McNeil, City Solicitor

DATE: 18, June 2024

RE: Fee Schedule for Open Air Parking Lots

FACTS PRESENTED:

The Middlesex Superior Court found that the current fees were an illegal tax and struck down the fees. The Court, however, stated that the City could charge a fee for these Open Air Parking Lots provided the fee was reasonably related to actual costs to the City.

The License Committee ("Committee") met on May 27, 2025 to discuss the revised Fee Schedule for Open Air Parking Lots. At the meeting the Committee met and Nelson Miller, Building Commissioner, who stated he had conducted research on other Cities and Towns and came up with a suggestion for a fee structure. The Committee discussed what was reasonable for fees, the types of city services and resources that reasonably could be impacted by open air parking spaces and how those services and resources related to fees. The discussion also included public safety concerns, as well as the impact open air parking lot had on our environment and how planting trees could mitigate some of the environmental impacts.

Proposed Fee Structure:

\$200.00 annual License fee +
\$100.00 flat fee for the first 9 parking spaces +
\$20.00 per each additional parking space

Example: if a lot has 15 total spaces the annual renewal fee would be \$300 + \$120 for a total of \$420.

OPINION:

I believe the fee structure was sufficiently vetted¹ with robust discussion and that the fee structure is reasonable. These fees are causally related to services and resources that are impacted by these open air lots. Moreover, these fees are distributed based on the number of open air spaces a parking lot has available, which is an equitable way of distributing the costs of the impact.

Kindly let me know if you have any additional questions.

¹ There were other Committee meetings where the fee structure was discussed and vetted.