
**RULES AND ORDERS
MALDEN CITY COUNCIL**

GENERAL

1.00 SCHEDULE OF COUNCIL/COMMITTEE MEETINGS

- 1.01** To the extent practicable, regular meetings of the City Council and City Council Committees shall be scheduled on alternate Tuesdays; provided that no regular meetings shall be scheduled on an election, a legal holiday or during the months of July and August; and provided further that the first meeting in January and September of each year and the last meeting in June and December of each year shall be a meeting of the City Council.
- 1.02** Meetings of the City Council shall commence at 7:00 p.m. Meetings of city council committees shall commence no earlier than 5:30 p.m.
- 1.03** A Committee of the Whole meeting shall be scheduled for 7:00 p.m. on those Tuesdays designated for Committee meetings. Committee of the Whole may conduct council business only for the purposes of referring matters to committee in emergency situations and under suspension of docket rules.
- 1.04** At the call of the President, meetings of the City Council may be held during July or August. Additional meetings of the City Council may be held at such times as the majority of the City Council may agree, and the schedule of regular meetings and committee meetings as set forth in Rule 1.01 above may be modified upon 7 days' notice.
- 1.05** A roll call shall be taken at the beginning of all meetings of the City Council and any of its committees.

2.00 QUORUM

- 2.01** A majority of the members of the City Council shall constitute a quorum for the transaction of business.

3.00 ORDER OF BUSINESS

- 3.01** At every regular meeting of the Council, the order of business shall be as follows:
1. Call to Order;
 2. Salute the Flag and moment of silence for the nation's veterans;
 3. Roll Call
 4. Special guests, citizen achievement, and announcements;
 5. Public Comment
 6. Approval of minutes;
 7. Appointments and elections;
 8. Hearings, petitions, remonstrances and memorials;
 9. Motions, orders and resolutions;
 10. Communications and reports from City Officers;

11. Claim Notices;
12. Reports of Committees;
13. Tabled papers.
14. Personal Privilege

3.02 The Council President may depart from the above order unless objected to by the majority of a majority of the member's present.

4.00 MEETING RECORDS

4.01 The City Clerk or the Assistant City Clerk, shall attend and keep the records of all meetings of the Council, shall record the names of the members present, and shall have care and custody of all documents, maps, plans and papers submitted to the Council during a Council meeting.

4.02 Each Member shall be provided with a copy of the minutes of the Council forty-eight hours in advance of any vote regarding those minutes. Upon approval, minutes of each Council meeting shall be posted on the city's website.

5.00 NON-MEMBER'S RIGHT TO FLOOR

5.01 No person except the Mayor shall be given the floor on any matter except by majority consent.

5.02 At any time during a meeting, the Mayor may be recognized by the presiding officer and address the Council on the matter presently under debate.

5.03 At every meeting of the City Council (namely Regular meetings), the public shall have the ability to address the Council. There shall be up to 30 minutes allotted for the public to speak.

1. Each speaker should state his/her name, residential address and topic on which he/she is intending to speak. The comments shall be limited to only items that appear on the Council agenda for the noticed meeting. The following topics are excluded and speakers shall not be permitted to discuss:

- Any topics listed for executive session;
- Political and/or campaign topics;
- Commercial/advertising topics.

2. Each speaker will be allotted no more than two (2) minutes to speak and the City Clerk shall keep track of this time frame.

3. Comments shall be respectful and adhere to Council decorum. The Council President, at any time, may refuse to permit a speaker to speak or continue speaking if they fail to adhere to decorum and requirements herein, or has in the past failed to adhere to decorum and requirements herein.

6.00 NOTICES TO DEPARTMENT HEADS

6.01 No head of a commission, department or any other city agency, other than City Solicitor, Controller or Treasurer, shall be required to address, explain or defend any activity of the respective commission, department or agency before the City Council except upon one week's written notice.

6.02 If the head of a commission, department or any other agency of the City requests to appear before the City Council to explain or defend any activity of the Commission, Department or agency, one week written notice must be given to the City Council.

6.03 Notice shall contain all matters in which the Council may require information; but, subject to the rule of the Chair, shall not prevent any member from requesting information on any other department matter. If request is made for information not contained in such notice, the department executive shall be given sufficient time, as defined by the Chair, to prepare a response.

6.04 The City Solicitor, Controller and Treasurer shall be required to attend all regularly scheduled meetings for the purpose of advising the Council on subject matter under their jurisdiction.

7.00 EFFECT OF FAILURE TO ACT ON MATTERS BEFORE COUNCIL

7.01 Petitions for an initial license or permit, if not finally acted upon by the date on which the license or permit applied for would expire, shall be placed on file.

7.02 A petitioner seeking to renew an existing license may continue to operate, pending final determination of any renewal application by the City Council, but only on condition that application for renewal of said license has been made. Failure to timely apply for license or permit renewal shall terminate any rights granted under the license or permit.

7.03 If the license or permit for which petition has been made has no expiration date, the petition shall remain active until final action has been taken by the Council.

7.04 Claims, if not finally acted upon within three years of the date of the incident from which the claim arises, shall be placed on file.

7.05 All other papers not finally acted upon at the end of a biennial session shall be placed on file, unless the Council votes within 30 days of the beginning of the next biennial session to hold over said paper provided that no matter shall be carried over for more than one biennial session.

8.00 ROBERT'S RULES APPLY

8.01 Robert's Rules of Order shall be the authority on all questions of debate or parliamentary procedure, whenever the same do not conflict with the rules set forth by the City Council.

9.00 DECORUM DURING MEETINGS OF THE COUNCIL

9.01 Unless prescribed by religious duty, spectators or visitors shall wear no head covering while in the Council Chamber.

9.02 Participants and spectators shall disable the audible signal on any electronic communication device and shall not use said device when any meeting of the Council is in progress. This section shall not apply to video or audio recordings made in compliance with the provisions of the Open Meeting Law, or to research matter under discussion.

PRESIDING OFFICER

10.00 DESIGNATION OF PRESIDING OFFICER

10.01 Meetings of the City Council shall be presided over by a President, who shall be chosen annually from among its members.

10.02 In the absence of the President, the senior member present shall preside. Senior member shall mean the member with the most years of continuous service as a member of the Malden City Council.

10.03 In the event of a vacancy in the office of President, the senior member, as defined in 10.02, shall preside until a President is chosen by or roll call vote.

10.04 Any member called upon to preside over a City Council meeting under the provisions of Rule 10.02, 10.03 or 15.00 shall assume all the powers and duties of the President.

11.00 PRESIDENT TO CALL MEETING TO ORDER

11.01 The President shall take the chair at the hour fixed and, a quorum being present, shall proceed to business.

12.00 PRESIDENT TO ENFORCE RULES AND PRESERVE ORDER

12.01 The President or the presiding officer shall enforce the Rules and Orders of the City Council, preserve order and decorum, determine which member has the right to the floor, declare all votes and decide all questions of order; provided that any member may appeal the President's ruling to the full Council.

12.02 A motion for appeal on a question of order must be seconded. When an appeal is pending, no other business shall be in order until the appeal is decided.

12.03 Any member may request a roll call if he/she doubts the vote as declared by the President.

13.00 (Reserved)

14.00(Reserved)

15.00 PRESIDENT TO VACATE CHAIR TO ENGAGE IN DEBATE

15.01 The President may state facts and decide questions of order without leaving the Chair.

15.02 The President may engage in debate, but in such cases, shall call upon another member to preside and shall leave the Chair.

15.03 The President shall not resume the chair while a question on which they have spoken is pending, provided that the question under debate is decided before adjournment.

16.00 (Reserved)

RIGHTS AND DUTIES OF MEMBERS

17.00 MEMBERS TO OBSERVE RULES OF DECORUM

17.01 When speaking, members shall address the chair and shall confine comments to the question under debate.

17.02 No member shall mention another member in debate except by title or surname.

17.03 No member shall speak without the consent of the presiding officer or vote out of order.

17.04 No member shall interrupt another, except for a point of order (to correct a procedural mistake), or a point of information (to correct a factual error.)

17.05 Members shall not converse among themselves while a question is being stated, while a member is speaking or while a paper is being read.

17.06 When a member is called to order, they shall immediately come to order, unless the full Council is appealed to. Upon appeal, the question shall be decided without debate; and if the decision is against the member, they shall not be permitted to speak.

18.00 MEMBERS TO VOTE, UNLESS EXCUSED

18.01 Except when excluded by interest, every member, including the President, shall vote on all questions.

18.02 No member shall vote on any question or serve on any committee where his/her private right or interest is immediately concerned.

18.03 A request to be excused from voting must be made before the calling of the roll begins, and shall be decided without debate.

19.00 MEMBERS TO REMAIN AT MEETINGS UNTIL ADJOURNMENT

19.01 No member shall leave a meeting without permission of the President and his/her presence shall cause his/her name to be added to the roll for purposes of constituting a quorum.

20.00 (Reserved)

21.00 MEMBERS MAY REQUEST PERSONAL PRIVILEGE

21.00 At the conclusion of regular business, the President shall afford any member the floor on any matter of personal privilege.

INTRODUCTION OF ARTICLES TO THE CITY COUNCIL, MAKING OF MOTIONS, DEBATE, DECIDING QUESTIONS

FORM AND MANNER FOR INTRODUCTION OF ARTICLES TO COUNCIL

22.00 FORM OF ORDINANCES

22.01 The enacting style of all ordinances shall be as follows: "Be it ordained by the City Council of the City of Malden as follows...".

23.00 FORM OF ORDERS AND RESOLVES

23.01 Any action which the Council may command shall be termed an order and shall be expressed in the following form: "Ordered: That...".

23.02 Any matter in which the Council wishes to express an opinion or principal or to state a fact shall be termed a resolve and shall be expressed in the following for: "Resolved: That it is the sense of the City Council that...".

24.00 FORM OF PETITIONS

24.01 Any request to the City Council for a license or permit shall be termed a petition and shall be submitted on a form provided by the City Clerk.

24.02 Petitions shall be submitted to the City Clerk with a fee as determined by the City Council. Said fee shall be deemed an application fee and shall be non-refundable in the event that the license or permit is denied.

25.00 ARTICLES TO BE AUTHORIZED AND IN WRITING.

25.01 All matters, except petitions for licenses or permits, coming before the Council must be in writing and authorized by the member presenting them.

25.02 All petitions for licenses or permits coming before the Council must be in writing and signed by the petitioner.

26.00 OBJECTIONS TO THE INTRODUCTION OF ARTICLES

26.01 All docketed items introduced to the Council shall be read into the record by the title by the Clerk.

26.02 When a member objects to the reading of a paper, the majority of the members present and voting shall decide whether or not the paper will be read.

27.00 MANNER IN WHICH ARTICLES ARE PLACED ON COUNCIL DOCKET

27.01 All articles to be introduced at a City Council meeting shall be submitted to the City Clerk on or before 10am on the second City business day preceding the meeting.

27.02 On the second City business day preceding each Council meeting, the City Clerk shall prepare and distribute a docket, containing a listing of all articles of new business to be brought before the Council, all matters laid on the table, all enrolled ordinances, and any matters to be reconsidered.

To the extent practicable, the docket shall also contain a listing of Mayor's appointments and committee reports to be brought before the Council, provided that the introduction of additional appointments or committee reports may be made without suspension of this rule.

Dockets for regular and committee meetings shall be posted on the City Clerk's bulletin board and the City's website by the close of business on the second City business day preceding the meeting.

28.00 LIMITATIONS ON PLACING ARTICLES ON COUNCIL DOCKET

28.01 When a measure has been rejected by the Council, no item containing substantially the same subject matter shall be introduced within the next six months; except as otherwise provided by law.

DEBATE

29.00 LIMITATIONS ON A MEMBER'S RIGHT TO SPEAK

29.01 No member shall speak more than once on the same question until all members choosing to speak have spoken.

29.02 No member shall speak more than three times to the same question on the same day except by majority consent.

30.00 LIMITATIONS ON DEBATE

30.01 The following motions shall be decided without debate: to adjourn; to table to take from the table.

30.02 Debate on the following motions shall be limited as hereinafter proscribed:

1. on a motion to adjourn to a date certain, debate shall be allowed only on the date to which adjournment shall be made;
2. on a motion for the previous question, debate shall be limited to five minutes, with no member permitted to speak for more than two minutes. Members shall confine their comments to reasons why the main question should not be put.

30.03 In all other instances, debate may be limited only by adoption of a motion for the previous question.

The President shall put a motion for the previous question in the following form: "Shall the main question now be put?" and all debate on the main question and pending amendments shall be suspended until that question is decided.

Motions for the previous question shall be limited as proscribed in Rule 33.02. All incidental questions of order arising after a motion is made for the previous question shall be decided without debate, except an appeal.

After the adoption of the previous question, votes shall be taken, without debate, upon pending amendments in their regular order, and then upon the main question.

MOTIONS

31.00 MOTIONS MAY BE REQUESTED IN WRITING

31.01 At the request of the President, any motion shall be reduced to writing by the member making said motion.

32.00 DISPOSAL OF MOTIONS

32.01 A motion containing two or more propositions capable of division shall be divided whenever a member requests.

32.02 After a motion is stated, read or divided as provided in Rule 32.01, it shall be disposed of by vote,

32.03 The sponsor of any motion may withdraw it, by majority consent, at any time before a decision or amendment.

33.00 ORDER IN WHICH MOTIONS ARE CONSIDERED

33.01 Except as set forth below, the President shall propound all questions in the order in which they are made.

33.02 When a question is under debate, only the following motions shall be in order: to adjourn;

to table indefinitely;
to order the previous question;
to refer to committee; or
to amend;

These motions shall have precedence on the order in which they are arranged.

33.03 When setting amounts, the smallest figure shall be put first.

33.04 When fixing times, the latest date shall be put first.

33.05 When referring to committee, a motion to refer to a standing committee shall be considered before a motion to refer to a special committee.

34.00 (Reserved)

35.00 (Reserved)

36.00 MOTIONS FOR RECONSIDERATION

36.01 After a vote has been taken, any member of the majority may move reconsideration, provided that no motion to reconsider shall be made until after adjournment of the meeting in which the vote to be reconsidered was taken.

36.02 A member who wishes to move reconsideration shall, within 24 hours of adjournment of the meeting, notify the City Clerk of their intention to move for reconsideration at the next regular meeting. Upon receipt of such notice, the City Clerk shall retain possession of the papers until such meeting.

37.00 LIMITATIONS ON MOTIONS FOR RECONSIDERATION

37.01 No motion shall be reconsidered twice.

37.02 No vote on the following motions shall be reconsidered:

- to adjourn;
- to lay on the table;
- to take from the table;
- the previous question,
- to refer any matter to a committee;
- any vote in committee, other than a committee of the whole.

DECIDING QUESTIONS

38.00 ARTICLES PRESENTED TO PRESIDENT FOR SIGNATURE

38.01 Every article voted in the affirmative by the City Council shall be signed by the President.

39.00 APPOINTMENTS SUBJECT TO CONFIRMATION AND ELECTIONS BY THE CITY COUNCIL

39.01 APPOINTMENTS AND ELECTIONS GENERALLY

Except as provided in Rule 39.02, The Appointments Committee shall interview and make recommendation to the City Council on appointments or re-appointments to a city office, board or commission.

Any committee recommendation relative to appointment shall not be binding upon the Council.

39.02 ELECTION BY THE CITY COUNCIL

No less than 30 days prior to the expiration of the term of an appointment by the City Council, the appointee shall notify the City Clerk as to whether or not he or she will seek reappointment. The City Clerk shall add to the docket the re-appointment or vacancy.

Upon notification that an incumbent officer is seeking reappointment, the Appointments Committee shall meet with the officer for purposes of discussing departmental operations, accomplishments and goals and shall make a recommendation to the full City Council. This rule may be waived with respect to reappointment of full time city officers by majority vote of the City Council.

Upon notification that a vacancy does or will exist in any office appointed by the City Council, the Council shall solicit applicants in such manner as it deems appropriate. The Council may, by two thirds vote, appoint a Special Committee to fill a specific vacancy. The Council shall prepare a description of the duties of the vacant office, the necessary qualifications, and the application process and shall establish a deadline for applications; provided that these duties may be referred to the Appointments Committee or Special Committee, where applicable, by vote of a majority of the members present and voting.

At the expiration of the application period, applications shall be referred to the Appointments Committee or Special Committee, where applicable, for review, and a copy of each application shall be provided to each Councillor. The Committee charged with filling a vacancy may establish a period during which Councillors may make recommendation for interview of applicants. Upon expiration of any time established recommendation, the committee, where applicable shall interview those applicants who were most frequently recommended by Council members or, in the absence of recommendations, those applicants who Committee members deem best qualified. The Committee shall make a recommendation for appointment to the City Council.

Upon receipt of the Appointments Committee or Special Committee recommendation, the Council shall open nominations for the position, and members may nominate any applicant to fulfill the duties of the office.

39.03 APPOINTMENTS REQUIRING CONFIRMATION

Initial appointments and reappointments by the Mayor which are subject to confirmation shall be referred to the Appointments Committee for review and recommendation to the full Council. The Appointments Committee may, as part of its review, request that the Mayor provide background information on any initial appointment and shall meet with all nominees prior to recommendation.

In the case of reappointments, the Appointments Committee shall, prior to recommendation, meet with the officer for purposes of discussing departmental operations, accomplishments and goals.

The Council may, by majority vote, waive referral of a reappointment to the Appointments Committee and proceed immediately to confirmation.

40.00 STAGES FOR PASSING ORDINANCES

40.01 The City Solicitor shall provide an opinion as to form and legality, prior to an ordinance being passed to be enrolled.

40.02 All ordinances shall pass through the following stages: first reading; passed to be enrolled; passed to be ordained.

40.03 The City Clerk shall engross all ordinances before they are passed to be ordained. No engrossed ordinances shall be amended.

40.04 An ordinance shall not be passed in all its stages in one day except by a three-fourths vote of the City Council.

41.00 LIMITATION ON AUTHORIZATION OF EXPENDITURES

41.01 Except as provided by statute, after the annual budget has been adopted, no additional expenditures shall be authorized, unless provisions for the same shall be made in one of the following manners:

1. by specific transfer of an appropriation contained in the budget,
2. by supplemental appropriation,
3. from any funds in the City Treasury not otherwise appropriated or
4. by expressly creating debt.

41.02 In the last two cases, the order shall not be passed unless two-thirds of the whole of the City Council shall vote in the affirmative by roll call vote.

42.00 FINANCIAL ORDERS TO BE REVIEWED BY FINANCE COMMITTEE

42.01 All orders for appropriation to be made by transfer or loan shall not be acted upon until the matter has been referred to and reported upon by the Finance Committee.

42.02 No less than 14 days prior to adoption of the annual budget, the City Council shall hold a public hearing on proposed expenditures to provide residents with an opportunity to express objections to or support for specific expenditures or programs, or to propose new initiatives. The time and place of the hearing shall be determined by the Finance Committee Chairman. Notice of said hearing shall be publicized as determined by the Finance Committee Chairman and shall include information relative to the availability of the budget proposal for public inspection.

43.00 (Reserved)

COMMITTEES

44.00 APPOINTMENT OF COMMITTEES

44.01 The President shall annually, as soon after the organization of the Council as may be convenient, appoint members to the Standing Committees of the City Council, as listed below in Rule 46.01.

44.02 The President shall be an ex-officio member of all committees. When present, his/her name may be added to the committee roll for the purpose of constituting a quorum. If the President is added to the committee roll, he/she may vote upon matters before the committee. In any other case, the President shall vote only on committees to which he/she is regularly appointed.

45.00 APPOINTMENT OF CHAIRMEN

The first named member of each committee shall be the committee's chairman, and the second named member shall be its vice-chairman.

46.00 STANDING COMMITTEES

46.01 Standing Committees shall be constituted as follows:

CEMETERY COMMITTEE: THREE MEMBERS. The Cemetery Committee shall have jurisdiction over all matters related to city owned cemeteries which require action by the city and shall consult with the Cemetery Trustees relative to care and maintenance of all property owned and managed by the Cemetery Trustees.

FINANCE COMMITTEE: SIX MEMBERS. The Finance Committee shall have jurisdiction over all matters pertaining to municipal finance, including accounts, bonds, claims, and salaries. The Finance Committee shall also make recommendations relative to allocation of Community Development Block Grant Funds and settlement of small claims against the city.

LICENSE COMMITTEE: FIVE MEMBERS The License Committee shall have jurisdiction over all petitions for licenses granted by the City Council.

PERSONNEL/APPOINTMENTS COMMITTEE: FIVE MEMBERS. The Personnel/Appointments Committee shall review candidates to fill vacancies to all city offices, including Mayoral appointments to be confirmed by the City Council and positions over which the City Council has appointing authority, except where a Special

Committee has been appointed to fill a specific vacancy, and shall have jurisdiction over all matters related to salary classification, and employee evaluation.

PUBLIC PROPERTY COMMITTEE: THREE MEMBERS. The Public Property Committee shall have jurisdiction over the care, use and maintenance of all municipal buildings and all property obtained through foreclosure of tax titles.

PUBLIC SAFETY COMMITTEE: THREE MEMBERS. The Public Safety Committee shall have jurisdiction over all matter relating to the Police Department, Fire Department and Emergency Management.

PUBLIC WORKS COMMITTEE: THREE MEMBERS. The Public Works Committee shall also have jurisdiction over all matters related to streets, sidewalks, water, sewer, parks and playgrounds.

RULES AND ORDINANCE COMMITTEE: FIVE MEMBERS. The Rules and Ordinance Committee shall have jurisdiction on all proposed changes to the Council rules, city ordinances and petitions to the state for home rule legislation; provided that, in accordance with state law, the Ordinance Committee shall not make a recommendation on a proposed amendment to the Zoning Ordinance before having received a written recommendation from the Planning Board, or until 21 days have expired from the close of the required public hearing and no recommendation has been received.

47.00 SPECIAL COMMITTEES

47.01 Unless otherwise provided by law or Council Order, all special committees shall be appointed by the President and the sponsor of an order or resolve creating a special committee shall be the first named to that Committee; provided that the Councillor so named may refuse appointment to the Committee and the President may name another member in his/her place.

Any order or resolve creating a special committee shall specify its mission

47.02 Unless otherwise provided by ordinance or charter, no member shall serve on a committee established by any city official, department, board or commission except in his/her capacity as a member of the Council. On any such committee where Council representation is requested, the Council President shall designate the member or members who will serve.

48.00 RECORDS OF COMMITTEE MEETINGS

48.01 The Clerk of Committees shall attend all Committee meetings, call the roll, keep minutes and prepare committee reports.

48.02 If more than one Committee meeting is scheduled for the same hour, the City Clerk shall act as Clerk to one of the Committees.

48.03 If the Clerk of Committees or the City Clerk cannot attend a Committee meeting, the Chairman shall appoint a member of the respective Committee to keep minutes and prepare committee reports.

49.00 CLERK OF COMMITTEES TO KEEP LIST OF ITEMS IN COMMITTEE

49.01 The Clerk of Committees shall keep a list of Committees, of papers referred to each committee containing the paper number, title and date referred. The said list shall be periodically updated to reflect current pending papers.

50.00 COMMITTEE REPORTS TO REPRESENT VIEWS OF THE MAJORITY

50.01 Any committee report forwarded to the full Council shall have been agreed to in committee by a majority of the members present and voting.

51.00 MEMBERS MAY SUBMIT MINORITY REPORTS

51.01 The names of members dissenting from a committee vote shall be printed on the docket followed by the word "dissenting".

51.02 Any member of the minority may submit a minority report to the Council President during the same meeting in which the majority report is received.

51.03 The President shall, upon receipt of a minority report, have the same read into the record immediately following the reading of the majority report.

52.00 SCHEDULING OF COMMITTEE MEETINGS

52.01 Committee meetings shall be scheduled on Tuesdays no earlier than 5:30 p.m. and no later than 9:00 p.m. on designated Committee nights and no later than 6:45p.m. on a Council meeting night. Committee Chairs may in their discretion call a meeting on any night other than Tuesday provided proper notice is given..

52.02 In the absence of the chairman and vice chairman, senior member as defined in rule 10.02 may call meetings and will act as Chairperson.

SUSPENSION OR AMENDMENT OF RULES

54.00 FORCE AND EFFECT OF RULES; AMENDMENT, SUSPENSION

54.01 These rules shall remain in force and effect until amended or repealed by two-thirds of the City Council; provided that a motion to amend or repeal shall not be made and finally acted upon at the same meeting.

54.02 These rules may be suspended whenever two-thirds of those present and voting shall so vote.

RULES OF THE MALDEN CITY COUNCIL FOR THE ISSUANCE OF SPECIAL PERMITS AS REQUIRED BY CHAPTER 40A SECTION 9 OF MASS. GENERAL LAWS

1.00 CITY COUNCIL AS GRANTING AUTHORITY

The Malden City Council acts as Special Permit granting authority in accordance with the powers invested in them by the Malden Zoning Ordinance and Massachusetts General Laws Chapter 40A.

2.00 HEARINGS

All special permit applications requiring Council approval shall be heard by the Committee of the Whole on a date set by the Council President.

3.00 FORMS

Forms for petitioning for a hearing are available at the Malden Government Center and such other locations as may be designated by the Building Inspector. The forms are self-explanatory and must be filled out completely.

4.00 PETITION SUBMITTED

The petition shall be submitted to the City Clerk, along with a list certified by the Assessors of all names and addresses of the parties in interest, and proof that payment has been named to the City Treasurer as per fee schedule stated in Rule 5. The City Clerk shall forthwith post said petition and transmit all materials required by these rules to the staff of the Malden Planning Board.

5.00 FEES

The following fee will apply to Special permits issued by City Council:

Structures more than 6 stories	
7-8 stories	\$7,000
9-10 stories	\$8,000

11-12 stories

\$10,000

6.00 PUBLICATION OF NOTICE OF HEARING

The petitioner will publish, at his/her own expense, a notice of hearing in a newspaper of general circulation in Malden as prepared by the Planning Staff. Notice to be published once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing (the day of the hearing should not be counted in the fourteen days). The planning staff shall post and send notices as required in Section 11 of Chapter 40A of the General Laws, as amended.

7.00 COPIES

Each application shall be accompanied by eighteen (18) copies of all plans, documents and associated materials.

8.00 PLANS

Plans shall be drawn at a scale not to exceed forty feet (40') to the inch, and shall include the plot of the building, parking and open space on the lot; the topography of the land to at least two (2) foot contour intervals; and architectural details of the building including front, side and rear elevations.

9.00 DECISIONS OF THE CITY COUNCIL

9.01 All decisions of the City Council and actions required to be taken by it shall be by two-thirds vote in accordance with and within the time limitations set forth in Section 800 of the Zoning Ordinance.

9.02 The Council shall cause to be made an accurate record of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact and setting forth clearly the reasons for its decision and of its other official actions.

9.03 Copies of such decisions and/or actions shall, within fourteen (14) days of the decision or action thereon, be filed with the City Clerk and shall be a public record. Notice of decisions shall be mailed forthwith to all parties as defined and required under Section 11, Chapter 40A of the General Laws as amended and to every person present at the hearing who requests that notice be sent to him and states the address to which such notice is to be sent.

10.00 SPECIAL PERMIT TAKES EFFECT

No Special Permit, or an extension, notification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, it has

been dismissed or denied, is recorded in the Middlesex South Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering the said permit shall be paid by the owner or applicant.

11.00 RULES INCORPORATED BY REFERENCE

Incorporated within these rules are the Rules and Orders of the Malden City Council, as amended, the Malden Zoning Ordinance, as amended, and Chapter 40A of the Massachusetts General Laws, as amended, insofar as they may be applicable.