

Malden, Massachusetts

Date: April 17, 2025

His Honor the Mayor has approved Paper #158 Series of 2025

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 and Title 9, Chapter 16 are hereby amended as noted in the body of said paper, effective immediately.

- **Strike MCC 2.12.060 COMPLIANCE OFFICERS in its entirety**
- **Strike MCC 2.12.080 DEPARTMENT OF INSPECTIONAL SERVICES in its entirety and replace with the following:**

2.12.080 DEPARTMENT OF INSPECTIONAL SERVICES

A. The Department of Inspectional Services serves to ensure:

1. All work regarding buildings, plumbing and wiring conforms to appropriate laws, ordinances and codes at the time of permitting, during performance and completion of such work,
2. Residential dwellings meet Minimum Standards of Fitness for Human Habitation, as set forth in the State Sanitary Code, and Housing Standards, as adopted by the Malden Board of Health,
3. All food handling, preparation and service meets sanitation standards for Food Establishments, including Food Trucks,
4. Compliance with other State Laws, City Ordinances and Board of Health regulations including but not limited to those related to snow removal, pool safety, body art, noise and other nuisances and
5. Provide management and oversight to the City Planner.

B. The Mayor shall appoint the Building Commissioner. The Building Commissioner shall, with the approval of the City Council, serve as the Director of Inspectional Services for a term of three years, commencing July 1, 2012. The Director shall be charged with the administrative and executive oversight of all Inspectional Services staff including such administrative, clerical and inspectional personnel as may be provided for by appropriation.

C. The Director of Inspectional Services shall, in addition to other duties imposed by law or ordinance:

1. monitor the issuance of all building, plumbing and wire permits issued by the city, shall schedule all inspections required thereunder, and coordinate activities of the Local Building Inspector(s), the Inspector of Wires and the Inspector of Plumbing.

2. oversee and manage the work of Health Inspectors, Compliance Officers, and the City Planner.
- D. Compliance Officers shall work under the direction and control of the Director of Inspectional Services.
1. Compliance Officers shall, at the request of the Chair of the City Council Licensing Committee, review any application seeking to obtain or renew any license issued under the authority of the City Council.
 2. Compliance Officers shall work to promote the health, safety and welfare of the residents of Malden by ensuring that residents and businesses conform to the requirements of state law, city ordinance, rules and regulations promulgated pursuant thereto, and restrictions, conditions or limitations on licenses and permits granted by the City and shall endeavor to promote community awareness of and adherence to city and state requirements for specific activities or uses of property.
 3. Compliance Officers may investigate any property or activity in the City for the purpose of:
 - i. assuring that the use of said property or the activity engaged in is allowed by law or ordinance;
 - ii. determining that the use of said property or the activity engaged in has been properly licensed or permitted;
 - iii. confirming that restrictions, conditions or limitations placed on licenses and permits are being met;
 - iv. initiating enforcement proceedings against any resident, business or property owner who fails to comply with any law, ordinance, rule, regulation or condition or restriction on a license or permit.
- E. The Mayor, with the approval of the City Council, shall appoint the City Planner, who, working in conjunction with the Planning Board and under the direction of the Mayor and Director of Inspectional Services, shall develop and maintain the city's master plan and make recommendations relating to land use management and disposition of land owned by the city. The City Planner shall have such other duties with respect to city planning as may from time to time be assigned by the Mayor.
- F. Sealer of Weight and Measures
1. The Director of Inspectional Service shall be the Sealer of Weights and Measures upon appointment by the Mayor, and may recommend to the Mayor for appointment Deputy Sealers of Weights and Measures. All such appointed Sealers shall be qualified as required by law.
 2. The Sealer of Weights and Measures shall test scales, weights and measures for the public, shall have the care and custody of all public scales of the City, shall enforce all laws relative to the use of weights and measures.
- **Strike MCC 2.12.105 DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES in its entirety, rename and replace with the following:**

2.12.105 DEPARTMENT OF HEALTH AND HUMAN SERVICES

- A. The Department of Health and Human Services serves to protect, promote, and sustain the personal and environmental health of the community. This is accomplished through education, policy development, programs, and services for Seniors, Teens, and Veterans, health, sanitation, disease control and addiction recovery. The Department also works to strengthen the ways in which public health and social services work together to be responsive to the physical, social, and emotional needs of community members.
- B. The Mayor shall appoint the Director of Health and Human Services to a three-year term subject to confirmation by the City Council.
- C. The Director of Health and Human Services is the administrative officer of the department and shall provide for the internal organization of the department and shall, subject to funding, hire and supervise coordinators, assistants, nurses, and other support staff. The Director of Health and Human Services shall oversee directors and staff who work:
 - 1. as Public Health Nurses,
 - 2. in addiction recovery support,
 - 3. for the Malden Senior Center,
 - 4. for the Malden Teen Enrichment Center,
 - 5. at the Office of Veterans' Services,
 - 6. in language access support, or
 - 7. coordinating other human services provided by the City.

- **Strike MCC 2.12.130 SENIOR CENTER PROGRAM COORDINATOR in its entirety and replace with the following:**

2.12.130 SENIOR CENTER PROGRAM COORDINATOR

- A. The Mayor shall appoint a Senior Center Program Coordinator who shall report to the Director of Health and Human Services.
- B. The Coordinator shall oversee the daily operations and budget of the Senior Center, develop programs and activities, manage staff, and hire such staff and assistants as may be provided for by appropriation. The Coordinator, In consultation with the Council on Aging, shall develop and implement programs to provide social and support services to seniors, establish an information and referral system for issues related to aging and advocate for the city's aging population.
- C. The Coordinator may apply for grants and awards from state and federal human service programs, may seek funding from private organizations and may engage in private fund-raising, provided that all funds so acquired be deposited in the City Treasury and expended as allowed by law. Provided that funds raised by independent non-profits on behalf of the Senior Center shall remain under control of the non-profit organization.

- **Strike MCC 2.12.180 TEEN PROGRAM COORDINATOR in its entirety and replace with the following:**

2.12.180 TEEN PROGRAM COORDINATOR

- A. The Mayor shall appoint a Teen Program Coordinator who shall report to the Director of Health and Human Services. The Teen Program Coordinator shall develop a comprehensive plan to provide teens with programs, activities and events to assist them in making positive life choices and in preparing for future employment, higher education, citizenship and adult life. The Coordinator shall hire such subordinates and assistants as may be provided for by appropriation.
- B. The Teen Program Coordinator may apply for grants and awards from state and federal agencies, may seek funding from private organizations and may engage in private fundraising, provided that all funds so acquired be deposited in the City Treasury and expended as allowed by law. Provided that funds raised by independent non-profits on behalf of the Teen Enrichment Center shall remain under control of the non-profit organization.
- C. The Teen Program Coordinator, for the purpose of providing programs for teens, may act in conjunction with similar agencies, both private and public and may, subject to funding, enter into agreements with such agencies for the provision of services.
- D. The Teen Program Coordinator shall establish rules and regulations governing use of facilities under its control.

- **Strike MCC 2.16.020 BOARD OF HEALTH in its entirety and replace with the following:**

2.16.020 BOARD OF HEALTH

- 1. There shall be a Board of Health organized under the terms outlined in MGL Chapter 111 Section 26. The Board of Health shall have and exercise all the powers and duties conferred upon Boards of Health in cities by MGL Chapter 111.
- 2. The Board of Health shall annually, as soon after the first Monday in March as practicable, meet and organize by the choice of a chair and clerk. The clerk shall not be a member of the Board.
- 3. The Board of Health shall, upon recommendation by the Mayor or Director of Inspectional Services, appoint agents for the purposes of making sanitary inspections and such agents may make complaints of violations of any law, ordinance, or by law relative to the public health (MGL Chapter 111, Section 30).
- 4. The Board of Health shall:
 - 1. make and publish such rules and regulations as are necessary for the public health, safety and welfare of the City and its residents,
 - 2. hear and decide appeals on Orders to Correct seeking compliance with its rules and regulations issued by the City's agents,
 - 3. make a full and comprehensive report to the Mayor and City Council of its actions and the sanitary health of the City as provided MGL Chapter 111 Section 28,
 - 4. send to the Commonwealth's Department of Health a report of the deaths in the City by noon each Saturday as provided by MGL Chapter 111 Section 29.

- **Strike the existing language of Sections 9.16.010, 9.16.020, 9.16.030, 9.16.040 and 9.16.050 and replace with the following:**

9.16.010 GENERAL PROVISIONS

Except as provided in this section, no owner, lessor or person in control or in charge of a rental unit shall commence any new tenancy or occupancy in an existing rental unit without having obtained a Rental Unit Inspection Certificate from the Inspectional Services Department; provided that any unit may be occupied prior to inspection after five business days have elapsed from the submission of a completed application for inspection; and provided further that any unit occupied under this exception shall be subject to inspection subsequent to the commencement of a tenancy or occupancy.

1. All owners, lessors or person in control or in charge of a rental unit, who do not reside within the subject dwelling, shall submit to the Inspectional Services Department their personal address and telephone contact information. If this information changes, it must be updated with the Inspectional Services Department within ten (10) days.
2. All owners, lessors or person in control of a dwelling consisting of three (3) or more units, who do not reside within the subject dwelling, shall post and maintain or cause to be posted and maintained on such dwelling adjacent to the mailboxes or elsewhere in a location that is visible; a notice constructed of durable material, bearing his/her name, address and telephone contact information.
3. If the owner or lessor is a realty trust or partnership, the name, address and telephone number of the managing trustee or partner shall be posted. If the owner is a corporation, the name, address and telephone of the president of the corporation shall be posted. Where the owner employs a manager or agent who does not reside in such dwelling, such manager or agent's name, address and telephone number shall be included in the notice.
4. P.O. Boxes do not satisfy the address requirement of this section.
5. Any owner residing outside the Commonwealth of Massachusetts must designate an area resident agent authorized to accept service on the owner's behalf.
6. The following properties shall be exempt from the provisions of this section:
 1. property or units owned or managed by the Malden Housing Authority;
 2. hotels, motels and mobile homes that have been otherwise permitted by the Inspectional Services Department;
 3. owner occupied premises containing three or fewer units, provided that a homeowner may elect to participate in the program;
 4. property which contains 20 or more units and is providing housing exclusively for elderly or low and moderate income persons under federal or state subsidy programs;
 5. licensed rooming house units, provided that each licensed rooming house shall be subject to inspection in its entirety in January and June of each year for a fee of \$125 per inspection.
 6. properties whose owners have applied for and been granted by the Board of Health on or before June 30, 2025 or from the Department of Inspectional Services on or after July 1, 2025 an exemption, not to exceed a duration of three years, based on demonstrated compliance with the provisions of this ordinance for the two years immediately preceding; provided that any such exemption may be revoked by the Board if one or more violations are found to exist and have not been corrected within the time allotted in a notice from any agent of the board. For purposes of this

section, payment of a fine issued pursuant to MGL Chapter 40 Section 21D or a determination by the Municipal Hearing Officer that a fine was warranted shall be prima facie evidence that a violation exists.

9.16.020 APPLICATION FOR INSPECTION

1. The owner, lessor or person in control or in charge of a rental unit shall submit a completed application for dwelling unit certification to the Department of Inspectional Services for each unit requiring inspection. Application shall be in a form determined by the Director of Inspectional Services and shall be accompanied by a non-refundable fee of \$50.00.
2. The Director of Inspectional Services shall deny, without inspection, an application which:
 1. fails to provide the required information;
 2. provides false information;
 3. is not accompanied by the required fee;
 4. pertains to property that is in violation of the zoning ordinance;
 5. pertains to property or property owners who have outstanding taxes, fees, fines or charges due the city; or
 6. the owner, lessor or person in control or in charge of the rental unit has failed, in the judgment of the Director of Public Health, to provide reasonable access to the unit for purposes of inspection.

9.16.030 INSPECTION - STANDARDS FOR CERTIFICATION; ORDER TO CORRECT DEFICIENCIES

1. The Director of Inspectional Services or their agents and employees shall inspect each rental unit to assure compliance with Minimum Standards of Fitness for Human Habitation, as set forth in the State Sanitary Code, and Housing Standards, as adopted by the Malden Board of Health.
2. The Director of Inspectional Services shall issue a Rental Unit Inspection Certificate for each unit found to be in compliance or, if a rental unit fails to meet the minimum standards set forth above, shall issue Housing Inspection Report and an Order to Correct Deficiencies. Said order shall establish the date by which corrections must be completed and shall provide notice that proper permits must be obtained for any work done under the order.
3. The owner of a unit for which an Order to Correct Deficiencies has been issued may request re-inspection at any time and shall pay a \$20.00 re-inspection fee. Upon completion of the required corrections and verification that proper permits have been obtained, a rental Unit Inspection Certificate shall be issued.

9.16.040 DENIAL OF CERTIFICATE - RIGHT TO APPEAL

1. An applicant may, within seven days of receipt of an Order to Correct, file an appeal, in writing, with the Board of Health, detailing the alleged grounds for modification, or withdrawal of the Order to Correct.
2. The Board of Health shall, within 30 days of receipt of a notice of appeal, hold a public hearing, notice of the time and place of which shall be provided to all parties in interest. Failure to hold a hearing within the time specified herein shall not affect the validity of an Order to Correct.

3. The applicant or any other interested party may present documentary evidence and witnesses at the hearing. Within 7 days of the public hearing, the Board of Health shall issue a decision sustaining, modifying or vacating the Order to Correct and, if the Order is sustained, shall stipulate the time within which corrections shall be made.

9.16.050 PENALTY FOR VIOLATION

Violations of any provision of this ordinance may be punished in the manner provided in MGL Chapter 40 Section 21D by a fine of \$100.00 per incident. Each 24 hours during which a violation exists shall constitute a separate offense for which an additional fine may be imposed.

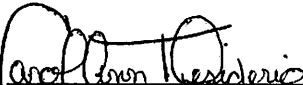
Sponsored by Stephen Winslow

Paper #158 Series of 2025, 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 15, 2025 meeting.

Approved, April 17, 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