



City of Malden

Malden City Hall
200 Pleasant Street
Malden, MA 02148

Meeting Agenda - Final Rules & Ordinance Committee

*Members: Councillors D'Arcangelo, Chair; Nestor, Vice Chair,
Anderson, Spadafora, Sica*

Tuesday, November 17, 2015

6:15 PM

City Council Chambers

Roll Call

Business

[350-15](#)

Be it ordained that Section 6.47 of R.O. 1991 be amended relative to fees for Offsite Parking Facilities

Sponsors:

Craig Spadafora

[542-15](#)

Be it ordained that Section 9.41 of the Revised Ordinances of 1991 be amended relative to Public Nuisances

AMENDMENTS TO SECTION 9.41 PUBLIC NUISANCES

Amend Section 9.41.2 Mailing of Notice to Property Owners and Others
(Proposal to amend the highlighted sentence of this section)

In the event the police department, the Building Inspector, the Board of Health or its agents and employees, a code enforcement inspector or a Compliance Officer has responded to a public nuisance, a notice of response shall be mailed within ten (10) days of the incident to the property owner of the premises as listed in the City of Malden tax assessment records. Said notice shall advise the property owner of this ordinance, state whether it's a first response, and notify that the second or any subsequent such response on the same premises within a one year period, as measured from the date of the first notice, shall result in liability of the property owner for all penalties and costs associated with such response as more particularly described below.

Amend Section 9.41.3 by changing title to: Liability for a First Response
Amend Section 9.41.4 by changing title to: Liability for a ~~Third~~ Second and Subsequent Responses

(Further amending the highlighted provisions of this section):

If the police department, the Building Inspector, the Board of Health or its agents and employees, a code enforcement inspector or a Compliance Officer has responded to a public nuisance as defined herein more than ~~twice~~ once in any one year period, as measured from the date of the first response, the following persons shall be jointly and severally liable for fines as set forth below. Response costs may also be assessed.

- .1 the person or persons residing on or otherwise in control of the premises whether present or not;
- .2 the person or persons who organized or sponsored a gathering resulting in the public nuisance; and,
- .3 the person, or persons or business entity which at the time of the public nuisance owned the premises where the nuisance took place, provided that notice of the first ~~and subsequent~~ response has been mailed to the property owner of the premises as set forth herein and the nuisance occurs at least ~~fourteen (14)~~ five (5) days after the mailing or serving of the first such notice. The property owner shall not be held responsible for any violation and penalties if they are actively pursuing an eviction of the tenant who controlled, organized, or is responsible for the nuisance. The one year time period for violations of a premises shall pertain only to the same residents occupying the premises who have had the prior violation(s). New residents shall start a new time cycle of one year should they violate the provisions of this ordinance.

Amend Section 9.41.5: Enforcement

(Proposing to amend the highlighted sentence of this section):

This ordinance may be enforced by the noncriminal disposition process of M.G.L. c.40, section 21D. For the purpose of noncriminal enforcement, the enforcing persons shall be any police officer or duly authorized official of the City of Malden and the fine shall be \$300.00 for the ~~third~~ second and all subsequent offenses. The City may additionally seek response costs associated with enforcement of this ordinance.

Sponsors:

David D'Arcangelo

Other Business

Adjournment