

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) 2.12.170 Recreation Programs/Recreation Coordinator is hereby amended by adding:

1. To Subsection B the following text after the words “for use by the public”: in accordance with regulations and fee schedule established by the Stadium and Athletic Field Commission under the Malden City Charter and MCC Section 2.16.140, provided that the duration of any permit, license or contract to use a municipal recreational facility shall not exceed one year unless specifically authorized by the City Council, and;

2. By adding Subsection D to read: The Recreation Coordinator, any duly hired subordinates and assistants as well as City Compliance Officers shall have authority to enforce the regulations and permits issued under authority of MCC Sections 2.12.170 and 2.16.140 in the manner provided in Mass. Gen. Laws Chapter 40 § 21D. Each twenty-four-hour period during which a violation exists shall constitute a separate offense, punishable by the imposition of an additional fine. Individuals that are part of a group found to have violated this ordinance shall be jointly and severally liable to pay any fee or penalty due. Penalties for violations of this Ordinance will be strictly enforced, and are as follows:

1. First violation: A written warning plus, at the discretion of the Recreation Coordinator, the cost of any permit fee and applicable hourly use fees.

2. Additional violations: \$300 per day plus applicable permit and hourly use fees.

Such fines and penalties shall in addition to any other remedy allowed by law or ordinance including trespass or payments for physical damages caused by unpermitted uses or in use in excess of permitted uses.

So that the Ordinance in it’s entirety would read as follows:

### **2.12.170 RECREATION PROGRAMS/RECREATION COORDINATOR**

The Mayor shall designate a Recreation Coordinator, who shall serve at the Mayor’s pleasure and shall, in consultation with the Stadium and Athletic Field Commission, develop and coordinate a comprehensive plan to make recreational activities, programs, events and facilities available to residents of the city. The Coordinator shall hire such subordinates and assistants as may be provided for by appropriation.

A. The Recreation Coordinator may apply for grants and awards from state and federal agencies, 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.

- B. The Recreation Coordinator may issue permits for the use of fields, parks, stadiums, and other municipal recreational facilities which are now or from time to time designated as available for use by the public in accordance with regulations and fee schedule established by the Stadium and Athletic Field Commission under the Malden City Charter and MCC Section 2.16.140, provided that the duration of any permit, license or contract to use a municipal recreational facility shall not exceed one year unless specifically authorized by the City Council.
- C. Each use permit shall specify the days, hours, activities and facilities or portions of a facility to which it applies and shall entitle the permit holder to exclusive use of said facility or portions of said facility for the duration of time specified on the permit; provided that use of a permitted facility for any activity not authorized by a permit shall render the permit null and void.
- D. The Recreation Coordinator, any duly hired subordinates and assistants as well as City Compliance Officers shall have authority to enforce the regulations and permits issued under authority of MCC Sections 2.12.170 and 2.16.140 in the manner provided in Mass. Gen. Laws Chapter 40 § 21D. Each twenty-four-hour period during which a violation exists shall constitute a separate offense, punishable by the imposition of an additional fine. Individuals that are part of a group found to have violated this ordinance shall be jointly and severally liable to pay any fee or penalty due. Penalties for violations of this Ordinance will be strictly enforced, and are as follows:
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Such fines and penalties shall in addition to any other remedy allowed by law or ordinance including trespass or payments for physical damages caused by unpermitted uses or in use in excess of permitted uses.