

HOME RULE PETITION

“AN ACT STRIKING CERTAIN PROVISIONS OF

THE CHARTER OF THE CITY OF MALDEN”

(Chapter 169 of the Acts of 1881 and acts in amendment thereto)

Whereas, the City of Malden is a municipal corporation organized and governed under the laws of the Commonwealth of Massachusetts, specifically Chapter 169 of the Acts of 1881 and acts in amendment thereto; and

Whereas, in 2018, when the City undertook an effort to consolidate these provisions into a single, more usable document, a number of organizational inconsistencies, outdated provisions and operational inefficiencies were revealed; and

Whereas, to address these issues, the Mayor and City Council jointly appointed the Committee on Charter Revision, as an advisory group tasked with proposing a strengthened and modernized charter; and

Whereas, having received freely expressed input from the public by way of public meetings, various forums and from working groups, the Joint Charter Review Committee has completed its assessment and recommends that various provisions of the Charter be removed and deleted, and

Whereas, the Joint Charter Review Committee has recommended that various provisions of the City of Malden’s Charter be removed and deleted to allow the replacement of the deleted provisions with more cohesive, consistent, organized and modernized language reflecting the manner of governance by utilizing Amendments to the Ordinances of the City.

Now, therefore,

Be it hereby resolved that the Legislature of the Commonwealth of Massachusetts enact this Home Rule Petition and delete or strike from the Charter of the City of Malden the following provisions:

First, the provision entitled, “**FIRE COMMISSIONER AND DEPARTMENT**” that is presently contained in the following section:

Section 16. The mayor and city council shall, within sixty days after the acceptance of this act, appoint one person to be fire commissioner, whose term of office shall expire on the first day of March in the year nineteen hundred and ten, and shall thereafter in the month of January or February in the year nineteen

hundred and ten, and in every third year thereafter, appoint one person as fire commissioner, whose term of office shall be three years from the first day of March next succeeding his appointment. The fire commissioner appointed under this act shall hold office until a successor is chosen and qualified, but he may be removed by the mayor and council at any time for cause. Any vacancy may be filled by the mayor and council at any time. The fire commissioner and members of the fire department shall receive such compensation as may be fixed by the city council, notwithstanding the provisions of any general or special law to the contrary.

Said commissioner shall establish a fire department for said city, to consist of such officers and members as he shall from time to time determine. He shall appoint said officers and members and may remove any officer or member in his discretion. He shall fix the time of appointment and term of service of said officers and members, shall define their respective duties, and in general may make such rules and regulations as are or may be authorized by the laws pertaining to fire departments, concerning the conduct of said officers and members and the government of said department, the prevention and management of fires and the conduct of persons attending fires, and may affix penalties for any violation of such rules and regulations, or any of them, not exceeding the amount authorized by law for the breach of rules and regulations pertaining to fire departments. He shall have and exercise all other powers which have been conferred by law upon the mayor and city council, or which may hereafter be so conferred, in respect to the powers and duties of fire departments and the rules and regulations pertaining to fire departments. The board of fire engineers constituted and appointed by said commissioner, or the chief or head of the fire department constituted and appointed by said commissioner in case no board of fire engineers shall be constituted by said commissioner, shall have and exercise all the powers and be subject to all the duties which have been conferred or imposed by law upon boards of fire engineers or the chief or head of fire departments, or which may hereafter be so conferred or imposed by law. The engineer of said fire department in command at a fire shall have and exercise all the powers of firewards, including the powers conferred upon firewards by section three of chapter thirty-five of the Public Statutes. Said commissioner shall not incur or authorize any expenditures without a previous appropriation therefor by the city council.

(The statutory history of Section 16 is as follows: C. 169 of 1881; Amended: C. 182 of 1892, C.93 of 1908, C. 550 of 1955, C. 354 of 1957).

Second, the provision entitled, “**POLICE COMMISSIONER AND POLICE DEPARTMENT**” that is found in the following section.

Section 23 A. The mayor and council shall, within sixty days after the acceptance of this act, appoint one person to be police commissioner, whose term of office shall expire on the first day of March in the year nineteen hundred and fifteen, and shall thereafter, in the month of January or February in the year nineteen hundred and fifteen, and in every third year thereafter, appoint one person as police commissioner, whose term of office shall be three years from the first day of March next succeeding his appointment. A police commissioner appointed under this act shall hold office until his successor is chosen and qualified, but he may be removed by the mayor and council at any time for cause. Any vacancy may be filled by the mayor and council at any time. The police commissioner shall receive such compensation as may be fixed by the city council. The police commissioner shall have authority to appoint, establish and organize the police of said city and to make all needful rules and regulations for its efficiency. Except as otherwise provided herein, all the powers and duties now conferred or imposed by law upon the mayor and council of said city or upon the chief of police or city marshal relative to the appointment, pay, discipline, management, control, removal and retirement upon pension of the police of said city, are hereby conferred and imposed upon said police commissioner. He shall have the care of the police station, shall have the care and custody of all property of the city used by the police department, and shall keep a record of all its business. He shall have such other powers and perform such other duties, not inconsistent with law, as the city council may from time to time by ordinance prescribe. In case of the absence or disability of the police commissioner, the next ranking officer, or, where there are two such officers of equal rank, the senior officer in date of appointment, shall be acting commissioner while such absence or disability continues. An acting police commissioner shall receive no extra compensation for services as such.

All police officers now in officer or appointed by the police commissioner shall have and exercise within the limits of said city all the powers conferred by law upon constables, except in relation to the service of civil process, and all the powers conferred upon the police as watchmen.

Except as authorized by the city council, said commissioner shall not increase the number of patrolmen.

The pay of the members of the police department shall be established and controlled by city ordinance.

The police commissioner shall annually in the month of January make a report to the city council; and his records shall at all times be open to the inspection of the mayor and city council.

Notwithstanding any general or special law to the contrary, the position of police chief in the city of Malden shall be exempt from chapter 31 of the General Laws.

(The statutory history of Section 23A is as follows: C. 16 of 1911; Amended: C. 124 of 1951, C. 550 of 1955, C. 418 of 2012)

Third, the provisions entitled, “**SUPERINTENDENT OF PUBLIC WORKS, CITY ENGINEER, PUBLIC WORKS COMMISSION**” that are found in the following sections.

Sections 20 & 21 The mayor, with the approval of the city council, shall, during the month of June 2012 and every 3 years thereafter, appoint a director of public works whose term of office shall be 3 years from the first day of July next succeeding or until a successor is appointed and qualified. The director shall provide for internal organization of the public works department and, subject to funding, shall appoint supervisors, who shall assume such duties and responsibilities as assigned by the director. The salaries of the director and supervisors shall be fixed by ordinance. The director and supervisors may be removed for cause in the same manner in which they were appointed.

The mayor, with the approval of the city council, shall, during the month of February 2014 and every 3 years thereafter, appoint a city engineer, whose term of office shall be 3 years from the first day of March next succeeding or until the city engineer’s successor is appointed and qualified. The city engineer shall be the head of the engineering department and shall assume such powers and duties as are vested in the city engineer by law or ordinance.

The mayor and city council shall appoint three persons to be members of the public works commission, whose terms of office shall expire on March first, nineteen hundred and fifty-six, March first, nineteen hundred and fifty-seven and March first, nineteen hundred and fifty-eight, respectively, and shall thereafter before March first in each year appoint one person to serve for three years as a

member of said commission. The members of said commission shall hold office until their successors shall be chosen and qualified. Vacancies may be filled by the mayor and council at any time, and removals may be made by them for cause. The persons so appointed shall constitute the public works commission of the city of Malden, and they shall receive such compensation as the city council shall determine.

All the powers, duties, facilities, properties and appropriations vested by law or ordinances of the city in the park commission, board of survey, the street commission and the city forester shall vest in and be exercised and performed by the public works commission.

The commission shall have the powers of the city council under section 14 of chapter 40 of the General Laws to purchase or take by eminent domain, under chapter 79 of the General Laws, any land, easement or right therein for the purpose of carrying out the commission's powers or duties.

The commission shall set water and sewer rates and make determinations on applications for abatement of water and sewer bills.

Upon the appointment and qualification of the public works commission, the street and water commission, the park commission, the board of survey and the office of the city forester shall be abolished.

The commission shall have the care and management of shade and ornamental trees standing in or upon any of the public streets of the city, and shall have all the powers and privileges and be subject to the duties and obligations imposed upon city officials charged with the care of shade trees, under the provisions of chapter three hundred and sixty-three of the acts of the year nineteen hundred and ten, and may have the care and management of shade and ornamental trees standing in or upon public parks and other public grounds of the city, when so requested by the officers or boards charged by law with the care and control of the same.

All of the powers now vested in the city council in respect to the laying out, accepting, widening, altering, locating anew, assessing betterments under chapter fifty-one of the Public Statutes, discontinuing or repairing any highway, town way or private way, and all the powers now vested in the mayor and council in respect to establishing, grading and constructing sidewalks, and completing partially constructed sidewalks, and making assessments upon the abutters upon such

sidewalks, are hereby conferred upon and shall be exercised by the public works commissioners. Said public works commissioners are also authorized and empowered to lay out, alter, widen, locate anew, grade or discontinue any highway, and to assess betterments therefor under the provisions of chapter fifty-one of the Public Statutes and any amendments or additions thereto, except the provisions of sections nine, ten and fifteen of said chapter fifty-one. Applications for laying out, accepting, widening, altering, locating anew or discontinuing any highway, town way or private way, and for establishing and constructing sidewalks, may be made, and notice given and proceedings had thereon, in such manner and under such regulations as may be prescribed in the ordinances of said city.

The city of Malden shall, by ordinance, adopt provisions for the repair, maintenance or extension of the city's water, sewer and drainage facilities. All powers, duties, equipment and appropriations made for repair, maintenance or extension of the city's water, sewer and drainage systems shall vest in and be exercised by the officer charged by ordinance with the repair, maintenance and extension of water, sewer and drainage facilities.

There shall be established within the city of Malden a board of park commissioners, consisting of five persons appointed by the mayor with the approval of the city council, who shall hold office for terms of one, two, three, four and five years, respectively, from the first Monday in May next following such appointment or until their successors are qualified; and thereafter the mayor, with the approval of the city council, shall annually, before the first Monday in May, appoint one such commissioner for a term of five years from the first Monday in May. No member of the city council nor the clerk or treasurer of said city shall be appointed to said board. A vacancy on said board shall be filled in like manner for the residue of any unexpired term. A commissioner may be removed by a vote of two thirds of all the members of the city council. Such commissioners shall serve without compensation. Said board shall serve in an advisory capacity to the public works commission on matters of policy and administration regarding parks in the city of Malden.

(The statutory history of these sections are as follows: C. 169 of 1881 Sec. 20 & Sec. 21; Amended: C. 144 of 1890, C. 377 of 1893, C. 443 of 1895, C. 152 of 1906, C.374 of 1912, C. 308 of 1917, C. 110 of 1921, C. 67 of 1947, C. 384 of 1954, MGL C. 41, S. 81A&B, C. 110 of 1955, C. 550 of 1955, C. 76 of 1959, C. 395 of 1976; C. 541 of 1983; C. 425 of 2001, C. 291 of 2012)

Fourth, the provision entitled “**STADIUM & ATHLETIC FIELD COMMISSION**” that is found in the following section:

Section 23 C. There is hereby established in the city of Malden a commission to be known as the stadium and athletic field commission, which shall consist of the mayor or a designee, the principal of the high school, the director of athletics for the high school, the recreation coordinator and 2 residents appointed by the city council and 1 resident appointed by the mayor, who shall serve for a term of 3 years. To the extent practicable, the member appointed by the mayor shall be a resident of the area surrounding the stadium. In the making of initial appointments under this section, the mayoral appointee shall be appointed for a term of 1 year, 1 city council appointee shall be appointed for a term of 2 years and 1 city council appointee shall be appointed for a term of 3 years. Upon the expiration of the term of an initial appointed member, the successor shall be appointed for a term of 3 years. On the effective date of this act and annually thereafter, the commission shall organize by selecting a chairman and a clerk, both of whom shall be members of the commission.

Said commission, on behalf of said city, may, with the approval of the mayor and city council of said city, take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, all the land and other property of the Malden High School Field Corporation, or any other property, and may construct buildings and structures on said land and provide proper equipment therefor; and may hold, manage, control, lease or let the same for the purpose of school and civic athletics, recreation, play, sports and physical education and may charge admission to the same.

For the purposes aforesaid, so far as they relate to the acquiring of property, the construction of buildings and structures, and the proper equipment of the same, the city of Malden may from time to time within five years from the effective date of this act borrow such sums as may be necessary, not exceeding, in the aggregate, one hundred and seventy-five thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, Malden Stadium Loan Act of 1946. Each authorized issue shall constitute a separate loan and such loan shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the requirement contained in the first paragraph of section seven thereof.

All revenue received by the commission from said land, buildings and other structures shall be paid into the city treasury and shall be used as an estimated receipt by the city. All bills with respect to said land, buildings and structures incurred by the commission shall be paid out by the city treasurer for the purposes aforesaid only upon orders approved by the commission and the city auditor. Any such order and any contract which involves the expenditure of more than five hundred dollars shall, in order to be valid, require the written approval of the mayor.

The city council may appropriate such amounts as the mayor may recommend or approve to be expended by the commission for the care and repair of said land, buildings and structures, for the equipment and improvement of the grounds, the construction and enlargement of buildings and other structures, and the support and encouragement of school athletics.

The commission shall annually on or before the fifteenth day of January file with the city clerk an itemized and detailed statement of any revenue received from, and all expenditures made for, said athletic field and the buildings and other structures thereon for the year ending December thirty-first preceding.

(The statutory history of this section is as follows: C. 456 of 1946; Amended: C. 597 of 1948, C.81 of 1954, C.254 of 1975, C. 291 of 2012; C. 33 of 2015)

Fifth, the provision entitled, “**TRAFFIC COMMISSION**” that is found in the following section:

Section 23 D. There is hereby established a commission to consist of the chairman of the public works commission, the city engineer, the chairman of the planning board, the fire commissioner or his representative, and the chief of police or his representative.

The chief of police, or his representative, shall act as the chairman of said commission and shall be known as the traffic commissioner. The members and secretary of the commission shall receive such compensation for their services as may be fixed by the city council. All statutes and ordinances applicable generally to the departments of the city shall apply to the commission.

The commission shall have exclusive authority, except as otherwise herein provided, to adopt, amend, alter and repeal rules and regulations, not inconsistent

with general law as modified by this act, relative to vehicular street traffic in the city, and to the movement, stopping or standing of vehicles on, and their exclusion from, all or any streets, municipal public parking places, ways, highways, roads and parkways, under the control of the city, including rules and regulations designating any way or part thereof under said control as a through way under and subject to the provisions of section nine of chapter eighty-nine of the General Laws, and may prescribe penalties for the violation of any rule or regulation adopted hereunder. Any rule or regulation adopted under this section, prohibiting the parking or standing of vehicles on the whole or any part or parts of one or more streets, ways, highways, roads, or parkways under the control of the city, may provide that it shall not apply in such residential areas as shall be specified, and at such times as shall be prescribed, in such rule or regulation, to any motor vehicle registered under chapter ninety of the General Laws as principally garaged in the city and owned or used by a person residing in such area who, in the year in which such vehicle is parked or in the preceding December for such year, shall have given, by a writing executed in such form and detail as such rule or regulation shall prescribe, and filed with the chief of police, notice of intention to park in such area and shall display in a conspicuous place on such vehicle, while parked, such visible evidence of the giving of such notice as such rule or regulation shall prescribe; but neither the giving of such notice nor the issuance of visible evidence of the giving thereof shall be construed to assign any specific space to any person or vehicle. No such rule or regulation, except such special rules and regulations as are declared by vote of the commission to be urgently required by considerations of public safety or convenience or such as are of a temporary nature and are to be effective for a period of not more than two weeks, shall take effect until published for two successive weeks. Upon petition of twenty-five registered voters of the city relative to any rule or regulation adopted or proposed to be adopted under this section, the commission shall hold a public hearing thereon within ten days after the filing with the commission of such petition, and final action thereon shall be determined only by vote of a majority of the entire membership of the commission.

The commission shall have power to erect, make and maintain, or cause to be erected, made and maintained, traffic signs, signals, markings and other devices for the control of such traffic in the city and for informing and warning the public as to rules and regulations adopted hereunder, subject, however, to section two of chapter eighty-five, and to sections eight and nine of said chapter eighty-nine, of the General Laws. Nothing in this act shall be construed to authorize the commission to adopt any rule or regulation excluding the trackless trolley

vehicles or buses of a street railway or bus company from any way or part thereof in which it has a location, or to modify or limit any power or authority of the metropolitan district commission, of the state department of public works or of the state department of public utilities, or any power now vested in the mayor, city council or heads of departments with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks.

The city of Malden is hereby authorized to install parking meters in all off-street parking lots which are currently leased, or which may hereafter be leased, by the city of Malden for public parking purposes, and may use any receipts from parking meters so installed for the purpose of leasing additional parking lots, the care and maintenance of the same, and in general for any traffic control or traffic safety purposes, including payment for public liability coverage in connection with the use of said municipally leased off-street parking lots. Notwithstanding the provisions of any general or special law to the contrary, the city of Malden shall designate areas within said city as senior citizen safety zones. The traffic commission of said city, in consultation with the department of public works, may erect flashing lights and post signs bearing such designation and to establish appropriate speed limits for such zones. Said traffic commission may adopt, from time to time, rules and regulations to carry out the provisions of this act.

(The statutory history of this section is as follows: C. 67 of 1947; Amended: C. 111 of 1952, C. 610 of 1953, C. 484 of 1955, C. 550 of 1955, C. 754 of 1957, C.569 of 1961, C. 233 of 1980; C. 314 of 1998; MGL C. 44 S.33A; MGL C.40, S. 21(24), 21(16b) & 22A; MGL C.90, S. 18A & 20A1/2; MGL. C. 89, S. 5&7A)

Respectfully Submitted,

Mayor Gary Christenson

The members of the Malden City Council proposing and approving the Home Rule Petition entitled, “**AN ACT STRIKING CERTAIN PROVISIONS OF THE CHARTER OF THE CITY OF MALDEN**”, are as follows, each of whom has affixed her or his signature to this Petition.

Councillor Ryan O’Malley
Ward 4
City Council President

Councillor Amanda Linehan
Ward 3
Pro Tempore

Councillor Craig Spadafora
Councillor at Large

Councillor Karen Colon Hayes
Councillor at Large

Councillor Carey McDonald
Councillor at Large

Councillor Peg Crowe
Ward 1

Councillor Paul Condon
Ward 2

Councillor Ari Taylor
Ward 5

Stephen Winslow
Ward 6

Councillor Chris Simonelli
Ward 7

Councillor Jadeane Sica
Ward 8

Commonwealth of Massachusetts

Middlesex, ss

January , 2025

I, Carol Ann Desidorio, hereby certify that I am the duly appointed City Clerk of the City of Malden and I certify and attest that the document herein is a true copy of the Home Rule Petition passed by the City Council of the City of Malden on January , 2025 by a vote of _____ in favor and _____ in the negative.

Attest:

Carol Ann Desidorio

(City Seal)

APPENDIX TO HOME RULE PETITION

Entitled

“AN ACT STRIKING CERTAIN PROVISIONS OF THE CHARTER OF THE CITY OF MALDEN”

This “Appendix” to the Home Rule Petition, filed by the City of Malden, describes the proposed language that the Mayor and the members of the Malden City Council intend to adopt by way of amendments to the Ordinances of the City of Malden. The proposed ordinance amendments set forth in this Appendix will not be submitted for consideration until the Home Rule Petition is enacted by Legislature of the Commonwealth of Massachusetts, signed by the Governor of the Commonwealth and in full force and effect.

The proposed ordinance Amendments are set forth below in the same order as the corresponding deletions are set forth in the body of the Home Rule Petition.

First, the following proposed Ordinance is intended to replace the present provision of the Malden City Charter in Section 16 entitled, **“FIRE COMMISSIONER AND DEPARTMENT”**.

The goal of this proposed ordinance is to modernize the language that relates to the organization and administration of the Fire Department to reflect actual and best practices. The Home Rule Petition removes the 1910 language from the Charter [last amended in 1957] and replaces it with modernized language consistent with all other City departments.

Proposed New Ordinance Section 2.12.115- Fire Department

A. Established

There shall be a Fire Department, commanded by a Police Chief, who shall be appointed for a term of three years by the Mayor. The Fire Chief shall enter into an employment contract with the City for a period not to exceed three years, subject to renewal at the Mayor's discretion.

The Fire Chief makes recommendations to the Mayor, who shall be the appointing authority, for hires and promotions of all departmental personnel in accordance with civil service guidelines, union contract or city ordinances.

The Fire Chief shall be responsible for all policy making, organization, supervision and management of the Fire Department and have all other authorities and responsibilities provided by law to municipal Fire Chiefs.

There shall be a Fire Commissioner who shall be appointed for a term of three years by the Mayor. The Fire Commissioner shall serve in a civilian role and shall have none of the powers, access or authority vested in sworn Firefighters.

The Fire Commissioner shall be the hearing officer and hear appeals to suspensions, demotions or removal of departmental personnel by the Fire Chief and make a written report to the Mayor with a recommendation for action.

The Fire Commissioner shall be a departmental liaison to the public in engaging the Malden public in the requirements of civil service and the process of becoming a Firefighter. The Fire Commissioner shall bear witness to the swearing in of newly hired or newly promoted officers.

B. Authorities and Responsibilities

1. The Fire Department takes all necessary steps to extinguish fires and mitigate incendiary conditions within the city, including the demolition of any building or structure and the removal of any obstruction for the purpose of preventing or extinguishing fires or incendiary conditions.
2. The Department functions as first responders to calls for medical aid and assists in the reestablishment of order in the event of civil disturbance, disaster or riot or other emergency.
3. The Department maintains a record of all fires that occur within the City requiring the services of the Department.
4. The Department carries out the terms and provisions of all fire service agreements entered into with other governmental units.
5. The Department investigates the causes of all fires and provides written reports of all suspected arson.
6. The Department includes a Fire Prevention Bureau, which inspects all buildings and structures as provided for by the State Fire Code and provides for the issuance and renewal of certificates of compliance with state Board of Fire Prevention regulations.

Second, the following proposed ordinance is intended to replace the present provision of the Malden City Charter in Section 23A entitled, “**POLICE COMMISSIONER AND POLICE DEPARTMENT**”.

The goal of this proposed ordinance is to modernize the language relative to the organization and administration of the Police Department to reflect actual and best practices. The Home Rule Petition remove the 1915 language from the Charter [last amended in 1955] and replace with replaces it with modernized language consistent with all other City departments.

Proposed New Ordinance Section 2.12.165- Police Department

A. Established

There shall be a Police Department, commanded by a Chief of Police, who shall be appointed for a term of three years by the Mayor. The Chief of Police shall enter into an employment contract with the City for a period not to exceed three years, subject to renewal at the Mayor's discretion.

The Chief of Police shall be the chief executive officer of the Department and the departmental authority in all matters of management, policy, operations and discipline. He/ she exercises all lawful powers of his/her office and issues such lawful orders as are necessary to assure the effective performance of the Department and shall have all other authorities and responsibilities provided by law to municipal Police Chiefs and as outlined in the Malden Police Department Accreditation manual.

The Chief of Police makes recommendations to the Mayor, who shall be the appointing authority, for hires and promotions of all departmental personnel in accordance with civil service guidelines, union contract or city ordinances.

There shall be a Police Commissioner who shall be appointed for a term of three years by the Mayor. The Police Commissioner shall serve in a civilian role and shall have none of the powers, access or authority vested in sworn Police Officers.

The Police Commissioner shall be the hearing officer and hear appeals to suspensions, demotions or removal of departmental personnel by the Police Chief and make a written report to the Mayor with a recommendation for action.

The Police Commissioner shall be a departmental liaison to the public in engaging the Malden public in the requirements of civil service and the process of becoming a Police Officer. The Police Commissioner shall bear witness to the swearing in of newly hired or newly promoted officers.

The Police Commissioner shall be the primary department liaison to the Police Community Advisory Committee and shall coordinate actions and updates with the Chief of Police on the same.

B. Authorities and Responsibilities

1. The Police Department is responsible for the protection of life and property, the preservation of peace, order and safety of residents.
2. The Department attempts to prevent crime and to detect and arrest offenders.
3. The Department investigates criminal incidents and is empowered to enforce laws and ordinances through arrest or prosecution of offenders.
4. The Chief of Police issues licenses and permits for firearms and makes recommendation to the Mayor on individuals to be appointed as constables and special police officers.

Supervision of Animal Control Officer

The Animal Control Officer is appointed by the Mayor and works under the supervision of the Chief of Police. The Animal Control Officer enforces laws and ordinances relative to the keeping, handling, management, and control and licensing of animals in the city.

Third, the following proposed Ordinance is intended to replace the present provision of the Malden City Charter in Sections 20 & 21 entitled, “**SUPERINTENDENT OF PUBLIC WORKS, CITY ENGINEER, PUBLIC WORKS COMMISSION**”.

The goal here, after the deletion of Sections 20 & 21 of the Malden City Charter, is to amend three (3) sections presently existing within the Ordinances of the City of Malden. They are “2.12.100 Public Works”, “2.12.110 Engineering” and “2.16.12 Public Works”. In addition, the existing language in Malden Ordinances “11.16.01 Tree Board” would be moved to the new Ordinance Section “2.12.120 Public Works”

Proposed Updated Ordinance Section 2.12.100: Department of Public Works

Update EXISTING section 2.12.100 and replace with the following:

A. Established

There shall be a Department of Public Works under the supervision of a Director of Public Works who shall be appointed to a term of three years by the Mayor, with City Council approval.

B. Authorities and Responsibilities

1. The Department provides for the routine maintenance and repair of roads, sidewalks, and drainage facilities.

2. The Department sweeps roads and public parking lots and removes snow and ice from roads and sidewalks abutting city owned properties.
3. The Department manages solid waste programs including trash disposal, recycling and yard waste, and the placement and maintenance of city owned trash barrels.
4. The Department maintains open spaces and unimproved lands owned by the city, equips and maintains playgrounds and, in conjunction with the Parks and Recreation Commission, provides for the maintenance, preparation and improvement of all city parks.
5. The Department plants and maintains trees, and ornamental shrubs along roadways and active and passive recreation areas.

Proposed Updated Ordinance Section 2.12.110: Engineering Department

Update EXISTING section 2.12.110 and replace with the following:

A. Established

There shall be an Engineering Department under the supervision of a City Engineer, who shall be appointed by the Mayor subject to confirmation by the City Council to serve for a term of three years.

B. Authorities and Responsibilities

1. The Department has custody of all plans relating to public works and improvements, including streets, water and sewer lines, bridges and drains.
2. The Department reviews plans and administers contracts for improvements to street, sidewalks and water and sewer mains.
3. The Department establishes rules and regulations for connection to municipal water, sewer and drainage systems and approves the location of connections.
4. The Department maintains hydrants, standpipes, street fountains and all other city-owned connections with the water system.
5. The Department provides for installation and maintenance of water meters, monitors the usage of metered water and provides monthly records of water usage to the Treasurer.
6. The Department provides technical and administrative support to the Conservation Commission and the Public Works Commission.

Proposed Updated Ordinance Section 2.12.120: Public Works Commission

Update EXISTING section 2.12.120 and replace with the following:

A. Established

There shall be a Public Works Commission consisting of three members, appointed by the Mayor, subject to confirmation by the City Council, to serve for a term of three years.

B. Authorities and Responsibilities

1. Establish water and sewer rates and hears and decides all applications for abatement of water and sewer charges.
2. Maintains public ways and sidewalks and promulgates rules and regulations for the same.
3. Works in concert with the Parks & Recreation Commission to plan for and provide for the maintenance of playgrounds.
4. Have charge for the lighting of streets and all appropriations therefore.
5. The Commission may accept or discontinue use of public ways and may assess betterments on abutters to improvements to any public or private way.
6. Fulfill the obligations and requirements of the Tree Board as established in section 11.16.01 of City Ordinances.

Fourth, the following proposed Ordinance is intended to replace the present provision of the Malden City Charter in Section 23C entitled “**STADIUM & ATHLETIC FIELD COMMISSION**”

The goal here is to modernize the language relative to the oversight, regulation and policy setting of our public parks and recreation facilities by removing this responsibility from the Public Works Commission. Responsibility for parks and recreation will fall under a newly established Parks and Recreation Commission, which shall also assume responsibilities currently assigned to the Stadium Commission. Charter language relative to the Stadium Commission shall also be removed from the Charter. The Parks and Recreation Commission shall become part of City Ordinances and not the charter.

Proposed Updated Ordinance Section 2.16.140: Parks and Recreation
Commission (Renamed: Formerly Stadium Commission)

A. Established

There shall be a Parks & Recreation Commission consisting of 5 members, appointed by the Mayor to serve for a term of three years and subject to confirmation by the City Council.

B. Authorities and Responsibilities

1. The Parks & Recreation Commission manages all city parks, stadiums, playing fields and playgrounds, and determines the design and location of playing fields, athletic courts and playground equipment provided for use by residents.
2. The Parks & Recreation Commission establishes fees for permits for use of its parks, stadiums, and fields and promulgates regulations for the use of fields, parks, stadiums and other recreational facilities under its control.
3. The Commission coordinates with the Department of Public Works to provide for the maintenance of parks and playgrounds, the preparation of fields for scheduled activities and equipping of playgrounds.
4. The Commission advises the Recreation Coordinator on development of a comprehensive plan to make recreational activities, programs, events and facilities available to residents.

Fifth, the following proposed Ordinance is intended to replace the present provision of the Malden City Charter in Section 23D entitled “**TRAFFIC COMMISSION**”

The goal is to modernize the language pertaining to policy making and oversight for all matters related to transportation. Remove the 1950's language from the Charter regarding the Traffic Commission and replaces it with modernized language in the Malden City ordinances consistent with other City Boards and Commissions.

Proposed New Ordinance Section 2.12.15: Transportation Commission

A. Established

There shall be a Transportation Commission consisting of seven members as follows: the Chief of Police, Director of Parking, the City Engineer, the Public Works Director, a Councillor At Large designated annually by the City Council President, and two residents appointed by the Mayor to serve for a term of three years. The Transportation Planner for the City of Malden shall be an advisory member of the Transportation Commission.

C. Authorities and Responsibilities

1. Promotes the safe and efficient use of public spaces dedicated to travel and parking through the establishment of policies and practices that encourage multiple modes of transportation and that take into account the varying needs of all users of public travel spaces in Malden.
2. Establishes rules and regulations for the movement, restriction of movement, stopping or standing of vehicles on, and their exclusion from, all or any streets, municipal public parking places, ways, highways, roads and parkways, under the control of the city.
3. Upon the recommendation of the Parking Director, approves all fees related to parking meters, parking lots, and parking garages, as well as any permit programs administered by the Parking Department.
4. Approves traffic signs, signals, markings and other devices for the control of traffic in the city and for informing drivers of rules, regulations and prohibitions.
5. Prescribes penalties for the violations of all regulations properly adopted by the Commission.