

136/08

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DOCUMENT 136

CITY OF HAVERHILL

In Municipal Council December 9 2008

~~ORDINANCE~~

MUNICIPAL ORDINANCE

CHAPTER 11

**AN ORDINANCE RELATING TO A CENTRAL
BUSINESS DISTRICT PARKING COMMISSION**

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill Chapter 11, Article XIV, as amended, is hereby further amended as follows:

§11-72 "Powers, duties and responsibilities", subsections A - F shall be deleted in its entirety and the following inserted in place thereof:

"§11-72 Powers, duties and responsibilities generally.

The Commission shall have exclusive authority, except as otherwise provided herein, to take any and all of the following actions:

- (A) The Commission shall be charged with the development, management, operation and maintenance of all municipal parking lots, as well as the parking of motor vehicles on streets, ways, highways and roads, within the Central Business District which are under the control of the city.
- (B) The Commission may make recommendations to the Mayor and City Council concerning the adoption, alteration or repeal of reasonable rules and regulations relative to the orderly parking of motor vehicles on streets, ways, highways, roads and municipal parking lots within the Central Business District which are under the control of the city.
- (C) The Commission may make recommendations to the Mayor and City Council for the approval of methods by which parking is paid for and a schedule of parking fees and other charges for the use of such parking. In developing recommendations concerning parking fees, the Commission shall give consideration to the needs of the public, residents and merchants to provide parking at the lowest cost possible.

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ARTICLE XIV Central Business District Parking Commission [Adopted 12-14-2004 by Doc. 11-Y (Ch. 240B of the 1980 Code)]

§ 11-70. Establishment; membership; appointment.

There is hereby established a Central Business District Parking Commission, hereinafter called the "Commission," which shall consist of five members, two of whom shall be either residents of or work in the Central Business District. Members of the Commission shall serve without compensation. The Superintendent of Highways, City Engineer, Planning Director and the Police Chief or designee shall be nonvoting ex officio members of the Commission. The Central Business District shall be defined as all streets, ways, highways and roads, along with all municipal parking lots, as shown on a plan entitled "Plan of Public Parking Locations Within the Central Business District — 2004" dated October 21, 2004, and filed in the office of the City Engineer, Section 2B, Plan 2847.

§ 11-71. Appointment; term; removal; filling vacancies.

The members of the Commission shall be appointed by the Mayor, subject to confirmation by the City Council. The Mayor shall designate one member as the Chairperson. The terms of the first members of the Commission shall be for one, two or three years and so arranged that the term of one of the members expires each year, and their successors shall be appointed for terms of three years each. A member may be removed by a vote of 2/3 of all the members of the City Council and approval of the Mayor. Any vacancy occurring shall be filled in the same manner as the original appointment.

§ 11-72. Powers, duties and responsibilities.

The Commission shall have exclusive authority, except as otherwise provided herein, to take any and all of the following actions:

- A The Commission shall be charged with the control, development, management, operation and maintenance of all municipal parking lots, as well as the parking of motor vehicles on streets, ways, highways and roads, within the Central Business District which are under the control of the City.
- B The Commission may adopt, alter or repeal reasonable rules and regulations relative to the orderly parking of motor vehicles on streets, ways, highways, roads and municipal parking lots within the Central Business District which are under the control of the City. Rules and regulations of the Commission shall have the full force and effect of a properly enacted municipal ordinance and shall be enforced as such. Said rules and regulations shall be included in the published Code of the City of Haverhill. The method by which parking is paid for, whether it shall be meter, kiosk, permit or some other mode, shall require approval of the City Council and Mayor prior to implementation or change at any time. Methods of pay parking (such as parking permits), which do not involve direct payment by the individual driver, issued for periods exceeding 60 days in a calendar year shall be reviewed annually and approved by the City Council and Mayor.
- C The Commission shall recommend a schedule of parking fees and other charges for the use of such parking to the City Council for its adoption in ordinance form. In determining parking

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- fees, the Commission shall give consideration to the needs of the public, residents and merchants to provide parking at the lowest cost possible.
- D The Commission shall recommend a schedule of fines for the violation of parking rules and regulations, not exceeding \$25 for each violation as authorized by Massachusetts General Laws, to the City Council for adoption in ordinance form. All other violations of rules and regulations adopted by the Commission, except as otherwise provided by statute or ordinance, shall be subject to fines not to exceed \$50 for each offense as set forth in the rules and regulations.
 - E Public notice of any proposed adoption, alteration or repeal of a rule, regulation, fee or fine shall be given, except to such special rules or regulations as are declared by the Commission to be urgently required for public safety or welfare or such as are of a temporary nature and are to be effective for a period of not more than three weeks. Public notice of special rules and regulations which are enacted, and are not of a temporary nature, shall be provided as soon as reasonably practical. Public notice shall be given by publication in full of the proposed adoption, alteration, repeal, fee or fine, including a statement of the effective date of the proposed action, at least once in one newspaper published or distributed in the City at least 10 days prior to a public hearing.
 - F The Commission shall hold a public hearing for any proposed adoption, alteration or repeal of a rule, regulation, fee or fine prior to its adoption and shall, following such hearing, determine by majority vote whether to adopt, alter or repeal said rule, regulation, fee or fine. Any action involving a fine or fee shall then be forwarded to the City Council for further action as required by Subsections C and D above.
 - G The Commission with the approval of the Mayor may employ a Parking Administrator or other management entity who shall hold the stature of a City department head and who shall oversee and supervise employees of the Commission. The Commission may also employ such personnel as it may deem necessary, or, may contract with other municipal departments for services to be provided, such as the Police Department for enforcement, and the Highway Department for maintenance, repairs and snow removal. In addition, the Commission, through the Mayor, may enter into contracts for services which are deemed necessary or advisable from outside vendors and providers, including the retention of services of qualified consultants, subject to compliance with competitive bidding requirements.
 - H Nothing in this article shall be construed to authorize the Commission to modify or limit any power or authority of the departments of public works or public utilities of the Commonwealth or the Highway Department and Police Department of the City; or to modify or limit any power or authority of the Mayor, City Council or of any board, commission or head of a department or division with reference to the issuance of licenses or permits for the opening, closing, using or occupying of streets and sidewalks for reasons not related to parking. Further, winter parking regulations as included in § 240-24 and §§ 240-58 through 240-60 shall remain in effect in the Central Business District and shall not be abridged by the Commission.
 - I. The Commission shall annually submit a budget to the Mayor and City Council for their approval.
 - J. The Commission shall annually, on May 15, make a report of its activities to the Mayor and City Council.

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§ 11-73. Existing ordinances and orders to remain in effect.

All existing ordinances and orders relating to the parking of motor vehicles on streets, ways, highways, roads and municipal parking lots within the Central Business District which are under the control of the City shall remain in full force and effect until superseded by rules, regulations, fees or fines adopted by the Commission pursuant to § 11-75, and the adoption thereof shall not affect any act done, any right accrued, any penalty incurred or any suit, prosecution or proceeding pending at the time of such adoption.

§ 11-74. Implementation.

The Commission shall take no action to alter or change the current configuration of parking rules and regulations until such time as an initial implementation plan is presented and approved by the City Council and Mayor. The first phase of the plan is to sell parking permits for the annual sum of \$240 per space for those portions of the upper level of the Herbert H. Goecke, Jr. Parking Deck and the Haverhill Place Parking Lots as shown on the "Plan of Public Parking Locations Within the Central Business District — 2004" which are marked as permit spaces. The Commission may proceed with this phase without further approval of the City Council and Mayor.

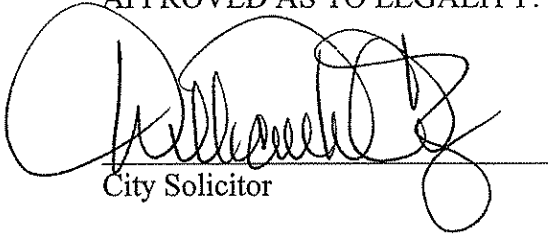
§ 11-75. Revenue.

All revenue collected by the Commission shall be deposited into an account designated "Parking Revenue Account" as prescribed by General Laws. All funds in said account shall only be subject to appropriation by the City Council and Mayor, which appropriation shall be limited to development, management, operation, maintenance and improvement in all municipal parking lots, streets, ways, highways and roads with the Central Business District.

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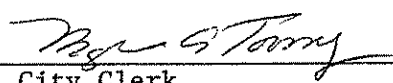
- (D) The Commission may make recommendations to the Mayor and City Council for a schedule of fines for the violation of parking rules and regulations as authorized by Massachusetts General Laws.
- (E) Public notice of any proposed recommendations to the Mayor and City Council concerning adoption, alteration or repeal of a rule, regulation, fee or fine shall be given at least forty-eight (48) hours prior to a public hearing by posting such recommendations.
- (F) The Commission shall hold a public hearing for any proposed recommendations to the Mayor and City Council concerning adoption, alteration or repeal of a rule, regulation, fee or fine prior to making such recommendation and shall, following such hearing, determine by majority vote whether to recommend the adoption, alteration or repeal of a rule, regulation, fee or fine . Any recommendation concerning the adoption, alteration or repeal of a rule, regulation, fee or fine shall then be forwarded to the Mayor and City Council for further action as required by the Code.

APPROVED AS TO LEGALITY:



 City Solicitor

PLACED ON FILE for at least 10 days

Attest: 

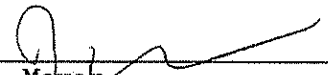
 City Clerk

IN CITY COUNCIL: December 30 2008

PASSED
 Attest: 

 City Clerk

APPROVED:



 Mayor

City Clerk
Don Cook - e mail
Council
Engineer
planning

Higley
parking clerk
Mayor
Police