



CITY OF MELROSE
LEGAL & LEGISLATIVE COMMITTEE
AGENDA • JANUARY 13, 2025

Council Chamber, First Floor, Melrose City Hall Committee Meeting
562 Main Street, Melrose, MA 02176

7:30 PM

The public should take notice that the Melrose City Council may, on certain occasions, have a quorum in attendance due to standing committees of the City Council consisting of both voting and non-voting members. Members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the standing committee.

I. CALL TO ORDER

Maya Jamaledine	Chair
Devin Romanul	Vice Chair
Cal Finocchiaro	
Mark Garipay	
Leila Migliorelli	Ex Officio Member
Kimberly Vandiver	

II. PUBLIC COMMENT

tcifuni@cityofmelrose.org is inviting you to a scheduled Zoom meeting.

Topic: City Council Subcommittee Meetings

Time: Jan 13, 2025 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://cityofmelrose-org.zoom.us/j/97865284910?pwd=CCAAjyBNnTRbtLkjdfaWbwKUZxpk2A.1>

Meeting ID: 978 6528 4910

Passcode: 808887

III. MINUTES APPROVAL

1. Legal & Legislative - Committee Meeting - Nov 25, 2024 6:30 PM

IV. LEGISLATIVE ITEMS

1. **(ID # 12279):** Replace current City Ordinance Section 177-12 Snow and Ice Removal with revised ordinance language to address property owner responsibilities for snow and ice removal

Sponsored by: Vice Chair Devin Romanul, Ryan Williams

From: City Council

ASSIGN TO COMMITTEE

2. **(ID # 12338):** Informational Update to City Council related to City Code Enforcement

From: City Council

ASSIGN TO COMMITTEE

V. ADJOURNMENT



CITY OF MELROSE
LEGAL & LEGISLATIVE COMMITTEE
MINUTES • NOVEMBER 25, 2024

Council Chamber, First Floor, Melrose City Hall Committee Meeting
562 Main Street, Melrose, MA 02176

6:30 PM

The public should take notice that the Melrose City Council may, on certain occasions, have a quorum in attendance due to standing committees of the City Council consisting of both voting and non-voting members. Members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the standing committee.

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Ryan Williams	Chair	Present	
Devin Romanul	Vice Chair	Present	
Kimberly Vandiver		Late	6:32 PM
Maya Jamaledine		Present	
John Obremski		Absent	
Leila Migliorelli	President, Ex Officio	Remote	

II. PUBLIC COMMENT

tcifuni@cityofmelrose.org is inviting you to a scheduled Zoom meeting.

Topic: L&L, HE&W, Public Service and A&O Sub Committees

Time: Nov 25, 2024 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://cityofmelrose-org.zoom.us/j/93085175472?pwd=tKnS7dmd55pSfe8dvsaKfZOF4SF1ah.1>

Meeting ID: 930 8517 5472

Passcode: 024448

III. LEGISLATIVE ITEMS

Motion made by President Migliorelli to Delete Section B - not consistent with all other license ordinances. This section is subjective and needs to be removed.

Seconded by Councilor Romanul

All in Favor "I"

Motion Passed

Motion to Eliminate Section 127-14 Part C by President Migliorelli

Minutes Acceptance: Minutes of Nov 25, 2024 6:30 PM (Minutes Approval)

Seconded by Councilor Romanul
Motion passed

Motion made by Councilor Vandiver to Delete Section 127-16 Paragraph B
Seconded by Councilor Romanul
All In favor except Councilor Jamaledine
Motion Passed

President Migliorelli questioned if there should be a designated space for Food Trucks to park and sell food in the City.

Councilor Jamaledine felt that the ordinance should have tight restrictions the first year and then revisions can be made after the one year roll out.

Councilor Romanul made a motion to approve the hours of operation at the time of application.

A No vote would Keep the operating hours in application

A YES Vote would remove the 8 hour limitation from the application

Seconded by Councilor Vandiver

Motion Passed Unanimously

Motion to Recommend to Full Council for Vote made by Councilor Romanul

Seconded by President Migliorelli

All in Favor I

Motion Passed

1. **ORDNC-2024-5:** Requesting an Amendment to the Melrose Code of Ordinances, and adoption of a City Council licensing and application process, to address Food Truck Operations within the City of Melrose

From: Legal & Legislative Committee

HELD IN COMMITTEE

RESULT:	RECOMMEND AS AMENDED [5 TO 0]	Next: 12/2/2024 7:45 PM
TO:	City Council	
AYES:	Williams, Romanul, Vandiver, Jamaledine, Migliorelli	
ABSENT:	John Obremski	

2. *Minutes Approval*

1. Legal & Legislative - Committee Meeting - Nov 18, 2024 7:00 PM

Minutes Acceptance: Minutes of Nov 25, 2024 6:30 PM (Minutes Approval)

RESULT:	ACCEPTED [5 TO 0]
AYES:	Williams, Romanul, Vandiver, Jamaledine, Migliorelli
AWAY:	John Obremski

IV. ADJOURNMENT

Motion to Adjourn at 6:56 Pm made by Councilor Williams

Minutes Acceptance: Minutes of Nov 25, 2024 6:30 PM (Minutes Approval)

CITY OF MELROSE

In City Council

January 13, 2025

AN ORDER

(ID # 12279)

Replace current City Ordinance Section 177-12 Snow and Ice Removal with revised ordinance language to address property owner responsibilities for snow and ice removal

BE IT ORDERED

Replace current City Ordinance Section 177-12 Snow and Ice Removal with revised ordinance language to address property owner responsibilities for snow and ice removal

HISTORY:

12/16/24 City Council

ASSIGN TO COMMITTEE

Ordinance (ID # 12279)

Meeting of January 13, 2025

In the Legal & Legislative
Committee
Ordained Roll Call

Passed January 13, 2025

Tanji Joy Cifuni, City Clerk

Leila B. Migliorelli, President
Legal & Legislative Committee

Jennifer Grigoraitis, Mayor

Date

Date

§ 177-12 **Snow and ice removal.**

A. Placing snow and ice on streets. No owner, occupant, or tenant of land or a building, or any agent thereof, shall cause any snow or ice from said land or building to be placed in the sidewalk, road, or other public way in the City.

B. Snow and Ice to be Removed from Sidewalks by Abutting Property Owners

- (1) In order to provide for safe pedestrian passage and access, every owner or occupant of a building or lot of land abutting a sidewalk, or any person having charge or such property, shall remove and clear away, or cause to be removed and cleared away, snow and ice from the portion of the sidewalk that abuts their property. Sidewalks shall be cleared to provide a minimum passage of 36 inches in width, or to the full width of the sidewalk if narrower.
- (2) For those properties abutting sidewalks with curb cuts, ramps, and other access points, abutting property owners shall provide unimpeded access to the street.
- (3) Snow and ice shall be removed, and sidewalks and ramps shall be treated, within twelve (12) hours after snow ceases to fall or after ice forms, if in the daytime, and before 1:00 p.m., if it ceases to fall or after ice forms in the nighttime.
- (4) All sidewalks shall be cleared to the surface of the sidewalk, or, where it is impractical to do so, the sidewalk shall be treated with sand or other suitable material to make travel thereon reasonably safe, and as soon as weather permits, shall be cleared as identified in accordance with B(1) above.

C. Snow and ice on public grounds. The sidewalks adjoining public buildings or grounds shall be cleared under the direction of the Director of Public Works.

D. Enforcement.

- (1) The property owner shall be liable for any fines incurred as a result of violations of (A) or (B) of this Section. The fine for violation of any of the provisions in (A) or (B) of this Section shall be \$50 for each day of non-compliance. Violations in this section shall be enforced as of 11-1-2025.
- (2) The Director of Public Works or their designee shall have the authority to enforce all provisions of this section. In the event of an unusually heavy snowfall, or when weather conditions necessitate, the Director of Public Works or their designee has discretion to extend time limits for compliance. The Melrose Police Department is authorized to assist in the enforcement of this section.
- (3) Upon neglect of or violation of the duties imposed by the provisions of this section, such duties may be performed by the Director of Public Works or his/her

agent at the expense of the person(s) or entities liable to perform those duties. Assessment of costs under this subsection shall not preclude any party from being fined for violation.

- (4) **Exemptions.** Annual exemptions from the sidewalk clearing requirements in (B) of this Section exist for residents who upon written petition to the Melrose Council on Aging demonstrate hardship due to health, financial duress, or religious circumstances.
- (5) The City Solicitor with the approval of the Mayor may in civil actions prosecute and adjust claims inuring to the City under the provisions of this section.

CITY OF MELROSE*In City Council**January 13, 2025***AN ORDER****(ID # 12338)**

Informational Update to City Council related to City Code Enforcement

BE IT ORDERED

Informational Update to City Council related to City Code Enforcement

HISTORY:

01/06/25

City Council

ASSIGN TO COMMITTEE

In the Legal & Legislative
Committee
Ordained Roll Call

Passed January 13, 2025

Tanji Joy Cifuni, City Clerk

Leila B. Migliorelli, President
Legal & Legislative Committee

Jennifer Grigoraitis, Mayor

Informational (ID # 12338)

Meeting of January 13, 2025

Date

Date



CITY OF MELROSE

LEGAL DEPARTMENT

SHANNON T. PHILLIPS

City Solicitor
 sphillips@cityofmelrose.or
 a

City Hall, 562 Main Street
 Melrose, Massachusetts 02176
 Telephone - (781) 979-4194

MEMORANDUM

To: Melrose City Council

CC: Mayor Jennifer Grigoraitis
 Lauren Grymek, Chief of Staff, City of Melrose

Re: Information Relative to City Code Enforcement

Date: January 2, 2025

Please accept this memorandum as an informational summary intended to provide general guidance to Council pertaining to enforcement of City ordinances under current City Code.

Currently, violation of any of the provisions of City ordinances or Board of Health regulations may, in the discretion of the enforcing person, be made the subject of non-criminal disposition proceedings under the provisions of MGL c. 40, § 21.¹ Pursuant to § 1-19 of the City of Melrose ordinances, except as otherwise provided, any person who violates one of the provisions of the City of Melrose ordinances shall be subject to a fine not to exceed \$150 [under state law if Council desires it could increase this to \$300]; each day constituting a separate offense.²

The use of 21D allows every local enforcement person identified in these ordinances to write a “ticket” which sets out the specific ordinance / regulation violation and a specific sum of money to be paid as a penalty. By statute, the penalty is paid to the City Clerk, or in lieu of paying the fine the offender may request a district court hearing to be held on the matter. The request for a hearing must be made to the District Court in writing within twenty-one days following the ticket issuance. Fines paid by the offender are then deposited into the City treasury. Should the offender fail to pay the fine, the City may choose to seek a criminal complaint against the offender.

¹ See City of Melrose, MA, Part 1 Administrative Legislation, §§ 1-19 to § 1-21 (Last Updated 02-20-2024).

² Please note that the enforcement method allowed for under 21D does not replace any other available enforcement methods but rather provides an additional option to be utilized at the discretion of the enforcing person, e.g. City of Melrose Ordinance § 198-2 Dumping; obstructing sidewalks; placement of refuse containers can be enforced pursuant to M.G.L. c. 40, § 21D OR M.G.L. c. 270, §16 (crimes against public health); Injunctive Relief in a court of competent jurisdiction for more serious violations).

Specific enforcing persons and various penalties applicable to violations of each section of the City ordinances are set out in City ordinances § 1-21, attached as Exhibit A to this memorandum (please note police officers are considered enforcing persons in all cases). The following sections of the City ordinances as identified below, have an ordinance for the specific provisions and fines under 21D:

- § 198- 2 (Board of Health, DPW, Police Department through their authorized agents and employees);
- § 198-11 (Health Department, ISD, City Clerk, or any other department having jurisdiction for licensing, inspectional services or code enforcement);
- § 198-15 (Agents of the Board of Health);
- § 198-21 (Director of the Health Department or their designee);
- § 202-3.1 (Melrose Police Department); and
- § 231-14 (Conservation Commission- its agents, officers, employees)

Additionally, in some instances throughout City ordinances, other officers and employees may also be identified, who are authorized to issue citations for violations of a particular ordinance.

Please note, every identified enforcing agent in the City ordinances is empowered by 21D to issue such citations.

Furthermore, under § 152-9.1 any board, officer or department who issues local licenses or permits for the city:

“may deny any application for, or revoke or suspend a building permit, or any local license or permit including renewals and transfers for any person, corporation, or business enterprise, **who has neglected or refused to pay any local taxes**, fees, assessments, betterments or any other municipal charges, **including amounts assessed under the provisions of MGL c. 40, § 21D.**” [emphasis added].

This past summer the Mayor convened relevant department heads to review and discuss current code enforcement practices and to review potential opportunities for change. The Mayor subsequently printed and distributed citation booklets to enable all enforcing persons to use 21D as an enforcement tool for City ordinances and regulations. The department heads responsible for 21D enforcement will be reporting to the Mayor on the process and were instructed to send copies of any tickets issued under 21D to the City Solicitor. Please also see attached Exhibit B in which I previously outlined recommended procedures when issuing these citations pursuant to 21D.

If the City should determine the collection of unpaid fines is a problem, City Council might consider the adoption of M.G.L. c.40U³, a local acceptance statute, which gives the City the enhanced ability to enforce payment of fines imposed for violations of municipal housing, sanitary or snow and ice removal requirements. After acceptance of this statute, the City would

³ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40U> This statute is the only state statute allowing for collection of municipal fines through the real estate tax commitment process (absent special legislation by an individual community)

be required to adopt procedures for the payment of fines and appoint a local municipal hearing officer to hear appeals of any fines imposed. By contrast, currently, if violations are issued pursuant to G.L. c. 40, § 21D, appeals of violations are made directly to the district court, housing court or other court and are out of the City's control. Under c. 40U, fines and interest may be attached and assessed on an individual's tax bill or a lien may be placed on the property.

In summary, should the City determine it has difficulty collecting unpaid fines, Chapter 40U would broaden the City's ability to ensure the collection of fines for a variety of code violations using a non-judicial, administrative process.

Select Language ▼

City of Melrose, MA
Monday, August 19, 2024

Chapter 1. General Provisions

Article II. Use and Construction of Code

§ 1-19. General penalty.

[Amended 1-6-1997 by Ord. No. 97-77]

Except as otherwise provided, every person who violates any of the provisions of these ordinances and other ordinances of the City shall be subject to a fine not exceeding \$150. Each day any violation of these ordinances or of any other ordinance of the City shall continue shall constitute a separate offense.

State law reference — Authority of City to affix a penalty not exceeding \$300 for each offense, MGL c. 40, § 21.

§ 1-20. Enforcement.

All officers of the City shall enforce obedience to such laws of the commonwealth, ordinances of the City and orders of the Mayor or City Council as may be the duty of such officers respectively to enforce and shall promptly take notice of all complaints and institute such proceedings as may be necessary.

§ 1-21. Noncriminal disposition.

[Added 4-23-1997 by Ord. No. 97-183; amended 8-17-1998 by Ord. No. 97-183A; 10-21-2002 by Ord. No. 97-183B; 1-20-2009 by Ord. No. 09-099]

- A. Violation of any of the provisions of these ordinances or Board of Health regulations may, in the discretion of the enforcing person, be made the subject matter of proceedings pursuant to the provisions of MGL c. 40, § 21D, as amended, as a noncriminal disposition. If the enforcing person, empowered under Subsection **B**, elects to proceed under MGL c. 40, § 21D, as amended, all terms and provisions of said chapter and section shall govern said proceedings.
- B. Violation of the following ordinance sections or Board of Health regulations may be enforced in the manner provided in MGL c. 40, § 21D. For the purpose of this section, the specific penalty which is to apply for violation of each such section shall be as listed below, and the municipal officers or employees whose titles are listed under each such section shall be deemed to be enforcing officers for each such section. In all cases, police officers shall be considered as enforcing persons.
 - (1) Zoning/building.
 - (a) Fine allowed: \$150.
 - (b) Enforcement agent: Director of Inspectional Services.
 - (c) Fine schedule: first offense: \$50; second offense: \$100; third and subsequent offense: \$150.
 - (2) Smoking in public place (school).

- (a) Fine allowed: \$50.
- (b) Enforcement agent: Director of Public Health.
[Amended 8-21-2017 by Ord. No. 2018-4]
- (c) Fine schedule: first and subsequent offense: \$50.
- (3) Cemetery.
 - (a) Fine allowed: \$150.
 - (b) Enforcement agent: Superintendent.
 - (c) Fine schedule: first offense: \$50; second and subsequent offense: \$150.
- (4) Parks and playgrounds.
 - (a) Fine allowed: \$150.
 - (b) Enforcement agent: Superintendent.
 - (c) Fine schedule: first offense: \$50; second and subsequent offense: \$150.
- (5) Public works, ways and places.
 - (a) Fine allowed: \$150.
 - (b) Enforcement agent: City Engineer, Director of Public Works, Deputy City Engineer, Operations Manager or authorized supervisors.
[Amended 5-21-2012 by Ord. No. 2012-158; 8-21-2017 by Ord. No. 2018-4]
 - (c) Fine schedule: first offense: \$50; second and subsequent offense: \$150.
- (6) Fire.
 - (a) Fine allowed: \$150.
 - (b) Enforcement agent: Chief, Captain or Lieutenant.
 - (c) Fine schedule: first and subsequent offense: \$150.
- (7) Board of Health.
 - (a) Fine allowed: \$150.
 - (b) Enforcement agent: Director or agent.
 - (c) Fine schedule: first offense: \$50; second offense: \$100; third and subsequent offense: \$150 or in accordance with regulations promulgated by the Melrose Board of Health.
[Amended 6-4-2012 by Ord. No. 2012-173]
- (8) Canine.
 - (a) Fine allowed: \$50.
 - (b) Enforcement agent: Animal Control Officer.
[Amended 8-21-2017 by Ord. No. 2018-4]
 - (c) Fine schedule: first offense: \$15; second offense: \$25; third and subsequent offense: \$50.
- (9) Noncriminal possession of one ounce or less of marijuana in a public place (MGL c. 94C, § 32L).
 - (a) Fine allowed: \$100.
 - (b) Enforcement agent: Police Department.

(c) Fine schedule: first and subsequent offenses: \$100.

Exhibit B

PROCEDURES GUIDE: NON-CRIMINAL METHOD OF DISPOSITION FOR VIOLATION OF CITY ORDINANCES, RULES, AND REGULATIONS

(Dated: August 19, 2024)

If issuing a citation for a non-criminal violation under 21D:

1. Explain to the offender that you believe a violation of a City ordinance, rule or regulation has occurred.
2. Explain to the offender that in the exercise of your discretionary power as an enforcement officer for that specific provision of the ordinances that you intend to issue a non-criminal “ticket” (citation) to them rather than seek a criminal complaint.
3. Explain the procedures which are available to the offender under this process (which are printed on the citation form).
4. Fill in all applicable areas on the citation form including name and address of offender, designation of the specific section of the ordinances, rule or regulation violated, description of action constituting the offense, time, date and place of the occurrence.
5. Sign your name to the notice and request the offender sign their name indicating receipt of a copy- their signature is not an admission of guilt.
6. Give the offender a copy of the citation, explain again the procedures to be followed; point out to them that the procedures are printed on the citation form.
7. If they refuse to accept the form, or if you are unable to give them a copy of the citation in person, you may mail or otherwise deliver a copy to them within 15 days after the violation to the last known address.
8. Two copies of the citation form shall be kept- one with the enforcing Department and one sent by each Department (except Police) to the City Solicitor’s Office for submission to the District Clerk.
9. An incident report summarizing the circumstances in which you have issued each citation must be prepared at the time the notice of the violation is prepared. Keep the summary available until you are advised it is no longer needed. If the offender requests a hearing, or if a criminal complaint is later sought by the City, it will be necessary to have this contemporaneous record of what happened.
10. Please keep track of any non-payments, as we will need to have this information to reach out to District Clerk’s Office regarding next steps.