

CITY OF HAVERHILL

In Municipal Council December 20 2011

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MUNICIPAL ORDINANCE

CHAPTERS 11, 32 & 70

AN ORDINANCE RELATING TO PARKS AND RECREATION

BE IT ORDAINED by the City Council of the City of Haverhill that Chapter 11, Article II, Sections 4 through 8 of the Code of the City of Haverhill, as amended, being and is hereby deleted in its entirety and the following is inserted in place thereof:

“Article II. Parks, Playgrounds and Recreation Commission

§ 11-4. Creation; appointment; term.

There is hereby established the Parks and Recreation Commission. The Commission shall consist of seven members to be appointed by the Mayor for one-year terms from the time of their appointment or until their successors are qualified. Any vacancy occurring in the Commission shall be filled for the balance of the term by the Mayor. In making appointments to the Commission, the Mayor shall make every effort to appoint persons whose interests are to promote and carry on recreational and park activities, as well as to promote the management, equipment, care and improvement of the City’s park and recreational areas. Members of the Commission shall be removed by the Mayor as provided under the Charter.

§ 11-5. Chairperson.

The Mayor shall designate a member of said Commission to serve as Chairperson for a one-year period, effective upon said designation and until a new Chairperson is designated.

§ 11-6. Powers and duties.

A. The Commission is hereby empowered, subject to the approval of the Mayor, to make rules relative to the performance of the duties of the Commission and the carrying out of its functions, but such rules shall not take effect until they have been examined by the City Solicitor and approved by him with respect to their legality. The Commission shall have all powers and duties as established by MGL c. 45 regarding parks.

CURRENT VERSIONS OF CITY CODE

ARTICLE II

Recreation Commission (§ 11-4 — § 11-8)

[Adopted as part of Ch. 2 of the 1963 City Code (Ch. 2, Art. XIX, of the 1980 Code)]

§ 11-4 Creation; appointment; term.

[Amended 7-10-2007 by Doc. 76]

There is hereby established the Recreation Commission. The Commission shall consist of seven members to be appointed by the Mayor. Annually thereafter, in the month of March he shall appoint Commissioners to succeed those whose terms shall expire on the following September 30, and who shall hold office for the term of three years from October in the year in which they are appointed, or until a successor is chosen. Any vacancy occurring in the Commission shall be filled for the balance of the term by the Mayor. In making appointments to the Commission, the Mayor shall make every effort to appoint persons whose interests are closely allied to public playgrounds and public recreation. Members of the Commission shall be removed by the Mayor as provided under the Charter.

§ 11-5 Chairman.

The Recreation Commission shall annually elect a Chairman who shall preside at its meetings.

§ 11-6 Powers and duties.

[Amended 7-10-2007 by Doc. 76]

A. The Recreation Commission is hereby empowered, subject to the approval of the Mayor, to make rules relative to the performance of the duties of the Commission and the carrying out of its functions, but such rules shall not take effect until they have been examined by the City Solicitor and approved by him with respect to their legality. The Commission shall have all powers and duties as established by MGL c. 45 regarding parks.

B. The Commission shall have the following powers and duties in addition to those powers and duties as established by MGL c. 45:

(1) Control of Winnekenni Park, including the right to regulate the use of park grounds and facilities and repair and maintain any buildings thereon, exclusive of residential buildings. Nothing in this article shall supersede the existing responsibilities of the Winnekenni Foundation with reference to the castle.

(2) Control and jurisdiction over the Saltonstall Lake (Plug's Pond) swimming area.

(3) The right to charge user fees where permitted by law.

(4) To establish a revolving fund as provided under MGL c. 44, § 53D, said section hereby

being accepted insofar as necessary to comply with the intent of this article.

Editor's Note: Original § 2-168 of the 1980 Code, Reports, which immediately followed this section, was deleted 7-10-2007 by Doc. 76.

§ 11-7 Care, repair and maintenance of recreational areas.

[Amended 7-10-2007 by Doc. 76]

The care, repair and maintenance of any of the playgrounds, playfields, swimming areas, and any other areas used for recreational activities shall be under the direct charge and control of the Director of Natural Resources.

§ 11-8 Permits for sports or games.

[Amended 7-10-2007 by Doc. 76]

Permits for sports or games on public playgrounds or parks shall be issued by the Recreation Director.

Natural Resources Division (§ 32-24 — § 32-28)

[Adopted 12-18-1973 by Doc. 362 (Ch. 55, Art. I, of the 1980 Code); amended in its entirety 7-10-2007 by Doc. 76] §

§ 32-26 Responsibility for parks and playgrounds.

The Division of Natural Resources through its Director shall have the overall supervision of the parks and playgrounds in the City of Haverhill which shall be under the immediate control of the Recreation Commission. The Director of Natural Resources shall be responsible for the care and maintenance of all parks and playgrounds in the City of Haverhill.

Director of Recreation (§ 70-132 — § 70-133)

Editor's Note: This article is derived from part of Ch. 2, Art. XIX, of the 1980 Code.

[Adopted 7-10-2007 by Doc. 76]

§ 70-132 Establishment; duties.

There shall be a Director of Recreation, whose duty it shall be to establish programs and to take charge of the recreational activities in the playgrounds, playfields and swimming areas in the City; and, shall plan the programs and take charge of any and all other activities of a recreational nature directed by, or controlled by, or carried on with the authority and approval of the Mayor.



JAMES J. FIORENTINI

MAYOR

December 16, 2011

**CITY OF HAVERHILL
MASSACHUSETTS**

CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
FAX 978-373-7544
WWW.CI.HAVERHILL.MA.US

City Council President Michael J. Hart
& Members of the City Council

RE: Parks, Playgrounds and Recreation Commission

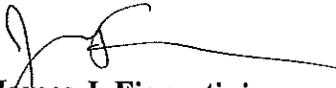
Dear Mr. President and City Council Members:

Enclosed, please find an ordinance relating to the Parks, Playgrounds and Recreation commission.

I am amending the old ordinance to address the current needs of our parks, playgrounds and recreation areas and expand the mission of the commission.

This order must be placed on file for 10 days at which time I recommend approval.

Very truly yours,



James J. Fiorentini
Mayor

JJF/lk

Encl.

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B. The Commission shall have the following powers and duties in addition to those powers and duties as established by MGL c. 45:

(1) Control of Winnekenni Park, including the right to regulate the use of park grounds and facilities and repair and maintain any buildings thereon, exclusive of residential buildings. Nothing in this article shall supersede the existing responsibilities of the Winnekenni Foundation with reference to the castle.

(2) Control and jurisdiction over the Saltonstall Lake (Plug's Pond) swimming area.

(3) The right to charge user fees where permitted by law.

(4) To establish a revolving fund as provided under MGL c. 44, § 53D, said section hereby being accepted insofar as necessary to comply with the intent of this article.

§ 11-7. Care, repair and maintenance of park and recreational areas.

The care, repair and maintenance of any of the parks, playgrounds, playfields, swimming areas, and any other areas used for recreational activities shall be the responsibility of the Department of Public Works.

§ 11-8. Director; Permits for sports or games.

The Mayor shall have control and management of the Parks and Recreation Commission. The Recreation Director shall regulate and coordinate all functions reasonably related to the duties and responsibilities of the Parks and Recreation Commission. Permits for sports, games or other activities on all public playgrounds or parks shall be issued by the Recreation Director."

Further,

By deleting the following words in **§ 32-26. Natural Resources Division/Responsibility for parks and playgrounds:** "The Division of Natural Resources through its Director shall have the overall supervision of the parks and playgrounds in the City of Haverhill which shall be under the immediate control of the Recreation Commission.", and, by inserting the following words at the end of **§70-132. Officers and Employees/Director of Recreation:** "The Director of Recreation shall have the overall supervision of the parks and playgrounds in the City of Haverhill which shall be under the immediate control of the Parks and Recreation Commission."

APPROVED AS TO LEGALITY:

City Solicitor

PLACED ON FILE for at least 10 days

Attest:

City Clerk