



# CITY OF HAVERHILL CITY COUNCIL AGENDA

**Tuesday, April 17, 2012 at 7:00 PM**  
**City Council Chambers, Room 202**

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**1. APPROVAL OF RECORDS OF THE PREVIOUS MEETING**

**2. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING**

**3. COMMUNICATIONS FROM THE MAYOR**

NO SCHEDULE

**4. UTILITY HEARING(S) AND RELATED ORDER(S)**

NO SCHEDULE

**5. APPOINTMENTS**

**5.1. Confirming Appointments:**

NO SCHEDULE

**5.2. Non-Confirming Appointments:**

5.2.1. C. D. Hunking Middle School Building Committee: *David Van Dam*

Attachment

**6. PETITIONS**

**6.1. Applications:**

6.1.1. Application for License to Buy & Sell Old Gold from Peter McGarvey of THR & Associates, Inc  
"Treasure Hunters Roadshow" at Best Western, 401 West Lowell av, May 16-20<sup>th</sup>

Attachment

6.1.2. Application for License to Buy & Sell Second Hand Articles from Vinh Lam of THR &  
Associates, Inc "Treasure Hunters Roadshow" at Best Western, 401 West Lowell, May 16-20<sup>th</sup>

Attachment

6.1.3. Application for renewal of a Junk Dealer's License from James Smith, "TJS Metals," at 23 Hale  
st

Attachment

**7. HEARINGS AND RELATED ORDERS**

NO SCHEDULE

**8. MOTIONS AND ORDERS**

8.1. Transfer \$10,000 from General Fund Budget Reserve to DPW Parks Department-Expenses to cover  
cost of providing flowers in downtown section of the City

Attachment

8.2. Order authorize Mayor to execute a certain "Site Access Agreement" relative to real property at the  
Rocks Village Firehouse, also known as the "Rocks Village Hand Tub House" on River rd which will  
assist the contractor during the Rocks Village Bridge reconstruction through November 2014

Attachment



# CITY OF HAVERHILL CITY COUNCIL AGENDA

**Tuesday, April 17, 2012 at 7:00 PM**  
**City Council Chambers, Room 202**

---

8.3. Ordinance re: Vehicles and Traffic Amend Chapter 240-108, Article VXI, Parking Fees, Rates and Terms chart **File 10 days Attachment**

## **9. UNFINISHED BUSINESS OF PRECEDING MEETINGS**

- 9.1.1. Document 46-B, Ordinance re: Zoning – Floodplain District **Filed April 4 2012 Attachment**
- 9.1.2. Document 47, Ordinance re: Alcoholic Beverages; amend General Code Chapter 100-6, Article III. Number of Licenses **Filed April 4 2012 Attachment**
- 9.1.3. Document 48, Ordinance re: Fire Department Fees; amend General Code, Article II, Fire Department Fees Chapter 128-3.1 Master Box connection and monitoring **Filed April 4 2012 Attachment**

## **10. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES**

- 10.1. **Communications from Councillors:**  
NO SCHEDULE

## **11. RESOLUTIONS AND PROCLAMATIONS**

NO SCHEDULE

## **12. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS**

- 12.1. **Council Committee Reports:**  
NO SCHEDULE

- 12.2. Documents referred to Committee Study **Attachment**

## **13. ADJOURN**



JAMES J. FIORENTINI  
MAYOR

**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

April 6, 2012

City Council President Michael Hart  
& Members of the City Council

**RE: C. D. Hunking Middle School Building Committee**

Dear Council President & Members of the City Council:

I hereby appoint David Van Dam, Mayor's Chief of Staff, to the C. D. Hunking Middle School Building Committee:

This is a non-confirming appointment which takes effect immediately.

Very truly yours,

**James J. Fiorentini**  
Mayor

JJF/lk

Cc: William Pillsbury  
David Van Dam

6.1.1

# City of Haverhill

Honorable President and Members of the Municipal Council:

The undersigned respectfully asks that he may receive a License

Buy & Sell OLD GOLD

place of business being "THR & Associates INC  
TREASURE HUNTERS Roadshow"

Best Western - 401 West Lowell AV

May 16 - May 20 2012

Peter McGarvey  
Applicant

127 Brown St.

Haverhill March 27 2012 20 Penn Yan NY 14527  
Residence

Tel: 315-767-8655

RENEW

SS# On Back

DOB: On Back

No. \_\_\_\_\_

Fee \$150.00

In Municipal Council, \_\_\_\_\_ 19

Attest:

\_\_\_\_\_, City Clerk.

Approved ✓

Denied \_\_\_\_\_

[Signature]  
Police Chief

2/29/12

City of Haverhill, MA

Re: THR & Associates, Inc.  
Treasure Hunters Roadshow  
Possible Event Date: March-April  
Location: Best Western - 401 West Lowell Ave Haverhill, MA 01832

Dear City Officials,

This correspondence will introduce THR & Associates, Inc., an Illinois corporation, doing business as Treasure Hunters Roadshow. THR is in the midst of tentatively scheduling an event in your community for a 5-day period sometime between the beginning of March and through April, no tentative time at this time: we wanted to verify the legal aspects of it first before picking a specific date. (May 16 - May 20)

Treasure Hunters Roadshow provides citizens in your community and surrounding areas with an opportunity to obtain estimates of value on, and, if appropriate, sell items of varying types. These events are free events that are open to the public. The company purchases collectibles of various kinds, coins, jewelry, precious metals such as gold, silver scrap gold/jewelry, palladium, platinum, dolls and toys, sports memorabilia, wrist watches, pocket watches, paper money, Tiffany products, model trains, guitars, instruments of all varieties, automobile memorabilia, comics, historical docs...etc. Our company in total has purchased over 200 million dollars of items for our collectors network. The access of THR & Associates, Inc. to national collectors and buyers for items generally provides patrons with greater value for items sold during these events. The event is staffed by employees of THR & Associates, Inc. who have background and experience in a variety of areas pertaining to many of the items to be purchased.

My purpose in writing to you today is to introduce the company. THR & Associates, Inc. is committed to compliance with all local and state laws in your jurisdiction pertaining to such an event. We try to identify, apply for and obtain all necessary permits, licenses and permissions that are required in your community for THR & Associates, Inc. to conduct its event.

The company looks forward to working with you in this process and looks forward to visiting your community with the Treasure Hunters Roadshow. Thank you for your attention to this correspondence. If I may supply you with any additional information regarding any aspect of this matter, please feel free to contact me at your convenience.

Jessica Beverly - Compliance Officer  
3200 Pleasant Run | Springfield, IL 62711  
p. 217.726.7590 EXT: 121 | f. 217.726.7950

Jessica.Beverly@thrassociates.com

6.1.2

# City of Haverhill

Honorable President and Members of the Municipal Council:

The undersigned respectfully asks that he may receive a License

Buy & Sell Second Hand Articles

place of business being "THR & ASSOCIATES INC  
Treasure Hunters Roadshow

Best Western - 401 West Lowell Av.

May 16 - May 20 2012

Vinh Lam

1122 Ellsworth St. Applicant

Haverhill Residence

March 27 2012 20 Philadelphia PA 19147

Tel: 908-230-5090

RENEW

SS# On Back

DOB: On Back

No. \_\_\_\_\_  
Fee 50.00

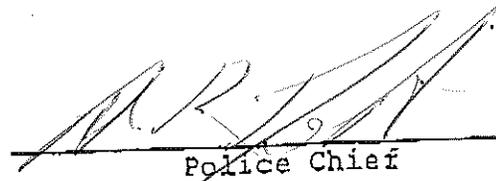
In Municipal Council, \_\_\_\_\_ 19

Attest:

\_\_\_\_\_, City Clerk.

Approved \_\_\_\_\_

Denied \_\_\_\_\_

  
\_\_\_\_\_  
Police Chief

2/29/12

City of Haverhill, MA

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*( May 16 - May 20 )*

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Jessica Beverly- Compliance Officer  
3200 Pleasant Run | Springfield, IL 62711  
p. 217.726.7590 EXT: 121 | f. 217.726.7950  
Jessica.Beverly@thrassociates.com

# City of Haverhill

Honorable President and Members of the Municipal Council:

The undersigned respectfully asks that he may receive a License

Junk Dealer

place of business being

23 Hale St "T.J.S. Metals"

James Smith

Sandy Foley

Sandy Foley

APR 04 2012

39 Greenbriar Rd

Applicant

Residence

Salem, NH 03079

Haverhill

20

Tel: \_\_\_\_\_

**RENEW**

SS# On Back

DOB: On Back

No. \_\_\_\_\_

Fee 125.00

In Municipal Council, \_\_\_\_\_ 19

Attest:

\_\_\_\_\_, City Clerk.

Approved ✓

Denied \_\_\_\_\_

[Signature]  
Police Chief



Document

CITY OF HAVERHILL

In Municipal Council

Ordered:

That the sum of \$10,000 be transferred from General Fund Budget Reserve to DPW Parks Department-Expenses to cover the cost of providing flowers in the downtown section of the city.



JAMES J. FIORENTINI  
MAYOR

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

April 12, 2012

City Council President John Michitson and  
Members of the Haverhill City Council

**RE: Transfer Order**

Mr. President and members of the City Council:

Enclosed is a transfer order to transfer \$10,000 from *budget reserve* to *parks department expenses*. The purpose of the transfer is to be able to fill those black planters which were placed downtown as part of the streetscape project.

The City Council will recall that when we passed the meals tax we indicated that some of the funds would go to downtown improvement. In the past, we have provided increased street sweeping downtown, provided the smoking receptacles and increased our police presence downtown.

This \$10,000 is part of that commitment to improve our downtown. The funds currently are in "*general fund budget reserve*." *General fund budget reserve* is, in essence, our additional funding in case our snow budget runs over as it normally does. Because of the low snowfall this winter we had some funding remaining in budget reserve.

If this transfer is approved, it is our intention to begin making plantings sometime in mid-May.

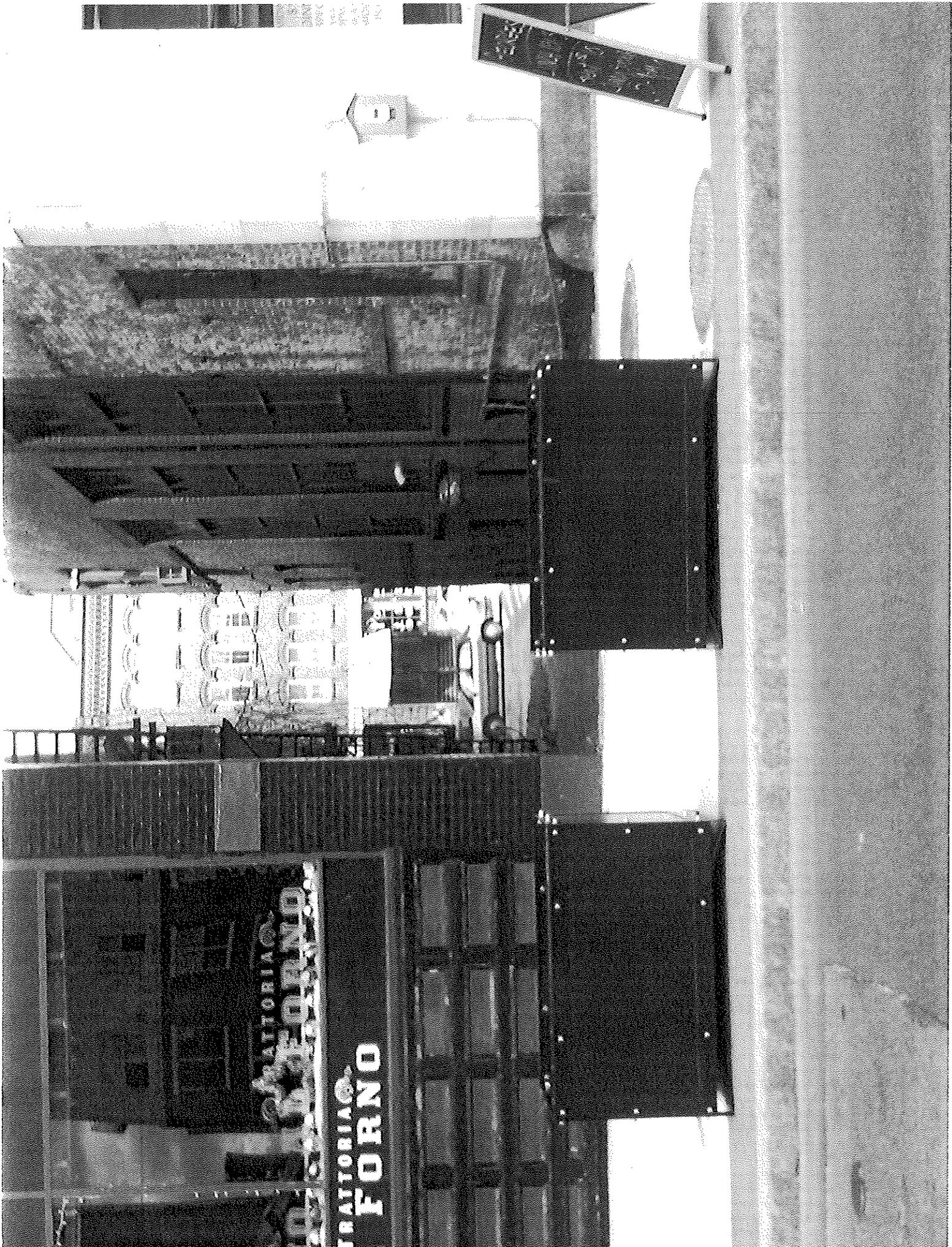
A transfer order is attached and I recommend approval.

Very truly yours,

James J. Fiorentini, Mayor

JJF/lk

Encl.





DOCUMENT

**CITY OF HAVERHILL**

In Municipal Council

ORDERED:

That the Mayor be and is hereby authorized to execute a certain "Site Access Agreement", attached hereto, relative to real property located at the Rocks Village Firehouse, also known as the Rocks Village Hand Tub House, on River Road.



**JAMES J. FIORENTINI**  
MAYOR

**CITY OF HAVERHILL**  
MASSACHUSETTS

CITY HALL, ROOM 100  
FOUR SUMMER STREET  
HAVERHILL, MA 01830  
PHONE 978-374-2300  
FAX 978-373-7544  
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April 12, 2012

City Council President John Michitson and  
Members of the Haverhill City Council

**RE: Rocks Village**

Mr. President and members of the City Council:

Enclosed, please find an order to assist the contractor who is rebuilding the Rocks Village Bridge.

This allows the contractor to store equipment and access the site during the Rock Village Bridge reconstruction through November 2014.

I recommend approval.

Very truly yours,

**James J. Fiorentini, Mayor**

JJF/lk

Encl.

## SITE ACCESS AGREEMENT

DATE: April 11, 2012

PARTIES: City of Haverhill  
c/o City Solicitor's Office  
145 Main Street  
Bradford, MA 01835  
(the "Owner")

SPS New England, Inc.  
98 Elm Street  
Salisbury, MA 01952  
(the "Contractor")

RE: Rocks Village Fire House  
Use of Land

### AGREEMENT:

In consideration of the mutual covenants and agreements set forth below, the parties do hereby covenant and agree as follows:

1. Subject to the conditions of this Agreement, Owner hereby grants permission for SPS to use land adjacent to the Rocks Village Firehouse on River Road. as a temporary laydown area for the duration of the Rock's Village Bridge Rehabilitation project. The expected completion date is to be November 17, 2014.
2. The activities permitted by this Agreement (the "Activities") shall consist of those listed below with locations that can be seen on attached drawing.
  - Installation and removal of hay socks around the perimeter of disturbed soil for erosion and sedimentation control.
  - Selective tree removal to be coordinated with the Owner.
  - Remove and resetting of concrete post at entry way.
  - Striping, stacking, and reinstallation of loam.
  - Installation of temporary stone / gravel base for access.
  - Installation of steel road plates and concrete barrier adjacent to the fire house for protection of the existing structure.
  - Seeding of all disturbed areas
  - Construction laydown

The Activities shall be performed by SPS in accordance with all applicable regulations and government requirements. SPS shall be responsible for obtaining all necessary permits and approvals (if any) to conduct the Activities. SPS further agrees to perform the Activities to be conducted: (i) in a safe manner and without exposing persons on the Property to any unreasonable risk; (ii) with no unreasonable disruption of the use of the Property; and (iii) for the term set forth in Paragraph 3 below; (iv) area will be restored to existing / improved condition.

3. The Activities shall be of no cost or expense to the Owner.
4. Neither SPS nor its employees, subcontractors or agents, shall, in the course of performing the Activities, unnecessarily or unreasonably obstruct or interfere with or impede the ingress and egress of persons or vehicles to and from the Fire House or otherwise unnecessarily or unreasonably interfere with the Owner's use of the Fire House, and SPS shall use diligent efforts to minimize any such interference.
5. SPS shall repair in a timely manner any damage to the Property cause by the Activities and/ or the entry upon the Property by SPS or any subcontractor.
6. SPS agrees to indemnify and hold harmless the Owner, its agents, servants, employees, officers, directors, and trustees against all claims, losses, expenses (including reasonable attorneys' fees), and injuries to persons or property arising from the performance of the Activities on the Property except to the extent caused by the negligence or willful misconduct of Owner, its employees, agents and representatives. The terms of this paragraph shall survive the term of this Agreement.
7. N/A
8. N/A
9. SPS shall provide to the Owner, at no cost to the Owner, copies of any report or submission to government entities, including without limitation DEP, which identify and /or discuss the Site and/or the Property, within fifteen (15) days of such submissions.
10. SPS agrees to maintain the locations where the Activities are performed in good order at SPS's sole cost and expense.
11. SPS agrees that any equipment or other property of SPS or its employees, servants, agents, or subcontractors, which are on the Property, shall be at SPS's sole risk
12. In connection with its obligations under this Agreement, SPS shall provide the Owner with its contractor's certificates of insurance evidencing Comprehensive General Liability (with limits of liability of not less than \$1,000,000 per occurrence), Automobile Insurance (comprehensive form), Professional Liability, and the Pollution Liability coverage. Such certificates of insurance shall name the Owner as an additional insured, and shall be provided to the Owner prior to the commencement of the Activities on the Property. Such certificates shall also stipulate that such insurance will not be materially reduced or canceled unless ten (10) days prior written notice of such termination given to the Owner.
13. By executing this Agreement, or conducting the Work, neither the Owner nor SPS waives any rights they may have against each other or against any other person or entity in connection with any contamination that may exist at or on the Property. Nothing in this Agreement shall constitute a waiver or any attorney work product or attorney-client privilege.
14. This Agreement shall be valid through the expected completion date of November 17, 2014. SPS may extend the term of the Agreement upon thirty (30) days written notice if the expected completion date is extended. Notwithstanding the foregoing, the Owner may terminate this Agreement at any time for good cause, including but not limited to a violation of the terms of this Agreement by SPS. Thereafter, SPS shall have a reasonable amount of time to restore the property as contemplated in paragraph 2 above.

15. SPS may assign its rights and/or obligations under this Agreement only with the Owner's written consent. Such consent shall only be provided if SPS's proposed assignee(s) agree(s) in writing to all terms and conditions of this Agreement.
16. Neither Party to this Agreement shall record this Agreement.
17. To the extent that the terms of this agreement conflict with the Activities described in the attached drawing, the terms of this agreement shall control.
18. Nothing contained in this Agreement shall be construed as an admission of any fact or liability of any party to this Agreement.
19. This Agreement shall be binding upon, and shall inure to the benefit of, the respective successors and assigns of the parties hereto. This Agreement shall be construed in accordance with the laws of the Commonwealth of Massachusetts.
16. This Agreement may be signed in counterparts separately by each party to this Agreement, and all the executed pages shall be appended to the original Agreement, and all of which when executed shall constitute a duly executed and integrated Agreement.

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City of Haverhill

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Date

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SPS New England, Inc.

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Date

# Rocks Village Bridge Rehabilitation Project Haverhill Massachusetts Proposed Laydown Area



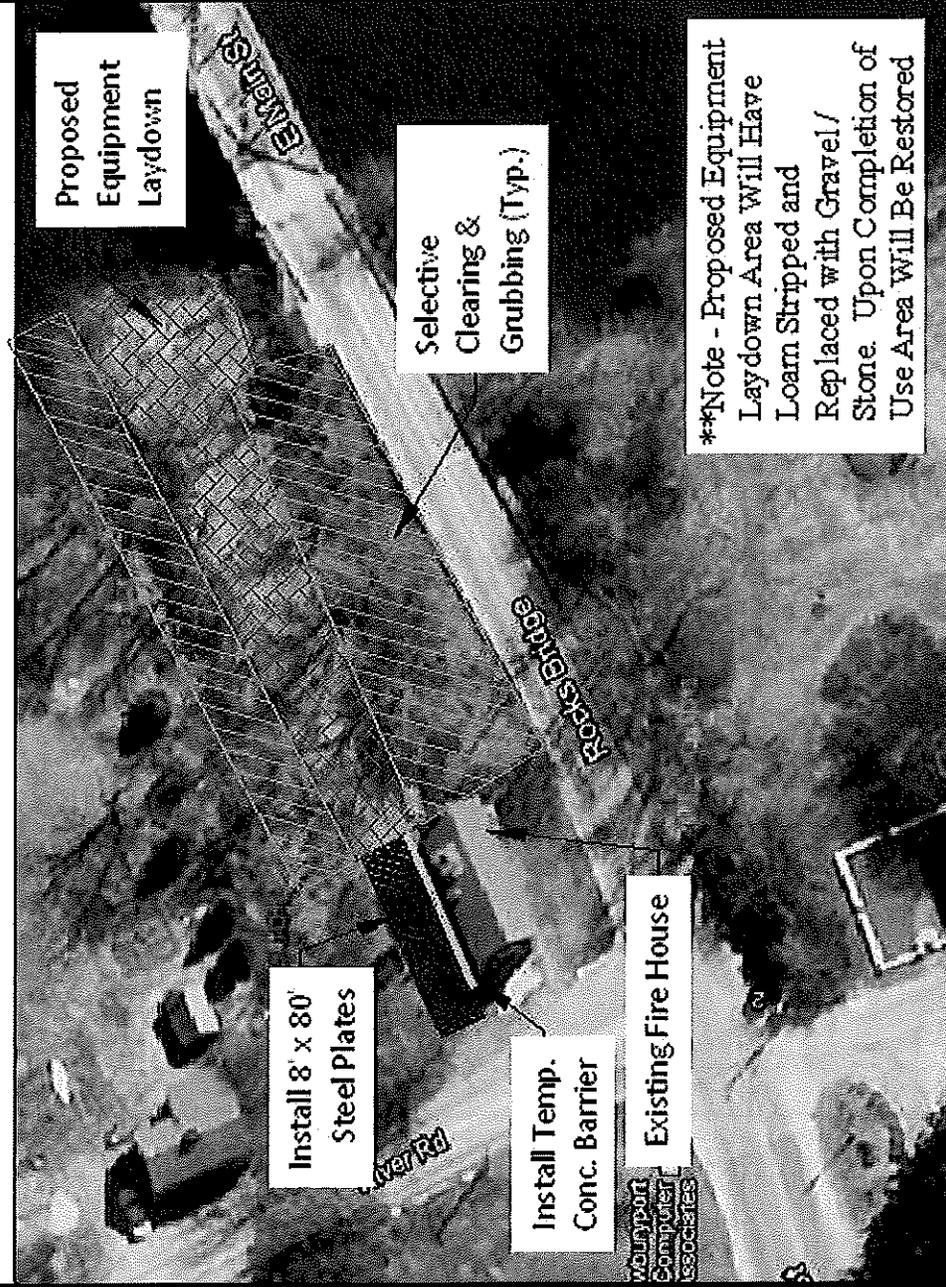
New England, Inc.

Job:  
Haverhill /  
West Newbury  
Rocks Bridge

Title:  
Proposed  
Equipment  
Laydown Area

Date:  
3-30-2012

Drawn By:  
JDH



Wauppon  
Computer  
Associates



JAMES J. FIORENTINI  
MAYOR

CITY OF HAVERHILL  
MASSACHUSETTS

CITY HALL, ROOM 100  
FOUR SUMMER STREET  
HAVERHILL, MA 01830  
PHONE 978-374-2300  
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April 12, 2012

City Council President John Michitson and  
Members of the Haverhill City Council

**RE: Parking Ordinance**

Mr. President and members of the City Council:

As I informed you last week, we hope to reach agreement with a company known as *SP Plus* to manage the parking downtown.

They have pointed out some changes that need to be made in the parking ordinance in order to make this effective. I am enclosing an ordinance which does the following:

- a. Eliminates the thirty (30) minutes of free parking in the lots. The parking company and our parking consultant all tell us that the free thirty minute provision would make enforcement extremely difficult.
- b. Allows for visitor's passes for the two elderly complexes downtown.

This order must be placed on file for two weeks at which time I recommend approval.

Very truly yours,

James J. Fiorentini, Mayor

JJF/lk

Encl.



DOCUMENT

**CITY OF HAVERHILL**

In Municipal Council

~~ORDER~~

MUNICIPAL ORDINANCE

CHAPTER 240

AN ORDINANCE RELATING TO VEHICLES AND TRAFFIC

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240-108, ARTICLE XVI. Parking Fees, Rates and Terms is hereby amended as follows:

By deleting the number and word "30 Min." under the heading "Free Period" on the attached CENTRAL BUSINESS DISTRICT PARKING FEES, RATES AND TERMS chart.

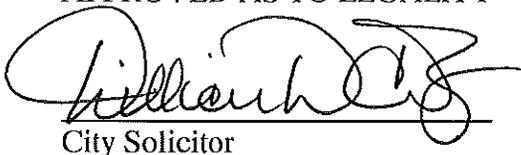
Also, by adding the following line after the line beginning with "Parking Permit":

"Visitor Permits\*\*\*                    N/A.    N/A    N/A    N/A    N/A    N/A    24hrs./day"

and the following at the end of the chart:

"\*\*\*Visitor Permits for adjacent or specified nearby parking lots may be issued to the building owners of Phoenix Row/Phoenix Way and 25 Washington Square to be used solely by persons visiting or providing services to residents of these properties. Such Visitor permits shall not exceed twenty (20) to each property at any given time. The City reserves the right to revoke these Permits at any time."

APPROVED AS TO LEGALITY

  
City Solicitor



**SP Plus®**  
**Municipal Services**  
*Superior People. Superior Performance.*

115 Broad Street  
3rd Floor  
Boston, MA 02110  
617-542-7275  
[www.spplus.com](http://www.spplus.com)

April 6, 2012

*Via Electronic Delivery*

Mr. David Van Dam  
City of Haverhill  
City Hall  
Four Summer Street  
Haverhill, MA 01830-5875

**Re: Parking Management Services**

Dear David:

As you know, SP Plus® Municipal Services has been providing municipal parking management experience for municipal clients throughout the United States for over 30 years. We have extensive knowledge with parking enforcement, parking meter collections & maintenance, parking ticket processing and collections, single space meters, multi-space technologies, pay by phone systems, demand & turnover studies and every other facet associated with municipal parking.

We currently manage several municipal contracts similar to that of City of Haverhill. We have proven experience in marketing and branding parking programs, as well as issuing and managing parking enforcement. We also have extensive experience in implementing various types of parking access and revenue control system equipment for multiple of clients. The following is an example of our overall experience over the last five (5) years:

- City of Lawrence(MA)
- City of Chelsea (MA)
- City of Richmond (VA)
- City of Fort Myers (FL)
- City of Great Falls (MT)
- City of Miami Beach (FL)
- City of New Orleans (LA)
- City of Chicago Parks District
- City of San Mateo (CA)
- City of Tampa (FL)

We understand the current parking ordinance allows free parking for the first 30-minutes. Based on our experience, this type of grace period allowing free parking within a paid parking system is not recommended and virtually impossible to enforce. Under this scenario, a parking enforcement officer would be required to record or chalk vehicles on a continual basis. Alternatively if the individual were required to record his or her parking at a meter with a pre-programmed grace period, the system could easily be abused and parkers will have the ability to park all day in a single space by simply re-entering information each half-hour.

From an end user perspective, individuals would be confused as to when they will be required to pay, and would likely be issued violations as a result. For example, a parker who plans a 30-minute stop would receive a violation if his/her trip extended a few minutes longer than expected. The result will be a large volume of dissatisfied parkers who will appeal these violations. Additionally, the City will take on the burden of addressing these violation appeals. Simply stated, it is not a good practice to mix a free parking component within a paid parking program.

Please let me know if we can provide further insight into this situation.

Sincerely,

  
Paul Pirhofer  
Regional Manager

Backup

23-H



DOCUMENT 23-H

**CITY OF HAVERHILL**

In Municipal Council August 23 2011

~~ORDERED~~

**MUNICIPAL ORDINANCE**

**CHAPTER 240**

**AN ORDINANCE RELATING TO VEHICLES AND TRAFFIC**

**PREAMBLE**

Whereas, increased new residential and business development in the Central Business District has increased traffic and parking demand; and

Whereas, the Merrimack Valley Regional Transit Authority (MVRTA) is constructing an intermodal parking facility on the City's Granite Street lot known as the "Ted for Tires" lot to alleviate the increased demand for parking;

Whereas, the City has conducted a substantive review of the literature and the practices of other cities to determine the most effective ways of managing the traffic and parking demand; and

Whereas, based on that review the City has determined that the most effective tool for managing on-street parking and parking in municipal parking lots is a program of pricing the on-street public parking at a rate so as to achieve a fifteen percent (15%) vacancy rate in the available parking spaces; and

Whereas, underpriced on-street parking and parking in municipal parking lots causes an effect known as "cruising," which adds to traffic congestion; and

Whereas, a vacancy rate of about 15% is necessary to avoid cruising-induced traffic, to facilitate easy ingress and egress, to further stimulate residential and business opportunities within the Central Business District and to offer parking opportunities to as many different people as possible; and

Whereas, the City of Haverhill is authorized by M.G.L. c. 40, §22A - 22C to fix the rate of fees and terms for parking on public streets and in public parking lots; and

234

2.

Backup

Whereas, such parking fees are for the purpose of regulating traffic and the parking of vehicles in the public streets, and not a tax for revenue purposes; and

Whereas, receipts from such parking fees may be used not only in defraying expenses of administration of the parking program, development, management, operation, maintenance and improvement in all municipal parking lots, streets, ways, highways and roads with the Central Business District; and

Whereas, certain formerly unmetered on-street and off-street parking must be metered or permitted, in a manner to be determined, in order to meet the demands of changing patterns of use of Central Business District parking.

**NOW THEREFORE:**

**BE IT ORDAINED** by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240, as amended, is hereby further amended by adding the following:

**"ARTICLE XVI. Parking Fees, Rates and Terms.**

**§240-108. Establishment of Parking Fees, Rates and Terms.**

The City Council and Mayor hereby establish, as attached hereto, initial fees, rates and terms for parking on all streets, ways, highways and roads, along with all municipal parking lots, all as shown on the Central Business District Parking Map dated 08/17/11, filed in the Office of the City Engineer, Plan 2B/3418, as may be amended from time to time.

**§240-109. Periodic Adjustment of Parking Fees and Rates.**

The following process shall be utilized to manage the use and occupancy of all parking areas within the Central Business District by adjusting parking fees, rates and terms from time to time to manage the use and occupancy of the parking spaces for the public benefit.

A. To accomplish the goal of managing the supply of parking and to make it reasonably available when and where needed, a target occupancy rate of eighty-five percent (85%) is hereby established.

B. At least annually and not more frequently than quarterly, the Parking Administrator or Parking Consultant shall survey the average occupancy for all streets, ways, highways and roads, along with all municipal parking lots, within the Central Business District that have paid parking. Based on the survey results, the Parking Administrator or Parking Consultant shall propose to the Central Business District Parking Commission an adjustment of the rates up or down in twenty-five

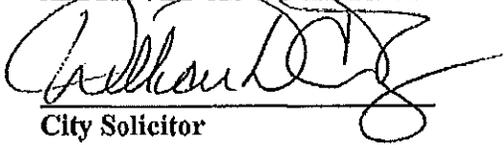
Backup

23-4

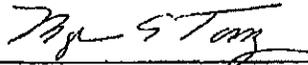
cent (\$0.25) intervals to seek to achieve the target occupancy rate. The Central Business District Parking Commission shall consider the Parking Administrator's proposal to adjust parking rates and make a recommendation to the Mayor and City Council."

Effective December 1, 2011

APPROVED AS TO LEGALITY

  
City Solicitor

PLACED ON FILE for at least 10 days

Attest: 

City Clerk

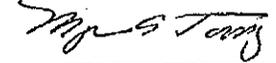
IN CITY COUNCIL: September 6 2011

On motion of Councillor Daly O'Brien to delete the word "not" on the second page, 1nd paragraph first line and change the word in the last line of that paragraph from "with" to within

MOTION PASSED and

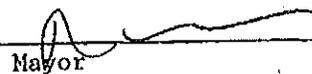
On motion of City Solicitor William Cox to amend Section 240-108. as follows: By adding the sentence "When the provisions of this section conflict with the schedules of Chapter 240, the provisions of the schedule shall prevail", at the end of the paragraph after the words "time to time"

MOTION PASSED AND PASSED AS AMENDED

Attest: 

City Clerk

APPROVED:

  
Mayor

23-H

Backup

CENTRAL BUSINESS DISTRICT PARKING FEES, RATES AND TERMS

Parking Key - Restriction*	Free Period	Hourly Rate	Monthly Rate	Escalation After	Escalated Hourly Rate	Daily Max	Hours of Operation
Unrestricted	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Police Business	N/A	N/A	N/A	N/A	N/A	N/A	N/A
15 Minute Limit	15 Minutes	N/A	N/A	N/A	N/A	N/A	8am - 6pm
2 Hour Limit	2 Hours	N/A	N/A	N/A	N/A	N/A	8am - 6pm
Pay Parking, Group A	30 Min.	\$ 0.50	N/A	3 Hrs, 15 Min	\$1.00	\$8.00	8am-8pm for all Parking Lots; 3pm-8pm for all Streets
Pay Parking, Group B	30 Min.	\$ 0.50	N/A	N/A	N/A	\$6.00	8am-8pm
Pay Parking, Group C	120 Min.	\$ 0.50	N/A	None	N/A	\$2.00	8am-8pm No Overnight
Pay Parking, Group D	N/A	N/A	\$5.00	N/A	N/A	N/A	8am-8pm No Overnight
Permit Parking**	N/A	N/A	\$15.00	N/A	N/A	N/A	24hrs./day

\*\*Parking Key - Restriction\* refers to those as shown on the Central Business District Parking Map dated 08/17/11, filed in the Office of the City Engineer, Plan 2B/3418, a copy of which is also on file with the City Clerk, and the corresponding parking indicated therein, as amended from time to time.

\*\* Permit parking available to residents and employees in the Central Business District. Those residents who are handicapped, disabled or have attained age 60 shall pay fifty (50%) percent of the monthly rate for a parking permit.



DOCUMENT 46-B

**CITY OF HAVERHILL**

In Municipal Council April 3 2012

~~ORDER~~

**MUNICIPAL ORDINANCE**

**CHAPTER 255**

**AN ORDINANCE RELATING TO  
ZONING - FLOODPLAIN DISTRICT**

**BE IT ORDAINED** by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 255, Article V, as amended, be and is hereby further amended in §255-18 as follows:

1. By deleting the first paragraph and inserting in place thereof the following:

“The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the City of Haverhill designated as Zone A and AE on Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the City of Haverhill are panel numbers 25009C0058F, 25009C0059F, 25009C0066F, 25009C0067F, 25009C0068F, 25009C0069F, 25009C0078F, 25009C0080F, 25009C0083F, 25009C0084F, 25009C0086F, 25009C0087F, 25009C0088F, 25009C0089F, 25009C0091F, 25009C0092F, 25009C0093F, 25009C0094F, 25009C0111F, 25009C0226F, 25009C0227F, and 25009C0231F dated July 3, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the City Engineer.”

2. By deleting the words “Flood Boundary and Floodway Map” in §255-18 (C) and inserting in place thereof the words “Flood Insurance Rate Map”.

3. By adding the following at the end of §255-18:

“D. Base Flood Elevation and Floodway Data.

(1) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be

For hearing May 1 2012

used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

#### E. Use Regulations.

(1) The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

(2) In Zone AE, along watercourses within the City of Haverhill that have a regulatory floodway designated on the Essex County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(3) All subdivision proposals must be designed to assure that:

- a) such proposals minimize flood damage;
- b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c) adequate drainage is provided to reduce exposure to flood hazards.

#### F. Notification of Watercourse Alteration.

In a riverine situation, the City's Conservation Agent shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- Bordering States
- NFIP State Coordinator - Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104
- NFIP Program Specialist - Federal Emergency Management Agency, Region I 99 High Street, 6th Floor, Boston, MA 02110

#### G. Permitted Uses.

Ordinance Re: ZONING - Floodplain District

## § 255-18. Floodplain District.

[Added 2-15-1983 by Doc. 219-B/82 Editor's Note: This ordinance also repealed original § 255-18, Floodplain Districts, added 1-14-1975 by Doc. 357-C/74. ]

The Floodplain District is hereby established as an overlay district. The underlying permitted uses are allowed, subject to all other provisions of this chapter, provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The Floodplain District includes all special flood hazard areas designated as Zone A and A1 - 30 on the City of Haverhill Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps, dated February 16, 1983, on file with the City Engineer who shall furnish a record of elevation of lowest floor of all new or substantially improved structures. These maps, as well as the accompanying City of Haverhill Flood Insurance Study, are incorporated herein by reference. The following requirements apply in the Floodplain District:

**A.** Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data from the City Engineer, and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code and the following special provisions:

(1) Structures intended for residential purposes must be built in such a manner that the lowest floor (including basement or cellar) is elevated to or above the base flood elevation.

(2) Structures intended for nonresidential purposes must be built in such a manner that the lowest floor (including basement or cellar) is elevated to or above the base flood elevation or, together with attendant utility and sanitary facilities, is floodproofed up to the base flood elevation.

(3) Structures shall be anchored to resist flotation and lateral movement.

(4) Construction of water supply and waste treatment systems shall prevent the entrance of floodwaters.

(5) Valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and stormwaters shall be installed.

(6) All electrical equipment, circuits and electrical appliances shall be located in a manner which will assure they are not subject to flood damage.

(7) These provisions shall not be interpreted to prohibit the construction of structures underground which are waterproof or are intended to absorb floodwater, provided that such structures do not raise the existing ground elevations nor obstruct the flow of floodwaters.

**B.** Existing structures.

(1) Existing structures and appurtenances thereto within the Floodplain District which are inconsistent with these provisions shall be considered nonconforming structures and as such shall be bound by the provisions contained in this chapter (see Article **IX**), except that a facility permitted and assigned under the provisions of MGL, c. 111, § 150A, may be completed without regard to the floodplain provisions stated herein.

(2) In addition, an existing structure, group of structures and appurtenances thereto and a facility permitted and assigned under MGL, c. 111, § 150A, may be expanded, altered and/or otherwise improved by right, without regard to the floodplain provisions stated herein, provided that such improvement, alteration and/or expansion which is inconsistent with said floodplain requirements does not exceed 50% of the market value of the existing structure or facility as defined under "substantial improvement" when completed.

**C.** In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:

(1) All encroachments, including fill, new construction, substantial improvement to existing structures and other development, are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.

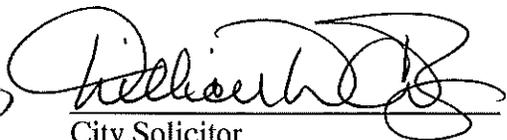
(2) Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code.

Ordinance Re: Zoning - Floodplain District

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- 1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- 2) Forestry and nursery uses.
- 3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- 4) Conservation of water, plants, wildlife.
- 5) Wildlife management areas, foot, bicycle, and/or horse paths.
- 6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- 7) Buildings lawfully existing prior to the adoption of these provisions."

APPROVED AS TO LEGALITY:



\_\_\_\_\_

City Solicitor

PLACED ON FILE for at least 10 days

Attest:

\_\_\_\_\_

City Clerk



DOCUMENT 47

**CITY OF HAVERHILL**

In Municipal Council April 3 2012

~~ORDERED~~

**MUNICIPAL ORDINANCE**

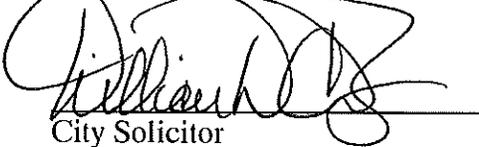
**CHAPTER 100**

**AN ORDINANCE RELATING TO**  
**ALCOHOLIC BEVERAGES**

**BE IT ORDAINED** by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 100, Article III, as amended, be and is hereby further amended in §100-6 as follows:

By deleting the figure "60" and inserting in place thereof the figure "100".

APPROVED AS TO LEGALITY:

  
City Solicitor

PLACED ON FILE for at least 10 days

Attest:

\_\_\_\_\_  
City Clerk



JAMES J. FIORENTINI  
MAYOR

**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

March 30, 2012

City Council President John A. Michitson  
And members of the Haverhill City Council

**Re: Ordinance Relating to Alcoholic Beverages**

Dear Mr. President and Members of the Council:

Enclosed, please find an ordinance which would increase the number of liquor licenses available in the City.

This change would be beneficial to our economic development allowing us to be able to provide alcoholic beverage licenses to restaurants who want to come to Haverhill.

I recommend approval.

Very truly yours,

James J. Fiorentini, Mayor

JJF/lk

Encl.

## GENERAL CODE



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New Laws			Print
<u>CHAPTER 97. ALARM SYSTEMS</u>	<u>Help</u>	<u>CHAPTER 101. AMBULANCE SERVICE; CHAIR CAR SERVICE</u>	
E			

*This electronic version is provided for informational purposes only. For the official version please contact the municipality.*

Jump to ContentCHAPTER 100. ALCOHOLIC BEVERAGESARTICLE I. Consumption or Possession of Open Containers in Public

§ 100-1. Consumption or possession of open containers in public prohibited.

§ 100-2. Arrest and prosecution.

§ 100-3. Seizure and return of alcoholic beverages.

ARTICLE II. Mandatory Server Training

§ 100-4. Purpose.

§ 100-5. Training program required.

ARTICLE III. Number of Licenses

§ 100-6. Limit on alcoholic beverage licenses.

**Chapter 100. ALCOHOLIC BEVERAGES**

**[HISTORY: Adopted by the City Council of the City of Haverhill as indicated in article histories. Amendments noted where applicable.]**

**GENERAL REFERENCES**

License Commission — See Ch. 11, Art. IX.

Playgrounds, parks and recreation areas — See Ch. 193.

**Article I. Consumption or Possession of Open Containers in Public**

**[Adopted 7-9-1974 by Doc. 192 (Ch. 100, Art. I, of the 1980 Code)]**

**§ 100-1. Consumption or possession of open containers in public prohibited.**

**[Amended 12-6-1988 by Doc. 228]**No persons shall drink any alcoholic beverages or have in their possession any open alcoholic beverages, as defined in MGL c. 138, § 1, in or upon any public way or upon any way to which the public has a right of access, or any place which members of the public have access as invitees or licensees, in any park or playground or private land or place without the consent of the owner or person in control thereof.

**§ 100-2. Arrest and prosecution.**

Any person found drinking in such public place shall be arrested and prosecuted according to law.

**§ 100-3. Seizure and return of alcoholic beverages.**

All alcoholic beverages used in violation of this article shall be seized and held until final disposition of the charge against the person or persons arrested have been made in a court of law. The court shall make such order as it deems fit for the return of any which is seized, except any portion of the beverages used for the purposes of analysis.

## Article II. Mandatory Server Training

[Adopted 11-23-1993 by Doc. 137 (Ch. 100, Art. II, of the 1980 Code)]

### § 100-4. Purpose.

The City Council recognizes the need to make all liquor establishments more responsible for the procedures they use when dispensing/selling alcoholic beverages; specifically, to ensure that management and employees of such establishments understand the consequences of unlawful serving practices and recognize and implement strict policies and procedures therewith.

### § 100-5. Training program required.

- A. Any licensee holding an all alcohol, including seasonal, or beer and wine license shall participate in a program designed to train employees who engage in either package sales or pouring in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors. This program will be based on the type of license issued.
- B. Listed below are training programs that meet the requirements of this article:
  - (1) Only programs approved by the License Commission and the City of Haverhill and the LLJUA shall be deemed to meet the requirements of this article.
- C. All personnel shall be required to participate in a training program based upon the type of license issued and as determined by the License Commission. Licensees must comply with this article from the date of its adoption and have 100% of their employees trained and certified by April 1, 1994. After that time, new employees of any licensee will have 45 days from the date of employment to become certified.
- D. All establishments shall maintain and exhibit in a visible location during operating hours a roster or certificate of trained and certified personnel. An updated roster shall be submitted with the annual application for renewal of the license. The roster shall include:
  - (1) Employee name.
  - (2) Employee date of birth.
  - (3) Employee social security number.
  - (4) Type of training (license).
  - (5) Date valid.
  - (6) Date of expiration.
  - (7) Date of hire.
- E. All personnel shall be required to be recertified once every three years through an approved program.
- F. Failure to comply with this article will result in a show cause hearing before the License Commission, which shall determine what action, including, without hereby limiting, revocation or suspension of the license, is appropriate.

## Article III. Number of Licenses

[Adopted 2-15-1983 by Doc. 41 (§ 49-4 of the 1980 Code)]

### § 100-6. Limit on alcoholic beverage licenses.

[Amended 10-30-1984 by Doc. 197]The number of all alcoholic beverage licenses issued in the City of Haverhill under MGL c. 138, § 12, and in force and effect at any one time during any license year shall be limited to 60, exclusive of any such licenses issued to any war veterans' organization as provided for in said § 12.

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## **M.G.L.A. 138 § 12**

➤ **§ 12. Licenses authorizing sale of beverages to be drunk on premises; license to farmer-winery to serve wine on premises of winery located on the premises of farm; veterans' organizations, corporations, etc.; suspension or revocation; hours of sale; liqueurs and cordials; liquor legal liability insurance requirement**

A common victualler duly licensed under chapter one hundred and forty to conduct a restaurant, an innholder duly licensed under said chapter to conduct a hotel, a pub brewer and a keeper of a tavern as defined by this chapter, in any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, subject however, in the case of a tavern, to the provisions of section eleven A, may be licensed by the local licensing authorities, subject to the prior approval of the commission, to sell to travelers, strangers and other patrons and customers not under twenty-one years of age, such beverages to be served and drunk, in case of a hotel or restaurant licensee, only in the dining room or dining rooms and in such other public rooms or areas of a hotel as the local licensing authorities may deem reasonable and proper, and approve in writing; and provided further, that the limitations relative to service and consumption in a restaurant or hotel only in the dining rooms and such other public rooms or areas deemed reasonable and proper by the local licensing authority shall not be deemed to preclude the restaurant or hotel from allowing a patron to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron in conjunction with a meal and not totally consumed by the patron during such meal; provided further, that the bottle shall be resealed in accordance with regulations promulgated by the commission and transported in a manner authorized in section 24I of chapter 90 when carried in a motor vehicle, as defined in section 1 of said chapter 90; provided, that no tavern license shall be granted to the holder of a hotel license hereunder. Such sales may also be made, by an innholder licensed hereunder, to registered guests occupying private rooms in his hotel, and in the dining room or dining rooms and in such other public rooms or areas of buildings on the same premises as the hotel and operated as appurtenant and contiguous to and in conjunction with such hotel, and to registered guests occupying private rooms in such buildings and in the case of condominium accommodations that are located appurtenant and contiguous to and also upon the same premises as a hotel, sales may be made by the hotel licensee as the local licensing authorities may deem reasonable and proper, and approve in writing. Such sales may be made by a restaurant licensee at such stands or locations in a sports arena, stadium, ball park, race track, auditorium or in any one building at an airport as the local licensing authority may deem reasonable and proper, and approve in writing. A local licensing authority may grant a license for the sale of all alcoholic beverages or a license for the sale of wines and malt beverages at any location on the grounds of a golf course as it deems reasonable and proper. Upon an application for a restaurant license, the local licensing authorities may in their discretion grant such a license authorizing the sale of alcoholic beverages on all days of the week or one authorizing such sale on secular days only, and the decision of such authorities as to which of the two types may be granted upon any particular application shall be final. During such time as the sale of such alcoholic beverages is authorized in any city or town under this chapter, the authority to grant innholders' and common victuallers' licenses therein under chapter one hundred and forty shall be

vested in the local licensing authorities; provided, that if a person applies for the renewal of both a common victualler's license or an innholder's license under said chapter one hundred and forty and a hotel or a restaurant license, as the case may be, under this section and the local licensing authorities refuse to grant said common victualler's or innholder's license or fail to act on the applications therefor within a period of thirty days, such applicant may appeal therefrom to the commission in the same manner as provided in section sixty-seven and all the provisions of said section relative to licenses authorized to be issued by local licensing authorities under this chapter shall apply in the case of such common victualler's license or innholder's license.

The local licensing authority of any city or town wherein the granting of licenses under this section is authorized, notwithstanding any limitation on the number of licenses the city or town is authorized to grant in section 17, may grant a license to the holder of a farmer-winery license under section 19B or from any other state for service to travelers, strangers, and other patrons and customers who are at least 21 years of age, such wine to be served and drunk on the premises of the winery at such locations on the premises of the farm as the local licensing authority may deem reasonable and proper. For purposes of this section, a farm shall have the meaning ascribed to it in section 1A of chapter 128.

If a license granted under this section to a person holding a license as an innholder or common victualler is suspended or revoked for any particular cause, no action shall be taken on account thereof by such authorities with respect to such innholder's or common victualler's license prior to the expiration of the period provided for an appeal under section sixty-seven in case no such appeal is taken, or prior to the disposition of any such appeal so taken, nor thereafter, except for further cause, in case such disposition is in favor of the appellant. Any club in any city or town wherein the granting of licenses to sell alcoholic beverages, or only wines and malt beverages, as the case may be, is authorized under this chapter may be licensed by the local licensing authorities, subject to the approval of the commission, to sell such beverages to its members only, and also, subject to regulations made by the local licensing authorities, to guests introduced by members, and to no others.

The local licensing authorities of any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, may, subject to the approval of the commission and irrespective of any limitation of number of licenses contained in section seventeen, issue a license to any corporation the members of which are war veterans and which owns, hires or leases in such city or town a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Congress of the United States, to sell such beverages to the members of such post only, and also, subject to regulations made by the local licensing authorities, to guests introduced by such members and to no others.

The local licensing authorities may determine in the first instance, when originally issuing and upon each annual renewal of licenses under this section, the amount of the license fee, for a tavern license or for any other license under this section for the sale of all alcoholic beverages, or for any other license under this section for the sale of wines and malt beverages, and provided that nothing herein shall prevent such authorities from establishing license fees differing in amounts within the limitations aforesaid for restaurant licenses authorizing such sale on secular

days only. If different license fees are so established the fee for licenses authorizing the sale of alcoholic beverages on all days of the week shall not be more than twenty-five per cent higher than the fee for licensing such sale on secular days only. Before issuing a license to any applicant herefor under this section, or before a renewal of such license, the local licensing authority shall cause an examination to be made of the premises of the applicant to determine that such premises comply in all respects with the appropriate definition of section one and that the applicant is not less than twenty-one years of age and a person of good character in the city or town in which he seeks a license hereunder. No license shall be issued to any applicant who has been convicted of a violation of a federal or state narcotic drugs law.

The local licensing authorities may accept the surrender of a license issued under this section and may issue in place thereof to the same licensee any other form of license authorized under this section, and may allow as a credit on the fee for the new license the license fee paid for the license surrendered but no refund shall be authorized. Different licenses issued as aforesaid for any portion of the same license year to the same licensee shall count as one license for the purposes of section seventeen.

The hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid shall be fixed by the local licensing authorities either generally or specially for each licensee; provided, however, that no such sale shall be made on any secular day between the hours of two and eight o'clock antemeridian and that, except as provided in section thirty-three, no such licensee shall be barred from making such sales on any such day after eleven o'clock antemeridian and before eleven o'clock postmeridian, and no tavern shall be kept open on any such day between one o'clock antemeridian and eight o'clock antemeridian; provided, further, that any such licensee or his manager shall not be prohibited from being on the licensed premises at any time; provided, further, that the employees, contractors or subcontractors shall not be prohibited from being upon such premises at any time for the purpose of cleaning, making renovations, making emergency repairs to or providing security for, such premises or preparing food for the day's business or opening or closing the business in an orderly manner. The licensing authority shall not decrease the hours during which sales of such alcohol beverages may be made by a licensee until after a public hearing concerning the public need for such decrease; provided, however, that a licensee affected by any such change shall be given 2 weeks notice of the public hearing; provided further, that a local licensing authority, subject to the approval of the commission, may grant a license notwithstanding section 17 to sell wine for consumption on the winery premises to a winegrower authorized to operate a farmer-winery under section 19B, to sell malt beverages for consumption on the brewery premises to a farmer-brewer authorized to operate a farmer-brewer under section 19C and to sell spirits for consumption on the distillery premises to a farmer-distiller authorized to operate a farmer-distillery under section 19E; and provided further, that such licensees may sell for on premises consumption wines, malt beverages and spirits produced by the winery, brewery or distillery or produced for the winery, brewery or distillery and sold under the winery, brewery or distillery brand name.

No license issued under this section shall be subject to any condition or requirement varying the occupancy of the licensed premises as certified by any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules or regulations.

No person, firm, corporation, association or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person, or any subsidiary whatsoever, licensed under the provisions of sections eighteen or nineteen shall be granted a license under this section.

In cities and towns which vote to authorize under section eleven the granting of licenses for the sale of all alcoholic beverages, specific licenses may nevertheless be granted under this section for the sale of wines or malt beverages only, or both. The licensing authorities may refuse to grant licenses under this section in certain geographical areas of their respective cities or towns, where the character of the neighborhood may warrant such refusal.

All malt beverages sold by a licensee under this section containing not more than three and two tenths per cent of alcohol by weight shall be expressly sold as such.

No malt beverage shall be sold on draught from a tap, faucet or other draughting device, unless there shall plainly appear on or attached to such device, in legible letters, the brand or trade name of the malt beverage so sold therefrom.

In any city or town wherein the granting of licenses under this section to sell alcoholic beverages or wines and malt beverages is authorized, a person may be granted a general on-premise license by the local licensing authorities, subject to the prior approval of the commission, authorizing him to sell alcoholic beverages without food to patrons and customers subject to all other relevant provisions of this chapter, provided that such beverages shall be sold and drunk in such rooms as the licensing authorities may approve in writing. The annual license fee for such general on-premise license shall be determined by the local licensing authority. For the purposes of section eleven an affirmative vote on subdivision A or B shall be considered an authorization for the granting of general on-premise licenses in a city or town.

A common victualler who holds a license pursuant to this section may provide on premises sample wine or malt beverage tasting; provided however, that such licensee shall not solicit orders for wine or malt for off premises consumption; and provided further, that any such wine tasting shall be limited to one ounce per serving and any such malt beverage tasting shall be limited to two ounces per serving and food shall be served in conjunction with any such wine or malt beverage tasting.

In any city or town which votes to accept the provisions of this paragraph, a common victualler, who holds a license under this section to sell wines and malt beverages may, upon written approval, also sell liqueurs and cordials pursuant to said license, subject, however, to all other licensing provisions of this chapter.

A common victualler who holds a license for the sale of all alcoholic beverages or holds a license for the sale of wines and malt beverages and who also holds pursuant to this section written approval to sell liqueurs and cordials pursuant to his license may provide on-premises sample liqueurs and cordials tasting; provided however, that a licensee shall not solicit orders for liqueurs and cordials for off-premises consumption; and provided, further, that any such liqueurs and cordials tasting shall be limited to 1/4 of an ounce per serving and food shall be served in conjunction with any liqueurs and cordials tasting.

A common victualler who holds a license for the sale of all alcoholic beverages may provide on premises sample alcoholic beverages tasting; provided, however, that a licensee shall not solicit orders for alcoholic beverages for off-premises consumption; and provided further, that any tasting of alcoholic beverages, other than wines and malt beverages, shall be limited to 1/4 of an ounce per serving and food shall be served in conjunction with any alcoholic beverages tasting.

No license shall be issued or renewed under this section until the applicant or licensee provides proof of coverage under a liquor legal liability insurance policy for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person. Proof of the insurance coverage required by this section shall be made by filing a certificate of insurance in a form acceptable to the local licensing authority. The insurance shall be subject to sections 5 and 6 of chapter 175A of the General Laws.

M.G.L.A. 138 § 12



# Haverhill

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License Commission, Room 118  
Phone: 978-420-3623 Fax: 978-373-8490  
License\_comm@cityofhaverhill.com

March 28, 2012

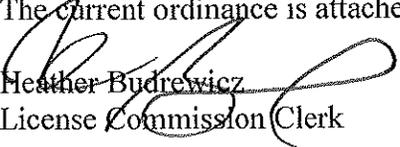
**Re: Request to Increase Limit on §12 All Alcohol Licenses**

Dear Mayor:

On March 15, 2012, the License Commission voted to increase the §12 All Alcohol Licenses, excluding Veteran's Clubs, from 60 to 100 as governed by our Ordinance Article II § 100-6.

The License Commission has requested the City Solicitor draft a proposed Ordinance to be approved by City Council to reflect the above change.

The current ordinance is attached.

  
Heather Budrewicz  
License Commission Clerk

**Number of Licenses (§ 100-6)**

[Adopted 2-15-1983 by Doc. 41 (§ 49-4 of the 1980 Code)]

**Limit on alcoholic beverage licenses.**

[Amended 10-30-1984 by Doc. 197]

The number of all alcoholic beverage licenses issued in the City of Haverhill under MGL c. 138, § 12, and in force and effect at any one time during any license year shall be limited to 60, exclusive of any such licenses issued to any war veterans' organization as provided for in said § 12.

48



DOCUMENT 48

**CITY OF HAVERHILL**

In Municipal Council April 3 2012

~~DOES~~

**MUNICIPAL ORDINANCE**

**CHAPTER 128**

**AN ORDINANCE RELATING TO**  
**FIRE DEPARTMENT FEES**

**BE IT ORDAINED** by the City Council of the City of Haverhill that Chapter 128, Article II, Fire Department Fees, as amended, be and is hereby further amended as follows:

**§128-3.1 Master Box connection and monitoring.**

By deleting the figure "\$180" and inserting in place thereof the figure "\$250".

APPROVED AS TO LEGALITY:

  
City Solicitor

PLACED ON FILE for at least 10 days

Attest:

\_\_\_\_\_  
City Clerk



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New Laws	<b>CHAPTER 128 CHARGES AND FEES, MISCELLANEOUS</b>		Print
<a href="#">ARTICLE I. Police Escort Service</a>	<a href="#">Help</a>	<a href="#">ARTICLE III. Items Sold in City Engineer's Office</a>	
e			

*This electronic version is provided for informational purposes only. For the official version please contact the municipality.*

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**ARTICLE II. Fire Department Fees**

- [§ 128-3. Site survey.](#)
- [§ 128-3.1. Master box connection and monitoring.](#)
- [§ 128-4. False fire alarms/sprinkler activation.](#)
- [§ 128-5. Fire alarm system.](#)
- [§ 128-6. Illegal burning.](#)
- [§ 128-6.1. Open burning permit; agricultural burning permit; illegal burning.](#)
- [§ 128-7. Smoke detector inspection \(for combination smoke/carbon monoxide inspection\) \(per MGL c. 148, Fire Prevention, § 10A\).](#)
- [§ 128-7.1. Carbon monoxide detector inspection.](#)
- [§ 128-8. Smoke detector reinspection.](#)
- [§ 128-8.1. Nursing home/health care facility annual inspection.](#)
- [§ 128-8.2. Group homes.](#)
- [§ 128-8.3. Health care facility.](#)
- [§ 128-8.4. Day-care/educational facility.](#)
- [§ 128-9. Sprinkler system.](#)
- [§ 128-10. Tank facility.](#)
- [§ 128-10.1. Other fees.](#)
- [§ 128-10.2. Plan review.](#)
- [§ 128-10.3. Copies.](#)

**Article II. Fire Department Fees**

[Adopted 9-16-2003 by Doc. 141]

**§ 128-3. Site survey.**

[Amended 10-5-2004 by Doc. 133] The fee for a 21E site survey or site history (research and copies) shall be \$100 per address.

**§ 128-3.1. Master box connection and monitoring.**

[Added 10-5-2004 by Doc. 133]The annual master box connection and monitoring fee shall be \$180.

**§ 128-4. False fire alarms/sprinkler activation.**

[Amended 6-10-2008 by Doc. 73]Any sprinkler or fire alarm contractor and/or company working on a system without proper notification to Fire Alarm shall be subject to the following:

- A. First alarm per year: No charge.
- B. Second alarm per year: \$50.

C. Each subsequent alarm or more each year: \$200.

**§ 128-5. Fire alarm system.**

[Amended 10-5-2004 by Doc. 133; 6-10-2008 by Doc. 73]The fee for fire alarm system installation or repair shall be:

A. Residential: \$25.

B. Commercial.

(1) Less than 7,500 square feet: \$50.

(2) Over 7,500 square feet: \$100.

**§ 128-6. Illegal burning.**

Illegal burning: MGL c. 48, § 13 (through District Court).

**§ 128-6.1. Open burning permit; agricultural burning permit; illegal burning.**

[Added 6-10-2008 by Doc. 73]

A. Open burning permit and offenses.

(1) Open burning permit (Fee to be paid for the first permit in any calendar year. Any additional permit granted in the same calendar year shall be without any fee.): \$10 per calendar year.

[Amended 4-7-2009 by Doc. 41]

(2) Illegal burning.

(a) First offense: no charge.

(b) Second offense: \$50.

(c) Third and each subsequent offense: \$100.

B. Agricultural burning permit and offenses.

(1) Agricultural burning permit: \$50.

**§ 128-7. Smoke detector inspection (for combination smoke/carbon monoxide inspection) (per MGL c. 148, Fire Prevention, § 10A).**

[Amended 6-10-2008 by Doc. 73]

A. Single-family dwelling or a single-dwelling unit: \$50.

B. Two-family dwelling: \$100.

C. Any building/structure with six or fewer residential/commercial units: \$150.

D. Any building or structure with more than six units: \$500.

**§ 128-7.1. Carbon monoxide detector inspection.**

[Added 6-10-2008 by Doc. 73]The fee for a carbon monoxide detector inspection shall be, per unit: \$25.

**§ 128-8. Smoke detector reinspection.**

A. Three units or fewer: \$15.

B. Four to six units: \$30.

C. Seven or more units: \$50.

**§ 128-8.1. Nursing home/health care facility annual inspection.**

[Added 10-5-2004 by Doc. 133]Nursing home/health care facility annual inspection:

A. Under 5,000 square feet, per quarter: \$50.

B. Over 5,000 square feet, per quarter: \$100.

**§ 128-8.2. Group homes.**

[Added 10-5-2004 by Doc. 133]Group homes residential: \$100 annually.

**§ 128-8.3. Health care facility.**

[Added 10-5-2004 by Doc. 133]Health care facility: \$100 annually.

**§ 128-8.4. Day-care/educational facility.**

[Added 10-5-2004 by Doc. 133]Day-care/education facility: \$100 annually.

**§ 128-9. Sprinkler system.**

A. Install or repair, residential: \$25.

B. Install or repair, commercial.

[Amended 10-5-2004 by Doc. 133]

(1) Less than 7,500 square feet: \$50.

(2) Over 7,500 square feet: \$100.

**§ 128-10. Tank facility.**

[Amended 10-5-2004 by Doc. 133]

A. FP 290 permit: \$50 plus \$50 per tank.

B. Yearly maintaining permit: \$100.

**§ 128-10.1. Other fees.**

[Added 10-5-2004 by Doc. 133]The combined permit/inspection fee for all other items not defined will be \$25.

**§ 128-10.2. Plan review.**

[Added 10-5-2004 by Doc. 133]Plan review:

A. Residential: \$25.

B. Industrial or commercial: \$50.

**§ 128-10.3. Copies.**

[Added 10-5-2004 by Doc. 133]Copies of Fire Department document: \$0.30 per page.

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**CITY OF HAVERHILL**  
**Commissioner of Public Safety**



Office of the Commissioner of Public Safety, 40 Bailey Blvd, Haverhill, Massachusetts 01830

Alan R. DeNaro  
Public Safety Commissioner

Tel. (978) 373 - 1212  
Fax (978) 373 - 3981

March 30, 2102

Council President John Michitson  
Members of the Haverhill City Council  
4 Summer Street  
Haverhill, MA 01830

Re: Master Box Alarm Ordinance

Dear President Michitson & Councilors:

Please accept this letter as my support for the ordinance regarding our new Municipal Fire Alarm Reporting System. New technology has produced a more reliable radio box system. There will be new fire alarm receivers located in fire dispatch. These new receivers will be able to monitor our current system, as well as the new radio box system. The radio box system is a wireless system that is more reliable and will provide more detailed information during an alarm.

Massachusetts State Building requires the supervision of all fire suppression systems and fire protection signaling systems required by that code (780 CMR 923.0 Supervision). This system will allow us to eventually eliminate our current wired system. As you are aware, the wired system is falling into disrepair and it is no longer economically feasible to maintain it. Should you require any additional information please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Alan R. DeNaro".

Alan R. DeNaro  
Public Safety Commissioner

CITY COUNCIL

JOHN A. MICHITSON  
PRESIDENT

ROBERT H. SCATAMACCHIA  
VICE PRESIDENT

MICHAEL J. HART  
WILLIAM H. RYAN  
SVEN A. AMIRIAN  
MICHAEL S. MCGONAGLE  
WILLIAM J. MACEK  
COLIN F. LEPAGE  
MARY ELLEN DALY O'BRIEN



CITY OF HAVERHILL  
HAVERHILL, MASSACHUSETTS 01830-5843

12.2

CITY HALL, ROOM 204  
4 SUMMER STREET  
TELEPHONE: 978-374-2328  
FACSIMILE: 978-374-2329  
www.ci.haverhill.ma.us  
citycncl@cityofhaverhill.com

**DOCUMENTS REFERRED TO COMMITTEE STUDY**

#5-L/10	Communication from Councillor Macek requesting to propose the enactment of a Safe Building Ordinance.	NRPP	2/23/10
74-W/11	Communication from Councillor Daly O'Brien requesting a discussion about lights at Kenoza Avenue and Webster Street	Public Safety	9/27/11
74-X/11	Communication from Co. Amirian requesting a discussion about proposed pig farm at Boxford Road	Planning & Dev.	9/27/11
97-C/11	Communication from Councillor Hall requesting a discussion about the odor from the Covanta plant in Ward Hill	Public Safety	10/18/11
4	Communication from Councillor Macek requesting a discussion regarding the proposed Monument Square traffic divider/island.	Planning & Dev.	1/3/12
97-T/11	Communication from Councillor Scatamacchia requesting a discussion regarding parking on River Street	Pubic Safety	1/3/12
119/11	Ordinance regarding Parks and Recreation: Amend Ch.11, Article II, Sections 4 through 8 of the City Code	Administration & Finance	1/3/12
10	Petition from Marlene Stasinos, Stasinos Farms, requesting to hang banner promoting their Pumpkin Festival; hang over intersection of Rte. 125 and Salem St. in Bradford, Oct. 1- Oct. 13, 2012	A & F	1/10/12
12-E	Communication from Councillor Scatamacchia requesting to introduce Vincent Kissel to speak regarding safety issues at Kenoza Avenue and Newton Road	Planning & Dev	1/17/12
12-O	Communication from Councillor LePage requesting a discussion regarding City financial obligations and deficit projections for current fiscal year & beyond	A & F	2/7/12
16-D	Order that the sum of \$34,623.00 be transferred from Capital Account – Rail Trail to new Capital Account – Backup Generator-Highway Building	A & F	2/7/12
12-U	Communication from Councillor McGonagle requesting discussion regarding the issue of public safety as it relates to the railroad tracks	Public Safety	2/28/12