

**CITY OF PEABODY**



**AN ORDINANCE ESTABLISHING THE  
COMMUNITY PRESERVATION COMMITTEE  
IN THE CITY OF PEABODY**

**BE IT ORDAINED** by the City Council of the City of Peabody as follows:

**SECTION ONE:** That the Code of the City of Peabody, as adopted on January 9, 1986 and amended, is hereby further amended by adding a new Division to the Code as follows:

**CHAPTER 2  
ADMINISTRATION**

**ARTICLE IV. BOARDS, COMMISSIONS AND COUNCILS**

Division 11. Community Preservation Committee

Sec. 2-181. Established  
Sec. 2-182. Membership and Terms  
Sec. 2-183. Powers and Duties  
Sec. 2-184. Rules and Regulations  
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**ARTICLE IV.                   BOARDS, COMMISSIONS AND COUNCILS**

Division 11.                   Community Preservation Committee

**Sec. 2-181.                   Established**

There is hereby established a Community Preservation Committee, in accordance with the Chapter 267 of the Acts of 2000, *Massachusetts Community Preservation Act*, consisting of nine (9) voting members pursuant to MGL Chapter 44B.

**Sec. 2-182.                   Membership and Terms**

The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

- (1)     One member of the Conservation Commission as designated by the Commission for a term of three years.
- (2)     One member of the Historical Commission as designated by the Commission for an initial term of two years, and thereafter for a term of three years.
- (3)     One member of the Planning Board as designated by the Board for an initial term of one year, and thereafter for a term of three years.
- (4)     One member of the Park Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.
- (5)     One member of the Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.
- (6)     Two members of the City Council, as designated by the Council, to be appointed for a term of one year and thereafter for a term of two years.
- (7)     Two members of the general public to be appointed by the Mayor, one member to be appointed for a term of one year and thereafter for a term of two years and one member to be appointed for a term of two years and thereafter for a term of three years.

The Commissions, Boards, Councils or Committees who have appointment authority under this Chapter shall appoint such representatives within 45 days of the effective date of this ordinance.

In addition all Commissions, Boards, Councils or Committees who have appointment authority under this Chapter shall appoint an alternate representative for each such position, within 45 days of the effective date of this ordinance, to ensure attendance in the event the primary representative cannot attend a Committee meeting.

Should there be a vacancy or resignation in any of the Community Preservation Committee positions, the Commissions, Boards, Councils or Committees who have appointment authority under this Chapter shall appoint a new representative within 45 days of the first date of vacancy or resignation.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Chapter be no longer in existence for what ever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the City Council.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Chapter fail to appoint a representative within such 45 days for what ever reason, the appointment authority for that position shall be the Mayor.

#### **Sec. 2-183. Powers and Duties**

- (1). The community preservation committee shall study the needs, possibilities and resources of the City regarding community preservation. The committee shall consult with existing municipal boards, including the city council, conservation commission, the historical commission, the planning board, the park commission, and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.
- (2). The community preservation committee shall make recommendations to the City Council for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
- (3). The community preservation committee may include in its recommendation to the City Council a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

#### **Sec. 2-184. Rules and Regulations**

By majority vote of the members of the committee, the committee may adopt and promulgate rules and regulations for the conduct of its business on any matter within the committee's jurisdiction under the Massachusetts Constitution, Massachusetts General or Special Laws, the Code of Massachusetts Regulations (CMR), Ordinance, or other legal right or authority granted to or conferred upon the Commission.

The proposed rule or regulation shall be submitted to all committee members at least 48 hours prior to any vote to adopt the same; provided, however, the committee may make such amendments to the proposed rules or regulations as it deems appropriate at the said meeting.

Upon approval of any rule or regulation by the committee, a copy of the same shall be filed with the City Clerk and become effective as of the date of filing thereof unless the specific vote of the committee establishes a later effective date.

**Sec. 2-185. Amendments**

This Chapter may be amended from time to time by a majority vote of the City Council, provided that the amendments would not cause a conflict to occur with MGL, Chapter 44B.

**Sec. 2-186. Severability**

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

**Sec. 2-187. Effective Date**

Following City Council approval, this Chapter shall take effect immediately. Each appointing authority shall have 45 days after approval by the Council to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the Mayor shall make the appointment.

**Sec. 2-188—2-190. Reserved**

**SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.**

**SECTION THREE: This ordinance shall take effect as provided by law.**