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# **CITY OF LYNN CHARTER**

**SEPTEMBER 26, 1978**

## **ARTICLE 1**

### **INCORPORATION: FORM OF GOVERNMENT: POWERS OF THE CITY**

#### **Section 1-1 Incorporation**

The inhabitants of the City of Lynn within the territorial limits established by law, shall continue to be a body corporate and politic under the name "City of Lynn."

#### **Section 1-2 Short Title**

This instrument shall be known and may be cited as the Lynn Home Rule Charter.

#### **Section 1-3 Division of Powers**

The administration of the fiscal, prudential, and municipal affairs of the city, with the government thereof, shall be vested in an executive branch, to consist of the mayor, and a legislative branch, to consist of the city council. The executive branch shall never exercise any legislative power, and the legislative branch shall never exercise any executive power.

#### **Section 1-4 Powers of the City**

Subject only to express limitations on the exercise of any power or function by a city in the constitution or statutes of the commonwealth, it is the intent and the purpose of the voters of Lynn, through the adoption of the charter to secure for the city all powers it is possible to secure under the constitution and statutes of the commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

#### **Section 1-5 Construction**

The powers of the city under the charter are to be construed liberally in favor of the city, and the specific mention of particular powers is not intended to limit in any way the general powers of the city as stated in Section 1-4.

#### **Section 1-6 Intergovernmental Relations**

Subject only to express limitations in the constitution or statutes of the commonwealth, the city may exercise any of its powers or perform any function, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any political subdivision, or agency thereof or the United States government or any agency thereof.

## **ARTICLE 2**

### **EXECUTIVE BRANCH**

#### **Section 2-1 Mayor--Qualifications; Term of Office; Compensation**

(a) Mayor, Qualifications--The chief executive officer of the city shall be a mayor, elected by and from the qualified voters of the city. Any voter shall be eligible to hold the office of mayor. The mayor shall devote his full time to the office and shall not hold any other elective public office, nor shall he actively engage in any other business, occupation or profession during his service as mayor.

(b) Term of Office--The term of office of the mayor shall be two years beginning on the first Monday of January following his election and until his successor is qualified.

(c) Compensation--The city council shall by ordinance establish an annual salary for the mayor. No ordinance increasing the salary of the mayor shall be effective unless it shall have been adopted in the first eighteen months of the term for which councillors are elected and it provides that such salary is to be effective at the commencement of the next term of office of the mayor.

#### **Section 2-2 Executive Powers; Enforcement of Ordinances**

The executive powers of the city shall be vested solely in the mayor, and may be exercised by him either personally or through the several city agencies under his general supervision and control. The mayor shall cause the charter, the laws, ordinances and orders for the government of the city to be enforced, and shall cause a record of all his official acts to be kept.

The mayor shall exercise a general supervision and direction over all city agencies, unless otherwise provided by law. Each city agency shall furnish to him, forthwith upon his request, any information, materials or otherwise as he may request and as the needs of his office and the interest of the city may require.

#### **Section 2-3 Appointments by the Mayor**

The mayor shall appoint all city officers, department heads and members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, persons appointed by state officials and persons serving under the city council. All such appointments made by the mayor shall be subject to review by the city council as provided in Section 3-9.

#### **Section 2-4 Removal of Officials**

The mayor may, in writing, suspend any head of a department or member of a board or other officer or employee, and in such case he shall at once report his action and his reasons therefore to the city council. The suspension of any such person shall, fifteen days following the date such report is made, be a removal, unless within the said fifteen days the person whose removal is sought has filed a request for a hearing on such removal before the city council. Such hearing shall be held in accordance with the procedure established in Section 6-6.

#### **Section 2-5 Temporary Appointments to City Offices**

Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that such office be filled, the mayor may designate the head of another city agency or a city officer or city employee, or some other person to perform the duties of the office on a temporary basis until such time as the position can be filled as otherwise provided by law, by the charter or by ordinance. The mayor shall file a certificate in substantially the following form, with the city clerk, whenever he makes a designation under this section:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the city of Lynn.

(signed)  
Mayor

#### Section 2-6 Communications; Special Meetings

(a) Communications to the City Council--Within six weeks following the start of each fiscal year the mayor shall submit to the city council, and make available for public distribution, a complete report on the financial and administrative activities of the city for the preceding fiscal year, as provided in Section 8-15. He shall from time to time throughout the year, by written communications, keep the city council fully informed of the financial condition and administrative problems of the city and shall recommend to them such measures for their consideration as, in his judgment, the needs of the city require.

(b) Special Meetings of the City Council--The mayor may at any time call a special meeting of the city council, for any purpose, by causing a notice of such meeting to be delivered in hand or to the place of business or residence of each member of the city council. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight (48) hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held.

#### Section 2-7 Approval of Mayor, Exception (Veto)

Every order, ordinance, resolution or vote adopted or passed by the city council, relative to the affairs of the city, except the election of officers, shall be presented to the mayor for his approval. If he approves he shall sign it; if he disapproves it, he shall return it, with his objections thereto in writing, to the city council, which shall enter his objections at large on its records, and again consider it, and the same shall be deemed approved and be in force if it is not returned by the mayor, as herein provided, within ten days after it was presented to him. If the city council, notwithstanding such disapproval, by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds yeas and nays vote of all the members, it shall then be in force, but the vote thereon shall not be taken before ten days, nor after thirty days, from the date of its return to the city council.

#### Section 2-8 Temporary Absence of the Mayor

(a) Acting Mayor--Whenever, by reason of sickness, absence from the city or other cause, the mayor shall be unable to perform the duties of his office for a period of three successive working days or more, the president of the city council shall be the acting mayor. In the event of the absence or disability of the president of the city council, the vice-president shall serve.

(b) Powers of Acting Mayor--The acting mayor shall have all of the powers of the mayor except that he shall not make any permanent appointment or removal to or from any office unless the disability of the mayor shall have continued for more than sixty days, nor shall he approve or disapprove of any measure passed by the city council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which the city council president, or vice-president, is serving as acting mayor he shall not vote as a member of the city council.

#### Section 2-9 Vacancy in Office of Mayor

(a) Special Election--If a vacancy in the office of mayor occurs in the first fifteen months of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity or otherwise the city council shall forthwith order a special election to be held within ninety days following the date the vacancy is created, to fill such vacancy for the balance of the then expired term.

(b) Council Election--If a vacancy in the office of mayor occurs in the last nine months of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the president of the city council shall become the mayor. Upon the qualification of the president of the city council as the mayor, under this section, a vacancy shall exist in his seat on the city council which shall be filled in the manner provided in Section 3-12.

(c) Powers, Term of Office--The mayor elected under Section 2-9(a) or (b) shall have all the powers of the mayor. He shall serve for the balance of the term unexpired at the time of his election to the office.

### **ARTICLE 3**

#### **LEGISLATIVE BRANCH**

##### Section 3-1 Composition; Eligibility; Election and Term

(a) Composition--There shall be a city council consisting of eleven members which shall exercise the legislative powers of the city. Four of these members, to be known as councillors at-large, are to be nominated and elected by and from the voters of the city, at-large. Seven of the members, to be known as ward councillors, are to be nominated and elected by and from the voters of seven city wards, one ward councilor to be elected from each such ward.

(b) Eligibility--Any voter shall be eligible to hold the office of councillor. A ward councillor, notwithstanding his removal from one ward in the city to another during the term for which he was elected, may continue to serve and to perform his duties until the expiration of the term for which he was elected.

(c) Election and Term--The term of office for councillors shall be for two years beginning the first Monday of January following their election and until their successors are qualified.

### Section 3-2 Presiding Officer

The city council shall, annually on the first Monday in January, meet for the purpose of organization. They shall be called together by the city clerk, or in the absence of the city clerk by the member present senior in both age and years of service, who shall preside. The city council shall then elect, from among its members, by separate roll call votes, a president and vice-president. A majority vote of the full council shall be necessary for such election. No other business shall be in order until such officers are elected. The president shall preside at all meetings of the city council, regulate the proceedings and decide all questions of order. He shall have such other powers and duties as may be provided by the charter, by ordinance or by vote of the city council. He shall have the same right to vote as any other city councillor. In the event of the absence or disability of the president, the vice-president shall act as president.

### Section 3-3 Compensation

The city council shall, by ordinance, establish an annual salary for its members. No ordinance increasing such salary shall be effective, however, unless it shall have been adopted during the first eighteen months of the term for which councillors are elected and it provides that such salary is to be effective at the commencement of the term of office of the next city council to be elected.

### Section 3-4 Prohibitions

(a) Appointment after Expiration of Term--No city councillor shall hold any compensated appointive city office or city employment during his term and until two years following the expiration of the term for which he was elected. This provision shall not prohibit a city officer or city employee who has taken a leave of absence from such office or employment from resuming his duties as such following service as a city councillor.

(b) Interference in Administration--Except as may be otherwise authorized by the charter, no member of the city council, nor any committee of the city council, shall directly take part in the conduct of the administrative business of the city.

### Section 3-5 Exercise of Powers; Quorum; Rules of Procedure

(a) Exercise of Powers--Except as otherwise provided by law or the charter, the legislative powers of the city council may be exercised in a manner determined by it.

(b) Quorum--A majority of the city council shall constitute a quorum but a smaller number may meet and adjourn from time to time. The affirmative vote of a majority of the full council shall be necessary to adopt any motion, ordinance, resolution, order, or other vote, except as otherwise provided by the charter, or by law.

(c) Rules of Procedure--The city council shall from time to time establish rules for its proceedings.

(i) Regular meetings of the council shall be held at a time and place fixed by ordinance.

(ii) Special meetings of the city council shall be held at the call of the mayor, as provided in Section 2-6 (b), on the call of the president of the city council, or on the call of any three or more members, by written notice delivered in hand or to the place of residence or business

of each member at least forty-eight hours in advance of the time set, and which includes notice of the subjects to be acted upon.

(iii) Except as may be otherwise authorized by law, all sessions of the city council, and any committee thereof, shall be open to the public and to the press.

(iv) Every matter which comes before the city council shall be put to a vote, the result of which shall be recorded.

(v) A full, accurate, up-to-date record of the proceedings of the city council shall be kept and shall be open to inspection by the public. It shall include a record of each roll call vote.

#### Section 3-6 Council Access to Information

(a) In General--The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency, and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.

(b) City Officer, Members of Multiple-Member Bodies, and City Employees--The city council may require any city officer, member of a multiple-member body or city employee to appear before it to give such information: as the city council may require in relation to the municipal services, functions, powers or duties which are within the scope of responsibility of the said city officer, member of the multiple-member body or city employee.

(c) Mayor--The city council may at any time require the mayor to provide it with specific information on any matter within its jurisdiction. The city council may require the mayor to appear before it, in person, to respond to written questions presented to him. The mayor may bring with him on such occasions any assistant, department head, city officer or city employee he deems necessary to assist him in responding to the questions posed by the city council. The mayor shall not be required to answer any questions not relevant to those presented to him in advance and in writing.

(d) Notice Requirements--The city council shall give at least five days written notice to any person it shall require to appear before it under the provisions of this section. Notice under this section shall be by delivery in hand.

#### Section 3-7 Officers Elected by the City Council

(a) In General--The following administrative officers of the city shall be chosen by vote of the city council; a city clerk, a city treasurer, a city collector, city auditor who shall be called the comptroller, a city solicitor, a city electrician and a board of assessors to consist of three members.

(b) Powers and Duties--The several officers elected by the city council shall exercise the powers and discharge the duties respectively conferred or imposed by law upon such officers. The city council may, in addition thereto, prescribe further appropriate powers and duties upon such officers.

(c) Term of Office--Each of the officers above mentioned shall be elected by the city council, as soon as may be after the first day of March, for the term of three years, beginning on the first day of April following. If, following the expiration of an initial three-year term, an officer is re-elected by the city council to succeed himself in the same office such subsequent election shall be for an indefinite term, but subject to removal as provided below.

(d) Removal--The city council may remove from office at any time any officer elected by it, but only in accordance with the following procedure:



(1) The city council shall adopt a preliminary resolution of removal which shall state in clear and specific terms the ground on which the proposed removal is based;

(2) A copy of the said preliminary resolution shall be delivered in hand, or sent by registered or certified mail to the last known place of residence of the person whose removal is sought, forthwith following its adoption;

(3) If, at the expiration of ten days following the adoption of the said resolution the affected officer has not requested a public hearing concerning the proposed removal, the preliminary resolution shall be deemed to be final;

(4) If, within ten days following the date the resolution has been adopted the affected officer has, in writing, requested a public hearing concerning such removal, the preliminary resolution shall remain in effect pending a public hearing;

(5) Not less than fourteen nor more than twenty-one days following the receipt of a written request for a public hearing concerning a proposed removal, the city council shall conduct such a hearing, at which the affected officer shall have a right to be represented by counsel, to call witnesses, examine other witnesses, and to require the production of other evidence;

(6) Within fourteen days following the conclusion of the public hearing the city council shall adopt a final resolution of removal, or it shall vote to rescind the preliminary resolution of removal previously adopted. Failure to take such action within such period shall be deemed to be rescission of the preliminary resolution of removal.

(e) Coordination--Notwithstanding their election by the city council the city officers named in this section shall at all reasonable times be subject to the call of the mayor for conference, discussion, consultation and coordination of any matter which relates to their respective offices.

(f) Qualifications--All persons elected to a city office by the city council under this section shall at the time of their election and at all times during their tenure in such office, be a resident and a voter of the city. Establishment of a principal place of residence outside of the limits of the city of Lynn shall be deemed to be an automatic resignation of the office to which said person was elected.

The city council may, by ordinance, establish additional standards of competence and suitability which may be required of candidates for any office to be filled by vote of the city council.

### Section 3-8 Clerk of the City Council

The city clerk shall be, ex-officio, the clerk of the city council. The clerk of the council shall give notice of all meetings of the city council to its members and to the public, keep the journal of its proceedings, and perform such other duties as may be assigned by the charter, by ordinance or by other vote of the city council. The city council shall, by ordinance, establish a salary schedule and a job description for the clerk of the council.

### Section 3-9 Appointments to City Offices

Confirmation--The mayor shall submit to the city council the names of all persons he desires to appoint to any city office, as a department head or as a member of a multiple-member body, except a position which is covered by the state civil service law. The city council shall refer all such names as are submitted to a standing committee which shall investigate all such candidates for confirmation and make a report with recommendations to the full city council not less than

seven nor more than twenty-one days following such referral. If the city council has taken no other action, said appointments shall become effective on the thirtieth day following the date the name has been received by the city council.

### Section 3-10 Procedures

(a) In General--No measure shall be adopted on the date it is introduced, except in the case of special emergency involving the peace, health, or the safety of the people or their property. Except as otherwise provided by the charter, every adopted measure shall be effective at the expiration of thirty-one days after adoption by the city council or at any later specified therein. Measures not subject to referendum may become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted by the city council, or by the procedure for citizen initiative and referendum provided in Article 7.

(b) Emergency Measures--An emergency measure shall be introduced in the form and manner prescribed generally except that it shall be plainly designated as an emergency measure. A preamble which describes and declares that an emergency exists and which defines its nature in clear and specific terms shall first be separately voted upon and shall require the affirmative votes of two-thirds of the members of the full city council.

Following such adoption of an emergency preamble the city council may, by a two-thirds vote, pass the measure with or without amendment at the meeting at which it was introduced. Emergency measures shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted in conformity with this section is passed extending it, or a measure adopted in conformity with the procedures for measures generally is passed extending it.

(c) Publication and Public Hearings Required--Every proposed ordinance or loan order, except any submitted in conformity with Section 3-10 (b), shall be published once in full in at least one local newspaper and in any additional manner as may be provided by ordinance or law. Such publication shall also state the time, not less than seven days following such publication, and the place at which the city council, or a standing committee of the city council, will hold a public hearing on said proposed ordinance or loan order.

(d) Council Reconsideration--The clerk of the city council shall hold every measure adopted by the city council for a period of twenty-four hours, Sundays and legal holidays excepted, and if during said time notice of an intent to file a motion to reconsider the matter is filed with the clerk of the council by a member entitled to make such a motion, the measure shall be returned to the city council for further action. If no such statement of intent is filed with the clerk of the council he shall, at the expiration of the said twenty-four hour period forthwith present the matter to the mayor.

(e) Publication of Adopted Measures--After final adoption and approval by the mayor if required, all ordinances and loan orders and such other measures as the city council shall by ordinance direct, shall be published in full in a newspaper of general circulation in the city.

(f) Publication, Exceptions--If any measure required to be published in full by Section 3-10 (c) or (e) exceeds in length eight octavo pages of ordinary print, then in lieu of such publication, the same may be published in a booklet or pamphlet and made available for distribution to any person requesting the same at the office of the city clerk and provided that notice

of such publication and a summary of the contents thereof shall be published as otherwise provided in the said sections.

### Section 3-11 Management Audits

(a) In General--A complete management audit of each city agency shall be made at least once in every eight years in order to accomplish the following purposes:

(1) To identify any areas which hinder or prevent the city agency from performing its assigned responsibilities, goals or objectives and to offer suggestions for the removal of such obstacles and to suggest ways in which the responsibilities, goals or objectives might better be met.

(2) To evaluate the adequacy of management practices being utilized in the agency, with respect to fiscal controls and use of available personnel and equipment.

(3) To suggest specific ways and means by which the functions and services of the agency might be improved.

(b) Elements to be Considered--Each such management audit shall include, but need not be limited to, a consideration of the following:

(1) Organization, staffing and manpower.

(2) Adequacy of financial controls.

(3) Facilities and equipment.

(4) Goal setting, long and short range.

(5) Procurement practices.

(6) Overtime policies.

(7) Cost comparisons with other municipalities and comparable private enterprise activities.

(c) Organization of Reports--Each management audit shall consist of the following parts:

(1) Introduction--A brief explanation of the methods used to conduct the audit.

(2) Scope--A statement of the extent of the examination made.

(3) Major Contacts--A listing of the names of all persons interviewed in the conduct of the management audit and an outline of the procedures followed.

(4) Findings--Details of the practices found during the management audit which, in the opinion of the audit team, requires modification or other change in order to strengthen and improve the agency and its performance.

(5) Recommendations--Specific suggestions for actions to be taken either by the agency itself through changes in its own internal policies and operating procedures, or by the city council, based upon specific findings made.

(d) Administration--The city council shall be responsible for the conduct of all management audits under this section. The city council shall determine which city agencies shall be reviewed in any particular year and shall provide a schedule to assure that each city agency is so audited at least once in every eight years. The city council shall determine the manner in which such audits shall be conducted and shall award all contracts for professional consulting services in connection therewith. The city council may delegate the details of the overview of such audits to a standing committee, or to the city auditor or other designee who shall keep it fully informed of the implementation of all changes suggested in such audit reports by the city agencies concerned.

### Section 3-12 Delegation of Powers

The city council may delegate to one or more city agencies the powers vested in it by the laws of the commonwealth to grant and issue licenses and permits, and may regulate the granting and issuing of such licenses and permits by any such city agency, and may, in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

### Section 3-13 Filling of Vacancies

(a) Councillor at Large--If a vacancy in the office of councillor at large shall occur in the first eighteen months of the term for which councillors are elected, the vacancy shall be filled by the candidate for the office of councillor at large at the preceding city election who received the highest number of votes without being elected and provided such person is willing to serve. If a person who received such highest number of votes is not willing to serve the other candidates in descending order of number of votes received shall be offered the vacancy until one accepts the office. The city clerk shall certify the said candidate to the office of councillor at large to serve for the balance of the unexpired term.

(b) Ward Councillor--If a vacancy in the office of ward councillor shall occur in the first eighteen months of the term for which councillors are elected the vacancy shall be filled in the same manner as provided for councillors at large, provided that the candidate who is willing to serve shall have received at least thirty percent of the total number of votes cast for the office of ward councillor in the ward for which the vacancy exists. If no such candidate is available the city council shall, within thirty days following the date on which the vacancy is declared to exist, elect a suitable person from among the voters residing in the ward to serve for the balance of the unexpired term.

(c) In General--No vacancy which occurs after the expiration of the first eighteen months shall be filled unless failure to act to fill the vacancy would result in less than seven members serving in the office of city councillor. In that event all vacancies which exist shall be filled in the manner provided above and the city council restored to full strength.

Whenever a vacancy exists on the council which is not filled in the period after the expiration of the first eighteen months of the term for which councillors are elected the person at the city election who is elected to the seat in which the vacancy exists shall forthwith be sworn shall serve for the balance of the then unexpired term, in addition to the term for which he was elected. If the vacancy is in the office of councillor at large it shall be filled by the person receiving the highest number of votes for the office who is not then a member of the city council.

### Section 3-14 General Powers

Except as otherwise provided by law or the charter, all powers of the city shall be vested in the city council which shall provide for their exercise and for the performance of all duties and obligations imposed on the city by law.

## **ARTICLE 4**

### **SCHOOL COMMITTEE**

#### Section 4-1 Composition; Eligibility; Term of Office

(a) Composition--The school committee shall consist of the mayor, who shall be chairman, and, six members elected at large.

(b) Eligibility--Any voter shall be eligible to hold the office of school committee member.

(c) Term of Office--The term of office of school committee members shall be for two years beginning the first Monday in January following their election, and until their successors are qualified.

#### Section 4-2 Officers of the School Committee

The committee shall organize biennially on the first Monday in January, and shall elect one of its members vice chairman, whose duty it shall be to preside in the absence of the mayor.

#### Section 4-3 General Powers and Duties

The school committee, in addition to the powers and duties conferred and imposed by law on school committees, shall have power to:

(a) Elect a superintendent of schools, and may, subject to the civil service laws and regulations, appoint, suspend or remove at pleasure such subordinate officers or assistants, including custodians of school buildings, as it may deem necessary for the proper discharge of its duties and the conduct of its business;

(b) Define the term of service, the duties and fix the compensation of all officers and employees appointed by it;

(c) Provide, when they are necessary, temporary accommodations for school purposes;

(d) Make all repairs, the expenditure for which are made from the regular appropriation for the school department, except as is otherwise provided herein, or by statute;

(e) Control all school buildings and the ground connected therewith;

(f) Make all reasonable rules and regulations, not inconsistent with any laws of the commonwealth, for the management of the public schools of the city and for conducting the business of the schools.

#### Section 4-4 Sites for School Buildings

No site for a school building shall be acquired or designated, no plans for the construction or alteration of a school building shall be accepted, or work thereon begin, and no furnishings or equipment shall be purchased or installed, by the city, without first having obtained in each case the approval of the school committee signified by order.

(a) Appointment--No member of the school committee, except the mayor, shall, during the term for which he is elected, hold any other office or position, the compensation for which is payable out of the city treasury, nor shall such person be eligible to hold any such office or position until two years following the expiration of such term. This provision shall not prevent a city officer or city employee who has taken a leave of absence from such office or employment from resuming his duties as such following such service as a school committee member.

(b) Interference in Administration--No member of the school committee, nor any sub-committee of the school committee, shall, directly or indirectly, attempt to take any part in the conduct of the administrative business of the school department.

#### Section 4-6 Exercise of Powers

- (a) In General--Unless otherwise provided by general law, or by the charter, the power of the school committee may be exercised in the manner determined by it.
- (b) Quorum--The presence of four members of the school committee shall constitute a quorum. The affirmative votes of four members shall be necessary to adopt any order, resolution or other formal vote, but a smaller number may adjourn from time to time.
- (c) Meetings to be Public--All meetings of the school committee, and of every sub-committee thereof, shall at all times be open to the public and to the press, unless otherwise authorized by law.

#### Section 4-7 Budget Hearing

At least thirty days before the meeting at which the school committee is to vote on the budget request which it will submit to the mayor for inclusion in the budget he is required to submit to the city council, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall indicate specifically areas of increase from the current budget, if any, and the reasons for such changes. The notice shall further state (1) the times and places where complete copies of the preliminary budget proposal are available for examination by the public, and (2) the date, not less than seven nor more than fourteen days following such publication, the time and the place at which a public hearing will be held by the school committee on its budget proposal.

The action of the school committee in adopting the budget, following the public hearing shall be summarized and the results of a roll call vote taken on each amendment to the proposed budget as may be offered shall be recorded.

#### Section 4-8 Mayor to be Coordinator

The mayor shall be responsible for the effective coordination of all activities of the school department with the activities of all other city agencies. He shall transmit all requests of the school committee which require action by the city council to the city council, and he shall, at the request of the city council, provide it with such information concerning such requests as may be necessary or desirable.

#### Section 4-9 Vacancies

If a vacancy shall occur in the office of school committee member it shall be filled in the same manner as is provided in Section 3-12 for the filling of vacancies in the office of city councillor at large.

### **ARTICLE 5**

### **FINANCIAL PROCEDURES**

#### Section 5-1 Submission of Budget, Budget Message

Within the period prescribed by state statute, the mayor shall submit to the city council a proposed budget for the ensuing fiscal year which shall provide a complete financial plan of all city

funds and activities for the ensuing fiscal year, an accompanying budget message, and supporting documents.

The mayor's message shall explain the budget for all city agencies both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current fiscal year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the city's debt position, and include such other material as the mayor deems desirable or the city council may reasonably require.

#### Section 5-2 Action on the Budget

(a) Public Hearing--The city council shall, within seven days following its receipt of the proposed budget, publish in one or more local newspapers the general summary of the proposed budget as submitted by the mayor and a notice stating: (1) the times and places where copies of the proposed budget are available for inspection by the public, and (2) the date, time, and place, not less than two weeks after such publication, when a public hearing on said proposed budget will be held by the city council or a standing committee of the city council.

(b) Adoption--The city council shall adopt the budget, with or without amendments, within sixty days following the day the budget is received by it, or such other period as may be permitted by law. In amending the budget the city council may delete or decrease any programs or amounts except expenditures required by law or for debt service. If the city council fails to take action with respect to any item in the budget within sixty days after receipt of the budget, or such other period as may be permitted by law, such amount shall, without any action by the city council, become a part of the appropriations for the year and be made available for the purposes specified.

#### Section 5-3 Supplementary Budgets, Other Appropriations

Whenever the mayor shall submit to the city council a request for an appropriation of any sum of money, whether as a supplement to the annual operating budget or for an item or items not included therein, the city council shall not act on such request until it has (1) given notice by publication in a local newspaper of the request, (2) held a public hearing on such request. The publication of notice and the public hearing shall be generally in conformity with the provisions of Section 5-2 concerning the annual operating budget.

#### Section 5-4 Independent Audit

At least once in every two years an outside audit of the books and accounts of the city shall be made. In the event that the commonwealth shall fail in any such period to provide for such an audit to be conducted, within sixty days following the date a written request for them to do so is made by the city council, the city council shall provide for such an audit to be made by a certified public accountant, or a firm of such accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers.

#### Section 5-5 Capital Outlay Program

(a) Submission to Council--The mayor shall prepare and submit to the city council a five year capital outlay program at least three months prior to the final date for submission of the proposed operating budget.

- (b) Contents--The capital outlay program in the form submitted shall include:
  - (1) A clear general summary of its contents;
  - (2) A list of all capital expenditures which are proposed to be made during the five fiscal years next ensuing, with appropriate financial and other details concerning each such expenditure;
  - (3) Cost estimates, proposed methods of financing, and time scheduling for each such expenditure;
  - (4) The estimated annual cost to operate and maintain any facilities to be acquired or constructed.

The above information shall be revised and extended annually.

#### Section 5-6 Certain Bonded Indebtedness

Whenever the city council shall authorize the incurring of debt in excess of four million dollars by pledging the full faith and credit of the City of Lynn before such bonds shall be issued, the matter shall be referred to the voters for ratifications or rejection. The city council shall refer such matter to the voters at a regular or special election as it deems desirable. The form of question submitted shall be substantially as follows:

Shall the vote of the city council of (fill in date) wherein it was voted to approve borrowing the sum of (fill in amount) for the purpose of (fill in purpose) be approved?

If a majority of the votes cast on the question is in the affirmative, the vote of the city council shall thereupon become effective and be in full force and effect. If a majority of the votes cast on the question is in the negative the vote of the city council shall thereupon be nullified and no such bonds may be issued.

This section shall not be construed as requiring such a vote when the city treasurer borrows any sum of money in anticipation of taxes or other receipts.

### **ARTICLE 6**

#### **ADMINISTRATIVE ORGANIZATION**

##### Section 6-1 Reorganization Plans by City Council

Except as otherwise provided by law or the charter, the city council may by ordinance, reorganize, consolidate, or abolish any existing city agency in whole or in part, establish new city agencies, and prescribe the functions of any city agency. All city agencies under the direction and supervision of the mayor shall be headed and administered by officers appointed by him.

##### Section 6-2 Reorganization Plans by Mayor

(a) Submission--The mayor may from time to time prepare and submit to the city council reorganization plans which may, subject to applicable law and the charter, reorganize, consolidate, or abolish any city agency, in whole or in part, or establish new city agencies, as he deems necessary or expedient. Such reorganization plans shall be accompanied by an explanatory message when submitted.



(b) Adoption--Every such reorganization plan shall, upon receipt by the clerk of the council, be referred to an appropriate standing committee of the city council. The city council shall, not more than thirty days later, hold a public hearing on the matter and the committee to which it was referred shall, within fourteen days following such hearing, issue a report stating either that it approves or that it disapproves of the plan. A reorganization plan shall become effective ninety days after the date it is received by the city council unless the city council has prior to that date voted to disapprove the reorganization plan. A reorganization plan presented by the mayor to the city council under this section may not be amended by it, but shall either be approved or rejected as submitted.

#### Section 6-3 Publication of Reorganization Plan

An up-to-date record of any reorganization plan under this article shall be kept on file in the office of the city clerk and copies of all such plans shall be included as an appendix in any publication of the ordinances of the city.

#### Section 6-4 Multiple-Member Bodies, Composition, Term of Office

Except as otherwise directed by law, all multiple-member bodies shall consist of three or more members appointed for terms of three years each, so arranged that the term of one-third of the members, or as nearly that number as may be, shall expire each year.

#### Section 6-5 Terms of Office

Notwithstanding any other provision of the charter which may appear to be in conflict, all department heads who after serving a full term of office when appointed for a term of years are reappointed to the same office to succeed themselves shall thereafter serve for an indefinite term, not subject to reappointment, but subject to removal, as provided in Section 6-6.

#### Section 6-6 Removal

The provisions of Section 3-7(d) shall apply to all removals from city office. In instances where the mayor, or some other person or agency is the appointing authority, the mayor or such other appointing authority shall issue the preliminary notice of removal, as provided in Section 3-7(d)1, and, in addition to delivery of a copy of the said notice to the affected person, as provided in Section 3-7(d)2, shall cause a copy to be filed with the city council.

These provisions shall not be construed as being applicable to any person who is governed by the state civil service law and rules, or by the terms of a collective bargaining agreement.

#### Section 6-7 Expiration of Terms

Every appointment to city office shall begin on the first day of April, unless another provision is made by law or the charter, for the term specified, and until a successor has been qualified.

Whenever the sequential expiration of terms of office to a multiple-member body has been broken by the operation of the provisions of Section 3-7(c) or Section 6-5 and a vacancy or vacancies shall subsequently occur, appointments to fill such vacancies shall be made for such

lesser number of years as may be required in order to re-establish terms of office, which as nearly as may be, expire in different years.

#### Section 6-8 Board of Assessors, Chairman

The mayor shall, annually, designate one of the members of the board of assessors to be its chairman. The chairman of the board of assessors shall preside at all meetings of the said board, regulate and supervise the administration of the office of the board, be the official representative of the board with all other public agencies and with the public, and shall have such other powers and duties as may be established by ordinance or by vote of the board of assessors.

#### Section 6-9 Personnel Department

There shall be a department of personnel which shall be responsible for all personnel related functions and activities of the city, including, but not limited to:

(1) Plan, administer and direct all phases and components of the city personnel plan, including wage and salary administration, position classification, sick and vacation leave, employee grievance procedure, accident prevention programs, physical examinations, equal opportunity and affirmative action programs, personnel transactions and all record keeping concerning city employees.

(2) Develop, new and revised personnel policies and practices, and recommend the same to the mayor and city council for implementation, where such action is necessary.

(3) Review all departmental requests for new personnel and make recommendations concerning such requests to the mayor and city council.

(4) Advise and assist municipal officers and employees in all aspects of public employment including recruitment, promotion, transfer, dismissal, wages, hours and other conditions of employment, insurance benefits and related matters.

(5) Determine before any employees shall be hired, reinstated, promoted or transferred by any city agency that:

(a) There is an existing vacancy.

(b) The salary which is proposed is in accordance with the existing salary schedule.

(c) There has been compliance with the civil service law and rules, if applicable.

(6) Development of a career public service program.

(7) Supervise the registration of all persons who are to be employed by the city in any capacity, and certification of eligible lists to department heads when vacancies exist.

All city officers and other appointing authorities shall cooperate with the personnel department by providing to it, upon request, any and all information related to personnel matters as may from time to time be made.

The personnel department shall be headed by a personnel director appointed by the mayor, subject to the approval of the city council. The term of office of the personnel director shall be for three years.

The personnel director shall be appointed solely on the basis of his professional and technical qualifications. He shall be a person especially fitted by education, training and experience to perform the duties of the office. Desirable qualifications, not mandatory, which should be considered in making such appointment would include: knowledge of principles and practices and equipment of office management; knowledge of city ordinances and rules and regulations relating

to personnel matters; knowledge of the state civil service law and rules; knowledge of the principles and practices of personnel administration; ability to establish and to maintain effective working relations with a wide range of public officers and employees.

#### Section 6-10 Department of Public Works

(a) In General--There shall be a department of public works, under the direction and control of a commissioner of public works, which shall have all the powers, duties, responsibilities and functions now or from time to time vested by general or special law in the following: a sanitary department, a sewer department, a water department, a street department and an engineering department.

(b) Commissioner of Public Works--A commissioner of public works shall be appointed by the mayor, subject to the approval of the city council, for a term of three years. The commissioner of public works shall be a person especially fitted by education, training and experience, to perform the duties of the office. He need not be a resident of the City of Lynn when appointed but he shall, within six months following such appointment, establish such residence or the position shall be deemed to be vacant. He shall not be subject to the state civil service law and rules. During his term of office the commissioner shall not hold any elective office nor shall he engage in any other business or occupation.

(c) Associate Commissioners--There shall be two associate commissioners of public works appointed by the mayor, subject to the approval of the city council, for terms of three years each, so arranged that the terms of office of the two associate commissioners and the term of office of the commissioner all expire in different years.

The associate commissioners of public works shall not be subject to the state civil service law and rules.

(d) Removal, Commissioner and Associate Commissioner--The mayor with the approval of the city council, or the city council without the approval of the mayor by a two-thirds vote of all of its members may remove the commissioner or the associate commissioners before their terms of office expire. At least fifteen days before such proposed removal shall become effective there shall be filed with the city clerk a preliminary written resolution setting forth in detail the reason for the proposed removal and a copy of said resolution shall be served upon the person to be removed.

(e) Powers and Duties of Commissioner--The commissioner, with the approval of the mayor and city council, sitting as a body, may from time to time establish such divisions within the department as he shall deem necessary. Each such division shall assume such management and control as shall be determined by the commissioner. He shall fix the salaries of the personnel under his jurisdiction within the wage scales established by the city council. He shall appoint all employees of the department in accordance with the state civil service law and rules, except the associate commissioners who shall be appointed as provided above.

(f) The city council may, by ordinance, adopt any ordinances as may be necessary to further the organization of the department.

(g) Acting Commissioner--The commissioner of public works may by letter, filed with the city clerk, designate a qualified member of the department or other city official to perform his duties during his temporary absence or disability. In the event of the failure of the commissioner to

make such designation the mayor, with the approval of the city council may so designate such person to perform the duties of the commissioner until his return or his disability shall cease.

(h) Non-Interference--The mayor shall be responsible for the overall supervision of the department of public works and for the establishment of priorities for the guidance of the commissioner, but neither he nor any committee of the city council shall in any manner attempt to become involved in the scheduling of work assignments to employees or otherwise interfere with the day-to-day operation of the department.

## **ARTICLE 7**

### **NOMINATIONS, ELECTIONS INITIATIVE, REFERENDUM AND RECALL**

#### **Section 7-1 Board of Election Commissioners**

(a) Composition--The board of election commissioners shall consist four persons, two chosen from each of the two leading political parties as defined in Section One of Chapter Fifty of the General Laws, one of whom shall be designated chairman.

(b) Appointment--The members of the board of election commissioners shall be appointed for terms of four years each, so arranged that one such term of office shall expire on December first of each year, by the mayor, subject to the approval of the city council. In case of a vacancy on the board of election commissioners it shall be filled, for the balance of the unexpired term by the mayor, subject to council approval.

(c) Political Representation--The members of the board of election commissioners shall, as equally as may be, represent the two leading political parties, and in no case shall an appointment be made as to cause the board to have more than two members of the same political party.

(d) Powers and Duties--All the powers, rights, privileges, liabilities, and duties relating to primaries, caucuses or elections by law vested in and imposed upon the mayor and city council or either of them, the city clerk, the city solicitor, or the board of registrars of voters in cities, except the power and duty of giving notice of elections and fixing the days and hours of holding the same, shall be vested in and performed by the board of election commissioners, who shall be subject to all the penalties prescribed by general laws for failure to perform the said duties.

The board of election commissioners shall in all matters relating to objections and questions arising in the case of nominations of candidates for city offices have the powers and perform the duties of the board of registrars and the city clerk and city solicitor under Section Twelve of Chapter Fifty-three of the General Laws; and when the board is sitting to consider such matters, the justice of the District Court of Southern Essex, or an associate justice of the same court, shall be a member of the said board and shall preside, but shall not vote unless the other commissioners are equally divided, as provided in Chapter Ninety-two of the acts of nineteen hundred and thirty-one.

(e) Organization of the Board--The mayor shall designate one of the members of the board to serve as its chairman. The board shall elect a secretary, provided however, if the members are unable to agree upon the choice of a secretary, the mayor shall designate the secretary. The secretary shall keep a full and accurate record of the proceedings of the board, and shall cause such notices as the board may require to be properly served or posted.

#### Section 7-2 City Elections: General, Preliminary

The regular general city elections shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.

On the fourth Tuesday preceding every regular general city election, there shall be held a preliminary election for the purpose of nominating candidates.

#### Section 7-3 Nonpartisan Elections

All elections for city offices shall be nonpartisan, and election ballots shall be printed without any party mark, emblem, or other designation whatsoever.

#### Section 7-4 Preliminary Elections

(a) Signature Requirements--The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor not less than five hundred such signatures, not more than one hundred fifty of which shall be from any one ward; for the office of councillor at large, or school committee member not less than three hundred fifty such signatures, not more than one hundred of which shall be from any one ward; for the office of ward councillor not less than one hundred such signatures from the ward.

(b) Ballot Position--The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the board of election commissioners which shall be open to the public.

(c) Determination of Candidates for Election--The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names shall be printed on the official ballots to be used at the regular general city election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity. If two or more persons equal in number to twice the number of persons so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names shall appear on the official ballot to be used at the regular general city election.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a candidate receiving the same to have his name printed on the ballot for the election, all candidates participating in the said tie vote shall have their names printed on the official ballot for the said election although in consequence there shall be printed on the said ballots names of candidates to a number exceeding twice the number to be elected.

A preliminary election shall be held in the city and in every ward thereof notwithstanding circumstances under which fewer candidates have filed papers requesting their names to appear on the ballot for nomination than there are places to fill.

#### Section 7-5 Regular City Election

The order in which the names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the board of election commissioners which shall be open to the public.

#### Section 7-6 Special Election for Mayor

Whenever a special election is to be held to fill a vacancy in the office of mayor, as provided in Section 2-9(a) a preliminary election shall also be held twenty-eight days preceding the date established for the said special election. The number of signatures required on nomination papers shall be the same as is provided in Section 7-4.

#### Section 7-7 Wards

The territory of the city shall be divided into seven wards so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits. Each such ward shall be composed of voting precincts otherwise established in accordance with law. The city council shall from time to time review such wards to insure their uniformity in number of inhabitants.

#### Section 7-8 Application of State Laws

Except as expressly provided in the charter and as authorized by law, all city elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, regular and special elections, the submission of charters and charter amendments and other propositions to the voters, the counting of votes, recounts of votes, and the declaration of results.

#### Section 7-9 Petitions to City Council and School Committee

The city council or the school committee shall hold a public hearing and shall act finally on every petition which is presented to it and which is signed by not less than one hundred and fifty voters. The hearing shall be held by the city council or the school committee, or in either case by a committee or sub-committee thereof, and final action taken with respect thereto, not later than three months following the date the said petition is filed with the clerk of the council or the secretary of the school committee as may be appropriate. Hearings on two or more petitions filed under this section may be held at the same time and place. Notice of the public hearing shall be by publication in a local newspaper, not less than seven days prior to such hearing which shall contain a general summary of the subject matter of the petition and the date, time and place at which the hearing will be held. A copy of the said notice shall be mailed to the ten petitioners whose names first appear on the petition.

#### Section 7-10 Citizen Initiative Measures

(a) Commencement of Proceedings--Initiative procedures shall be started by the filing of an initiative petition with the clerk of the council or the secretary of the school committee as may be. The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in the petition, and shall be signed by at least ten percent of the total number of voters as of the date of the preceding city election. Signatures to initiative petitions need not all be on one paper. All such papers pertaining to any one measure shall however be fastened together and shall be filed in the office of the board of election commissioners as one instrument, with the endorsement thereon of the name and resident

address of the person designated as filing the same. With each signature to the petition there shall appear the street and number, if any, of each signer.

Within ten days following the filing of the petition the board of election commissioners shall ascertain by what number of voters the petition is signed, and what percentage that number is of the total number of persons who were registered to vote at the preceding regular city election and shall attach thereto their certificate showing the results of such examination.

The board of election commissioners shall forthwith transmit the petition and their certificate to the city council or to the school committee according as the petition is addressed and at the same time they shall send a copy of their certificate to the person designated on the petition as having filed the same.

(b) Referral to City Solicitor--If the board of election commissioners have determined that the petition has been signed by a sufficient number of voters, the clerk of the council or the secretary of the school committee, whichever is applicable, shall forward a copy of the petition to the city solicitor. Within fifteen days following the date of his receipt of a copy of the said petition the city solicitor shall, in writing, advise the city council or the school committee, as may be, whether the measure as proposed in the initiative petition may be proposed by the initiative process and whether it may lawfully be passed by the city council or the school committee. If the opinion of the city solicitor is that the measure does not qualify for the initiative procedure, or that it may not lawfully be passed by the city council or the school committee he shall state his reasons therefor in full in his reply. The clerk of the council or the secretary of the school committee shall furnish a copy of the city solicitor's opinion to the person designated on the petition as having filed the same.

(c) Action on Petition--Within thirty days following the date a petition has been returned to the clerk of the council or the secretary of the school committee, by the city solicitor which has been certified by the board of election commissioners to contain more than ten percent of the names of voters as aforesaid, and after publication in accordance with the procedure established in Section 3-10(c) for ordinances and loan orders, the city council or the school committee shall act with respect to each initiative petition by passing a measure which is stated to be in lieu of such initiative proposal. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act with respect to any initiative measure which is presented to it within thirty days following the date it is returned to the clerk of the council or the secretary of the school committee, the measure shall be deemed to have been rejected on such day. If an initiative measure is rejected, the clerk of the council or the secretary of the school committee shall promptly give notice of that fact to the person designated as having filed the same and to the first ten names on each such petition, by mail.

(d) Supplemental Petitions--Within forty-five days following the date notice or rejection of an initiative petition has been given by the clerk of the council or the secretary of the school committee, a supplemental initiative petition addressed to the city council or the school committee may be filed in the office of the board of election commissioners. The supplemental initiative petition shall be signed by a number of additional voters which is at least equal to five percent of the total number of persons registered to vote as of the date of the preceding regular city election; if the number of signatures to a supplemental initiative petition is deemed to be sufficient by the board of election commissioners, the city council shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty-five days following the date of the certificate of the board of election commissioners that a sufficient number of voters had signed the

supplemental petition, and shall submit the proposed measure, without alteration, to the voters for determination; provided however, that if any city election is to be held within one hundred and twenty days following the date of the certificate, the city council may omit calling the special election and cause said question to be submitted to the voters at such approaching election.

(e) The full text of any initiative measure which is to be submitted to the voters shall be published, in full, in a local newspaper not less than seven nor more than fourteen days preceding the date of the election at which the question is to appear on the ballot.

(f) Form of Ballot--The ballots used when voting on a measure proposed by voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect?

(Text of the measure, or, a fair, concise summary prepared by the petitioners)

Yes                      No

(g) Time of Taking Effect--If a majority of the votes cast on the question, as stated above, is in the affirmative the measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.

#### Section 7-11 Citizen Referendum Procedures

(a) Referendum Petition, Effect on Final Approval--If, within twenty-one days following the final approval of any measure by the city council or by the school committee, a petition signed by a number of voters equal to fifteen percent of the total number of persons registered to vote as of the date of the preceding city election, and addressed to the city council or to the school committee as the case may be, protesting against such measure or any part thereof taking effect. The city council or the school committee shall, forthwith, reconsider such measure or part thereof, and if such measure or part thereof is not rescinded, the city council shall submit the same, by the method herein provided to the voters either at a special election, which it may in its discretion call, or the next regular city election and such measure or part thereof shall be null and void unless a majority of the voters voting on the same at such election vote in favor thereof.

(b) Certain Initiative Procedures to Apply--The petition described in this section shall be termed a referendum petition and insofar as applicable Section 7-10(a), (b), (e), and (f) shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace the word "measure in said sections wherever it may occur and the word "referendum" shall be understood to replace the word initiative" where it may occur.

#### Section 7-12 Initiative and Referendum: Ineligible Measures

None of the following measures shall be subject to initiative or referendum procedures: (1) proceedings relating to the internal organization or operation of the city council or the school committee, (2) an emergency measure adopted in conformity with the charter, (3) the city budget or the school committee budget as a whole, (4) revenue loan orders, (5) any appropriation for the payment of the city's debts and obligations, (6) appropriations of funds necessary to implement a



written agreement executed under collective bargaining, (7) proceedings, or parts thereof, relating to the election, appointment, employment, suspension, transfer, demotion, removal or discharge of any officer or employee, (8) any proceedings repealing or rescinding a measure or part thereof, which is protested by referendum procedure, and (9) any procedure providing for the submission or referral of matter to the voters at an election.

#### Section 7-13 Submission of Proposed Measures to Voters

The city council may, of its own motion, and shall, upon the request of the school committee if a measure originates with that committee and pertains to affairs under its administration, submit to the voters for adoption or rejection at a general or special city election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

If two or more measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

#### Section 7-15 Recall of Elected Officials

(a) Application--Any person who holds an elected city office, with more than six months remaining of the term of office, may be recalled from the office, by the voters, in the manner provided in this section.

(b) Recall Petitions--Twenty-five or more voters may file with the board of election commissioners an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. If the officer is elected at large, the names on the affidavit shall be from the city at large. If the officer is elected by and from a ward the names on the petition shall be voters of the said ward. The election commissioners shall deliver to the said voters petition blanks demanding said recall, printed forms of which they shall keep available. The blanks may be completed by writing or typewriting; they shall be addressed to the city council; they shall contain the names of the persons who have filed the affidavit and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; and they shall be dated and signed by the board of election commissioners. A copy of the petition shall be kept on file in the office of the election commissioners in a record book maintained for that purpose. The recall petitions shall be returned and filed in the office of the election commissioners within thirty days following the date the petitions were issued, signed by at least fifteen percent of the total number of persons registered to vote as of the date of the preceding city election, if the officer is elected at large and signed by at least fifteen percent of the total number of persons registered to vote in the ward as of the most recent city election, if the officer is elected from a ward.

The board of election commissioners shall forthwith certify thereon the number of signatures which are names of voters.

(c) Recall Election--If the petition shall be certified by the board of election commissioners to be sufficient, they shall forthwith submit the same to the city council. Upon its receipt of the certified petition, the city council shall forthwith give written notice of said petition and certificate to the person whose recall is sought. If said officer does not resign his office within five days following delivery of the said notice, the city council shall order an election to be held not less than thirty-five nor more than sixty days after the date of the certificate of the sufficiency of the

petition. If, however, another city election is to occur within sixty days after the date of the said certificate, the city council shall hold the recall election on the date of such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section and only the ballots for candidates need be counted.

(d) Nomination of Candidates--An officer whose recall is sought may not be a candidate to succeed himself if recalled at the recall election. Other candidates shall be entitled to have their names appear on the ballot at such recall election by filing the number of signatures for the office as required by Section 7-4 (a). The publication of the warrant for the recall election and the conduct of the same shall be in accordance with the provisions of other laws relating to elections.

Propositions on Ballot--Ballots used at a recall election shall state the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the propositions shall appear the word "candidates" and the names of candidates arranged as drawn by lot in accordance with Section 7-4(b).

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the question is in the negative, the ballots for candidates need not be counted, except as provided in (c) above.

(f) Officeholder--The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled in the election he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this section.

If the officer is recalled in the election, he shall be deemed removed upon the qualification of his successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

(g) Repeat of Recall Petition--No recall petition shall be filed against an officer within three months after he takes office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters.

## **ARTICLE 8**

### **GENERAL PROVISIONS**

#### **Section 8-1 Charter Changes**

(a) In General--This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution, or by statutes enacted in accordance with the state constitution.

(b) Periodic Review--The city council shall provide in each year ending in a four, for a review of the charter by a special or standing committee of the city council and four persons to be appointed by the mayor. The joint committee shall file a report within the said year recommending any amendments or revisions deemed necessary or desirable.

#### Section 8-2 Severability

The provisions of this charter are severable. If any provision of this charter is held invalid, the other provisions shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

#### Section 8-3 Specific Provision to Prevail

To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

#### Section 8-4 Rules and Regulations

A copy of all rules and regulations adopted by any city agency shall be placed on file in the office of the city clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any city agency shall become effective until five days following the date it is so filed.

#### Section 8-5 Re-enactment and Publication of Ordinances

The city council shall, at five year intervals, cause to be prepared a proposed revision, recodification or republication of the ordinances of the city, which shall be submitted to the city council for action. The city council shall adopt the proposed recodification or revision, with or without amendment, or shall approve the text of the republication, prior to the expiration of the calendar year in which it is submitted to them. Revision, recodification or republication shall be under the supervision of the city solicitor, or if the city council shall so direct by special counsel engaged for that specific purpose. Copies of the compilation shall be made available for public distribution, provided however, a charge, not to exceed the actual cost of reproduction may be charged.

In each year between such re-enactments, an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

#### Section 8-6 Uniform Procedures Governing Multiple Member Bodies

(a) Meetings--All multiple member bodies of the city, whether elected, appointed or otherwise constituted, shall meet regularly at such times and places as they may, by their own rules prescribe, unless some other provision is made by ordinance or by law. Special meetings of any multiple member body shall be held on the call of the chairman or by one-third of the members thereof by written notice delivered in hand or to the place of residence of each member at least forty-eight hours in advance of the time set, which shall contain notice of the subjects to be acted upon. A copy of the said notice shall also be posted on the city bulletin board. Except as may otherwise be authorized by law, all meetings of all multiple member bodies shall at all times be open to the public and the press.

(b) Rules and Journals--Each multiple member body shall determine its own rules and order of business unless another provision is made by ordinance or by law, and shall provide for keeping a journal of its proceedings. These rules and journals shall be a public record and certified copies shall be placed on file in the office of the city clerk and in the Lynn Public Library.

(c) Voting--If requested by any member, any vote of any multiple member body shall be taken by a call of the roll and the vote of each member shall be recorded in the journal, provided, however, if the vote is unanimous, only that fact need be recorded.

(d) Quorum--A majority of the members of a multiple member body shall constitute a quorum, but a smaller number may adjourn from time to time.

#### Section 8-7 Number and Gender

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender.

#### Section 8-8 References to General Laws

All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

#### Section 8-9 Definitions

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this charter shall have the following meanings:

(a) Charter--The word "charter" shall mean this charter and any amendment to it hereafter adopted.

(b) City--the word "city" shall mean the city of Lynn.

(c) City Agency--The words "city agency" shall mean any board, commission, committee or other multiple member body, department, division of office of the city.

(d) City Officer--The words "city officer" when used without further qualification or description, shall mean a person in charge of a department of the city who in the exercise of the duties of his office exercises some portion of the sovereign power, whether great or small.

(e) Emergency--The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

(f) Full Council--The words "full council" shall mean the entire authorized complement of the city council notwithstanding any vacancies which might exist.

(g) general laws--The words "general laws" (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and towns, to all cities or to a class of cities and towns of which the city of Lynn is a member.

(h) General Laws--The words "General Laws" (initial letter of each word in capital letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

- (i) Initiative Measure--The words "initiative measure" shall mean a measure proposed by initiative procedures under this charter.
- (j) Local Newspaper--The words "local newspaper" shall mean a newspaper of general circulation within the City of Lynn.
- (k) Majority Vote--The words "majority vote" shall mean a majority of the full complement of the city council, school committee or other multiple member body.
- (l) Measure--The word "measure" shall mean an ordinance adopted or which could be adopted by the city council, or an order, resolution, vote or other proceeding adopted or which could be adopted by the city council or the school committee.
- (m) Multiple Member Body--The words "multiple member body" shall mean any body consisting of two or more members, whether elected, appointed or otherwise constituted, but not including the city council or school committee.
- (n) Referendum Measure--The words "referendum measure" shall mean a measure protested by the referendum procedures under this charter.
- (o) Voters--The word "voters" shall mean registered voters of the city of Lynn.

#### Section 8-10 Certificate of Election of Appointment

Every person who is elected, including those elected by the city council, or appointed to an office of the city shall receive a certificate of such election or appointment from the city clerk.

Except as otherwise provided by law, before performing any act under his appointment or election, he shall take and subscribe an oath to qualify him to enter upon his duties. A record of such oath shall be kept by the city clerk.

#### Section 8-11 City Residence Required

Every person who is appointed to a city office, and every person who is employed on a permanent full time basis by the city not a resident of the city at the time of such appointment or employment shall, within six months following such appointment or employment, establish his ordinary and usual place of residence within the city or such appointment or employment shall be deemed to be vacated or forfeited.

#### Section 12 Limitation on Office Holding

No person shall simultaneously hold more than one city office, or city employment for which a salary or other emolument is payable from the city treasury.

#### Section 8-13 Notice of Vacancies

Whenever a vacancy occurs, or is about to occur, in any city office or city employment, except for positions covered under the civil service law, the appointing authority shall forthwith cause public notice of such vacancy, or impending vacancy, to be posted on the city bulletin board for a period of not less than ten days. Any person who desires to be considered for appointment to said office or employment may, within said ten days, file with the appointing authority a statement in clear and specific terms setting forth his qualifications. No permanent appointment to fill an office or employment shall be effective until at least fourteen days have elapsed following such a posting, and until all persons who have filed statements have been considered.

#### Section 8-14 Enforcement of Charter Provisions

It shall be the duty of the mayor to see that the provisions of the charter are faithfully followed and complied with by all city agencies. Whenever it appears to the mayor that any city agency is failing to follow any provision of this charter here shall, in writing, cause notice to be given to such agency directing compliance with the charter.

If it shall appear to the city council that the mayor is not himself following the provisions of the charter they shall, by resolution, direct his attention to those areas in which they believe he is failing to comply.

#### Section 8-15 Annual Report of the City

An annual report which contains a general summary of the activities of all city agencies shall be published at the close of each fiscal year. The annual report shall contain reports by the mayor, the city council, the city comptroller, the city treasurer, the school committee and such other city agencies as may be required by ordinance to provide such reports. The annual report may be published in a local newspaper for the convenience of the inhabitants, and additional copies shall be made available for distribution, on request, in the office of the city clerk.

### **ARTICLE 9**

#### **TRANSITIONAL PROVISIONS**

##### Section 9-1 Continuation of Existing Laws

All ordinances, rules, regulations and resolutions of the city which are in force at the time the charter is adopted, not inconsistent with the charter, shall remain in effect and shall continue in force until amended, revised or repealed in the manner provided by law or the charter.

##### Section 9-2 Continuation of Government

All city agencies shall continue to perform their duties until reappointed, re-elected, or until the successors to their respective duties are duly appointed, elected or their duties have been transferred and assumed by another city agency.

##### Section 9-3 Continuation of Administrative Personnel

Any person holding a city office, or a position in the administrative service of the city, shall retain such office or position, or employment and shall continue to perform his duties until provisions shall have been made for the performance of those duties by another person or agency; provided however, that no person in the permanent full time service of the city shall forfeit his pay grade, or time in service. All such persons shall be retained in a capacity as similar to their former capacity as is practicable and any reductions in the personnel needs of the city shall be accomplished through attrition, unless specific provision is otherwise made in this article.

##### Section 9-4 Transfer of Records and Property

All record, property and equipment whatsoever, of any city agency or part thereof, the powers and duties of which are transferred or assigned to another city agency shall be transferred forthwith to the city agency to which such powers and duties are transferred and assigned.

#### Section 9-5 Effect on Obligations, Taxes, etc.

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the city before the adoption of the charter, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter, and no legal act done by or in favor of the city shall be rendered invalid by the adoption of the charter.

#### Section 9-6 Time of Taking Effect.

This charter shall become fully effective upon the installations of officers in January of the year following the year in which the charter is adopted, except as is otherwise provided in this section:

(a) The mayor elected at the election at which this charter is adopted shall, in the first year of his term of office, be excused from presenting the capital outlay program as required by Section 5-5.

(b) The mayor elected at the election at which this charter is adopted shall proceed forthwith to take all action necessary to establish the personnel department as provided in Section 6-9. Although it is not expected to begin at once to perform all of the activities specified in such section, the personnel department shall be expected to assume all such obligations with all deliberate speed.

(c) All rules and regulations of city agencies in force and effect on the date the charter is adopted shall continue in full force and effect, notwithstanding the provisions of Section 9-4, provided such rules and regulations are so placed on file within sixty days following the date of installation of officers in the year following the year in which the charter is adopted.

(d) Forthwith following the organization of the city council in the year following the year in which the charter is adopted, the city council shall provide for a complete review of the ordinances of the city to bring them into conformity with this charter. Such review shall be conducted generally in conformity with the provisions of Section 8-5. The city council shall provide for the adoption of a new compilation of all city ordinances not later than the last day of June in the second year following the year in which the charter is adopted.

(e) Each multiple member body shall arrange forthwith for full compliance with the provisions of Section 8-6.

(f) The provisions of Section 8-11 shall not apply to any person who is in the employ of the city on the date on which the charter is adopted with respect to the office or the employment held on such date. Any such person who is promoted to a higher office or grade of employment shall, however, become as a result of such promotion subject to the provisions of this section.

(g) Forthwith following the organization of the city council in the year following the year in which the charter is adopted, the city council shall cause to be established a special committee to advise it in the implementation of the provisions of Section 3-11. Such special committee shall consist of not less than seven or more than eleven persons, chosen by the city council, including prominent local businessmen, industrial executives, representatives of organized labor and civic organization. Said special committee shall propose a plan for the implementation of a management audit system, which plan shall in particular propose an order of priority in which

such audits are to be conducted. Such plan shall be submitted for the review and consideration of the city council within one year following the date on which the city council is organized in the year following the year in which the charter is adopted.

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1973	Ordinance Regulating the collection of taxes (3.04)
06/12/73	Disposition of dead animals (6.04)
11/13/73	Prohibiting seining on territorial waters in city (Not codified)
1974	Prohibits alcoholic beverages in public places (Not codified)
02/12/74	Amends zoning ordinance (17.04, 17.16, 17.44, 17.48)
04/23/74	Licensing of public and semi-public swimming pools (8.36)
04/23/74	Regulating the collection of taxes (3.04)
06/11/74	Prohibiting loitering after hour of ten p.m. in city of Lynn (Not codified)
08/13/74	Relative to dangerous and unsafe buildings (Not codified)
08/13/74	Relative to Lynn Public Landing at Blossom St. Ext. (Not codified)
11/12/74	Regulating sale of food or other products from motor vehicles (5.28)
02/25/75	Fixing hours of city hall employees of city under jurisdiction of city council, except custodians and janitors (2.76)
02/25/75	Requiring dogs to be restrained (Not codified)
02/25/75	Relative to granting D.P.W. permits (12.04)
05/08/75	Permit fee for frozen desserts (2.36)
04/08/75	Regulating sale of food or other products from motor vehicles (5.28)
04/22/75	Regulating use of coin-operated amusement devices (Not codified)
06/12/75	Relative to licensing and regulation of taxicabs (Not codified)
06/30/75	Classification of city employees (2.76)
07/08/75	Prohibiting carrying of particular weapons or other objects that may be used as a weapon (9.24)
07/08/75	Protecting the domestic water supply of the city of Lynn (9.20)
07/08/75	Relative to sale of food at retail in city between twelve midnight and five am. (Not codified)
07/08/75	Requiring swimming pools to be enclosed (8.36)
10/28/75	Regulating the sale of city-owned real estate (Repealed by Ord. 1/10/75)
11/12/75	Used car dealers' licenses (5.72)
03/23/76	Requiring dogs to be restrained (Not codified)
04/27/76	Restricting hours of entertainment with city (5.76)
05/25/76	Relative to extermination of rodents (8.44)
05/25/76	Relative to licensing of animals with city (6.04)
07/13/76	Regulating use of coin-operated amusement devices (Not codified)
07/13/76	Relative to licensing and regulation of taxicabs (Not codified)
09/15/76	Establishing stadium commission for city (2.52)
09/15/76	Requiring dogs to be restrained (Not codified)
02/22/77	Regulating use of coin-operated amusement devices (Not codified)
03/22/77	Relative to yard sales (17.12)
04/12/77	Relative to safe and sanitary storage. collection and disposal of refuse in city (Not codified)

Ordinance Date	Ordinance
0//12/77	Residency of city employees (2.76)
08/09/77	Prohibiting the operation of carnivals in city until an inspection (Not codified)
09/13/77	Replacement and removal of gasoline tanks at gasoline filling stations (5.36)
09/26/77	Restricting unauthorized vehicles on city-owned property (10.20)
1978	Amends zoning ordinance (17.36, 17.48)
02/28/78	Prohibiting the issuance of building permit on property owing taxes (Not codified)
02/28/78	Relative to purchasing power of city of Lynn (Not codified)
06/13/78	Relative to carnivals and circuses (5.20)
06/13/78	Taxicab drivers' licenses (Not codified)
07/11/78	Prohibiting operation of carnivals in city until inspection is made by electrical and fire departments (Not codified)
11/14/78	Banning mopeds, motorcycles, bicycles, skateboards and ball playing in Union Street Mall (12.32)
11/14/78	Prohibiting loitering in city of Lynn (Not codified)
11/14/78	Providing for removal of snow and ice from sidewalks within limits of public ways in city (Not codified)
11/14/78	Relative to yard sales (17.12)
07/24/79	Sewers (13.04)
09/11/79	Declaring weeds and plants a nuisance (8.40)
09/25/79	Coin-operated amusement devices (Not codified)
10/23/79	Sewers (13.88)
02/12/80	City council rules and procedures (2.04)
02/26/80	Pedestrian control regulations (Not codified)
03/18/80	License fees in the health department (Not codified)
04/01/80	Replacement and removal of gasoline tanks at gasoline filling stations (5.36)
05/06/80	Signs over sidewalks (Not codified)
06/10/80	License fees in the health department (Not codified)
08/12/80	Establishing permit fees in building department (Not codified)
08/12/80	Establishing permit fees in fire department (Not codified)
08/12/80	Establishing permit fees in department of public works (12.04)
08/12/80	Relative to taxicab fees (Not codified)
08/12/80	Junk and secondhand dealers (5.44)
09/23/80	Condominium conversion (15.32)
11/18/80	Regulating massage parlors (Not codified)
12/16/80	Regulating the sale of city-owned real estate (Repealed by Ord. 1/10/95)
12/16/80	Towing fees for impeding the removal or plowing of snow (Not codified)
02/03/81	Gas-fitting permits (Not codified)
02/03/81	Relative to safe and sanitary storage, collection and disposal of refuse in city (Not codified)
02/03/81	Removal of vehicles impeding the removal of plowing of snow (Not codified)
02/03/81	Restricting the depositing or dumping of snow onto city streets (12.16)

Ordinance

Date

04/07/81	Limiting number of second class dealers' licenses (5.72)
04/07/81	Parking of vehicles containing inflammables in a residential area (10.20)
04/07/81	Permit fees--department of public works (12.04)
04/28/81	Loitering (Not codified)
05/19/81	Towing and parking (Not codified)
02/02/82	Health department license fees (2.36)
02/02/82	Ambulance service--third-party payments (3.20)
02/02/82	Discharge and control of litter (Not codified)
02/23/82	Permit fees in building department (Not codified)
03/09/82	Regulating use of coin-operated amusement devices (5.24)
03/30/82	Fees relating to storage of explosives (8.12)
03/30/82	Posting bond for sidewalk permit (12.04)
03/30/82	Prohibiting patrons from bringing alcoholic beverages on premises for their own consumption (5.04)
03/30/82	Purchasing department (2.40)
5/82	Centralized purchasing (2.40)
05/25/82	Electrical fees (Not codified)
05/25/82	Resident parking (10.04)
07/27/82	Electrical fees (Not codified)
07/06/82	Limiting number of second-class used car dealers' licenses (5.72)
08/03/82	Port authority fees (Not codified)
09/15/82	Construction safety (8.08)
09/15/82	Prohibiting drinking of alcoholic beverages in any public place (9.04)
09/28/82	Gasoline stations to provide air for tires (5.36)
09/28/82	Excessive dog barking (Not codified)
09/28/82	Requiring dogs to be restrained (Not codified)
10/30/82	Activating police and fire alarms (8.04)
11/30/82	Keeping or storing motor vehicles in residential area (9.20)
12/14/82	Code of conduct and dress in alcoholic beverage and massage establishments (5.52)
12/15/82	Construction regulations to protect pedestrian and vehicular traffic (8.12)
02/01/83	Block parties(12.32)
03/01/83	Central appointing authority (2.64)
03/01/83	Engaging in sexual conduct for a fee (9.04)
03/29/83	Board of cemetery commissioners--land grading fund (2.60)
08/02/83	Board of cemetery commissioners--land grading fund (2.60)
08/02/83	Renting branch libraries (2.68)
08/09/83	Amends zoning ordinance (17.28)
12/13/83	Lodging house fees (5.48)
12/13/83	Terms of employment of department heads (2.76)
01/31/84	Dog law violations--fines (Not codified)
03/06/84	Retail sale of food between midnight and five a.m. (Not codified)

Ordinance

Date

05/22/84	Carnivals and circuses (5.20)
05/22/84	Licensing and regulation of taxicabs (Not codified)
07/10/84	Parking and towing (10.16)
09/09/84	Refuse (Not codified)
02/05/85	Gasoline tanks--replacement and removal (5.36)
02/05/85	Health department establishment (2.36)
02/05/85	Refuse collection and disposal (Not codified)
05/05/85	Fire department fees (Not codified)
05/14/85	Amusement devices (coin-operated) (5.24)
05/14/85	Gas-fitting permits (15.20)
05/14/85	Transient vendors (5.68)
06/11/85	Port authority fees (Not codified)
06/18/85	Used-car dealers' licenses--second class (5.72)
07/09/85	Dogs--restraining (Not codified)
09/24/85	Street and sidewalk excavations (12.04)
1986	Door-to-door solicitors (5.68)
02/11/86	City council--manner of meetings, quorums and proceedings (2.04)
02/11/86	Weights and measures--fees (3.20)
04/08/86	Electrical meters (15.16)
04/08/86	Motor vehicles--storage in a residential area (9.20)
04/08/86	Permits and licenses--granting or renewing (3.08)
04/08/86	Towing and parking (10.16)
05/27/86	Port authority fees (12.20)
05/27/86	Stadium commission (2.52)
06/10/86	Board of cemetery commissioners (2.60)
06/10/86	Dogs (pit bulls) (Not codified)
06/10/86	Litter and refuse (8.24)
07/10/86	Dogs (pit bulls) (Not codified)
07/08/86	Gas stations and filling stations (5.36)
10/14/86	Aerosol spray paint (8.20)
10/14/86	Disorderly conduct (9.04)
10/14/86	Dogs (pit bulls) (Not codified)
10/14/86	Loitering(Not codified)
10/14/86	Renting or occupying of vacant dwellings (15.24)
11/18/86	Defecation, urination in public (9.04)
01/27/87	Street and sidewalk excavations (12.04)
04/28/87	Application fees for servers of civil process (Not codified)
04/28/87	Yard sales (17.12)
04/28/87	Signs over sidewalks (12.12)
06/09/87	Dogs (pit bulls) (Not codified)
06/09/87	Litter and refuse (8.24)
07/14/87	Noise (8.32)

Ordinance

Date

01/25/88	Regulating sale of city-owned real estate (Repealed by Ord. 1/10/95)
03/08/88	Commercial and residential refuse containers (8.28)
04/12/88	Handicapped parking (Not codified)
07/12/88	Harbor and waterways usage (Not codified)
09/13/88	Lead paint inspections (3.20)
02/14/89	Handicapped parking (Not codified)
02/14/89	Litter and refuse (8.24)
03/28/89	Parking spaces--disabled veterans and handicapped persons (10.08)
04/25/89	Licensing and regulating of taxicabs (Not codified)
04/25/89	Transient vendors (5.68)
07/11/89	Lynn Woods trust (3.16)
07/11/89	Speed limits on ponds (12.24)
11/14/89	Harbor and waterways usage (5.68)
11/14/89	Licensing and regulating of taxicabs (Not codified)
11/28/89	Building department fees (2.32)
11/28/89	Electrical department fees (15.16)
11/28/89	Fire department fees (2.28)
11/28/89	Gas-fitting permits (15.20)
11/28/89	Renting or occupying of vacant dwellings (15.24)
11/28/89	Waterways commission (2.56)
07/10/90	Parking in street sweeping areas (Not codified)
07/10/90	Curwin Circle playground (closing time) (12.32)
08/14/90	Motor vehicles on streets designated for sweeping (Not codified)
08/14/90	Motor vehicles within Lynn Woods Reservation (12.32)
08/14/90	Shepard Street playground (closing time) (12.32)
08/14/90	Skateboarding prohibited on all library properties (10.20)
09/25/90	Sunday entertainment licenses (5.76)
11/13/90	Intoxicated persons (5.04)
11/13/90	Location and operation of exterior public telephone facilities (Not codified)
11/13/90	Residential buildings of six or more units being posted (15.40)
11/27/90	Lead paint inspections and certificates (3.20)
11/27/90	Licensing and regulating of taxicabs (Not codified)
11/27/90	Loitering (9.04)
11/27/90	Office of veterans (2.48)
11/27/90	Refuse containers--storage, disposal and maintenance of residential and commercial (8.28)
12/11/90	Sale of junk(5.44)
01/22/91	Motor vehicles within Lynn Woods Reservation (12.32)
02/12/91	Sexual conduct (9.04)
03/12/91	Vehicles, all terrain (Not codified)
03/12/91	Trespassing (9.20)
04/23/91	Regulating sale of food or other products from motor vehicles (5.28)

Ordinance

Date

04/23/91	Requiring street numbers on all properties (15.04)
06/25/91	Regulating sale of food or other products from motor vehicles (5.28)
08/13/91	Vehicles, all terrain and dirt bikes (10.20)
10/08/91	Electrical department--delete six fire alarm operators (15.16)
11/12/91	Fire department--insert nine fire alarm operators (2.32)
11/12/91	Installing telephones on public ways (12.28)
11/10/92	Stadium commission (2.52)
11/10/92	Retail sale of food between midnight and five a.m. (Not codified)
01/12/93	Sluice and flax ponds--prohibiting feeding of geese and wild birds (12.24)
01/26/93	Excessive dog barking (Not codified)
01/26/93	Kennels(6.08)
01/26/93	Noise (8.32)
02/23/93	Carnivals and circuses (5.24)
02/23/93	Signs (15.36)
03/23/93	Towing and parking (2.56)
04/27/93	Boards and commissions appointments (2.48)
04/27/93	Towing--administrative fee (10.16)
05/04/93	Defacing of property (9.20)
07/13/93	Buildings that pose danger or nuisance (Not codified)
08/03/93	Purchasing department (Uniform Procurement Act) (Not codified)
11/09/93	Purchasing department (Uniform Procurement Act) (2.40)
03/08/94	Buildings that pose danger or nuisance (15.28)
03/08/94	Sale of food between twelve p.m. and five a.m. (5.32)
04/12/94	Snow and ice removal (12.16)
07/12/94	Curfew for minors (9.28)
01/10/95	Buildings, dangerous or unsafe (Not codified)
01/10/95	Graffiti (8.20)
01/10/95	Hitchhiking (Not codified)
01/10/95	Litter and refuse (8.24)
01/10/95	Repeals city-owned real-estate ordinance (Repealer)
01/10/95	Towing and parking (10.16)
01/10/95	Weapons (9.24)
02/14/95	Curfew (9.28)
02/14/95	Sale of food from motor vehicles (5.28)
02/14/95	Taxicabs, licensing and regulations (Not codified)
05/23/95	Sale of tobacco products through vending machines (5.64)
07/25/95	Aerosol spray paint (8.20)
07/25/95	Alcoholic beverages, prohibiting drinking of in public places (9.04)
07/25/95	Defacing of property (9.20)
07/25/95	Renting or occupying of vacant dwelling units (15.24)
07/25/95	Taxicabs, licensing and regulations (5.60)
02/13/96	Disabled veterans--parking (Not codified)

Ordinance Date	Ordinance
06/11/96	Taxicabs (5.60)
10/08/96	Tobacco, possession by persons under eighteen years (9.08)
12/17/96	Department of public works--establishing division within and salary for commissioner (Not codified)
12/17/96	Shopping carts, theft of (9.20)
12/17/96	Snow, restricting depositing or dumping on to city streets (12.16)
02/25/97	Handicapped parking--parking department (Not codified)
03/11/97	Tobacco products, prohibiting sale to minors (9.12)
05/27/97	Tobacco products, prohibiting sale to minors (9.12)
06/10/97	Litter and refuse (8.24)
07/08/97	Tobacco. possession by persons under eighteen years (9.08)
03/10/98	Yard sales--over sixty-five (65) exempt from fee (17.12)
04/14/98	Unnecessary noises (8.32)
05/12/98	Matches and cigarette lighters--prohibiting sale, exchange or distribution to minors (9.16)
07/14/98	Auto body shops--spray paint booths (5.08)
07/14/98	Vicious dogs and animals (6.04)
07/14/98	Goldfish pond--prohibiting feeding of geese (12.24)
07/14/98	Historical commission--determine value of certain buildings prior to demolition (15.08)
10/02/98	Automobile repair shops--licenses (5.08)
08/31/99	Second-class used-car dealers' licenses (5.72)

#### PRIOR CODE CROSS-REFERENCE TABLE

This table provides users with the current disposition of the sections in the City of Lynn Revised Ordinances of 1973.

Prior Code §	Ordinance History	Herein
Part I		
Chapter I		
Seal of the city		1.08.010
Chapter II		
Bonds of city officials, officers and employees		2.44.010
Chapter III		
For the prevention of fire and the preservation of life		2.32.010
Building inspectors	Ord. 1/22/46	2.32.020
Supervisor of heating, ventilating, and custodian service	Ord. 8/3/56	2.32.030
Chapter IV		
Streets and sewers, offenses upon public ways; penalties		1.12.010, 9.04.020, 9.04.030, 12.08.010-- 12.08.030, 12.16.030, 15.40.020-- 15.40.040
Prohibiting the depositing of oil and waste matter into public catchbasins and skins and refuse into common sewers	Ord. 5/13/30	Not codified
Prohibiting the entrance and discharge into common sewers of Lynn of sewage drainage or other waste containing hair from hides or any caustic line	Ord. 10/19/33	Not codified
Establishing the position of assistant superintendent of sewers	Ord. 8/3/56	Not codified
Establishing the position of assistant superintendent of streets	Ord. 10/26/54	Not codified
Chapter V		
Subordinate officers		2.76.040
Chapter VI		
Dealers in junk, old metals, and second-hand articles		Not codified
Regulating premises occupied and used by holders of motor vehicle junk licenses	Ord. 7/2/35	Not codified
Chapter VII		
Department of water supply		Not codified



Prior Code §	Ordinance	Herein
Relative to the furnishing of water	History	Not
	Ord. 4/5/27	codified
Establishing the position of assistant commissioner of		Not
water supply	Ord. 8/3/56	codified
Chapter VIII		
City solicitor	Ord. 11/25/47	Ch. 2.12
Chapter IX		
Fire department		Ch. 2.28
Fire prevention bureau	Ord. 1/8/29	2.28.190
Fire prevention code	Ord. 5/10/66	Ch. 8.16
Amending the ordinance regulating the hours of duty of permanent members of the Lynn fire department	Ord. 1/27/70	2.28.060
Relative to work performed by firefighters in the Lynn fire department prior to appointment as permanent regular firefighters	Ord. 3/26/46	2.28.060
Amending the work week and work schedule of the city of Lynn fire department	Ord. 8/1/70	2.28.060
Relative to members of Lynn fire department injured in the performance of duty	Ord. 1/6/31	2.28.060
Authorizing response of the Lynn fire department to calls for aid from such cities and towns as have or may hereinafter accept provisions of general laws, Chapter 48, Section 59A	Ord. 6/9/42	2.28.180
Chapter X		
Taxes collected		Ch. 3.04
City auditor		Not
		codified
Chapter XI		
Pawnbrokers		Ch. 5.56
Chapter XII		
Smoke nuisance		Not
		codified
Chapter XIII		
Insurance	Ord. 5/24/32	3.24.010
Establishing insurance for all property of the city of Lynn	Ord. 3/8/27	3.24.020
Chapter XIV		
Board of cemetery commissioners		Ch. 2.60
Chapter XV		

Prior Code §	Ordinance History	Herein Not codified
Sinking funds		
Chapter XVI		
City clerk	Ord. 8/18/69	Ch. 2.08
Chapter XVII		
City engineer	Ord. 6/13/69	Ch. 2.16
Chapter XVIII		
Municipal automobiles, regulation of	Ord. 5/13/24	2.72.030
Chapter XIX		
Doak fund		3.24.040
Chapter XX		
Handbills and other advertising matter		Ch. 5.40
Chapter XXI		
Public library	Ords. 9/21/37; 7/13/65; 8/10/65; 4/13/68	Ch. 2.68
Chapter XXII		
An ordinance establishing position of clerk of committees	Ord. 1/6/31	2.04.030
Chapter XXIII		
An ordinance requiring the different departments where the employment of labor is required to give Lynn citizens the preference		2.76.020
Chapter XXIV		
Work done by contract	Ord. 5/28/29	Ch. 3.12
Chapter XXV		
An ordinance relative to the powers and duties of the board of control		Not codified
Chapter XXVI		
Police	Ords. 3/27/28; 3/9/71	Ch. 2.24
Chapter XXVII		
City electrician and inspectors of wire department		15.16.010, 15.16.020
Ordinances applying to work done in the city of Lynn		15.16.030-- 15.16.080
Fixing the personnel of the electrical department of the city of Lynn	Ord. 1/13/59, 4/12/60, 6/10/69	15.16.100
Establishing the position of working foreman- signal maintainer in the electrical department		15.16.100
Fees for electrical permits		Not codified
Chapter XXVIII		
Carriages		12.08.040

Prior Code §	Ordinance History	Herein
Chapter XXIX		
Fees for plumbing permits	Ord. 11/14/72	15.12.010
Chapter XXX		
Salaries	Ords. 8/10/71; 5/16/72; 6/14/72; 7/12/72; 8/15/72; 9/26/72; 9/29/72; 1/23/73	2.76.080
Chapter XXXI		
Relating to the sale or exchange of personal property of the city of Lynn		3.24.030
Chapter XXXII		
Providing for the licensing, inspection and regulation of hotels and private lodging houses		Ch. 5.48
Establishing the fee for lodging house licenses	Ord. 1/18/27	5.48.070
Revised ordinances	Ord. 11/30/20	Not codified
Part II		
Civil defense		Not codified
	Ord. 9/12/50	
Council for the aging	Ords. 6/14/60; 5/23/67; 4/9/68; 12/9/69	2.48.020
Industrial development commission	Ord. 12/14/54	2.48.030
Paid positions		Not codified
	Ord. 10/24/72	
Planning board	Ord. 1/24/56	2.48.050
Stadium commission	Ord. 1/18/27	2.52.010
Establishing the position of assistant clerk of state and military aid and soldier's relief	Ord. 11/12/35	2.76.050
Traffic and off-street parking commission	Ord. 1/24/56	2.48.060
Veterans housing board	Ord. 5/13/47	2.48.070
Veterans rehabilitation commission	Ord. 8/8/44	2.48.080
Youth commission	Ords. 1/11/55; 1/11/72	2.48.090
Part III		
Gas fitting		Not codified
	Ord. 1/23/68	
Part IV		
Sanitary department, refuse and garbage		Not codified
	Ords. 12/44; 8/11/59	
Part V		
Administrative officers, leaving the city		Not codified
	Ord. 10/19/26	
Advertising, devices and billboards, restricting thereof	Ord. 6/9/36	Not codified

Prior Code §	Ordinance History	Herein
Advertising signs and devices, regulating thereof	Ord. 3/29/21	Not codified
Alcoholic beverages, drinking of	Ord. 7/10/73	9.04.010
Auction sales of motor vehicles	Ord. 9/10/68	Ch. 5.12
Auto camps and trailers, licensing thereof	Ord. 6/14/38	5.72.010
Bargaining agent and labor relations director	Ord. 11/23/66	Not codified
Blasting, within the city	Ord. 2/13/73	Not codified
Bootblacks, on Sundays	Ord. 9/9/30	Not codified
Amending the title and salary of the first assistant superintendent of buildings	Ord. 11/12/68	Not codified
Amending the working requirements and salary of the building maintenance worker	Ord. 1/28/69	Not codified
Bus regulations	Ord. 6/10/30	Ch. 5.16
Compensation plan, certain employees	Ord. 5/10/66	Not codified
Classified service, certification, physical examination	Ord. 6/8/26	Not codified
Dogs	Ord. 7/10/73	Not codified
K-9 confinement	Ord. 4/25/72	Not codified
Restraining dogs in the city	Ords. 8/9/66; 4/26/73	Not codified
Dumps, public and private	Ord. 5/17/27	Not codified
Electrical meters, on exterior of buildings	Ord. 5/22/73	15.16.090
Forty-hour week	Ord. 2/8/49	Not codified
Residing in Lynn	Ord. 6/13/39	Not codified
Excavated land, erection of barriers	Ord. 10/10/61	8.44.010
Explosives and inflammables--fees pertaining to	Ord. 9/22/70	Not codified
Storage, sale, and use	Ord. 8/10/37	Not codified
Licensing buildings for connected use	Ord. 1/8/29	Not codified
Firearms--fees pertaining to	Ord. 10/31/22	9.24.020
Prohibiting the discharge of	Ord. 10/28/47	9.24.030

Prior Code §	Ordinance History	Herein
Sale of revolvers or pistols	Ord. 7/26/21	Not codified
Hawkers and pedlers, use of streets	Ord. 7/11/39	Not codified
Ice, inspection and sale of	Ord. 2/26/29	Not codified
Inspector of animals and city veterinarian-- establishing the position of	Ords. 3/17/36; 5/16/72	2.76.080
Duties pertaining to	Ord. 8/18/25	Not codified
Kindergarten, use of building for	Ord. 2/27/45	Not codified
Law department, second stenographer-clerk	Ord. 9/10/46	Not codified
Markets, market square	Ord. 7/26/21	12.08.030
Motor boats, use of on Flax Pond	Ord. 3/8/54	12.24.020
Motor vehicles-- Parking on City Hall grounds	Ord. 2/23/71	10.20.030
Driving from any premise onto street	Ord. 6/10/52	Not codified
Noises, prohibiting	Ord. 7/12/32	8.32.030
Obscene material, dissemination of	Ord. 6/6/61	Not codified
Parking of business vehicles, near schools	Ord. 7/11/39	10.20.040
Physical exams, for employees in retirement system	Ord. 4/27/65	Not codified
Police department, establishing the position of head janitor	Ord. 3/12/40	Not codified
Principal clerk, appointment	Ord. 11/27/51	Not codified
Public offices, closing on Saturdays	Ord. 5/13/47	Not codified
Public speaking	Ord. 7/9/27	Not codified
Purchasing department	Ords. 2/2/26; 3/12/68	Ch. 2.40
Repair shops and garages, fees	Ord. 1/26/71	5.08.020
Reports of accidents, traffic regulations	Ord. 10/10/61	Not codified
Riding, horses and animals	Ord. 2/26/41	Not codified
Salary, assistant master mechanic, fire department	Ord. 6/12/73	2.76.080
Sales of goods, etc. near Lynn Stadium	Ord. 2/13/45	5.68.100

	Ordinance	Herein
Prior Code §	History	12.04.010
Sidewalk permits, bonds	Ord. 10/24/72	12.08.030
Sidewalks and public ways, salting of	Ord. 5/13/30	Not
Signs and gasoline tanks	Ord. 9/22/70	codified
Snow removal--restricting the dumping of onto streets	Ord. 2/28/67	Not
Regulating parking during snow emergencies	Ord. 9/14/71	codified
Authorizing removal of vehicles impeding snow removal	Ord. 2/11/64	Ch. 10.12
Solicitors, door to door, registration of	Ord. 10/8/63	Not
Special meetings, city council, calling of	Ord. 7/7/25	codified
Specifications, providing for "equals"	Ord. 4/8/52	2.04.070
Taxicabs, licensing and registration of	Ords. 5/23/33; 7/9/57; 3/26/68; 6/10/69	3.12.030
Title change, chief to principal clerk	Ord. 2/11/47	Not
Vacant dwelling units, renting or occupying	Ord. 10/10/72	codified
Vendors, transient, fees	Ord. 4/11/39	2.76.080
Veterans services--establishing director of rehabilitation	Ord. 4/25/44	15.24.010
Transferring salary to director of veterans services	Ord. 2/11/47	Not
Water department--establishing the position and fixing the salary of general foreman	Ord. 7/4/42	codified
Abolishing the position of supervisor of records and drafting	Ord. 1/8/29	Not
Weeds and plants, nuisance	Ord. 9/24/68	codified
Weights and measures	Ord. 6/9/59	Ch. 8.40
Establishing the position and fixing the salary of first deputy sealer	Ord. 6/9/59	Not
Changing the titles of sealer and deputy sealers	Ord. 3/22/66	codified
Part VI		
1 Establishing the zone ordinance		17.04.010
2 Definitions	Ords. 6/25/40; 9/30/40; 4/28/64; 3/27/73	17.04.020
3 Use regulations	Ords. 9/30/40; 4/28/64	17.08.010
4 Single residence districts	Ord. 12/14/48	17.12.010
5 General residence districts		17.16.010
6 Apartment house districts		17.20.010
6a High rise building districts		17.24.010

Prior Code §	Ordinance History	Herein
6b	Dimensional regulations for land for high rise buildings	Ords. 4/28/64; 3/8/71 17.24.020
7	Business districts	Ord. 3/8/71 17.28.010
7a	Central business district	Ord. 4/28/64 17.28.020
8	Light industrial districts	Ord. 3/8/71 17.32.010
9	Heavy industrial districts	Ord. 3/8/71 17.36.010
10	Residence and apartment house districts	Ord. 3/8/71 17.40.010
11	Area regulations	Ords. 4/28/64; 3/8/71 17.40.020
12	Area regulations	17.40.020
13	Yards and courts, off-street parking	17.40.030, Ords. 9/30/40; 4/28/64; 3/8/71; 3/27/73 17.44.010, 17.44.020
14	Accessory uses	Ords. 2/14/50; 3/8/71 17.48.010
15	Nonconforming uses	Ord. 3/8/71 17.48.020
16	District boundaries	17.08.020
17	Location of automobile services	17.40.050
18	Permission of city council required	Ords. 4/22/41; 4/11/50; 10/22/63; 3/8/71 17.48.030
19	Variations	17.48.040
20	Plots	17.48.050
21	Enforcement	17.48.060
22	Occupancy permit	17.48.070
23	Appeals	Ords. 3/12/40; 12/14/48; 2/14/50; 4/28/64; 3/8/71 17.48.080
24	Board of appeals	Ords. 5/25/43; 4/28/64; 8/9/66 17.48.090
25	Amendments	Ord. 5/13/29 17.48.100
31	Penalty clause for violations	Ord. 6/13/67 17.48.110

**STATUTORY REFERENCES  
FOR  
MASSACHUSETTS CITIES AND TOWNS**

The statutory references listed below refer the code user to state statutes applicable to Massachusetts cities and towns. They are up to date through July, 2003.

**General Provisions**

Powers and duties of cities and towns generally  
ALM GL c 40 §§ 1--4F

City charters  
ALM GL c 43

Boundaries of cities and towns  
ALM GL c 42

Ordinances, by-laws and regulations  
ALM GL c 40 §§ 21--33

Lockups  
ALM GL c 40 §§ 34--37

Seal  
ALM GL c 40 § 47

Elections  
ALM GL c 50 et seq.

**Administration and Personnel**

City government generally  
ALM GL c 39 §§ 1--8A

Government by mayor and city council elected at large  
ALM GL c 43 §§ 46--55

Government by mayor, city council, and city manager  
ALM GL c 43 §§ 79--92A

Government by mayor and council elected by wards and at large, and nominated at party primaries  
ALM GL c 43 §§ 117--134



Standard form of representative town meeting government  
ALM GL c 43A

Home rule procedures  
ALM GL c 43B

Town meetings  
ALM GL c 39 §§ 9--24

Open meetings  
ALM GL c 39 § 23B

Taking, purchasing and abandonment of land  
ALM GL c 40 §§ 14--15C

Records and reports  
ALM GL c 40 §§ 48--52

Public records  
ALM GL c 66

Election of town officers  
ALM GL c 41 §§ 1--11

Disclosure of campaign expenditures and contributions  
ALM GL c 55

Clerk  
ALM GL c 41 §§ 12--19J

Selectmen  
ALM GL c 41 §§ 20--23D

Assessors  
ALM GL c 41 §§ 24--34B

Treasurer and collector  
ALM GL c 41 §§ 35--43A

Sinking fund commissioners  
ALM GL c 41 § 44

Commissioners of trust funds

ALM GL c 41 §§ 45--47

Auditor

ALM GL c 41 §§ 48--54A

Accountant

ALM GL c 41 §§ 55--61

Temporary officers

ALM GL c 41 § 61A

Officers in charge of roads, sewers and water works

ALM GL c 41 §§ 62--69B

Fires, fire departments and fire districts

ALM GL c 48

Board of public works

ALM GL c 41 §§ 69C--69G

Planning board

ALM GL c 41 §§ 70--72; 81A--81J

Board of survey

ALM GL c 41 §§ 73--81

Art commission

ALM GL c 41 §§ 82--84

Weighers, measurers and surveyors of commodities

ALM GL c 41 §§ 85--90A

Constables

ALM GL c 41 §§ 91--95

Police officers

ALM GL c 41 §§ 96--101A

Regional police districts

ALM GL c 41 §§ 99B--99K

Indemnification of officers and employees

ALM GL c 41 §§ 100--100H

Inspector of health  
ALM GL c 41 §§ 102--102B

Purchasing agent  
ALM GL c 41 §§ 103--104

Tree warden  
ALM GL c 41 § 106

Town physician  
ALM GL c 41 § 106A

Terms of office and compensation of town officers  
ALM GL c 41 §§ 107--109A

Municipal personnel systems  
ALM GL c 31A

Retirement systems and pensions  
ALM GL c 32

Holidays and vacations  
ALM GL c 41 §§ 110--111N

Employment of veterans  
ALM GL c 41 §§ 112--112A

District officers  
ALM GL c 41 §§ 113--132

Tenure for certain appointive officers  
ALM GL c 41 §§ 126--132

Disaster relief  
ALM GL c 41 § 125

Revenue and Finance

Municipal finance generally  
ALM GL c 44

Assessment and collection of local taxes  
ALM GL c 59 and c 60

Purposes for which towns may appropriate money  
ALM GL c 40 §§ 5--12

Public beach districts  
ALM GL c 40 §§ 12B--13A

Taking, purchase and abandonment of land  
ALM GL c 40 §§ 14--15C

Oaths of claimants demanding payment  
ALM GL c 40 § 46

Illegal appropriations  
ALM GL c 40 § 53

Annuities for hospital employees  
ALM GL c 40 § 55

Property taxation  
ALM GL c 40 § 56

Governmental units pooled insurance  
ALM GL c 40M

Municipal indebtedness  
ALM GL c 44 §§ 2--11

Liability for debts  
ALM GL c 44 §§ 14--15

Bonds, notes and certificates of indebtedness  
ALM GL c 44 §§ 16--22C

Form and certification of town and district notes  
ALM GL c 44 §§ 23--27A

Report of borrowing  
ALM GL c 44 § 28

Department appropriations  
ALM GL c 44 §§ 30--31D

Budget in cities  
ALM GL c 44 §§ 32--33B

#### Auditing

ALM GL c 44 §§ 35--46A

#### Sinking funds

ALM GL c 44 §§ 47--52

#### Miscellaneous financial provisions

ALM GL c 44 §§ 53--72

#### Business Licenses and Regulations

##### Licenses generally

ALM c 40 §§ 22F and 57; c 140

##### Regulation of carriages, taxicabs, etc.

ALM GL c 40 § 22

##### Alcoholic liquors

ALM c 138

##### Rent Control Prohibition Act

ALM GL c 40P

#### Animals

##### Dogs

ALM GL c 140 §§ 136A--174D

##### Pounds and impounding of cattle

ALM GL c 49 §§ 22--41

#### Health and Safety

##### Vital statistics

ALM GL c 46

##### Infirmaries

ALM GL c 47

##### Fires, fire departments and fire districts

ALM GL c 48

#### Recycling programs

ALM GL c 40 § 8H

Public Peace, Morals and Welfare

Crimes and punishments generally  
ALM GL c 263--274

Curfews  
ALM GL c 40 § 37A

Vehicles and Traffic

Laws of the road  
ALM GL c 89

Parking and parking meters  
ALM GL c 40 §§ 22A--22D

Procedures for traffic offenses  
ALM GL c 90C

Streets, Sidewalks and Public Places

Public parks, playgrounds and the public domain  
ALM GL c 45

Improvement districts  
ALM GL c 40 §§ 44--44L

Snow and ice removal  
ALM GL c 40 § 7

Public Services

Public water supply  
ALM GL c 40 §§ 38--42

Collection of water rates  
ALM GL c 40 §§ 42A--42K

Improvement districts  
ALM GL c 40 §§ 44--44L

Regional refuse disposal districts

ALM GL c 40 §§ 44A--44L

Buildings and Construction

Building permits

ALM GL c 40 §§ 54--59

Subdivisions

Subdivision control

ALM GL c 41 §§ 81K--81GG

Planning and Zoning

Zoning generally

ALM GL c 40A §§ 1--17

Regional planning

ALM GL c 40B

Historic districts

ALM GL c 40C

Industrial development of cities and towns

ALM GL c 40D

Improved method of municipal planning

ALM GL c 41 §§ 81A--81J

## Title 1

### **GENERAL PROVISIONS**

Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 City Seal
- 1.12 General Penalty

#### **Chapter 1.01**

### **CODE ADOPTION**

(Reserved)

#### **Chapter 1.04**

### **GENERAL PROVISIONS**

(Reserved)



## **Chapter 1.08**

### **CITY SEAL**

Section:

#### **1.08.010 Design of seal.**

The following shall be the device of the city seal, as designed by Alonzo Lewis, Esq.: A circle inclosing a view of a portion of the city, Nahant being in the centre of the foreground, and High Rock in the centre of the background; at the right of the centre of the foreground, Egg Rock, surmounted by a lighthouse; in front of the city, on the right, several fishing boats; on the left of the beach, several larger vessels; on the left of the background, the setting sun; at the top of the circular margin, a scroll, containing the words "Lynn, Mass.;" between the words in the middle of the scroll, a lady's boot; on the right end of the scroll, an anchor; on the left a shoe hammer; in the margin, below the scroll, the words "Settled, 1629. Instituted a City, May 14, 1850." (Prior code Part I, Ch. I)

## **Chapter 1.12**

### **GENERAL PENALTY**

Section:

1.12.010 Violation--Penalty.

1.12.010 Violation--Penalty.

Any person who shall offend against any of the provisions of these regulations shall forfeit payment for each and every offense, a sum not less than one dollar nor more than fifty dollars (\$50.00) except where penalty is already prescribed; but no person shall be prosecuted or tried for any breach of the provisions of these regulations, unless complaint for the same shall be instituted and proceedings commenced within six months from the time of the committing of such breach. (Prior code Part I, Ch. IV § 59)

## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

Chapters:

2.04 City Council

2.08 City Clerk

2.12 City Solicitor

2.16 City Engineer

2.20 Commissioner of Public Works

- 2.24 Police Department
- 2.28 Fire Department
- 2.32 Building Department
- 2.36 Health Department
- 2.40 Purchasing Department
- 2.44 Bonds of City Officers and Employees
- 2.48 City Boards, Offices, Commissions and Councils Generally
- 2.52 Stadium Commission
- 2.56 Waterways Commission
- 2.60 Cemetery Commission
- 2.64 Central Appointing Authority for Municipal Employees
- 2.68 Public Library
- 2.72 City Automobiles
- 2.76 Personnel

## **Chapter 2.04**

### **CITY COUNCIL**

#### Sections:

- 2.04.010 Duties of members.
- 2.04.020 Rights and duties of president.
- 2.04.030 Clerk of committees--Duties.
- 2.04.040 Sessions of council.
- 2.04.050 Regular meetings.
- 2.04.060 Public hearings.
- 2.04.070 Special meetings.
- 2.04.080 Notice of meeting.
- 2.04.090 Council agenda--Regular meetings.
- 2.04.100 Addressing the council.
- 2.04.110 Debate at council meetings.
- 2.04.120 Rules of procedure.
- 2.04.130 Council orders.
- 2.04.140 Response to council orders.
- 2.04.150 Council committees.
- 2.04.160 Committee on licenses--Permits.
- 2.04.170 Lynn City Charter.

- 2.04.010 Duties of members.

In accordance with the provisions of M.G.L., Chapter 268A, no member shall vote on any question or serve on any committee in which he or she has an interest distinct from the public. Every member who shall be in the room when a question is put or a vote on any matter is taken, shall give his or her vote unless the council for special reason shall excuse him or her. All votes taken by calling yeas and nays shall be called according to the alphabetical listing of members of

the council and each member shall vote as his or her name is called. Any member desiring to be so excused on any question shall make application to that effect before the council is divided, or before the calling of the yeas and nays; and such application shall be accompanied by a brief statement of reasons and shall be decided without debate. (Ord. 2/11/86 § 1 (part); Ord. 2/12/80 § X)

2.04.020 Rights and duties of president.

A. The president shall take the chair at the hours to which the council may stand adjourned. In the absence of the president the vice president of the council shall call the council to order and preside.

B. The president shall preserve order and decorum; he or she may speak to points of order, and shall decide all questions of order, subject to an appeal to the council. He or she may declare a recess when he or she considers the same to be desirable.

C. He or she shall declare all votes; but if any member doubts the same, without further debate on the question, he or she shall require the members to rise and stand until counted, or call for the yeas and nays.

D. The president may call any member to the chair, provided such substitution shall not last longer than one meeting. When the council shall determine to go into the committee of the whole, the president shall appoint the member who shall take the chair. The president may express his or her opinion on any subject under debate, but in such case, he or she shall leave the chair and appoint some member to take it; and he or she shall not resume the chair while the same question is pending.

E. If any member requires a question to be taken by yeas and nays vote, it shall be so taken.

F. When two members rise at the same time, the president shall name the member who is first to speak.

G. All committees shall be appointed by the president unless otherwise or provided by law.

H. The president shall vote in all cases, and when the vote is taken by ballot, or by yeas and nays, he or she shall be under the same obligation, respecting his or her vote, as other members.

I. The president may from time to time convene a meeting of the rules committee for the purpose of modifying the council rules and/or by-laws. The results shall take effect after a two-thirds vote of the members of the city council.

J. The president shall determine the number of members to be seated on each committee and their duties. (Ord. 2/12/80 § XI)

2.04.030 Clerk of committees--Duties.

A. In the month of February, annually, or as soon thereafter as may be convenient, there shall be elected by vote of the city council a clerk of all committees, standing or special, of the city council, not otherwise provided for by any ordinance or order of the city council. The clerk shall, unless sooner removed, hold his or her office for one year from the first day of March in the year in which he or she shall be elected, or until his or her successor shall have been duly elected and qualified. He or she may be removed at the pleasure of the city council and a vacancy may be filled at any time for the unexpired term.

B. He or she shall make a proper record, in books furnished by the city and kept for the purpose, of all proceedings and transactions of the committees of which he or she is clerk, and shall keep a calendar of all the meetings of such committees and notify the members thereof whenever requested so to do by the chairperson for the time being, he or she shall also perform such other duties and services as the committees from time to time require. (Prior code Part I, Ch. XXII §§ 1, 2; Ord. 1/6/31)

2.04.040 Sessions of council.

The Lynn city council shall convene for one session during any calendar year. Any measure defeated may not be reintroduced during the same session. (Ord. 2/11/86 § 1 (part); Ord. 2/12/80 § IV)

2.04.050 Regular meetings.

Regular meetings of the Lynn city council shall convene on the second and fourth Tuesday of each month at eight p.m. with the exception of June, July and August where regular meetings shall be held on the second Tuesday of the month. (Ord. 2/11/86 § 1 (part); Ord. 2/12/80 § I)

2.04.060 Public hearings.

All matters requiring public hearings shall be heard at a regular meeting of the city council to be held on the first Tuesday of each month. Chairperson of committees shall hold public hearing on proposed ordinances or loan orders under Section 3-10C of the City Charter. (Ord. 2/12/80 § IA)

2.04.070 Special meetings.

Special meetings of the city council shall be held at the call of the mayor, on the call of the president of the city council, or on the call of any three or more members, by written notice delivered in hand or to the place of residence or business of each member at least forty-eight (48) hours in advance of the time set, and which includes notice of the subjects to be acted upon. The city clerk may call a special meeting of the Lynn city council only for the purpose of drawing a venire of jurors. (Ord. 2/12/80 § II; prior code Part V § 1; Ord. 7/7/25)

2.04.080 Notice of meeting.

All notices given in accordance with and in pursuance of the foregoing sections shall state the time and place of the meeting and in substance the matters then to be considered and a copy of such notice shall be given to each councillor by service in hand or by leaving the same at his or her last and usual place of abode or business not less than forty-eight (48) hours before the time fixed thereof. (Ord. 2/12/80 § III; prior code Part V § 2; Ord. 7/7/25)

2.04.090 Council agenda--Regular meetings.

At every regular meeting of the Lynn city council the order of business shall be as follows:

- A. Call to order;
- B. Call the roll;
- C. Silent prayer;
- D. Council orders to lay over;
- E. Financial transfers of finance committee meeting of \_\_\_\_\_ to lay over;

- F. Council orders from meeting of \_\_\_\_\_ to be adopted;
- G. Unfinished business;
- H. Presentation of petitions (public hearings);
- I. Communications;
- J. Committee reports;
- K. New business.

(Ord. 2/12/80 § V)

2.04.100 Addressing the council.

Other than a public hearing, no one except the mayor, a member of the city council, any city officer, member of a multiple-member body or city employee shall be permitted to address the council. (Ord. 2/12/80 § VIII)

2.04.110 Debate at council meetings.

No member shall speak more than twice on the same question or more than once until each member has had the opportunity to speak. Any further debate shall be allowed only by a two-thirds vote of the Lynn city council. (Ord. 2/12/80 § XII)

2.04.120 Rules of procedure.

All questions not provided for in the Standing Rules of Procedure shall be decided according to Roberts Rules of Order. (Ord. 2/12/80 § XIV)

2.04.130 Council orders.

All council orders, requests and resolutions shall be submitted to the clerk of committees no later than the Thursday preceding the council meeting. (Ord. 2/12/80 § VII)

2.04.140 Response to council orders.

All council orders shall be answered in writing by the department head within fourteen (14) days. (Ord. 2/11/86 § 1 (part); Ord. 2/12/80 § VIIA)

2.04.150 Council committees.

The standing council committees shall be as follows:

- A. Education;
- B. License;
- C. Ordinance;
- D. Personnel;
- E. Public property;
- F. Public safety;
- G. Public works;
- H. Veteran, elderly, youth;
- I. Ways and means;
- J. Federal programs and housing;
- K. Finance;
- L. Stadium;

- M. E.D.I.C.;
- N. Finance control board.

(Ord. 2/11/86 § 1 (part): Ord. 2/12/80 § XIII)

2.04.160 Committee on licenses--Permits.

Except when the location is entirely within an area zoned for use for heavy industry, the council shall not grant a permit for a garage of more than two cars capacity, or a permit for gasoline storage, without first referring the matter to the committee on licenses and public property and playgrounds, jointly, for their investigation and recommendation. (Ord. 2/12/80 § IX)

2.04.170 Lynn City Charter.

The Lynn city council shall observe all sections and amendments of the Lynn City Charter which shall take precedent over all Lynn city council by-laws and parliamentary procedure. (Ord. 2/12/80 § XV)

## **Chapter 2.08**

### **CITY CLERK**

Sections:

2.08.010 Election--Duties.

2.08.020 Surety bond.

2.08.010 Election--Duties.

There shall be a city clerk who shall be elected by the city council as provided in Section 3-7 of the charter of the city of Lynn, and who shall perform such duties as are imposed upon him or her by the charter and the statute law of the commonwealth of Massachusetts. (Prior code Part I, Ch. XVI § 1)

2.08.020 Surety bond.

The city clerk shall give a bond in the sum of eight thousand four hundred dollars (\$8,400.00) with sureties to the satisfaction of the city council and city solicitor, for the faithful performance of his or her duties as prescribed by the charter and the statute law. (Prior code Part I, Ch. XVI § 2)

## Chapter 2.12

### CITY SOLICITOR

#### Sections:

- 2.12.010 Election--Qualification--Duties.
- 2.12.020 Assistant city solicitor.
- 2.12.030 Second assistant city solicitor.
- 2.12.040 Duties.
- 2.12.050 Compensation.
- 2.12.060 Emergency assistance.
- 2.12.070 Approval of claims.

#### 2.12.010 Election--Qualification--Duties.

In accordance with the provisions of the charter of the city of Lynn there shall be an administrative officer who shall be the head of a law department of the city with the title of city solicitor, and who whenever a vacancy shall occur, shall be elected by a majority vote of the city council in accordance with the provisions of Section 3-7 of the City Charter. He or she shall be a resident of the city of Lynn and shall have been admitted as an attorney and counsellor in the courts of the commonwealth and have been in the actual practice of law for at least five years and shall not hold any other office under the city government nor act as an attorney or counsel for any public service corporation during the period for which he or she is elected, nor any corporation or individual in any matter which brings the corporation or individual in contact with any department of the city. He or she shall have his or her office at the city hall and shall devote such time to the duties of the office as is necessary for their complete performance. (Prior code Part I, Ch. VIII § 1)

#### 2.12.020 Assistant city solicitor.

The city council shall also, whenever a vacancy shall occur, elect by a majority vote an assistant city solicitor, who shall hold office at the pleasure of the city council, and who shall be a resident of Lynn and an attorney duly admitted to practice in the actual courts of this commonwealth, and have been in the practice of law for at least five years, and who shall assist the city solicitor in the duties of his or her office as defined by this chapter, and shall act under his or her general direction and shall perform such specific duties and devote such specific time to such performance as the city solicitor shall decide and direct. He or she shall not act as attorney or counsel for any public service corporation during the period for which he or she is elected; nor for any corporation or individual in any manner which brings the corporation or individual in contact with the city council or any department of the city. (Prior code Part I, Ch. VIII § 2)

#### 2.12.030 Second assistant city solicitor.

The city council establishes the office of second assistant city solicitor and whenever a vacancy shall occur, they shall elect by a majority vote a person to the office who shall hold office at the pleasure of the city council, who shall be a resident of Lynn, an attorney duly admitted as an attorney and counsellor in the courts of the commonwealth, have been in the actual practice of law for at least five years and shall not hold any other office under the city government nor act as

attorney or counsel for any public service corporation during the period for which he or she is elected, nor for any corporation or individual in contact with any board, commission or department of the city. He or she shall have his or her office at the city hall in the city solicitor's department and shall devote such time to the duties of the office as is necessary for their complete performance. He or she shall assist the city solicitor in the duties of his or her office as heretofore defined by ordinance and shall act under his or her general direction and shall perform such other specific duties as the city solicitor shall decide and direct. (Prior code Part I, Ch. VIII § 1 (Ord. 11/25/47))

2.12.040 Duties.

A. The city solicitor shall, by himself or herself, or by some person duly authorized, for whose conduct, skill and faithfulness he or she shall be accountable, draw up and prepare all bonds, deeds, obligations, contracts, leases, conveyances, agreements and other legal instruments, of whatever nature, which may be required of him or her by any ordinance or order of the city council, or which by an ordinance or order heretofore passed may be requisite to be done and made by the city of Lynn, and any person or persons contracting with the city, in its corporate capacity, and which by law, usage or agreement, the city of Lynn is to be at the expense of drawing.

B. The city solicitor or assistant city solicitor shall also commence and prosecute all actions and suits to be commenced by the city before any tribunal in this commonwealth, whether in law or equity, and shall also appear in, defend and advocate the rights and interests of the city, or any of the officers of the city, in any suit or prosecution for any act or omission in the discharge of their official duties, wherein any estate, right privilege, ordinances or acts of the city government, or any breach of any ordinance, may be brought in question. The solicitor or assistant city solicitor shall also appear before the legislature of the commonwealth, or any committee thereof, whether of either or both branches of the same, and there, in behalf of the city represent, answer for, defend and advocate the interests of the city, whenever the same may be, directly or indirectly, affected, whether to prosecute or defend the same; and he or she shall, in all matters, do all and every professional act incident to the office which may be required by him or her by the city government, or by any committee thereof, or by any ordinance or order heretofore passed; and he or she shall when required furnish the city council or any committee or member thereof, or any officer of the city government, who may rightfully require it in the discharge of his or her official duties his or her legal opinion of any subject touching the duties of their respective offices. (Prior code Part I, Ch. VIII §§ 3, 4)

2.12.050 Compensation.

In full compensation for all services of the city solicitor and assistant city solicitor, they shall receive respectively the annual salaries of sixteen thousand two hundred twenty-five dollars and six cents (\$16,225.06) and twelve thousand five hundred fifty-one dollars and sixty-three cents (\$12,551.63) as hitherto fixed by ordinance. In cases where the attendance of either of them is required out of the city in the performance of the duties of his or her office, his or her reasonable expenses shall be allowed him or her. All legal taxable costs which may be received of the adverse party shall be paid into the city treasury. (Prior code Part I, Ch. VIII § 5)

2.12.060 Emergency assistance.



Whenever such an emergency shall arise that additional assistance may be needed in the law department for the protection of the interest of the city, the city solicitor may, in consultation with the chairperson of the committee on claims and with the approval of the mayor in writing, procure such assistance for the time being as may be deemed expedient, and the bill for such assistance shall be certified and approved by the mayor and city solicitor. No special committee of the city council nor any officer, employee or department of the city government shall employ or retain any lawyer or legal talent at the expense of the city or any department thereof, other than the city solicitor and assistant city solicitor, except in the manner provided in this section. (Prior code Part I, Ch. VIII § 6)

2.12.070        Approval of claims.

The committee on claims of the city council and the mayor shall sit as a committee on claims for the consideration of such matters as are referred to it from time to time, and shall give such hearings as may be necessary in order that claimants may have a fair opportunity to present their cases. Claimants may at the discretion of the committee, be represented by counsel. The city solicitor or the assistant city solicitor shall attend all meetings of the committee. The committee shall have jurisdiction to make awards in settlement of such claims up to the sum of five hundred dollars (\$500.00) but no such award shall be binding unless it receives the written approval of the city solicitor or assistant city solicitor. The auditor and city treasurer shall approve and pay such awards upon the warrants of the committee on claims as are duly signed by his or her honor the mayor, the chairperson of the committee and the city solicitor or assistant city solicitor. (Prior code Part I, Ch. VIII § 7)

## Chapter 2.16

### CITY ENGINEER

#### Sections:

- 2.16.010 Election--Powers.
- 2.16.020 Duties.
- 2.16.030 Interference with duties--Penalty.
- 2.16.040 Annual report.
- 2.16.050 Compensation.
- 2.16.060 Employment of outside engineer.
- 2.16.070 Removal.

#### 2.16.010 Election--Powers.

There shall be a city engineer elected by the council, who shall have power to appoint such assistants as he or she may deem necessary from time to time. (Prior code Part I, Ch. XVII § 1)

#### 2.16.020 Duties.

A. The city engineer shall have charge and custody of all the surveying instruments, plans, profiles and measurements of all the streets, sidewalks, reservoirs, drains and sewers, culverts, bridges, and all underground work, belonging to the city, and to keep the same when not in use in the office provided for him or her by the city.

B. The city engineer shall make and keep a record of all surveys of the streets, alleys, market spaces, public landings and commons, and all other public works of the city, and execute the plans and draughts of the same, and calculate and ascertain the proper grade and level of all streets which now or may hereafter be accepted, laid out and established by the city council, with the boundaries and measurements thereof, the names of the owners of estates, if known, upon and through such streets as may be located and the estates abutting thereon, and perform such other services pertaining to the duties of a civil engineer as may be required of him or her by the city council.

C. The city engineer shall, whenever requested by the city council, examine and consider plans proposed for public works of the city and report thereon to the city council, together with an estimate of the expense thereof, and his or her opinion and recommendation concerning the same.

D. The city engineer shall provide and use measures established by the laws of the state and shall not use any other measures.

E. The city engineer shall determine the street numbers of all estates and so fix the same to the premises on the request of the owner or city council.

F. The city engineer shall cause permanent bounds to be set at the terminal and angles of newly laid out streets or ways as set forth in Section 75, Chapter 344 of the Acts of 1917. (Prior code Part I, Ch. XVII §§ 2--6, 10)

#### 2.16.030 Interference with duties--Penalty.

If any person shall interrupt or molest the city engineer or any of his or her assistants while they or any of them are in the performance of their official duties by riding or driving any horse, animal or vehicle of any kind, against the persons or surveying instruments or apparatus of the city engineer or any of his or her assistants, or by moving or disarranging any stake or other land mark, whether fixed or determined by the city engineer or his or her assistants, or adopted by the city engineer as a monument, or by wilfully injuring or impeding the engineer or any of his or her assistants in any other way, every such person so offending shall on conviction be fined for every such offense in a sum not exceeding twenty dollars (\$20.00). (Prior code Part I, Ch. XVII § 7)

2.16.040        Annual report.

The city engineer shall annually in the first week of February of each year present to the city council a report in relation to his or her department, showing the number of persons employed, and general nature of the work, and such other general information as he or she may deem important and the city council may require. (Prior code Part I, Ch. XVII § 8)

2.16.050        Compensation.

The city engineer shall receive such compensation of as shall be fixed by the city council subject to the approval of the mayor. (Prior code Part I, Ch. XVII § 11)

2.16.060        Employment of outside engineer.

No civil engineer outside of the city engineer's department shall be employed in behalf of the city except by and with the approval of the city council, and no bill for the services of such engineer shall be certified and approved by the city engineer without the approval of the city council and contract for employment of the engineer shall contain provision that his or her plans on all city work shall belong to the city and be deposited with the city engineer. (Prior code Part I, Ch. XVII § 9)

2.16.070        Removal.

Relative to removal of any person employed in city engineer's office, covered by charter. (Prior code Part I, Ch. XVII § 10)

## Chapter 2.20

### COMMISSIONER OF PUBLIC WORKS

#### Sections:

2.20.010 Powers and duties.

2.20.020 Qualifications.

2.20.010 Powers and duties.

A. The commissioner of public works is under the administrative direction of the mayor; and shall have all the powers, duties, responsibilities and functions now or from time to time vested by general or special law and is responsible for the daily management and supervision of personnel and operations in the following: administrative division, cemetery division, engineering division, equipment maintenance division, park division (including the municipal golf course, municipal stadium facilities and public shade trees), operations division, sanitary division, street division and technical planning division.

B. Specific responsibilities include: the development, implementation and direction of all policies and procedures in the department, preparation of fiscal budgets, preparation of contract and program specifications, contract management, labor relations within the department, public relations, regulatory compliance, grant writing and the administration of the technical functions formerly performed by the planning department, including; serving as administrative support to the planning board performing the statutory functions related to subdivision control, waterways regulation, and the laying out and discontinuance of public ways, project review and coordination, providing research and technical assistance to municipal officials, boards and agencies, record keeping and infrastructure and traffic safety/improvement project planning, development and implementation.

C. The commissioner shall be expected to develop and implement new policies and work methods designed to reduce departmental costs, to promote operational efficiency and to foster improvements in the development, maintenance and safety of the city's cemeteries, parks, playgrounds, streets and related infrastructure. (Ord. 12/17/96 § 1 (part))

2.20.020 Qualifications.

A. The commissioner shall have experience and proven skills in written and oral communications and personnel and project organization, and shall possess a thorough understanding of the activities and operations of a multi-disciplined municipal service agency, a working knowledge of Massachusetts civil service, public works, environmental, subdivision and purchasing laws, regulations and procedures, and an understanding of the application of computers and related technologies to the efficient operation of a diverse department.

B. Qualifications include bachelor's degree in public administration, or civil and environmental engineering, experience in administration of public works programs and/or any combination of education and experience which evidences a comprehensive knowledge of management principals in public works administration. The commissioner should possess a professional engineer's license issued by the Commonwealth of Massachusetts State Board of Registration for Professional Engineers. The commissioner shall establish residency within the city

within six months of employment and must maintain city residency throughout appointment in compliance with Section 8-11 of the Lynn City Charter. (Ord. 12/17/96 § 1 (part))

## Chapter 2.24

### POLICE DEPARTMENT

#### Sections:

- 2.24.010 Police department--Members.
- 2.24.020 Oath.
- 2.24.030 Chief of police.
- 2.24.040 Deputy chief of police.
- 2.24.050 Police officers.
- 2.24.060 Reserve police.
- 2.24.070 Special police.
- 2.24.080 Traffic bureau.

#### 2.24.010 Police department--Members.

The police department of the city of Lynn shall consist of:

- A. Chief of police;
- B. One deputy chief of police;
- C. Five captains, one of whom shall, from time to time be designated by the chief of police to be in charge of inspectors;
- D. Not more than thirteen (13) inspectors (with rank and pay of lieutenants);
- E. Thirteen (13) sergeants of police;
- F. One police mechanic;
- G. One hundred fifty-two (152) regular patrol officers;
- H. Thirty (30) reserve patrol officers;
- I. Two policewomen;
- J. One police matron;
- K. One assistant police matron.

(Prior code Part I, Ch. XXVI § 1)

#### 2.24.020 Oath.

Before entering upon their duties, each officer and employee so appointed shall be sworn to the faithful performance of his or her duties and shall take the oath required by General Laws, Chapter 264, Sections 13, 14 and 15, with amendments, if any. (Prior code Part I, Ch. XXVI § 1A (Ord. 4/9/63))

#### 2.24.030 Chief of police.

A. Duties. The chief of police shall have entire control of the police department. He or she shall devote his or her whole time to preserve the peace, order and cleanliness of the city, and shall execute and enforce the ordinances and orders of the city council. He or she shall take notice of all nuisances, defects and obstructions, in the streets, lanes, alleys, courts and public places and squares of the city, and shall take all proper measures relative thereto, according to the laws and ordinances, and shall cause proceedings to be instituted for the prosecution or violation of the laws and ordinances and attend the trial of the same.

B. Reports. The chief of police shall cause to be kept full and complete record of the business of the department, shall report to the mayor and council at their first meeting in each month and annually in the month of January, shall report to the city council the condition and organization of the department, a synopsis of the business of the preceding year together with such remarks and recommendations as he or she may think proper.

C. Receive Complaints. The office of the chief of police shall be open at all of times for the purposes of receiving complaints respecting offences against the laws and ordinances, and it shall be the duty of the chief of police to cause to be kept a record of all complaints received.

D. Bond. The chief of police, before entering upon the duties of his or her office, shall give bonds in the sum of six hundred dollars (\$600.00) sureties to be approved by the mayor and council for the faithful performance of his or her duties. (Prior code Part I, Ch. XXVI §§ 2--4, 6)

#### 2.24.040 Deputy chief of police.

In the absence of the chief of police, the deputy chief shall attend to the duties of the office, and exercise all the authority vested in that office. (Prior code Part I, Ch. XXVI § 5)

#### 2.24.050 Police officers.

A. Duty Time. Each regular member shall devote his or her entire time to the business of the police department, and shall hold himself or herself ready, and be prepared for duty at all times. All regular members of the police department shall be allowed two weeks' vacation each year with pay, the time for the same to be designated by the chief of police.

B. Hours of Service.

1. The permanent members of the Lynn police department shall be divided by the chief of police into three divisions of daily service.

2. The permanent members of the police department within each of the three divisions of daily service, in as equal a number as possible, shall be assigned by the chief of police of days off in accordance with this section.

3. The regular hours of duty of the permanent members of the Lynn police department shall not exceed forty (40) in any one week.

4. The regular days off of members of the police department shall be as follows:

a. All members, so assigned to one of three groups within each of the three divisions of daily service, shall work four consecutive days on and have two consecutive days off;

b. Thereafter, such four days on and two days off rotating weekly;

c. A member's regular days off shall drop back one day every week;

d. The working cycle for the four-and-two work week shall be completed in six weeks;

e. In each six-week period, a member of the police department shall receive fourteen (14) regular days off.

C. Overtime. Any permanent member of the police department shall be exempt from duty and from attendance at the police station or other place on days off, except that the chief of police may, in case of any public emergency or of any unusual demand for the services of police officers in this city, prevent any such member of the department from taking days or parts of days off when he or she is entitled thereto, or at any time assigned thereof, provided that such member shall receive overtime pay at the time and one-half rate for each hour or fraction thereof of duty on days off, during vacation or in excess of the hours of daily service, and provided further that first

ten (10) minutes of duty prior to the hours of daily service shall be used for roll call purposes and not to be compensated as overtime.

D. Compensation. The members of the police force shall receive such compensation as the city council may from time to time determine. This provision shall not affect any sum which may be received by the chief of police or any other officer as rewards for the detection of crime, or for the recovery of property, or as a satisfaction for personal injury while in the discharge of duty, but such sums may, with the approval of the mayor and city council, be retained as private property.

E. Watchmen Duties. All the duties heretofore required by the laws of the commonwealth, or orders of the mayor or city council, to be performed by watchmen, shall be performed by the police officers who are detailed for night duty. (Prior code Part I, Ch. XXVI §§ 7, 8, 12 (Ord. 3/9/71 §§ 1--4))

#### 2.24.060 Reserve police.

There shall be appointed annually by the mayor, such number of reserve police as is allowed by law. The reserve police officers shall devote so much time to the service of the city as the chief of police shall require. They shall receive such compensation as the city council may determine, but shall not be entitled to any pay from the city when not ordered upon duty. (Prior code Part I, Ch. XXVI § 9)

#### 2.24.070 Special police.

There shall be appointed by the mayor such number as he or she may deem proper of special police with all the powers of regular police officers. All special officers shall be subject to the authority of the chief of police and shall be detailed by him or her for duty. They shall devote so much of their time to the service of the city as the chief of police shall require, but shall not be entitled to pay from the city when not engaged and in rendering service to the city. No special police officer shall exercise the power or authority of a police officer of the city for any private organization or individual, for which he or she receives pay from such organization or individual, except with the consent of the chief of police. (Prior code Part I, Ch. XXVI § 10)

#### 2.24.080 Traffic bureau.

A. Creation. There shall be a traffic bureau in the Lynn police department under the supervision of a member of the department designated by the chief of police, under the provisions of Paragraph 18, Section 20 of the City Charter.

B. Duties. The police officer shall devote his or her whole time to and in the traffic bureau; shall, under the general direction of the chief of police, have charge of the enforcement of all traffic ordinances or laws in the city and all other laws with relation to traffic in the city; shall supervise and cooperate with other city departments, in the placing, maintenance and operation of traffic markings, signs and signals and shall, from time to time, conduct studies and make written recommendations to the city council on any revision or revisions of existing traffic regulations, selection and designation of one-way streets, limitations of parking, automatic traffic control system, designation of boulevard stop streets, the widening of streets for removing obstructions to view, the repairing of dangerous conditions in street surfaces; street markings including pedestrian crossings, traffic lanes and parking spaces, regulation of street car stops, the designation and



marking of safety zones and such other recommendations as may be applicable to the improved police supervision of traffic in the city and shall perform such other duties as shall be directed.  
(Prior code Part I, Ch. XXVI (Ord. 3/27/26 §§ 1, 2))

## Chapter 2.28

### FIRE DEPARTMENT

#### Sections:

- 2.28.010 Fire department--Members.
- 2.28.020 Chief--Duties.
- 2.28.030 District chiefs--Duties.
- 2.28.040 Aides to chief.
- 2.28.050 Captains and lieutenants--Duties.
- 2.28.060 Members--Requirements--Duties.
- 2.28.070 Members oath.
- 2.28.080 Roll call.
- 2.28.090 Firehouse rules.
- 2.28.100 Actions by members--Consultation with chief.
- 2.28.110 Retirement and pensions.
- 2.28.120 Violation of department rules--Penalties.
- 2.28.130 Equipment acquisition--Approval.
- 2.28.140 Payments--Approval.
- 2.28.150 Fire alarm--Penalty.
- 2.28.160 Obstruction--Impersonation--Penalty.
- 2.28.170 Mutual aid calls.
- 2.28.180 Fire prevention bureau.
- 2.28.190 Inspections--Fees and permits--Penalty.

#### 2.28.010 Fire department--Members.

The fire department of the city of Lynn shall consist of the following employees:

- A. One fire chief;
- B. One deputy fire chief;
- C. Nine district fire chiefs;
- D. Fifteen (15) fire captains;
- E. Forty-six (46) fire lieutenants;
- F. Two hundred eight (208) firefighters;
- G. One master mechanic;
- H. Four clerks;
- I. Nine fire alarm operators -- three step -- rates until maximum is reached. (Ord.

11/12/89 § 1; prior code Part I, Ch. IX § 1 (Ord. 3/10/70))

#### 2.28.020 Chief--Duties.

A. The chief shall be the executive head of the force. He or she shall devote his or her entire time to the discharge of the duties of his or her office, make all assignments and transfers, and shall have and exercise supreme command at all fires and at all times, when on duty, over the officers and members of the force. He or she shall cause to be kept an accurate record in convenient form of all business transacted and of all fires occurring in the city, or elsewhere, when called out

of the city. He or she shall, as often as practicable assure himself or herself by personal inspection, that the several companies are kept at the highest point of efficiency and that each department house is being properly conducted and preserved in good order. He or she shall promptly report to the mayor any officer or member of the force who by reason of age, disease, accident or other form of disability, does not, or cannot, fully perform entire duty in the department. He or she shall have the power, and it shall be his or her duty to summarily suspend from service any person under his or her command for a flagrant violation or disregard of ordinances or orders, in all cases where the interests of the people or the reputation of the department would suffer if such prompt action were not taken. He or she shall see that all laws, orders and directions for the government of the department are promptly, cheerily and implicitly enforced and obeyed, and that all derelictions or transgressions that may come to his or her knowledge, are at once investigated and reported to the mayor. He or she shall be responsible to the mayor for the conduct and management of his or her department.

B. In case of a second or third alarm, the chief having charge of the fire fighting force shall have full authority to summon and keep on duty any or all of the members of the department while the fire continues.

C. The chief of the fire department shall perform all other duties imposed by general law upon the chief of the fire department. (Prior code Part I, Ch. IX §§ 2, 7, 13)

#### 2.28.030 District chiefs--Duties.

A. District chiefs shall have full control and charge and shall be responsible for their respective districts to which they are assigned. They shall, during such time as they are on duty assume command of companies at fires until the arrival of a superior officer. They shall immediately upon returning to quarters report by telephone to the chief the particulars of any fire of suspected incendiaries occurring in their district, to be followed by a written report giving all particulars. They shall visit each company and department building over which they have supervision at least once each week or more often if necessity requires, inspect company journal, apparatus, members, quarters, and make report of such inspection to the chief. They will be responsible for the condition, efficiency and management of each company in their districts and will make details of members when necessary.

##### B. House Journal.

1. As all verbal orders or directions having general application are required to be entered on the house journal as soon as received, district chiefs failing to inform themselves of these important details need not offer a plea of ignorance. On their tours of inspection particular attention must be given to house journals and any discrepancy as to time of receiving, and wording of entries which might convey different meanings is to be noted and reported without delay. Verbal directions are to be as uniform as possible in language and meaning. This rule will apply to every commandant of a shift of platoon.

2. District chiefs will be required when entering upon their shift tour of duty and prior to relieving the district chiefs preceding them, to carefully read the house journal at the base quarters and note entries made therein during the shift or platoon immediately preceding so that they themselves may be thoroughly informed of occurrences and happenings within the period covered by the preceding shift.

3. The words, "The above has been read and noted," must be entered upon the house journal by the district chief with his or her own signature at a point directly following the records of the preceding shift.

4. The deputy chief and district chiefs on their tours of inspection shall see to it that the above provisions are strictly conformed to. Cases of inattention or neglect must be promptly reported to the chief to be acted upon accordingly. (Prior code Part I, Ch. IX §§ 12, 15, 16, 18, 19)

#### 2.28.040 Aides to chief.

Firefighters detailed as drivers on chief's cars or deputy or district chief's cars are to be considered as aides to the chiefs during fires and may be used by such chiefs in carrying orders to and from the various officers during fires. Any and all orders or directions received by company officers from these aides when the name of the directing chief is given must be promptly obeyed as if coming direct from the commanding officers themselves. Drivers so detailed are strictly forbidden to give any orders or directions not specially authorized or directed by such officers. (Prior code Part I, Ch. IX § 27)

#### 2.28.050 Captains and lieutenants--Duties.

Captains shall be in full charge of company. Lieutenants shall have charge of the opposite shift and shall make all reports to or through their captains. No change shall be made during the absence of the captain from duty without his or her permission or unless so ordered by a superior officer. In companies commanded by lieutenants alone a senior hoseman will be designated to act in a like manner as of other companies on opposite shifts. (Prior code Part I, Ch. IX § 17)

#### 2.28.060 Members--Requirements--Duties.

A. Requirements. No person shall be appointed as a member of the Lynn fire department who is less than five feet, four inches in height nor less than one hundred thirty (130) pounds in weight.

B. Reporting for Duty.

1. Members must report for duty promptly on time and shifts must be manned before members of the opposite shifts are relieved from duty. If a member fails to report for duty the commanding officer shall notify his or her district chief promptly at the roll call hour who will assign a substitute to fill such vacancy at once. In the absence of any substitute, the commanding officer shall select a member from the opposite shift to remain on duty until such member reports or other arrangements are made to relieve him or her.

2. When an alarm of fire is given all members must respond on the floor and in their respective places whether it is a box to which their company responds or not and shall remain in this position until released by the officer in command.

3. Every member of the department must hold himself or herself in readiness to instantly respond to a second or third alarm fire, when summoned by the chief in charge, and may not leave the city without obtaining permission from the head of the department. No member shall follow any other calling or be actively engaged in any other business at any time while on "liberty". Violation hereof may be cause for dismissal from the service.

4. A member shall not be allowed to work in any other member's place on opposite shift unless so ordered by the chief or district chiefs except as heretofore provided.

5. No member will be permitted to leave his or her engine house in response to summons or request of a member of another company, for any purpose whatsoever, nor shall they in any manner engage in a discussion with any officer regarding ordinances or orders governing the fire department.

C. Hours of Duty.

1. The mayor shall establish for the firefighting force, including permanent members of the uniformed firefighting force, a work day schedule including, but not limited to, the establishment of regular hours of duty for all members of the firefighting force, provided, however, that the average weekly hours of duty in any year, other than the hours during which such members of the firefighting force may be summoned and kept on duty because of conflagrations, shall not exceed forty-two (42) of in number.

2. The average weekly hours of duty of the permanent members of uniformed force of the Lynn fire department, in any year, shall not exceed forty-two (42) hours. There shall be four divisions whose hours, except for the chief, acting chief, fire prevention bureau and training officer, shall alternate on continuing, weekly rotating plans of forty-eight (48), forty-eight (48), forty (40), thirty-four (34), forty-two (42), forty-eight (48), thirty-eight (38), and thirty-eight (38) hours. The members of the department, except for the chief, acting chief, fire prevention bureau and training officer, shall be divided by the chief into four as nearly equal as possible divisions.

3. The weekly hours of duty for members of the department assigned to the fire prevention bureau and as training officer shall not exceed forty-two (42) hours.

4. The weekly hours of duty for probationary members of the department (until permanently assigned to companies or other positions within the department) shall not exceed forty-two (42) hours.

5. The four divisions specified in this section shall be designated division 1, division 2, division 3 and division 4.

On the first day of the plan, division 1 shall work a day tour of duty from eight a.m. to six p.m., and division 3 shall work a night tour of duty from six p.m., to eight a.m. of the following day;

On the second day, division 1 shall work a day tour of duty from three a.m. to six p.m., and division 4 shall work a night tour of duty from six p.m. to eight a.m. of the following day;

On the third day, division 2 shall work a day tour of duty from eight a.m. to six p.m., and division 4 shall work a night tour of duty from six p.m. to eight a.m. of the following day;

On the fourth day, division 2 shall work a day tour of duty from eight a.m. to six p.m. and division 1 shall work a night tour of duty from six p.m. to eight a.m. of the following day;

On the fifth day, division 3 shall work a day tour of duty from eight a.m. to six p.m., and division 1 shall work a night tour of duty from six p.m. to eight a.m. of the following day;

On the sixth day, division 3 shall work a day tour of duty from eight a.m. to six p.m., and division 2 shall work a night tour of duty from six p.m. to eight a.m. of the following day; and

On the seventh day, division 4 shall work a day tour of duty from eight a.m. to six p.m., and division 2 shall work a night tour of duty from six p.m. to eight a.m., of the following day.

Each division shall rotate in numerical order each successive week thereafter for the above fixed hours of duty.

6. The chief of the Lynn fire department, if a fire is in progress during any hours of duty, or if an alarm of fire has been sounded therein, shall have full authority to keep on duty all

members of the department then actually on duty, and, further, in case of conflagration, the chief of the department shall have full authority to summon and keep on duty all members of the firefighting force, because of such conflagration.

7. No meal hours or days off shall be allowed except the regular day off. Meals must be taken before and after being relieved from duty. Noon or midnight meals may be carried and eaten at company quarters.

D. Watch. Members of the department, except company commanders, in all stations having over a four-member company, shall stand a watch as may be arranged by the officers, each member to take his or her turn, and while on watch wear a regulation uniform and cap and be responsible for all city property in or about quarters.

E. Injury and Sickness.

1. If a member of the Lynn fire department is injured while in the performance of his or her duty as such member, and it shall be proved to the satisfaction of the mayor and the city council, or appropriate committee thereof, that such injury was the natural and proximate result of an accident occurring during the performance and within the scope of duty as a member of the fire department, and the attending physician or physicians shall so certify, there may be paid to such member of the fire department, such amount as the mayor and city council, or appropriate committee thereof, may feel reasonable and proper, for medical care, nursing and hospital treatment.

2. Any member of the Lynn fire department receiving injuries in the manner set forth in this section shall immediately thereafter, submit to the chief of the fire department, a written report of such injury, setting forth therein, in accurate detail, the time, place, cause of such injury together with the name or names of all persons present when such injury was received and the name of the physician or physicians attending.

3. Members shall immediately report to their company officers any accident, sickness or injury to themselves at the time of its occurrence, stating cause and extent of the injury, no matter whether slight or serious. The chief of the department must be notified in writing through the intermediate officers.

4. If the injury or sickness is of such nature as to prevent them from performing fire duty, they must be examined by a physician within twenty-four (24) hours, and the physician shall furnish the chief with a written report of the accident.

F. Acknowledgement of Superior Officers.

1. When the mayor of the city or any of the chiefs of the department visit the quarters of any company the officers and members shall rise if seated, and salute, but it is not expected that any work going on shall be interrupted. They shall also likewise salute their superiors when meeting them on the street. Superior officers must always acknowledge the salute by a return salute.

2. The members of the department must at all times address their superior officers by their proper titles and in all cases use the word without any abbreviations whatever.

G. Uniforms.

1. All members of the department while on duty shall wear the prescribed uniform worn at time of adoption of this chapter, and in going to, at and when returning from fires, shall wear the regulation helmet or fire hat. Excepted from this rule are chiefs, drivers and engineers who

may wear fatigue caps. No change in the present prescribed uniform shall be made except by order of the chief, approved by the city council.

2. No member of the department not actually on duty shall be allowed to wear the uniform of the department or any part thereof for the purpose of identifying himself or herself as a member of the department in order to gain entrance to any place of public amusement, for any other purpose whatsoever without the permission of the chief.

3. The wearing of the department uniform or any part thereof beyond a reasonable period of time such as that elapsing between coming to quarters and reaching home, while the member is off duty, is strictly prohibited unless otherwise directed by the chief or assistant chiefs or as excepted in these rules. Tan shoes must not be worn while in uniform.

H. Maintenance of Station and Equipment.

1. Members on night shift will be required to arise at six a.m., sweep floors, make beds, the balance of work to be done by day shift. Following the completion of their work, members must wash up and be in full uniform before being relieved by the next shift.

2. In case of any runs which require the cleaning of apparatus or changing of hose when necessary, the same must be done on returning to quarters. However, captains or members in command of the company must not put their apparatus out of service, where there are one or more companies out of service in their district, unless conditions make it absolutely necessary, or without the approval of the district chief.

I. Transfers. Members may be transferred from one company to another or to opposite shifts at the discretion of the chief.

J. Credit for Prior Service. Any person in the Lynn fire department upon appointment as a permanent regular firefighter, whenever appointed, shall have included as length of regular service, all time worked as a firefighter in the department, prior to appointment as a permanent regular firefighter.

K. Rules and Ordinances.

1. All members of the department shall read and become familiar with laws, ordinances and orders relating to the service.

2. All members shall be furnished with a copy of this chapter and it shall be the duty of officers and members to conform to all requirements and perform all duties herein contained. Removals or suspensions in the department shall be in accordance with the provisions of Chapter 247 of the Acts of 1918. (Prior code Part I, Ch. IX §§ 14, 20, 21, 30, 31, 36--39, 41--49, 51; Ord. 8/1/70 §§ 2, 3; Ord. 1/27/70 § 1; Ord. 11/12/47 § 1; Ord. 3/26/46; Ord. 1/6/31)

#### 2.28.070 Members oath.

A. Every member now connected with the Lynn fire department, including officers, and every person hereafter to be appointed to the Lynn fire department shall, under oath, subscribe to a faithful compliance with and obedience to this chapter and to amendments thereto or additions thereto and any and all orders of the chief or their superior officer, and the following form of oath is to be used in such cases:

"I, \_\_\_\_\_, hereby promise to faithfully and impartially perform the duties required of me as a member of the fire department of the city of Lynn. I agree to abide by the orders or ordinances which may govern the members of the fire department. I agree at all times to so conduct myself

while on duty or 'at liberty' in such a manner that I shall be capable and able to perform my duties as a firefighter whenever called upon."

B. The foregoing oath shall be taken before, and a record thereof kept by the city clerk. (Prior code Part I, Ch. IX §§ 53--55)

2.28.080 Roll call.

A. Roll call will be at eight a.m. and six p.m. The commanding officer of each company will call his or her company to attention, inspect the members and uniforms and call the name of each member. Entries will be made in the company's journal of the exact time of each roll call and the condition of the company, noting any exceptions that may occur. In case of tardiness or absence without permission the same shall be noted and reports made immediately in writing to the district chief to be forwarded to the chief, together with the name of the member on the opposite shift relieving. This report may be made over the telephone followed later by a written report and charges filed. Failure to report for duty may be punished by suspension, fine or dismissal.

B. Immediately following the roll call the commanding officer shall read all general and special orders received unless otherwise ordered. (Prior code Part I, Ch. IX §§ 24, 25)

2.28.090 Firehouse rules.

A. Assigning Tasks. All work in engine houses shall be laid out by commanding officers of each shift and assigned to members under their command. This division of work must be agreed upon by both officers and signed by them and submitted for approval by the chiefs of the various districts. In case of any runs which require the cleaning of apparatus or changing of hose when necessary, the same must be done on returning to quarters. In ordinary routine work no work shall be left undone by the outgoing shift, providing the members be allowed thirty (30) minutes to wash and dress when possible without interfering with their duties.

B. Gambling Prohibited. The shaking of dice, card playing or other gambling with any instrument or device for money or any articles of value is strictly prohibited.

C. Gaming Restrictions. All games of any character for pastime or amusement shall be prohibited in or about quarters from twelve midnight, on Saturday until twelve midnight on Sunday.

D. Indecent Language. Profanity, immoral or indecent language by either officers or members will not be permitted, nor disrespectful language spoken if or to superior officers.

E. Sleeping Quarters.

1. Beds may be occupied by members only from eight p.m. to six a.m., and no longer, or reclining in a position to indicate sleep will be permitted except in case of sickness or fatigue resulting from exertion through actual fire duty immediately preceding, and then only with express permission of the commanding officer.

2. For sanitary reasons and in the interest of the personal health of the individual firefighter, the bed sheets and pillow cases must be changed so that no two persons of the alternating force shall use the same sheets or pillow cases. Under no conditions shall the beds be used by the day force. (Prior code Part I, Ch. IX §§ 22, 23, 29, 32, 33)

2.28.100 Actions by members--Consultation with chief.



All matters pertaining to or affecting the department proposed or contemplated by members must be submitted to the chief before any action is taken and subordinates are strictly forbidden to take any part in any proposition contemplating any effect, directly or indirectly, upon the department or its operation, except after consultation with the chief. (Prior code Part I, Ch. IX § 10)

2.28.110 Retirement and pensions.

A. The city council may, upon its own motion or upon the recommendation of the chief of the fire department or upon petition of member of the fire department accompanied by a certificate from the commissioner of public health retire such member from active service and pension him or her in the manner provided in this section:

1. Any member of the fire department, who by reason of permanent disability incurred while in the performance of his or her duty in the fire department is no longer able to perform active service as a firefighter.

2. Any permanent member of the fire department who has reached the age of sixty-five (65) years and who has performed faithful service in that department for a period of not less than twenty (20) years.

3. Any permanent member of the fire department who has performed faithful service in that department for a period of not less than twenty (20) years provided he or she is incapacitated for further useful service.

B. Every pension granted to a firefighter shall be under the following restrictions and subject to the following provisions:

1. It shall be payable monthly.

2. It shall be for an amount equal to one-half of the pay received by such member at the time of such retirement.

3. No member so retired and pensioned shall engage in any other occupation or a similar one and the city council shall retire and pension such member under such further conditions as may be required.

C. The commissioner of public health shall examine every person recommended for such pension, and shall furnish the city council a written statement in regard to his or her physical condition as far as it effects permanently his or her ability to perform active service as a firefighter. (Prior code Part I, Ch. IX § 4)

2.28.120 Violation of department rules--Penalties.

A. Violations of this chapter or any general or special orders of the department may be punishable by suspension or removal and it is made the duty of all officers and members to take notice of any violations and to prefer charges against the person so violating and forward the charges to the chief of the department through the regular channels.

B. All portions of general or special orders that may be issued hereafter relating to the discipline of the members shall be recognized as a part of this chapter. (Prior code Part I, Ch. IX §§ 50, 52)

2.28.130 Equipment acquisition--Approval.

Additions to the apparatus or machinery connected with and appertaining to the fire department shall be made by the chief with the approval of the committee on fire department and the mayor. (Prior code Part I, Ch. IX § 9)

2.28.140        Payments--Approval.

The payroll of the fire department and all bills, debts and claims incurred by or through the chief shall be certified and approved by the chief before payment of the same are made. (Prior code Part I, Ch. IX § 8)

2.28.150        Fire alarm--Penalty.

No person other than a member of the fire or electrical department shall open a box connected with the fire alarm system, except for the purpose of giving an alarm in case of fire. Any person violating any of the provisions of this section shall be subject to a fine of not more than twenty dollars (\$20.00). (Prior code Part I, Ch. IX § 5)

2.28.160        Obstruction--Impersonation--Penalty.

No person shall insult, menace, hinder, obstruct, oppose, or without authority, give an order to an engineer or firefighter, while on duty, nor shall any person presume to act as a member of any company, until he or she has been duly appointed and qualified. Any person violating any of the provisions of this section shall be subject to a fine of not more than twenty dollars (\$20.00). (Prior code Part I, Ch. IX § 6)

2.28.170        Mutual aid calls.

A.        The chief, deputy chief or acting chief of the fire department of the city of Lynn, in accordance with General Laws, Chapter 48, Section 59A, are authorized to extend aid to any city or town in the commonwealth who shall or may hereafter accept by ordinance or bylaw, provisions of General Laws, Chapter 48, Section 59A, in extinguishing fires in such city or town and when so requested by the chief, deputy chief or person in command of the fire department of such other city or town, without compensation therefor but with benefits of the General Laws, Chapter 48, Section 59A.

B.        The chief, deputy chief or acting chief of the Lynn fire department in the event of such request for aid as set forth in this section, may summon and keep on duty, members of the Lynn fire department in any such other city or town notwithstanding the hours of duty for firefighters heretofore fixed by ordinance of the city of Lynn and without additional compensation therefor, but with benefits of General Laws, Chapter 48, Section 59A.

C.        The chief, deputy chief or acting chief of the Lynn fire department are authorized to request aid of fire departments in extinguishing fires within the city of Lynn from such other cities and towns who by ordinance or by-law, have accepted the provisions of General Laws, Chapter 48, Section 59A, without compensation therefor, but with benefits of the General Laws, Chapter 48, Section 59A. (Prior code Part I, Ch. IX §§ 1--3 (Ord. 6/9/42))

2.28.180        Fire prevention bureau.

A. It shall be the duty of the chief of the fire department to investigate and to recommend to the city council, such additional ordinances, or amendments to existing ordinances, as he or she may deem necessary for safeguarding life and property against fire.

B. Before licenses or permits as required by law may be issued or approved by the city or any officer thereof for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition, of highly inflammable materials, liquids or compounds, rubbish, or explosives, the chief of the fire department or the chief inspector shall inspect and approve the receptacles, vehicles, buildings or storage places to be used for any such purposes, but this shall not apply to permits to burn rubbish.

C. So far as authorized by law, the chief of the fire department, chief inspector or an assistant inspector specially designated thereto, shall inspect, as often as may be necessary, but not less than four times a year, all specially hazardous manufacturing processes, storages or installations of acetylene or other gases, chemicals, oils, explosives and inflammable liquids, compounds or materials, and such other hazards as the chief of the fire department shall designate and shall give such information and instructions as may be necessary for the enforcement of the laws and ordinances governing the same.

D. Inspection shall be made by the chief of the fire department, or by the fire prevention bureau as often as may be necessary, but not less than four times a year, of any building or part thereof or premises used as a carpenter shop or for the storage, keeping or handling of feed, hay, straw, excelsior, shavings, sawdust, cotton, paper stock, feathers, rags or any material that is or may become dangerous to the public safety as a fire menace, located within fifty (50) feet of a building used as a habitation, or in a building used for habitation.

E. So far as authorized by a law, it shall be the duty of the chief of the fire department to inspect or cause to be inspected by the bureau of fire prevention, or by the fire department officers and members, as often as may be necessary, but not less than twice a year in outlying districts, and four times a year in the closely built portions of the city, all buildings, premises and public thoroughfares, except the interiors of private dwellings but including apartment houses, for the purpose of ascertaining and causing to be corrected, any conditions liable to cause fire, or any violations of the provisions or intent of any law or ordinances of the commonwealth or city concerning fire hazard.

F. So far as authorized by law, the chief of the fire department, the chief inspector, or any assistant inspector may, at all reasonable hours, enter any building or premises within his or her jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this chapter, he or she or they may deem necessary to be made.

G. The chief inspector shall report in writing to the chief of the fire department any and all violations of law, rules and regulations in connection with fire hazards which come to the attention of the fire prevention bureau including such as are subject to enforcement solely by state officials. The chief inspector shall immediately report to the chief of the fire department in writing the failure of any person or corporation to have a license or permit required by law in connection with fire hazards.

When the chief inspector has reason to believe that any report or recommendation to be made to the chief of the fire department is of particular importance the same shall be made in writing.

When chief of the fire department shall notify the mayor in writing of every instance where any person or corporation has refused to comply with any law, rule or regulation after request for such compliance by the chief of the fire department, the fire prevention bureau or any officer thereof, and of any violation of law which is subject to enforcement solely by state officials.

H. When authorized by the state fire marshal, the chief of the fire department or the fire prevention bureau may require the removal and destruction of any heap or collection of refuse or debris that in their opinion may become dangerous as a fire menace. Neglect on the part of either the owner or occupant, or both, to remove the cause of complaint under this section, or anything complained of under subsection D of this section, after notice thereof has been served, shall be deemed a refusal; and the chief of the fire department, or the chief inspector may enter upon the premises and remove such material or article and the containers thereof as may be covered by or mentioned in the notice issued. The material or articles removed, if of no substantial value, shall be destroyed; otherwise, they shall be placed in storage, and the total costs attending this action shall be paid by the owner or occupant.

Any person aggrieved by any action taken under this section may appeal to the state fire marshal.

I. If the chief of the fire department has reason to believe automatic sprinklers should be installed in any building in which four or more persons live, or are usually employed therein above the second floor, which building is used in whole or in part for the business of woodworking, or for the business of manufacturing upon wooden, basket, rattan or cane goods or articles, or tow, shavings, excelsior, oakum, rope, twine, string, thread, bagging, paper, paper stock, cardboard, rags, cotton or linen garments or goods, or rubber, feathers, paint, grease, soap, oil, varnish, petroleum, gasoline, kerosene, benzine, naphtha or other inflammable fluids, or any such building used in whole or in part for the business of keeping or storing any such goods or articles, except in such small quantities as are usual for domestic use or for use in connection with and as incidental to some business other than such keeping or storing, he or she shall advise the state fire marshal that in his or her opinion such automatic sprinkler installation should be required. The chief of the fire department shall notify the mayor and city council of any such recommendation made to the state fire marshal.

J. All written records and reports of inspections made under this chapter shall be preserved in suitable files for a period of at least three years thereafter.

K. The members of the fire prevention bureau shall perform such additional duties, from time to time, as may be required of them by the chief of the fire department, and the rank and salary of each shall be such as is provided by ordinance or ordinances governing the organization and compensation of members of the fire department, and the designation of chief inspector or assistant inspector shall be in addition to the usual rank, but shall not carry any additional compensation by reason thereof. (Prior code Part I, Ch. IX §§ 1--13 (Ord. 1/8/29))

#### 2.28.190 Inspections--Fees and permits--Penalty.

A. Any building being constructed or altered that required inspection and/or plan approval by the fire department under Articles 4 or 12 of 780 CMR-State Building Code, shall be subject to a fee of ten (ten) percent of the building permit fee. Except that in one and two family dwellings, the fee shall not exceed fifty dollars (\$50.00) per building.

B. Any hospital, nursing or rest home or other institution as defined by the State Building Code or any premise specified in an inn holders license, that requires a quarterly inspection by the fire department under M.G.L., Chapter 148, Section 4, shall be subject to a fee of twenty-five dollars (\$25.00) for each quarterly inspection. Premises owned and/or operated by the commonwealth of Massachusetts or the city of Lynn shall be exempt from the provisions of this section.

C. Any rooming house licensed by the city of Lynn is required to have an annual inspection by the fire department for license renewal. The fee for each annual inspection shall be fifty dollars (\$50.00).

D. Any holder of a license for the storage, use or sale of any inflammables or combustibles shall be inspected annually by the fire department. The fee for each annual inspection shall be fifty dollars (\$50.00).

E. Any permit granted under M.G.L., Chapter 148, Section 10A shall be subject to a fee of ten dollars (\$10.00).

F. Any permit granted under M.G.L., Chapter 148, Section 10A, as required by 527 CMR 4 (oil burning equipment) shall be subject to a fee of ten dollars (\$10.00).

G. Any inspection for compliance with M.G.L., Chapter 148, Section 26C (smoke or heat detectors for dwellings not otherwise regulated) shall be subject to the following fees, payable upon application for approval of plans as required in 527 CMR 24:

1. Application fee: twenty dollars (\$20.00).
2. Inspection fee: ten dollars (\$10.00) per story (including basement and two dollars per dwelling unit).

H. Any residential building that requires an inspection by the fire department for sale of property under M.G.L., Chapter 148, Section 26F, shall be subject to the following fees, payable upon application for certificate of compliance:

1. One and two family dwellings: twenty dollars (\$20.00).
2. Three to five family dwellings: forty dollars (\$40.00).

I. Any tank truck vehicle that requires a biennial inspection by the fire department under 527 CMR 8 shall be subject to a fee of twenty-five dollars (\$25.00).

J. Any person requesting a copy of a fire report shall pay a fee of ten dollars (\$10.00) for each report, except that fire victims, government agencies and nonprofit agencies providing disaster relief shall be provided with one copy each without charge.

K. No person, corporation or firm shall install any tank for the underground storage of flammable, combustible or hazardous liquid without first obtaining a permit from the fire department. The permit and installation inspection fee shall be ten dollars (\$10.00) per one thousand (1,000) gallons of storage capacity.

L. All fees in this section shall be effective January 1, 1990.

M. Any violation of this section shall be subject to a fine of two hundred dollars (\$200.00) per offense, after having been notified of the offense by the head of the fire department or his or her designee. (Ord. 11/12/89                      §§ 1--13: Ord. 2/5/85 §§ 1--12: Ord. 8/12/80 § 1)

## Chapter 2.32

### BUILDING DEPARTMENT

#### Sections:

- 2.32.010 Building code.
- 2.32.020 Building inspectors.
- 2.32.030 Supervisor of heating, ventilation and custodian services.
- 2.32.040 Permits--Fees.

#### 2.32.010 Building code.

A. This chapter shall be known and may be cited as the building code. It shall be construed liberally to secure the beneficial interests and purposes thereof.

B. There shall be in the city of Lynn a department to be called the building department which shall be an administrative department within the meaning of the provisions of the City Charter of Lynn, whose administrative head shall be the superintendent of buildings. The superintendent of buildings, his or her assistant superintendent of buildings and inspectors shall be competent builders, architects, or construction engineers and they shall be the inspectors of buildings. The salaries of the superintendent of buildings, assistant superintendent of buildings and inspectors shall be such as the city council may from time to time by ordinance determine.

C. It shall be the duty of the inspectors of buildings to see the enforcement of all ordinances in which the superintendent of buildings is mentioned.

D. The assistant superintendent of buildings and inspectors shall be general assistants to the superintendent of buildings and shall act under his or her supervision and direction.

E. The superintendent of buildings shall appoint his or her assistants from time to time as may be necessary.

F. The superintendent of buildings shall have charge of the construction of all buildings erected by the city of Lynn and all specific repairs and/or alterations and additions to buildings owned or occupied by the city of Lynn, except specific repairs and maintenance of school building the expense of which are borne by the city. The word "construction" as used in this chapter shall include the securing of plans and bids, the oversight, supervision and superintendence of the actual work of erection or repairs.

G. No extras shall be allowed under any contract made by the superintendent of buildings by order of council, unless by vote of the council authorizing such extras.

H. The superintendent of buildings shall cause to be kept a record of his or her official acts and the business of the department and shall annually, before budget has been adopted, or more often if required, submit a report to the city council, showing the condition of all buildings under his or her care and what repairs in his or her opinion may be needed upon each for the next twelve (12) months, and the probable cost of such repairs. (Prior code Part I, Ch. III § 1)

#### 2.32.020 Building inspectors.

There are established in the building department of the city of Lynn the positions of two inspectors who shall perform such duties and work therein as shall be prescribed or ordered by the superintendent of buildings under whose control and supervision all such work shall be done.

B. The assistant building inspectors shall act under the general direction and shall perform such duties as are delegated to them by the superintendent of buildings. (Prior code Part I, Ch. III §§ 1, 2 (Ord. 1/22/46))

2.32.030 Supervisor of heating, ventilation and custodian services.

There is established in the city of Lynn the position of supervisor of heating, ventilating and custodian service in the city of Lynn. (Prior code Part I, Ch. III § 1 (Ord. 8/3/66))

2.32.040 Permits--Fees.

A. Schedule.

New buildings and additions	\$8.00/\$1,000.00 construction cost or fraction thereof with a minimum of \$30.00. Construction cost shall be based upon the Building Official and Code Administrator (B.O.C.A.) Buildings Valuation Data Report tables 1, 2, 3 and 4 amended semiannually.
Alterations	\$8.00/\$1,000.00 estimated construction cost or fraction thereof with a minimum fee of \$30.00. Should the estimated cost as stated on the permit application be questioned, the building commissioner may require applicant to provide a certified affidavit of cost at completion of work and permit fee adjusted if necessary.
Demolition of buildings	\$3.00 per each 100 sq. ft. of total gross building area for each story or fraction thereof. There shall be a minimum fee of \$30.00.
Transfer of buildings from one location to another	\$200.00
Sprinkler system in existing structure	\$30.00 first 10 heads, \$0.50 for each additional head.
Swimming pools	
Above ground	\$8.00/\$1,000.00 estimated cost or fraction thereof with a minimum of \$30.00. \$8.00/\$1,000.00 estimated cost or fraction thereof with a minimum of \$30.00.
In ground	\$8.00/\$1,000.00 estimated cost or fraction thereof with a minimum of \$30.00. \$8.00/\$1,000.00 estimated cost or fraction thereof with a minimum of \$30.00.

Solid fuel burning appliance	\$30.00
Billboards	\$500.00
Signs	\$30.00
Siding	\$8.00/\$1,000.00 with \$30.00 minimum fee.
Roofing	\$8.00/\$1,000.00 with \$30.00 minimum fee.
Occupancy permit	\$50.00 minimum per unit
Certificate of inspection	As established by State Building Code Table 1-1.
Zone ordinance (without map)	\$4.00
Plumbing permit fees:	
New buildings (per dwelling unit)	
For the first fifteen (15) dwelling units	\$30.00 per dwelling unit
For next thirty-five (35) dwelling units	\$20.00 per dwelling unit
Over and above fifty (50) dwelling units	\$10.00 per dwelling unit
All other structures	
Alterations and repairs	\$25.00 up to 3 fixtures \$5.00 for each additional fixture
Commercial etc.	\$30.00 minimum up to 3 fixtures \$10.00 for each additional fixture

B. No fees paid for the issuance of a permit shall be returned and fees paid for renewal of expired permits shall be the same as the original fee. (Ord. 11/28/89 §§ 1, 2)



## Chapter 2.36

### HEALTH DEPARTMENT

#### Sections:

- 2.36.010 Board of health.
- 2.36.020 License fees--Penalty.
- 2.36.030 Frozen desserts--Penalty.

#### 2.36.010 Board of health.

A. There shall be in the city a department known as the health department which shall be under the charge of a board of health pursuant to the provisions of General Laws Chapter 111, Section 26. The board of health shall consist of three persons, one of whom shall be a physician. No one of them shall be a member of the city council.

B. The members of the board of health shall be appointed by the mayor, subject to confirmation by the city council, for a term of three years. The member may be removed by the mayor, pursuant to terms of City Charter for cause. Vacancies shall be filled by appointment as aforesaid for the residue of the unexpired terms.

C. Members of the board of health shall receive such compensation as the city council may determine.

D. The board shall organize annually by the choice of one of its number as chairperson. It may make rules and regulations for its own government and for the government of its officers, agents and assistants. It may appoint a clerk who shall not be a member of the board, and may employ the necessary officers, agents and assistants to execute the health laws and its regulations.

E. The salary or other compensation of its executive director, and other agents, assistants and employees shall be fixed by the Lynn city council.

F. The mayor shall appoint an individual subject to confirmation of the city council, who shall be the executive director of the health department. The executive director shall be the administrative officer of the health department and shall insure that the day-to-day responsibilities and duties of the health department are successfully carried out. The executive director may have such further duties as the mayor, city council or board of health may determine to be appropriate and necessary.

G. The executive director shall be appointed as aforesaid for a term of three years. He or she may be removed by the mayor for cause notwithstanding pursuant to provisions of City Charter. (Ord. 2/5/85 § 1)

#### 2.36.020 License fees--Penalty.

A. License fees in the health department of the city of Lynn are as follows:

Food	\$25.00
Frozen desserts	25.00
Funeral director	100.00
Hens, rabbits, ducks, fowl, pigeons, monkeys	25.00
Ice cream manufacturing	25.00

Milk dealers, stores, restaurants	10.00
Offensive trades--each truck	25.00
Pet shop	50.00
Sausage manufacturing	25.00
Septic systems	25.00
Swimming pools	25.00

B. Any person who violates the provisions of this section shall be subject to a fine of fifty dollars (\$50.00). (Ord. 2/2/82 §§ 1, 2)

2.36.030 Frozen desserts--Penalty.

A. Pursuant to Massachusetts General Laws, Chapter 94, Sections 65G through 65S, no person, firm or corporation shall sell, exchange, deliver or have in its possession or custody with intent to sell, exchange or deliver, any frozen desserts without a permit issued by the health department of the city of Lynn.

B. The frozen dessert permit shall be subject to a fee of two dollars and application for the permit must be made with the milk inspector in the health department of the city of Lynn.

C. Any person who violates the provisions of this section shall be subject to a fine of not more than fifty dollars (\$50.00). (Ord. 5/8/75 §§ 1--3)

## Chapter 2.40

### PURCHASING DEPARTMENT

#### Sections:

- 2.40.010 Short title.
- 2.40.020 Definitions.
- 2.40.030 Purchasing department--Establishment--Control.
- 2.40.040 Purchasing agent.
- 2.40.050 Standards and specifications.
- 2.40.060 Requisitions.
- 2.40.070 Estimates of using agencies--Supplemental requisitions.
- 2.40.080 Inventories and surplus stock.
- 2.40.090 Competitive bids.
- 2.40.100 Purchases and sales involving less than four thousand dollars.
- 2.40.110 Emergency purchases.
- 2.40.120 Inspection and testing.
- 2.40.130 Splitting requisitions to avoid law.
- 2.40.140 Prohibition of interest.

- 2.40.010 Short title.

This chapter shall be known and may be cited as the "purchasing ordinance of the city of Lynn." (Ord. 5/14/82 § 1-100)

- 2.40.020 Definitions.

For the purpose of this chapter the following terms, phrases and words and their derivations shall have the meaning herein given when not inconsistent with the context. Words used in the present tense include the future tense. Words used in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Agent" or "purchasing agent" means the purchasing agent appointed pursuant to the provisions of this chapter or an acting purchasing agent appointed pursuant to the law or to the ordinances of the city.

"Contractual services" means and includes all public utility services; towel and cleaning services; the repair, maintenance or operation by other than city employees and the rental, with or without attendant personnel, of equipment, machinery and other personal property. The term shall include contractual services in the construction of repair of public buildings, highways or other public works. Professional expert consultant services will be awarded by the mayor and the city council.

"Obsolete", "unsuitable for use" and "surplus" when applied to supplies, means and includes supplies which have been determined to be such by the head of the using agency and which the head of the using agency has decided should be replaced or disposed of, provided, in the case of replacement, that an appropriation has been made therefor.

"Supplies" means and includes all supplies, materials, commodities and equipment.

"Services" means plumbing, electrical, rentals.

"Using agency" means any department, agency, commission, bureau or other unit under the jurisdiction of the City Charter, using supplies or contractual services as provided in this chapter. (Ord. 5/14/82 § 1-101)

2.40.030 Purchasing department--Establishment--Control.

A city purchasing department is established to be under the charge of a purchasing agent. (Ord. 5/14/82 § 1-102)

2.40.040 Purchasing agent.

A. The purchasing agent shall be the head of and have general supervision of the purchasing department. The agent shall perform all duties required of a department head by law or by ordinance and shall have the responsibilities, powers, and duties prescribed by this chapter. The purchasing agent shall give bond in an amount and with sureties satisfactory to the mayor and the city council for the faithful performance of duties.

B. The agent shall have the power and it shall be the agent's duty to purchase or contract for all supplies and contractual services needed by any using agency which derives its support wholly or in part from city funds, in accordance with purchasing procedures as prescribed by this chapter and such rules and regulations as may be prescribed by the mayor. Except as herein otherwise expressly provided, the authority of the agent to negotiate all purchases for all using agencies shall not be abridged by excepting any particular using agency and it is unlawful for any city officer or officers to order the purchase of any supplies or make any contract for supplies or for contractual services other than through the purchasing department, or any purchase order or contract made contrary to the provisions hereof shall not be approved by the city officials and the city shall not be bound thereby. No using agency shall be exempt, as such, from the provisions of this chapter, except as superseded by state law.

C. In addition to the purchasing authority conferred in subsection B of this section and in addition to any other powers and duties conferred by this chapter the agent shall:

1. Act to procure for the city the highest quality in supplies and contractual services at least expense to the city;

2. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales;

3. Establish and amend, when necessary, with the approval of the mayor and the city council, all rules and regulations authorized by this chapter and any others necessary to the operation of the purchasing department;

4. Prescribe and maintain such forms for the use of either the purchasing department or the using agencies as found reasonably necessary to the operations of the purchasing department;

5. Have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the city for a stated period of time with the approval of the city council;

6. Have the power to transfer supplies, with the approval of the mayor and the city council from one using agency to another as the purchasing agent may deem advisable and to determine the resultant charge and credit to the appropriations of the respective agencies;

7. Have the power to sell, by public auction or competitive bid, if possible, exchange or trade any supplies which have become obsolete, over age, unsuitable for use, or surplus, with the city council permission.

D. The mayor shall appoint a purchasing agent with the consent of the city council. The purchasing agent may be removed by the mayor and the city council, under procedures prescribed by the City Charter, at any time for just cause.

E. The salary of the purchasing agent shall be determined by city ordinance.

F. The purchasing agent will be in direct charge of all personnel of the purchasing department. Employees may not be of civil service status.

G. No full time purchasing agent shall be appointed unless he or she meets the following minimum requirements:

1. Shall have been regularly employed full time in an organized purchasing department for a minimum of four years in the direct procurement of materials and equipment and supplies; and educational qualifications as deemed necessary by the appointing authorities.

H. In all cases where books to be purchased are peculiar to the field of education, the school committee's and/or the library's determination as to the award shall be conclusive upon the purchasing department.

I. In all cases where library books are to be purchased, the board of trustees' determination to the award shall be conclusive upon the purchasing department. (Ord. 5/14/82 § 1-103)

#### 2.40.050 Standards and specifications.

The purchasing agent shall secure the cooperation and aid of the various department heads standard and written specifications for supplies used by the using agencies.

It shall be the duty of the agent to classify supplies used in the various using agencies, to adopt as standards the minimum number of quantities, sizes and varieties of supplies consistent with the successful operation of the city government and to prepare and adopt written specifications of all such standard supplies. Except in the cases of noncompetitive types and kinds of supplies, all specifications shall be definite and certain and shall permit of competition. After its adoption, each standard specification shall, unless revised or rescinded, apply alike in terms and effects to any future purchase order or contract for the supply described in such specifications except that the agent shall have the authority, with the written approval of the mayor, to exempt any using agency of the city from the use of any supply described in such specifications. The agent may consult with the heads of the using agencies to determine their precise requirements and shall endeavor to prescribe those standards which best meet the needs of the majority of those agencies. The agent shall have the authority to make use of the laboratory and engineering facilities of the city and technical staffs thereof. The agent shall enforce the, written specifications adopted pursuant to this section. (Ord. 5/14/82 § 1-104)

#### 2.40.060 Requisitions.

Except as provided in Section 2.40.110, requisitions, in form, as approved by the purchasing agent, for the purchase of supplies, or contractual services for any using agency shall be received by the purchasing department prior to the issuance of a purchase order or contract for such supplies

or contractual services and shall be signed by the head of the using agency or the head's authorized agent. (Ord. 5/14/82 § 1-105)

2.40.070 Estimates of using agencies--Supplemental requisitions.

All using agencies of the city shall file with the purchasing department detailed estimates of their requirements for supplies and contractual services in such manner, at such times, and for such future periods as the agent shall prescribe. This shall not prevent the using agency from filing with the purchasing department at any time a requisition for any supplies or contractual services the need for which was not foreseen when the detailed estimates were filed. (Ord. 5/14/82 § 1-106)

2.40.080 Inventories and surplus stock.

All using agencies shall submit to the purchasing department at such times as the agent shall prescribe, and in any event at each calendar year end, full and complete inventories of the personal property under the charge of such using agency. All using agencies shall submit to the agent, at such times as the purchasing agent shall prescribe, reports showing stocks on hand of all supplies which are no longer used or shall have become obsolete, overage, unsuitable for use or surplus. The agent shall have the authority, with the approval of the mayor and the city council to transfer surplus stock to other using agencies. The agent may require a perpetual inventory to be maintained and prescribed procedures, rules and regulations for doing so. (Ord. 5/14/82 § 1-107)

2.40.090 Competitive bids.

A. All purchases of and contracts for supplies and contractual services and all sales pursuant to this chapter involving a sum of four thousand dollars (\$4,000.00) or more shall be based upon competitive advertised bids.

B. Invitation for Bids. Proposals shall be invited by advertisements in not less than one newspaper published in the city or of general circulation therein at least seven days preceding the date specified for the opening of such proposals. Such notice shall include a general description of the articles to be purchased or sold, shall state where the bid blanks and specifications may be secured and the time and place for opening bids and shall reserve to the city the right to reject any or all such proposals. The agent shall also solicit sealed bids from responsible prospective suppliers or purchasers.

C. Submission, Opening and Tabulation of Bids--Security. All bids shall be submitted sealed to the purchasing department and when deemed necessary by the agent shall be accompanied by security in the form of check or cash or in such amount as shall be prescribed in the public notice inviting bids. Unsuccessful bidders shall be entitled to return of the security where the agent has required such as required by the bid law. A successful bidder shall be entitled to the return of his or her security upon his or her entering into a contract, but shall, at the discretion of the agent, forfeit any such security upon failure on his or her part to enter into a contract within fourteen (14) days. Bids shall be opened in public at the time and place stated in the newspaper notice which shall also be the closing time for bids. A tabulation of all bids received shall be available for public inspection in the agent's office and a record of same maintained by the agent.

D. Rejection of Bids. The agent shall have the authority to reject any or all bids or parts of bids for any one or more supplies or contractual services included in the proposed contract when the purchasing agent shall deem that the public interest shall be served thereby.

E. Award of Contract. Contracts for purchases shall be awarded to the lowest responsible bidder and contracts for sales shall be awarded to the highest responsible bidder. In determining the lowest or highest responsible bidder, the agent may consider, in addition to price, the quality, the cost of maintenance and, availability of parts, the terms of delivery offered, the experience of the bidder, the sufficiency of the financial resources of the bidder and the reputation of the bidder for ability, integrity, judgement and performance as well as the ability of the bidder to provide future maintenance and service. In the case of tie bids the agent shall have authority to award the contract to one of the tie bidders, except: when quality, price and service are equal, preference shall be given to bidders doing business in the city or to bidders who have already established a satisfactory service reputation with the city. When the award is not given to the lowest bidder, as the case may be, a full and complete statement of the reasons for awarding the contract elsewhere shall be prepared by the agent and filed with the mayor and the city council.

F. Exceptions. Those items that have been exempted from the provisions of General Laws, Chapter 30B (Uniform Procurement Act) by Section 1(b) subsections 24 and 30 of that statute, shall be exempted from the requirements of "competitive advertised bids" as set forth in this section. (Ord. 8/3/93 § 1; Ord. 5/14/82 §§ 1-108--1-112)

2.40.100 Purchases and sales involving less than four thousand dollars.

All purchases and sales where the amount involved is less than four thousand dollars (\$4,000.00) may be made in the open market without advertisement and without observing the procedures prescribed by Section 2.40.090 of this chapter for the award of contracts. All open market purchases or sales shall, when feasible, be based on at least three competitive bids and shall be awarded to the lowest or highest responsible bidder, as the case may be. The agent may solicit bids preferably by direct mail request to prospective vendors or by telephone. The agent shall keep a record of all open market orders and the bids submitted in competition therein and such records shall be open to public inspection for a period of two years. (Ord. 5/14/82 § 1-113)

2.40.110 Emergency purchases.

In cases of apparent emergency which requires the immediate purchase of supplies or contractual services for the protection of the health or safety of persons or property, the agent may, with the written approval of the mayor or, in his or her absence, the acting mayor, acquire such supplies or contractual services by open market procedure in accordance with Section 2.40.100, regardless of the amount of the expenditure in accordance with Bid Law Chapter 149, Section 44A through 44L, inclusive, M.G.L. 39M Chapter 30, including amendments. In case of actual emergency, the head of any using agency may with the approval, in writing of the agent or the mayor, after compliance with Chapter 579 of the Acts of 1980, purchase directly any supplies or contractual services whose immediate procurement is essential to the health or safety of persons or property, in accordance with Chapter 149, et al., the head of such using agency shall send to the purchasing department, a requisition and a copy of the delivery record. In every case of the purchase of supplies or contractual services under this section a full written report of the circumstances of the emergency shall be made by the agent or the head of the using agency, as the case may be, and shall be filed by the purchasing department as a permanent and public record of the purchase. (Ord. 5/14/82 § 1-114)

2.40.120 Inspection and testing.

The agent may inspect or supervise the inspection of all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract. The agent shall have the authority to authorize any using agency having the staff and facilities for adequate inspection to inspect all deliveries made to such using agency under rules and regulations prescribed by the agent. The agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. To perform such tests the agent shall have the authority to make use of laboratory facilities of any agency for the city government or of an outside laboratory. (Ord. 5/14/82 § 1-115)

2.40.130 Splitting requisitions to avoid law.

No requisition, order or contract shall be subdivided to avoid any of the requirements of this chapter by the purchasing agent or any heads of using agencies. (Ord. 5/14/82 § 1-116)

2.40.140 Prohibition of interest.

Any purchase order or contract made on behalf of the city under this chapter or otherwise in which the agent or any employees of his or her department the heads of using agencies, or any other officer or employee of the city having a part in the placing of such order or contract is financially interested, directly or indirectly, shall be void. (Ord. 5/14/82 § 1-117)



## Chapter 2.44

### BONDS OF CITY OFFICERS AND EMPLOYEES

#### Section:

2.44.010 Bonds of city officials, officers and employees.

2.44.010 Bonds of city officials, officers and employees.

A. The city officials, officers and employees hereinafter named, shall give bonds in form and with sureties satisfactory to the city solicitor and the mayor, for the faithful performance of their respective duties in the amounts set opposite their respective titles. The premiums on the bonds shall be paid by the city. All persons furnishing bonds, as above stated, shall be responsible for all subordinates whom they may employ or appoint. The bonds of the city treasurer and of the collector of taxes shall also be approved by the city council.

B. All bonds required under this chapter shall be in the custody of the city clerk, except the city clerk's bond, which shall be in the custody of the city treasurer. The city auditor shall see to it that all bonds required under this chapter are properly executed and approved within one month after the respective city officials, officers and employees have been qualified and have entered upon the duties of their offices or positions. He or she shall report all bonds to the city council as information as soon as the same are properly executed and approved.

C. The officials, officers and employees and the amounts of their respective bonds under the provisions of this chapter shall be as follows:

City treasurer	\$149,400.00
Assistant city treasurer	35,000.00
Collector of taxes	169,900.00
Deputy collector of taxes	1,000.00
City auditor	5,000.00
City clerk	8,400.00
Superintendent of the Pine Grove Cemetery	5,000.00
Account clerk of Pine Grove Cemetery	5,000.00
Superintendent of city home (city infirmary)	1,000.00
Chief of police	600.00
Cashier (collectors office)	5,000.00
Cashier typist (collectors office)	5,000.00

(Prior code Part I, Ch. II §§ 1--3)

## Chapter 2.48

### CITY BOARDS, OFFICES, COMMISSIONS AND COUNCILS GENERALLY

#### Sections:

- 2.48.010 Appointment to boards and commissions.
- 2.48.020 Council for the aging.
- 2.48.030 Commission for promotion and development of industrial resources.
- 2.48.040 Office of veterans.
- 2.48.050 Planning board.
- 2.48.060 Traffic and off-street parking commission.
- 2.48.070 Veterans' housing board.
- 2.48.080 Veterans' rehabilitation commission.
- 2.48.090 Youth commission.

#### 2.48.010 Appointment to boards and commissions.

A. This section relative to council appointments to boards and commissions is established, and this section shall provide that as a condition precedent to appointment, the city council must, prior to the appointment of any individual to any board or commission by a vote of the city council, provide written notice in a local newspaper that all applications and resumes for any individual interested in applying for that position shall be submitted thirty (30) days prior to the appointment to the city clerk.

B. If, in its discretion, the city council determines that interviews will be necessary, the city council shall establish a procedure for the interviews. (Ord. 4/27/93 §§ 1, 2)

#### 2.48.020 Council for the aging.

A. Established. The city council of the city of Lynn, pursuant to the provisions of General Laws, Chapter 40, Section 8B, establishes a board to be known as the council for the aging, Lynn council on aging, Lynn council for the aging, Lynn senior citizens' council on aging for the purpose of coordinating and carrying out programs designed to meet the problems of the aging in coordination with programs of the Council for the Aging of the Commonwealth of Massachusetts.

B. Appointment of Members and Terms. The council for the aging shall consist of eleven (11) members to be appointed by the mayor, subject to the provisions of the City Charter, and when first established, the terms of the council members shall be for a term not exceeding six years and so arranged that the terms of one-sixth of the members will expire each year, and thereafter, their successors shall be appointed for terms of six years each. The chairperson of the council shall be designated from time to time by the mayor. The members shall serve without compensation.

C. Appointment of Clerks and Employees. The council for the aging may, within the limits appropriated therefor, appoint such clerks and other employees as it may require.

D. Absences and Replacement. In the event that a member is absent for three consecutive meetings, the member may be replaced by the mayor. (Prior code Part II §§ 1--4 (Ord. 12/9/69; Ord. 4/9/68; Ord. 5/23/67; Ord. 6/14/60))

2.48.030 Commission for promotion and development of industrial resources.

The city council of the city of Lynn, in accordance with Chapter 297 of the Acts of 1954, establishes a development and industrial commission for the promotion and development of the industrial resources of the city of Lynn. Such commission shall consist of nine members to be appointed by the mayor, subject to the provisions of the City Charter, and when the commission is first established the terms of the members shall be for a term not exceeding five years and so arranged that the terms of approximately one-fifth of the members will expire each year, and thereafter, their successors shall be appointed for terms of five years each. (Prior code Part II § 1 (Ord. 12/14/54))

2.48.040 Office of veterans.

The veteran's services department and the veteran's benefits department shall be combined and the office shall be known as the office of veterans. (Ord. 11/27/90 § 1)

2.48.050 Planning board.

A. Established. The city council of the city of Lynn establishes a planning board consisting of five members, each to be a resident of the city of Lynn, in accordance with the provisions of General Laws, Chapter 41, Section 81A.

B. Appointment of Members. All members shall be appointed by the mayor, subject to confirmation by the city council for terms of such length and so arranged that the term of at least one member will expire each year and their successors shall be appointed for terms of five years each. (Prior code Part II § 1 (Ord. 1/24/56))

2.48.060 Traffic and off-street parking commission.

A. Established. There is established in the city of Lynn an unpaid board of seven members, each to be a resident of the city, to be known as the traffic and off-street parking commission.

B. Membership. All members shall be appointed by the mayor, subject to confirmation by the city council, for terms of such length and so arranged that the term of at least one member will expire each year and their successors shall be appointed for terms of five years each.

C. Duties. The board shall conduct surveys and make recommendations to the city council relative to improving traffic conditions and the acquisition of land for the purposes of off-street parking. (Prior code Part II §§ 1, 2 (Ord. 1/24/56))

2.48.070 Veterans' housing board.

A. Established and Membership. There is established in the city of Lynn, under the provisions of Chapter 372 of the Acts of 1946 and amendments thereto, an unpaid board of three members, to be appointed by the mayor, subject to confirmation by the city council, and designated as a veterans' housing board of the city of Lynn for sale of municipally-owned land located south of Holyoke St. and north of the city infirmary, to veterans, inhabitants of Lynn, for erection thereon by the veterans, of one and two-family houses.

B. Term of Office and Duties. Each of the members shall hold office for a period of three years from date of confirmation and shall submit to the city council, from time to time, names

and addresses of veterans, inhabitants of Lynn, found eligible by the board under Chapter 372 of the Acts of 1946, to receive deeds from the city of Lynn as hereinafter provided, and shall allocate the lot by number or letter from plan of city engineer of Lynn.

C. Construction Procedures. The city council, at the expense of the city, shall subdivide the above tract into parcels of adequate size for house lots, shall rough grade the ways and cause to be installed in the ways, water, sewer and gas; shall excavate each lot, as allocated, for cellar, and pour concrete cellar foundation into forms, which forms shall be furnished by each named veteran. Thereafter, each named veteran, by terms of instrument satisfactory in form to the city solicitor or assistant city solicitor, shall, at his or her expense, complete the erection of proposed house, on the designated lot, including house connection with street public services. The consideration to be paid by each veteran for each lot shall be fixed by the city council and may be nominal. (Prior code Part II §§ 1--3 (Ord. 5/13/47))

2.48.080 Veterans' rehabilitation commission.

A. Established and Membership. A veterans' rehabilitation commission of the city of Lynn is established consisting of not more than twenty-five (25) members to be elected by the city council as herein provided and who shall serve without compensation.

B. Duties. The commission shall from time to time and whenever requested, submit, in writing, to the city council, recommendations, plans and programs for soldiers, sailors and marines, including women, resident in Lynn, who have not been dishonorably discharged from service of the United States of America, aimed to assist all such veterans in restoring themselves to former capacity and process of readjustment to normal, productive civilian life; a copy of any such recommendation, plans or programs shall also be given by the commission to the director of rehabilitation of the city of Lynn for soldiers, sailors and marines, and the commission shall, before submitting any such recommendations, plans, or programs, advise and consult with the director relative thereto.

C. Election of Members and Terms of Office. The members of the commission shall be elected by the city council and after first election shall hold office until March 1st, 1946 and in February of 1946 and in February every two years thereafter shall be elected by the city council for a term of two years beginning March 1st following. Any member of the commission may be removed by the mayor in accordance with Section 42 of the City Charter. (Prior code Part II §§ 1--3 (Ord. 8/8/44))

2.48.090 Youth commission.

A. Established and Membership. There is established in the city of Lynn an unpaid board of twenty-three (23) members, each to be resident of the city, to be known as the Lynn youth commission. The president of the city council shall serve as a member of the board by virtue of this office and shall appoint two members of the city council to serve on the board during the term for which they were elected to the city council. The president of the city council shall appoint the remaining twelve (12) members of the board, for a term of three years, from business people, religious leaders, educators, civic leaders and sponsors of youth activities. Each member shall serve until the appointment and qualification of his or her respective successor. The president of the city council shall fill every vacancy for the unexpired term. The chairperson of the board shall be elected by the members of the commission by majority vote. Eight members shall be chosen as

follows: a boy and a girl from each of the four senior high schools - Lynn English High School, Lynn Classical High School, Lynn Vocational and Technical Institute and Saint Mary's High School to be elected each year by popular vote at an election held in each of the schools on the first Tuesday of November in each year and their term shall run until a duly elected successor is chosen. The election to be run by the school committee.

In the event that the student receiving the highest vote cannot serve, the student receiving the next highest vote shall take his or her place.

Upon adoption of this section by the Lynn city council a special election shall be held within two months in each high school to fill the posts on an interim basis until the election to be held on the first Tuesday of November, 1972. Any member absent from three consecutive meetings without justifiable cause will be removed.

B. Duties. The board shall inquire into the causes and origins of juvenile crime, violence, delinquency and vandalism and suggest measures for their alleviation. (Prior code Part II §§ 1, 2 (Ord. 1/11/72: Ord. 1/11/55))

## Chapter 2.52

### STADIUM COMMISSION

#### Sections:

- 2.52.010 Membership.
- 2.52.020 Duties.
- 2.52.030 Assistants.
- 2.52.040 Approval of event.

#### 2.52.010 Membership.

The mayor, a member of the city council to be elected by the city council, the superintendent of schools, the principal of the Classical High School, the principal of the English High School, the principal of Lynn Vocational and Technical Institute, the chairperson of the board of park commissioners, the councillor of ward one and a representative of the police department to be appointed by the chief of police, the superintendent of parks and their successors in office or employment, and one citizen, a resident of the city of Lynn, to be appointed by the mayor, which appointment is to be confirmed by the city council, shall constitute a stadium commission for the city of Lynn. All of the members of the board, with the exception of the citizen appointed by the mayor, shall hold office only for the period they are incumbents of the respective offices or positions, and the term of the citizen shall be for three years, and thereafter, his or her successor shall be appointed for three years. All of the members of the commission shall serve without payment of any compensation or remuneration. (Ord. 5/27/86; Ord. 9/15/76; prior code Part II § 1 (Ord. 1/18/27))

#### 2.52.020 Duties.

The commission shall have cognizance, general direction and control over that certain parcel of land and appurtenances to be here after acquired by the city of Lynn, situated or bounded by Ford Street, Locust Street, Bickerton Street and land of private owners, together with any and all other land and appurtenances hereafter acquired by the city and specifically set apart or dedicated by the city council for the use of the stadium commission; the land and appurtenances to be used by the stadium commission for the purposes set forth in Section 14 of Chapter 45 of the General Laws and acts and amendments thereto. (Prior code Part II § 2 (Ord. 1/18/27))

#### 2.52.030 Assistants.

The commission may appoint all necessary assistants or help, define their powers and duties and fix their compensation and do all acts needful for the proper execution of their powers and duties in accordance, however, with the laws of this commonwealth. (Prior code Part II § 3 (Ord. 1/18/27))

#### 2.52.040 Approval of event.

No event shall take place at Manning Bowl or Fraser Field (other than those events which are related to sports activities), without the prior approval of the Lynn city council. (Ord. 11/10/92 § 1)



## Chapter 2.56

### WATERWAYS COMMISSION

#### Sections:

- 2.56.010 Purpose.
- 2.56.020 Composition.
- 2.56.030 Terms of office--Election of chairperson.
- 2.56.040 Powers and duties.
- 2.56.050 Areas of jurisdiction.
- 2.56.060 Concurrent jurisdiction.

#### 2.56.010 Purpose.

The waterways commission, hereinafter the "commission", is formulated for the purpose of providing a clear, effective and professional policy for the planning, development and management of Lynn's waterways. The commission will seek continuity in policy to secure public access to the waterfront, protect the rights of current marine interests and promote development consistent with historic usage and the public interest. The policy of the commission will ensure the interests of commercial, fishing and recreational boating and that the waterways will be accessible to all citizens. (Ord. 11/28/89 § 1)

#### 2.56.020 Composition.

A. The mayor shall appoint, subject to the confirmation of the city council, a waterways commission which shall consist of seven members who must be electors and residents of the city of Lynn. The harbormaster shall serve as an ex-officio member of the commission without vote. The membership shall, to the extent possible, be familiar with the land, water activities and usage of Lynn's waterways. The membership shall include one designee from a yacht club and one representative from the department of community development or their advisory board. The city council shall appoint two members of the commission and the mayor shall appoint five members subject to confirmation by the city council.

B. Except for the harbormaster, no regular or alternate member of the waterways commission shall receive compensation for service but may be reimbursed for any necessary expenses. (Ord. 11/28/89 § 2)

#### 2.56.030 Terms of office--Election of chairperson.

A. The term of all members shall run for three years except that the initial terms shall be staggered so that the terms of not more than three members shall terminate in any single year. Alternate members shall be appointed for two years except that the initial term of alternate shall be for one year. If a member resigns or is removed for any reason before his or her term expires a replacement shall be appointed within one month of termination by the mayor to complete the term of the member. If an alternate member is selected to fill a vacancy then the mayor will, within one month, appoint a replacement alternate member.

B. The commission shall elect a chairperson and secretary. The commission may form subcommittees to address specific duties of the commission. (Ord. 11/28/89 § 3)



2.56.040 Powers and duties.

The Lynn waterways commission is authorized empowered and required:

A. To prepare and implement a comprehensive proposed harbor management plan and to provide for the annual review of the plan. This plan will be known as the Lynn waterways commission plan, and shall be subject to city council approval.

B. To recommend procedures, and long range plans for recreational and commercial boats in regard to dockage, launching, moorings and for water dependent development projects; to confirm the enforcement powers, of city, state, and federal authorities; to advise the city council concerning fees and charges for city operated facilities within the commission's jurisdiction; to recommend to the city council setting fines for violation of regulations all consistent with existing law and state and federal guidelines.

C. To research, articulate, publicize and help implement the various rules and regulations mandated by the State Department of Environmental Quality Engineering, Chapter 91, permitting process and the Army Corps of Engineers licensing procedures as they apply to all development projects in the areas of the waterways of the city of Lynn under the jurisdiction of the commission.

D. To make recommended ordinances for adoption by the Lynn city council consistent with any Lynn waterways commission plan ultimately adopted.

E. To direct the harbormaster in the assignment of moorings and placement of floats or rafts held by bottom moorings, the management of mooring areas and the collection of mooring fees if such fees are established.

F. To direct the harbormaster (wharfinger) in the management, maintenance, and supervision of the Lynn public landing (Blossom Street Extension) including the public parking area adjacent thereto. The commission shall set fees for the use of the facilities and the commercial pier subject to the approval of the city council.

G. To review the operating budget of the harbormaster using funds from sources which may include, but are not limited to, local appropriation, mooring fees, excise fees collected under Chapter 60b, violation fines or a harbor management fund established by ordinance; and to make fiscal recommendations to the mayor.

H. To make recommendations to the mayor and city council, department of community development and EDIC on the operation of all docking facilities and potential docking facilities on the Lynn waterways.

I. To act as liaison between the city of Lynn and the Army Corps of Engineers, DEQE's Division of Wetlands and Waterways and the Massachusetts Office of Coastal Zone Management.

J. To review and make recommendations on proposed zoning changes for land bordering the waterways. Such recommendations shall be forwarded to the planning board and to the city council.

K. To review and make recommendations to the mayor and city council on proposed water use activities contiguous to the waterfront and within the waters delineated in Section 2.56.050 of this chapter that are received for review by other municipal agencies.

L. To review for consistency with any harbor management plan and public notice of an application for a local, state or federal permit for any activity taking place within the commission's

jurisdiction as described in Section 2.56.050 of this chapter, and to respond in a timely fashion with recommendations to the regulating agencies.

M. To conduct or cause to be conducted, studies of the conditions and operations in and adjacent to Lynn waters and to present to the office of the mayor proposals for the harbor's efficient operation.

N. To work with other city agencies and departments in making applications for, receiving and administering grants or subsidies from any state or federal agency and to investigate all accepted financial policies to raise revenues for the planning, construction or financing of any waterways related project.

O. To prepare an annual report in accordance with the City Charter.

P. To meet at least once a month on a day to be scheduled by the commission. (Ord. 11/28/89 § 4)

#### 2.56.050 Areas of jurisdiction.

The commission has geographic jurisdiction over:

A. The area located in the waters of the city of Lynn bounded by the projection of the boundary line of neighboring towns.

B. All tidal and intertidal zones within these boundaries and all land in the city of Lynn immediately contiguous to these zones.

C. All current and future launching and docking facilities within these boundaries. (Ord. 11/28/89 § 5)

#### 2.56.060 Concurrent jurisdiction.

Nothing contained in this chapter shall be construed to supersede or conflict with the jurisdiction of the federal government with respect to the enforcement of the navigation, shipping, anchorage, and associated laws of the United States, or any lawful regulation of the Division of Wetlands and Waterways regulations, Department of Environmental Quality Engineering, or the Division of Marine and Recreational Vehicles or any laws of the commonwealth of Massachusetts. (Ord. 11/28/89 § 7)

## Chapter 2.60

### CEMETERY COMMISSION

#### Sections:

- 2.60.010 Membership.
- 2.60.020 Treasurer.
- 2.60.030 Duties.
- 2.60.040 Superintendent bond.
- 2.60.050 Perpetual care and land grading funds.
- 2.60.060 Public lots.
- 2.60.070 Deeds of lots.
- 2.60.080 Grants, donations and bequests.
- 2.60.090 Rules and regulations--Violation--Penalty.

#### 2.60.010 Membership.

There shall be a board of cemetery commissioners consisting of ten (10) members as provided for in the deed dated June 3, 1836, given by the Pine Grove Cemetery Corporation conveying the land known as the Pine Grove Cemetery in Lynn to the city of Lynn, and who shall perform and exercise the powers and duties conferred upon them by the City Charter, and who shall perform and exercise the powers and duties conferred upon them by the City Charter and the general laws of the commonwealth, and who shall serve without pay. (Ord. 6/10/86 § 1; prior code Part I, Ch. XIV § 1)

#### 2.60.020 Treasurer.

The city treasurer of Lynn shall be eligible for appointment to the board, and shall in any case, whether or not he or she is appointed as a member of the board, act as treasurer therefor. Any and all sums of money given, deposited and set aside as aforesaid received by the board in trust as aforesaid shall be invested by the board or such committee thereof as shall be delegated by the board for that purpose under the direction of the board in such state, county, municipal or such other securities as may be legal investments for Massachusetts savings banks, and shall together with any and all sums hitherto received and so invested, always remain separate from and independent of any other money or property of the city and the income of the money or funds shall be credited by the city treasurer and be subject to the order of the commission and be expended by it in such manner as shall in its opinion best promote the purposes for which the grants, donations, bequests or deposits are respectively made. The securities and evidences of property belonging to the cemetery shall be kept in the vault of a reliable safe deposit company, access to which shall be had only by the treasurer, and the chairperson of the cemetery commission together. All checks drawn against the deposit of funds belonging to the perpetual care and permanent funds shall be signed by the city treasurer and countersigned by the chairperson of the cemetery commission or by some member of the same duly appointed by him or her to act in his or her place. (Prior code Part I, Ch. XIV § 8 (Ord. 6/8/26))

#### 2.60.030 Duties.

The board shall have sole care, superintendence and management of Pine Grove Cemetery, the Eastern and Western burial grounds and of the New Light burial ground, so far as the city of Lynn has any right to exercise jurisdiction over the same, and any additional cemeteries and land which may be from time to time acquired by the city for cemetery purposes, shall make all necessary bylaws, rules and regulations governing the sale of lots and the care and development of the cemeteries and burial grounds aforesaid not inconsistent with the terms of any agreements or deeds of trust or other conditions upon which conveyance of real estate have been or may be made to the city of Lynn for cemetery purposes, and not inconsistent with the laws of the commonwealth, and with the further provisions of this chapter and of any ordinance or ordinances of the city of Lynn. (Prior code Part I, Ch. XIV § 2)

2.60.040 Superintendent bond.

The member of the board of cemetery commissioners who is elected as superintendent of the same shall give a bond in the amount of two thousand five hundred dollars (\$2,500.00) for the faithful performance of his or her duties. (Prior code Part I, Ch. XIV § 12)

2.60.050 Perpetual care and land grading funds.

A. From the sale of all lots and single graves, the commission shall determine and set aside a certain amount to be known as the perpetual care fund. The income from the fund shall be expended as per agreement given in the deed of the lot or grave.

B. From the sale of all lots and single graves, the commission shall determine and set aside a certain amount to be known as the land grading fund. This fund may be used for the development of existing land, purchase of new land; improvement and embellishment of the cemetery or for the care and maintenance of Pine Grove Cemetery whenever the income from the perpetual care fund and other revenues shall be inadequate to care for the cemetery. (Ord. 8/2/83 § 1: Ord. 3/29/83 § 1: prior code Part I, Ch. XIV §§ 6, 7)

2.60.060 Public lots.

The board shall keep, set apart and appropriate a portion of the Pine Grove Cemetery as a public burial place for the use of the inhabitants of the city of Lynn, free from any charge therefor, but exclusive control shall not be granted to any persons over any part of the cemetery so set apart. The method of procedure for interment in the public lot shall be as follows:

A. Application shall be made to the overseers of the poor for a permit by a member of the family, which permit shall be granted only after such investigation by the overseers of the poor as shall enable them to determine that such action is necessary;

B. The overseers shall issue permits only in cases such as they determine to be necessary;

C. Upon presentation of the permit to the superintendent of the cemetery and with the interment fee, interment shall be permitted in the public lot as aforesaid;

D. Burial of infants under fourteen (14) days may be made in the public lots without the permit. (Prior code Part I, Ch. XIV § 10)

2.60.070 Deeds of lots.

All deeds of lots or rights of burial in Pine Grove Cemetery shall be signed by the mayor and countersigned by the chairperson and secretary of the board. They shall be sealed by the mayor with the a common seal of the city. Every such deed shall be further countersigned by the city treasurer upon receipt of the sum named as the consideration therein and not otherwise. It shall be the duty of the city clerk to make due and proper record of all deeds, conveyances and transfers and of lots or rights of burial, executed as aforesaid, in such books or books as shall be provided for that purpose, and such record, so made, shall be afforded the same care and preservation as other legal records. (Prior code Part I, Ch. XIV § 11)

2.60.080 Grants, donations and bequests.

A. The board is authorized to take and hold any grants, donations and bequests of property upon trust and to apply the same or the income thereof for the improvement or embellishment of the cemeteries or burial grounds, or for the repair, preservation or removal of any monument, or other erection, or for the planting and cultivation of plants on any lot or for any other improvement consistent with the use of the cemetery according to the limits of such grant, donation or bequest.

B. Whenever any such grant, donation or bequest, or deposits shall be made by the proprietors of any lot in the cemetery, for the repair, preservation or embellishment of such lot and the erections thereon, the board of commissioners shall give the proprietor or proprietors of such lot, or to his or her or their representatives, an agreement, to bind the city to expend the income in the repair, preservation and improvement of the lot or lots, and the erections thereon forever. The agreement shall be recorded by the city clerk in a book to be provided for that purpose, to be kept in his or her office.

C. The agreement named in subsection B of this section shall be in form as follows:

Whereas, the Pine Grove cemetery commission of Lynn, in the county of Essex, by virtue of the ordinances of the city of Lynn relative thereto have received on permanent deposit the sum of \_\_\_\_\_ dollars from the proprietor of lot numbered \_\_\_\_\_ situated on \_\_\_\_\_ in said cemetery, to be invested in the manner provided by the second section of said ordinance, the city of Lynn hereby agrees that the income of said deposit shall be expended in the manner following: First, in the necessary care, annually of the grounds and erections within and adjacent to said lot, and the remaining income, if any, in the preservation, removal and improvement of the erections on said lot from year to year as the board shall deem for the interest of said lot.

In Witness whereof, the said Pine Grove cemetery commission have caused this agreement to be signed by \_\_\_\_\_ chairman, and to be countersigned by \_\_\_\_\_ secretary and sealed with the seal of the city of Lynn, this \_\_\_\_\_ day of \_\_\_\_\_ A.D.

(Prior code Part I, Ch. XIV § 5)

2.60.090 Rules and regulations--Violation--Penalty.

The following rules and regulations relative to the care and management of cemeteries and burial grounds in the city of Lynn shall be a part of this chapter:

A. No person visiting any of the cemeteries or burial grounds shall walk or pass upon any part of the grounds except upon the avenues and paths and in decent and respectful manner, provided, however, that any proprietor of a lot may enter upon the same.

B. No person shall use the cemetery or burial grounds as a thoroughfare to get from one part of the city to another.

C. No riding or driving shall be permitted in any part of the grounds of the aforesaid cemeteries, except upon the avenues and at a slow pace. This applies also to automobiles and bicycles. The commissioners make special rules for the exclusion of automobiles or other vehicles on any special days or season of the year or any hours thereof.

D. No person shall fasten a horse upon the grounds aforesaid except at the places provided for the purpose, nor leave one unfastened without a keeper, and no person shall suffer any dog belonging to him or her or in his or her care to enter into the cemeteries and burial grounds.

E. No person shall gather any flowers, either wild or cultivated, within the cemeteries or burial grounds, nor remove, cut, break or mark any trees, shrubs or plants and no person shall cut down or destroy any tree within any lot or border without permission obtained from the board of cemetery commissioners, provided, however, that nothing herein contained shall be construed so as to prohibit any proprietor of a lot from removing flowers, shrubs or plants other than trees from his or her own lot or from its borders when they shall have been planted and cultivated at his or her own expense.

F. No person shall climb on or over, write or mark upon, deface or injure any monument, gravestone, fence, rustic seat, or other structure, in or belonging to the cemeteries and burial grounds.

G. No person shall discharge any firearms of any kind in any of the aforesaid cemeteries and burial grounds, except at military funerals, unless by direction of the superintendent thereof; nor shall attempt in any manner to destroy or annoy the birds, squirrels or other animals found thereon.

H. No person detected in the violation of any of these provisions of this chapter or any disorderly conduct, shall remain in the cemetery or burial grounds within which the violation or disorderly conduct has occurred, after having been directed by the superintendent or his or her assistants thereof to depart.

I. Any person who shall offend against any of the provisions of this chapter shall forfeit and pay, for each and every offence, a sum not less than five dollars nor more than twenty dollars (\$20.00). (Prior code Part I, Ch. XIV § 9)

## Chapter 2.64

### CENTRAL APPOINTING AUTHORITY FOR MUNICIPAL EMPLOYEES

#### Sections:

- 2.64.010      Established.
- 2.64.020      Filling vacancies.
- 2.62.030      Attendance reports.
- 2.64.040      Violation--Penalty.

#### 2.64.010      Established.

A chapter creating a central appointing authority for the hiring of civil service and non-civil service municipal employees for the city of Lynn, to include: full-time, part-time, permanent, temporary, seasonal and/or emergency employees, but excluding therefrom all department heads, administrative officers, members of boards and commissions, all employees of the school department of the city of Lynn and all positions specifically covered by the Lynn home rule charter is established and this chapter shall provide as follows:

A. Any and all ordinances designating appointing authorities for the various departments and agencies within the body corporate and politic of the city of Lynn, as heretofore amended, are further amended as follows:

1. All appointments shall be made with the concurrence of the personnel director and existing appointing authority.
2. The mayor may designate the personnel director as the appointing authority for appointments for which he or she has responsibility. This will be done annually with a letter to the city clerk by the second Monday of January or thirty-one (31) days after adoption of this chapter. (Ord. 3/1/83 § 1)

#### 2.64.020      Filling vacancies.

When vacancies occur within a department or agency of the city of Lynn or when a new position is sought for any reason, or if an upgrading of an employee resulting in an increase in remuneration is sought, other than the normal in-grade annual step increases contained in contracts with employee organizations, the following procedures shall apply:

A. As a vacancy exists, the department head or appointing authority shall notify the personnel director who will forward such request and his or her recommendation to the committee on ways and means. The ways and means committee will then submit its report to the full city council for approval or rejection.

B. In filling of vacancy or new position, the department head or appointing authority shall request a list of eligible applicants from the personnel director. All appointments shall be made after filing proper application forms with the personnel department.

C. If no eligible list of candidates is available, only the personnel department shall seek candidates through advertising or other means.

D. Any individual hired without having followed the above procedure shall be terminated forthwith. (Ord. 3/1/83 § 2)

2.62.030 Attendance reports.

The heads of all departments and agencies, or their designee, within the body corporate and politic of the city of Lynn shall submit to the personnel department a weekly report of the attendance in each department of all employees, excluding all employees of the Lynn school department. The reports shall be submitted for the week starting July 3, 1983 and for each successive week thereafter, to the personnel office on the Monday morning following the week covered by the report. (Ord. 3/1/83 § 3)

2.64.040 Violation--Penalty.

Any department head violating or abetting the violation of this chapter shall automatically be subject to an immediate three day suspension with loss of pay. (Ord. 3/1/83 § 4)



## Chapter 2.68

### PUBLIC LIBRARY

#### Sections:

- 2.68.010 Board of trustees--Duties.
- 2.68.020 Appointment of trustees.
- 2.68.030 Library employees--Pay.
- 2.68.040 Positions within public library.

#### 2.68.010 Board of trustees--Duties.

A. Administration and Control. The administration and control of the public library of Lynn, including all branch libraries, is vested in a board of eleven (11) trustees, to be known as the board of trustees of the public library and whose members shall serve without compensation. The board shall elect its own chairperson. The custodian of all funds of the public library shall be the city treasurer and his or her successors who shall serve without pay therefor.

##### B. Duties.

1. Appointment of Librarian. The trustees shall have power to appoint a librarian, and to make all needful rules and restrictions for the use and enjoyment of the library or libraries by the inhabitants of Lynn, subject however, to such regulations as may from time to time be established by the city council.

2. Reports. The board of trustees shall, annually, in the month of January, and whenever required by the city council, make a report in writing concerning the condition of the library and the number of books added during the year, together with an account of all receipts and expenditures, and such items of information as they may deem important.

3. Grants, Donations and Bequests. All grants, donations or bequests received by the library shall be invested by a board of library trustees or such committee thereof as shall be delegated by the board for that purpose, under the direction of the board, in such state, county, municipal or other securities that may be legal investments for Massachusetts Savings Banks and shall, together with any and all sums hitherto received and so invested, together with any income therefrom, remain separate from and independent of any other money or property of the city in the hands of the city treasurer.

##### 4. Collection of Rents.

a. The board of trustees shall have in addition to those powers set forth regarding the control of the public library of Lynn, including all branch libraries, the power to rent, as in their judgment they deem proper at such terms and conditions as they may agree and vote.

b. All rents collected from the renting of any and all branch libraries shall remain separate from and independent of any other money or property of the city in the hands of the city treasurer and be kept available for the sole use by the board of trustees for library purposes. (Ord. 8/2/83 § 1; prior code Part I, Ch. XXI §§ 1 (Ord. 9/21/37), 3, 5, 6)

#### 2.68.020 Appointment of trustees.

The mayor, upon the adoption of this chapter, shall subject to confirmation by the city council, appoint the trustees provided for in Section 2.68.010. Four shall be appointed for the term

of one year ending the first of April, 1919; four for the term of two years ending the first of April, and three for the term of three years ending the first of April, 1921, and the mayor shall annually in the month of March provide for the vacancies that are to occur on the first of the following month by appointments, subject to confirmation by the council, for the term of three years. All trustees shall serve until their successors are appointed and qualified. The present board of trustees of the public library shall continue to serve until a majority of the members of the board provided for by this chapter have been appointed and qualified. (Prior code Part I, Ch. XXI § 2)

2.68.030 Library employees--Pay.

All laborers, workmen, and mechanics employed in or about the public library building or buildings, or directly or indirectly by the public library trustees, shall be entitled to receive their wages weekly, and shall not be required to work more than eight hours a day. All employees of the library who are required to work on Sunday, shall be paid for each Sunday or portion thereof that they are employed. (Prior code Part I, Ch. XXI § 4)

2.68.040 Positions within public library.

The titles of the various positions at the Lynn Public Library are fixed as follows:

Chief librarian

Assistant chief librarian and circulation librarian

Technical services librarian

Librarian - director, work with children

Reference librarian

Branch librarian I

Branch librarian II

Extension services librarian

Assistant circulation librarian

Librarian - readers' advisor

Young people's librarian

Head librarian - central children's dept.

Assistant branch librarian

Librarian I (A.B. or B.S. Degree)

Librarian 2 (eighteen (18) hours of graduate work in

L.S. or a masters in any other field of study)

Librarian 3 (Masters degree in Library Science)

Librarian

Library assistants

Pages

(Prior code Part I, Ch. XXI § 1 (Ord. 4/13/68; Ord. 8/10/65; Ord. 7/13/65))

## **Chapter 2.72**

### **CITY AUTOMOBILES**

Sections:

- 2.72.010 Marking vehicles--Exceptions.  
2.72.020 Failure to comply.  
2.72.030 Business use of vehicle required--Penalty--Exception.

2.72.010 Marking vehicles--Exceptions.

A. Uniform Marking. All automobiles in the service of the city of Lynn, and the property of the city, shall have a uniform marking with letters which are conspicuous and clear, each letter not to be less than one inch in height, in a conspicuous place on the outside of each automobile, the inscription to be as follows:

A circle within a circle, the diameter of the outside circle being six inches and the diameter of the inside circle four inches, both having the same centers; in the center of the inner circle the word "Lynn" in letters one inch in height, the department being named between the inner and outer circle.

B. Exceptions. Subsection A of this section shall not apply to such automobiles in the use of the poor department as may be employed in the distribution of supplies and other relief work of that department and one automobile in the health department used in transporting the sick. (Prior code Part I, Ch. XVIII §§ 1, 2)

2.72.020 Failure to comply.

Failure to comply with Section 2.72.010 of this chapter shall result in the discontinuance of the use of the automobile which has not been properly lettered until such time as it has been marked as provided in Section 2.72.010. (Prior code Part I, Ch. XVIII § 3)

2.72.030 Business use of vehicle required--Penalty--Exception.

A. City Business. No automobile in the service of the city and the property of the city of Lynn shall be used by any person except on the business of the city and in the direct service of the city.

B. Penalty. Any employee of the city detected in the violation of this section may be punished by the loss of his or her position, and any person violating this section shall be guilty of misdemeanor.

C. Exception. Subsection A of this section shall not apply to emergency cases in which the operator of a municipal automobile may assist or relieve by the use of a municipal automobile, illness or accidents with which he or she comes in contact in ordinary course of the business of the city. (Prior code Part I, Ch. XXVIII §§ 4, 5 (Ord. 5/13/24))

## **Chapter 2.76**

### **PERSONNEL**

Sections:

- 2.76.010 Residency requirement.  
2.76.020 Mechanics or laborers--Employment preference to city residents.  
2.76.030 Work hours--City hall employees.

- 2.76.040 Subordinate officers--Appointment by mayor.
- 2.76.050 Assistant clerk of state and military aid and soldiers' relief.
- 2.76.060 Department heads--City clerk salary.
- 2.76.070 Civil service classification titles.
- 2.76.080 Salary schedule.
- 2.76.090 Longevity pay.

2.76.010 Residency requirement.

All persons now or hereafter to be employed in any department of the city of Lynn under the jurisdiction of the city council of the city of Lynn shall, continuously, during such employment, be domiciled and actually reside within the city of Lynn as of July 13, 1976. (Ord. 7/12/77 § 1)

2.76.020 Mechanics or laborers--Employment preference to city residents.

All departments employing mechanics or laborers for the city of Lynn shall give to Lynn citizens the preference. (Prior code Part I, Ch. XXIII)

2.76.030 Work hours--City hall employees.

The hours of labor of city hall employees of the city of Lynn, except custodians and janitresses, are fixed from eight-thirty a.m. to four p.m. on Mondays, Wednesdays and Thursdays; from eight-thirty a.m. to eight p.m. on Tuesdays with thirty (30) minutes for supper; and from eight-thirty a.m. to twelve-thirty p.m. on Fridays. On all days except Friday, there will be a sixty (60) minute lunch hour. (Ord. 2/25/75 § 1)

2.76.040 Subordinate officers--Appointment by mayor.

The field drivers, fence viewers, surveyors of lumber, surveyors of shingles and clapboards, inspectors of lime, measurers of wood and bark, pound keepers, measurers of charcoal baskets, measurers of upper leather, fish committee, and all other subordinate officers, whose appointment or election is not otherwise provided for by ordinance or statute, shall be appointed by the mayor with approval of the city council. (Prior code Part I, Ch. V)

2.76.050 Assistant clerk of state and military aid and soldiers' relief.

There shall be an assistant clerk of state and military aid and soldiers' relief who shall be elected and hold office at the pleasure of the city council and shall be under the general direction of and perform such duties as designated by the clerk of state and military aid and soldiers' relief, and shall devote his or her full time to the performance of his or her duties. (Prior code Part II § 1 (Ord. 11/12/35))

2.76.060 Department heads--City clerk salary.

A. The heads of all departments of the city of Lynn shall be governed by and entitled to the same terms of employment as the majority of the employees they supervise, effective July 1, 1983.

B. The salary of the city clerk shall be twenty-nine thousand two hundred seventy-two dollars and sixty cents (\$29,272.60) per year. (Ord. 12/13/83 §§ 1, 2)

2.76.070 Civil service classification titles.

A. The proper classification titles for certain municipal employees of the city of Lynn to conform to the division of Civil Service Munclass Manual, effective June 30, 1975, shall be as follows:

Former Title or Position	Munclass Manual Title	Code No.
Principal clerk and secretary to dept. head	Principal clerk and secretary	0321A
D.P.W administrative coordinator	Delete	
Yard clerk	clerk	0301A
Timekeeper	Time and construction clerk	0314A
Senior clerk bookkeeper	Senior clerk	0301B
	Bookkeeper	0525A
First deputy inspector of weights and measures	Chief deputy inspector of weights and measures	1961H
Veterans' benefits investigator	Veteran's services investigator	0996E
Veterans' benefits agent	Veterans' agent	0996A
Assistant veterans' benefits agent	Assistant veterans' agent	0996C
Clerk and telephone operator	Delete	
Senior clerk and telephone operator	Senior clerk	0301B
	Telephone operator	0382A
Clerk and typist and telephone operator	Clerk and typist	0322A
	Telephone operator	0382A
Senior clerk and typist and statistical machine operator	Senior clerk typist	0322B
	Statistical machine operator	0356A
Meter reader and water inspector	Water service inspector	1602D
Head meter reader and water inspector	Head water service inspector	1602F
Assistant inspector of wires	Assistant wire inspector	1830B
Recreation leader (general)	Recreation leader	0189A
Recreation supervisor (general)	Recreation supervisor	0188A
Police inspector (rank of lieutenant)	Detective lieutenant	0083I
Patrolman	Police officer	0083A
Policewoman	Police officer	0083A
Police matron	Detention attendant	0083K
Janitress	House worker	3503A
Supervisor of heating, ventilating and custodian service	Supervisor of custodians and maintenance	01640A
Second-class stationary engineer	Second class stationary engineer	5402B
First-class stationary engineer	First-class stationary engineer	5402A
Civil engineer grade 5	Senior civil engineer	0810C

Former Title or Position	Municlass Manual Title	Code No.
Civil engineer grade 4	Assistant civil engineer	0810B
Civil engineer grade 3	Junior civil engineer	0810A
Civil engineer grade 2	Senior engineering aide	0802B
Civil engineer grade 1	Junior engineering aide	0802A
Senior civil engineering draftsman	Senior draftsman	0818C
Electric water pumping station operator	Pumping station operator	5449A
Chief electric water pumping station operator	Chief pumping station operator	5449E
Public health nurse	Nurse	0615A
Supervising public health nurse	Supervising nurse	0615B
Cleaner	House worker	3503A
Public works laborer	Laborer	3502A
Cemetery laborer	Laborer	3502A
Water system laborer	Laborer	3502A
Park laborer	Laborer	3502A
Working foreman cemetery laborer	Working foreman laborer	3502B
Working foreman park laborer	Working foreman laborer	3502B
Working foreman public works laborer	Working foreman laborer	3502B
Sewer laborer	Laborer	3502A
Street laborer	Laborer	3502A
Sanitary laborer	Laborer	3502A
Working foreman sewer laborer	Working foreman laborer	3502B
Working foreman street laborer	Working foreman laborer	3502B
Working foreman sanitary laborer	Working foreman laborer	3502B
Institution house worker	Houseworker	3503A
Institution kitchen worker	Cafeteria helper	7408A
Institution medical worker	Medical worker	7504A
Institution laundry worker	Laundry worker	7304A
Institution laborer	Laborer	3502A
Institution house and kitchen worker	Houseworker	3503A
	Cafeteria helper	7408A
Garage man	Garage attendant	5806D
Laborer-watchman	Laborer	3502A
Working foreman garageman	Delete	
Institution maintenance man	Building maintenance man	4752B
Working foreman institution maintenance man	Working foreman building maintenance man	4752D
Screen operator	Delete	
Ledgeman	Delete	
Motor equipment operator and laborer	Motor equipment operator	5703A

Former Title or Position	Municlass Manual Title	Code No.
	Laborer	3502A
Special heavy motor equipment operator	Special motor equipment operator	5703C
Working foreman special heavy motor equipment operator	Working foreman special motor equipment operator	5703G
Heavy motor equipment operator and laborer	Heavy motor equipment operator	5703B
	laborer	3502A
Senior institution house worker	Senior house worker	3503B
Vermin exterminator	Delete	
Seamstress	Sewer	3110A
Tree climber and surgeon	Tree surgeon	5042A
Water meter repairman and installer	Water meter installer	4240A
	Water meter repairman	4240C
Carpenter and public works maintenance man	Carpenter	4607A
	Public works maintenance man	4742B
Stonecutter	Stone cutter	3640C
Working foreman painter and glazier	Working foreman painter	4102C
	Working foreman glazier	3203C
Greenhouse man	Greenhouse gardener	5043A
Working foreman greenhouse man	Delete	
Working foreman tree climber and surgeon	Working foreman tree surgeon	5042C
Institution cook	Cook	7404A
Senior institution cook	Senior cook	7404C
Data processing systems coordinator	Data processing systems manager	0330A
Working foreman gardener	Delete	

B. All correspondence with the division of civil service for the purpose of filling vacancies in the above mentioned positions shall use the titles as set forth in this chapter. (Ord. 6/30/75 §§ 2, 3)

#### 2.76.080 Salary schedule.

A. Administrative Officers. The salary schedule of the following civil service and non-civil service municipal employees, administrative officers and members of boards and commissions of the city of Lynn, except employees of the school department and certain employees of the welfare department, shall be as follows:

Title or Position	Per Year Effective January 1, 1972
City clerk	\$16,225.06
City treasurer	16,225.06
City auditor	16,225.06
City solicitor	16,225.06
City solicitor (first assistant)	12,551.63
City solicitor (second assistant)	11,936.35
City collector	16,225.06
Commissioner of public works	20,285.88
Associate commissioner of public works	16,225.06
Associate commissioner of public works- engineering	16,225.06
Associate commissioner of public works-streets and sewers	16,225.06
Superintendent of buildings	16,225.06
Superintendent of parks and playgrounds	16,225.06
City electrician	16,225.06
Clerk of committees	7,975.80
Purchasing director	5,697.00
Assistant city clerk	1,709.10
Assistant city treasurer	1,582.50
Commissioner of public health	16,225.06
Assessors (each)	16,225.06
Chief librarian	16,225.06
Chairperson, board of election commissioners	14,857.78
Mayor's secretary	13,103.10
Mayor's stenographer	8,490.81
Mayor's receptionist	6,750.63
Director of veterans' services	14,857.78
Veterans' benefits agent	
1st year	14,349.69
2nd year	14,558.11
3rd year	14,857.78
Inspector of weights and measures	
1st year	14,349.69
2nd year	14,558.11
3rd year	14,857.78
Superintendent of cemeteries	
1st year	15,228.84
2nd year	15,736.03
3rd year	16,225.06



Title or Position	Per Year Effective January 1, 1972
Supervisor, Lynn public medical institution	
Superintendent, Lynn convalescent home and infirmary	
1st year	14,833.45
2nd year	15,411.07
3rd year	15,617.88
4th year	15,826.34
5th year	16,034.57
6th year	16,225.06
Assistant superintendent of buildings	12,305.52
1st year	
2nd year	12,920.80
3rd year	13,536.07
Director of school health	10,785.79
Ophthalmologist	7,998.58
Epidemiologist	6,841.86
Assistant epidemiologist	5,537.48
School physician	5,537.48
School dentist	5,537.48
Inspector of animals	5,537.48
Civil engineer-grade 1	
1st year	5,868.48
2nd year	6,487.35
3rd year	6,762.92
Civil engineer-grade 2	
1st year	7,281.05
2nd year	7,871.70
3rd year	8,207.47
Golf course manager and golf professional	12,920.80
Civil engineer-grade 2 and draftsman	8,613.86
Civil engineer-grade 3	
1st year	9,382.68
2nd year	9,802.43
3rd year	10,222.14
Civil engineer-grade 4	
1st year	10,786.85
2nd year	11,269.10
3rd year	11,751.34
Civil engineer-grade 5	
1st year	11,327.38

Title or Position	Per Year Effective January 1, 1972
2nd year	11,873.02
3rd year	12,418.66
Assistant superintendent (street, sewer, sanitary)	
Assistant commissioner of water supply	
Assistant superintendent of cemeteries	
Assistant superintendent of parks and recreation	
Assistant superintendent of golf course and stadium	12,920.80

B. Library Employees.

Title or Position	Per Hour Effective January 1, 1972
Library pages	
1st year	\$1.49
2nd year	1.60
3rd year	1.77

	Librarian I	Librarian II	Librarian III
1st Step	\$7,000.00	\$7,400.00	\$ 7,800.00
2nd Step	7,325.00	7,725.00	8,125.00
3rd Step	7,650.00	8,050.00	8,450.00
4th Step	7,975.00	8,375.00	8,775.00
5th Step	8,300.00	8,700.00	9,100.00
6th Step	8,625.00	9,025.00	9,425.00
7th Step	8,950.00	9,350.00	9,750.00

Requirements:

Librarian I: Bachelor of arts or bachelor of science.

Librarian II: Bachelor of science in library science. (4th year degree); or bachelor's degree with 18 undergraduate or graduate credits in library science (not necessarily in a degree program); or a master's degree in any field.

Librarian III: Master's degree in library science (5th year degree).

\$1400.00 for assistant chief librarian

940.00 for reference librarian; technical services librarian; and for supervisor work with children.

470.00 for head of children's department at central library and each of the three branch libraries.

1. Each presently employed librarian will be classified according to educational background and will be placed in the appropriate step in accordance with years of service based on his or her date of employment. (A fractional year is to be the same as one full year.)

2. The effective date of step increases for all librarians employed by the library before January 1, 1971, and not at the maximum step under the applicable schedule shall be on January 1, 1972, and on each January 1st thereafter. The effective date of step increases for each librarian whose continuous employment began after January 1, 1971, and who is not at the maximum step under the applicable schedule, shall be on the anniversary of the librarian's employment.

3. New employees hired as librarians may be hired at any rate as determined by the board of library trustees and moved after a probationary period to any rate as determined by the board of library trustees based on the employee's experience and qualifications.

C. Police and Fire Chiefs. The salary schedule for the following administrative officers of the city of Lynn shall be as follows:

Title or Position	Per Year
Police chief	\$ 20,400.00
Fire chief	20,400.00

D. Police and Fire Department Employees.

Title or Position	Per Year Effective July 1, 1972
Police captain (assigned in charge of inspectors)	\$ 15,723.00
Police captain	15,123.00
Police inspector (rank of inspector)	13,266.00
Police sergeant	11,628.00
Policewomen and patrolmen	
1st year	9,770.00
2nd year	9,985.00
3rd year	10,200.00
Patrolmen (assigned to traffic inv. department)	11,628.00
Executive director, rent control board	12,000.00
Patrolmen (assigned to identification bureau)	
Plus	500.00
1st year	9,770.00
Plus	500.00
2nd year	9,985.00
Plus	500.00
3rd year	10,200.00
Patrolmen (assigned as mechanic)	11,628.00
Deputy fire chief	17,240.00
District fire chief	15,123.00
Fire captain	13,266.00
Fire lieutenants	11,628.00
Firefighter	
1st year	9,770.00
2nd year	9,985.00

Title or Position	Per Year Effective July 1, 1972
3rd year	10,200.00

E. Municipal Employees.

Title or Position	Per Year	
	Effective January 1, 1972	Effective July 1, 1972
Dog officer	\$8,516.00	\$8,844.00
Assistant dog officer	6,032.00	6,360.00
Clerk & typist		
Clerk		
1st year	5,576.33	5,904.33
2nd year	6,013.91	6,341.91
3rd year	6,451.53	6,779.53
Clerk & stenographer		
Bookkeeper		
Lien certificate clerk		
Cashier		
Cashier typist		
1st year	5,730.83	6,058.83
2nd year	6,168.40	6,496.40
3rd year	6,606.03	6,934.03
Senior clerk & typist		
Senior clerk		
Senior clerk & telephone operator		
Telephone operator		
1st year	\$ 6,237.97	\$ 6,565.97
2nd year	6,675.60	7,003.60
3rd year	7,113.21	7,441.21
Senior clerk & stenographer		
Principal bookkeeper		
Tax title clerk		
Senior clerk-bookkeeper		
Senior clerk & typist and statistical machine operator		
1st year	6,675.60	7,003.60
2nd year	7,040.27	7,368.27
3rd year	7,404.95	7,732.95
Clerk & typist-telephone operator		
1st year	5,800.37	6,128.37
2nd year	6,237.97	6,565.97

Title or Position	Per Year	
	Effective January 1, 1972	Effective July 1, 1972
3rd year	6,675.60	7,003.60
Principal clerk		
Principal clerk-bookkeeper		
1st year	7,033.52	7,361.52
2nd year	7,471.09	7,799.09
3rd year	7,932.85	8,260.85
Principal clerk & stenographer		
1st year	7,510.95	7,838.95
2nd year	7,948.58	8,276.58
3rd year	8,386.18	8,714.18
Head clerk		
1st year	7,908.72	8,236.72
2nd year	8,346.34	8,674.34
3rd year	8,783.94	9,111.94
DPW administrative coordinator		
1st year	7,997.60	8,325.60
2nd year	8,648.25	9,026.25
3rd year	9,135.84	9,463.84
Junior programmer-DPW		
1st year	7,436.00	7,764.00
2nd year	8,516.00	8,844.00
3rd year	9,596.00	9,924.00
Master mechanic-fire department		
1st year	10,342.18	10,670.18
2nd year	10,576.32	10,904.32
3rd year	10,810.44	11,138.44
Convalescent home & infirmary and public medical institution		
Matron		
1st year	5,119.31	5,447.31
2nd year	\$ 5,469.29	\$ 5,797.29
3rd year	5,813.80	6,141.80
4th year	6,164.80	6,492.80
5th year	6,509.32	6,837.32
6th year	6,857.49	7,185.49

Title or Position	Per Hour	
	Effective January 1, 1972	Effective July 1, 1972
Institution houseworker		

Title or Position	Per Hour	
	Effective January 1, 1972	Effective July 1, 1972
Seamstress		
Institution kitchen worker		
1st year	\$ 2.76	\$ 2.92
2nd year	2.84	3.00
3rd year	2.92	3.08
Senior institution cook		
1st year	3.53	3.69
2nd year	3.61	3.77
3rd year	3.69	3.85
Institution cook		
1st year	3.22	3.38
2nd year	3.36	3.52
3rd year	3.43	3.59
Watchman-fireman		
Laundry worker		
1st year	3.55	3.71
2nd year	3.63	3.79
3rd year	3.73	3.89
Relief watchman	3.43	3.59
Institution maintenance man		
1st year	3.81	3.97
2nd year	3.93	4.09
3rd year	4.04	4.20
Graduate licensed practical nurse Weekend differential \$0.40 per hour	3.72	3.88
Graduate nurse		
1st year	3.45	3.61
2nd year	3.59	3.75
3rd year	3.75	3.91
Aid to nurse (part time student)	2.15	2.31
Undergraduate nurse		
1st year	2.73	2.89
2nd year	2.99	3.15
3rd year	3.25	3.41
Male nurse		
1st year	2.92	3.08
2nd year	3.07	3.23

Title or Position	Per Hour	
	Effective January 1, 1972	Effective July 1, 1972
3rd year	3.22	3.38
Licensed practical nurse		
1st year	\$ 2.82	\$ 2.98
2nd year	3.08	3.24
3rd year	3.35	3.51

Title or Position	Per Year	
	Effective January 1, 1972	Effective July 1, 1972
Senior code enforcement inspector	\$11,105.22	\$11,433.22
Food inspector		
Milk inspector		
Sanitary inspector		
Code enforcement inspector		
1st year	9,043.25	9,371.25
2nd year	9,262.09	9,590.09
3rd year	9,480.87	9,808.87
Plumbing inspector		
Gas fitting inspector		
Assistant inspector of wired		
Building inspector		
1st year	9,510.58	9,838.58
2nd year	10,021.82	10,349.82
3rd year	10,533.05	10,861.05
Per Hour		
Off-street parking attendant	\$ 2.76	\$ 2.92
	Per Year	
Laboratory technician		
1st year	\$ 7,673.74	\$ 8,001.74
2nd year	7,892.57	8,220.57
3rd year	8,111.36	8,439.36
4th year	8,330.15	8,658.15
5th year	8,548.97	8,876.97
6th year	8,767.78	9,095.78
	Per Hour	
Laboratory helper		
1st year	\$ 2.37	\$ 2.53
2nd year	2.48	2.64
3rd year	2.58	2.74
	Per Year	

Title or Position	Per Year	
	Effective January 1, 1972	Effective July 1, 1972
Dental assistant		
1st year	\$ 5,743.81	\$ 6,071.81
2nd year	5,938.42	6,266.42
3rd year	6,084.40	6,412.40
Library assistants		
1st year	5,398.42	5,726.42
2nd year	5,924.99	6,252.99
3rd year	6,451.53	6,779.53
Veterans benefits investigator		
1st year	\$ 8,386.85	\$ 8,714.85
2nd year	8,933.84	9,261.84
3rd year	9,480.87	9,808.87
Building maintenance man to work concurrently with the position of building custodian within the building department \$0.38 per hour above that of the building custodian position		
Per Hour		
Practical nurse		
1st year	\$ 2.62	\$ 2.78
2nd year	2.71	2.87
3rd year	2.81	2.97
4th year	2.94	3.10
5th year	3.05	3.21
6th year	3.15	3.31
Practical nurse in charge of patient activities		
1st year	2.71	2.87
2nd year	2.80	2.96
3rd year	2.91	3.07
4th year	3.03	3.19
5th year	3.14	3.30
6th year	3.25	3.41
Patient activities director		
1st year	2.86	3.02
2nd year	2.95	3.11
3rd year	3.06	3.22
4th year	3.18	3.34



Title or Position	Per Year	
	Effective January 1, 1972	Effective July 1, 1972
5th year	3.29	3.45
6th year	3.40	3.56
Per Year		
Assistant city electrician	\$12,663.20	\$12,991.20
Electrician		
1st year	9,129.88	9,457.88
2nd year	9,641.10	9,969.10
3rd year	10,152.34	10,480.34
Signal maintainer		
1st year	8,358.54	8,686.54
2nd year	8,697.46	9,025.46
3rd year	8,916.28	9,244.28
Deputy inspector of weights and measures		
Sealer's helper		
1st year	8,408.37	8,736.37
2nd year	\$ 8,627.19	\$ 8,955.19
3rd year	8,859.53	9,187.53
First deputy inspector of weights and measures		
1st year	9,378.70	9,706.70
2nd year	9,634.32	9,962.32
3rd year	9,889.92	10,217.92
Fire alarm operator		
1st year	8,529.62	8,857.62
2nd year	8,748.43	9,076.43
3rd year	8,967.23	9,295.23
X-ray technician-health		
1st year	6,655.28	6,983.28
2nd year	6,874.10	7,202.10
3rd year	7,067.84	7,395.84
Second assistant superintendent of buildings		
1st year	7,673.74	8,001.74
2nd year	7,892.47	8,220.47
3rd year	8,111.36	8,439.36
4th year	8,330.15	8,658.15
5th year	8,548.97	8,876.97
6th year	8,767.78	9,095.78
Senior building custodians		
1st year	7,679.38	8,007.38
2nd year	8,117.00	8,445.00

Title or Position	Per Year	
	Effective January 1, 1972	Effective July 1, 1972
3rd year	8,554.61	8,882.61
Senior building custodian assigned to police station \$0.15 per hour additional.		
Painter and sign painter foreman		
1st year	9,056.00	9,384.00
2nd year	9,596.00	9,924.00
3rd year	10,136.00	10,464.00
Assistant veterans' benefits agent		
1st year	10,667.60	10,995.60
2nd year	10,886.43	11,214.43
3rd year	11,105.22	11,433.22
Supervisor of heating, ventilating & custodial services		
1st year	9,714.72	10,042.72
2nd year	9,933.54	10,261.54
3rd year	10,152.34	10,480.34
	Per Hour	
Laborer		
1st year	\$ 3.23	\$ 3.39
2nd year	3.35	3.51
3rd year	3.46	3.62
Golf starter		
Cemetery maintenance man		
1st year	3.44	3.60
2nd year	3.55	3.71
3rd year	3.63	3.79
Police matron		
Assistant policewoman		
1st year	2.80	2.96
2nd year	2.88	3.04
3rd year	3.01	3.17
Cleaner		
Janitress		
1st year	2.84	3.00
2nd year	2.93	3.09
3rd year	3.01	3.17
Junior building custodian		
1st year	3.43	3.59
2nd year	3.52	3.68
3rd year	3.58	3.74

Title or Position	Per Year	
	Effective January 1, 1972	Effective July 1, 1972
Junior building custodian in charge of library building \$0.15 per hour additional		
Junior building custodian assigned to police station \$0.15 per hour additional		
Recreation leader general	4.40	4.56
Per Year		
Supervisor of motor equipment repair		
1st year	\$ 10,868.11	\$ 11,196.11
2nd year	11,348.67	11,676.67
3rd year	11,829.22	12,157.22
Working foreman-signal maintainer		
Chief storekeeper		
1st year	9,152.00	9,480.00
2nd year	9,401.60	9,729.60
3rd year	9,635.23	9,963.23
Meter reader and water inspector		
1st year	7,635.77	7,963.77
2nd year	7,854.59	8,182.59
3rd year	8,073.39	8,401.39
Storekeeper		
1st year	8,694.84	9,022.84
2nd year	8,913.66	9,241.66
3rd year	9,132.46	9,460.46
Head meter reader & water inspector		
1st year	8,973.05	9,301.05
2nd year	\$ 9,191.86	\$ 9,519.86
3rd year	9,410.67	9,738.67
Timekeeper		
1st year	8,225.05	8,553.05
2nd year	8,825.74	9,153.74
3rd year	9,426.44	9,754.44
Chief electric water pumping station operator		
1st year	9,458.60.21	9,786.21
2nd year	9,972.81	10,300.81
3rd year	10,484	10,812.06

Title or Position	Per Year	
	Effective January 1, 1972	Effective July 1, 1972
Foreman (street, sewer, water, sanitary, park, cemetery)		
1st year	9,701.57	10,029.57
2nd year	9,960.67	10,288.67
3rd year	10,152.43	10,480.43
	Per Hour	
Carpenter		
Carpenter-maintenance man		
1st year	\$ 4.62	\$ 4.78
2nd year	4.73	4.89
3rd year	4.82	4.98
	Per Year	
Chief electrician-outfall sewer		
1st year	\$ 9,574.85	9,902.85
2nd year	10,089.45	10,417.45
3rd year	10,600.70	10,928.70
	Per Hour	
Motor equipment operator		
Motor equipment operator-laborer		
1st year	\$ 3.28	\$ 3.44
2nd year	3.38	3.54
3rd year	3.44	3.60
Heavy motor equipment operator laborer		
Park maintenance man		
Garageman		
HMEO-MEO-Cemetery laborer		
HMEO-Cemetery laborer		
HMEO-MEO-Cemetery maintenance man cement worker		
Yard clerk		
Screen operator-laborer		
Street and sewer construction man 3rd class		

Title of Position	Per Hour	
	Effective January 1, 1972	Effective July 1, 1972
Water system craftsman 3rd class		
1st year	\$ 3.58	\$ 3.74

Title of Position	Per Hour	
	Effective January 1, 1972	Effective July 1, 1972
2nd year	3.70	3.86
3rd year	3.82	3.98
Park maintenance craftsman		
Gardener-greenhouseman		
Tree climber		
Tree climber-surgeon		
Electric water pumping station operator		
Street and sewer construction man 2nd class		
Water system craftsman 2nd class		
Meter repairman and installer		
1st year	3.94	4.10
2nd year	4.04	4.20
3rd year	4.16	4.32
Special heavy motor equipment operator-park maintenance man		
Special heavy motor equipment operator-HMEO-MEO-cemetery laborer		
Motor equipment repairman-welder		
Blacksmith		
Street and sewer construction man 1st class		
Water system craftsman 1st class		
Motor equipment operator-heavy special-dump caretaker		
1st year	4.28	4.44
2nd year	4.40	4.56
3rd year	4.52	4.68
Working foreman-motor		
Equipment repairman-welder		
Working foreman-SHMEO-HMEO-MEO-cemetery maintenance man		
Working foreman-street and sewer construction man		

Title of Position	Per Hour	
	Effective January 1, 1972	Effective July 1, 1972
Working foreman-water system craftsman		
Working foreman-laborer		
Working foreman-sanitation		
Working foreman		
-Park laborer		
-Park maintenance man		
-Greenhouse man		
-Gardener-greenhouseman-park maintenance man		
-Tree climber & surgeon		
-Gardener-greenhouseman		
-MEO-HMEO-cemetery maintenance man		
MEO-welder		
Motor equipment repairman-welder-cemetery maintenance man		
-Institution maintenance man		
-Tree climber-park maintenance man		
1st year	\$ 4.40	\$ 4.56
2nd year	4.52	4.68
3rd year	4.63	4.79

F. Emergency Employees. Emergency employees in all classifications shall continue to receive rate of pay in effect on December 31, 1971.

G. Longevity Pay for Local 193 Employees. For employees in the Local 193 Bargaining Unit, in addition to the salaries established by this section, longevity payments of two hundred dollars (\$200.00) per year will be paid to employees with fifteen (15) or more years of service; three hundred dollars (\$300.00) per year to employees with twenty (20) or more years of service; four hundred dollars (\$400.00) to employees with twenty-five (25) or more years of service. Longevity payments shall be made in a lump sum in the pay period next after December 1st of each year beginning with December 1, 1969, to all employees who have completed the required number of years service in the calendar year. Each year of service credits shall be

established by an employee who has actually worked thirty (30) weeks in each year. Any employee who fails to meet the thirty (30) week requirement, and such failure is due to verified illness or injury, shall be deemed to have qualified for the thirty (30) weeks of credit. Employees with sufficient service credits must actually work at least one full week within the calendar year to establish eligibility for payment of longevity benefits for that year. Effective January 1, 1972, a premium of ten percent (10%) of the employee's regular rate of pay shall be paid to each employee in the Local 193 Bargaining Unit working on the second or third shift.

H. Applicability. The provisions of this section shall apply to all employees of the city of Lynn except school and certain employees of the welfare departments, provided that boards or commissions in charge of all such employees, not under the supervision or control of the city council, shall file with the city clerk, a certified copy of the vote accepting the within salary schedules, on or before the date of enactment of this section. (Prior code Part I, Ch. XXX (Ord. 1/25/73 § 2; Ord. 8/15/72 §§ 2--5; Ord. 7/12/72 § 2; Ord. 6/14/72 § 2; Ord. 5/16/72 § 2))

2.76.090 Longevity pay.

A. Police Department.

1. Longevity pay shall be paid annually for the greater of the following amounts, provided, however, that longevity shall be considered to be regular compensation for retirement purposes and in computing longevity pay, reserve time shall be computed in the same manner as it is computed under the terms of the Retirement Statute:

Effective July 1, 1972, two hundred dollars (\$200.00) on reaching his or her fifteenth year of service; three hundred dollars (\$300.00) on reaching his or her twentieth year of service and four hundred dollars (\$400.00) on reaching his or her twenty-fifth year of service.

2. It is agreed that those employees who are regularly assigned to the first and second divisions of the police department, or other special units, shall receive a night differential. The night differential shall be deemed regular compensation for purposes of pensions and shall be included in base pay for purposes of computing holiday pay, overtime pay, court time pay, sick leave or injured leave. The night differential shall be computed at the rate of five percent of the employee's regular annual salary, paid on a weekly basis.

B. Fire Department.

1. Effective July 1, 1972: Each employee shall receive annually as longevity pay the greater of the following amounts:

Two hundred dollars (\$200.00) on reaching his or her fifteenth year of service; three hundred dollars (\$300.00) on reaching his or her twentieth year of service and four hundred dollars (\$400.00) on reaching his or her twenty-fifth year of service.

2. The amount each employee qualifies for shall be paid to him or her annually on his or her anniversary date. In any year when an employee's service is terminated the employee (or in the event of his or her death, his or her estate) shall receive the longevity pay to which the employee would become entitled in the year his or her service terminated. An employee who is discharged for cause in any year, prior to reaching his or her anniversary date which qualifies him or her for an additional increment to his or her longevity pay, shall not qualify for that added increment in that year.

3. Effective September 1, 1972, firefighters within the bargaining unit shall be compensated for working the night tours of duty, as follows:

For each night tour worked:

Deputy chief	\$10.98
District chief	9.63
Fire captain	8.45
Fire lieutenant	7.41
Firefighter	6.50

A member must actually work the night tour in order to be compensated for same. (Prior code Part I, Ch. XXX (Ord. 9/26/72 §§ 2, 3; Ord. 9/29/72 §§ 2--4))

### **Title 3**

## **REVENUE AND FINANCE**

Chapters:

- 3.04 Tax Collection Procedures
- 3.08 Denial of Licenses and Permits to Persons in Arrears on Taxes
- 3.12 City Contracts
- 3.16 Lynn Woods Trust Fund
- 3.20 Various City Service Fees and Charges
- 3.24 Miscellaneous Fiscal Provisions

### **Chapter 3.04**

## **TAX COLLECTION PROCEDURES**

Sections:

- 3.04.010 Collector--Bond--Duties--Office.
- 3.04.020 City auditor.
- 3.04.030 Assessors of taxes.
- 3.04.040 City treasurer.
- 3.04.050 Abated taxes.
- 3.04.060 Tax books and bills.
- 3.04.070 Property evaluation pamphlet.
- 3.04.080 Water bills.
- 3.04.090 Bills issued by departments.
- 3.04.100 Unpaid accounts.



3.04.010 Collector--Bond--Duties--Office.

A. Authorization. The collector is authorized and empowered to use any and all means for collecting the taxes committed to him or her to collect, which may be lawfully used by town treasurers when acting as collectors.

B. Bond. He or she shall, before proceeding thereto, give bonds for one hundred sixty-nine thousand nine hundred dollars (\$169,900.00) for the faithful performance of his or her duty and the due payment of all moneys that may come into his or her hands.

C. Duties.

1. The collector shall, within the municipal year, unless sufficient cause, collect all taxes committed to him or her, and he or she shall render his or her accounts to the city council made up to the first day of January of each year.

2. Whenever taxes or assessments on real estate remain unpaid, the collector shall advertise the real estate and exercise the power of taking to enforce the lien.

3. The city collector shall proceed to collect all bills committed to him or her, and he or she shall be credited with all money collected and paid to the city treasurer, and also credited with all abatements and corrections made by the departments. Any claim remaining unpaid for a period of four months shall be reported back to the department (by the collector) to investigate, and if it deems it necessary, abate the whole or part of the claim. Any claim not abated shall be returned to the collector within seven days. Upon written request by the collector the city solicitor shall immediately take proper legal action to enforce collection.

4. Whenever the collector of taxes shall have received the sums due on any estate taken by the city for taxes or assessments, the collector of taxes shall, by deed of the city, release, quitclaim, discharge or assign the interest or title of the city in such estate.

D. Office. The collector shall be provided by the city council with an office in some suitable and convenient place, which office shall be kept open for the reception of taxes at such hours of the day as the city council may determine. (Prior code Part I, Ch. X §§ 2--5, 11, 14)

3.04.020 City auditor.

The city auditor shall open an account with the city collector wherein the collector shall be charged with the amount of taxes placed in his or her hands for collection, and the amount in detail of all assessments and accounts receivable, in order that the value of all assets belonging to the city may be known at any time at the office of the city auditor. (Prior code Part I, Ch. X § 6)

3.04.030 Assessors of taxes.

The assessors of taxes shall file with the city auditor certificates of the amount of all taxes assessed by them whenever the same shall be certified to the tax collector for collection, and on the last day of each month a list of all abatements and cancellations made during the current month, which abatements and cancellations shall be credited to the city collector. (Prior code Part I, Ch. X § 7)

3.04.040 City treasurer.

The city treasurer, shall, if requested by the collector withhold the payment of any money payable to any person, partnership, corporation or other who may be indebted to the city of Lynn.

Money held as provided herein shall be paid by the city treasurer to the collector, who shall receipt for the amount received. (Prior code Part I, Ch. X § 12)

3.04.050 Abated taxes.

If an abated tax has been previously paid into the city treasury, a certificate from the board of assessors to the city auditor, certified to show the date of payment by the tax collector, shall be sufficient warrant for the city auditor to draw his or her order on the city treasurer for the amount so abated and certified to the person in whose favor the certificate shall be drawn. (Prior code Part I, Ch. X § 8)

3.04.060 Tax books and bills.

The tax books and tax bills shall be made up by the board of assessors and be delivered to the collector of taxes not later than the tenth of September in each year, and the board of assessors shall make out all duplicate tax bills. (Prior code Part I, Ch. X § 1)

3.04.070 Property evaluation pamphlet.

A. The city of Lynn shall print a pamphlet each year to contain the evaluation of all real and personal property and a list of all abatements.

B. The list shall be made available to all taxpayers at cost. The list shall be made available as soon as possible to all taxpayers at cost. (Ord. 4/24/74 § 1; Ord. 9/11/73 §§ 1, 2)

3.04.080 Water bills.

The water department shall file with the city auditor certificate of water bills, whenever the same shall be certified to the collector for collection, and on the last day of each month a list of all abatements and corrections made during the current month. (Prior code Part I, Ch. X § 9)

3.04.090 Bills issued by departments.

All bills for labor, material, assessments and betterments shall be made in triplicate form, the original and duplicate to be left with the city collector with a list of the same sent to the city auditor (blank bills and lists to be furnished by the collector and auditor respectively), the triplicate to be retained by the department issuing the bill. (Prior code Part I, Ch. X § 10)

3.04.100 Unpaid accounts.

On or before the first day of each month all city departments shall render to the city auditor a list of all unpaid accounts due the city on the first day of the current month. (Prior code Part I, Ch. X § 13)

## **Chapter 3.08**

### **DENIAL OF LICENSES AND PERMITS TO PERSONS IN ARREARS ON TAXES**

#### Sections:

- 3.08.010 Licenses and permits--Denial, revocation or suspension by city.
- 3.08.020 Tax collector to furnish list.
- 3.08.030 Notice and hearing.
- 3.08.040 Payment agreement--Limited license or permit issued.
- 3.08.050 Waiver by city council.
- 3.08.060 Exclusions of specific licenses and permits authorized by General Laws of Massachusetts.
- 3.08.070 Exclusions of local licenses or permits by city council.

- 3.08.010 Licenses and permits--Denial, revocation or suspension by city.

The city of Lynn may deny any application for, or revoke, or suspend any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges. (Ord. 4/8/86 § 2)

- 3.08.020 Tax collector to furnish list.

The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board. (Ord. 4/8/86 § 3)

- 3.08.030 Notice and hearing.

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on the list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing to be held not earlier than fourteen (14) days after the notice. The list shall be prima facie evidence for denial, revocation or suspension of the license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax

collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of the certificate. (Ord. 4/8/86 § 4)

**3.08.040 Payment agreement--Limited license or permit issued.**

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating the limitations to the license or permit and the validity of the license shall be conditioned upon the satisfactory compliance with the agreement. Failure to comply with the agreement shall be grounds for the suspension or revocation of the license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law. (Ord. 4/8/86 § 5)

**3.08.050 Waiver by city council.**

The city council may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his or her immediate family, as defined in G.L.M. Section 1 of Chapter 268 in the business or activity conducted in or on the property. (Amended during 2003 codification; Ord. 4/8/86 § 6)

**3.08.060 Exclusions of specific licenses and permits authorized by General Laws of Massachusetts.**

This chapter shall not apply to the following licenses and permits: open burning, G.L.M. Section 13 of Chapter 48; bicycle permits, G.L.M. Section 11A of Chapter 85; sales of articles for charitable purposes, G.L.M. Section 33 of Chapter 101; children work permits, G.L.M. Section 69 of Chapter 149; clubs, associations dispensing food or beverage licenses, G.L.M. Section 21E of Chapter 140; dog licenses, G.L.M. Section 137 of Chapter 140; fishing, hunting, trapping license, G.L.M. Section 12 of Chapter 131; marriage licenses, G.L.M. Section 28 of Chapter 207 and theatrical events, public exhibition permits, G.L.M. Section 181 of Chapter 140. (Amended during 2003 codification; Ord. 4/8/86 § 7)

**3.08.070 Exclusions of local licenses or permits by city council.**

The city of Lynn by its city council, may exclude any local license or permit from this chapter. (Ord. 4/8/86 § 8)

## **Chapter 3.12**

### **CITY CONTRACTS**

**Sections:**

- 3.12.010 Contracts--Claims for extra expenses.**
- 3.12.020 Employment preferences.**
- 3.12.030 Standards of quality.**

3.12.010 Contracts--Claims for extra expenses.

A. All contracts hereafter made on behalf of the city by any agent, officer, committee, board or department, for labor to be performed or furnished or materials furnished, or for both the furnishing of labor and the furnishing of materials, for a consideration of more than one hundred dollars (\$100.00) shall contain stipulations:

1. That no claim for extra work or materials shall be allowed or paid unless the extra work or materials are authorized or requested in writing by the agent, officer, committee, board or department, or by some person on their behalf duly authorized, and

2. That no claim for such extra labor or materials shall be allowed or paid unless two fully itemized statements of the same are filed with the agent, officer, committee, board or department within sixty (60) days from the completion of the work, and

3. That no suit or action shall be brought against the city or any officer, committee, board or department thereof on account of such contract, or any claim thereunder, or claim for extra work connected with the contract unless the same shall be commenced within one year from the completion of the work.

B. The agent, officer, committee, board or department shall at once upon receipt of the statements transmit one of the statements to the mayor and shall within ten (10) days thereafter file with the mayor a full report concerning the claim and his, her or their recommendations concerning the payment of the same.

C. The mayor shall forthwith transmit the statements or a certified copy thereof, together with the report and recommendations to the city council with his or her recommendations thereon.

D. No claims for extras mentioned in subsections A through C of this section shall be paid until the same have been investigated and reported upon by the committee on claims or some other appropriate committee of the city council. If the claim exceeds two hundred fifty dollars (\$250.00) the mayor shall sit with the committee on claims to hear the evidence of the parties presenting the claims. When the mayor and committee on claims sit jointly the hearing of the evidence of the claimant shall be public. (Prior code Part I, Ch. XXIV §§ 1--4; Ord. 5/28/29)

3.12.020 Employment preferences.

In the employment of mechanics, teamsters and laborers in the construction, alteration or repair of public works by the city of Lynn, or by persons, firms or corporations contracting therewith for such construction, alteration or repair, preference shall be given to:

A. Veterans who are citizens of the city of Lynn and who have served in the Army or Navy of the United States in time of war and have been honorably discharged therefrom or released from active duty therein, and who are qualified to perform the work to which the employment relates;

B. To citizens of the city of Lynn not resident veterans of the city, who are qualified to perform the work to which the employment relates;

C. Preference shall be given in the construction, alteration or repair of such public works, to citizens of the commonwealth who have served in the Army or Navy of the United States in time of war and have been honorably discharged therefrom or released from active duty therein, and who are qualified to perform the work to which the employment relates;

D. To citizens of the commonwealth generally who are qualified to perform the work to which the employment relates; and

E. If such citizens of the commonwealth cannot be obtained in sufficient numbers then to citizens of the United States, provided that no regular, competent mechanic, teamster or laborer actually employed by the city or actually employed by persons, firms or corporations, contracting with the city for such construction, alteration or repair, and whose name appears on the list hereinafter mentioned, shall be discharged to create a vacancy or make a place for any other mechanic, teamster or laborer.

Every person, firm or corporation contracting with the city of Lynn for the construction, alteration or repair of its public works, at the time of the submission of any bid, and as part thereof, shall submit a complete list of the names and addresses of all mechanics, teamsters and laborers permanently then at work by such bidding contractor. The provisions of this section shall apply to all employees of any subcontractor of bidding contractor.

All contracts and specifications therefor in connection with the construction, alteration or repair of public works by the city of Lynn shall contain a provision to the foregoing effect. (Prior code Part I, Ch. XXIV § 5; Ord. 5/28/29)

### 3.12.030 Standards of quality.

In the construction, furnishing, equipping and/or maintenance of public buildings and/or public works by the city of Lynn, in contracts of one thousand dollars (\$1,000.00) or more, all specifications and general contract conditions therefor which refer to any article, device, product, material, fixture, form or type of construction, etc., by name, make or catalogue number, shall be interpreted as establishing a standard of quality only, and shall not be construed as limiting competition, and the bidder, in such cases, may at his or her option use any article, device, product, material, fixture, form or type of construction which in the written judgment of the officer is equal to that named. The word "officer" means the person or persons named in the City Charter and/or ordinances, as administrative officers of the city. (Prior code Part V § 1 (Ord. 4/8/52))

## **Chapter 3.16**

### **LYNN WOODS TRUST FUND**

Sections:

3.16.010 Board of trustees--Appointment by mayor.

3.16.020 Duties of trustees.

3.16.030 City treasurer--Investment and expenditure of funds.

3.16.010 Board of trustees--Appointment by mayor.

The administration and control of a trust fund for Lynn Woods is vested in a board of five trustees to be appointed by the mayor as prescribed by the City Charter. The board of trustees shall include the chief financial officer, ex officio and a member of the board of park commissioners to be appointed by the mayor. Each of the five members shall be sworn to the faithful performance of his or her official duties as a trustee. A majority of the five trustees shall constitute a quorum for the

transaction of any business, but the action of a majority of the entire board shall be necessary for any transaction. For the purpose of Section 11A of Chapter 30A of the General Laws, the trust shall be deemed to be an authority established by the general court to serve a public purpose in the commonwealth. Of the trustees first appointed, one shall be appointed to serve one year from the first day of July in the current year, two for two years from the date, and one for three years from the date. Upon the expiration of the terms of office of any such trustee, or of any subsequent trustee, his or her successor shall be appointed in like manner for a term of three years. In the event, of a vacancy in the office of a trustee, his or her successor shall be appointed in like manner to serve for the unexpired term. Unless reappointed, no trustee shall hold office after the expiration of his or her term; and the appointment of a successor to any person whose term has expired shall be for the remainder of the term which would have begun at such expiration if the successor had then been appointed. Any trustee may be removed by the mayor for malfeasance, misfeasance, or wilful neglect of duty, but only after reasonable notice and a public hearing, unless the same are in writing expressly waived. For the purposes of Chapter 268A of the General Laws, the trustees shall be deemed to be special municipal employees. (Ord. 7/11/89 § 1)

**3.16.020 Duties of trustees.**

The trustees are authorized to take and hold any grants, donations, whether public or private, and bequests of property upon trust and to apply the same or the income thereof for the improvement, embellishment, repair, preservation, or for any other improvement consistent with the use of Lynn Woods according to the limits of such grant, donation or bequests. (Ord. 7/11/89 § 2)

**3.16.030 City treasurer--Investment and expenditure of funds.**

The city treasurer of Lynn shall be eligible for appointment to the board, and shall in any case, whether or not he or she is appointed as member of the board, act as treasurer therefor. Any and all sums of money given, deposited and set aside as aforesaid and received by the board in trust as aforesaid shall be invested by the board in such state, county, municipal or such other securities as well as private financial markets as may be legal investments for Massachusetts savings banks, and shall together with any other money or property of the city and the income of the money or funds shall be credited by the city treasurer and be subject to the order of the board and be expended by it in such manner as shall in its opinion best promote the purposes for which the grants, donations, bequests or deposits are respectively made. (Ord. 7/11/89 § 3)

## **Chapter 3.20**

### **VARIOUS CITY SERVICE FEES AND CHARGES**

**Sections:**

- 3.20.010 Ambulance fees--Collection.**
- 3.20.020 Lead paint inspection fees--Lead-free certificate.**
- 3.20.030 Weights and measures department--Fees.**

3.20.010 Ambulance fees--Collection.

A. This section authorizes the city collector of the city of Lynn to collect third party payments for ambulance service as provided by the city of Lynn.

B. The fees for ambulance service are as follows:

One hundred dollars (\$100.00) per ambulance run;

Plus four dollars per mile from pickup to discharge;

Plus fifteen dollars (\$15.00) for oxygen.

(Ord. 2/2/82 § 1)

3.20.020 Lead paint inspection fees--Lead-free certificate.

The fees for lead paint inspection to determine the presence of lead paint in dwelling units, and the fees for the issuance of lead-free certificates are established.

A. Upon receipt of a request to determine the presence of lead paint in a dwelling unit, a fee of one hundred twenty-five dollars (\$125.00) shall be paid in advance, together with the filing of a written application.

B. If it is determined that work must be done to remove the presence of lead paint, and after such work is completed, a fee of fifty dollars (\$50.00) shall be paid in advance, before the issuance of a lead-free certificate.

C. All requests for inspection shall be in writing, upon a furnished application, containing the address and exact location of the rental unit or dwelling unit to be inspected. All inspections will be made by the health department, city of Lynn. (Ord. 11/27/90 § 1; Ord. 9/13/88)

3.20.030 Weights and measures department--Fees.

The fees for the weights and measures department of the city of Lynn shall be as follows:

Device	Fees
Balance & Scales	
Over 10,000 lbs	\$35.00
5,000 to 10,000 lbs	20.00
1,000 to 5,000 lbs	15.00
100 to 1,000 lbs	6.00
More than 10 lbs less than 100 lbs	\$4.00
10 lbs or less	3.00
Weights	
Avoirdupois (each)	\$0.25
Metric (each)	.25
Apothecary(each)	.25
Troy (each)	.25
Capacity Measures	
Vehicle tanks	
Each indicator	\$2.00
Each 100 gals. or fraction thereof	1.50



Device	Fees
Liquid	
1 gallon or less	.25
More than 1 gallon	.50
Liquid Measure Meters	
1/2" or less oil, grease	\$3.00
More than 1/2" to 1"	
Gasoline more than 1"	6.00
Vehicle tank pump	12.00
Vehicle tank gravity	20.00
Bulk storage	25.00
Company supplies prover	15.00
Pumps	
Each stop on pump	\$0.50
Other Devices	
Taxi meters	\$6.00
Odometer-hubodometer	6.00
Leather meas. (semi-ann.)	3.00
Fabric measuring	3.00
Wire-rope-cordage	3.00
Lin. Measure	
Yard sticks	\$0.50
Tapes	0.50
Miscellaneous	
Jars (per gross)	\$6.00
Measures	.50

(Ord. 2/11/86 § 2)

## **Chapter 3.24**

### **MISCELLANEOUS FISCAL PROVISIONS**

#### Sections:

- 3.24.010 Insurance.
- 3.24.020 Blanket scheduled insurance.
- 3.24.030 Sale or exchange of personal property of the city.
- 3.24.040 Doak fund.

#### 3.24.010 Insurance.

All buildings owned by the city of Lynn shall hereafter be insured for at least fifty (50) percent of their value. All personal property belonging to the city of Lynn and in charge of the several departments of the city shall be insured at not less than fifty (50) percent of its value excepting however, from the operation of this section such personal property as is contained in public buildings hereinbefore described, the road rollers of the highway department and such other personal property as shall not be liable to loss by fire. (Prior code Part I, Ch. XIII § 1; Ord. 5/24/32)

#### 3.24.020 Blanket scheduled insurance.

All property of the city of Lynn shall hereafter be insured in and under the terms of the blanket schedule form of insurance. The terms or provisions of such blanket schedule policy of insurance shall be satisfactory in form to the city solicitor of the city of Lynn. Any loss, as defined in the blanket schedule policy, shall be payable to the city treasurer of the city of Lynn. (Prior code Part I, Ch. XIII § 1; Ord. 3/8/37)

#### 3.24.030 Sale or exchange of personal property of the city.

No personal property belonging to the city of Lynn, or under the control of any department of the city, shall be exchanged or sold, except that the sale or exchange shall be advertised at least two days in any one week in the local newspapers, and no offers or bids shall be accepted except that the same are made in writing addressed to the city council and opened at one of its regular meetings. (Prior code Part I, Ch. XXXI § 1)

#### 3.24.040 Doak fund.

The bequest of the late Benjamin F. Doak, II, for the relief of the poor of this city, shall be entrusted to the care of three trustees, to be known as "The Trustees of the Doak Fund," who shall be appointed by the mayor for the term of three years. (Prior code Part I, Ch. XIX § 1)

### **Title 4**

**(RESERVED)**

### **Title 5**

## **BUSINESS LICENSES AND REGULATIONS**

#### Chapters:

- 5.04 Alcoholic Beverages
- 5.08 Automobile Repair Shops
- 5.12 Auction Sales of Motor Vehicles
- 5.16 Bus Services
- 5.20 Carnivals and Circuses

- 5.24 Coin-Operated Amusement Devices
- 5.28 Food Sales from Vehicles
- 5.32 Food Sales Restricted During Certain Hours
- 5.36 Gas Stations
- 5.40 Handbill Distributors
- 5.44 Junk and Secondhand Dealers
- 5.48 Lodging Houses
- 5.52 Dress and Conduct Code for Alcoholic Beverage Establishments and Massage Parlors
- 5.56 Pawnbrokers
- 5.60 Taxicabs
- 5.64 Tobacco Vending Machines
- 5.68 Transient Vendors
- 5.72 Used Car Dealers
- 5.76 Miscellaneous Business Regulations

## **Chapter 5.04**

### **ALCOHOLIC BEVERAGES**

#### Sections:

5.04.010 Sale of alcoholic beverages--Penalty.

5.04.020 Patrons bringing alcoholic beverages to premises for personal consumption--  
Penalty.

5.04.010 Sale of alcoholic beverages--Penalty.

A. The sale of alcoholic beverages to any person intoxicated or to any person who possesses gross and confirmed habits of intoxication caused by the voluntary and excessive use of intoxicating liquor, opium or other drugs is prohibited.

B. Any person violating this section shall be fined five hundred dollars (\$500.00) per violation. (Ord. 11/13/90 §§ 1, 2)

5.04.020 Patrons bringing alcoholic beverages to premises for personal consumption--  
Penalty.

A. Patrons shall not be permitted to bring alcoholic beverages on the premises for their own consumption. Licensees shall not be permitted to keep alcoholic beverages on the premises except for a reasonably small quantity that is used in the preparation of certain specialty cooked foods. The license commission will, in its discretion, determine what is reasonable for this purpose and whether or not it is customary in the preparation of such specialty foods, upon petition of the licensee.

B. Any person or persons who violate this section shall be subject to a penalty of not less than three hundred dollars (\$300.00). (Ord. 3/30/82 §§ 1, 2)

## **Chapter 5.08**

### **AUTOMOBILE REPAIR SHOPS**

#### Sections:

- 5.08.010      Automobile repair shops--Licenses.
- 5.08.020      Keeping vehicles--License--Fees--Renewal--Penalty.
- 5.08.030      Spray paint booths.

#### 5.08.010      Automobile repair shops--Licenses.

A.      Every person principally engaged in the business of repairing motor vehicles, including but not limited to, automobile mechanical repair and automobile body repair, for the public and who maintains an established place of business with facilities for the repairing of such motor vehicles shall possess a license from the city of Lynn for conducting the same business.

B.      In granting or denying the issuance of a license for the operation of an automobile repair shop, the city council, after initial approval by the committee on minor licenses of the Lynn city council, shall determine, from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he or she is a proper person to engage in the automobile repair business. The city council shall also determine that the automobile repair business is or will be the applicant's principal business, and that the applicant has available a place of business suitable for such purpose.

C.      No license shall be issued unless the city council of the city of Lynn, pursuant to Section 17.40.020 of this code, has first approved the use of the property, at which the applicant licensee wishes to conduct his or her business, for automobile repair.

D.      No license shall be issued unless the applicant licensee has first paid all property taxes upon the premises sought to be used for automobile repair.

E.      The city clerk is authorized to issue and renew licenses for automobile repair shops presently existing in the city of Lynn. A license for any automobile repair shop newly opening and/or newly conducting business in the city shall conform to the provisions of this chapter. The owner of any such desired business must appear before the Lynn city council's committee on minor licenses for initial approval and demonstrate to the committee the above mentioned requirements and prerequisites of subsection B of this section. Once the Lynn city council's committee on minor licenses approves an automobile repair business, the city clerk is authorized to renew the licenses.

F.      Any license obtained pursuant to this section shall not be transferable to another individual. A licensee, however, may transfer his or her license to another location so long as the city council has also approved the use of the property, to which the license is to be transferred, for automobile repair.

G.      Any license granted pursuant to this section shall specify:

1.      All the premises to be occupied by the licensee for the purpose of carrying on the automobile repair business;
2.      The hours of operation within which the applicant licensee may conduct his or her automobile repair business; and
3.      Any restrictions the city council may place upon the automobile repair business.

H. Licenses granted under this chapter shall expire on January 1st following the date of issue, unless sooner revoked.

I. The initial fee for the license under this section shall be fifty dollars (\$50.00). The renewal fees for the license under this chapter shall be twenty-five dollars (\$25.00). (Ord. 11/27/98 §§ 1--7)

**5.08.020 Keeping vehicles--License--Fees--Renewal--Penalty.**

A. The following fees are established for licenses granted under Section 13 of Chapter 148 of the General Laws to use land for the keeping, repair shop and garage:

**Number Vehicles and Fees**

4 to 10 cars	\$10.00
11 to 20 cars	15.00
21 to 30 cars	20.00
31 to 40 cars	25.00
41 or over	50.00

B. All licenses are renewable April 30th of each year.

C. Any violation of this section shall be punishable by a fine of not more than fifty dollars (\$50.00) for each offense. (Prior code Part V §§ 1--3 (Ord. 1/26/71))

**5.08.030 Spray paint booths.**

A. License. Pursuant to 780 CMR Section 419.1 through 419.3, all auto-body shops painting or performing any painting services upon automobiles or vehicles within the boundaries of the city of Lynn shall perform painting services within the confines of a spray booth. A spray booth shall be a condition to the auto-body shop receiving a license from the city of Lynn to perform auto-body work.

B. Construction. All spray booths shall be constructed of approved noncombustible materials and equipped with mechanical ventilating systems. All spray spaces shall be ventilated with an exhaust system to prevent the accumulation of flammable mist or vapors. Where such spaces are not separately enclosed, noncombustible spray curtains shall be provided to restrict the spread of flammable vapors.

C. Construction Specifications. All spray spaces shall be enclosed in fire separation assemblies with not less than a one-hour fire resistance rating. Floors shall be waterproofed and drained in an approved manner. (Ord. 7/14/98 §§ 1--3)

## **Chapter 5.12**

### **AUCTION SALES OF MOTOR VEHICLES**

**Sections:**

5.12.010 Special permit required.

5.12.020 Application.

- 5.12.030 Fee--Expiration.
- 5.12.040 City council to approve issue, renewal or revocation of permits.
- 5.12.050 Issuance restricted to licensed auctioneer.
- 5.12.060 Violation--Penalty.

5.12.010 Special permit required.

No auction sale of motor vehicles shall be conducted within any area of the city of Lynn except upon the issuance of a special permit therefor by the city council and in accordance with the expressed terms of such special permit. (Prior code Part V § 1 (Ord. 9/10/68))

5.12.020 Application.

Application for a special permit to conduct an auction sale of motor vehicles within the city of Lynn shall be made to the city council on a petition upon which shall be stated a description of the premises and the dates and hours during which it is desired to conduct such auction sale. (Prior code Part V § 2 (Ord. 9/10/68))

5.12.030 Fee--Expiration.

Upon the determination by the city council that there is good and sufficient reason for the issuance of such special permit and upon the payment of a fee of one hundred dollars (\$100.00) such special permit shall issue and shall specify the place or places within the area to which it pertains and the day or days for which such special permit is valid. The permit shall be valid for a period of one year from the date of issuance unless revoked as herein provided for. (Prior code Part V § 3 (Ord. 9/10/68))

5.12.040 City council to approve issue, renewal or revocation of permits.

The city council may refuse to issue or renew such special permit or may revoke any special permit already issued, if it determines that there is good and sufficient reason for such refusal or revocation. Upon the revocation of any such special permit and communication of the fact to the permit holder, it is unlawful for any individual to conduct any sale at auction in accordance with the terms of such special permit. (Prior code Part V § 4 (Ord. 9/10/68))

5.12.050 Issuance restricted to licensed auctioneer.

No such special permit shall be issued to any individual except to a licensed auctioneer. (Prior code Part V § 5 (Ord. 9/10/68))

5.12.060 Violation--Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding fifty dollars (\$50.00). Each such violation shall constitute a separate offense and shall be punishable as such hereunder. (Prior code Part V § 6 (Ord. 9/10/68))

## **Chapter 5.16**

## **BUS SERVICES**

### Sections:

- 5.16.010 License.
- 5.16.020 License--Fee.
- 5.16.030 Application.
- 5.16.040 Conditions.

#### 5.16.010 License.

No person, firm or corporation shall engage in the business of operating a motor vehicle within or into any part of the city of Lynn, for the carriage of passengers for hire in such a manner as to afford a means of transportation similar to that afforded by a street railway by indiscriminately receiving and discharging passengers along the route on which such vehicle is operated or in the business of transporting passengers for hire between fixed and regular termini, without first obtaining a license therefor from the city council. (Prior code Part V § 1 (part) (Ord. 6/10/30))

#### 5.16.020 License--Fee.

A license fee of ten dollars (\$10.00) per vehicle shall be paid for each calendar year or part thereof, during which each such vehicle is licensed hereunder. (Prior code Part V § 1 (part) (Ord. 6/10/30))

#### 5.16.030 Application.

Every applicant for a license under Section 5.16.010 shall file with the city clerk, a written application which shall set forth:

- A. Name and business address of owner;
- B. Description of each route in detail by highways;
- C. Termini of each route;
- D. Motor buses to be operated with a description of each as follows:
  - 1. Number of buses;
  - 2. Make and type of buses; and
  - 3. Weight of heaviest bus to be operated.

(Prior code Part V § 2 (Ord. 6/10/30))

#### 5.16.040 Conditions.

Every license granted by the city council under Section 5.16.010 shall be granted upon the express condition that the licensee shall comply with all laws of the commonwealth and all rules and terms and conditions for the operation of motor vehicles for the carriage of passengers for hire adopted by the Department of Public Utilities and such amendments and additions thereto as may be made from time to time so far as the same are applicable. (Prior code Part V § 3 (Ord. 6/10/30))

## Chapter 5.20

### CARNIVALS AND CIRCUSES

#### Sections:

- 5.20.010 Portable shows.
- 5.20.020 Carnivals and circuses.

#### 5.20.010 Portable shows.

A. Permit Required. No portable show shall be held within the city unless the owner thereof obtains a permit for the same from the licensing committee.

B. Application for Permit. Not less than fifteen (15) days before exhibiting any portable show in the city of Lynn, the owner shall make application on a form provided by the city clerk which application shall contain such information as required in subsection C of this section.

#### C. Information Required.

1. Name, address and telephone number of sponsoring organization;
2. Name, address and telephone number of portable show owner;
3. Name, address and telephone number of portable show manager;
4. Proposed dates of portable show operation;
5. Proposed location of portable show operation;
6. Name and address of insurance carrier and amounts of public liability insurance

provided pursuant to subsection D of this section.

D. Financial Responsibility. Before exhibiting any portable show in this city the owner shall furnish proof of financial responsibility to satisfy claims for damages on account of any physical injuries or property damage suffered by any person by reason of any act or omission on the part of the owner, his or her agents or employees in such amount, character and form as the Commissioner of Insurance for the commonwealth of Massachusetts determines to be necessary for the protection of the public. Proof of financial responsibility shall be in the form of an official communication from the insurance carriers who shall be duly licensed to conduct business within the commonwealth of Massachusetts.

E. Requirements for Temporary Permit. The licensing commission shall not issue a temporary permit for the operation of a portable show until the following requirements have been satisfied:

1. Evidence of insurance has been judged satisfactory by the licensing committee;
2. Evidence of compliance with the commonwealth of Massachusetts equipment certification requirements;

3. Portable show owner agrees that the following requirements must be met before a final permit will be issued:

- a. Inspection and approval by the board of health;
- b. Inspection and approval by the city electrician;
- c. Inspection and approval of all rides and related equipment by a safety engineer who is a registered professional engineer in the commonwealth of Massachusetts, which inspection shall determine whether the rides will be reasonably safe for public attendance and use with inspection to



commence for the rides have been assembled for use on the dates proposed in the permit application;

d. Inspection and approval of all moving devices and rails from the ground up to the interface, of all rides and related equipment by the building commissioner's office, as provided under Section 19 (portable shows) of the State Building Code;

e. Notification by the chief of police that adequate police protection has been engaged by the owner or sponsor of the portable show;

f. Notification by the fire chief that the character and arrangement of the seating, means of egress, lighting and fire fighting appliances make the portable show reasonably safe against both fire and casualty hazards;

g. Notification by the commissioner of public works, that an adequate work force has been engaged by the owner or sponsor of the portable show to provide for daily clean-up of the carnival site and surrounding areas;

h. Any and all fees resulting from inspections set forth above shall be borne by the owner of the portable show;

i. No game, contest, amusement, activity or device, which offers a prize of money will be permitted as part of a portable show. (Ord. 8/9/77 § 1)

#### 5.20.020 Carnivals and circuses.

A. No more than two carnivals or two circuses per year per location on city-owned property may be held in the city of Lynn.

B. No more than one carnival or one circus per year shall be held on the grounds of the Lynn English High School.

C. No water holding tanks shall discharge at any time in the area in which the carnival or circus is held.

D. No permit or license shall be issued unless regulations set forth in this section are complied with. (Ord. 2/23/93 §§ 1, 2; Ord. 6/13/78 §§ 1, 2)

## **Chapter 5.24**

### **COIN-OPERATED AMUSEMENT DEVICES**

#### Sections:

5.24.010 Automatic amusement devices--Licenses--Fees.

5.24.020 Arcade.

5.24.030 Game room, activity room, function room or hall.

5.24.040 Annual filing.

5.24.050 Suspension of license.

5.24.060 Revocation of license.

5.24.070 Fine for violation.

5.24.010 Automatic amusement devices--Licenses--Fees.

A. The term "automatic amusement device" shall have the following meaning: any mechanism whereby upon the deposit therein of a coin or token any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player, including but not exclusively, such devices as are commonly known as pinball machines or electronic video machines including free play machines.

B. Licenses shall consist of the following classes:

1. Class I: batting machines;
2. Class II: billiard, sippio, and electronic wall games;
3. Class III: electronic video games and other amusement devices, not classified, excluding music machines.

C. Fees.

1. Class I: thirty dollars (\$30.00) per machine;
2. Class II: fifty dollars (\$50.00) per machine;
3. Class III: one hundred dollars (\$100.00) per machine up to twenty (20) machines; fifty dollars (\$50.00) per machine in excess of twenty (20) machines.

The initial fee for an arcade license shall be five hundred dollars (\$500.00). A renewal fee of two hundred-fifty dollars (\$250.00) shall be in addition to fee per machine.

The initial fee for a game room under Section 5.24.030 shall be five hundred dollars (\$500.00). A renewal fee shall be two hundred fifty dollars (\$250.00) in addition to fee per machine.

Licenses shall become renewable on the last day of May of each year. Renewals must be issued by the city clerk's office with submission to the city council.

D. A license for the premises to operate automatic amusement devices in the city of Lynn shall be required.

E. Applications shall be filed with the city clerk to be presented to the committee on licenses of the city council. The applicant shall be the owner or manager of the establishment requesting the license.

F. Licenses shall be issued by the license committee of the city council with a majority vote of the city council.

G. There shall be no more than one license not to exceed two machines per premises except in compliance with subsection H of this section.

H. Permits may be issued for more than two but not to exceed four automatic amusement devices, to places that have certificates of public assembly issued by the building department of the city of Lynn.

I. Automatic amusement devices licensed under this chapter shall be installed on the premises described in the application as to be in open view at all times while in operation and shall at all times be available for inspection. All machines shall have the owner's name, address and telephone number attached in clear view.

J. Any applicant who has been denied permission shall not be allowed to reapply for the same premises within the calendar year.

K. No person keeping or offering for operation or allowing to be kept or offered for operation any automatic amusement device shall permit the same to be used for the purpose of gambling.

L. No machine(s) shall be operated by persons sixteen (16) years of age or younger while Lynn schools are in session from the hours seven a.m. to two-thirty p.m.. No machine(s) shall be operated within a five hundred (500) foot radius of a school while school is in session from the hours of seven a.m. to two-thirty p.m. with the exception of premises licensed to serve alcoholic beverages.

M. Any machine(s) which is in violation of this chapter may be confiscated from the premises by order of the license committee of the city council or the city clerk.

N. It is illegal to have on the premises any multi-coined operated machines for the purpose of advancing the odds for the number of free games or prizes. The fine for violation of this will be one hundred dollars (\$100.00) per day, after notification.

O. Any machine which is in violation of this chapter may be confiscated from the premises by order of the license committee of the city council, by the vice squad or by any police officer during the normal performance of his or her duties. (Ord. 5/14/85 § 1; Ord. 3/9/82 § 1)

#### 5.24.020 Arcade.

For the purpose of clarification, an arcade shall consist of any establishment in excess of four automatic amusement devices which sole business is that of amusement devices. Public hearing is required before the city council prior to the granting of a license. (Ord. 3/9/82 § 2)

#### 5.24.030 Game room, activity room, function room or hall.

Special consent may be granted after a public hearing before the city council for a game room, activity room or function room or hall that shall have an associated use of a business such as a bowling alley, restaurant, motel or hotel, private or public club. These premises shall have in excess of four but not to exceed ten (10) automatic amusement devices. Licenses granted under this section must be in compliance with Section 5.24.010(H) of this chapter. (Ord. 3/9/82 § 3)

#### 5.24.040 Annual filing.

Every vendor or owner of automatic amusement devices licensed in the city of Lynn shall on the last day of May each year file with the city clerk a statement listing the principals of the corporation or business. The fee for each vendor for filing shall be twenty-five dollars (\$25.00) annually. (Ord. 3/9/82 § 4)

#### 5.24.050 Suspension of license.

Any vendor violating any provision of this chapter shall be subject to an automatic thirty (30) day suspension of his or her licenses for all machines licensed in the city of Lynn. The suspension shall result in machines being removed from all premises. All licenses shall be prohibited from conditioning the playing of automatic amusement devices. (Ord. 3/9/82 § 5)

#### 5.24.060 Revocation of license.

Licenses may be revoked for cause by the issuing authority. Any license revoked shall be granted a hearing before the committee on licenses upon written request. A hearing before the committee on licenses shall be required before reinstatement of any license. (Ord. 3/9/82 § 6)

#### 5.24.070 Fine for violation.

Any violation of this chapter shall be subject to a fine of two hundred dollars (\$200.00) per offense, after having been notified of the offense by the issuing authority, the city clerk or the vice squad of the police department. (Ord. 3/9/82 § 7)

## **Chapter 5.28**

### **FOOD SALES FROM VEHICLES**

Section:

5.28.010 Regulations.

5.28.010 Regulations.

A. It is unlawful for the driver or operator of any motor vehicle to stop the vehicle for the purpose of selling or offering for sale any food or other products or to sell or offer for sale such merchandise at the vehicle while stopped, or to use any loudspeaker, bell or other device giving an audible signal to advertise such merchandise, within a distance of one thousand (1,000) feet of any real estate which is then used as part of the school grounds of any duly accredited public, or private grade or junior high school or high schools between the hours of seven a.m. and three p.m. on days when the schools are in session.

B. It is unlawful for the driver or operator of any motor vehicle to stop the vehicle for the purpose of selling or offering for sale at the vehicle any food products without having the following equipment mounted on the vehicle and in operation during the period of selling the products:

1. A horizontal sign at least twenty (20) inches in length and at least ten (10) inches in width printed with the words "STOP" in six-inch, black, block letters on a yellow background and "PROCEED WITH CAUTION" in two-inch, black, block letters on a yellow background, such arm to be lighted, at the street end of the arm with two alternately flashing green lights two inches in diameter, clearly visible from both front and rear at a distance of at least three hundred (300) feet, the bottom of the sign to be at a height of five feet above the level of the street or way.

2. Two alternately flashing red lights not less than four inches in diameter, placed one above the other on the street side of the front end of the vehicle, when legally parked, not more than one foot apart, the lower of which shall be approximately four feet from the surface of the street or way, and, clearly visible from not less than three hundred (300) feet from the front of the vehicle.

3. Two alternately flashing red lights not less than four inches in diameter, placed one above the other on the street side of the rear end of the vehicle, when legally parked, not more than one foot apart, the lower of which shall be approximately four feet from the surface of the street or way, and, clearly visible from not less than three hundred (300) feet from the rear of the vehicle.

C. It is unlawful for any motorist, when approaching a parked, food vending vehicle from any direction at a time when such vehicle is displaying the sign and the flashing lights as provided for in subsection (B)(1) of this section to fail to come to a complete stop at least ten (10) feet from the closest end of the vehicle or to fail to then proceed with caution to pass the vehicle.

D. It is unlawful to sell or offer for sale any food or other products from a vehicle unless the vehicle is legally parked or to sell or offer for sale from other than the curb side of a legally parked food vending vehicle.

E. It is unlawful to engage in selling or offering for sale any food or other products from and/or at a motor vehicle, one hour after sunset and before five a.m., and no music shall be played after nine p.m. daily or before the hour of ten a.m. on Sundays. (Ord. 2/14/95 § 1; Ord. 6/25/91 § 1; Ord. 4/23/91 § 1; Ord. 4/8/75 § 1; Ord. 11/12/74)

## **Chapter 5.32**

### **FOOD SALES RESTRICTED DURING CERTAIN HOURS**

Sections:

5.32.010 Retail sale of food by individual--Penalty.

5.32.020 Retail sale of food by store or business--Penalty.

5.32.030 City council to grant exceptions.

5.32.040 Deliveries to retail food store--Penalty.

5.32.010 Retail sale of food by individual--Penalty.

A. No person shall sell at retail any food between the hours of twelve midnight and five a.m.

B. The term "food" as used in this chapter includes any article or commodity, however stored or packaged, intended for human consumption, and shall include alcoholic beverages to be consumed off the premises at which they are sold, unless any other law or permit or license granted to the seller of such beverages shall otherwise provide.

C. This chapter shall not apply to the sale of food or alcoholic beverages to be consumed on the premises at which they are sold when such sale is by a licensed common victualler that also possesses an alcoholic beverage license issued pursuant to the provisions of G.L. Chapter 138. However, this chapter shall apply to all other common victuallers whether the food is consumed on the premises or off the premises.

D. Violation of any of subsections A through C of this section shall be punishable by a fine of three hundred dollars (\$300.00). For purposes of this chapter, each separate sale shall be deemed a separate offense. In the event of sale of several items or articles at one time to one customer, only one sale shall be deemed to have taken place. (Ord. 3/8/94 §§ 1, 2)

5.32.020 Retail sale of food by store or business--Penalty.

A. No store or place of business engaged in the retail sale of food shall be open for the transaction of retail business between the hours of twelve midnight and five a.m.

B. This chapter shall not apply to the sale of food or alcoholic beverages to be consumed on the premises at which they are sold when such sale is by a licensed common victualler that also possesses an alcoholic beverage license issued pursuant to the provisions of G.L.M., Chapter 138. However, this chapter shall apply to all other common victuallers whether the food is consumed on the premises or off the premises.

C. Violation of any of the provisions in subsections A and B of this section shall be punishable by a fine of three hundred dollars (\$300.00) for each violation. In case of continuing violation, every calendar day upon which a store shall remain open shall be deemed a separate offense. (Ord. 3/8/94 §§ 3, 4)

5.32.030 City council to grant exceptions.

Notwithstanding the provisions of this chapter, the city council of the city of Lynn may authorize the sale of any food at retail in the city of Lynn, and further authorize the opening of any store or place of business engaged in the retail sale of food for twenty-four (24) hours, each day, after application by the concerned owner and/or operator, and the granting of a one-year license, which shall be renewed annually at the discretion of the city council, after reapplication for the license. (Ord. 3/8/94 § 5)

5.32.040 Deliveries to retail food store--Penalty.

A. No deliveries shall be made at any retail food store, between the hours of twelve midnight and five a.m.

B. Violations of any of the provisions in subsection A of this section shall be punishable by a fine of three hundred dollars (\$300.00) for each violation. (Ord. 3/8/94 §§ 7, 8)

## **Chapter 5.36**

### **GAS STATIONS**

Sections:

5.36.010 Operation of stations.

5.36.020 Delivery of gasoline.

5.36.030 Underground gasoline storage tanks.

5.36.040 Free air.

5.36.010 Operation of stations.

A. No person shall operate any filling stations, self- service gas stations and combination food and gas stations between the hours of twelve midnight and five a.m.

B. Violation of any of the provisions of subsection A of this section shall be punishable by a fine of fifty dollars (\$50.00). In case of continuing violation, every calendar day upon which a filling station, self-service gas station and combination food and gas station shall remain open between the hours of twelve midnight and five a.m., shall be deemed a separate offense.

C. Notwithstanding the provisions of subsections A and B of this section, the city council of the city of Lynn may authorize the operation of filling stations, self-service gas stations and combination food and gas stations between the hours of twelve midnight and five a.m., each day, after application by the concerned owner and/or operator, and the granting of a one-year license, which shall be renewed annually at the discretion of the city council, after reapplication for the license.

D. Anyone operating presently has ninety (90) days after adoption of the ordinance codified in this section to apply to the city council. The license to be renewed annually in the month of June. The fee shall be fifty dollars (\$50.00). (Ord. 7/8/86 §§ 1--4)

5.36.020 Delivery of gasoline.

No deliveries of gasoline shall be made between the hours of twelve midnight and five a.m. (Ord. 7/8/86 § 5)

5.36.030 Underground gasoline storage tanks.

A. Removal and Replacement. All single wall steel tanks located underground anywhere in the city of Lynn shall be removed and replaced every twenty-five (25) years, on notification of the fire department.

B. Exception. Single wall steel tanks installed in vaults or other approved means of secondary containment may continue in use beyond the twenty-five (25) year period at the discretion of the head of the fire department. The head of the fire department or his or her designee may order the removal and replacement of any tank or container used for the storage of flammable, combustible or hazardous material at any time when in the opinion of the head of the fire department a hazardous condition exists or is liable to exist. (Ord. 2/5/85 § 1: Ord. 4/1/80 § 1: Ord. 9/13/77 § 1)

5.36.040 Free air.

A. All gasoline proprietors and service attendants in the city of Lynn shall provide free air for tires of motor vehicles and bicycles.

B. Violations of the provisions of this section shall be affixed in the sum of twenty-five dollars (\$25.00) for each offense. (Ord. 9/28/82 §§ 1, 2)

## **Chapter 5.40**

### **HANDBILL DISTRIBUTORS**

#### **Sections:**

5.40.010 Distribution of handbills.

5.40.020 License--Expiration--Fee.

5.40.030 Violation--Penalty.

5.40.010 Distribution of handbills.

No person, either by himself or herself or by his or her employees, shall engage in the distribution of handbills or other printed matter, intended exclusively for advertising purposes, within the city of Lynn, or go about or send employees about in the streets, alleys and public places in the city for the purpose of such distribution without first having obtained a license so to do from the city council of the city. The license may contain such conditions as may be deemed expedient and shall be revokable at the pleasure of the board. Any person so licensed may send out

employees, for whom he or she shall be responsible, provided that no such employee shall be less than sixteen (16) years of age. (Prior code Part I, Ch. XX § 1)

5.40.020 License--Expiration--Fee.

Every license granted under the provisions hereof, unless sooner revoked, shall expire on the first day of May after the date thereof, and every person so licensed shall be required to leave with the chief of police a sample of each handbill or other piece of advertising matter before distributing the same. The fee for every license granted under the provisions hereof shall be five dollars per year. (Prior code Part I, Ch. XX § 2)

5.40.030 Violation--Penalty.

Any person offending against any of the provisions of this chapter shall be subject to a fine not exceeding twenty dollars (\$20.00) for each offence. (Prior code Part I, Ch. XX § 3)

## **Chapter 5.44**

### **JUNK AND SECONDHAND DEALERS**

Sections:

- 5.44.010 Licensing.
- 5.44.020 Signs.
- 5.44.030 Records.
- 5.44.040 Restrictions.
- 5.44.050 Revocation and expiration of license.
- 5.44.070 Licensing agreement.
- 5.44.080 Fees.
- 5.44.090 Special license.
- 5.44.100 Restrictions on sale.
- 5.44.110 Violation--Penalty.

5.44.010 Licensing.

Every person keeping a shop for the purchase, sale or barter of junk, old metals, second-hand articles, coins and stamps, and every person collecting, by purchase or otherwise, junk, old metals, second-hand articles, coins and stamps from place to place must be licensed, by the city council whether such collector is engaged in business in his or her own behalf or employed by another. (Ord. 8/12/80 § 1)

5.44.020 Signs.

A. Every keeper of a shop so licensed shall put in some suitable and conspicuous place in his or her shop, a sign having his or her name and occupation legibly inscribed thereon in large letters. Every such shop and all articles of merchandise therein, and any place, vehicle or receptacle used for the collection or keeping of junk, old metals, second-hand articles, stamps or coins, may be



examined at any time by the city council of the city of Lynn, its designee or members of the police department of the city of Lynn.

B. Every vehicle used in the exercise of the business of any person licensed as above shall have placed upon the outside and upon each side, the number of the license and name of the owner thereof, in plain, legible figures and letters, of not less than three inches in size so that the same may be distinctly seen and read. (Ord. 8/12/80 §§ 2, 3)

#### 5.44.030 Records.

Every person licensed as a keeper of a shop under this chapter shall keep a book in which shall be written in English, at the time of every receipt of purchase, a description of the article purchased, the name, age and residence of the person from whom purchased and the day and hour when such purchase was made. The book shall be at all times open for the inspection of the city council, its designee or members of the police department. (Ord. 8/12/80 § 4)

#### 5.44.040 Restrictions.

No person, licensed by this chapter, shall directly or indirectly, either purchase or receive by way of barter or exchange any of the articles aforesaid of any minor, and no article purchased or received shall be sold until a period of at least one week from the date of the purchase or receipt of the same shall have elapsed and none of the articles aforesaid shall be purchased or received between the hours of nine p.m. and six a.m., nor upon any legal holidays. Every person licensed under this chapter shall be responsible for all persons employed by him or her in the business and any violation of this chapter or violation of the terms of the license by any employee of the dealer, or by any person upon the licensed premises, shall be construed to be a violation of this chapter or of the license by the dealer. (Ord. 8/12/80 § 5)

#### 5.44.050 Revocation and expiration of license.

The city council shall have power at all times to revoke any license granted under this chapter after a hearing before the license committee of the city council of the city of Lynn. All such licenses shall, unless revoked, continue in force until the first day of May next after the date thereof. (Ord. 8/12/80 § 6)

#### 5.44.070 Licensing agreement.

All licenses granted under this chapter shall contain a clause stipulating that the person so licensed agrees to abide by and be subject to all the provisions of this chapter or any ordinance which may be adopted by the city council relating to the sale of junk, old metals, second-hand articles, coins and stamps. All the provisions of this chapter shall be incorporated into each license granted under it. (Ord. 8/12/80 § 7)

#### 5.44.080 Fees.

The fees for the following licenses shall be as follows:

Junk dealers	\$50.00
Junk collectors	25.00
Old metals	50.00

Second-hand articles	50.00
Coins, stamps, old gold and silver	50.00

#### 5.44.090 Special license.

A special license may be granted by the city council of the city of Lynn to any person who is a bona fide resident of the city who wishes to engage in a temporary business of buying and selling junk, old metals, second-hand articles, coins, stamps, or any article, whether new or used, including clothing from any temporary business site such as a hotel, motel or temporary store front. This license shall be good for no more than ten (10) consecutive days. The fee shall be ten dollars (\$10.00) per day. (Ord. 8/12/80 § 9)

#### 5.44.100 Restrictions on sale.

Every person keeping a shop for purchase, sale or barter of coins, stamps, gold or silver or second-hand articles including junk, books or furniture, must be licensed by the city council under the provisions of this chapter. No such coins, stamp, gold or silver, or second-hand articles, other than junk, books or furniture, purchased or received by any such person, shall be sold or otherwise disposed of, nor its form nor identity be changed until at least four weeks from the date of its purchase or receipt have elapsed, unless permission in writing is obtained from the chief of police or his or her designee, and who may request to observe and photograph such coins, gold or silver, stamps or second-hand articles. In addition to the requirements of Section 5.44.030, every person so licensed shall report all transactions under this chapter to the chief of police upon request. (Ord. 12/11/90 § 1; Ord. 8/12/80 § 10)

#### 5.44.110 Violation--Penalty.

Whoever not being so licensed keeps such shop or is such dealer or junk collector in the city of Lynn, or offends against any of the provisions of this chapter shall forfeit not more than fifty dollars (\$50.00) for each day the offense continues upon having been notified of the offense by the issuing authority, its designee or members of the police department of the city of Lynn. (Ord. 8/12/80 § 11)

## Chapter 5.48

### LODGING HOUSES

#### Sections:

5.48.010	License.
5.48.020	Inspection.
5.48.030	Recordkeeping.
5.48.040	Application for license.
5.48.050	Revocation or suspension of license.
5.48.060	Posting sign.
5.48.070	Fees.

5.48.010 License.

In accordance with the provisions of Chapter 259 of the Acts of 1918, every person, who conducts a "lodging house" within the meaning of that chapter, and every person, who is required by law to obtain a license as an innkeeper, shall be required to secure a license from the mayor and city council, which license shall be issued subject to the terms and conditions mentioned in that act and this chapter. (Prior code Part I, Ch. XXXII § 1)

5.48.020 Inspection.

The premises so licensed shall at all times be subject to inspection by the mayor and city council and its authorized agents and by the police on request from the mayor and city council. No person in actual charge, management or control of the premises for which the license is issued shall knowingly permit the premises under his or her control to be used for the purpose of immoral solicitation, immoral bargaining or immoral conduct. (Prior code Part I, Ch. XXXII § 2)

5.48.030 Recordkeeping.

Every licensee shall be required to keep or cause to be kept in permanent form a register, in which shall be recorded the true name, or name in ordinary use, and the residence of every person engaging or occupying a private room or rooms, occupying less than four hundred (400) square feet of floor area per room, excepting a private dining room not containing a bed or couch, or opening into a room containing a bed or couch, for any part of the day or night in any part of the premises controlled by the licensee, together with a true and accurate record of the room or rooms assigned to such person or persons, and the day and hour when such room or rooms is assigned. The entry of the names of the persons engaging a room or rooms and of the occupants of the room or rooms shall be made by the person engaging, or by an occupant of the room or rooms. Until the entry of such name or names and the record of the room or rooms has been made, such person or persons shall not be allowed to occupy privately any room or rooms upon the licensed premises. Such register shall be retained by the holder of the license for a period of at least one year after the date of the last entry therein, and shall be open to the inspection of the mayor and city council, their agents and the police. No person shall write or cause to be written, or, if in charge of a register, knowingly permit to be written in any register in any lodging house or hotel any other or different name or designation than the true name or name in ordinary use of the person registering or causing himself or herself to be registered therein. Nor shall any person occupying such room or rooms fail to register or fail to cause him or herself to be registered. (Prior code Part I, Ch. XXXII § 3)

5.48.040 Application for license.

Application for a license shall be made to the mayor and city council upon blanks provided by the city clerk. The licenses issued shall be signed by the mayor and a majority of the members of the city council, and the provisions of Chapter 259 of the Acts of 1918, and this chapter shall be printed upon the same. There shall be no fee charged for the issuing of the licenses. The licenses issued shall expire on the thirtieth day of April in each year, but may be issued during the month of April. (Prior code Part I, Ch. XXXII § 4)

5.48.050 Revocation or suspension of license.

A license shall be revoked, if at any time the mayor and city council shall be satisfied that the licensee is unfit to hold the license. The mayor and city council shall also have the right to suspend and make inoperative for such period of time as they may deem proper, the license for any cause deemed satisfactory to them. A revocation and suspension shall not be made until after investigation and a hearing or after giving the licensee an opportunity to be heard, notice of which shall be left at the premises of the licensee not less than three days before the time set for the hearing. The mayor and city council shall have charge of enforcing the provisions of Chapter 259 of the Acts of 1918 and of this chapter, and of prosecuting all offenders against the same. (Prior code Part I, Ch. XXXII § 5)

5.48.060 Posting sign.

Every person to whom a license is granted under the provisions of this chapter shall post in a conspicuous place near the register a copy of the provisions of Chapter 259 of the Acts of 1918, relating to the entry of names and residences in the register, together with the penalties provided in that act for their violation, which copy shall be furnished to the licensee by the mayor and city council. (Prior code Part I, Ch. XXXII § 6)

5.48.070 Fees.

No person, firm or corporation shall conduct a lodging house within the city of Lynn without first obtaining a license therefor from the licensing authorities of the city of Lynn. The fee to be charged therefor to be fifty dollars (\$50.00) for the term commencing May 1st of each year. (Ord. 12/13/83; prior code Part I, Ch. XXXII § 1 (Ord. 1/18/27))

## **Chapter 5.52**

### **DRESS AND CONDUCT CODE FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS AND MASSAGE PARLORS**

Sections:

- 5.52.010 General provisions.
  - 5.52.020 Definitions.
  - 5.52.030 Dress code.
  - 5.52.040 Conduct.
  - 5.52.050 Massage parlor.
  - 5.52.060 Alcoholic beverages.
  - 5.52.070 Signaling devices.
  - 5.52.080 License--Fees.
  - 5.52.090 Exceptions and exclusions.
  - 5.52.100 Requirements for personal license.
  - 5.52.110 Requirements for licensing an establishment.
  - 5.52.120 Violation--Penalty.
- 
- 5.52.010 General provisions.

The following acts, conduct or dress in or on premises licenses in accordance with the Massachusetts General Laws, Chapter 138, Sections 1, 12, 14, and 23; Chapter 140, Sections 51, 181, and 183A, and Chapter 136, Section 4 are deemed contrary to the public need and to the common good and therefore no licenses shall be held for the sale of alcoholic beverages to be served and/or drunk in or on the licensed premises or the operation of massage parlors where such acts, conduct, or dress is permitted. (Ord. 12/14/82 § 2)

5.52.020 Definitions.

When used in this chapter, unless the context otherwise requires, the following terms shall have the following meaning:

"Approved" means approved by the Lynn health commissioner in accordance with accepted standards and in the absence of any specified standards, rules and regulations as set forth by the General Laws of the commonwealth of Massachusetts shall govern.

"Establishment for the giving of massage, vapor, pool, shower, or other baths" means the office, place of business, or premises where massage is practiced or where therapeutic or conditioning baths of water, vapor or other approved substance are given. Any lotions must be approved prior to their use within the establishment.

"Massage" means manipulation or conditioning of part or parts of the body by manual, mechanical, or other means as a beauty treatment, for purported health or conditioning treatment, of for purposes of invigoration.

"Masseur" means a male who practices massage.

"Masseuse" means a female who practices massage.

(Ord. 12/14/82 § 3)

5.52.030 Dress code.

A. It is forbidden to employ or permit any person in or on the licensed premises while such person is unclothed, or in such attire as to expose to view any portion of the areola of the female breast or any portion of the male and/or female genitals, pubic hair, buttocks or groin. Entertainers shall wear garments or a nontransparent material which conceal the genitals, pubic hair, buttocks and groin, and female entertainers shall wear a nontransparent material which conceal the genitals, pubic hair, buttocks and groin, and female entertainers shall wear a nontransparent material which conceal the areola of the female breast.

B. It is forbidden to employ or permit any hostess, waitress, or other person to mingle with patrons while such hostess, waitress, or other person is unclothed or in such attire as would expose to view any portion of the areola of the female breast or any portion of the male and/or female pubic hair, genitals, buttocks or groin. (Ord. 12/14/82 §§ 4, 5)

5.52.040 Conduct.

A. It is forbidden to encourage or permit any person in or on the licensed premises to touch, caress or fondle the breasts, buttocks, or genitals of one's own person or of any other person.

B. It is forbidden to employ or permit any person to wear or use any device, apparatus, or covering exposed to view which simulates the breasts, buttocks, pubic hair or genitals or any portions thereof which would be a violation of Section 5.52.030(B).

C. It is forbidden to employ or permit any person in or on the licensed premises to perform an act or acts, or to simulate the act or acts of:

1. Sexual intercourse, masturbation, sodomy, flagellation, or any sexual acts prohibited by law.
2. Touching, caressing or fondling the breasts, buttocks, or genitals of another or one's own person.
3. No (male) masseur nor (female) masseuse employed by an establishment licensed under General Laws Chapter 140, Section 51 shall practice massage upon or give or assist in giving any type of baths to the opposite sex.

D. It is forbidden to allow any entertainer to perform in or on the licensed premises, while in the course of his or her entertainment or performance, to so entertain or perform less than three feet from any patron in or on the licensed premises.

E. It is forbidden to employ or permit any person in or on the licensed premises to show motion picture films, still photographs or any other photographic reproductions depicting any person or any acts or any simulation of any acts prohibited in this chapter. (Ord. 12/14/82 §§ 6--10)

#### 5.52.050 Massage parlor.

At all times the entire area of the premises must be continually illuminated to the degree of not less than ten (10) foot candle measured thirty (30) inches from the floor except those portions of the room covered by furniture and all rooms used for the servicing of patrons which must be illuminated to the degree of not less than thirty (30) foot candles. The doors of each room and enclosure of an establishment licensed pursuant to General Laws Chapter 140, Section 51, and used for massage purposes shall have an unobstructed window, one foot by two feet in size, which permits visual observation of the entire room or enclosure. The doors shall be free of obstruction and remain unlocked during the hours of operation, along with all entrances to the establishment.

1. All rooms used for massage purposes are to be equipped with lavatory sinks with hot and cold running water. All rooms shall contain adequate cleaning and sterilization facilities for the cleaning and sterilization of all instruments and utensils.
2. Every room used for the reception or treatment of the patrons shall be so located and arranged as to afford adequate fire protection and means of escape in case of fire, and to be of easy access to any legally authorized officer.
3. No device for dimming of interior lighting is to be used. (Ord. 12/14/82 § 11)

#### 5.52.060 Alcoholic beverages.

No employee and/or entertainer shall solicit, induce, or request a patron to purchase any alcoholic or nonalcoholic beverage for them or any other person. Nothing shall prohibit the above activity between any employee and/or entertainer and any person who are related by blood or marriage. (Ord. 12/14/82 § 12)

#### 5.52.070 Signaling devices.

No devices, mechanical, electrical or otherwise, shall be utilized by any licensee or anyone for whose conduct the licensee is responsible, for the purpose of signalling employees, entertainers, and/or patrons that agents of licensing authorities or law enforcement authorities are present. (Ord. 12/14/82 § 13)

5.52.080 License--Fees.

No person shall practice massage or conduct an establishment for the giving of vapor, pool, shower, or other baths for hire or reward or advertise or hold himself or herself out as being engaged in the business of massage or the giving of the baths without receiving a license from the health commissioner providing the applicant is a licensed physical therapist, registered in the commonwealth of Massachusetts. The license fee for each establishment shall be one hundred dollars (\$100.00) and for each masseur or masseuse shall be fifty dollars (\$50.00) per year. A license issued to an establishment, masseur or masseuse is not transferable. A masseur or masseuse may, however, transfer to another establishment in the city of Lynn with prior approval of the health commissioner. License shall automatically expire on December 31st of each year. Applications for renewal must be submitted at least thirty (30) days prior to expiration date. (Ord. 12/14/82 § 14)

5.52.090 Exceptions and exclusions.

For the purpose of these regulations:

A. Persons Excepted. Physicians, school athletic trainers or chiropodists (podiatrists), registered in the commonwealth are excluded. A person registered as a barber or an apprentice under the provisions of Section 87H or Section 87I of Chapter 112 of the General Laws or as a hairdresser, operator or a student under the provisions of Section 87T to 87JJ inclusive of Chapter 112 of the General Laws may practice facial and scalp massage without taking out a license.

B. Establishment Exception. Hospitals, nursing and convalescent homes, and other similar licensed institutions where massage and baths may be given are excluded from the definition of an establishment. (Ord. 12/14/82 § 15)

5.52.100 Requirements for personal license.

No person shall be licensed to practice massage or conduct an establishment for giving massage, vapor, pool, shower, or other baths unless they meet the following requirements:

A. Be twenty-one (21) years of age or older.

B. Be of good moral character.

C. Submit to the health department a completed application form containing all information requested by the form.

D. Have had a physical examination, including a blood test (serological examination) and chest X-ray, within two months prior to the application for licensing or re-licensing as well as six-month intervals during which time the practice of massage is carried on.

E. A certificate signed by a physician indicating that the applicant is free from any communicable disease of any nature or description whatever must be submitted prior to licensing or re-licensing.

F. Must be licensed physical therapist, registered in the commonwealth of Massachusetts.

G. Penalty for falsifying any information in the application shall be grounds to revoke the license immediately without a hearing.

H. A photo must accompany each application.

(Ord. 12/14/82 § 16)

5.52.110 Requirements for licensing an establishment.

Every establishment for the giving of massage, vapor, shower, or other baths shall meet the following requirements:

- A. Hours of operation of the establishment shall not be prior to eleven a.m. nor after twelve-thirty a.m.
- B. Must comply with the zoning law of the city of Lynn.
- C. Must comply with those applicable sections of the sanitary code.
- D. Change rooms and dressing rooms provided for use of customers shall conform to the requirements for change rooms and toilet facilities at bathing places.
- E. Work rooms, equipment, appliances, and facilities shall conform to the applicable requirements established under industrial establishments for work room atmosphere, ventilation, heating, lighting, housekeeping and sanitation with such specific exemptions as are provided for and necessary in consideration of the particular use of such premises.
- F. No person shall use for housing, sheltering, or harboring of its employees or other persons any massage parlor or any such establishment, or cause or permit same to be used as living or sleeping quarters by such employees or other person.
- G. No massage parlor or establishment shall be used for any immoral or indecent purposes whatsoever, any conviction of any immoral or indecent acts permitted or performed upon the premises shall be sufficient evidence for the immediate revocation of the license thereof.
- H. The license holder shall keep, maintain and operate the establishment under permit in such a manner that the health of customers, the health of persons employed therein, and the public health is not endangered in any way, and failure to do so shall be cause for revocation of the permit.
- I. License must be posted conspicuously.
- J. Any change of address of masseur or masseuse shall be printed on reverse side of license issued to masseur or masseuse and the health commissioner shall be notified within twenty-four (24) hours of such change.
- K. Any renovation and/or expansion of the licensed establishment shall receive prior approval of the health commissioner. (Ord. 12/14/82 § 17)

5.52.120 Violation--Penalty.

The penalty for any violation of this chapter shall be in accordance with the applicable provisions of General Laws Chapter 40, Section 21. (Ord. 12/14/82 § 19)

## **Chapter 5.56**

### **PAWNBROKERS**

Sections:

- 5.56.010 License.
- 5.56.020 Record keeping.
- 5.56.030 Dealing with minor.



5.56.040 Location stipulation.

5.56.050 Violation--Penalty.

5.56.010 License.

No person shall carry on the business of pawnbroker, in the city, unless he or she is duly licensed therefor by the municipal council. (Prior code Part I, Ch. XI § 1)

5.56.020 Record keeping.

Every pawnbroker shall keep a book in which he or she shall record at the time of receiving any article as a pawn, or purchasing any article, a description of the same, the name, age and residence of the person from whom, and the day and hour when he or she received or purchased it; and that book shall at all times be open to the inspection of any member of the city council or police department. (Prior code Part I, Ch. XI § 2)

5.56.030 Dealing with minor.

No pawnbroker shall directly or indirectly receive any article in pawn, or purchase any article of any minor or apprentice, knowing or having reason to believe him or her to be such. All articles so pawned or purchased, every such shop and all articles of merchandise therein, shall be exhibited to any member as above, whenever a demand is made by either of them for such exhibition. (Prior code Part I, Ch. XI § 3)

5.56.040 Location stipulation.

All licenses granted under this chapter to any pawnbroker shall designate the place where the person licensed may carry on his or her business, and he or she shall not engage in or carry on his or her business under his or her license in any other place than the one designated; and all the provisions of this chapter shall be incorporated into every license which shall be granted under it. (Prior code Part I, Ch. XI § 4)

5.56.050 Violation--Penalty.

Any person offending against either of the provisions of this chapter shall forfeit and pay a sum not exceeding twenty dollars (\$20.00) for each offence. (Prior code Part I, Ch. XI § 5)

## **Chapter 5.60**

### **TAXICABS**

Sections:

5.60.010 Definition.

5.60.020 Licensing.

5.60.030 Insurance.

5.60.040 Signs inside taxicab.

5.60.050 Passengers.

5.60.060 Smoking.

- 5.60.070 Taxicab stands.
- 5.60.080 Discharge of passengers.
- 5.60.090 Lost and found.
- 5.60.100 Fares.
- 5.60.110 Taxicab meters.
- 5.60.120 Waybills.
- 5.60.130 Rules, orders and regulations.
- 5.60.140 Complaints and violations.
- 5.60.150 Violation--Penalty.

5.60.010 Definition.

For the purpose of this chapter, a "taxicab" shall include every motor vehicle used or to be used for the conveyance of persons for hire, wherein a meter is used and approved, pursuant to the provisions of General Laws, Chapter 98, Section 45. (Ord. 7/25/95 § 2)

5.60.020 Licensing.

A. No person, firm or corporation shall allow any person to operate, pick up and discharge any person within the city of Lynn unless such taxicab is licensed by the Lynn city council committee on licenses.

B. Applications for such license shall be made to the committee on licenses, Lynn city council, on forms furnished by it, and shall set forth, under oath, such information as the committee on licenses may, from time to time, require including but not limited to, financial data necessary to establish a viable application. There shall be a maximum of fifty (50) medallion issued at a cost of five hundred dollars (\$500.00) for new medallions with a renewal fee of one hundred dollars (\$100.00) annually. Every licensed and registered taxicab shall have affixed on same, one metal medallion of a style approved by the committee on licenses, bearing the number issued for the taxicab. No plate or number, other than the medallion number, Massachusetts registration plate and telephone number shall be painted or affixed on the rear of any taxicab. Cost to be paid by taxi company.

C. New applications for all licenses may be filed with the committee on licenses at any time, but applications for the renewal of licenses already in force shall be filed annually before January 1st. They shall be made on official forms provided by the city clerk, containing all information therein required, and the taxicabs shall be examined and reported upon request of the license committee or its agents. All licenses shall become void on the first day of February annually.

D. No such license shall be issued until the applicant has deposited with the city treasurer, a policy of insurance issued by an insurance company authorized to transact business specified in subdivision (b) of the sixth clause of Section 47 of Chapter 175 of the General Laws, covering the motor vehicle to be operated by the applicant under his or her license, conforming to the provisions of Sections 112 and 113 of the Chapter 175, nor until the applicant has also delivered to the city clerk, a certificate of the insurance company issuing the policy showing that the policy shall not be canceled without giving the city clerk five days notice thereof.

E. No owner or person having charge of management of a taxicab shall employ or permit or allow any person to drive the same, and no person shall drive the same, other than a

person thereto licensed by the committee on licenses. Application for a license to drive taxicabs shall be made to the committee on licenses on forms furnished by it and shall set forth, under penalties by the city clerk of the city of Lynn, shall be numbered in order as granted, and unless sooner revoked or suspended, shall continue in force until the first day of January, next after the date thereof. The fee for such license shall be ten dollars (\$10.00). No such license shall be granted to any person unless he or she shall be a resident of this commonwealth and a citizen of the United States or shall have declared his or her intention to become such citizen, nor unless he or she shall present a valid operator's license, issued to him or her by the Registrar of Motor Vehicles and driving record.

F. The committee on licenses for the city of Lynn shall in accordance with law, annually grant taxicab licenses to suitable persons, firms and corporations who are owners of such vehicles (if the individual or one member of the firm resides in Lynn, and if the principal place of business of the corporation is in Lynn) to set up and use them as taxicabs.

G. No taxicab license or permit or medallion provided for in this rule shall be sold, assigned or transferred without first obtaining the consent of the committee on licenses in writing.

H. All trade names used by licensed owners shall be approved by the committee on licenses.

I. Any licensee who shall cease to be the operator of a taxicab shall at once surrender his or her license to the committee on licenses.

J. No person shall be licensed to be an owner who is not of the age of twenty-one (21) years or over, nor shall the operator be under the age of eighteen (18) years, or those who are known to be addicted to the use of intoxicating liquors or narcotic drugs, during the past five years. The license committee shall use its own discretion upon the granting of licenses to any driver with a criminal record and shall require license renewals and record checks annually.

K. The committee on licenses shall refuse a license for, or, if already issued, revoke or suspend the license of any taxicab found by him or her to be unfit or unsuited for public patronage.

L. Before a taxicab shall be licensed it shall be thoroughly inspected in regard to mechanical condition and general appearance, and all taxicabs licensed shall be inspected to meet the above requirements of this chapter, no earlier than May 1st or later than June 1st of each year. Inspection to be done by the department of public works at the cost of the owner. All licensed taxicabs shall have a card of such size and form as may be required by the committee of licenses which shall show the license number assigned and the vehicle by the committee of licenses and a statement to the effect that in cases of complaint, the committee of licenses shall be notified, giving the number of the taxicab. All taxicabs must be kept in good condition, suitable for occupancy and mechanically fit for the safety of passengers. The interior and exterior shall be clean and sanitary at all times. All taxicabs shall be thoroughly cleaned, inspected and repaired by the owner at least once a week.

M. The committee on licenses will regard as unsuited to hold a license, any driver who violates any state or federal liquor law, within the past five years including the use and distribution of any type of drugs, or who gives direction, information or service to a man or woman seeking a place or a person for immoral purposes, or any driver who offers such direction, information or service. (Ord. 6/11/96 § 1 (part); Ord. 7/25/95 §§ 2--6, 20--22, 24--28, 30)

5.60.030 Insurance.

The policy required by the provisions of this chapter shall be to the amount or limit of at least five thousand dollars (\$5,000.00) on account of injury to or death of any one person, or at least ten thousand dollars (\$10,000.00) on account of any one accident resulting in an injury or death of more than one person, shall be in conformance with the laws of the commonwealth. (Ord. 7/25/95 § 7)

5.60.040 Signs inside taxicab.

The committee on licenses shall issue to the licensee with each such license, a plate or placard for each vehicle to be operated thereunder, bearing the words, "Taxi Vehicle License, Lynn, Mass.," setting forth the serial number of the license, the year of its issue, and the number of the cab, to be affixed to the inside of the taxicab. Such plate or placard shall be attached to the interior of the vehicle as to be plainly visible to the occupants thereof. (Ord. 7/25/95 § 8)

5.60.050 Passengers.

No person having charge of or driving a taxicab shall refuse to carry any person asking to be carried as a passenger therein, unless the person asking is drunk or disorderly. (Ord. 7/25/95 § 9)

5.60.060 Smoking.

No person driving a taxicab shall refuse to extinguish any lighted cigarette, cigar or pipe at the request of any passenger carried therein. (Ord. 7/25/95 § 10)

5.60.070 Taxicab stands.

A. No taxicab shall be allowed to stand or to wait for passengers in any street, square or public place, except on such portions thereof and during such hours as may be designated therefor by the committee on licenses. The committee on licenses may from time to time, designate locations in streets, squares and public places where, and the hours during which, such vehicles may so stand, and may cancel or change such locations or hours as and whenever public interests seem to require such change.

B. All public stands shall be plainly marked and shall be free and accessible to all taxicabs licensed by the city council.

C. No driver shall park his or her car in a double line at a public stand, nor shall any driver park his or her vehicle in such a manner as to interfere with traffic, both vehicular and pedestrian, at any location. Such enforcement shall be by the police department and or parking department. (Ord. 7/25/95 §§ 11--13)

5.60.080 Discharge of passengers.

No taxicab shall be stopped to take on or to discharge passengers at any place on any street except at the curb; nor shall any person be permitted to sit or ride upon any fender, dash, step, running boards, top or door of any such taxicab. (Ord. 7/25/95 § 14)

5.60.090 Lost and found.

Every person having charge of or driving a taxicab shall deliver any article left therein by any passenger to the chief of police not later than twenty-four (24) hours after finding the same and shall receive from him or her a receipt therefor; and, the chief of police shall take proper steps to return the same to the owner. All such articles delivered to the chief of police and not claimed by

the owner within one year from such delivery shall be given to the licensee of the vehicle in which they were left. (Ord. 7/25/95 § 15)

5.60.100 Fares.

A. No person operating a taxicab shall establish and maintain therefor, any route between fixed terminals under reduced fare calculated to compete with motor bus or street railway service.

B. No owner or driver of a taxicab shall charge any passenger or passengers therein any higher rates for any service than those that are, from time to time, fixed by the committee on licenses. A schedule of the rates then in force shall be delivered to every owner of a taxicab and new schedules fixed by the committee on licenses, shall be so delivered whenever the rates may be changed and shall be similarly posted.

C. No owner or driver of a taxicab shall charge any passenger or passengers therein any higher rate than the following:

First mile or any fraction thereof	\$2.85
Each additional 1/4 mile or fraction thereof	0.50
Increase in zones	0.35
Waiting time per hour	17.00

A twenty-five (25) percent discount under the senior citizen's discount program will be available and given on all fares charged in the city of Lynn and the towns of Swampscott and Nahant. A placard shall be posted in the interior of all taxicabs, so as to be plainly visible to the occupants there, bearing the words:

"With proper I.D., Senior Citizens (65 years and older) are entitled to a 25 percent fair discount. Please ask driver."

(Ord. 6/11/96 § 1 (part); Ord. 7/25/95 §§ 16, 17, 19)

5.60.110 Taxicab meters.

All licensed taxicabs shall have sealed meters approved by the sealer of weights and measures. (Ord. 7/25/95 § 40)

5.60.120 Waybills.

The driver must provide a waybill to the owner, on a form approved by the committee on licenses, and produce upon demand of the same or the inspector of taxicabs or any officer, a record of all trips made by the vehicle and containing all information requested on form approved by the chief of police for a period of each calendar day, the forms to be held for ninety (90) days. (Ord. 7/25/95 § 23)

5.60.130 Rules, orders and regulations.

A. All owners and drivers of taxicabs shall be subject to such further rules, orders and regulations as may be, from time to time, promulgated by the committee on licenses. The license committee shall forward any such regulations to the ordinance committee for review.

B. Every driver of any licensed taxicab shall report to the police station any suspicious actions of passengers or conditions which he or she may observe.

C. Every driver having charge of a taxicab shall have with him or her his or her taxi driver's license, and a copy of these rules and regulations to be shown to a passenger on request, and shall have in an easily accessible place in the vehicle, the license for such vehicle. A copy to be available at every taxi company. All drivers upon being granted a license, shall be given the rules and regulations, and upon receipt that they understand, they must sign for a copy of the rules and regulations pertaining to taxis.

D. Every driver having charge of a licensed taxicab in a public place shall be suitably dressed, neat and clean in appearance.

E. If a license is lost, mislaid or destroyed, the licensee to whom the same was issued, shall immediately report such loss to the inspector of taxicabs, who will furnish a new license upon payment therefor of five dollars (\$5.00).

F. When requested by a passenger, or whenever there is a dispute over the fare, a driver shall give a receipt to the passenger. The receipt shall contain the full name and license number of the driver, the date and time of the giving of the receipt and the amount received and the origin and destination.

G. The local authorities shall, whenever there has been a violation of any law or ordinance, give to the driver, a citation. The committee on licenses shall have the authority to strip a driver of his or her credentials consisting of badge and driver's license card, if in the judgment of the committee on licenses, there has been a violation to warrant such action. Police officers are to make a report of all facts connected with any arrest or violation.

H. It shall be the duty of the city of Lynn police officers to observe the movements of taxicabs, especially at night, and at all times to see that the rules governing such taxis and their drivers are obeyed. Licensed drivers shall be respectful to and are requested to answer fully and civilly any questions put to them by police officers in the performance of their duty. (Ord. 7/25/95 §§ 18, 31--36)

#### 5.60.140 Complaints and violations.

All complaints and violations of these rules against taxicab drivers and owners by the public or police officers shall be brought before the committee on licenses who shall hear the facts; and, if the taxicab driver or owner is found guilty of the complaint or violation, the committee on licenses may suspend or revoke the license of the offending owner or driver. If the owner of any taxicab is found guilty of the offense charged while he or she is driving the taxicab, the license of the taxicab shall be suspended or revoked, in addition to any action that may be taken in regards to his or her driver's license, and the taxicab shall not be used during the period of suspension or revocation. (Ord. 7/25/95 § 37)

#### 5.60.150 Violation--Penalty.

Any person or corporation violating any of the provisions of this chapter shall forfeit and pay a fine not exceeding fifty dollars (\$50.00) for each offense; and, any licensed owner or driver

who violates any of the provisions of this chapter shall, in addition to the penalty, thereupon become liable to suspension or forfeiture of his or her license, and may be disqualified to hold a license thereafter. (Ord. 7/25/95 § 38)

## **Chapter 5.64**

### **TOBACCO VENDING MACHINES**

#### Sections:

- 5.64.010 Definitions.
- 5.64.020 Sales of tobacco products through vending machines.
- 5.64.030 Violation--Penalty.

#### 5.64.010 Definitions.

As used in this chapter:

"Person" means any natural person, corporation, partnership, firm, organization or other legal entity.

"Public place" means any area to which the public is invited or in which the public is permitted.

"Sales" means the giving, selling, delivering, dispensing, issuing, offering to give, sell, deliver, dispense or issue, or cause or hiring any person to give, sell, deliver, dispense, issue or offer to give, sell deliver, dispense or issue.

"Tobacco products" means any substance which contains tobacco, including but not limited to cigarette, cigars, smoke tobacco and smokeless tobacco.

"Vending machine" means any self-service device offered for public use, which, upon insertion of a coin, coins, token, paper currency, or by other means, dispenses tobacco products. (Ord. 5/23/95 § 2)

#### 5.64.020 Sales of tobacco products through vending machines.

All sales of tobacco products by vending machines within the city of Lynn shall be prohibited unless:

A. The vending machine is located within the immediate vicinity, plain view and control of a responsible employee, so that all purchases are observable and controllable as if the tobacco products were sold over the counter; and must be inaccessible to the public when the establishment is closed;

B. The vending machine is equipped with a lock-out device approved by the health commissioner. The device shall lock-out sales from vending machines unless any employee releases the locking mechanism. The release mechanism must not allow continuous operation of the vending machine and must not be accessible to customers. Vending machines shall be posted with a sign stating that the machine is equipped with a lock-out device and identifying the person(s) to contact to purchase tobacco products from the machine;

C. All tobacco products vending machines must display a conspicuous sign stating that it is illegal for minors to purchase cigarettes; and

D. Or, unless the use of the premises is restricted to persons over the age of eighteen (18). (Ord. 5/23/95 § 3)

5.64.030 Violation--Penalty.

A. Any person who knowingly violates any provision of this chapter may be penalized by a non-criminal disposition as provided in G.L., Chapter 40, Section 21D. For purposes of this section, the following officials shall be enforcing persons: police officers, health inspectors and building inspectors.

B. The penalty for the first violation shall be one hundred dollars (\$100.00); for the second violation, two hundred dollars (\$200.00), and for all subsequent violations, three hundred dollars (\$300.00). (Ord. 5/23/95 § 4)

## **Chapter 5.68**

### **TRANSIENT VENDORS**

Sections:

- 5.68.010 Definition.
- 5.68.020 License required--Application.
- 5.68.030 State license required--Display of license.
- 5.68.040 Revocation of license.
- 5.68.050 Christmas tree and similar sales.
- 5.68.060 Door-to-door solicitation permit.
- 5.68.070 Standing.
- 5.68.080 Fines.
- 5.68.090 Door-to-door solicitors.
- 5.68.100 Sales near Lynn Stadium.

5.68.010 Definition.

"Transient vendor," for the purpose of this chapter, means as defined in Section 1 of Chapter 101 of the Massachusetts General Laws. (Ord. 5/14/85 § 1)

5.68.020 License required--Application.

Every transient vendor, before making any sale of goods, wares or merchandise in the city, shall apply to the city council for a license, and shall accompany any such application with a license fee of one thousand dollars (\$1,000.00). Thereupon, the city council shall authorize the city clerk to issue a license to the applicant, authorizing the sale of goods, wares and merchandise, which license shall remain in force so long as the licensee shall continuously keep and expose special license for sale in the city such stock of goods, wares or merchandise, but not later than the first day of January following its date. All open air stands shall be subject to council approval in accordance with Sections 17.12.010 and 17.40.020 of this code. Each license shall be used at only one location at a time by the licensee, and no copies of licenses are to be made for use by any other persons. (Ord. 4/25/89 § 1: Ord. 5/14/85 § 2)



5.68.030 State license required--Display of license.

A. No license shall be granted under this chapter until the applicant has complied with the provisions of Massachusetts General Laws, Chapter 101, Section 3, and has exhibited to the city clerk a license.

B. Any licensee who fails, neglects or refuses to exhibit a license granted under the provisions of this chapter and applicable Massachusetts General Laws when the same is demanded to be displayed by the sealer of weights and measures, agents of the health department or a police officer shall be subject to the same penalty as if the person had no license, as found in Massachusetts General Laws, Chapter 101, Sections 9 and 32. (Ord. 5/14/85 § 3)

5.68.040 Revocation of license.

The city clerk is authorized to revoke any license issued under the provisions of this chapter where the licensee is guilty of violating any provisions of this chapter or any provisions of laws or ordinances which violation would make such licensee a person unfit to hold the license. (Ord. 5/14/85 § 4)

5.68.050 Christmas tree and similar sales.

A. No person, whether principal or agent, who engages in temporary or transient business, shall offer for sale, expose for sale or sell any article in any open area, alley or vacant lot, and without limiting the generality of the foregoing, such items as wreaths, flowers, Christmas trees or Christmas decorations, unless such person has first obtained a license therefor from the city clerk as provided in Section 5.68.020.

B. This section shall not apply to any person who is assessed, or is liable to assessment for personal property taxes, as of January 1st in the year in which the sales referred to above are to be made.

C. Religious, fraternal and charitable organizations, as determined by the city council, shall be exempt from the provisions of this section in the outside sale of goods, wares or merchandise, conducted on premises owned or rented by the organization.

Notwithstanding the foregoing provisions, any person declared to be a "blind person," as described in Section 133 of Chapter 6 of the Massachusetts General Laws, who has registered with the Massachusetts Commission for the Blind, as provided for by Section 135, of Chapter 6 of the Massachusetts General Laws, shall be exempted from the license fee set out in this chapter. (Ord. 5/14/85 § 5)

5.68.060 Door-to-door solicitation permit.

A. No person shall solicit from door-to-door in the city for any purpose without first having properly registered and secured a permit from the police chief. The permit issued by the police chief shall be conspicuously worn on the solicitor's outer wearing apparel in a manner which will allow residents to easily identify the door-to-door solicitor as an officially registered door-to-door solicitor licensed by the city.

B. To defray the costs of registration and issuance of permits for door-to-door solicitors, the police chief is authorized to charge and collect on behalf and for the city. (Ord. 5/14/85 § 6)

5.68.070 Standing.

No hawker or peddler shall, on a street of the city and while offering or exposing goods, wares or other merchandise for sale, remain in one place, or within two hundred (200) feet thereof, for longer than five minutes, unless actually engaged in making a sale. (Ord. 5/14/85 § 7 (part))

5.68.080 Fines.

There will be a fine of fifty dollars (\$50.00) for each violation. (Ord. 4/25/89 § 2; Ord. 5/14/85 § 7 (part))

5.68.090 Door-to-door solicitors.

A. No person, either by himself or herself, or by his or her employees, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether such person has, carries or exposes for sale, a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not, within the corporate limits of the city of Lynn shall do so without first obtaining written permission from the license committee hearing.

B. Schools and organized youth related groups shall be exempt from this chapter.

C. No person shall engage in any of the activities set forth in subsection A of this section between the hours of nine p.m. and nine a.m.

D. Any person offending against any of the provisions of this chapter shall be subject to a fine not exceeding two hundred dollars (\$200.00) for each offense. (Ord. 5/23/86 §§ 1--4)

5.68.100 Sales near Lynn Stadium.

A. No person, either on foot or on or from any animal or vehicle, including motor vehicle, shall sell or expose for sale, upon any part of any way or street within five hundred (500) feet of any point of property line of Lynn Stadium, any goods, wares, merchandise, food, refreshments or other articles, on any day or night while the Stadium is being used for athletic, amusement, educational or other purpose, or on any day or night during the period of thirty (30) minutes before such use has begun or within thirty (30) minutes, on any day or night, after the use has terminated.

B. The phrase "Lynn Stadium" means both Fraser Field and Manning Bowl.

C. Any person who violates the provisions of this section shall be punished by a penalty not exceeding twenty dollars (\$20.00) for each offence. (Prior code Part V §§ 1--3 (Ord. 2/13/45))

## **Chapter 5.72**

### **USED CAR DEALERS**

Sections:

- 5.72.010 Definition.
- 5.72.020 Licensing.
- 5.72.030 Licensee's right and privilege.
- 5.72.040 Suspension or revocation of license.
- 5.72.050 License fees.
- 5.72.060 Licenses available.
- 5.72.070 Dealers plates.
- 5.72.080 Parking vehicles.
- 5.72.090 Office space.
- 5.72.100 Dealer to dealer business.

5.72.010 Definition.

"Licensee" means a person licensed under the provisions of a Class 2 license to buy and sell second hand motor vehicles. (Ord. 11/12/75 § 2)

5.72.020 Licensing.

A. No person shall be licensed to buy and sell second hand motor vehicles unless he or she has filed with his or her application a statement certifying that such business will be his or her principal business and to be conducted on the licensed premises.

B. Any person filing an application for a license shall file a complete plot plan of all the premises on which this license will be exercised. This shall include all plans for display areas and all storage areas. The plot plan shall also show all abutters. Every licensee shall provide a suitable place to conduct his or her business which shall include a plan to provide services and storage for not less than one motor vehicle. A storage area of the plan shall be exclusive of any office space. It shall be required that a minimum area of display of vehicles off erect for sale shall accommodate a minimum of at least five cars.

C. No license shall be granted until abutters are notified in writing or transfer.

D. The issuance of the license does not allow for auto repairs or auto body repairs for the general public but is restricted to repairs only to cars that are to be offered for sale by the dealer. Auto body or painting shall not be allowed under repairs.

E. This chapter shall not apply to present licensees who remain under the same ownership and on the same premises. However, all licensees, whether present licensees, completely new licensees, or requests for transfer of present licenses shall all be treated as new licensees after January 1, 1977 and all sections of this chapter shall apply. (Ord. 11/12/75 §§ 3--6, 12)

5.72.030 Licensee's right and privilege.

Nothing in this chapter shall be interpreted as denying any licensee any right or privilege provided by statute governing this type of business. (Ord. 11/12/75 § 10)

5.72.040 Suspension or revocation of license.

Failure of a licensee to conform with the regulations contained in this chapter shall be deemed cause to suspend or revoke the license. (Ord. 11/12/75 § 11)

5.72.050 License fees.

A. Any dealer may extend his or her sales area with special permit from city council or city clerk for a number of days. Fee shall be twenty-five dollars (\$25.00).

B. This chapter establishes a fee of fifty dollars (\$50.00) for first, second and third class licenses. (Ord. 11/12/75 §§ 13, 15)

5.72.060 Licenses available.

The number of second class dealers' licenses in the city of Lynn shall be limited to a total of thirty-five (35). (Ord. 6/18/85 § 1: Ord. 7/6/82 § 1: Ord. 4/7/8 § 1: Ord. 11/12/75 § 14)

5.72.070 Dealers plates.

Before a second class dealer can start business after a license is issued to him or her, he or she must obtain dealer plates for the registry not repair plates; and the numbers must be recorded with his or her license at the city clerk's office. This must be done within thirty (30) days or his or her license will be revoked. (Ord. 11/12/75 § 7)

5.72.080 Parking vehicles.

No car for sale shall be parked within five feet of a sidewalk or public way or building. All lots must be hot-topped or cement. (Ord. 11/12/75 § 8)

5.72.090 Office space.

No temporary office space will be allowed such as small buildings without proper sanitary facilities, or trailers on wheels or blocks. (Ord. 11/12/75 § 9)

5.72.100 Dealer to dealer business.

A. A person engaged in the business of conducting dealer to dealer wholesale auto auction, for the sale of motor vehicles to dealers only, but who incidentally sells second hand vehicles which remain unsold at wholesale auction may apply for a license under this chapter.

B. Upon request by the city council license committee, a licensee shall furnish all records pertaining to dealer to dealer sales as well as retail sales. Failure to comply with the request may result in revocation of the license.

C. Any misuse of any license issued under this chapter may be cause for revocation. (Ord. 8/31/99 § 1; Ord. 11/12/75 §§ 16--18)

## Chapter 5.76

### MISCELLANEOUS BUSINESS REGULATIONS

#### Sections:

- 5.76.010 Auto camps and trailers.
- 5.76.020 Entertainment--Restriction of hours.
- 5.76.030 Sunday entertainment licenses.

#### 5.76.010 Auto camps and trailers.

A. No land within the limits of the city of Lynn shall be used for auto camps, so-called, or for the parking or stopping place of any automobiles or trailers, so-called, while in use for living quarters, unless such land is licensed for the purpose by the city council of the city of Lynn subject to such regulations, if any, as the commissioner of public health of the city of Lynn shall deem necessary for the preservation of the public health and the avoidance of nuisances. Such license shall expire on December 31st in each year.

B. The owner, occupant, agent or lessee who permits any land over which he or she has permanent or temporary control to be used in violation of this chapter shall be subject to a penalty not exceeding twenty dollars (\$20.00) for each offense, and it shall be deemed a separate offense for each day that such violation is permitted to continue after notice thereof is given to such person in control. (Prior code Part V §§ 1, 2 (Ord. 6/14/38))

#### 5.76.020 Entertainment--Restriction of hours.

A. All social organizations, service clubs and corporations organized under Massachusetts General Laws, Chapter 180, shall be restricted in the conducting within their respective limits of entertainment, dances and other diversions and amusements to the hours of one a.m.. Permission to extend the limit of time shall be given by the licensing commission of the city of Lynn after hearing of written application.

B. Violations of this chapter shall be affixed at the sum of twenty dollars (\$20.00) for each offense. In the event of violations of any criminal activities, namely: gaming, presence of liquor, finding of drug-controlled substances, prostitution, and the finding of stolen goods, observed occurring on the premises occupied by the aforementioned organizations, notice of the violation and action taken shall be sent to the appropriate state authorities, together with a request that the state authorities take the necessary action to revoke any and all charters and licenses under which the organizations, clubs, and corporation are operating. (Ord. 4/27/76 §§ 1, 2)

#### 5.76.030 Sunday entertainment licenses.

Pursuant to the provisions of General Laws, Chapter 136, Section 4(4), the Lynn city council establishes a fee for the issuance of Sunday entertainment licenses in the amount of one hundred dollars (\$100.00). (Ord. 9/25/90 § 1)

## Title 6

## ANIMALS

Chapters:

6.04 Dogs and Other Animals Generally

6.08 Kennels

## Chapter 6.04

### DOGS AND OTHER ANIMALS GENERALLY

#### Sections:

- 6.04.010 Definitions.
- 6.04.020 Vicious dogs.
- 6.04.030 Control of dogs and other animals.
- 6.04.040 Dogs on school premises.
- 6.04.050 Removal of dog waste.
- 6.04.060 Impoundment--Notice of violation and emergency care.
- 6.04.070 Animal care.
- 6.04.080 Keeping wild animals.
- 6.04.090 Health department permit.
- 6.04.100 Dead animals--Responsibility for picking up.
- 6.04.110 Issuance of citations.
- 6.04.120 Enforcement.
- 6.04.130 Transport fees.
- 6.04.140 Assault and battery upon enforcing officials.
- 6.04.150 Violation--Penalty.

#### 6.04.010 Definitions

For the purpose of this chapter, the following definitions shall be applicable:

"Animal" means any live, vertebrate creature, domestic or wild.

"Animal, domestic" means any dog, cat, horse, cow, sheep, goat, pig or domestic fowl.

"Animal, wild" means any raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or other similar warm-blooded animal by nature, or poisonous reptile normally found in the wild.

"Animal control center" means any facility operated by or for the city or the authorized agents thereof for the purpose of impounding or caring for animals held under the authority of this chapter or Massachusetts General Laws.

"Animal control officer" means any person designated by the city to handle and manage issues dealing with domestic or wild animals or any dangerous rabid or potentially rabid animal.

"Animal exhibition" means any display containing one or more animals which are exposed to public view for entertainment, instruction, advertisement, excluding state and county fairs, livestock shows, rodeos, purebred dog and pedigree cat shows, obedience trials and competitions, field trials, and any other fairs and exhibitions intended to advance agricultural arts and sciences.

"Auction" means any place or facility where animals are regularly bought, sold, or traded, except those facilities otherwise defined in this chapter. This term does not apply to isolated sales of individual animals by owners.

"Chief of police" means the chief of the Lynn police department or his or her designee.

"Circus" means a commercial variety show featuring animal acts for public entertainment.

"Dealer" means any person who, for compensation or profit, buys for resale any animals, whether alive or dead, for research, experimentation, testing or exhibition (except as an exhibit as herein defined) or for use as pets.

"Commercial animal establishment" means any pet shop, grooming shop, auction, zoological park, circus, performing animal exhibition, or kennel.

"Grooming shop" means a commercial establishment where animals are: bathed, clipped, plucked, or otherwise groomed.

"Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs, or a place where four or more cats or dogs or any combination of four such animals are kept, whether by the owners of the animals or by other persons, with or without compensation.

"Licensing authority" is the city clerk as provided by the General Laws of the commonwealth of Massachusetts.

"Owner" means any person, firm, corporation, organization, or department owning, keeping, having an interest in, or having care, custody, or control of, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more. If the owner of the animal is a minor, the parent or guardian of the minor shall be considered the owner.

"Performing animal exhibition" means any spectacle, display, act, exhibit, or event other than circuses, in which performing animals are used.

"Pet" means any animal kept for pleasure rather than utility.

"Pet shop" means any person, partnership, or corporation, whether operated separately or in connection with any business enterprise except for a licensed kennel, that buys, sells, or boards any species of animals.

"Physical restraint" means muzzled, and on a leash not to exceed six feet, and controlled by an adult physically capable of controlling such dog. The muzzle must not cause injury to the dog but must prevent it from biting any person or animal.

"Potentially vicious dog" means any dog that:

1. When unprovoked, inflicts bite(s) on human or domestic animals on public or private property;
2. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
3. Has known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

"Public nuisance" means any animal which:

1. Molests or attacks passerby or passing vehicles;
2. Attacks other animals;
3. Trespasses on school grounds or private property;
4. Is repeatedly at large five or more times;
5. Damages private or public property;
6. Barks, whines, howls, or makes any noise natural to its species in an excessive, continuous, or untimely fashion so as to disturb the peace;
7. Creates excessively offensive odor.

"Restraint" means any leash, lead or other physical restraint.



"Secure enclosure" means a secure enclosure shall be a minimum of five feet wide, ten (10) feet long, and five feet in height above the grade, and with a horizontal top covering said area, all to be at least nine-gauge link fencing with necessary steel supporting posts. To prevent escape of the animal, the floor shall be at least three inches of poured concrete with the bottom edge of the fencing embedded in the concrete or extending at least one foot below grade. The gate must be of the same material as the fencing, fit closely and be securely locked or otherwise deemed secured by the animal control officer. The owner shall post the secure enclosure with a clearly visible warning symbol to inform children, that there is a dangerous dog on the property. The enclosure must contain and provide protection from the elements for the dog or other animals mentioned before and shall comply with Massachusetts General Laws Chapter 272, Section 77 (Cruelty to Animals).

"Serious bodily injury" means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

"Veterinary hospital or clinic" means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries of animals.

"Vicious dog" means any dog that has:

1. Without provocation, inflicted substantial bodily harm on a human being on public or private property;
2. Killed a domestic animal without provocation while on the owner's property;
3. Been found to be potentially dangerous, and after the owner has noticed that the dog is potentially dangerous, the dog aggressively bites, attacks or endangers the safety of humans or domestic animals.

"Zoological park" means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomestic animals operated by any person, partnership, corporation or any governmental agency. (Ord. 7/14/98 § 1)

#### 6.04.020 Vicious dogs.

A. To consider declaring a dog vicious or potentially vicious, the animal control officer will call a special hearing to consider any evidence collected. The animal control officer shall notify the owner of the dog by certified letter of such hearing. The owner may attend and have an opportunity to be heard. At this hearing the animal control officer will determine whether to declare such dog vicious or potentially vicious. If the dog is declared vicious or potentially vicious the owner shall notify his or her abutter next door and across the street of such finding by certified mail return receipt requested at the owner's sole expense. If a dog owned by a resident of the city of Lynn has been found to be vicious, the ownership of the dog cannot be transferred. If the owner chooses not to build the dog a secure enclosure or if the dog is found on the property not owned or controlled by its owner, or not restrained in the secure area, an order that the dog be euthanized will be issued. No dog shall be declared vicious or potentially vicious if the threat, injury, or damage was sustained by a person committing a crime, or was provoked by a person cruelly abusing the dog.

B. If the dog is declared vicious or potentially vicious, the owner will have a two-week period in which to have a secure enclosure constructed to house the dog when it is in the owners yard. During such period, the dog will be publicly impounded at an animal shelter or a private veterinary hospital until the secure enclosure is constructed before the dog is released. The

effectiveness of the secure enclosure shall be subject to periodic inspections by such officer, as deemed necessary. The fee for the inspection shall be seventy-five dollars (\$75.00). If the owner is found violating the secure enclosure requirements, immediate public impoundment of the dog(s) shall be taken by the animal control officer during the time the violation continues to exist. The owner shall bear all costs for such public impoundment. The fine for such violation shall be fifty dollars (\$50.00) per day or part of the day the violation is allowed to exist.

C. If the owner of a vicious or potentially vicious dog does not have a secure enclosure constructed during the two-week period, the dog may be destroyed unless, during the same two-week period, the owner files an appeal with the chief of the Lynn police department or designee. If such an appeal is filed, it will be heard within three weeks of the appeal. The determination of the chief of the Lynn police department or designee shall be final and binding subject to appeal only under the provisions of Chapter 30A of the General Laws.

D. Any and all costs for the impounding of the dog involved will be borne by the owner unless determined otherwise by the chief of the Lynn police department or his or her designee or the court of final appeal.

E. If a vicious or potentially vicious dog bites or attacks a person, the dog shall be impounded and quarantined for the proper length of time for rabies observation. Confinement of the animal may be accomplished at the owner's home, an animal shelter, or at a private veterinary hospital and any charges incurred shall be the responsibility of the owner. In addition, an administrative fee shall be twenty-five dollars (\$25.00). A summons shall be issued to the owner of such dog. The dog may be destroyed within ninety (90) days unless an appeal is taken by the owner involved to the chief of police or designee within thirty (30) days of the impoundment. Any determination by the chief of police or designee shall be final and binding subject to appeal only under the provisions of Chapter 30A of the General Laws.

F. Any costs of impoundment will be borne by the owner absent a contrary decision by the chief of police or designee or the courts. This provision shall not apply if the threat, damage or injury was sustained by a person committing a crime, or was provoked by a person cruelly abusing the dog.

G. Any dog, whether or not it has been declared vicious, which attacks a person and thereby causes death or serious bodily injury will be impounded and quarantined for the proper period of time for rabies observation. A summons shall be issued to the owner of such dog. The dog must be destroyed within ninety (90) days unless an appeal is taken by the owner involved to the chief of police within thirty (30) days of the impoundment. Any determination by the chief of police or his or her designee shall be final and binding subject to appeal only under the provisions of Chapter 30A of the General Laws.

H. Any costs of impoundment shall be borne by the owner absent a contrary decision by the chief of the Lynn police or designee.

I. The provisions shall not apply if the threat, damage, or injury was sustained by a person who was committing a crime, or was provoked by a person cruelly abusing the dog.

J. An owner may transport a vicious dog within city limits for medical or veterinary care provided the animal is properly restrained by being both muzzled and leashed, with a leash not to exceed the length of six feet. A dog which has been declared to be a vicious dog pursuant to this chapter additionally must wear an orange muzzle which will identify it as a dangerous dog.

K. Any person under whose name a vicious dog is licensed, shall at all times that he or she possesses the dog, maintain in full force and effect, a liability insurance policy of at least one hundred thousand dollars (\$100,000.00) for the benefit of the public safety. Such a person shall provide to the city clerk's office proof of such liability insurance. Such insurance shall name the city as co-insured solely for the purpose of notice of cancellation of the policy.

L. The owner of a vicious dog, if the animal is found on property not owned or controlled by its owner, or not restrained in a secure area per subsection B of this section, shall be subject to a fine of fifty dollars (\$50.00), and the animal shall be forever banned from within the limits of the city of Lynn and the license of such dog cannot be transferred from the city of Lynn to another city or town.

M. Owners of vicious dogs found within the city of Lynn and not properly licensed shall be subject to a fine of fifty dollars (\$50.00), and the animal shall be forever banned from within the limits of the city of Lynn and cannot be transferred from the city of Lynn to another city or town.

N. In addition to this section's requirement that a vicious dog must be contained in a secure enclosure, the animal control officer may order that the owner place such a vicious dog on a leash within the secure enclosure. Such a leash shall prevent the vicious dog from being located within five feet of any public way open to pedestrian traffic.

O. Each day or part of a day there exists a violation of any of the provisions of this chapter shall constitute and be punishable as a separate offense.

P. Compliance with the requirements of this chapter shall not be a defense to an order of disposal for a vicious dog pursuant to Chapter 140, Section 157 of the General Laws. (Ord. 7/14/98 § 2)

#### 6.04.030 Control of dogs and other animals.

A. No owner shall fail to exercise proper care and control of his or her animals to prevent them becoming a public nuisance.

B. Every female dog in heat shall be confined to a building or enclosure in such a manner that such female dog cannot come in contact with a male dog except for planned breeding.

C. It is unlawful for any owner to keep, harbor or maintain on or off their premises any vicious or potentially vicious dog or domestic animal, unless such dog or domestic animal is within the owner's house, in a secure enclosure, or physical restraint or unless such dog or domestic animal is under the control of a law enforcement officer on or about their official duties. Any domestic animal found in violation hereof shall be immediately impounded. A summons shall be issued to the owner of the dog or domestic animal.

D. It shall be considered unlawful for any person owning, keeping, harboring, or possessing any rabbits, horses, goats, llama, buffaloes, hogs, sheep, cattle, or other animals, chickens, ducks, geese, or any other birds, or poultry, to permit or allow the same to go at large any time within the limits of the city of Lynn, to the damage or annoyance of any of the residents of the city. The keeping of wild animals must meet all requirements of Massachusetts General Laws and federal laws. (Ord. 7/14/98 § 3)

#### 6.04.040 Dogs on school premises.

A. Notwithstanding any other ordinance, rule or regulation to the contrary, no person either the owner or keeper of a dog or other animal shall allow his or her dog or other animal to be

upon any school grounds, between the hours of eight a.m. to four p.m. on any day that schools are in session or during any athletic event or contest, regardless of the time of day or whether school is in session or not (except for a school team mascot or a so-called seeing-eye or hearing aide dog).

B. Any owner or keeper of a dog or other animal who fails to comply with the provisions of this section shall be subject to a noncriminal ticket in the amount of fifty dollars (\$50.00). The police department and/or the animal control officer may remove the offending dog or other animal to a suitable animal shelter and any charges to recover the animal shall be payable by the owner or keeper. (Ord. 7/14/98 § 4)

#### 6.04.050 Removal of dog waste.

A. The owner of every dog or person(s) who possesses or controls the dog or other animal shall be responsible for the removal of any fecal matter deposited by his or her animal(s) on public walks, recreation areas, or private property. "Owner" includes person(s) who possesses or controls the dog.

B. The owner or person(s) who possesses or controls the dog or other animal when appearing with the dog on any public walk, street, recreation area or private property shall possess the means of removal of any fecal matter left by such dog or other animal.

C. For the purposes of this chapter, the means of removal shall include any tool, implement, or other device carried for the purposes of picking up or containing such fecal matter. Disposal shall be accomplished by transporting such fecal matter to a place suitable and regularly reserved for the disposal of human fecal matter, specifically reserved for the disposal of dog or other animal fecal matter, or otherwise designated as appropriate by the health commissioner of the city of Lynn.

D. Any owner or person(s) who possess or controls the dog or other animal who fails to comply with the provisions of this section shall be subject to a noncriminal ticket in the amount of twenty-five dollars (\$25.00) for the first offense and fifty dollars (\$50.00) for every subsequent offense. The police department, animal control officer(s) and health department may enforce this section. (Ord. 7/14/98 § 5)

#### 6.04.060 Impoundment--Notice of violation and emergency care.

A. Any domestic animal determined to be a nuisance by a police officer or animal control officer shall be taken by the police or animal control officer and impounded and confined in a humane manner.

B. Unclaimed domestic animals or nuisance animals must be kept for not less than ten (10) days, after which if not reclaimed, adopted, or released for adoption, the impounded domestic or nuisance animals may be humanely euthanized. The city of Lynn shall not be liable for any disposition of such animals in accordance with this chapter. If not reclaimed, adopted, or released for adoption after a reasonable length of time, as determined by the animal control authorities involved, the domestic or nuisance animals shall be humanely euthanized.

C. If by a license tag or by other means the owner of the impounded animal can be identified, the animal control officer involved, immediately upon impoundment, or as soon as practical thereafter, shall attempt to notify the owner by telephone or by prepaid certified mail.

D. An owner claiming an impounded animal shall pay reasonable fees and expenses as the city may from time to time adopt or approve by appropriate administrative chapter or

resolution. It is the intent that all costs, including medical care, for care and impounded animal area to be the responsibility of the owner of the animal.

E. "Minimal emergency medical care" means:

1. Any sick or injured animal found at large within the city may be taken to any veterinarian for minimal emergency care or euthanasia; in which case the veterinarians shall notify the owner immediately or as soon as practical thereafter. In any case, such owner shall be liable for any expense incurred with respect to such animal.

2. If the owner of such animal can be identified, the animal control officer shall attempt to notify the owner immediately or as soon as practical thereafter. In any case, such owner shall be liable for any expense incurred with respect to such animal.

3. If the owner of such animal cannot be identified within twenty-four (24) hours, the animal shall become the property of the impounding authority. If, during the initial twenty-four (24) hour period, it is recommended, in writing, by a veterinarian that the animal is in such pain and has no reasonable hope for recovery, the animal may be humanely euthanized. The city of Lynn shall not be liable for any expense with respect to such animal at any time unless expressly authorized by the city or its agents.

4. If after minimal emergency care such animal can be safely impounded, the animal control officer may impound such animal subject to disposition with this chapter. (Ord. 7/14/98 § 6)

#### 6.04.070 Animal care.

A. Every owner shall provide his or her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and provide humane care and treatment.

B. No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, or bullfight, or any other combat between animals or between animals and humans.

C. No owner of an animal shall abandon such animal.

D. Chickens and ducklings younger than eight weeks of age shall not be sold by any person in quantities of less than twenty-five (25).

E. No person shall give away any live animal, reptile, fish, or bird as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter, any place of amusement; or offer any vertebrate as an incentive to enter into any business agreement wherein the offer was for the purpose of attracting trade.

F. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by an animal, provided that it is not unlawful for a person to expose to his or her own property common rat poison mixed only with vegetables substances.

G. The animal control officer and/or any police officer may initiate before a district court judge a search warrant for any premises upon a showing of probable cause to believe that a violation of any provision of this section is occurring or has occurred within a reasonable time thereon; and take charge of and impound the animals or fowl involved in such violations. The matter of disposition of any such animal shall be determined by a district court judge. (Ord. 7/14/98 § 7)

6.04.080 Keeping wild animals.

A. No person shall keep or permit to be kept on his or her premises any wild animal or vicious animals for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing wild animal exhibitions or circuses.

B. No person shall keep or permit to be kept on his or her premises any wild animals as a pet.

C. The animal control officer may issue a temporary permit for the keeping of any wild animals native to this area which has been deemed to be homeless and incapable of survival in the wild.

D. The animal control officer shall have the power to release or order the release of any wild animal kept under temporary permit which is deemed to be capable of survival in the wild.

(Ord. 7/14/98 § 8)

6.04.090 Health department permit.

A. Acting under the authority of Chapter 111, Section 31 of the General Laws of Massachusetts, no person, firm or corporation shall keep or cause to be kept within the city of Lynn limits, any hens, swine, cattle, horse, pony, mule, rabbits, monkey, pigeon, guinea pig or mink without first obtaining a permit from the health department of the city of Lynn. Such permit shall expire on the thirtieth day of April and the fee therefor shall be two dollars payable annually.

B. Roosters, goats, sheep and all wild or so-called exotic animals and reptiles are expressly forbidden within the city of Lynn limits. (Ord. 5/25/76 § 1)

6.04.100 Dead animals--Responsibility for picking up.

A. The responsibility for picking up the bodies of dead dogs shall be placed with the dog officer of the city.

B. The responsibility for picking up the bodies of all other dead animals shall be placed with the department of public works of the city. (Ord. 6/12/73 § 1)

6.04.110 Issuance of citations.

A. The animal control officer is authorized to issue a citation to any individual who, in his or her opinion, is in violation of the terms and conditions of this chapter. The fines may be contested to the chief of the Lynn police department by filing a protest within ten (10) days of the date of the citation, with the city clerk. The decision of the chief of police shall be final and binding although subject to appeal under the provisions of Chapter 30A of the General Laws. Any animal which receives five or more citations from the animal control officer may be forever banned from within the limits of the city of Lynn and the license of such dog cannot be transferred from the city of Lynn to another city or town.

B. All dogs or cats six months of age or older shall be immunized against rabies by a licensed veterinarian. The owner must have in his or her possession a current vaccination certificate subject to the inspection of the animal control officer, or designated agent of the city.

C. If any dog or cat has bitten any person or is suspected of having bitten any person, or is for any reason suspected of being inflicted with rabies, the animal control officer or the State

Animal Inspector may cause such dog or cat to be confined or isolated for such period of time as he or she deems necessary. Confinement of the animal may be accomplished at the owner's home, an animal shelter, or at a private veterinary hospital and any charges incurred shall be the responsibility of the owner. In addition, an administrative fee shall be imposed in the amount of twenty-five dollars (\$25.00). (Ord. 7/14/98 § 9)

6.04.120 Enforcement.

The provisions of this chapter shall be enforced by the Lynn police department, the animal control officer(s). The Lynn health department inspectors are also permitted to enforce Section 6.04.050 of this chapter. It shall be a violation of this chapter to interfere with any such person in the performance of their duties, or to take any animal from the person without designated authority. (Ord. 7/14/98 § 10)

6.04.130 Transport fees.

A. Any dog or other animal which is removed by the animal control officer shall result in a transport fee of not more than twenty dollars (\$20.00) on the owner of the dog or other animal in addition to any fee or fine imposed by this chapter or other applicable law. Such a fee shall be paid before the dog or other animal may be released from the custody of the animal control officer.

B. To the extent permitted by G.L. c.140, Section 172, fees collected pursuant to this section shall be deposited into a revolving fund within the parking department of the city of Lynn with disbursement at the direction of the parking director, pursuant to the provisions of G.L. c. 44, Section 53E1/2, and shall be subject to annual authorization by the city council with the approval of the mayor. Such fund shall be utilized as follows: to reimburse for costs associated with the impoundment of animals by the animal control officer. The total amount which may be expended from such fund shall not exceed amounts authorized under the aforesaid Section 53E1/2. (Ord. 7/14/98 § 11)

6.04.140 Assault and battery upon enforcing officials.

Any person who commits assault and battery upon any public employee when such person is engaged in the performance of his or her duties at the time of such assault and battery, shall be punished by imprisonment for not less than ninety (90) days nor more than two and one-half years in a house of correction or by a fine of not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000.00) as provided in Massachusetts General Laws Chapter 265, Section 13D. (Ord. 7/14/98 § 12)

6.04.150 Violation--Penalty.

A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense is punishable by a fine not to exceed fifty dollars (\$50.00). (Ord. 7/14/98 § 13)

Chapter 6.08

KENNELS

Sections:

- 6.08.010 Building and surrounding areas--Requirements.
- 6.08.020 Animal health and identification.
- 6.08.030 Conveyances and transporting vehicles.
- 6.08.040 Recordkeeping.
- 6.08.050 Fire prevention and protection.
- 6.08.060 Inspection.
- 6.08.070 Fines.

6.08.010 Building and surrounding areas--Requirements.

A. Maintain all buildings, kennels, premises and conveyances in a sanitary condition. All buildings and enclosures shall be structurally sound and maintained in good repair.

B. Have equipment available for proper storage and disposal of waste material to control vermin, insects and obnoxious odors.

C. Take effective control measures to prevent infestation of animals and premises with external parasites and vermin.

D. Sufficiently heat facilities and kennel area and adequately ventilate them to provide for the health and comfort of the animals. The ambient temperature shall not be allowed to fall below fifty degrees (50) F nor rise above eighty-five degrees (85) F.

E. Provide ample, quality light by natural or artificial means to permit routine inspection and effective cleaning.

F. Provide interior kennel surfaces, other than wood, except for the floor, that are substantially impervious to moisture and use a suitable drainage method to keep animals and premises clean and dry.

G. Provide each animal in a kennel with sufficient space to allow each to turn about freely and to stand easily, lie down and sit in a comfortable normal position. Each dog shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of the nose to the base of the tail, plus half that length. A suitable resting area shall be available for each animal.

H. Provide an area subject to size and temperature requirements above and separated from all other animals, which is available for isolation in case of illness. (Ord. 1/26/93 § 2)

6.08.020 Animal health and identification.

A. The following documents shall be maintained for each dog:

1. Source of animal, description, identification tag, date of birth, if known;
2. Copies of rabies vaccination record (vaccination performed by and certificate signed by veterinarian) including date given, length of protection certified and expiration date of same;
3. Copy of all health records, including illnesses, accidents, injections for protection against, required surgery, etc.;

4. Record of any license numbers required by state or local law;

5. Final disposition of animal, including date (euthanasia, sale, etc.).

B. Proper and sufficient food shall be supplied to each animal daily. Animals less than six months of age shall be fed more often than once daily. Clean, fresh water shall be either available at all times, or offered twice daily.

C. Animal cages and runs shall be cleaned daily, or more often if necessary to prevent accumulation of waste matter. Disinfect cages and runs every two weeks.



D. The licensee shall establish and maintain programs of disease control and prevention and provide adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine.

E. Any evidence of illness, sickness or injury, affecting the whole animal or any part of it, as determined by visual examination, palpitation by hand, and or other methods as necessary, shall deem an animal unfit for use, training or sale. Such conditions may include:

1. Any signs of infectious disease, including but not limited to distemper, hepatitis, leptospirosis, rabies, respiratory disease or enteric disease (parvovirus);
2. Any signs of severe parasitism such as but not limited to emaciation, unthriftiness or diarrhea;
3. Any signs of nutritional disease such as but not limited to rickets, emaciation or poor muscle development;
4. Injury, illness, lameness, sore footedness; or other disease. (Ord. 1/26/93 § 3)

6.08.030 Conveyances and transporting vehicles.

A. Vehicles used to transport dogs shall be mechanically sound, maintained and equipped to provide fresh air and the control of temperature extremes to all animals being transported.

B. All enclosures shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely in a standing position, insuring natural ability to stand, to sit erect and to lie in a natural position.

C. Vehicles containing dogs shall not be left unattended on a public way for more than fifteen (15) minutes. The handler or driver shall make certain that the animals are secured from release by unauthorized persons before leaving the vehicle. (Ord. 1/26/93 § 4)

6.08.040 Recordkeeping.

Any and all records which are required by this chapter must be complete, up-to-date where required and available upon request for any inspecting authority. (Ord. 1/26/93 § 5)

6.08.050 Fire prevention and protection.

Every place or premises that is used to kennel racing greyhounds, puppy greyhounds, stud greyhounds or brood bitch greyhounds shall have and maintain:

A. A minimum number of fire extinguishers of the type and number approved by the local fire department;

B. Building numbers and a map or diagram of the property supplied to the local fire department;

C. No smoking in and around buildings, other than designated areas;

D. A separate shed type building for the storage of flammable liquids and shredded paper. (Ord. 1/26/93 § 6)

6.08.060 Inspection.

A. Animal records and premises shall be open for inspection by duly authorized agents of Animal Rescue League of Boston, and/or the Massachusetts Society for the Prevention of

Cruelty to Animals and/or the inspector of animals and dog officer for the city of Lynn, during reasonable hours.

B. Premises shall be open for inspection by the local fire department inspector during reasonable hours.

C. Premises shall be open for inspection by the local board of health during reasonable hours.

D. Inspection by the local fire department shall be made at least once a year at the kennel owner/operator's expense. (Ord. 1/26/93 § 7)

#### 6.08.070 Fines.

A. Failure to comply with the rules and regulations as specified in this chapter shall result in fines in the following manner:

1. First offense: fifty dollars (\$50.00) per violation;
2. Second offense: one hundred dollars (\$100.00) per violation;
3. Third offense: one hundred dollars (\$100.00) per violation, suspension of kennel license and notification to the State Racing Commission.

B. Each day in violation shall constitute a separate offense.

C. The health department, building department, fire department and the dog officer shall be the enforcing authorities of this chapter. (Ord. 1/26/93 § 8)

#### Title 7

(RESERVED)

#### Title 8

## HEALTH AND SAFETY

### Chapters:

- 8.04 Alarm Systems
- 8.08 Construction Safety Regulations
- 8.12 Explosives and Inflammables
- 8.16 Fire Prevention Code
- 8.20 Graffiti
- 8.24 Litter and Refuse Generally
- 8.28 Refuse Containers
- 8.32 Noise
- 8.36 Swimming Pools
- 8.40 Weed and Plant Nuisances
- 8.44 Miscellaneous Health and Safety Regulations

## Chapter 8.04

### ALARM SYSTEMS

#### Section:

8.04.010 Unbased activation--Fines.

8.04.010 Unbased activation--Fines.

Any person or persons within any calendar year activating, or causing to be activated any police or fire security alarm systems privately owned and connected to a city of Lynn police or fire station for any reason not found to be based upon need of the services of the responding police or fire personnel shall be fined as follows:

- A. For the first two unbased responses there shall be no fines.
- B. For the third unbased response, there shall be a fine of twenty-five dollars (\$25.00).
- C. For the fourth unbased response, there shall be a fine of fifty dollars (\$50.00).
- D. For the fifth, and any other, unbased response, there shall be a fine of one hundred dollars (\$100.00). (Ord. 11/30/82 § 2)

## Chapter 8.08

### CONSTRUCTION SAFETY REGULATIONS

#### Sections:

8.08.010 Hazard reduction requirements.

8.08.020 Noncompliance--Penalty.

8.08.010 Hazard reduction requirements.

A. The purpose of this chapter is to reduce any and all safety hazards for pedestrian and vehicular traffic and also for the safety of those workers who are engaged in work upon, in or above the streets and/or sidewalks within the city of Lynn.

B. Any contractor, subcontractor, construction company, etc., engaged in any work in, upon or above any street or sidewalk within the city of Lynn which will affect pedestrian or vehicular traffic in any way is hereby required to obtain the services of a police officer of the city of Lynn for such detail to be present during the entirety of the said work.

C. The chief of police or his or her designee shall determine whether or not such work detail presents a safety hazard to pedestrians or motor vehicles or to the workers themselves.

D. It shall be incumbent upon the company doing the work to see that any openings or any equipment left behind when no worker is present is properly enclosed so as not to present a danger to pedestrians or vehicle traffic. At dusk it shall be required to provide some type of flashing light or lights or some reflective device to be in constant operation. During the daylight hours it shall be required that some suitable type of barrier be placed around the opening or equipment mentioned in this section. (Ord. 9/15/82 § 1)

8.08.020 Noncompliance--Penalty.

Any contractor, subcontractor, construction company, etc., engaged in work mentioned in Section 8.08.010, shall be required to comply with the provisions of this chapter prior to the commencement of such work. Failure to comply with the provisions of this chapter shall result in a penalty of twenty-five dollars (\$25.00) and/or forfeiture of any bond posted for such work and also the immediate termination of such work. (Ord. 9/15/82 § 2)

Chapter 8.12

EXPLOSIVES AND INFLAMMABLES

Sections:

8.12.010 License fees.

8.12.020 Certificate of registration--Fee.

8.12.010 License fees.

Fees for licenses granted under Section 13 of Chapter 148 of the General Laws of Massachusetts to use land for the keeping, storage, manufacture or sale of explosive and inflammable materials are designated as follows.

A. Fuel oil and gasoline.

1 gallon to 10,000 gallons	\$ 50.00
10,001 gallons to 100,000 gallons	100.00
100,001 gallons to 200,000 gallons	150.00
200,001 gallons to 500,000 gallons	600.00
500,001 gallons to 1,000,000 gallons	800.00
Over 1,000,000 gallons	1,200.00

B. Any other Class A inflammable fluids as defined under Chapter 527, M.G.L. CMR #14 in an amount exceeding one hundred fifty-six (156) gallons: fifty dollars (\$50.00).

C. Any other Class B inflammable fluids as defined under Chapter 527, M.G.L. CMR #14 in an amount exceeding five hundred (500) gallons: fifty dollars (\$50.00).

D. Any other Class C inflammable fluids as defined under Chapter 527, M.G.L. CMR #14 in an amount exceeding one thousand (1000) gallons: fifty dollars (\$50.00).

E. Any Class A explosives as defined under Chapter 527 M.G.L. CMR #13 in amount not exceeding one hundred (100) pounds: fifty dollars (\$50.00).

F. Any Class A explosives as defined under Chapter 527, M.G.L. CMR #13 in an amount exceeding 100 pounds: seventy dollars (\$70.00).

G. Any Class B explosives as defined under Chapter 527, M.G.L. CMR #13 in an amount exceeding one hundred (100) pounds: twenty dollars (\$20.00).

H. Any Class B explosives as defined under Chapter 527, M.G.L. CMR #13 in an amount exceeding one hundred (100) pounds: forty dollars (\$40.00). (Ord. 3/30/82 § 1)

8.12.020 Certificate of registration--Fee.

The fee for receiving a certificate of registration as required in connection with a license granted under Section 13 of Chapter 148 of the General Laws, aforesaid, shall be one-half of the fee established for such license in Section 8.12.010. (Ord. 3/30/82 § 2)

## Chapter 8.16

### FIRE PREVENTION CODE

#### Sections:

8.16.010 Adoption.

8.16.020 Bureau of fire prevention--Established--Duties.

8.16.030 Definitions.

8.16.040 Establishment of limits of districts in which storage of explosives and blasting agents is prohibited.

8.16.050 Establishment of limits of districts in which storage of flammable liquids in outside aboveground tanks is prohibited.

8.16.060 Establishment of limits in which bulk storage of liquified petroleum gases is restricted.

8.16.070 Modifications.

8.16.080 Appeals.

8.16.090 New materials, processes or occupancies which may require permits.

8.16.100 Violation--Penalty.

8.16.010 Adoption.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, there is adopted the Fire Prevention Code, (recommended by the American Insurance Association, being particularly the 1965 edition thereof) a copy of which has been and now is filed in the office of the city clerk and the same is adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the city. (Prior code Part I, Ch. IX § 1 (Ord. 5/10/66))

8.16.020 Bureau of fire prevention--Established--Duties.

A. The Fire Prevention Code shall be enforced by the bureau of fire prevention in the fire department of the city of Lynn which is established and which shall be operated under the supervision of the chief of the fire department.

B. The chief of the fire department shall designate an officer as chief inspector of the bureau of fire prevention, who shall hold this office at the pleasure of the chief of the fire department.

The chief of the fire department may detail such members of the fire department as inspectors of the bureau of fire prevention as shall from time to time be necessary.

C. It shall be the duty of the inspectors of the bureau of fire prevention to enforce all laws and ordinances of the state and city covering the following:

1. The prevention of fires;
2. The storage and use of explosives and flammables;
3. The installation and maintenance of automatic and other alarm systems and fire extinguishing equipment.

They shall have such other powers and perform such other duties as are set forth in the other sections of this chapter, and as may be conferred and imposed from time to time by law. (Prior code Part I, Ch. IX § 2 (Ord. 5/10/66))

#### 8.16.030 Definitions.

As used in this chapter:

"Chief of the bureau of fire prevention" means the chief of the fire department.

"Corporation council" means the city solicitor of the city of Lynn.

"Municipality" means the city of Lynn. (Prior code Part I, Ch. IX § 3 (Ord. 5/10/66))

#### 8.16.040 Establishment of limits of districts in which storage of explosives and blasting agents is prohibited.

The limits referred to in Section 12.5b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, shall be determined by the chief of the fire department under the provisions of the General Law of Massachusetts, Chapter 148. (Prior code Part I, Ch. IX § 4 (Ord. 5/10/66))

#### 8.16.050 Establishment of limits of districts in which storage of flammable liquids in outside aboveground tanks is prohibited.

A. The limits referred to in Section 16.22a of the Fire Prevention Code, in which storage of flammable liquids in outside aboveground tanks is prohibited, shall be determined by the chief of the fire department under the provisions of the General Laws of Massachusetts, Chapter 148.

B. The limits referred to in Section 16.51 of the Fire Prevention Code, which new bulk plants for flammable or combustible liquids are prohibited, shall be determined by the chief of the fire department, under the provisions of the General Laws of Massachusetts, Chapter 148. (Prior code Part I, Ch. IX § 5 (Ord. 5/10/66))

#### 8.16.060 Establishment of limits in which bulk storage of liquified petroleum gases is restricted.

The limits referred to in Section 21.6a of the Fire Prevention Code, in which bulk storage of liquified petroleum gas is restricted, shall be determined by the chief of the fire department under

the provisions of the General Laws of Massachusetts, Chapter 148. (Prior code Part I, Ch. IX § 6 (Ord. 5/10/66))

8.16.070 Modifications.

The chief of the fire department shall have the power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (Prior code Part I, Ch. IX § 7 (Ord. 5/10/66))

8.16.080 Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the chief of the fire department to the city council within thirty (30) days from the date of the decision appealed. (Prior code Part I, Ch. IX § 8 (Ord. 5/10/66))

8.16.090 New materials, processes or occupancies which may require permits.

The mayor, the chief of the fire department and the chief inspector of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the code. The chief of the fire department shall post such list in a conspicuous place in his or her office and distribute copies thereof to interested persons. (Prior code Part I, Ch. IX § 9 (Ord. 5/10/66))

8.16.100 Violation--Penalty.

A. Any person who shall violate any of the provisions of the code adopted in this chapter or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the chief of the fire department, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be liable to a penalty of twenty dollars (\$20.00) for each offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Prior code Part I, Ch. IX § 10 (Ord. 5/10/66))



## Chapter 8.20

### GRAFFITI

#### Sections:

- 8.20.010 Sale of aerosol spray paint to minors prohibited--Penalty.
- 8.20.020 Sale of aerosol spray paint--Sign required.
- 8.20.030 Graffiti removal--Owner responsibility.

8.20.010 Sale of aerosol spray paint to minors prohibited--Penalty.

A. It shall be unlawful to engage in the sale of containers of aerosol spray paint to any individual under the age of eighteen (18) within the limits of the city.

B. Any person who violates the provisions of this section shall be subject to a fine of not more than one hundred dollars (\$100.00) for each offense. (Ord. 10/14/86 §§ 1, 2)

8.20.020 Sale of aerosol spray paint--Sign required.

Any person offering aerosol spray paint for sale in the city shall prominently display in the area of the display of aerosol spray paint as well as at all cash registers, a sign setting forth the following, in clearly legible print:

"It shall be unlawful to engage in the sale of containers of aerosol spray paint to any individual under the age of 18 within the limits of the city of Lynn punishable by a fine of \$100 for each offense."

(Ord. 7/25/95 § 1)

8.20.030 Graffiti removal--Owner responsibility.

A. Any graffiti appearing and remaining on any commercial property or any non-owner occupied residential property must be removed by the owner thereof, within thirty (30) days after notice from the city to such owner.

B. If the owner of the property fails to remove such graffiti, after receiving written notice, such owner shall be subject to a fine of fifty dollars (\$50.00) per day for so long as such graffiti remains on the property. The city shall place a lien on the property for collection purposes, if necessary. (Ord. 1/10/95 §§ 1, 2)

## Chapter 8.24

### LITTER AND REFUSE GENERALLY

#### Sections:

- 8.24.010 Definitions.
- 8.24.020 Littering prohibited.
- 8.24.030 Joint maintenance of sidewalks.

- 8.24.040 Storage of wastes placed out for collection.
- 8.24.050 Collection.
- 8.24.060 Prohibited activities.
- 8.24.070 Violation--Penalty.
- 8.24.080 Enforcement.

8.24.010 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

"Abutter" means any owner or tenant who abuts a sidewalk.

"Commercial waste" consists of any unusual wastes that accumulate on the premises of any commercial enterprise operating for profit not covered by the definition of "ordinary refuse," Tires, mufflers, tailpipes, or other parts of any motor vehicle generated by vehicular repair shops are considered as "commercial waste." Discarded building products, usable or nonusable generated by any commercial service company in the construction, alteration or repair of any structure (e.g. brick, earth, plaster, lathing, roofing materials, lumber, plumbing fixtures, etc.) are considered as "commercial wastes." Such wastes shall not be collected by the city.

"Industrial wastes" are waste materials, products or by-products from factories, processing plants and other manufacturing enterprises including any food processing wastes, highly inflammable material or otherwise dangerous and/or hazardous wastes. Such wastes shall not be collected by the city.

"Joint maintenance" means the following:

1. The city retains ownership of the road layout including the portion known as the sidewalk and shall be responsible for major maintenance such as paving repairs or replacement as deemed necessary;
2. The owner and/or tenant shall be responsible for the cleanliness, removal of debris, weeds and trapped litter from any sidewalk that abuts owned or rented property and shall exercise good and reasonable judgment in maintaining the sidewalk free from debris and litter at all times so as to insure the safe passage of all pedestrian traffic in an atmosphere free from dirt and litter.

"Litter" means refuse, garbage, rubbish or any unwanted waste materials in any amount intended for disposal by any person or persons. It may consist of animal or vegetable waste, paper, cellophane, rubber, glass, metal, plastic and other like materials.

"Littering" means the act of disposal of litter as defined in this section.

"Owner" means any person, proprietary firm or corporation holding title to any real property within the city.

"Person" or "persons" means any individual, firm, corporation or society.

"Refuse" means ordinary refuse which is unwanted, discarded, worthless materials or waste resulting from natural community activities, and consists of the following:

1. "Garbage" is the animal and vegetable waste resulting from the handling, preparation and cooking of food for human consumption;
2. "Ashes" are the residue of the combustion of solid fuel, such as wood, coal, coke or like substances;
3. "Rubbish" is miscellaneous refuse such as paper, rags, wood, excelsior, rubber, leather, glass, crockery, tin cans, corn husks, metallic substances, and like materials;

4. "Ordinary rubbish" will be collected by the city.

"Sidewalk" means any section of pavement consisting of part of a road layout owned by the city whose outside limits are defined by a curb, gutter or other established line and whose inner limits are defined by a private or public parcel of property.

"Tenant" means any person who rents or otherwise occupies for any purpose any part or parcel of real property in Lynn whether or not a landlord-tenant agreement exists. (Ord. 6/10/86 § 2)

8.24.020 Littering prohibited.

A. Any person(s) littering or otherwise disposing of litter on any street, road, highway or sidewalk in the city shall be in violation of this chapter.

B. Any person(s) littering or otherwise disposing of litter on any private property in Lynn in such a manner as to cause a general nuisance to the public welfare shall be in violation of this chapter.

C. All convenient stores or take-out food restaurants shall provide trash receptacles for the use of customers entering and exiting the premises. (Ord. 1/10/95 § 1; Ord. 6/10/86 § 3)

8.24.030 Joint maintenance of sidewalks.

A. All persons (owner(s) and/or tenant(s)) who fail to exercise reasonable daily maintenance in keeping a sidewalk abutting property owned, rented or otherwise occupied shall be in violation of this chapter.

B. All persons in commercial, light and heavy industrial zones, exercising joint maintenance to an abutting sidewalk shall be responsible to dispose of picked up litter or debris in a manner that does not conflict with other sections of this chapter. The sweeping of litter or debris from a sidewalk into the roadway shall be in violation of this chapter. An area zoned as residential, general residential, apartment house, or in areas where a letter sue has been granted for resident use, the responsibility shall lie with the property owner(s) and tenant(s) thereof.

C. This shall include all city agencies. (Ord. 6/10/86 § 4)

8.24.040 Storage of wastes placed out for collection.

A. A container shall be defined as follows:

1. "Barrel" means a metal or plastic barrel or other suitable rigid container not exceeding eight pounds in weight-empty, not exceeding thirty-two (32) gallons capacity;

2. "Bag" is a flexible, disposable, waterproof container not exceeding thirty-six (36) inches in height, twenty-four (24) inches in width, or twenty-eight (28) gallons capacity and specifically designed for rubbish disposal;

3. "Box" is a disposable container made of heavy cardboard not exceeding thirty-six (36) inches in height, twenty-four (24) inches in width, and four pounds in weight-empty;

4. "Bundle" is a tied disposable package not exceeding forty-eight (48) inches in length and eighteen (18) inches in diameter or exceeding six cubic feet. No container may exceed fifty (50) pounds in weight when filled to capacity.

B. No container may be filled in excess of its defined capacity limits.

C. No container that will not withstand ordinary rain or snow without collapsing or leaking will be allowed.

D. All bags must be tied. All boxes must be covered or placed so as to keep out rain or snowfall. All bundles must be neatly tied with strong cord. (Ord. 6/10/86 § 5)

#### 8.24.050 Collection.

A. Ordinary Refuse--Collection Schedule and Regulations. Ordinary refuse will be collected by the city or its agents as follows:

1. All containers will be collected weekly at curbside only on scheduled day of collection. Curbside means in front of any building facing on a traveled way in Lynn. Permanent containers (barrels in good repair) will be emptied and returned to curbside. Temporary containers (bags, bundles, boxes) will be collected as refuse. Containers shall be placed in such a manner so as not to obstruct pedestrian traffic.

2. All refuse must be placed in containers as defined in Section 8.24.040. Unless there is a conflict with Section 8.24.040, a container shall consist of a barrel, box, bag or tied bundle not exceeding fifty (50) pounds per container. The maximum number of containers that may be placed curbside for collection weekly shall not exceed six containers per unit except at the discretion of the commissioner of the department of public works, in which case it shall not exceed ten (10).

3. All garbage is to be well drained and separately wrapped before mixing with rubbish.

4. Leaves, tree trimmings, cut grass, lumber, cardboard, discarded household furniture, and other materials not otherwise specifically excluded, will be collected if it is barreled, bagged, boxed or bundled in strict compliance with all other sections of this chapter. The responsibility to break down or otherwise reduce the size of household furniture or other bulky items, etc., to acceptable size shall rest on the owner of these materials and not on the city or its agents.

5. Empty containers must be removed from the sidewalk on the same day as collected.

B. Placement of Refuse.

1. All acceptable refuse must be placed out for collection not later than seven a.m. (E.S.T. or E.D.T. when in effect) on the day of collection. Anyone placing rubbish out after stop has been collected will be in violation of this chapter.

2. All acceptable refuse may be placed out for collection no earlier than six p.m. on the day before scheduled collection.

3. No person, firm or corporation shall place out for collection any refuse that does not comply with this chapter.

4. No person, firm or corporation shall put out for collection more than six acceptable barrels, bags, bundles or boxes from any one unit otherwise covered by this chapter.

C. Multi-Unit Dwellings and Commercial Buildings. A unit is defined as follows:

1. A single household, apartment or tenement of any residential building not exceeding six units.

2. In the case of hotels, motels, tourist homes, rooming houses, etc., a unit shall consist of any household, however small, of a building not exceeding six units.

3. In the case of an office building or other multi-complex commercial establishment not exceeding six units, a unit is defined as a single small enterprise.

4. Apartment houses, town houses, multi-unit housing developments, multi-unit shopping plazas or other commercial or industrial complexes where the total complex exceeds six units will not be collected.

5. Nursing homes, convalescent houses, dormitories or other similar dwelling will not be collected.

6. Any and all condominium units/associations with six or more units must containerize (i.e. dumpster) all trash, at their own expense, in order to have the city collect their trash. In addition, each condominium complex with six or more units must certify, in writing, with the department of public works commission, each year, that the trash has been containerized.

7. Any and all condominium units/associations with six or more units who, according to this chapter may have their refuse/trash collected, must participate in curbside recycling in order to do so.

8. Any and all condominium units/associations with six or more units must sign a waiver, release, and/or agreement, drafted by the city solicitor, holding the city harmless and free of any liability for damage and/or injury to person(s) or property, caused by the contracted collection service in order to have their refuse/trash collected in accordance with this chapter. (Ord. 6/10/97 § 1; Ord. 6/10/86 § 6, 7)

#### 8.24.060 Prohibited activities.

A. No person shall place any barrel or container of ashes, rubbish and/or ordinary commercial wastes upon any sidewalk or way for collection by the city of Lynn or its employees or agents unless the same shall be so covered or otherwise secured as to prevent the ashes or other contents thereof from blowing or otherwise escaping therefrom into or upon any street or way or part thereof.

B. No person shall place any garbage, ashes, rubbish, and/or ordinary commercial wastes in any barrel unless the latter is of standard metal or plastic and in good condition or unless the container thereof is suitable and rigid and able to hold the contents thereof without spilling or wasting of the same.

C. No person, firm or corporation shall place or keep any box, barrel, bag or other container, containing ashes, junk, debris, waste paper or other waste matter, on any sidewalk in the city of Lynn except for removal or collection thereof by the city of Lynn and its employees; and then the same shall be placed on the outer curb of the sidewalk appurtenant to the place such person, firm or corporation resides or has its place of business. No person, firm or corporation shall place or keep any such box, barrel, crate, bag or other container, containing ashes, junk, debris, waste paper or other waste matter upon any sidewalk sooner than six p.m. on the day before the day designated for the removal or collection thereof in the district where such person, firm or corporation resides or has its place of business.

D. No person shall disturb, remove or collect any ashes, rubbish or ordinary garbage from any premises without consent of the owner thereof, nor any ordinary commercial wastes placed out for collection, upon any sidewalk or way, except employees or agents of the city.

E. Private parties, firms or corporations may collect ordinary commercial and/or extraordinary commercial and industrial wastes provided that such collection shall be made only when such wastes are enclosed in tight metal or rigid containers which shall be nonleakable and the vehicle in which such wastes are carried including garbage and ordinary commercial wastes shall

be subject to supervision of the commissioner of the department of public health and licensed therefor in accordance with statute.

F. No person shall disturb, remove or collect any material which has been placed upon any sidewalk, in accordance with this chapter without the written approval of the commissioner of the department of public works.

G. No person shall place refuse for collection in front of any building where the refuse was not generated. (Ord. 6/10/86 § 8)

#### 8.24.070 Violation--Penalty.

A. Any person(s) who shall fail to comply with Sections 8.24.020 and 8.24.030 covering the discharge and control of litter on the highways and byways of the city shall be given a warning for the first offense; upon conviction, be fined one hundred dollars (\$100.00) for the second offense and fined two hundred dollars (\$200.00) for each subsequent offense. Each day that Sections 8.24.020 and 8.24.030 are not complied with, shall constitute a separate violation.

B. Any person(s) who fails to comply with the provisions of Sections 8.24.040 through 8.24.060 shall, upon conviction, be fined fifty dollars (\$50.00) for the first offense; one hundred dollars (\$100.00) for the second offense and two hundred dollars (\$200.00) for each subsequent offense. Each container and/or day's failure to comply with Sections 8.24.040 through 8.24.060 shall constitute a separate violation.

C. Disposition of violations of Sections 8.24.020 through 8.24.060 shall be made through the Parking Department of the City of Lynn, Room 102, City Hall, Lynn, Massachusetts.

D. Failure to pay any assessed fine within twenty-one (21) days of the issuance of such will cause interest at a rate of ten (10) percent to accrue, proceedings commenced to place liens on real or personal property and/or a criminal complaint to be issued as provided for in Massachusetts General Laws, Chapter 270, Section 16. (Ord. 2/14/89 §§ 1,2; Ord. 6/9/87 § 1; Ord. 6/10/86 § 9)

#### 8.24.080 Enforcement.

All officers of the Lynn police department, all inspectors of the health department and any other persons that the mayor may, by written notice, deputize shall be enforcing agents. (Ord. 6/10/86 § 10)

### Chapter 8.28

#### REFUSE CONTAINERS

##### Sections:

- 8.28.010 Definitions.
- 8.28.020 Permit required.
- 8.28.030 Maintenance of structural elements by owner.
- 8.28.040 Maintenance of dumpsters by renters.
- 8.28.050 Restrictions.
- 8.28.060 Dumpster permit fees.
- 8.28.070 Violation--Penalty.

8.28.010 Definitions.

As used in this chapter:

"Dumpster" means each individual refuse container.

"Owner" means the firm or corporation holding title to each individual dumpster.

"Renter" means the individual, firm, trust or corporation, etc. (Ord. 3/8/88 § 1)

8.28.020 Permit required.

No dumpster shall be placed on any private property without a permit issued to the renter by the board of health. Such permit shall be issued upon application to the board of health and shall be renewed on January 1st of each year. (Ord. 3/8/88 § 2)

8.28.030 Maintenance of structural elements by owner.

A. All dumpsters shall have affixed in clear, legible print, the name of the firm or corporation and the telephone number of the firm or corporation on each individual dumpster.

B. All dumpsters shall be painted and free from discoloration from oxidation.

C. Covers or lids on all dumpsters shall be in proper working condition.

D. All dumpster drainage openings shall remain plugged at all times.

E. The dumpster company shall be required to submit to the board of health, a list of all customers located within the city. Such list shall be submitted semi-annually in the months of January and June of each year. (Ord. 11/27/90 § 1; Ord. 3/8/88 § 3)

8.28.040 Maintenance of dumpsters by renters.

A. All areas surrounding the dumpster shall be kept clean and litter free.

B. All dumpsters shall be maintained clean and free from offensive odors.

C. All dumpsters shall be kept closed at all times when not in use.

D. When deemed necessary by the authority, all dumpsters shall be kept locked at all times.

E. At no time shall any dumpster cause a nuisance resulting from the overflow of the contents.

F. When deemed necessary by the authority, renters may be ordered to enclose each individual dumpster by a wall, fence or other means so constructed as to be inaccessible to the general public. Such enclosures shall be equipped with a self-latching and lockable gate or an equivalent enclosure sufficient to deny access to the general public.

G. The board of health shall order the immediate emptying of any dumpster when in the opinion of the board, there is an imminent health hazard and that the cost be the responsibility of the renter of the dumpster.

(Ord. 3/8/88 § 4)

8.28.050 Restrictions.

A. Unless otherwise authorized by the authority, no owners may dispose of the contents of individual dumpsters between the hours of seven p.m. and seven a.m.

B. Placement of dumpsters for single-family dwellings shall be limited to temporary use only. Renters shall notify the authority of the reasons for such temporary placements and the approximate duration or time of which the services will be rendered. (Ord. 3/8/88 § 5)

8.28.060 Dumpster permit fees.

A fee of five dollars per dumpster shall be payable upon application for permit. (Ord. 3/8/88 § 6)

8.28.070 Violation--Penalty.

The penalty for violation of this chapter shall be one hundred dollars (\$100.00) per day for each day the violation exists. (Ord. 3/8/88 § 7)

Chapter 8.32

NOISE

Sections:

8.32.010 Purpose.

8.32.020 General noise prohibition.

8.32.030 Specific noise prohibitions.

8.32.040 Violation--Penalty.

8.32.050 Manner of enforcement.

8.32.060 Additional remedy--Injunction.

8.32.010 Purpose.

A. The making and creation of excessive unnecessary or unusually loud noises within the limits of the city of Lynn is a condition which has existed for some time and the extent and volume of such noises is increasing;

B. The making, creation or maintenance of such excessive or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the city of Lynn; and

C. The necessity in the public interest for the provisions and prohibitions contained in this chapter and enacted, is declared that the provisions and prohibitions contained in this chapter and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the residents of the city, and its inhabitants. (Ord. 7/14/87 § 2)

8.32.020 General noise prohibition.

It is unlawful for any person to make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city. (Ord. 7/14/87 § 2)

8.32.030 Specific noise prohibitions.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive:



A.     Horns, Signaling Devices, Etc. The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device of an unnecessary and unreasonable period of time. The use of any such signaling device when traffic is for any reason held up.

B.     Radios, Phonographs, Etc. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device between the hours of eleven p.m. and seven a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

C.     Loud Speakers and Amplifiers for Advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is case upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

D.     Yelling, Shouting, Etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of eleven p.m. and seven a.m. or at any time or place, so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

E.     Animals, Birds, Etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

F.     Steam Whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

G.     Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

H.     Defect in Vehicle or Load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

I.     Construction or Repairing of Buildings. The erection (including excavation), demolition alteration or repair of any building other than between the hours of seven a.m. and six p.m. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of six p.m. and seven a.m., and if he or she shall further determine that loss or inconvenience would result to any party in interest, he or she may grant permission for such work to be done within the hours

of six p.m. and seven a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

J. Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets

indicating that the same is a school, hospital or court street.

K. Hawkers and Peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

L. Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

M. Metal Rails, Pillars and Columns -- Transportation. The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

N. Pile Drivers, Hammers, Etc. The operation of any pile driver, steam shovel, pneumatic hammer, derrick steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, except as allowed in subsection I of this section.

O. Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noises from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise. (Ord. 4/14/98 § 1; Ord. 1/26/93 § 1; Ord. 7/14/87 § 4; Prior code Part V (Ord. 7/12/32))

#### 8.32.040 Violation--Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined three hundred dollars (\$300.00) which money shall enure to the city. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as offense and shall be punishable as such hereunder. The Lynn police department shall be the enforcing authority for all purposes. (Ord. 1/26/93 § 2; Ord. 7/14/87 § 5)

#### 8.32.050 Manner of enforcement.

Fines shall be recovered by noncriminal disposition pursuant to the provisions of General Laws, Chapter 40, Section 21D. (Ord. 7/14/87 § 6)

#### 8.32.060 Additional remedy--Injunction.

As an additional remedy, this operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. 7/14/87 § 6)

## Chapter 8.36

### SWIMMING POOLS

#### Sections:

- 8.36.010 Definitions.
- 8.36.020 Public and semi-public swimming pools--Health department permit required.
- 8.36.030 Permits--Expiration--Revocation--Fee.
- 8.36.040 Private swimming pools--Enclosure required.

#### 8.36.010 Definitions.

As used in this chapter:

"Public pool" means every swimming or wading pool admission to which may be gained by the general public with or without the payment of a fee.

"Residential pool" means a swimming or wading pool established or maintained by an individual for his or her own or family's use, or for the use of personal guests of his or her household.

"Semi-public pool" means a swimming or wading pool on the premises of, or used in connection with a hotel, motel, trailer court, apartment house, country club, youth club, school, camp, or similar establishment where the primary purpose of the establishment is not the operation of the swimming facilities, and where admission to the use of the pool is included in the fee or consideration paid or given for the primary use of the premises. Semi-public pool shall also mean a pool constructed and maintained by groups for the purposes of providing bathing facilities for members and guests only.

"Swimming pool" means and includes every artificial pool of water having a depth of two feet or more at any point and used for swimming or bathing, located indoors or outdoors, together with the bathhouses, equipment, and appurtenances used in connection with the pool. It does not include any residual pool as herein defined nor does it include any pool used primarily for baptismal purposes or the healing arts.

"Wading pool" means a pool of water in a basin having a maximum depth of less than two feet intended chiefly as a wading place for children. It does not include any residential pool as herein defined. (Ord 4/23/74 § 1 (A--E)).

#### 8.36.020 Public and semi-public swimming pools--Health department permit required.

No person shall operate or maintain any public or semi-public swimming or wading pool without the written permission of the health department on a form prescribed therefor by the commissioner of public health. (Ord. 4/23/74 § 1 (F))

#### 8.36.030 Permits--Expiration--Revocation--Fee.

All permits shall expire December 31st following the date of issue, and may be revoked for cause at any time by the health department. A fee of five dollars shall be charged for all such permits. (Ord. 4/23/74 § 1 (G))

8.36.040 Private swimming pools--Enclosure required.

A. In accordance with Section 422.8 of the State Building Code, all private swimming pools of all types, as so classified in Section 422.32 of the State Building Code, shall be completely enclosed by a wall, fence or other means so constructed as to be inaccessible to small children. Such enclosures shall be not less than four feet in height with a self-latching gate or an equivalent enclosure or means of protection from access to the pool.

B. Any person who violates this section shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00). Each day such violation shall be permitted to exist shall constitute a separate offense. (Ord. 7/8/75 § 1, 2)

## Chapter 8.40

### WEED AND PLANT NUISANCES

#### Sections:

8.40.010 Weeds--Declared a nuisance.

8.40.020 Height limitation.

8.40.030 Removal--Notice.

8.40.040 Abatement.

8.40.050 Lien.

8.40.060 Foreclosure of lien.

8.40.070 Violation--Penalty.

8.40.010 Weeds--Declared a nuisance.

Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, found growing in any lot or tract of land in the city are declared to be a nuisance, and it is unlawful to permit any such weeds to grow or remain in any such place. (Prior code Part V § 1 (Ord. 9/24/68))

8.40.020 Height limitation.

It is unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height which would be declared a health hazard to the inhabitants of the city by the commissioner of the department of public health; anywhere in the city; any such plants or weeds exceeding such height are declared to be a nuisance. (Ord. 9/11/79 § 1 (part); Prior code Part V § 2 (Ord. 9/24/68))

8.40.030 Removal--Notice.

It shall be the duty of the commissioner of the department of public health of the city to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this chapter and to demand the abatement of the nuisance within ten (10) days. (Ord. 9/11/79 § 3 (part); Prior code Part V § 3 (Ord. 9/24/68))

8.40.040 Abatement.

If the person so served does not abate the nuisance within ten (10) days the city may proceed to abate such nuisance keeping an account of the expense of the abatement, and such expense shall be charged and paid by the owner. (Prior code Part V § 4 (Ord. 9/24/68))

8.40.050 Lien.

A. Charges for such weed removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for sixty (60) days after it has been rendered, the clerk may file with the recorder of deeds of Southern Essex County a statement of lien claim. This statement shall contain a legal description of the premises, the expense and costs incurred and the date the weeds were cut, and a notice that the city claims a lien for this amount. Notice of such lien claim shall be mailed to the owner of the premises if his or her address is known.

B. Provided, however, that failure of the clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for such charges as provided in Section 8.40.060. (Prior code Part V § 5 (Ord. 9/24/68))

8.40.060 Foreclosure of lien.

Property subject to a lien for unpaid weed cutting charges shall be sold for nonpayment of the same and the proceeds of such sale shall be applied to pay the charge after deducting costs, as in the case in the foreclosure of statutory liens. Such foreclosure shall be in equity in the name of the city. The city attorney is authorized and directed to institute such proceedings, in the name of the city, in any court having jurisdiction over the matter, against any property or which such bill has remained unpaid sixty (60) days after it has been rendered. (Prior code Part V § 6 (Ord. 9/24/68))

8.40.070 Violation--Penalty.

The penalty for failure to comply with the provisions of this chapter shall be punishable by a fine of not less than one hundred dollars (\$100.00) per day. (Ord. 9/11/79 § 1 (part))  
Chapter 8.44

## MISCELLANEOUS HEALTH AND SAFETY REGULATIONS

Sections:

8.44.010 Owners of excavated land to erect barriers.

8.44.020 Demolition or construction--Rodent extermination required.

8.44.010 Owners of excavated land to erect barriers.

A. The owner or owners of land which has been excavated shall erect barriers or take other suitable measures to protect persons from damage incident thereto, within five days after such owners have been notified, in writing, by the mayor and city council, that in their opinion such excavation constitutes a hazard to public safety.

B. The penalty for a violation of this section shall not exceed two hundred dollars (\$200.00). (Prior code Part V §§ 1, 2 (Ord. 10/10/61))

8.44.020 Demolition or construction--Rodent extermination required.

A. The superintendent of buildings shall require all demolition of old building permits to contain a mandate to exterminate for rodents before the razing of the building.

B. The superintendent of buildings shall require all construction permits requiring the breaking of ground to be subject to a mandate for rodent extermination where needed. (Ord. 5/25/76 § 1)

## Title 9 PUBLIC PEACE, MORALS AND WELFARE

### Chapters:

- 9.04 Offenses Against Public Peace and Decency
- 9.08 Tobacco Possession by Minors
- 9.12 Tobacco Sales to Minors
- 9.16 Sales of Lighters and Matches to Minors
- 9.20 Property Offenses
- 9.24 Weapons
- 9.28 Curfew

## Chapter 9.04 OFFENSES AGAINST PUBLIC PEACE AND DECENCY

### Sections:

- 9.04.010 Drinking alcoholic beverages in public places.
- 9.04.020 Offenses on street.
- 9.04.030 Dispersal of persons committing offense.
- 9.04.040 Public urination and defecation.
- 9.04.050 Engaging in sexual conduct for a fee.

### 9.04.010 Drinking alcoholic beverages in public places.

A. The drinking of alcoholic beverages is prohibited on public streets, parks, playgrounds, conservation areas, any other land owned by the city and on private property without the consent of the owner of the property, or consent of appropriate authority on city owned land. This shall include drinking in motor vehicles in such places.

B. Simple possession of a full or partially full open container of alcoholic beverages shall be in violation of this section.

C. Violation of the provisions of this section shall make the offender subject to arrest and punishable by a fine of not less than two hundred dollars (\$200.00) for the first offense and not less than three hundred dollars (\$300.00) for each offense thereafter. (Ord. 7/25/95 § 1; Ord. 9/15/82 §§ 1, 2; prior code Part V (Ord. 7/10/73))

### 9.04.020 Offenses on street.

A. No person unless licensed by the mayor or chief of police shall ring or cause to be rung, or use or cause to be used any bell, horn, or other such instrument in any street to the annoyance or disturbance of any person. No person shall stand in any street for the sale of any article, or the exercise of any other business, after being requested to desist by the mayor or any police officer. No person shall place or carry, or cause to be placed or carried, on any sidewalk, any show board, placard or sign, for the purpose of their displaying the same.

B. No person shall use or shoot with bows and arrows, or throw any stones or snowballs, or play at ball, football, cricket, or quoits, or coast or course upon any sled or sleds, cart or scooter car or skate or fly any kite in or upon any sidewalk, street, square or public place in the city without permission of the commission on ways and drainage. (Prior code Part I, Ch. IV §§ 50, 51)

### 9.04.030 Dispersal of persons committing offense.

A. Whenever the mayor, chief or deputy chief of police, any justice of the peace, any constable, watchman or other officer of police shall observe any persons to the number of three or more, gathered upon any steps, portico, street corner, private land or other conspicuous place, whether on private premises or otherwise, there indulging in improper and offensive conversation or remarks, or uttering expressions tending to the disturbance and disgust of passengers, or by their acts or conduct in any way troubling or annoying those peaceably passing by, then such officer may command any such persons to disperse and remove, and to cease from all such offensive acts and conduct.

B. If any such persons so ordered to remove shall then and there refuse, or if having removed as directed, such persons shall, within the same day, be again found in the same or any

similar place, recommitting the like offence, then the officer may arrest such person and detain him or her in custody, for trial in the same manner as is lawful in the case of other offences against the public peace and good order. (Prior code Part I, Ch. IV §§ 52, 53)

9.04.040 Public urination and defecation.

A. No person shall urinate or defecate in any way or form, in or upon any private, public or city owned property, within the city, so as can be seen or implied that such is taking place.

B. Any person found in violation of this section may be arrested by any police officer of the city and fined up to two hundred dollars (\$200.00) per offense. (Ord. 11/18/86 §§ 2, 3)

9.04.050 Engaging in sexual conduct for a fee.

Any person who engages, or agrees to engage, or offers to engage in sexual conduct with another person in return for a fee may be punished by a fine of not more than five hundred dollars (\$500.00) and/or a minimum of forty (40) hours nor more than a maximum of one hundred (100) hours of community service at the discretion of the court. (Ord. 2/12/91 § 1; Ord. 3/1/83 § 2)



## Chapter 9.08 TOBACCO POSSESSION BY MINORS

### Sections:

- 9.08.010 Prohibited.
- 9.08.020 Noncriminal disposition.
- 9.08.030 Violation--Penalty.
- 9.08.040 Enforcement.

#### 9.08.010 Prohibited.

A. No person under eighteen (18) years of age shall purchase, possess or use any tobacco product.

B. The prohibition on possession of tobacco products shall not be deemed to prohibit persons under the age of eighteen (18) years employed by any manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer from performing the necessary handling of tobacco products during the duration of their employment.

C. A person under eighteen (18) years of age shall not misrepresent his or her age for the purpose of purchasing tobacco products. (Ord. 10/8/96 §§ 1--3)

#### 9.08.020 Noncriminal disposition.

Whoever violates any provisions of this chapter, the violation of which is subject to a specific penalty, may be penalized by the noncriminal disposition as provided in General Laws, c. 40, Section 21D or by filing a criminal complaint at the appropriate venue. (Ord. 10/8/96 § 4)

#### 9.08.030 Violation--Penalty.

Any persons under eighteen (18) years of age who violates this chapter shall be guilty of a violation and shall be punished by immediate confiscation of any and all visible tobacco products in his or her possession. In addition, the following penalties will be imposed:

A. First Offense. Successful completion of the Lynn community health's smoking cessation program within a two-month period of the violation. If said program is not completed within a two-month period a one hundred dollar (\$100.00) fine will be imposed.

B. Second Offense. One hundred dollar (\$100.00) fine or successful completion of twenty (20) hours of community service.

C. Third and All Subsequent Offenses. One hundred dollar (\$100.00) fine. (Ord. 10/8/96 § 5)

#### 9.08.040 Enforcement.

A. Enforcement of this chapter shall be implemented by the Lynn board of health, its agents, designees or appointees and the Lynn police department.

B. The Lynn board of health shall have the authority to act as fine collector.

C. The department of community development will administer, enforce and oversee, at its discretion any and all persons deemed by the Lynn board of health to participate in community service as described by Section 9.08.020.

D. The city clerk or designee and/or agent, which may include but is not limited to the parking department, shall have the authority to act as fine collector. (Ord. 7/8/97 § 1; Ord. 10/8/96 § 6)

## Chapter 9.12 TOBACCO SALES TO MINORS

### Sections:

- 9.12.010 Prohibited.
- 9.12.020 Definitions.
- 9.12.030 Point of sale.
- 9.12.040 Identification required.
- 9.12.050 Advertisement--Prohibited on public way.
- 9.12.060 Out-of-package sales prohibited.
- 9.12.070 Violation--Penalty--Enforcement.
- 9.12.080 Vendor third offense--Tobacco retraining program.
- 9.12.090 Additional vendor violations.
- 9.12.100 Board of health to determine retraining.
- 9.12.110 Public education.
- 9.12.120 Board of health--Compliance checks required.
- 9.12.130 Sales permit checklist.
- 9.12.140 Noncriminal disposition.

### 9.12.010 Prohibited.

No person shall sell tobacco products or permit the same to be sold to a minor. (Ord. 3/11/97 § 1)

### 9.12.020 Definitions.

For the purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this chapter:

"Board" means board of health of the city of Lynn.

"City" means city of Lynn.

"Minor" means any individual who is under the age of eighteen (18).

"Person" means a person, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale of tobacco products. "Tobacco products" means cigarettes, cigars, chewing tobacco, pipe tobacco, snuff or tobacco in any of its forms. (Ord. 3/11/97 § 2)

### 9.12.030 Point of sale.

A. Notice of Prohibition. No person shall sell or permit the sale of tobacco products unless the location at which the tobacco products are available for purchase is posted with three notices which are clearly visible to anyone purchasing such products and which states:

Massachusetts state law prohibits the sale of tobacco products to any person under the age of eighteen (18) years of age. See M.G.L. c. 270 § 6.

B. Such notices must be printed in black letters at least one inch in height on a white background, and shall be available upon request from the board of health and at least one notice will be placed on the front/main entrance of location and one at point of sale. (Ord. 3/11/97 § 3)

9.12.040 Identification required.

A. A person selling tobacco products shall request and examine identification from any purchaser, and shall positively establish the purchaser's age as eighteen (18) years or older before allowing the purchase.

B. The following shall constitute positive identification: a valid Massachusetts driver's license; or a certified birth certificate along with a picture identification card, or two other similar forms of identification one of which shall be a picture identification card. (Ord. 3/11/97 § 4)

9.12.050 Advertisement--Prohibited on public way.

Any and all persons selling tobacco products shall not advertise tobacco products on any public property or public way. All advertising of tobacco products shall be limited exclusively to the private property of the person. (Ord. 3/11/97 § 5)

9.12.060 Out-of-package sales prohibited.

In accordance with the city of Lynn department of health regulations pertaining to "Out of Package Sales of Tobacco Products," dated July 2, 1996, it is unlawful to remove and commercially sell single cigarettes from the manufacturer's package which states the federally required health warnings. Commercial sale and/or distribution of tobacco products in any other form other than original factory-wrapped package is prohibited. (Ord. 3/11/97 § 6)

9.12.070 Violation--Penalty--Enforcement.

A. Any person violating Section 9.12.010 and/or Section 9.12.060 shall be subject to a fine of not less than one hundred dollars (\$100.00) and retraining for the first offense; and, for the second offense, a fine of not less than two hundred dollars (\$200.00) retraining and suspension of the "Permit for Sale of Tobacco Products" issued by the board of health, for seven days; and, for the third offense and each offense thereafter, a fine of not less than three hundred dollars (\$300.00) and immediate forfeiture of the right/privilege and/or permit to sell tobacco products in the city for thirty (30) business days. Any and all appeals will be consistent with the Lynn board of health's established procedures.

B. The city clerk or designee and/or agent, which may include but is not limited to the parking department, shall have the authority to act as fine collector. (Ord. 5/27/97 § 1; Ord. 3/11/97 § 7)

9.12.080 Vendor third offense--Tobacco retraining program.

A. Any vendor/merchant who has forfeited their right/privilege to sell tobacco products for thirty (30) days as a result of violation of the "third offense," as described in Section 9.12.070, must establish that its employees successfully participated in a tobacco retraining program as outlined by the Lynn board of health, its agents and/or designees, the North Shore Tobacco Control Program and/or any other established, reputable training program. The vendor and/or merchant's permit will be immediately reinstated upon expiration of the thirty (30) day period as described. The city council ordinance committee, however, will determine at its next meeting whether the vendor/merchant has successfully completed the retraining requirements of this section. The burden

is on the vendor/merchant to establish such. If the vendor/merchant fails to meet these requirements, their permit will be immediately suspended until they do so.

B. This section pertains to Section 9.12.010 and Section 9.12.070 only. If from the date of the first violation/offense, any person does not violate this chapter for a period of two years, the next offense will be considered a first offense. If a second offense occurs within that same two-year period, it will be considered a second offense. The next offense will be considered a third offense if it occurs within a two-year period from the date of the second offense. If from the date of the second offense, no violation occurs for a period of two years the next offense will be considered a first offense. (Ord. 3/11/97 §§ 8, 9)

9.12.090 Additional vendor violations.

Any person failing to request identification and/or failure to properly post notices and/or advertising on a public way, all as herein outlined, will be subject to a fifty dollar (\$50.00) fine for each violation. In addition to the fine for failure to request I.D. the person will be required to attend retraining. (Ord. 3/11/97 § 10)

9.12.100 Board of health to determine retraining.

Any and all retraining programs will be determined by the Lynn board of health and/or its designee or agents, and will include any and all possible health effects of tobacco use. (Ord. 3/11/97 § 11)

9.12.110 Public education.

The Lynn board of health shall engage in a continuing program to explain and clarify the purposes and requirements of this chapter to citizens affected by it, and to guide owners, operators and managers in their compliance with this chapter. Such program may include publication of a brochure for affected businesses and individuals explaining the provisions of this chapter. The Lynn board of health shall respond to any requests from the tobacco vendors/retailers for assistance in training sales personnel. (Ord. 3/11/97 § 12)

9.12.120 Board of health--Compliance checks required.

The Lynn board of health and/or its agents or designees are required to do the following:

- A. Complete at least three compliance checks per year;
- B. Require any and all permit holders to initial and sign the tobacco sales permit checklist, as herein outlined, prior to the renewal of any permit or issuance of any new tobacco sales permit;
- C. Mail to all permit holders by U.S. Mail, 1st class postage pre-paid, the complete results of any and all compliance checks. (Ord. 3/11/97 § 13)

9.12.130 Sales permit checklist.

The following checklist shall be the form used by the Lynn board of health and/or its agents:

TOBACCO SALES PERMIT CHECKLIST

This form must be initialed and signed by the owner/operator of the establishment applying for a Board of Health Tobacco Sales Permit. No permit will be issued until this checklist has been initialed and signed.

1) I have read and I understand all subsections within the Tobacco Sale Ordinance (Regulations Affecting Smoking and the Sale, Vending and Distribution of Tobacco in the City of Lynn).

\_\_\_\_\_  
Initial

2) I understand that it is against the law to sell cigarettes or any tobacco product to anyone under 18 years of age, regardless of how old the person looks.

\_\_\_\_\_  
Initial

3) I understand that the Lynn City Ordinance requires anyone selling tobacco to conclusively establish the customers age. This means that the Clerk must ask for and see identification proving the person is at least 18 years of age.

\_\_\_\_\_  
Initial

4) I understand that the owner/operator of a business holding a tobacco sales permit is responsible for the operation of a vending machine on the premises.

\_\_\_\_\_  
Initial

5) The Lynn City Ordinance requires the owner/operator of an establishment to control the sale of tobacco products. This means that the employees of a bar with a vending machine are responsible for ensuring that minors do not enter the establishment and obtain cigarettes.

\_\_\_\_\_  
Initial

6) I understand that the North Shore Tobacco Control Program will conduct frequent compliance checks of my business to ensure that I am not selling tobacco products to minors. This means:

- a) NSTCP will send minors into my establishment to attempt the purchase of tobacco.
- b) These minors may or may not look 18 years of age.
- c) These minors may or may not respond truthfully when asked their age.
- d) NSTCP will conduct these compliance checks on all tobacco merchants--including bars and private clubs--regardless of their type of business.

\_\_\_\_\_  
Initial

7) I understand that if I am caught selling tobacco to minors, I will be fined at least \$100.00

\_\_\_\_\_  
Initial

8) I understand that if I am caught selling tobacco to minors three times in any two year period, regardless of whether any of the tickets are appealed or dismissed, I will forfeit my permit to sell tobacco products for thirty (30) business days.

\_\_\_\_\_  
Initial

By signing this form, I acknowledge that I have read and understood all of the above statements. I further understand that failure to abide by these conditions may jeopardize my Tobacco Sales Permit.

\_\_\_\_\_  
Owner/Operator      Date

(Ord. 3/11/97 § 14)

9.12.140      Noncriminal disposition.

Whoever violates any provisions of this chapter, the violation of which is subject to a special penalty, may be penalized by the noncriminal disposition as provided in General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue. (Ord. 5/27/97 § 2)

## Chapter 9.16 SALES OF LIGHTERS AND MATCHES TO MINORS

### Sections:

- 9.16.010 Prohibited.
- 9.16.020 Definitions.
- 9.16.030 Identification required.
- 9.16.040 Violation--Penalty--Enforcement.

#### 9.16.010 Prohibited.

No person shall sell, exchange or distribute cigarette lighters and/or matches to a minor.  
(Ord. 5/12/88 § 1)

#### 9.16.020 Definitions.

For the purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

"City" means city of Lynn.

"Minor" means any individual who is under the age of eighteen (18).

"Person" means a person, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale, exchange, or distribution of cigarette lighters and matches. (Ord. 5/12/88 § 2)

#### 9.16.030 Identification required.

A. A person selling exchanging or distributing cigarette lighters and/or matches shall request and examine identification from any purchaser suspected of being a minor, and shall positively establish the purchasers age as eighteen (18) years or older before allowing the purchase and/or distribution.

B. The following shall constitute positive identification: a valid Massachusetts driver's license; or a certified birth certificate along with a picture identification card, or two other similar forms of identification, one of which shall be a picture identification card. (Ord. 5/12/88 §§ 2, 3)

#### 9.16.040 Violation--Penalty--Enforcement.

A. Any person violating any of the provisions of this chapter shall be subject to a fine of not less than one hundred dollars (\$100.00) for the first offense; and, for the second offense, a fine of not less than two hundred dollars (\$200.00); and, for the third offense, a fine of not less than three hundred dollars (\$300.00).

B. The health department and fire department shall be the enforcing authority of this chapter. (Ord. 5/12/88 §§ 3, 4)



## Chapter 9.20 PROPERTY OFFENSES

### Sections:

- 9.20.010 Defacement of property.
- 9.20.020 Trespassing.
- 9.20.030 Storage of motor vehicles and boats.
- 9.20.040 Protection of domestic water supply.
- 9.20.050 Theft of shopping carts.

#### 9.20.010 Defacement of property.

No person shall, within the city of Lynn, wilfully, intentionally and without right, deface, mar, mark, destroy, interfere with, or otherwise injure any building or signboard or structure of any kind, nor motor vehicle of any kind, whether the building, signboard, structure or motor vehicle is publicly or privately owned property.

B. The school department, public works department, building department and police department or a designee of such department shall act as enforcement officers of this section. The designees of such departments shall report complaints or violations coming to their attention to the Lynn police chief.

C. Any violation of the provisions of this section shall be punishable by a fine of three hundred dollars (\$300.00) for each offense. Any person violating this section may be given the option of accepting community service, including personally removing any defacement, whenever removal is possible, rather than imposition of criminal fines or penalties as allowed by law. The time and type of community service shall be reasonably determined by the city enforcement department or by any court of competent jurisdiction.

D. Any violation(s) of this section committed in the presence of any police officer would give the officer the right to arrest the person(s) committing the violations. (Ord. 7/25/95 § 1; Ord. 5/4/93 §§ 1--4)

#### 9.20.020 Trespassing.

A. No person shall without right, enter or remain in or upon the dwelling house, buildings, improved or enclosed land, after having been forbidden to do so by the person who has lawful control of the premises, whether directly or by notice posted thereon.

B. Any person or persons who violates subsection A of this section may be arrested by a sheriff, deputy sheriff, constable or police officer, and kept in custody in a convenient place, not more than twenty-four (24) hours, Sunday excepted, until a complaint can be made against him or her for the offense, and he or she is taken upon a warrant issued upon such complaint.

C. Any person who violates the provisions of subsection A of this section shall be subject to a fine of not more than twenty-five dollars (\$25.00) and/or community service at the discretion of the court. (Ord. 3/12/91 §§ 1--3)

#### 9.20.030 Storage of motor vehicles and boats.

A. No person shall have, keep or store more than one unregistered, uninsured, or inoperable motor vehicle, boat, trailer, camper or recreational vehicle ungaraged on his or her premises for more than seventy-two (72) hours in a residential area. Nor shall any unregistered,

uninsured or inoperable motor vehicle, boat, trailer, camper or recreational vehicle be stored in the front yard of a residential area.

B. The penalty for violation of this section shall be fifty dollars (\$50.00) per offense after forty-eight (48) hours notice. (Ord. 4/8/86 §§ 1, 2: Ord. 11/30/82 §§ 1, 2)

9.20.040 Protection of domestic water supply.

A. No person shall bathe, swim, operate a boat or otherwise enter a pond, stream or reservoir, the water of which is used by the city for domestic water supply.

B. No person shall cause or allow a dog or other animal under the ownership or control of such person to enter a pond, stream or reservoir, the water of which is used by the city for domestic water supply.

C. Violators of any provisions of this section shall be subject to arrest and punishable by a fine of not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00) for each offense. (Ord. 7/8/75 §§ 1--3)

9.20.050 Theft of shopping carts.

A. It is unlawful for any person to remove from the premises of a supermarket/grocery store, a shopping cart owned by the store.

B. Any person caught in the possession of such a grocery cart, off the premises of such a store, shall be punished by a fine of one hundred dollars (\$100.00) and shall perform ten (10) hours of community service at the discretion of a court of competent jurisdiction. (Ord. 12/17/96 §§ 1, 2)

## Chapter 9.24 WEAPONS

### Sections:

- 9.24.010 Carrying weapons.
- 9.24.020 Fee for selling, renting or leasing firearms.
- 9.24.030 Discharge of firearms.

#### 9.24.010 Carrying weapons.

A. No person, except as provided by law, shall carry on his or her person, or carry on his or her person or under his or her control in a vehicle, including those weapons and instruments mentioned in Chapter 269 of the General Laws of Massachusetts, Section 10, paragraph (b) and Section 12, any weapon or object commonly called "nun-chucks" of any substance or material, a shotgun having a barrel less than eighteen (18) inches in length, any sabre, sword, or weapon of like or similar nature; any knife having any type of blade in excess of two and one-half inches, (except when actually engaged in hunting or fishing or in going directly to and/or returning directly from such activities, or any employment which requires the use of any type of knife), ice picks, dirks or similar weapons that are likely to penetrate through police officer's ballistic vests, or other object or tool so redesigned, fashioned, prepared or treated that the same may be used to inflict bodily harm or injury to another.

B. Violation of any provisions of this section shall be subject to arrest and a fine of not more than one hundred dollars (\$100.00) for each offense. Violation of any provisions of this section within a park, playground or on school property, shall be subject to arrest and fine of not more than three hundred dollars (\$300.00). (Ord. 1/10/95 §§ 1, 2: Ord. 7/8/75 §§ 1, 2)

#### 9.24.020 Fee for selling, renting or leasing firearms.

The fee for any license to sell, rent or lease firearms under Chapter 140, Sections 121 to 131 of the General Laws, as amended by Chapter 485 of the Acts of 1922, is fixed by the city council at twenty-five dollars (\$25.00). (Prior code Part V § 1 (Ord. 10/31/22))

#### 9.24.030 Discharge of firearms.

A. No person shall, except in the performance of duty required by law, discharge any air gun, gun, pistol or other firearm loaded with balls, shot or powder, in or upon any way, public or private, lane, alley, public place or wharf, or within fifty (50) rods thereof, or within fifty (50) rods of any building or structure in the city. No person shall fire any squib, firecracker, serpent, or other preparation whereof gunpowder or any other explosive is an ingredient, or which consists wholly of the same, or make any bonfire in or upon any way, public or private, street, lane or public place or wharf within the city.

B. Any person who shall offend against any of the provisions of this section shall forfeit for each and every offense the sum of not less than one dollar (\$1.00) nor more than twenty dollars (\$20.00). (Prior code Part V §§ 1, 2 (Ord. 10/28/47))

## Chapter 9.28 CURFEW

### Sections:

- 9.28.010 Purpose.
- 9.28.020 Definitions.
- 9.28.030 Prohibition--Posting of notices.
- 9.28.040 Exceptions and defense.
- 9.28.050 Enforcement.
- 9.28.060 Violation--Penalty.

#### 9.28.010 Purpose.

The youth protection ordinance codified in this chapter is intended to promote parental control and responsibility for their minor children and protect juveniles from victimization and exposure to criminal activity. (Ord. 7/12/94 § 1.1)

#### 9.28.020 Definitions.

As used in this chapter:

"Chief of police" means the chief of police of the city of Lynn or a designated representative.

"City solicitor" means the city solicitor of the city of Lynn or a designated representative.

"Direct route" means the shortest reasonable path of travel to reach a final destination without any detour or stop along the way.

"Emergency" means a fire, a natural disaster, an automobile accident, or any unforeseen situation requiring immediate action to prevent or care for a serious bodily injury or loss of life.

"Establishment" means any place of business to which the public is invited, including but not limited to, any place of amusement or entertainment.

"Holding location" means a place designated by the chief of police to which a minor taken into custody for a violation of this chapter may be delivered to await pick-up by a parent or juvenile authorities.

"Minor" or "juvenile" means any person under the age of eighteen (18).

"Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting business within any establishment, or any employee thereof.

"Parent" means a person who is:

1. A natural, adoptive, or foster parent of another person; or
2. A court-appointed guardian of another person.

"Public place" means any street, alley, highway, parking lot, sidewalk, playground, park, plaza, building or other property owned or controlled by a governmental entity.

"Restricted hours" means 12:01 a.m. until six a.m. on any day. (Ord. 7/12/94 § 1.2)

#### 9.28.030 Prohibition--Posting of notices.

A. Except as provided in Section 9.28.040, a minor shall not enter or remain in any public place during the restricted hours.

B. The owner, operator, or employee of an establishment shall not allow any person to enter or remain upon the premises of the establishment during restricted hours unless person has:

1. Proper identification demonstrating that such person is eighteen (18) years of age or older;
2. Can demonstrate that such person is otherwise exempt from this chapter; or
3. All businesses opened after twelve (12) a.m. shall be required to post notice of curfew. (Ord. 2/14/95 § 1; Ord. 7/12/94 § 2)

9.28.040 Exceptions and defense.

- A. It shall not be a violation of Section 9.28.030 if the minor is:
  1. Accompanied by the minor's parents;
  2. Engaged in an employment activity, or using a direct route to or from a place of employment;
  3. Reacting or responding to an emergency;
  4. Attending or traveling to or from, by direct route, an official school, religious, or recreational activity, that is supervised by adults and is sponsored by a governmental entity, civil or religious organization or other similar entity that accepts responsibility for the juvenile as an invitee;
  5. In a motor vehicle involved in interstate travel;
  6. On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence;
  7. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;
  8. Married or had been married.
- B. It shall be a defense to prosecution under Section 9.28.030(B)(2) that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during the restricted hours and that such minor refused to leave. (Ord. 7/12/94 § 3)

9.28.050 Enforcement.

- A. A law enforcement officer, upon finding a minor in violation of this chapter, shall:
  1. Order the minor to leave the restricted area for the remainder of the restricted hours;
  2. Take the minor into protective custody if the officer has reasonable grounds to believe that the minor has been abandoned or neglected, or is in immediate danger from his or her surroundings and that his or her removal is necessary for his or her own protection; or
  3. Issue a trespass warning of a specified duration.
- B. When a minor is taken in to custody, under subsection (A)(2) of this section, by a law enforcement officer, he or she shall deliver the minor to a holding location or other facility provided for by the city.
- C. The chief of police and his or her officers, agents, and designees are granted the authority to issue trespass warnings in any public place within the city for the purpose of enforcing this chapter. (Ord. 7/12/94 § 4)

9.28.060 Violation--Penalty.

A. Any owner, operator, or employee of an establishment who violates Section 9.28.030 shall be subject to a fine of three hundred dollars (\$300.00) per violation.

B. Following three or more violations of this chapter by a minor, the city solicitor or a designated representative may contact the appropriate state agency and request an investigation of the minor's home as provided for by law. (Ord. 7/12/94 § 5)

## Title 10 VEHICLES AND TRAFFIC

### Chapters:

- 10.04 Resident Parking System
- 10.08 Handicapped Parking
- 10.12 Snow Emergency Traffic Regulations
- 10.16 Towing of Illegally Parked Vehicles
- 10.20 Miscellaneous Traffic Control Regulations

## Chapter 10.04 RESIDENT PARKING SYSTEM

### Section:

10.04.010 Established--Regulations.

10.04.010 Established--Regulations.

A. The owner of a passenger vehicle having a capacity of less than one ton so garaged who resides on an estate abutting the street where he or she intends to park may file with the parking department of the city his or her intention to park at such estate.

B. Evidence of the giving of such notice shall be in the form of a sticker to be displayed on the lower left corner of the front door window on the passenger side of the vehicle indicating the street on which the vehicle is principally garaged and the registration number of the vehicle. Such sticker shall be for one year, expiring on June 30th.

C. Application for a sticker provided in this section shall be made in writing on the following form:

1. Name of owner;
2. Residential address;
3. Vehicle make, color and year;
4. Registration number.

Upon application for a sticker, the owner must present his or her vehicle registration certificate in verification of the information on the above form. The registration will be marked on the back when the sticker is issued and each resident sticker must be signed by the parking director of the parking department of the city.

D. Each resident parking sticker entitles the bearer to park his or her motor vehicle on the street where he or she resides in the immediate area of his or her residence providing there is a space available and providing parking is permitted on such street. Such sticker does not permit parking at a parking meter or in any restricted zone.

With each resident parking sticker there will be issued two portable visitor permits that shall be used by visitors of the holder of the sticker.

All residents not owning motor vehicles, shall be eligible for issuance of two portable visitor permits which shall be used by visitors of the residents; and the portable visitor permits shall be issued to all resident applicants at the parking department of the city, Room 102 City Hall, Lynn, Massachusetts. The permits shall be for one year, expiring on June 30th.

E. Residency parking shall be in effect in the immediate proximity of any area zoned heavy industrial, light industrial or designated hospital use under Section 17.48.030 of this code, or any area in the immediate area of a heavily used body of water. Any street or area shall be subject to notification of the ordinance committee, at which time, the ordinance committee may request a public hearing to be held by the parking department of the city. Recommendations shall then be forwarded to the ordinance committee by the parking department of the city.

F. There will be a fee of two dollars per household for stickers mentioned in this section and may be obtained at the parking department of the city, Room 102 City Hall, Lynn, Massachusetts. (Ord. 5/25/82 § 1)

## Chapter 10.08 HANDICAPPED PARKING

### Sections:

- 10.08.010 Designated spaces required.
- 10.08.020 Number of spaces required.
- 10.08.030 Signs required.
- 10.08.040 Violation of Sections 10.08.020 or 10.08.030--Penalty.
- 10.08.050 Leaving unattended or unauthorized vehicles in designated spaces--Penalty.
- 10.08.060 Enforcement.

#### 10.08.010 Designated spaces required.

It is required in the city of Lynn, that designated parking spaces for vehicles owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates authorized by Section 2 of Chapter 90 of the General Laws be provided in public and private off-street parking areas. (Ord. 3/28/89 § 2)

#### 10.08.020 Number of spaces required.

It shall be required that any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees to reserve parking spaces in such off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by Section 2 of Chapter 90 or for any vehicle transporting a handicapped person and displaying the special identification and plate authorized by Section 2 of Chapter 90 or for any vehicles bearing the special identification of a handicapped person issued by any other state, or any Canadian province, according to the following formula:

If the number of parking spaces in any such area is more than fifteen (15) but not more than twenty-five (25), one parking space; more than twenty-five (25) but not more than forty (40), five percent of such spaces, but not less than two; more than forty (40) but not more than one hundred (100), four percent of such spaces, but not less than three; more than one hundred (100) but not more than two hundred (200), three percent of such spaces but not less than four, more than two hundred (200) but not more than five hundred (500), two percent of such spaces, but not less than six; more than five hundred (500) but not more than one thousand (1,000), one and one-half percent of such spaces but not less than ten (10); more than one thousand (1,000) but not more than two thousand (2,000), one percent of such spaces but not less than fifteen (15); more than two thousand (2,000) but less than five thousand (5,000), three-fourths of one percent of such spaces but not less than twenty (20); and more than five thousand (5,000), one-half of one percent of such spaces but not less than thirty (30). (Ord. 3/28/89 § 3)

#### 10.08.030 Signs required.

Parking spaces designated as reserved under the provisions of Section 10.08.020 shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be



Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and, shall be twelve (12) feet wide or two eight-foot wide areas with four feet of cross hatch between them. (Ord. 3/28/89 § 4)

10.08.040 Violation of Sections 10.08.020 or 10.08.030--Penalty.

The penalty for violating any provisions of either Section 10.08.020 or 10.08.030 shall be a fine of three hundred dollars (\$300.00) and each day of violation shall constitute a separate offense. (Ord. 3/28/89 § 5)

10.08.050 Leaving unattended or unauthorized vehicles in designated spaces--Penalty.

A. The leaving of vehicles unattended within parking spaces designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons is prohibited. This chapter further prohibits the leaving of unauthorized vehicles in such a manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way.

B. The penalty for violation of this section shall be a fine of one hundred dollars (\$100.00) as allowed by General Laws, Chapter 40, Section 22 A. (Ord. 3/28/89 §§ 6, 7)

10.08.060 Enforcement.

The provisions of this chapter shall be enforced by the Lynn police department and Lynn parking department. (Ord. 3/28/89 § 8)

## Chapter 10.12 SNOW EMERGENCY TRAFFIC REGULATIONS

### Sections:

10.12.010 Definition.

10.12.020 Parking during snow emergency.

10.12.030 Violation--Penalty.

10.12.010 Definition.

The following definitions shall apply in the interpretation and enforcement of this chapter:

The "commissioner" means the commissioner of the department of public works, or duly designated representative. (Prior code Part V § 2 (Ord. 9/14/71))

10.12.020 Parking during snow emergency.

A. Whenever it is the judgment of the commissioner or his or her representative that threatening weather conditions may impair the free flow of vehicular traffic or that parked vehicles may impede the plowing or removing of snow or ice, then the commissioner or his or her representative may declare that a snow emergency exists. Upon declaration of such emergency and until the commissioner or his or her representative shall declare that such snow emergency has ended, all the streets in the city are designated as "snow emergency arteries" and the provisions of

this section shall apply provided that official traffic signs are erected designating the provisions of this section.

B. No person shall stand or park or allow, permit or suffer a vehicle registered in his or her name to stand or park in the street or parts of streets in the city during the declared emergency. Whoever violates the provisions of this section shall be liable for charges for removal and storage of the vehicle as well as subject to punishment by fine.

C. If any vehicle is found upon the street or highway in violation of any provision of this chapter and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered, shall be held prima facie responsible for such violations. (Prior code Part V §§ 3--5 (Ord. 9/14/71))

#### 10.12.030 Violation--Penalty.

Whoever violates any provision of this chapter, or any temporary rule or regulation shall be punished by a fine not exceeding fifty dollars (\$50.00) for each offense except as otherwise provided by statute. (Prior code Part V § 6 (Ord. 9/14/71))

## Chapter 10.16 TOWING OF ILLEGALLY PARKED VEHICLES

### Sections:

- 10.16.010 Removal of vehicles.
- 10.16.020 Authorization of police and/or public authority.
- 10.16.030 Vehicle owner--Fees.
- 10.16.040 Towing companies--Administrative fees and contracts.
- 10.16.050 Liability for damage during removal or storage.
- 10.16.060 General prohibition--Towing zones.
- 10.16.070 Immediate removal of abandoned vehicle from public property or public ways.
- 10.16.080 Abandonment of motor vehicle on public or private ways.
- 10.16.090 Violation--Fine.
- 10.16.100 List of qualified towing companies.
- 10.16.110 Emergency towing.
- 10.16.120 Public authority work.
- 10.16.130 Police to keep record of towed vehicles.
- 10.16.140 Release of towed vehicles.

#### 10.16.010 Removal of vehicles.

Any vehicle parked or standing in such manner, or in such areas as are described in this chapter on any way under the control of the city shall be removed at owner's expense in accordance with this chapter. (Ord. 7/10/84 § 1(1))

#### 10.16.020 Authorization of police and/or public authority.

The moving or towing of any vehicle under the provisions of this chapter shall be by and at the direction of the chief of police or such officer(s) of the rank of sergeant or higher as the chief may from time to time designate or public authority or an officer assigned by the city council to enforce ordinance in the city or parking director. (Ord. 7/10/84 § 1(2))

#### 10.16.030 Vehicle owner--Fees.

The city council imposes upon the owner of any vehicle moved or towed to a convenient place under the provisions of this chapter, the following fees:

A. Towing Charge per Vehicle. Rates as certified under General Laws, Chapter 159A and B shall apply.

B. Snow Removal and Storage Charge per Vehicle. Rates as certified under General Laws, Chapter 159A and B shall apply. (Ord. 7/10/84 § 1(3))

#### 10.16.040 Towing companies--Administrative fees and contracts.

A. Any towing company that tows a motor vehicle, not abandoned, as a result of an order by any city official, agent or employee, shall pay the city an administrative fee of fifteen dollars (\$15.00) for each such vehicle towed. This fee will be added to the towing fees.

B. A contract for the towing storage of motor vehicles shall be exempt from the requirements of competitive bidding pursuant to the provisions of G.L., Chapter 30B, Section 1(b)(21) so long as that contract is entered into with one legal entity. (Ord. 7/10/84 §§ 1, 2)

10.16.050 Liability for damage during removal or storage.

The contractor shall be liable to the owner for any damage arising out of negligence caused to a vehicle in the course of removal and storage. (Ord. 7/10/84 § 1(4))

10.16.060 General prohibition--Towing zones.

No person shall stand or park or allow, permit or suffer any vehicle registered in his or her name to stand or park in any of the following places. Vehicles found in violation of the provisions of this section, except those specifically exempt by law, shall be removed to a convenient place under the direction of any officer of the police department or parking director and the owner of the vehicle so removed or towed away shall be liable to the cost of such removal and storage, if any, as set forth in Section 10.16.030. The owner of any vehicle removed or towed away under the provisions of this section shall also be subject to the penalties provided in Chapter 90, Section 20a of the General Laws (Ter. Ed.). (1) Not criminal offense; (2) first offense no fee but appearance; second, third, fourth, fifth, sixth and subsequent fifteen dollars (\$15.00); (3) if failure to appear or if fine unpaid then summons to appear twenty-one (21) days--if failure to appear then arrest and license revoked.

A. Upon any way in such manner as to impede the removal or plowing of snow or ice and sweeping of streets after public notice except vehicles parked in accordance with approved regulations governing all night parking;

B. Upon any sidewalk;

C. Upon any way within twenty (20) feet of an intersecting way, except alleys;

D. Upon any crosswalk;

E. Upon a way within ten (10) feet of a fire hydrant;

F. On the roadway side or any vehicle stopped or parked at the edge or curb of the way (double parked);

G. In front of a public or private driveway;

H. Upon any way where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic;

I. Upon any public way between the hours of ten (10:00) p.m. and six a.m. any commercial vehicle parked, which is one ton or over, or any trailer, camper or boat and trailer;

J. Vehicle parked in the opposite direction of oncoming traffic;

K. Cars parked on watershed land without proper identification;

L. Vehicle parked in designated tow zones as established by ordinance. (Ord. 1/10/95 § 1; Ord. 4/8/86 § 1(part); Ord. 7/10/84 § 1(5))

10.16.070 Immediate removal of abandoned vehicle from public property or public ways.

Registered or unregistered motor vehicles shall be removed immediately at owner's expense from any public property or public way for the following reasons:

A. No license plates attached to vehicle;

B. No valid inspection sticker;

C. Car obviously cannot be moved because of flat tires or being determined as unsafe vehicle, that is lack of proper illuminating devices such as headlights or taillights, broken windshield, vehicles found standing on blocks, jacks, etc.;

D. Vehicle being repaired or serviced (changing oil, etc.) on any public way;

E. Stolen vehicles;

F. Invalid (outdated) sticker on license plates. (Ord. 7/10/84 § 6)

10.16.080 Abandonment of motor vehicle on public or private ways.

No person shall abandon a registered motor vehicle upon any public or private way or upon any property other than his or her own without the permission of the owner or lessee of the property. An officer of the police department or parking director during the normal performance of his or her duties shall have removed from a public or private way or private property any motor vehicle at owner's expense which has been determined to be:

A. Illegally parked (ticketed by police or meter enforcement);

B. Obstructing a sidewalk for the flow of pedestrian traffic;

C. Unauthorized vehicle on city owned property;

D. Trailers, campers, and boats and trailers;

E. Any vehicle snowbound on public way. (Ord. 4/8/86 § 1(part); Ord. 7/10/84 § 1(7))

10.16.090 Violation--Fine.

Fines for violations as set forth in Sections 10.16.070 and 10.16.080 shall be twenty-five dollars (\$25.00) per offense. (Ord. 7/10/84 § 1(8))

10.16.100 List of qualified towing companies.

Except when an emergency exists, the police department shall establish a list of qualified towing companies and rotate that list when possible. (Ord. 7/10/84 § 1(9))

10.16.110 Emergency towing.

Any police officer during the normal performance of his or her duties, shall have removed at owner's expense from a public or private way or private property, without the consent of the owner, immediately, any motor vehicle for the following reasons:

A. Vehicle involved in a crime;

B. Vehicle obstructing where it creates a problem for proper protection of life and limb (such as rescue unit, fire apparatus, ambulance or any such emergency vehicle.);

C. Vehicle suspected of being used in transportation of stolen articles or illegal articles;

D. Any vehicle determined to be a potential hazard parked on public or private property within six feet of building;

E. During a period of snow emergency, no vehicle will be towed from a city street unless directed by the police chief or D.P.W. commissioner or their designee. Further, prior to any vehicle being towed a verbal warning by the police or D.P.W. shall be issued by loudspeaker, advising residents that their vehicle is about to be towed. (Ord. 3/23/93 § 1; Ord. 7/10/84 § 1(10))

10.16.120 Public authority work.

Towing vehicles during the performance of public authority work is considered to be emergency vehicles. (Ord. 7/10/84 § 1(11))

10.16.130 Police to keep record of towed vehicles.

The police department shall keep a record of all such vehicles towed or removed under the provisions of this chapter. Such record shall be retained for one year and shall contain the following information:

- A. The registration of the vehicle;
- B. The location from which it was towed, and time and date of tow order;
- C. The location to which it was moved;
- D. The fee charge for towing;
- E. Name of towing contractor, if any;
- F. Name and rank of officer who authorized towing. (Ord. 7/10/84 § 1(12))

10.16.140 Release of towed vehicles.

Any vehicle will not be released by the towing company until receiving written authorization from the Lynn parking department. The Lynn police department will have the discretion to release vehicles should the parking department be closed. (Ord. 4/8/86 § 2; Ord. 7/10/84 § 1(13))

Chapter 10.20 MISCELLANEOUS TRAFFIC  
CONTROL REGULATIONS

Sections:

- 10.20.010 Vehicle restrictions on city property.
- 10.20.020 Skateboarding on library property.
- 10.20.030 Parking of motor vehicles on city hall grounds.
- 10.20.040 Hawkers and pedlers on public streets and ways.
- 10.20.050 Parking of vehicles containing inflammables in residential area.

10.20.010 Vehicle restrictions on city property.

A. An ordinance restricting unauthorized vehicles on city-owned property is established.

B. All-Terrain Vehicles or Dirt Bikes.

1. It is unlawful for any vehicle known as an all-terrain vehicle or dirt bike to be operated on city-owned property.

2. Any person found in the act of violating this subsection shall be punished by a fine of three hundred dollars (\$300.00). (Ord. 8/13/91 § 1; Ord. 3/12/91; Ord. 9/26/77 § 1)

10.20.020 Skateboarding on library property.

A. An ordinance prohibiting skateboarding on all city library properties is established.

B. Any person found in the act of violating this subsection shall be punished by a fine of fifty dollars (\$50.00). (Ord. 8/14/90 §§ 1, 2)

10.20.030      Parking of motor vehicles on city hall grounds.

A.      No person shall park a motor vehicle on the public grounds appurtenant to city hall other than a motor vehicle bearing a decal stating "Lynn City Hall and Memorial Auditorium Yard Parking Permit."

B.      If any vehicle is found upon the city hall grounds in violation of this section and the identity of the owner cannot be determined, the owner or the person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

C.      The superintendent of buildings is authorized to remove, or cause to be removed, to some convenient place, including in such term, a public garage, any vehicle parked in violation of this section, and imposing liability for the cost of such removal, and of the storage charges, if any, resulting therefrom, upon the owner of such vehicle. (Prior code Part V §§ 1--3 (Ord. 2/23/71))

10.20.040      Hawkers and pedlers on public streets and ways.

A.      No hawker or pedler shall stand, part or allow to remain in the same location upon any street or way in the city where otherwise permitted by ordinance or traffic regulations, any motor vehicle, selling or offering for sale therefrom, to persons who are standing or who are in or upon said street or way, goods, wares, merchandise or other articles, for periods or intervals exceeding five minutes each.

B.      Any person offending against the provisions of this section shall forfeit as penalty not more than twenty dollars (\$20.00) for each offense. (Prior code Part V §§ 1, 2 (Ord. 7/11/39))

10.20.050      Parking of vehicles containing inflammables in residential area.

A.      Any vehicle containing inflammables for the purpose of storage or delivery shall not be allowed to park on public or private property in a residential area without obtaining written approval of the chief of the fire department of the city.

B.      The penalty for violation of this section shall be fifty dollars (\$50.00) per offense after the first offense. (Ord. 4/7/81 §§ 1, 2)

## Title 11

(RESERVED)

## Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

### Chapters:

- 12.04 Public Works Permits
- 12.08 Streets and Sidewalks Generally
- 12.12 Projections Over Sidewalks
- 12.16 Snow and Ice
- 12.20 Lynn Harbor and Waterway Use Regulations
- 12.24 Sluice Pond and Flax Pond Use Regulations
- 12.28 Public Telephones
- 12.32 Miscellaneous Use Regulations for Public Places



## Chapter 12.04 PUBLIC WORKS PERMITS

### Sections:

- 12.04.010 Street and sidewalk excavations--Permit and bond required.
- 12.04.020 Granting of public works permits.
- 12.04.030 Public works permit fees.

12.04.010 Street and sidewalk excavations--Permit and bond required.

A. All street and sidewalk excavations done within the city shall require a permit issued by the department of public works.

B. Contractors shall file with the department of public works prior to the issuance of a permit, a bond in an amount and form satisfactory to the city solicitor, together with a certificate of insurance naming the contractor and the city of Lynn as co-insureds. The certificate of insurance must include general public liability insurance to cover claims for bodily injury, death or property damage in any manner arising out of the work of the contractor and the city of Lynn as their respective interest may appear of not less than three hundred thousand dollars (\$300,000.00) with respect to bodily injury or death to any one person, not less than five hundred thousand dollars (\$500,000.00) with respect to any one incident, and not less than three hundred thousand dollars (\$300,000.00) with respect to property damage.

All insurance and bonds shall be written by insurers which are qualified to do business in the commonwealth of Massachusetts. All insurance required to be maintained shall be in form and substance satisfactory to the city solicitor. The city solicitor may require additional limits amounts and coverage depending upon the size and scope of the subject project.

C. 1. Any person or corporation applying for a sidewalk permit shall be required to deposit a certified check in the amount of seven hundred fifty dollars (\$750.00) payable to the department of public works.

2. Before the seven hundred fifty dollar (\$750.00) deposit is returned, the sidewalk should be inspected by the department of public works and any damage caused by the firm should be repaired by it or by the city at the firm's expense. (Ord. 1/27/87 § 1; Ord. 9/24/85 §§ 1, 2; Ord. 3/30/82 § 1; prior code Part V §§ 1, 2 (Ord. 10/24/72))

12.04.020 Granting of public works permits.

A. All private citizens, firms, corporations or agents doing any work of any type that will, in any way, obstruct, excavate or cause an opening to any street, sidewalk or other public way in the city, with a vehicle, barricade or material of any sort shall be required to obtain a permit for each location where such work is contemplated from the commissioner of public works, prior to the commencement of any such work.

B. The commissioner of public works, as agent for the commission shall have the authority to determine the terms of the permit and to set the amounts of liability insurance or bonds that may be deemed necessary to protect the city from all liability and property damage that may result from such work performed under the terms of the permit. A standard form of permit, approved by the commission on ways and drainage, may be issued to any bona fide person or contractor. In special cases requiring excessive construction or excavations, the standard permit terms may be modified before issuance.

C. A fee of ten dollars (\$10.00) shall be paid to the department of public works of the city for the issuance of each permit. Permits shall be issued for a period not to exceed sixty (60) days. A permit may be renewed for subsequent sixty (60) day periods for a fee of ten dollars (\$10.00) for each such renewal.

D. All work performed under permit shall be in line with standard department of public works specifications, requirements or rules and shall be done to the full satisfaction of the commissioner of public works or his or her agent.

E. Whoever, himself or herself, or his or her servant or agent, or as the servant or agent of any other person, or any firm or corporation, performs work in violation of this section shall be subject to a fine of not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00) for such violation, for each day, considered a separate violation, from the date of notice of violation served by the commissioner of public works or his or her agent which may be recovered on complaint before the district court of Southern Essex in the city of Lynn. (Ord. 2/25/75 §§ 1--5)

12.04.030 Public works permit fees.

Permit fees in the department of public works of the city shall be as follows:



Effective Upon Adoption and  
Approval of Ordinance

DPW permits (all services) - - - - - \$25.00

-----  
Permit inspections - - - - - 1 free  
----- inspection  
\$15.00 per  
additional  
inspection  
required

Effective 1-1-1981

New sidewalk

Bituminous concrete - - - - - \$12.00 sq. yd.

-----  
Portland cement concrete - - - - - \$15.00 sq. yd.

-----

Effective Upon Adoption and  
Approval of Ordinance

Sewer entrance fee - - - - - \$50.00

-----  
Drain entrance fee - - - - - \$50.00

-----  
Sewer assessment - - - - - \$10.00 ft.

-----  
Computer service - - - - - Bid

-----  
Meter test - - - - - \$10.00

-----  
(No charge if  
defective  
meter)

Meter installation charge - 5/8" - - - - - \$50.00

-----  
3/4" - - - - - \$60.00

1" - - - - - \$90.00

1½" - - - - - \$175.00

2' - - - - - \$250.00

New water service - - - - - \$15.00 per ft. +  
----- ledge cost (30 yr.  
guarantee)

Relay water service - - - - -	\$15.00 per ft. (30
- - - - -	yr. guarantee)
Hydrant - - - - -	Cost + labor
- - - - -	(\$1000.00
	deposit before
	commencement
	of work)
Ordered shut off - - - - -	\$25.00
- - - - -	
Fire flow test (assisted by city) - - - - -	\$250.00
- - - - -	
Frozen meter (owner's negligence) - - - - -	\$50.00 minimum
- - - - -	
Water fire pipe installation - - - - -	Cost of contract
- - - - -	+ \$100.00
Sewer use fee - - - - -	To be computed
- - - - -	for future
Temporary water connection - - - - -	\$50.00
- - - - -	construction
	\$25.00
	demolition

(Ord. 4/7/81 § 1; Ord. 8/12/80 § 1)

## Chapter 12.08 STREETS AND SIDEWALKS GENERALLY

### Sections:

- 12.08.010 Construction and repair of streets.
- 12.08.020 Commission on ways and drainage--Permit issuance.
- 12.08.030 Obstructions to public ways.
- 12.08.040 Carriages.

### 12.08.010 Construction and repair of streets.

A. No street or highway shall be laid out or accepted by the city council until full plans thereof, made by the city engineer, or other competent surveyor duly authorized by the city council showing both grade and location, shall have been deposited with the city engineer; nor until the grade thereof shall have been definitely adopted by the mayor and city council; nor in any case where the width of such street or way is less than fifty (50) feet in any part thereof; provided, however, that where the width of fifty (50) feet cannot be had without great and unwarrantable injury to property and estates, or where, at the time of opening of any street or way less than fifty (50) feet wide by private parties, the city council, being notified thereof, has by order approved, then, in such case, said way may be laid out as if of full width. No street or highway shall be laid out or accepted by the city council which bears the same name or a similar name to that of any street, highway, avenue, court or place already named in the city.

B. All orders of the city council or commission on ways and drainage, by which any street or way is laid out or accepted, or by which any change or alteration is made in the grade, location, or name of any street or way, shall be recorded at length by the city clerk in books kept separately for that purpose and immediately upon the passage of the same.

C. Any person who shall alter or cause to be altered the height or width of any sidewalk in the city, who shall wholly or partly fill up any gutter in any street, lane, alley, or public place in the city, or cause the same to be done without permission first obtained from the commission on ways and drainage, shall forfeit and pay for each offense, a sum not exceeding twenty dollars (\$20.00).

D. If any person shall violate any of the provisions of this section, it shall be the duty of the commission on ways and drainage to order such person forthwith to repair such sidewalk or gutter and to restore the same to its former condition; and if such person shall refuse or neglect to comply with such order, he or she shall forfeit and pay the sum of one dollar (\$1.00) for each day while such neglect continues. (Prior code Part I, Ch. IV §§ 1--4)

### 12.08.020 Commission on ways and drainage--Permit issuance.

A. The commission on ways and drainage may grant to any in such purpose of building, who shall make written application in such form as the commission may prescribe, a written permit to dig up, obstruct or encumber so much and such parts of any

street or public place as may be specified in the application, with such conditions annexed as the commission may see fit to establish.

B. Any person receiving a license or permit to install Hyatt lights or other gratings in the sidewalk in any public way shall be required before acting under the same, to give a bond to the city with sufficient sureties, to be approved by the city solicitor, forever to indemnify and hold the city harmless on account of any claims or damages arising through the installation and maintenance of the Hyatt lights or gratings. Any owner or lessee of premises upon which Hyatt lights or gratings have been installed and are now maintained, who receives written notice from the city solicitor or the city of Lynn, of any defect in such Hyatt lights or gratings, shall remedy the same to the satisfaction of the city solicitor and within the time specified in the notice.

C. The commission on ways and drainage may grant to any person, for the purpose of building, who shall make written application in such form as the board may prescribe, a written permit to dig up, obstruct or encumber so much and such parts of any street or public place as may be specified in his or her application, with such conditions annexed as it may see fit to establish.

D. The commission on ways and drainage may, in the same manner, grant a license to any person duly applying, for the purpose of removing any building through or over any street, square, bridge or public place. But the board shall not grant such license where such moving of a building will, in their judgment, be to the injury of any shade trees upon or overhanging any street or public way; nor shall any license, when granted, afford excuse or justification for the commission of such injury. No person shall move any building in or upon any street unless so licensed, nor until the consent of the commission in writing has been obtained.

E. Any permit issued by the commission on ways and drainage, as above, may be revoked or extended by them at their discretion; and the violation of any permit shall render it thereafter void.

F. No person shall make, erect or maintain any door-step, portico, porch, or entrance or passage way to any cellar or basement, or any other structure, in or upon any street or public way, without written permission from the commission on ways and drainage. No person shall make or place, or within his or her control, permit any spout, gutter or water pipe to lead or discharge water upon or over any sidewalk. (Prior code Part I, Ch. IV §§ 25, 32, 55--58)

#### 12.08.030 Obstructions to public ways.

A. No person shall suffer the platform or grate of the entrance or passageway to his or her cellar or basement, heretofore constructed, or which may hereafter be constructed, in any street, lane, alley or sidewalk, to rise above the even surface of such street, lane, alley or sidewalk; and every such entrance or passageway shall be at all times kept covered by a suitable and substantial platform and grate; or in case it shall be kept open, it shall be guarded and protected by a sufficient railing, on both sides thereof, at least two and one-half feet high, and well-lighted at night. No person shall permit or

suffer his or her well, cistern or drain, in any street, lane, alley or sidewalk in the city, to be open or uncovered, unless the same shall be enclosed by a strong and safe curb, guard or fence. Whenever the commission on ways and drainage is about to construct a new street, or regrade the surface of any street already established, it shall, at least two weeks before beginning work thereon, notify the water department, city engineer, and all private corporations having power to make excavations in streets, of its intention so to do; and any work necessary to be done by either of the departments or corporations, shall be done before the surface of the street is again prepared for and open to public travel.

B. When a street railway corporation breaks the surface of any street, or removes any cross walks for the purpose of repairing or relaying tracks, such surfaces and cross walks shall be immediately replaced in condition satisfactory to the commission on ways and drainage; and should any corporation neglect to replace such surface and cross walks, the commission on ways and drainage shall make the repairs and charge the expense to the corporation which caused the removal.

C. Whenever any street is to be constructed or repaired or the surface thereof dug up by any city department in such manner as to prevent the efficient passage through the same for the fire apparatus or any portion thereof, the such department or person doing such work shall notify the chief engineer of the fire department of such obstructions as soon as the same are made, and shall also notify the chief engineer of the restoration of the street to such condition as to render it passable by the fire apparatus.

D. If any person shall dig or sink, or cause to be dug or sunk, any well, cellar, cistern, drain or other cavity in the ground, near to or adjoining any street, lane or alley in the city, he or she shall put up, and at all times keep up, so long as it is necessary for the purpose, a railing or fence, on or near the line of such street, lane or alley, sufficient to guard and protect travelers and passengers from falling into or being injured thereby. No person shall suffer any cellar door or passage from the sidewalk into any cellar to be kept open, when not in immediate use; nor when in immediate use; after the beginning of twilight, except a good and sufficient light be constantly kept at the entrance of such passage.

E. No person using any carriage or vehicle of any kind, with or without a horse, in any street or way, shall obstruct the same, after being requested, or ordered, to remove such obstruction, by any person wishing to use such street or way, or by the mayor, chief of police or other authorized person.

F. No person shall drive or pass with a vehicle of any kind, upon any sidewalk in the city; provided, that this shall not affect the right of any person to cross any sidewalk in entering or leaving private premises. No person shall, by stopping his or her team or other vehicle, unnecessarily obstruct any crossing now or hereafter laid in or across any street or public way. In streets having no raised sidewalks, five feet in width next to the boundaries of such streets, on each side, shall be deemed the sidewalks within the meaning of this section.



G. No person shall draw, or propel, or wheel on any sidewalk, any hand car, sled, wheelbarrow, bicycle, tricycle, scooter car, or other vehicle, except a child's carriage drawn or pushed by hand.

H. No person shall, by any bale, box, barrel, crate, cask, package, trunk or other article, or by timbers of any kind or for any purpose to be used, obstruct or incumber any street, square, sidewalk, public place or way, or any part thereof, so as to interfere with the convenient use of the same by all passers without permission from the commission on ways and drainage. No person shall place or maintain any showcase, of any material so as to overhang any portion of any street or sidewalk without permission of the commission on ways and drainage. No person shall place or maintain any sign, awning or other projection so as to overhang any portion of any street or sidewalk without permission of the commission on ways and drainage, and unless such sign, awning or other projection is at least seven feet above the street or sidewalk.

I. No person shall put or place, or cause to be put or placed, carry or cast, or cause to be carried or cast, in or so that the same shall be deposited or blown upon any street, lane, alley, or public place in the city, any house dirt, ashes, soot, garbage, carrion, shreds, shavings, filth, suds, oyster, clam or lobster shells, dung, offal, brick, masons' or bricklayers' rubbish, buffing dust, or any other kind of rubbish, except in such place and in such manner as the commission on ways and drainage shall prescribe.

J. No person shall put or place, or cause to be put or placed, or cast, sweep or drop and suffer to remain in any street, any broken or unbroken glass, earthenware, crockery or any nails, tacks, or refuse of any kind having sharp points or edges thereon.

K. No person shall suffer his or her firewood, coal or other fuel, in any quantity, to remain on any sidewalk, or in any street, lane or alley, in the city overnight, or after twilight in the evening. No person shall saw any firewood upon sidewalk of any of the streets or lanes of the city, nor pile the same thereon, and no person shall stand on any such sidewalk with his or her wood-saw or horse, to the hindrance or obstruction of any foot passenger.

L. No person shall distribute or cause to be distributed any handbill, circular, programme or advertising sheet in or upon any street or public square or public place within the city.

M. No person shall remove or displace, or cause to be removed or displaced, any paving in any street, without the permission of the commission on ways and drainage, except such removal is made by a street railway company in making the repairs required by Chapter 112 of the Revised Laws and amendments thereto.

N. 1. No person, firm or corporation shall place or cause or allow to be placed or deposited or to drip or otherwise run upon any public way or sidewalk in the city, any salt or water mixed with or containing salt, except where ice has formed upon the sidewalk, causing such sidewalk to be dangerous to public travel and except upon curves, frogs and switches of street railway tracks when there is danger of ice forming in the tracks or such curves, frogs and switches.

2. Any person, firm or corporation who shall offend any of the provisions of this subsection shall forfeit or pay a sum not exceeding twenty dollars (\$20.00) for each violation.

O. No person shall place or keep any table, booth, stall, or other erection in any street, lane, alley or public place, or on any sidewalk or common in the city, for the sale of fruit or other merchandise. No swine shall be sold or offered for sale in street, lane or public place in the city; no person shall kill any swine in any street, lane, alley, or other public place within the city. No person shall permit any, horse, sheep, swine, goat, cow or other meat cattle, belonging to him or her or under his or her control, to graze in any street or public place, or to go at large therein. Violation of this subsection shall be punishable by a fine of not more than five dollars (\$5.00) for each offense.

P. Storekeepers in Market Square at the public market place designated by the board of control are allowed during public market hours to place on the sidewalk boxes or other containers to exhibit their merchandise. (Prior code Part I, Ch. IV §§ 8, 9, 11, 12, 35--43, 54; Part V §§ 1, 2 (Ord. 5/13/30); §§ 1, 2 (Ord. 7/26/21))

#### 12.08.040 Carriages.

A. No person using or having care of any carriage or vehicle of any kind, with or without a horse, in any street or way, shall obstruct the same, after being requested, or ordered, to remove such obstruction, by any person wishing to use such street or way, or by the mayor, chief of police or other authorized person.

B. No person shall drive or pass with a vehicle of any kind, upon any sidewalk in the city; provided, that this shall not affect the right of any person to cross any sidewalk in entering or leaving private premises. No person shall by stopping his or her team or other vehicle unnecessarily obstruct any crossing, now or hereafter laid in or across any street or public way. In streets having no raised sidewalks, five feet in width next to the boundaries of such streets, on each side, shall be deemed the sidewalks within the meaning of this section.

C. No person shall draw, or propel, or wheel on any sidewalk, any hand cart, sled, wheelbarrow, bicycle, tricycle, scooter car, or other vehicle, except a child's carriage drawn or pushed by hand. (Prior code Part I, Ch. XXVIII §§ 1--3)

## Chapter 12.12 PROJECTIONS OVER SIDEWALKS

### Sections:

- 12.12.010 Permit required.
- 12.12.020 Permit issuance--Fee.
- 12.12.030 Certificate of insurance or bond required.
- 12.12.040 Hazard or nuisance--Removal.
- 12.12.050 Violation--Penalty.

#### 12.12.010 Permit required.

No person, firm or corporation shall erect or maintain any signs, marquees, awning, fire escape, or other advertising or illuminated structure or other projections as to overhang more than twelve (12) inches of any portion of any street or sidewalk, unless such person, firm or corporation has received a permit as provided in this chapter. (Ord. 4/28/87 § 1(A))

#### 12.12.020 Permit issuance--Fee.

The city clerk, with the approval of the city council, may grant to any person, firm or corporation who shall make written application in such form as the city clerk may prescribe, to place or keep any sign or projections of any nature so as to overhang twelve (12) inches or more over a sidewalk or street upon a fee of fifty dollars (\$50.00) for each permit granted, and a fee of twenty-five dollars (\$25.00) per year for all renewals of such permits. Such permits and all renewals thereunder shall be renewable on or before June 30th of each year. (Ord. 4/28/87 § 1(B))

#### 12.12.030 Certificate of insurance or bond required.

It shall be the responsibility of the applicant to maintain a certificate of insurance or a bond in the sum of five thousand dollars (\$5,000.00) conditioned to indemnify and save harmless the city from any and all claims for or by reason of the maintenance of either the sign or projections or other advertising or illuminated structures. (Ord. 4/28/87 § 1(C))

#### 12.12.040 Hazard or nuisance--Removal.

Any signs, marquees, awning, fire escape, or other projections extending over any public street or sidewalk found to be unsafe or a hazard or a nuisance by the building department of the city shall be removed or made safe within five days after given notice by the city clerk, building department or city council. Any person, firm, or corporation who leaves a sign or projection after vacating the premises shall be fined twenty-five dollars (\$25.00) a day until signs or other projections are removed, after notice by the city clerk, building department or city council. (Ord. 4/28/87 § 1(E))

#### 12.12.050 Violation--Penalty.

Any violation of this chapter shall be punishable by a fine of not more than one hundred dollars (\$100.00) for each offense. (Ord. 4/28/87 § 1(D))

## Chapter 12.16 SNOW AND ICE

### Sections:

- 12.16.010 Snow removal--Parking restrictions.
- 12.16.020 Deposit of snow on city streets.
- 12.16.030 Removal of snow from railroad tracks.

#### 12.16.010 Snow removal--Parking restrictions.

A. The owner or agent having charge of an estate abutting on any sidewalk within the limits of the public ways of the city shall remove or cause to be removed, the snow and ice from the sidewalk in front of such estate unless the ice thereon is made even and covered with sand or other suitable substance to prevent slipping. If the snow ceases falling in the daytime, which is defined as seven a.m. to six p.m., it shall be removed within four hours after the snow has ceased to fall, and if it ceases falling in nighttime which is defined as 6:01 p.m. to 6:59 a.m., it shall be removed before ten (10:00) p.m.

B. The provisions of subsection A of this section shall apply to snow and ice which slides or falls from any building, and to ice formed or accumulated upon any sidewalk, however formed or accumulated.

C. From November 15th to March 15th of each year, hereinafter defined as the winter season, the DPW commissioner shall be authorized to declare that there shall be one-sided parking at his or her discretion, alternating each year, on all non-posted streets being those streets which do not prohibit parking for any reason, throughout the city. The odd-even parking for the winter season shall be determined as follows. For the winter season beginning March 15, 1994 to March 15, 1995, parking shall be allowed on the even side of the street. In the following winter season, parking shall be allowed on the odd side of the street.

D. The enforcement agencies for this section shall be the police department and the parking department.

E. All persons violating any of the provisions of this section shall forfeit and pay a sum not exceeding fifteen dollars (\$15.00). (Ord. 4/12/94 §§ 2--6)

#### 12.16.020 Deposit of snow on city streets.

A. No person shall deposit or dump snow in any manner from inside their property line or from any sidewalk, onto the city streets.

B. The parking department, in conjunction with the police department, shall be the enforcing authority for all purposes of this section. All persons violating the provisions of this section shall forfeit and pay a sum not less than fifty dollars (\$50.00) for each offense. (Ord. 12/17/96 §§ 1, 2)

#### 12.16.030 Removal of snow from railroad tracks.

Whenever any railway corporation clears its tracks of snow by the use of plows, it shall remove from between the tracks and outside thereof, such amount of snow as shall

make the streets safe and even for public travel. Such removal of snow shall be done to the satisfaction of the commission on ways and drainage. (Prior code Part I, Ch. IV § 10)

## Chapter 12.20 LYNN HARBOR AND WATERWAY USE REGULATIONS

### Sections

- 12.20.010 Definitions.
- 12.20.020 Harbormaster--Appointment--Duties.
- 12.20.030 Mooring permits.
- 12.20.040 Mooring regulations.
- 12.20.050 Waterways regulations.
- 12.20.060 Removal of boat.
- 12.20.070 Public landing regulations.
- 12.20.080 Enforcement.
- 12.20.090 Jurisdiction.

### 12.20.010 Definitions.

As used in this chapter:

"Boat" means and includes ships, vessels, barges, houseboats, or any other type of floating watercraft powered by sail or tow, moored or stationed within the waters of the city. Floats for dockage and similar structures shall be excluded from this definition.

"Harbormaster" means the official duly appointed under this chapter with the powers and duty to enforce this chapter and the provisions of Massachusetts General Laws, Chapter 90b, Section 1-19, Chapter 102, Sections 19-28 and Chapter 91, Section 10A. The term "harbormaster" shall also include duly appointed deputies and assistant harbormasters.

"Lynn Harbor" means all of the waters within the corporate boundaries of the city where the tide ebbs and flows, including the Saugus River and Nahant Bay as shown on the map attached to the ordinance codified in this chapter.

"Mooring" means any anchor or ground tackles, chain, buoy or other arrangement as approved by the harbormaster, to which a float or raft may be tied for extended periods.

"Lynn public landing" or "landing" means the parcel of land including the public launching ramp, floats, landing, parking areas and waters located at the end of Blossom Street Extension. (Ord. 11/14/89 § 1)

### 12.20.020 Harbormaster--Appointment--Duties.

A. There shall be established within the office of the mayor, the office of the harbormaster.

B. The mayor shall appoint a harbormaster under the provisions of Massachusetts General Laws, Chapter 102, Section 19; subject to confirmation of the city council. The harbormaster shall be qualified by relevant boating experience. He or she shall continue in office until the appointment of a successor, or until such appointment is revoked. The compensation shall be determined as approved by city ordinance.

C. The duties of the harbormaster shall include, but not be limited to the patrolling of Lynn Harbor, the administration and enforcement of this chapter, and all ordinances, statutes, and laws applying to the waters of Lynn which he or she is authorized to enforce, and render assistance to persons, boats and mariners in Lynn Harbor for the protection of public welfare, public safety and property.

D. The city shall provide and maintain a suitable patrol boat and support equipment for the exclusive use of the harbormaster in the carrying out of his or her duties.

E. The mayor may appoint, subject to the confirmation of the city council, deputy harbormasters and assistant harbormasters. The deputy or assistant harbormasters shall hold office until the appointment of a successor or until such appointment is revoked. The deputy or assistant harbormaster shall be subject to the direction and control of the harbormaster and shall have the power and duty to enforce the provisions of this chapter and Massachusetts General Laws, Chapters 90B, 91 and 102. The compensation of such deputy or assistant shall be determined as provided by city ordinance. (Ord. 11/14/89 § 2)

#### 12.20.030 Mooring permits.

A. No person shall establish or maintain a mooring (including mooring floats) within Lynn Harbor without first obtaining a permit from the harbormaster and/or relevant federal and state authorities. All moorings shall be placed under the supervision of the harbormaster.

B. Any person may apply for a new or renewal mooring permit by obtaining a form from the harbormaster containing the following information:

1. Name, address and telephone number of the boat owner;
2. Name, length, type, color, power and registration or documentation number of the boat to be moored;

3. A description of the proposed mooring and desired location;

4. Any other information deemed necessary by the harbormaster.

C. Mooring permits shall be issued annually and shall be valid until December 31st of the year in which issued. Renewal notices for the following year will be sent to all existing mooring permit holders on or about December 1st of each year. Applications for the renewal of existing moorings will be accepted until April 15th of the following year. Failure to submit renewal application may result in the loss of the mooring space.

D. Mooring permits shall be issued only to private individuals for a specific boat. All permit holders shall notify the harbormaster within thirty (30) days of any changes in the ownership or change of boat. Failure to provide such notification may be cause for the revocation of the mooring permit. Mooring permits may be renewed for a maximum of one calendar year following the sale of the boat, if the harbormaster is notified in writing, of the desire of the permit holder to hold the location for a new boat.



E. The harbormaster shall establish a waiting list for new moorings by location preferred, boat size and order of receipt.

F. The harbormaster shall maintain a map or chart that clearly indicates the location, identity, ownership and number of moorings in the Lynn Harbor. This map shall be available for public inspection during normal business hours.

G. A mooring permit may be suspended or revoked by the harbormaster for failure to comply with the terms and conditions of the mooring permit, failure to properly maintain the mooring, or for providing incorrect information on the application form. Any mooring permit may be suspended or revoked whenever, in the reasonable discretion of the harbormaster, the boat and mooring or the mooring unduly threatens the safety of navigation or property. Any person aggrieved by the decision of the harbormaster in denying, revocation, or imposing restrictions or conditions may appeal to the Division of Wetlands and Waterways Regulations of the Department of Environmental Quality Engineering, provided that such application for such an appeal is filed within thirty (30) days after receiving notice of the harbormaster's decision.

H. All permitted moorings shall be placed in their assigned location prior to June 30th of the year issued. Failure to place a mooring by the above date shall constitute grounds for the mooring permit to be revoked by the harbormaster. (Ord. 11/14/89 § 3)

#### 12.20.040 Mooring regulations.

A. The size of chain, anchor and associated ground tackle, and placement of all moorings shall be subject to the approval of the harbormaster. Any moorings may be inspected, removed, or relocated whenever in the reasonable judgment of the harbormaster, the safety of the boats moored in that area and/or safety of navigation requires such action. The expense of such inspection, removal, or relocation and any damages incurred shall be the responsibility of the permit holder. Upon the refusal or neglect of any such master or owner to pay on demand the expense of such removal, the harbormaster may recover the same from the master or owner in contract for the use of the city.

B. Each mooring shall have the mooring identification number assigned by the harbormaster affixed to the mooring buoy.

C. Mooring buoy shall be visible at all tide levels and shall be of foam or plastic construction.

D. The leasing, subleasing, or rental of moorings is prohibited.

E. The harbormaster shall require an inspection every three years of a mooring, to determine the condition of the ground tackle. The harbormaster shall allow the mooring to be replaced or allow the permit holder to obtain an underwater inspection of the mooring by a qualified diver, acceptable to the harbormaster. All costs associated with the inspection, repair, or replacement of moorings shall be the responsibility of the mooring owner.

F. Winter mooring spars shall be upright at all times and shall be removed on or before May 15th and shall be set no earlier than September 15th of each calendar year.

G. In the event of an emergency, conditions requiring immediate action, the harbormaster may order the removal of the mooring, together with any vessel attached thereto, to a new location. Such action may be taken without prior notification of the owner. All costs associated with this action shall be responsibility of the mooring of vessel owner. (Ord. 11/14/89 § 4)

12.20.050 Waterways regulations.

A. No boat shall exceed five knots or cause a disturbing wake within the confines of channels or mooring areas.

B. The placement of lobster pots or buoys shall not obstruct mooring areas and channels.

C. No person shall operate a vessel in a reckless or negligent manner so as to endanger the life, safety or property of another person. Operators shall be responsible for the damage caused by the excessive wake at any time.

D. No person shall operate a power boat within one hundred fifty (150) feet of swimming area.

E. No person shall operate a boat in a mooring area or within three hundred (300) feet of any beach or swimming area while towing water skiers, aquaplanes or similar devices.

F. No person shall throw, deposit, discharge or otherwise cause to be placed in Lynn Harbor, any refuse, petroleum products, oils, sewage or debris.

G. The harbormaster may prohibit scuba diving or other types of diving in mooring areas, channels and other areas where diving cannot, in his or her opinion, be conducted safely without undue inconvenience to boat operations.

H. Any person skin diving or scuba diving in Lynn Harbor shall display a diver's flag consisting of a white diagonal stripe on a red field, not less than twelve (12) inches by fifteen (15) inches in area. The flag shall be displayed on a float or other device holding the flag upright at a height sufficient to be seen by passing boats and a minimum of three feet above the water.

I. No person shall operate a boat in Lynn Harbor within twenty-five (25) feet of a skin diver's flag or marker unless such boat is being operated by a person identified with, working with, or rendering assistance to such skin or scuba divers. Any boat tending such divers shall display the "Alpha" flag. (Ord. 11/14/89 § 5)

12.20.060 Removal of boat.

A. The harbormaster may station and regulate all boats and moorings in Lynn Harbor, and may remove any boat or mooring to a new location or cause it to be so removed if in his or her judgment any one of the following circumstances exist:

1. If the boat is improperly or illegally moored or anchored or if the boat or mooring otherwise poses a hazard to navigation or the safety of other boats;

2. If a boat occupying a berth at a public wharf or pier is not removed within a reasonable period after notice from the owner of such public wharf or pier to the master

or owner of the boat, and the public wharf or pier owner makes a complaint to the harbormaster;

3. If a boat not discharging cargo or passengers or receiving cargo, passengers or services, stands in the way of a boat waiting to carry out any of these activities, and the master or owner of the latter boat complains to the harbormaster.

B. The harbormaster may cause the removal of any boat or mooring which is not moved when directed by him or her, at the expense of the boat owner or master. Upon the refusal or neglect of any such master or owner to pay on demand the expense of such removal, the harbormaster may recover the same from the master or owner in contract for the use of the city. If the master or owner of the boat, vessel or mooring cannot be found and located with the jurisdiction of the harbormaster may proceed in removal. (Ord. 11/14/89 § 6)

#### 12.20.070 Public landing regulations.

##### A. General.

1. All boats, persons and vehicles using the landing shall abide by the rules and regulations contained in this chapter and all other applicable law, ordinances, rules and regulations concerning the operation of boats and the use of the landing; including without limitation those promulgated by the United States Coast Guard, the Environmental Quality Engineering and the city;

2. All persons, boats, and vehicles using the landing shall be responsible for the security of their own property. The city, its directors, agents or employees shall not be responsible for the loss of or damage to life, persons or property occurring at the landing and property owned, controlled or operated by the city from any cause whatever;

3. The landing shall be open to the general public from sunrise to sunset from April 1st until October 1st of each year, and at other such times as the public property committee of the Lynn city council may so establish. No provision in this section shall be interpreted to conflict or limit existing leases and contracts;

4. The consumption of alcoholic beverages at the landing is strictly prohibited.

##### B. Use of landing.

1. The use of the landing is primarily for the benefit of the general public engaging in recreational boating and the boarding of commercial passenger boats. All other uses, including commercial uses, are prohibited unless expressly authorized by the public property committee of the Lynn city council;

2. The parking area, launching ramp, floats and water ways of the landing shall not be obstructed or used for any purpose other than for boats loading and unloading passengers, for the launching and hauling of boats, and for the parking of vehicles for persons engaged in the above activities;

3. Use of the landing by commercial fishing or lobstering boats, or for the loading or unloading of commercial fish or shellfish, or for the storage of traps, nets,

gear, bait or other supplies is prohibited. However, no provision in this section shall be interpreted to conflict or limit existing leases and contracts;

4. Recreational fishing on the landing shall be prohibited except at such times as the harbor master may determine would not conflict with activities at the landing or endanger the safety of operations;

5. Limited float space is available and its use by boats shall be under the direct supervision and control of the harbor master. Boats wishing to utilize the landing shall be accommodated on a first-come first-serve basis. The harbor master may establish a maximum time limit on the use of the float by any one boat in order to insure that the use of the pier is available to other boats. Boats shall not be left unattended at the landing;

6. Boats desiring use of floats for an extended time period shall obtain, in advance, the permission of the harbor master. Such boats may be required to move to make way for other boats needing to unload. No boat shall be allowed to layover at the landing overnight;

7. Fueling of boats at the landing by truck shall be permitted only when in compliance with Massachusetts General Laws, Chapter 148, upon filing with the public property committee of the city council a copy of certificate(s) of adequate liability insurance from the permit holder.

C. Parking and vehicles.

1. Use of the parking areas at the landing shall be limited to those vehicles actively serving passengers or boats utilizing the landing. No vehicle shall be parked so as to block access of other vehicles through the landing or to the launching ramp;

2. Parking for patrons of commercial passenger boats shall be in spaces so designated by the public property committee of the city council, and shall not obstruct parking areas for vehicles with trailers;

3. Vehicles improperly parked, or obstructing traffic flow or the use of the launching ramp may be towed at the owner's expense.

D. Passenger boats.

1. Commercial passenger boats may utilize the landing for the boarding of passengers only under a written agreement between the operator and the mayor with the approval of the public property committee of the city council. The use of the landing shall only be at such scheduled times as specified in the agreement and as will not interfere with the other uses of the landing;

2. Passenger boat operators intending to use the landing shall provide, upon request of the mayor and the public property committee of the city council, copies of all current and valid United States Coast Guard vessel certification, operator's licenses and insurance certificates for general liability insurance.

E. Permit Fees. Daily fees for the use of the launching ramp and parking area shall be payable to the city and collected by the parking attendant. The amount of the fees shall be as established by city ordinance:

\*Automobiles only

\$ 1.00

Automobile/trailers	\$ 2.00
*Senior Citizens showing proof of age will be charged only	\$ .50

Seasonal stickers may be obtained from the Lynn Port Authority for the following fees:

Automobiles only	\$15.00
Automobiles/trailers	\$65.00

The above fees shall be effective from April 15th through October 5th annually.

(Ord. 5/27/86 § 1; Ord. 11/14/89 § 7)

#### 12.20.080 Enforcement.

A. Whoever violates any of the provisions of this chapter, or refuses or neglects to obey the lawful orders of the harbormaster, or resists him or her in the execution of his or her duties shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense, and shall be liable in tort to any person suffering damage thereby. Each day of violation shall constitute a separate offense.

B. All fines shall be paid to the city of Lynn within ten (10) business days of the notice of violation.

C. If payment is not made within ten (10) business days, the issuance of a criminal complaint may result. The failure or refusal to pay any fine may subject the owner to having his or her boat seized.

D. Any property seized or removed by the harbormaster for a violation of this chapter shall be held until all liens are paid in full to the city of Lynn and any and all removal and storage charges have been satisfied.

E. In the event that the property is not claimed or cannot be identified, the city may dispose of the property after a six-month period.

#### 12.20.090 Jurisdiction.

Nothing contained in this chapter shall be construed to supersede or conflict with the jurisdiction of the federal government with respect to the enforcement of the navigation, shipping, anchorage, and associated laws of the United States, or any lawful regulation of the Division of Wetlands and Waterways Regulations, Department of Environmental Quality Engineering, or the Division Of Marine and Recreational Vehicles or any laws of the commonwealth of Massachusetts. (Ord. 11/14/89 § 9(A))

## Chapter 12.24 SLUICE POND AND FLAX POND USE REGULATIONS

### Sections:

- 12.24.010 Speed limits on Flax and Sluice Ponds.
- 12.24.020 Use of motorboats on Flax Pond.
- 12.24.030 Feeding of geese or wild birds.

### 12.24.010 Speed limits on Flax and Sluice Ponds.

A. No person shall operate any motorboat or vessel as those terms are defined in General Laws, Chapter 90B, Section 1 on Flax or Sluice Ponds so as to violate General Laws, Chapter 90B, Section 8.

B. No person shall operate any personal watercraft, such as a jet ski, surf jet, or wet bike on any pond in the city of less than seventy-five (75) acres.

C. For purposes of this section a "personal watercraft" means a small vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel. The term includes but is not limited to a jet ski, wet bike or surf jet, so-called.

D. Whoever violates this section shall be punished by a fine of fifty dollars (\$50.00) for each offense.

E. The provisions of this section shall be enforced by harbormasters and assistant harbormasters and by police officers of the city. (Ord. 7/11/89 §§ 1--5)

### 12.24.020 Use of motorboats on Flax Pond.

A. No person shall operate or cause to be operated in or on the water of Flax Pond, a great pond, any boat propelled in whole or in part by a motor exceeding five horsepower capacity or a boat propelled by steam.

B. Violation of this section shall be punished by a fine in accordance with General Laws, Chapter 131, Section 113. (Prior code Part V §§ 1, 2 (Ord. 3/8/54))

### 12.24.030 Feeding of geese or wild birds.

A. No person shall feed any wild geese and ducks or other wildlife that may congregate or gather on or about Sluice Pond, Flax Pond or Goldfish Pond in the city.

B. Any person who violates the provisions of this section shall be subject to a fine of not more than one hundred dollars (\$100.00) for each offense.

C. The health department shall be the enforcing authority for all purposes. (Ord. 7/14/98 § 1; Ord. 1/12/93 §§ 1--3)

## Chapter 12.28 PUBLIC TELEPHONES

### Sections:

- 12.28.010 Placement of telephone on public way--Application--Fee.
- 12.28.020 City council authority.
- 12.28.030 Insurance--Bond--Removal of hazard.
- 12.28.040 Violation--Penalty.

### 12.28.010 Placement of telephone on public way--Application--Fee.

A. Any individual, corporation or other entity desiring to place a public telephone or public telephone booth projecting onto or placed on or over any public way in the city must apply to the city council for permission.

B. In its application for the permit, the individual, corporation or entity must adequately describe the location of its proposed public telephone or public telephone booth and the equipment to be located at that site.

C. The application for permit must be accompanied by a fee of twenty-five dollars (\$25.00) for each permit granted with a twenty-five dollar (\$25.00) annual renewal fee. (Ord. 11/12/91 §§ 2--4)

### 12.28.020 City council authority.

City council may require, in its discretion, any such public telephone to have a rotary dial instead of a touch-tone dial, if in the opinion of the city council such modification is necessary for public safety purposes. (Ord. 11/12/91 § 5)

### 12.28.030 Insurance--Bond--Removal of hazard.

A. Prior to construction, any such individual, corporation or entity must provide the permit, certificate of insurance satisfactory in form to the city solicitor and a bond with the department of public works.

B. It shall be the responsibility of the applicant to maintain insurance in the sum of one hundred thousand dollars (\$100,000.00) conditioned to indemnify and save harmless the city from any and all claims for or by reason of the maintenance of either the public telephone or public telephone booth. Any such individual, corporation or entity shall be obligated to adequately maintain and repair the public telephone or telephone booth in order to insure that the public way is reasonably safe for passage.

C. Any public telephone or public telephone booth extending over any public street or sidewalk found to be unsafe or a hazard or a nuisance by the building department of the city shall be removed or made safe within five days after given notice by the city clerk, building department or city council. (Ord. 11/12/91 § 6)

### 12.28.040 Violation--Penalty.

Any violation or failure to abide by the terms of this chapter will result in a penalty of one hundred dollars (\$100.00) each day that such violation continues. (Ord. 11/12/91 § 7)



## Chapter 12.32 MISCELLANEOUS USE REGULATIONS FOR PUBLIC PLACES

### Sections:

12.32.010 Use of motor vehicles in Lynn Woods Reservation.

12.32.020 Block party permits.

12.32.030 Tot lots--Closing times.

12.32.010 Use of motor vehicles in Lynn Woods Reservation.

A. No person shall operate a motor vehicle, as defined in General Laws, Chapter 90, Section 1, within the area known as Lynn Woods Reservation.

B. Any violation of this section shall be punished by a fine of three hundred dollars (\$300.00).

C. Any unauthorized motor vehicle, registered or unregistered, found within the Lynn Woods Reservation shall be deemed forfeited, and shall be disposed of as provided in General Laws, Chapter 90, Section 22C. (Ord. 1/21/91 § 1; Ord. 8/14/90 §§ 1--3)

12.32.020 Block party permits.

A. Any person, or persons, sponsoring or conducting a "block party," wherein a designated public way or public property are cordoned off, or set aside, for a specific date, time or purpose, and where the services of musicians are used for the event, shall be required to file an application with the city clerk, setting forth all details of the event, together with number of musicians to be used for the date. The application shall be presented to the city clerk for approval.

B. The penalty for any violation of this section shall be a fine of twenty-five dollars (\$25.00). (Ord. 2/1/83 §§ 2, 3)

12.32.030 Tot lots--Closing times.

A. Closing Times.

1. The Tot Lot at Curwin Circle in the city shall close at sunset of each day;

2. The Tot Lot at Shepard Street Playground in the city shall close at sunset of each day.

B. Violation--Penalty. Any violation of this section shall be punished by a fine of fifty dollars (\$50.00). (Ord. 8/14/90 §§ 1, 2; Ord. 7/10/90 §§ 1, 2)

## Title 13 PUBLIC SERVICES

### Chapter:

13.04 Sewer Service System

## Chapter 13.04 SEWER SERVICE SYSTEM

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### 13.04.010 Purpose.

The purpose of this chapter is to promote the general welfare, to prevent disease and to promote health, and to provide for the public safety by regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, including the wastewater treatment plant, and providing for the charges relative thereto and penalties for violations thereof; in the city of Lynn. (Ord. 7/24/79 § 1 (part))

### 13.04.020 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

"Applicant" or "owner" means any person requesting approval to discharge industrial or domestic wastewaters into the facilities of the city.

"BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees Celsius, expressed in milligrams per liter.

"Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from the soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning ten (10) feet outside the inner surface of the foundation wall.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

"City" means the city of Lynn, county of Essex, commonwealth of Massachusetts.

"Combined sewer" means a sewer receiving both surface runoff and sewage.

"Commissioner" means the commissioner of public works of the city of Lynn, or authorized representative.

"Domestic sewer" or "sanitary sewer" means a sewer which carries domestic wastewater and to which storm, surface and groundwater are not intentionally admitted.

"Domestic wastewater" means the wastewater derived principally from dwellings, business buildings, institutions and the like. It may not contain groundwater, surface water or stormwater.

"Facilities" means and includes structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing or disposing of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of such structures and conduits including treatment and disposal works, necessary intercepting, outfall and outlet sewers, and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

"Excessive" means amounts or concentrations of a constituent of a wastewater which in the judgment of the city will cause damage to any facilities, which will be harmful to a wastewater treatment process, which cannot be removed in the wastewater treatment works of the city to the degree required to meet the limiting classification standards of the receiving water, which can otherwise endanger life, limb or public property and/or which can constitute a nuisance.

"Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

"Industrial wastewater" means the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

"Industrial user" means any nongovernmental user of a publicly owned treatment works which contributes industrial wastes, identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

1. Division A: Agriculture, Forestry and Fishing;
2. Division B: Mining;
3. Division D: Manufacturing;
4. Division E: Transportation, Communications, Electric, Gas and Sanitary Services.;
5. Division I: Services.

"Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"Person" means any individual, firm, company, association, society, corporation, partnership or group.

"pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

"Proper treatment" means that method of treatment and disposal of wastewaters which is required by existing or future laws, regulations, ordinances, water quality standards, orders and decrees of all governmental authorities having jurisdiction over the treatment and disposal of wastewaters.

"Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

"Sewer" means a pipe or conduit for carrying wastewater.

"Shall" is mandatory; "may" is permissive.

"Slug" means any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five times the average twenty-four (24) hour concentration or flows during normal operation.

"Soluble COD" means chemical oxygen demand and shall be determined under recommended laboratory procedures after laboratory filtration of the waste as set forth in the latest edition Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, Inc.

"Storm drain" (sometimes termed "storm sewer") means a pipe or conduit which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

"Suspended solids" (denoted "SS") means solids that either float on the surface of, or are in suspension in water, wastewater or other liquids, and which are removable by laboratory filtering.

"Towns" means towns of Saugus and Nahant which both participate in the regional wastewater treatment plant.

"User" means and refers to any person whose premises are connected to the city sewer system.

"Wastes" means substances in liquid, solid, or gaseous form that can be carried in water.

"Wastewater" means the spent water of a community, and may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

"Wastewater treatment plant" means any arrangement of devices and structures used for treating wastewater.

"Wastewater works" means all structures, equipment and processes for collecting, pumping, treating and disposing of wastewater.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

"Ways and drainage commission" means the duly elected city council of the city, sitting as a commission on matters pertaining to ways and drainage. (Ord. 10/23/79 § 1; Ord. 7/24/79 Art. I)

13.04.030 Ways and drainage commission.

A. Commission Empowered. Pursuant to the authority granted by the General Laws of Massachusetts, the city has established this chapter covering the discharge of wastewater, drainage substances, or wastes into any sewer under its control or tributary thereto.

B. Powers Explained. The city shall have the right to take appropriate legal action against any applicant who is found to be in violation hereof, including but not limited to the right to shut off collection service and the right to enforce penalties described herein. (Ord. 7/24/79 Art. II)

13.04.040 Building sewers and connections.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the commissioner. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the commissioner at least forty-five (45) days prior to the proposed change or connection.

B. There shall be two classes of building sewer permits; (1) for residential and commercial service; and (2) for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the commissioner. A permit and inspection fee of ten dollars (\$10.00) for a residential or commercial building sewer permit and twenty-five dollars (\$25.00) for an industrial building sewer permit shall be paid to the city at the time the application is filed.

C. All costs and expense incidental to the installation and connections of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every new building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the commissioner, to meet all requirements of this chapter. Related costs of examination and tests shall be borne by the applicant.

F. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the ASTM and WPCF in the most current Manual of Practice shall apply.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted and discharged to the building sewer by a means approved by the commissioner.

H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless that sewer is a declared combined sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city of the procedures set forth in appropriate specifications of the ASTM and WPCF in the most current Manual of Practice. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the commissioner before installation.

J. The applicant for the building sewer permit shall notify the commissioner when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the commissioner or his or her representative.

K. All excavations for building sewer installation shall be adequately guarded with barricades and light so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. Police protection shall be provided where required by the commissioner.

L. Where subsoil drains are placed under the cellar floor or used to encircle outer walls of a building, the same shall be made of open-jointed drain tile or earthenware pipe, not less than four inches in diameter, and be properly trapped and protected against back pressure by an automatic backwater valve accessibly located before entering the storm drain. They may be discharged through a cellar drain only in areas served by storm or combined sewers and with written approval of the commissioner.

M. The applicant for a building sewer permit shall agree to provide the city with a complete and accurate permanent dimensioned record of the construction of the building sewer, including but not limited to a site plan showing the building sewer in its entirety, its location, size, type and any valves, connectors or other appurtenances. (Ord. 7/24/79 Art. III)

13.04.050 Use of public sewers mandatory.

A. It is unlawful to deposit, discharge or otherwise dispose of wastes or wastewaters in any manner other than by those methods which are required by the city, state or federal government.

B. It is unlawful to discharge any wastes, domestic wastewater or industrial wastewater to a natural outlet without the proper treatment and subject to approval by the commissioner.

C. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may, in the future, be located a public sanitary or combined sewer of the city, is required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after the date of official notice to do so, provided that the public sewer is within one hundred (100) feet (30.5 meters) of the property line, or if no other method of disposal approved by the city, state or federal government is possible. (Ord. 7/24/79 Art. IV)

13.04.060 Use of public sewers.

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer, unless that sewer is a declared combined sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the commissioner. Industrial cooling water or unpolluted process waters may be discharged, on approval of the commissioner, to a storm sewer, or a natural outlet.

C. Industrial cooling water or unpolluted process waters maybe discharged to a combined sewer only with approval of the commissioner.

D. 1. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the commissioner that such wastes can harm either the sewers, wastewater treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. Persons who desire to discharge industrial wastewaters into facilities of the city shall make their normal application to the commissioner. In forming his or her opinion as to the acceptability of these wastes, the commissioner will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, and other pertinent factors. Any person discharging industrial wastewaters directly or

indirectly into facilities of the city that do not comply with this chapter may be subject to action by the city, which action shall include, but not be limited to, the withdrawal of permission to discharge wastewaters into facilities of the city.

2. Wastewaters and wastes considered to contain excessive constituents or characteristics as determined by the city, and therefore, shall be prohibited, include:

a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

b. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;

c. Any waters or wastes having a pH lower than 6.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to sewers, structures, equipment, process or personnel of the waste treatment works;

d. Any solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other with the proper operation of the wastewater works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etcetera, either whole or ground by garbage grinders;

e. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius);

f. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero and sixty-five (65) degrees Celsius);

g. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the commissioner;

h. Any waters or wastes containing strong acid from pickling wastes, or concentrated plating solutions, whether neutralized or not;

i. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting any excessive chlorine requirements, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the commissioner for such materials;

j. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein;

k. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the



commissioner as necessary, after treatment of the composite wastewater, to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters;

l. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the commissioner in compliance with applicable state or federal regulations;

m. Any wastewater having a caustic alkalinity measured as  $\text{CaCO}_3$  (calcium carbonate) in excess of seventy-five (75) parts per million;

n. Any obnoxious or malodorous gas or substance capable of creating a public nuisance;

o. Any wastewaters containing:

i. An average concentration of suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) in excess of three hundred (300) milligrams per liter (mg/l) or excessive dissolved solids (such as but not limited to, sodium chloride and sodium sulfate);

ii. Materials which cause excessive discoloration (such as, but not limited to, dye wastes, and vegetable tanning solutions);

iii. An average concentration of BOD in excess of three hundred (300) milligrams per liter (mg/l) or material which cause unusual chemical oxygen demand, or chlorine requirements;

iv. Materials which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a limited degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

v. Septic tank solids that are not diluted sufficiently to insure that all particles will be carried freely under all flow conditions in facilities of the city.

E. Any person responsible for or becoming aware of the discharge to a public sewer, accidental or otherwise, of any prohibited substance or of any slug as defined herein, shall report same immediately by telephone to the city so that necessary precautions can be taken to minimize the deleterious effects of the discharge.

F. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substance or possess the characteristics enumerated in subsection D of this section, and which in the judgment of the commissioner may have a deleterious effect upon the wastewater works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the commissioner may:

1. Reject the wastewaters or the wastes;

2. Require that pretreatment of wastewaters or wastes be provided to modify them to an acceptable condition for discharge to the public sewers;

3. Require control over the quantities and rates of discharge of the wastewaters and of the wastes; and/or

4. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under provisions of subsection N of this section.

G. If the commissioner permits the pretreatment or equalization of wastewater flows, the design and installation of the plants and equipment undertaken at the owners cost, shall be subject to the requirements of all applicable codes, ordinances and laws.

H. The applicant agrees to notify the city as far in advance as possible of any anticipated or planned significant increases or decreases in both the quantity and quality of the wastes to be discharged to the city wastewater works.

I. Applicants will each be held responsible for the enforcement of subsections O and P of this section, including any other rules and regulations of the Massachusetts Department of Public Safety requiring that garages and other establishments where gasoline is used or dispensed and which are connected with the public sewers in the city, be supplied with a suitable trap or separator. Such traps and separators shall be subject to the approval of the commissioner.

J. 1. Grease, oil and sand interceptors shall be provided when, in the opinion of the commissioner, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or, any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the commissioner and shall be located as to be readily and easily accessible for cleaning and inspection.

2. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

K. Where installed, all grease, oil and sand interceptors and traps or separators shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

L. Where preliminary treatment or flow-equalizing facilities are provided for any wastewaters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his or her expense.

M. When required by the commissioner, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the commissioner. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

N. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

O. All industries discharging into a public sewer shall perform such monitoring of their discharges as the commissioner and/or other duly authorized employees of the city may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the commissioner. Such records shall be made available upon request by the commissioner to other agencies having jurisdiction over discharges to the receiving waters.

P. All applications to discharge any industrial wastewater, drainage, substances, or wastes directly into any sewer under the control of the city or tributary thereto, shall be accompanied by an agreement stating that the applicant agrees to abide by all ordinances and rules and regulations of the city, and the applicant shall provide such works for the preliminary treatment of the wastewater, drainage, substances or wastes as may be required by the city, and that the applicant will permit duly authorized representatives of the city to enter the premises of the industry to sample and measure wastewaters, as needed to check characteristics of the wastewaters, when so directed by the commissioner. Applications are to be accompanied by a plan showing essential characteristics of all wastewater outlets, analyses of existing wastewater, and statement as to existing and expected average and maximum wastewater flows, and must be submitted to and approved by the commissioner prior to initiating discharge into facilities of the city. Required wastewater analyses are listed in Section 13.04.070.

Q. Each industrial user will be required to submit an annual report on the first of July each year, or such other time as designated by the commissioner, to the city containing information as to the minimum, average and peak flows of industrial wastewater discharges during the previous year and at time or times designated by the city, accompanied by designated analyses of wastewater samplings taken in an acceptable manner at approved times during the flow measuring periods.

R. No statement contained in this section shall be construed as preventing any special agreement or agreement between the city and any industrial concern whereby

an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern, provided that such agreements do not contravene any requirements of existing federal laws and are compatible with any user charge and industrial cost recovery system in effect. (Ord. 7/24/79 Art. V)

13.04.070      Analyses of industrial wastes.

Measurement and analyses of industrial wastes are to include items from the following list where applicable. The analyses are to be conducted in accordance with the methods prescribed in the latest edition of Standard Methods for the Examination of Water and Wastewater. If any item is not applicable it shall be so stated on the report of the measurements and the reason for deletion stated.

- A.      Physical parameters.
  - 1.      Flow;
  - 2.      pH;
  - 3.      Temperature;
  - 4.      Color;
  - 5.      Specific conductance.
- B.      Chemical Parameters.
  - 1.      Total solids;
  - 2.      Total volatile solids;
  - 3.      Total suspended solids;
  - 4.      Total dissolved solids;
  - 5.      Acidity;
  - 6.      Alkalinity;
  - 7.      Five-day BOD;
  - 8.      COD;
  - 9.      Oil and grease;
  - 10.     Chloride;
  - 11.     Sulfate;
  - 12.     Sulfide;
  - 13.     Phenols;
  - 14.     NH<sub>3</sub> (as N);
  - 15.     NO<sub>3</sub> (as N);
  - 16.     NO<sub>2</sub> (as N);
  - 17.     Kjeldahl organic nitrogen (as N);
  - 18.     Ortho-phosphorus (as P);
  - 19.     Total phosphorus (as P);
  - 20.     Cr, Cu, Fe, Cd, Pb, Mn, Zn, As, Hg. (Ord. 7/24/79 Art. VI)

13.04.080      Protection from damage.

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this section shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 7/24/79 Art. VII)

13.04.090 Sewer user charges.

A. 1. Any person owning premises accessible to the city sewer system other than an industrial user, shall pay a sewer user charge in accordance with a schedule to be adopted by the ways and drainage commission and modified by the commission annually, fully to meet the need for income to pay the proportionate share of costs, including without limitation, of operation, maintenance, insurance, renewals and replacements of all wastewater collection, treatment and disposal services provided by the city and the towns for this class of users. The amount of the billing shall be based upon the amount of water consumed on each premises covered by this section as the same is determined by reading of the water meters. For the purposes of this section, it shall be deemed that a cubic foot of water consumed shall constitute a cubic foot of wastewater discharged, unless the owner of the premises shall provide, at his or her sole expense, an approved separate meter to measure either the flow to the sewer or to consumptive uses. In this instance, such measurement of net flow to the sewer shall be the basis of billing. The sewer user charge for this class of users shall be based on the following rate system:

$$C_u = \frac{CT}{VT} (V_u)$$

2. The symbols used in the system are as defined below:

$C_u$  = User's charge for operation and maintenance of the facilities.

$CT$  = Total operation and maintenance costs of the facilities per unit of time.

$VT$  = Total volume contribution of wastewater from all users per unit of time (total of water meter readings).

$V_u$  = Volume contribution of wastewater from a user per unit of time (individual water meter reading).

B. The owners of the premises covered by subsection A of this section shall be responsible for the payment of the sewer user charge as determined in accordance with subsection A of this section and no reduction in bills rendered shall be allowed for leakage of a water meter.

C. All sewer user charge bills shall be payable when due. They shall be mailed or delivered by the city tax collector as a matter of convenience to the property

owner or, upon written notice of a property owner, to the tenant of the premises. Failure of a property owner or tenant to receive a sewer user charge bill shall not release the property owner from the payment of such bill together with any fee or penalty which may accrue or become existent by virtue of nonreceipt of bill.

D. Bills due to the city for sewer user charges, if not paid within thirty (30) days from the date of issue, shall be subject to a fee of ten (10) percent of the current billing amount due, such fee to be collected together with the amount of the bill.

E. Whenever a property discharging wastewater into the city sewer system is without a water meter, the city tax collector will notify the department of public works to install a meter. The city tax collector may bill the property owner both for the cost of the meter and/or installation and for an estimated reasonable amount of wastewater discharged during the time that the property has been occupied without a meter.

F. When it is impossible to obtain a regular annual reading of any meter for any reason, including a meter found to be not registering or stopped, the amount of wastewater discharged shall be estimated according to the amount of wastewater discharged for similar occupancies and a bill rendered for such estimated amount of wastewater discharged. The fact that the amount of the bill has been estimated must be indicated on the bill.

G. Complaints of overcharge on sewer user charge bills must be made on or before the fifteenth (15th) day after such bills are rendered and all sewer user charge bills against which no claim has been made within the time set forth above shall be considered correct and must be paid in the amount rendered.

H. When property becomes vacant, upon receipt of written notice from the owner of same, the department of public works shall remove the water meter and seal the service in a manner that will prevent any possibility of usage without charge. The meter so removed will be stored until the department of public works is notified that the property is reoccupied, when the meter will be reset, the shutoff seal removed and the water supply restored. No charge shall be made for sewer use during the time that the property remains vacant provided that the foregoing provisions are fully complied with.

I. The billing charge on any building permanently demolished shall be discontinued when conclusive proof of demolition is presented to the city and upon payment of any existing bills up to the date of such demolition, provided that the proof presented show that the building sewer has been sealed in a manner that will prevent any possibility of usage without charge.

J. Sewer user charge bills shall be rendered annually and in the full amount due in advance of the present year's usage and shall be calculated based on the previous year's operation and maintenance cost of the facilities (CT) and the previous year's water consumption records according to subsection A of this section. When no water consumption records are available, an estimated bill shall be issued according to subsection F of this section. Each subsequent year's bill shall be adjusted to reflect the actual operation and maintenance cost of the facilities and the actual water consumption for the year ending.

K. For purposes of the initial billing pursuant to this section, in any case where the bill for sewer user charge shall cover a period less than a full year, there shall be an estimated proration of the sewer water charge and the bill shall be forwarded based upon such estimate and shall be described on the face of the bill as an estimated billing.

L. Any person owning premises accessible to the city sewer system and being an industrial user shall pay a sewer user charge in accordance with a schedule to be adopted by the ways and drainage commission, for annual charges consisting of capital charges and service charges, the service charge to be modified by the commission annually fully to meet the need for income to pay the proportionate share of costs of the city's wastewater works including without limitation, operation and maintenance, insurance, renewals and replacements of all wastewater-collection services provided by the city for this class of users, and the capital charges and service charges fully to meet the need for payment of the city's proportionate share of interest on and amortization of, or payment for indebtedness for the capital cost of the wastewater treatment facilities to be provided by the city for this class of users. The sewer user charge for this class of users shall be based on the following rate system:

1. Flow charge =  $A1 + A2 + A3 + A4$ ;
2. Suspended solids surcharge =  $S1 + S2$ ;
3. BOD surcharge =  $B1 + B2$ ;
4. Unspecified constituents =  $X1 + X2$ .

The symbols used in the system are as defined below:

A1 = Flow charge, in dollars per million gallons. It is based on the annual operation and maintenance costs for the city's collection system.

A2 = Flow charge, in dollars per million gallons. It is based on the annual capital costs for the city's collection system.

A3 = Flow charge, in dollars per million gallons. It is based on the city's share of the total annual operation and maintenance costs for the city's wastewater treatment plant (WWTP) which are assignable to flow.

A4 = Flow charge, in dollars per million gallons, based on the city's share of the total annual capital costs for the city's WWTP, including land, which are assignable to flow.

S1 = Surcharge for suspended solids (SS) in excess of an average of three hundred (300) mg/l, in dollars per pound. It is based on the city's share of the total annual operation and maintenance costs for the city's wastewater treatment plant which are assignable to suspended solids.

S2 = Surcharge for suspended solids in excess of an average of three hundred (300) mg/l, in dollars per pound. It is based on the city's share of the total annual capital costs for the city's wastewater treatment plant which are assignable to suspended solids.

B1 = Surcharge for BOD portion of the total BOD in excess of an average of three hundred (300) mg/l, in dollars per pound. It is based on the city's share of the total annual operation and maintenance costs for the city's wastewater treatment plant which are assignable to biochemical oxygen demand (BOD).

B2 = Surcharge for BOD portion of the total BOD in excess of an average of three hundred (300) mg/l, in dollars per pound. It is based on the city's share of the total annual capital costs for the city's wastewater treatment plant which are assignable to BOD.

X1 = Surcharge for any other constituents which may be specified and may include but not be limited to COD and TOC. It is based on the city's share of the total operation and maintenance costs for the city's wastewater treatment plant which may be assigned to any presently unspecified constituents in the wastewater.

X2 = Surcharge for any other constituents which may be specified and may include but not be limited to COD and TOC. It is based on the city's share of the total annual capital costs for the city's wastewater treatment plant which may be assigned to any presently unspecified constituents in the wastewater.

M. All industries discharging into a public sewer shall perform such monitoring of their discharges as the commissioner and/or other duly authorized employees of the city may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the commissioner. Such records shall be made available upon request by the commissioner to other agencies having jurisdiction on over discharges to the receiving waters.

N. The sewer user charges for industrial users shall be billed and shall be payable on an annual basis. For each year, the user shall be billed in an amount equal to the annual amount of capital charges, plus a service charge based on the annual flow and discharge of suspended solids and biochemical oxygen demand at the rates established for that year.

O. All sewer user charge bills for industrial users shall be payable when due. They shall be mailed or delivered to the user as a matter of convenience. Failure of a user to receive a sewer user charge bill shall not release the user from the payment of such bill together with any fee or penalty which may accrue or become existent by virtue of nonreceipt of bill.

P. Bills due the city for sewer use or any other service, if not paid by an industry within thirty (30) days from the date of issue, shall be subject to a fee of ten (10) percent of the current billing amount due, such a fee to be collected together with the amount of the bill.

Q. Complaints of overcharge on sewer user charge bills must be made by industries on or before the fifteenth day after such bills are rendered and all sewer user charge bills against which no claim has been made within the time set forth above shall be considered correct and must be paid in the amount rendered.

R. Measuring, Recording and Sampling Devices. All meters and all other measuring and sampling devices installed or required to be used under the provisions of this chapter shall be readily accessible to the city. The owner of the property upon which any such measuring, recording or sampling device is installed shall pay for and shall remain responsible for its maintenance and accuracy. All repairs and calibrations thereto shall be made at the owner's cost, whether such repairs are made necessary by ordinary



wear and tear or by other causes. These repairs shall be made within a reasonable time period. After proper notification, the city can undertake such repairs and the bills for the repairs shall be due and payable at the same time, shall be collected in the same manner and shall be subject to the same penalties as are the bills for repairs of water meters. Energy for continuous operation, as required, shall be provided and paid for by the property owner. Flow record charts shall be changed by the industrial user as required, shall be marked to show time and totalizer register reading at time of change, and shall be filed with the city as soon as removed.

S. 1. Every industrial user shall install either a suitable control manhole, or, a suitable monitoring station, in each industrial plant connection to the city sewer system. Control manholes shall be suitable for inspection, observation, sampling, testing, and measurement of plant discharges. Monitoring stations shall provide safe adequate space and equipment for continuous flow rate measurement and recording, and for the taking of twenty-four (24)-hour composite samples proportional to rate of flow, with refrigeration of samples;

2. Each such control manhole and/or monitoring station shall be readily accessible and shall be located and constructed in accordance with plans approved by the city. The control manhole and/or monitoring station with equipment shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times to the city. If continuous and immediate access to the monitoring station is not available to the city, a control manhole to which there is such access shall be provided by the industry in addition to the monitoring station. There shall be no more than two monitoring stations for any one industrial plant unless specifically authorized by the city. (Ord. 7/24/79 Art. VIII)

#### 13.04.100 Inspectors--Powers and authority of inspectors.

A. The commissioner and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The commissioner or his or her representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

B. While performing the necessary work on private properties referred to in subsection A of this section, the commissioner or duly authorized employee of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 13.04.060(L) and (M).

C. The commissioner and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater works lying within said easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

D. Whenever any drain connecting with any main drain or common sewer shall become clogged, obstructed, broken, out of order, or detrimental to the use of the sewer or other drains, or unfit for the purpose of drainage, the owner, agent, occupant, or person having charge of any building, yard, lot of land or other premises which are drained by the drain shall, when directed by the commissioner, within five days after notice in writing from the commissioner, remove, reconstruct, alter, cleanse or repair the drain, as the condition of the drain may require. In the case of neglect or refusal to remove, reconstruct, repair, alter or cleanse the drain for the space of five days, the commissioner shall cause the same to be removed, reconstructed, repaired, altered or cleansed, as he or she may deem expedient, at the expense of the owner, agent, occupant, or other person, as aforesaid, and such owner, agent, occupant or other person shall also be liable to a penalty not exceeding fifty dollars (\$50.00). (Ord. 7/24/79 Art. IX)

#### 13.04.110 Violation--Penalty.

A. Any person found to be violating any provision of this chapter except Section 13.04.080 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in subsection A of this section, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding fifty dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. (Ord. 7/24/79 Art. X)

#### Title 14

(RESERVED)

#### Title 15

#### BUILDINGS AND CONSTRUCTION

Chapters:

- 15.04 House Numbering
- 15.08 Historical Buildings
- 15.12 Plumbing Code
- 15.16 Electrical Code
- 15.20 Gas Fitting Permits
- 15.24 Certificates of Occupancy
- 15.28 Dangerous Buildings
- 15.32 Condominium Conversion
- 15.36 Signs
- 15.40 Miscellaneous Building Regulations

Chapter 15.04

HOUSE NUMBERING

Sections:

- 15.04.010 Required--Specifications.
- 15.04.020 Violation--Penalty.

15.04.010 Required--Specifications.

All property owners within the city are required to display street numbers on their home or business. The numbers shall be at least three inches in height and shall be visible from the street. (Ord. 4/23/91 § 1)

15.04.020 Violation--Penalty.

Violators of this chapter will be given a written warning from the building department or police department. Failure to comply within seven days of said warning will result in a fine of fifty dollars (\$50.00) per day for each day not in compliance. (Ord. 4/23/91 § 2)

Chapter 15.08

HISTORICAL BUILDINGS

Sections:

- 15.08.010 Purpose.
- 15.08.020 Definitions.
- 15.08.030 Procedures.

- 15.08.040 Responsibility of owner.
- 15.08.050 Exceptions.
- 15.08.060 Enforcement and remedies.
- 15.08.070 Historic Districts Act.

15.08.010 Purpose.

A. The purpose of this chapter is to apprise the Lynn historical commission (LHC) of a building owner's intent to demolish or significantly alter certain buildings, as hereinafter described, so that the LHC may determine what, if any, historical or architectural value the building may have, for the purpose of determining preservation solutions.

B. This chapter shall only apply to any building or structure listed in the latest edition of the city of Lynn historic structure inventory, hereinafter referred to as "inventory." (Ord. 7/14/98 § 1)

15.08.020 Definitions.

As used in this chapter:

"Building" means any structure as described and/or listed in the heretofore mentioned inventory.

"Demolition permits" refers to a permit granted by the building commissioner to raze all or part of a structure.

"Lynn historical commission" means a municipal body appointed by the mayor to review properties for possible inclusion on the National Register of Historic Places. This group shall hereinafter be referred to a LHC.

"Significant alterations" means any alteration, for which a permit is required, to the exterior of a building such that the appearance of the building is changed. (Ord. 7/14/98 § 2)

15.08.030 Procedures.

A. No demolition permit shall be issued which is not in compliance with this chapter.

B. An application for a demolition permit shall include the year the building was built if such date is able to be determined.

C. The building department shall notify the LHC upon receipt of a demolition permit application for a building or structure on the inventory for LHC review. If the LHC review reveals potential architectural and/or historic value, a public hearing shall be held within thirty (30) days. The date of the hearing shall be published one week prior in the Daily Evening Item.

D. A final determination of whether or not a building should be preserved shall be made within ninety (90) days after the public hearing. This determination shall be made in writing to the owner of the building in question. The demolition delay shall

expire thirty (30) days after written notification. The building commissioner shall be made aware of the expiration date.

E. If at any stage of the determination process LHC does not meet its timetable, the building commissioner may issue a demolition or alteration permit without the consent of the LHC. (Ord. 7/14/98 § 3)

#### 15.08.040 Responsibility of owner.

The owner of the property being evaluated shall assist the LHC by providing requested information on the building, and negotiating possible alternatives and compromises. (Ord. 7/14/98 § 4)

#### 15.08.050 Exceptions.

A. Any structure determined a nuisance and ordered demolished by the Lynn city council under the provisions of Massachusetts General Laws Chapter 139.

B. Any structure for which a duly convened board of survey was held and ordered demolished in accordance with the provisions of the Commonwealth of Massachusetts State Building Code and/or Massachusetts General Laws Chapter 143.

C. Any structure ordered demolished under the provisions of the Commonwealth of Massachusetts Regulations (CMR) 780, State Building Code.

D. If bonafide efforts by LHC and the building owner are unsuccessful, a written notification shall be made by LHC to the building commissioner to issue a demolition permit. (Ord. 7/14/98 § 5)

#### 15.08.060 Enforcement and remedies.

If a building shall be demolished without having complied with the terms of this chapter, the owner shall be cited in accordance with provisions of the commonwealth of Massachusetts State Building Code.

#### 15.08.070 Historic Districts Act.

If any portion of this chapter is in conflict with the Historic Districts Act, the Historic Districts Act shall prevail. (Ord. 7/14/98 § 7)

### Chapter 15.12

### PLUMBING CODE

#### Section:

#### 15.12.010 Fees for plumbing permits.

#### 15.12.010 Fees for plumbing permits.

Fees for permits shall be as follows:

A. New homes and buildings: five dollars for first eight fixtures, and one dollar for each additional fixture.

B. Old buildings: three dollars for first eight fixtures; one dollar for each additional fixture.

C. Single fixture or replacement of a fixture-----		
-----		\$1.00
Hot water heater-----		1.00
-----		
Each	Hot water pipe-----	1.00
floor --	-----	
	Cold water pipe-----	1.00
	-----	
	Waste pipe-----	1.00
	-----	
	Soil pipe-----	1.00
	-----	
	Drain-----	1.00
	-----	

A fee of one dollar for each unit or fixture not included in above.

In all cases fees shall accompany the applications for permits. All fees shall be payable to the city of Lynn. (Prior code Part I Ch. XXIX)

## Chapter 15.16

### ELECTRICAL CODE

#### Sections:

15.16.010	City electrician--Powers and duties generally.
15.16.020	City electrician--Inspections--Repairs--Administration.
15.16.030	Electrical work--Regulations.
15.16.040	Overhead construction--Electric conductors.
15.16.050	Poles.
15.16.060	Fixtures.
15.16.070	Overhead conductors--High and low potential.
15.16.080	Electric wires under streets.
15.16.090	Number of electrical meters.
15.16.100	Electrical department personnel.
15.16.110	Electrical permit fees.

15.16.010 City electrician--Powers and duties generally.

The city council shall elect a person as city electrician, who shall have the power to appoint all subordinates in the department. He or she is designated as the officer who shall perform the duties required by the provisions of Revised Laws, Chapter 122, Sections 16--19, and all amendments thereof and additions thereto. He or she shall supervise every wire or cable over streets or buildings, and every wire within a building, when such wire is designed to carry an electric light, heat or power current; shall notify the person or corporation owning or operating any such wire or cable whenever its attachments, insulation, supports, or appliances, are unsuitable or unsafe, or any tags or marks thereof, hereinafter described, are insufficient or illegible; and shall remove every wire abandoned for use, and every wire except the wire of a street railway company used for the transmission of its motive power, or for the protection or support of such wires, which shall be unprovided with a tag or mark distinctly designating the owner or user of such wire or cable; shall see that all statutes, ordinances and regulations, relating to his or her duties, and to the location, erection, support, maintenance, insulation, and removal of wires or cables, in, over or under streets or buildings, are strictly complied with and enforced. (Prior code Part I, Ch. XXVII § 1)

15.16.020 City electrician--Inspections--Repairs--Administration.

All wires, appliances and apparatus within any buildings which are intended for the transmission of electricity for light, heat or power, shall be made, placed and arranged, and at all times kept safe, to the satisfaction of the city electrician. No person shall place, arrange or rearrange any such wires, appliances or apparatus except in conformity with the established rules and regulations of the National Electric Code, (The Massachusetts Electric Code form FPR-11 is now the established code of rules and regulations adopted by the Lynn electrical department) or any necessary special rules established by the city electrician and approved by the city council. No person shall put in, place, change or alter the position of any such wires, appliances or apparatus without first having given written notice to the city electrician, and securing a permit therefrom and paying therefor a fee of one dollar, who shall be given full opportunity to inspect the same before they shall be covered or enclosed. No such wires shall be placed in any building in the process of alteration or construction until all gas, steam, water and furnace pipes have been placed in proper position in that portion of the building where such gas, steam, water and furnace pipes are planned to be located; where such gas, steam, water or furnace pipes occur, the electrician shall not at any time precede with his or her work, the work of the installation of the gas, steam, water and furnace pipes. The city electrician shall at all proper and reasonable times have access to such wires, appliances and apparatus. If upon inspection of any of such wires, appliances or apparatus the city electrician determines that the same are unsafe, he or she shall give written notice to the owner or occupant of the building, or contractor if work is in course of construction specifying the alterations which are required to render the same safe, and the time within which alterations must be made; and no person receiving such notice shall use any such

wires appliances or apparatus for, the transmission of electricity after the expiration of such time until the alterations so required have been made.

B. No person shall connect with a current of electricity any wires or system of wiring intended for the transmission of electricity for light, heat or power in any building until such wires or system of wiring have been inspected by the city electrician and approved by him or her, and a written permit issued by him or her to make such connection. The provisions of this section shall apply to all public and private electrical systems which are now or may hereafter be installed.

C. At least once each year all poles supporting electric or other wires upon or over any street or building, and all supports of such wires when attached to buildings, shall be inspected by the owner or owners of such wires, poles and supports by which examination it shall be ascertained if all wires and supports are not weakened by decay or other causes, and the results of the inspection shall be annually submitted to the city council and commission on ways and drainage. In case a person or corporation owning, leasing or operating wires shall neglect or refuse to cut out and remove any wires so abandoned for use, the city electrician shall remove such wires at the expense of such person or corporation.

D. Every person or corporation owning, leasing or operating such wires or poles within twenty-four (24) hours after written notice served by the city electrician, shall make such substitution, repairs or alterations of such poles supports or attachments as may be required by the city electrician.

E. Every person or corporation operating electric or other wires upon, over or under any street, way or building in the city, upon the request of such city electrician, shall furnish him or her within fifteen (15) days thereafter, accurate lists of the poles or other supports of their wires, the number of cross-arms in use with each and the number of wires attached thereto the location of conduits and manholes with information as to localities where and what service is rendered, whether telegraphic, telephonic, fire alarm or otherwise.

F. The city electrician, upon request, shall also be furnished by any person or corporation owning or operating electric wires with such information as to kind, size and tested strength of supporting or service wires, the average volts charged or used, together with such other information as may by him or her be considered necessary to the faithful and effectual discharge of his or her duties.

G. The city electrician shall, when so required by the mayor, city council or commission on ways and drainage, examine every application for the erection of any wire or poles, or posts for the support thereof, in or over any street or public place, and shall report to them any facts which, in his or her opinion, bear upon the question of granting or refusing to grant such application.

H. The city electrician shall have his or her headquarters at such place as the city council may designate, and all fire and police batteries belonging to the city shall be located there, and shall be under his or her care and supervision; and he or she shall have



the care and custody of all materials and appliances used, or to be used, in connection with his or her office.

I. The city electrician shall keep in his or her office a record of all inspections made by him or her or his or her agents, and shall issue to the contractor or any person installing any wires intended to carry a current for the transmission of light, heat or power within a building, a certificate of approval, when such wires are installed in accordance with requirements of this chapter. In case the city electrician shall refuse to issue this certificate of approval to any contractor or person so installing such wires, a notice of disapproval shall be issued to the contractor doing the work, and the notice shall specify wherein the wires are installed so as not to be in accordance with the requirements of this chapter. The notices of disapproval are also to be made and kept a part of the records in the city electrician's office.

J. This chapter shall not be construed to relieve or lessen the responsibility of any party owning, operating or controlling any electrical equipment, for damages to any one injured by any defect therein, nor shall the city be held as assuming any such liability by reason of the inspection authorized herein or certificates issued by its agents and servants, exercising the rights or powers given herein.

K. The city electrician may, in case of the violation of any of the provisions of this chapter, disconnect or order same disconnected from the wires of any outside circuit or isolated plant where said violation shall occur. Any person violating this chapter shall be subject to a fine not more than twenty dollars (\$20.00).

#### 15.16.030 Electrical work--Regulations.

A. Entrance must be of conduit and continuous from point that wire enters the same to service cut-out. Condulets must be provided for inner ends of conduit pipes and "Bend Hicks", or other weather-proof fittings equally as good, must be used where practical.

B. Points of entrance shall be obtained from companies supplying current and approved by the city inspector.

C. Service pipes must extend to point of first attachment of over head wires to building, and so attached that wires will not break around brickwork, cornices, awnings, or other obstructions.

D. All entrances and meters for dwellings must be in basements where practical.

E. Entrance wires must equal in carrying capacity to the installation requirements, in no case to be less than No. 8, B. & S. gauge.

F. Wires leading from entrance to individual meters not less than No. 10, B. & S. gauge.

G. No service switches, meters or cut-outs will be allowed in bathrooms, laundries or toilets.

H. Bathroom and toilet fixtures should be out of reach of grounded metal work and must be controlled by switch. Keyless sockets on bathroom and toilet fixtures.

- I. Porcelain sockets in cellars and on outside fixtures.
- J. Wires must not be run under bathrooms or toilets.
- K. Avoid running wires in the same bay with pipes.
- L. Approved boxes are required on all outlets.
- M. All wiring for 550 three-phase power must be in iron conduit pipe, switches for same to be in approved iron boxes.
- N. All garages must be wired in approved conduit pipe, in conformance with rules governing same.
- O. Blacksmith shops must be wired the same as stables. Wires must be protected from the horses, and all cords that are to be used in front of where horses would stand or to be carried around near horses when shoeing, must be of grounded armored cable. (Prior code Part I, Ch. XXVII (part))

15.16.040 Overhead construction--Electric conductors.

For the purpose of overhead construction electric conductors are divided into two classes:.

- A. Those for electric lighting, heating and power and similar services;
  - B. Those for telegraph, telephone, fire and police signal and similar services.
- (Prior code Part I, Ch. XXVII (part))

15.16.050 Poles.

A. No two lines of poles bearing conductors of a like class should be erected on any street, avenue or square, and no two lines of poles should be erected on the same side of any street, avenue or square. Poles must be set in the sidewalk not less than twelve (12) inches from the outer side of the curb line, and shall not be located within less than ten (10) feet of any lamp post or any other pole, except when they are designed to carry wires on streets running at right angles to each other, nor within less than four feet of any catch basin or fire hydrant.

B. All poles now standing, or hereafter erected, shall be suitably painted and kept in good condition, to the satisfaction of the city electrician; they shall be stenciled, marked or branded with the owner's name or initials, at a point not less than five or more than seven feet from the ground.

C. Each line of poles must be run on one side of the street only, except when it is absolutely necessary to change to the other side.

D. Where possible all poles must be uniformly spaced, and of uniform height, and not more than one hundred thirty-two (132) feet between each. No pole less than thirty-five (35) feet long should be set in the streets of the city, except poles for trolley wires, and must be set not less than five feet in the ground; they must be stepped, commencing eight feet from the sidewalk, such steps to be parallel with the edgestone of the street. Deviations from this rule may be permitted by the city electrician.

E. Extensions must not be made on any pole without the approval of the city electrician. One space on all poles in public streets or ways shall be reserved for city

wires, and, if lower space is required, other spaces must be kept at least forty-eight (48) inches above this one and figures on basis that wires on lower spaces shall not be less than twenty (20) feet above street, sidewalk or any public way.

F. Cross-arms must receive at least two coats of paint, which should be of some distinctive color, to indicate the owner of the wires attached thereto, and in addition the owner's name or initials must be painted, stenciled or branded thereon. All cross-arms must be supported with iron braces.

G. Cross-arms must not be less than twenty (20) inches apart between centers.

H. Pole brackets must not be used on trees or on poles carrying electric light wires of any kind. Wires must be supported by cross-arms, with the exception of ring wire and cable construction; where necessary a single wire may be supported on pins on the tops of poles.

I. No staple, ring, chain, or other device, shall be driven in or fastened to any pole for the purpose of hitching horses thereto, and no person shall deface any pole by cutting with a knife, axe, or any other implement.

J. When poles have been abandoned by the owners thereof, they must remove them unless it is positively known that they will again use them within sixty (60) days. Wires owned by others on such poles must be removed unless the owners of such wires assume the ownership of such poles, the same to be transferred to them by the original owners, by grant of the city council, notice of such transfer to be sent to the city electrician.

K. New poles must not be brought on any street more than two days in advance of the time they are to be set, and when old poles are taken down they must be removed from the street the same day.

L. A plan showing the proposed location of all poles to be set, drawn on scale, must be filed in the office of the city electrician before the work is started, such plan to be finally drawn and the location of each pole indicated thereon, after such locations have been approved by the city electrician.

M. All poles and posts used for the support of arc-lamps for street lighting purposes, shall be insulated in such manner as to protect employees and other persons against accident, and the method of insulation must be approved by the city electrician. Guy wires must be insulated from poles and fixtures by inserting an insulator not less than six feet from points of attachment.

N. All poles must be kept in thorough order and repair, and when poles are removed from the street a report of same should be made to the city electrician as soon as the work is completed. (Prior code Part I, Ch. XXVII § I)

#### 15.16.060 Fixtures.

A. All fixtures on buildings must be substantially constructed, firmly secured to the building and rigidly braced; they must have at least two coats of paint, and from five to seven feet from the roof must plainly bear the name or initials of the owner.

B. They must not be located over skylights or placed in such position that they will in any way interfere with a free passage to and from the roof, through such skylights, or any other openings. Where it is possible, they should be placed on buildings of uniform height, to avoid the too sudden rise and fall in conductors; whether single or double, each must bear arms of uniform length and size, so that wires thereon will not be crowded; and the lower arms must be of sufficient height to give the wires a clearance of eight feet from any part of the roof.

C. Arms, whether on poles, or fixtures, as well as outriggers, service blocks cable boxes, etc., must be distinctly stenciled, branded or marked with the name or initials of the owner.

D. All fixtures, outriggers, service blocks, cable boxes, etc. must be kept in thorough order and repair, and when removed from buildings a report of same must be made to the city electrician. (Prior code Part I, Ch. XXVII § II)

15.16.070 Overhead conductors--High and low potential.

A. High and low potential conductors (electric light, heat and power) must not be placed on fixtures or poles erected and maintained for supporting signaling wires or conductors or vice versa, except by approval of the city electrician, and when so placed a distance of forty-eight (48) inches must be maintained between cross-arms supporting high and low potential conductors and those supporting conductors of signaling systems.

B. Service wires must not be smaller than No. 8, B. & S. gauge, and only one service will be allowed to feed a building for the same purpose. High and low potential line wires, other than services, must have an approved weather-proof or rubber insulating covering. All tie-wires must have an insulation equal to that of the conductors they confine, except that street railway feeders larger than No. 1000 B. & S. gauge, may be tied with bare wire, provided the insulators on which the feeders are run are suitable.

C. No wire smaller than No. 8, B. & S. gauge, shall be used for out-side overhead construction, and whenever the insulation becomes impaired, particularly near the insulating supports on poles and fixtures, it must be renewed without unnecessary delay.

D. Wires must not be stretched within four inches of any pole, building, or any other structure without being securely attached thereto, and insulated therefrom.

E. The insulation of high and low potential circuits, including points, branches, feeders, etc., should not be less than one megohm per mile per one hundred (100) volts difference of potential in the circuit. The insulation and conductivity of all joints must equal that required of the conductors and must be maintained at the standard set by the city electrician. The insulation must be preserved throughout the entire circuit, and if any portion of a lamp or fixture is a part of the circuit and can be touched by persons standing on the ground, roof of a building, door or window, it must be properly insulated

F. High and low potential wires, cables and conductors, when on the same pole and running in the same direction, must not be less than eleven (11) inches apart, and those next the pole must not be less than thirty (30) inches apart, in order to enable linemen to pass up and down the pole freely and without danger of contact with such wires.

G. Wires should not, when running in the same direction, be attached to the upper and under side of the same cross-arm, and the use of so called hard rubber hook insulators will not be permitted for high or low potential conductors.

H. The two conductors constituting the line and return for any circuit for alternating currents must be run parallel to each other, and at a distance apart not less than eleven (11) inches.

I. When wires are brought below the roof of a building, the drops must commence at the top of the same, and run straight down and between, and not in front of windows, hoistways, etc., and as near the wall as the character of the service will permit. All such drop wires designed to carry an electric light or power current must have an approved weatherproof or rubber insulation, and when they are within easy reach of persons from windows, doors, etc., they shall have an additional covering or tube as a protection to the insulation.

J. Wires crossing from one side of a street to the other, whether from poles or buildings, must cross at right angles as nearly as possible and should cross from arms secured to poles or fixtures. When crossing from one building to another they should do so from the highest point of the same, and when crossing wires owned by others they must go either over or under, and not between the same, and they must be drawn taut and should be kept at least twenty (20) inches above or below, to avoid swinging contacts, and in such cases the stretches should be shorter than usual; no stretch of any kind should exceed two hundred (200) feet between insulators.

K. No wires shall hang less than twenty (20) feet from the street or sidewalk at the lowest point of sag. Where sharp angles occur, or where it is necessary to run the wires so that the tendency is to lift from the insulators, guard irons must be used to prevent them from leaving the cross-arms.

L. Wires must not be attached to chimneys under any circumstances and must not be attached to, or carried near, fire escapes in such a way that they will interfere with the free use of the same, or be within easy reach of persons standing thereon, and they must not be attached to the uprights or braces of fixtures.

M. All service wires for series arc-lighting circuits must enter and leave the buildings through a suitable switch that will close the main circuit, and disconnect the branch wires when turned off, and will indicate whether the current be "on" or "off."

N. No unused loops from electric light or power circuits, shall be allowed to remain in place after lamps, transformers or motors have been removed or their use discontinued, except in cases when it is positively known that they will be used again within sixty (60) days. If, for any reason it is desired by the owners thereof, that such unused loops should remain beyond the above time limit, they can only do so by

permission of the city electrician, but in case such permission is granted, where it is possible they must be disconnected from the active portion of the circuit.

O. High potential wires must be separated not less than eight inches, and low potential wires not less than four inches, where they enter buildings as service conductors, and all wires of high and low potential, where they enter buildings must have drip loops outside, and the holes through which they pass must slant upwards toward the inside and be "bushed" with glass or porcelain.

Where high or low potential wires enter buildings and are within reach they should be protected with a wooden boxing, or for low potential systems where wires are run on the face of buildings in pipe, pipe may be continued into building, service wires entering through same. In such cases outer end of pipe must be provided with an approved pipe terminal. Where pipe is used it must be suitably grounded.

P. All overhead wires must be at least eight feet above the highest portion of flat-roofed buildings, and not less than eight inches above the ridge of pitched-roof buildings.

Q. Whenever in the opinion of the city electrician any overhead wires, cables or conductors, poles or fixtures, used for the transmission and distribution of electric current, are in an unsafe or dangerous condition, he or she will cause the current to be shut off if the existing defects are not remedied in a reasonable time, and such defective wires, cables, or conductors will then be treated as being "dead" and unused, and will be removed by the city electrician at the expense of the owner thereof. (Prior code Part I, Ch. XXVII § III)

#### 15.16.080 Electric wires under streets.

Telegraph, telephone and electric light companies, whether chartered by this or any other state, and private individuals, may lay wires under the streets of the city under the following regulations, and not otherwise:

A. The surface of a street shall not be disturbed for the purpose of laying, repairing or removing wires, or conduits therefor without a permit from the commission on ways and drainage, indicating the time, manner and place of opening such street, and the time within which such work shall be completed; but this provision shall not be construed as requiring any permit for opening of manholes for the purpose of drawing in removing or repairing wires and cables; and the obtaining of any permit granted under this section or the maintenance of any such conduit as is herein mentioned, by any person or corporation, shall be construed as an agreement on the part of such person or company to comply with all the provisions of this chapter.

B. When an opening is made in a street for any of the purposes aforesaid, such street shall be restored to a condition satisfactory to the commission on ways and drainage; and if not so restored by the company, the commission may cause the same to be restored and maintained, the expense thereof to be borne by the company.

C. No company in laying, repairing or removing its wires or conduits, shall disturb or in any way interfere with any gas or water pipes, or sewer, or pipes therewith connected.

D. In case the city shall from time to time construct or enlarge sewers, water pipes or other public works in streets in which conduits or cables are laid under the provision of this chapter, whereby changes in the location of conduits or cables, in the judgment of the city council or commission on ways and drainage may be rendered necessary or expedient, such changes shall be made by the company owning or controlling such conduits or cables at its expense.

E. No company shall remove its conduits or cables without the consent of the city council.

F. No permit shall be granted, or, if granted, shall be valid to disturb the surface of a street for any of the purposes aforesaid, until the company petitioning therefor has executed an agreement in a form satisfactory to the city solicitor. Such agreement shall provide:

1. That in every underground conduit constructed by any such company, one duct, three inches in diameter, shall be reserved, free of expense to the city, for the use of the fire, police or other signal wires belonging to the city, and used exclusively for municipal purposes, and that the fire and police departments, by the city electrician or other such agent as shall from time to time be designated by the city council and commission on ways and drainage, shall be allowed access to the conduits at all times; and that the departments shall be allowed facilities and privileges in putting in or taking out wires equal in all respects to those of such companies, and that in every underground conduit constructed by any such electric lighting company, sufficient and necessary space shall be reserved, free of expense, for the use of the electric lighting wires then or thereafter belonging to the city and used exclusively for municipal purposes, and that the city electrician or such agent as may be designated for the purpose shall be allowed access to the conduits at all times, and shall be allowed facilities and privileges in putting in or taking out electric lighting wires equal in all respects to those of such company.

2. That the company shall indemnify and save harmless the city from all damages, costs and expenses whatsoever to which the city may be subjected in consequence of the acts or neglects of any such company, its agents or servants, or in any manner arising from the rights or privileges granted it by the city, whether the liability on account of which such damage, cost or expense arises is caused by the company solely or jointly by the company and the city.

3. That the company, after a hearing held before the city council and commission on ways and drainage, upon two weeks notice, shall remove any or all of its conduits, subways and appurtenances thereto, to such locations, as may be required by the city council or commission on ways and drainage.

4. That the wires of the company shall be so laid and maintained as not to prevent the laying of wires of other companies in the same street, and be so maintained as

in no manner to interfere with or injure the efficiency of the wires of any other person or company operating electrical wires.

5. That none but Lynn labor shall be employed on the work, excepting master mechanics and foremen.

6. (In case the company is a telephone company) that all bills for exchange telephones of the company used by the city in any of its departments, shall be subject to a discount of at least thirty-three and one-third ( $33 \frac{1}{3}$ ) percent from the established price.

G. In addition to the aforesaid agreement, such company shall, before a street is disturbed for the laying of its wires or conduits, execute a bond with surety or sureties satisfactory to the city council and commission on ways and drainage in the penal sum of not less than ten thousand dollars (\$10,000.00) conditioned to fulfill all its agreements with the city and its duties under this chapter and ordinances in addition thereto and amendments thereof, and a new bond of like import may at any time be required of such company by the city council and commission on ways and drainage. Such new bond shall be an additional bond, unless the sureties on former bonds are expressly released from further liability by vote of the city council and commission on ways and drainage.

H. The provisions of this chapter so far as they are required to be carried into effect by the city, may be carried into effect by such officers or boards as from time to time may be designated by the charter or by the city council without in any other manner affecting the provisions of this chapter. (Prior code Part I, Ch. XXVII §§ 1--9)

#### 15.16.090 Number of electrical meters.

The number of electrical meters installed on the exterior of any building in the city is as follows: not more than four electrical meter sockets ganged together shall be allowed to be installed on the exterior of any building for the purpose of installing any type of electrical meter or instrument. The city electrician or any of his or her designated subordinates shall have jurisdiction as to the location of exterior electrical equipment. (Ord. 4/8/86 §§ 1, 2; prior code Part V §§ 1, 2 (Ord. 5/22/73))

#### 15.16.100 Electrical department personnel.

A. The personnel of the electrical department of the city shall consist of the following:

1. One city electrician;
2. One assistant city electrician;
3. Two assistant inspectors of wires;
4. Three electricians;
5. Three signal maintainers - three step-rates until maximum is reached;
6. One principal clerk;
7. One senior clerk and typist.

B. The position of working foreman-signal maintainer in the city electrical department is established. (Ord. 10/8/91 § 1; prior code Part I, Ch. XXVII § 1 (Ords. 6/10/69; 4/12/60; 1/13/59))



15.16.110 Electrical permit fees.

A. Fee Schedule. Fees to be paid for electrical permits issued by the electrical department of the city are as follows:

Fee Schedule

Minimum application fee \$ 5.00

New dwelling structures\*

1 family 75.00

Each additional dwelling unit 20.00  
over a single family (per unit)

\*Complete service location, rough and finish, fire alarm and attached residential garage, and all appliances on initial permit.

Residential service change

Single dwelling 20.00

Each additional dwelling 10.00  
meter(excluding hot water metering)

Other residential work

Any major appliance which 5.00  
requires a separate branch circuit

Central air conditioning 10.00

Oil burner and gas burner 10.00

Fire alarm and burglar 10.00

Swimming pool installation 25.00

Siding - grounding and/or 5.00  
securing electric service

Electrical defects 5.00

Temporary service 10.00

Repairs after a fire (temporary) 5.00

Motors (one) 3.00

Motors (each additional) 1.50

Outlets

(Switches--Receptacles--Lights)

1 to 5 5.00

6 to 25 10.00

26 to 100 20.00

Each 100 more or fractional part 20.00  
thereof

Commercial--Industrial--New or  
Old Work

Service - first 1000 amps (per AMP)	.30
Each AMP over 1000 (per AMP)	.20
Sub panels	5.00
Emergency lights	5.00
Air conditioners (per unit)	10.00
Wire sign	5.00
Wire sign with service	15.00
Temporary service	10.00
Transformers 5 KVA or less	5.00
Transformers - over 5 KVA	8.00
Special apparatus requiring a branch circuit (per branch circuit)	10.00
Gas pumps per dispenser	10.00
Parking lot lighting	10.00
Parking lot light with service	20.00
Motors (one).	3.00
Motors (each additional)	1.50
Fire alarm or burglar alarm systems	20.00
Generators	10.00
Electric heat per branch circuit	5.00
Outlets (Switches--Receptacles--Lights)	
Same as residential.	

B. Miscellaneous Provisions.

1. Hospital or health care facilities who employ electricians can pay a blanket permit fee of one hundred dollars (\$100.00) per year.
2. Industrial facilities who employ electricians can pay a blanket permit fee of three hundred dollars (\$300.00) per year.
3. The above rates apply for inspections made during ordinary business hours. For other inspections not during normal working hours the minimum charge shall be four hours at time and a half, Monday through Saturday. Sunday four hours at double time.
4. An additional fee of twenty dollars (\$20.00) shall be paid by the contractor, electrician or other person doing work, for each additional inspection necessitated by defective work by the use of improper materials, inaccurate address or other information.

5. If within six months following issuance of a permit, no work has commenced, the permit shall lapse. A permit may be renewed for five dollars upon expiration of original permit.

6. Charge for carnivals is twenty-five dollars (\$25.00).

7. For all items not specifically itemized the fee will be determined by the city electrician.

C. Violation--Penalty. Any person who violates the provisions of this section shall be subject to a fine of fifty dollars (\$50.00). (Ord. 11/28/89 §§ 1, 3)

## Chapter 15.20

### GAS FITTING PERMITS

#### Sections:

- 15.20.010 Permits required.
- 15.20.020 Registration of gas fitters and plumbers.
- 15.20.030 Application for permits.
- 15.20.040 Permits--Time limit.
- 15.20.050 Granting of permits.
- 15.20.060 Notification of completion.
- 15.20.070 Discretionary work.
- 15.20.080 Violations.
- 15.20.090 Violation--Penalties.
- 15.20.100 Fees.

#### 15.20.010 Permits required.

No pipes, tanks, gas cocks, valves or other appliances, by and through which gas, liquefied petroleum or a mixture thereof are received, and/or discharged or carried, shall be placed within the city, except federal buildings in the city, except in accordance with this chapter, on plans approved by the gas fitting inspector, and no gas fitting shall be done, except in an emergency to repair leaks, without a permit therefor issued by the gas fitting inspector. Permits shall be issued to applicants who are licensed under the provisions of the Massachusetts Fuel Gas Code. (Ord. 5/14/85 § 1)

#### 15.20.020 Registration of gas fitters and plumbers.

Every holder of a gas fitters or plumbers certificate or license, desiring to do business in the city, shall personally register his or her name and business address with the office of the gas fitting inspector. Notice of any change in the place of business of such gas fitter or plumber shall be given immediately to the office of the gas fitting inspector. (Ord. 5/14/85 § 2)

#### 15.20.030 Application for permits.

Upon application of a gas fitter or plumber, so registered, making a statement on form furnished by the health department of the city that he or she is duly authorized by the owner to proceed with the work, said health department shall grant written permit to do certain gas fitting described therein, when in conformity with the law. Drawings of proposed work shall be filed if required. The applications must be made in person at the office of the gas fitting inspector. (Ord. 5/14/85 § 3)

15.20.040 Permits--Time limit.

Permits shall be invalid if the work is not started within ninety (90) days of the date thereon, unless the holder of the permit can prove to the inspector that failure to start within the ninety (90) day period was beyond his or her control (Ord. 5/14/85 § 4)

15.20.050 Granting of permits.

No permits shall be granted and no gas fitting shall be done except in accordance with the terms and conditions prescribed by the Massachusetts Fuel Gas Code, established under General Laws of Massachusetts, Chapter 142, Section 13. (Ord. 5/14/85 § 5)

15.20.060 Notification of completion.

The holders of said permits must notify the gas fitting inspector when the installation is ready for inspection and/or test, and also upon completion of the installation for final inspection. (Ord. 5/14/85 § 6)

15.20.070 Discretionary work.

The acceptance of all work of any kind of nature not provided for in this chapter shall be left to the discretion of the gas fitting inspector. (Ord. 5/14/85 § 7)

15.20.080 Violations.

No person shall aid or abet any gas fitter and/or plumber to violate the provisions of this chapter, or employ an unlicensed person or permit his or her employment in the performance of any work which is required by this chapter to be done by a gas fitter and/or plumber.

15.20.090 Violation--Penalties.

Any person violating any provisions of this chapter shall be punished by fine not exceeding fifty dollars (\$50.00) for each offense. (Ord. 5/14/85 §§ 8, 9)

15.20.100 Fees.

Fees for gas fitting permits shall be as follows:

A. Initial fee of five dollars shall be charged for the application for a permit to do gas fitting.

B. For all residential buildings which require gas fitting, a fee of ten dollars (\$10.00) shall be charged for a permit. This fee shall include installation of one boiler or furnace and two additional fixtures or appliances, and two dollars additional for each added fixture or appliance.

C. For all commercial buildings which require gas fitting, a fee of ten dollars (\$10.00) shall be charged for a permit. This fee shall be for a boiler, furnace or process manufacturing equipment, and three dollars additional for each added fixture or appliance.

D. For all cases where a single gas appliance or fixture shall be replaced with a new appliance or fixture, a permit shall be required and a fee of two dollars shall be charged. 15.20.100

E. For all cases where a single gas appliance or fixture shall be installed, a permit shall be required and a fee of three dollars shall be charged.

F. For all cases where a single gas boiler, furnace, unit heater, engine, generator or combination heating and cooling unit shall be installed, a permit shall be required and fee of six dollars shall be charged.

G. All burners that are installed in furnaces or boilers, other than designed atmospheric units, of over four hundred thousand (400,000) btu/hr input shall require a permit and a fee of fifteen dollars (\$15.00) shall be charged.

H. Emergency temporary heat for buildings under construction or repair shall require a permit and a fee of six dollars shall be charged.

I. Replacement of gas distributing pipe and fittings shall require a permit and a fee of two dollars shall be charged.

J. For each additional visit made necessary because of unacceptable equipment, materials and workmanship, a fee of five dollars shall be charged.

K. For all cases, fees shall accompany the application for the permits. All fees shall be payable to the city of Lynn. (Ord. 11/28/89 § 1; Ord. 5/14/85 § 10)

.Chapter 15.24

## CERTIFICATES OF FITNESS FOR OCCUPANCY

Section:

15.24.010 Certificates of fitness.

15.24.010 Certificates of fitness.

A. Whenever a dwelling unit, apartment, or tenement is vacated by the occupant or occupants, it is to be certified by the health department through its code enforcement division prior to being reoccupied by a new tenant or occupant so that it meets the standards set forth in "The Sanitary Code, Article II, Minimum Standards of Fitness for Health Under Human Habitation," adopted by the Massachusetts Department

of Public Health. No public utilities shall be turned on until such unit or units have been certified as being fit for human habitation. If inspection is not made within ninety-six (96) hours, then public utilities may be turned on temporarily upon written request of the owner filed with the health department. Any owner of such property used for dwelling purposes failing to comply with this chapter shall pay a fine of fifty dollars (\$50.00) per day for every day he or she allows any person or persons to live, occupy, or inhabit the premises without having received a certificate of fitness for human habitation from the department of public health division of code enforcement.

B. The department of public health code, sanitary and lead inspectors shall be authorized to issue certificates of fitness for human habitation for occupancy based upon compliance with the Sanitary Code, Chapter 11, Minimum Standards for Health and Human Habitation, and the fee for the certificate shall be for thirty dollars (\$30.00).

C. This section shall exclude property owned or managed by the Lynn housing authority.

D. Any dwelling unit less than five years old and/or owner occupied shall be exempt from this section. (Ord. 7/25/95 § 1; Ord. 11/28/89 §§ 1--3; Ord. 10/14/86 §§ 1, 2; prior code Part V § 1 (Ord. 10/10/72))

## Chapter 15.28

### DANGEROUS BUILDINGS

#### Sections:

- 15.28.010 Dangerous and/or nuisance building defined.
- 15.28.020 Standards for repair, vacation or demolition.
- 15.28.030 Dangerous buildings--Nuisances.
- 15.28.040 Duties of building commissioner.
- 15.28.050 Building review committee--Duties.
- 15.28.060 City council--Duties.
- 15.28.070 Violations--Penalty for disregarding notices or orders.
- 15.28.080 City solicitor--Duties.
- 15.28.090 Emergency cases.
- 15.28.100 Owner absent from city.
- 15.28.110 Administrative liability.
- 15.28.120 Fire department--Duties.
- 15.28.130 Duties of police department.

- 15.28.010 Dangerous and/or nuisance building defined.

A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that plumb line passing through the center of gravity falls outside the middle third of its base.

B. Those which, exclusive of the foundation, show thirty-three (33) percent or more, of damage or deterioration of the supporting member or members, or fifty (50) percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering.

C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.

E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

F. Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

I. Those which because of their condition are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of the city.

J. Those buildings existing in violation of any provision of the Building Code of the Commonwealth of Massachusetts, or any provision of the fire prevention or other ordinances of the city. (Ord. 3/8/94 § 1)

#### 15.28.020 Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the building commissioner and the city council in ordering repair, vacation, or demolition:

A. If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter it shall be ordered repaired.

B. If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants it shall be ordered to be vacated.

C. In any case where a "dangerous building" is fifty (50) percent damaged or decayed, or deteriorated from its assessed value, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the city or statute of the state of Massachusetts, it shall be demolished. (Ord. 3/8/94 § 2)

15.28.030 Dangerous buildings--Nuisances.

All "dangerous buildings" within the terms of Section 15.28.010 are declared to be public nuisances, and shall be repaired, vacated, or demolished as provided in this chapter. (Ord. 3/8/94 § 3)

15.28.040 Duties of building commissioner.

The building commissioner shall:

A. Inspect or cause to be inspected, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a "dangerous building" within the terms of Section 15.28.010.

B. Inspect or cause to be inspected, any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this chapter.

C. Inspect any wall or structure reported (as provided for in this chapter) by the fire or police departments of the city as probably existing in violation of the terms of this chapter.

D. Notify in writing the owner of record, occupant, lessee, mortgagee, agent or all other persons having an interest in said building, if known, as shown by the land records of the registry of deeds of Southern Essex, of any building found by him or her to be a "dangerous building" within the standards set forth in Section 15.28.010, that: (1) the owner must vacate, or repair, or demolish the building in accordance with the terms of the notice and this chapter, (2) the occupant or lessee must vacate the building or may have it repaired in accordance with the notice and remain in possession; (3) the mortgagee, agent or other persons having an interest in the building as shown by the land records of the registry of deeds of Southern Essex, may at his or her own risk repair, vacate, or demolish the building or have such work or act done; provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

E. Set forth in the notice provided for in subsection D of this section, a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building" and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding thirty (30) days, as is reasonable.

F. Report through the building review committee, to the city council any noncompliance with the notice provided for in subsections D and E of this section.

G. Appear forthwith at all hearings conducted by the city council, and testify as to the condition of "dangerous buildings" as he or she has determined or upon receipt of a recommendation of the building review committee.



H. May, in his or her discretion, place a notice on all "dangerous buildings " reading as follows:

This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Registry of Deeds of Southern Essex. It is unlawful to remove this notice until such notice is complied with.

(Ord. 3/8/94 § 4)

15.28.050 Building review committee--Duties.

There shall be established a permanent building review committee consisting of three city councilors, three citizens of which one citizen must be a member of a building trade and one citizen a realtor, appointed by the city council, the building commissioner or his or her designee, the executive director of Lynn Economic Opportunity (LEO) or his or her designee and the executive director of the Lynn housing authority or his or her designee, a representative of community development, appointed by the director and the director of assessing or his or her designee. Each appointment shall be for a term of two years.

A. The building review committee shall inspect each and every building proposed for demolition and send a notice to the owner of record.

B. The following information must be provided for each building proposed for demolition:

1. Correct name of the owner of record;
2. Tax status;
3. Current property value;
4. Police reports on structure for past twelve (12) months;
5. Fire department reports for past twelve (12) months;
6. Health department reports on structure for past twelve (12) months;
7. Occupancy status;
8. Building department structural analysis.

C. The owner must be notified that the building is being considered for demolition prior to the council scheduling a demolition hearing date.

D. The department of community development must be asked to review the property for consideration for a rehabilitation program.

E. A future land use plan must be developed if demolition is recommended. This plan must include any zoning changes, recommendations for disposition of the property and recommendations for cost recovery.

F. Further, the building review committee will recommend specific criteria for demolition which will be incorporated into this chapter, i.e., a building will not be

considered for demolition unless it has been vacant for twelve (12) months or is in arrears for one fiscal year or is structurally deficient.

G. The building review committee will make recommendations to the ward councilor and the city council for each property within thirty-five (35) days of receipt of a council order duly signed by the mayor, for recommendation to set down a public hearing. (Ord. 3/8/94 § 5)

15.28.060 City council--Duties.

Upon receipt of a report from the building review committee, the ward councilor and city council may issue such notices, conduct such hearings, and make and record such orders as are allowed by General Laws, Chapter 139, Section 1. (Ord. 3/8/94 § 6)

15.28.070 Violations--Penalty for disregarding notices or orders.

A. The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate, or demolish said building given by any person authorized by this chapter to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding three hundred dollars (\$300.00) for each offense and a further sum of one hundred dollars (\$100.00) for each and every day such failure to comply continues beyond the date fixed for compliance.

B. The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair the building accordance with any notice given as provided for in this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding three hundred dollars (\$300.00) for each offense and a further sum of one hundred dollars (\$100.00) for each and every day such failure to comply continues beyond the date fixed for compliance.

C. Any person removing the notice provided for in Section 15.28.040(H) shall be guilty of a misdemeanor and upon conviction shall be fined an amount not exceeding two hundred dollars (\$200.00) for each offense. (Ord. 3/8/94 § 7)

15.28.080 City solicitor--Duties.

The city solicitor shall:

A. Prosecute all persons failing to comply with the terms of the notices provided for in this chapter.

B. Appear at all hearings before the city council in regard to "dangerous buildings.

C. Bring suit to collect all municipal liens, assessments, or costs incurred by the city council in repairing or causing to be vacate or demolished "dangerous buildings."

D. Take such other legal action as is necessary to carry out the terms and provisions of this chapter. (Ord. 3/8/94 § 8)

15.28.090 Emergency cases.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated, or demolished, the building inspector shall report such facts to the building commissioner and the building commissioner shall cause the immediate repair, vacation, or demolition of such "dangerous building." The costs of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided in Section 15.28.050. (Ord. 3/8/94 § 9)

15.28.100 Owner absent from city.

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the city all notices or orders provided for herein shall be sent by certified mail, return receipt requested, to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the registry of deeds of Southern Essex to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service. (Ord. 3/8/94 § 10)

15.28.110 Administrative liability.

No officer, agent, or employee of the city shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this chapter and he or she shall enjoy indemnification as allowed by General Laws, Chapter 258. Any suit brought against any officer, agent, or employee of the city as a result of any act required or permitted in the discharge of his or her duties under this chapter shall be defended by the city solicitor until the final determination of the proceedings therein. (Ord. 3/8/94 § 11)

15.28.120 Fire department--Duties.

The employees of the fire department shall make a report in writing to the building inspector of all buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this chapter. Such reports must be delivered to the building inspector within twenty-four (24) hours of the discovery of such buildings by any employee of the fire department. (Ord. 3/8/94 § 12)

15.28.130 Police department--Duties.

All employees of the police department shall make a report in writing to the building inspector of any buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this chapter. Such reports must be delivered to the building inspector within twenty-four (24) hours of the discovery of such buildings by any employee of the police department. (Ord. 3/8/94 § 13)

## CONDOMINIUM CONVERSION

### Sections:

- 15.32.010 Short title.
- 15.32.020 Purpose and declaration of policy.
- 15.32.030 Definitions.
- 15.32.040 Presumption.
- 15.32.050 Applicability.
- 15.32.060 Allowance of condominium conversion.
- 15.32.070 Notice requirements.
- 15.32.080 Tenants right to purchase.
- 15.32.090 Relocation assistance.
- 15.32.100 Access.
- 15.32.110 Interruption of essential services.
- 15.32.120 Abandonment of conversion.
- 15.32.130 Filing requirements.
- 15.32.140 Enforcement.
- 15.32.150 Report to council.

### 15.32.010 Short title.

The ordinance codified in this chapter shall be known and may be cited as the "Lynn Residential Condominium Conversion Ordinance." (Ord. 3/11/80 § 2)

### 15.32.020 Purpose and declaration of policy.

It is the purpose of this chapter and the policy of the city to protect the tenants of residential rental units which have been, or are to be, converted to condominium ownership. (Ord. 9/23/80 § 1 (part); Ord. 3/11/80 § 3)

### 15.32.030 Definitions.

When used in this chapter, unless the context otherwise requires, the following terms shall have the following meaning:

"Condominium conversion eviction" means an eviction of a tenant by a landlord for the purpose of removing such tenant from a housing accommodation in order to facilitate the initial sale and transfer of legal title to that housing accommodation as a condominium unit to a prospective purchaser, or an eviction of a tenant by any other person who has purchased a housing accommodation as a condominium unit when the tenant whose eviction is sought was a resident of the housing accommodation at the time the master deed for the property wherein said housing accommodation is located was recorded pursuant to the provisions of Chapter 183A of the General Laws.

"Condominium unit" means a unit of a condominium as that term is defined in Chapter 183A of the General Laws.

"Conversion condominium" means a building which at any time prior to recordation of a declaration pursuant to Massachusetts General Laws, Chapter 183 was occupied wholly or partially by persons other than purchasers. "Declarant" means a person who records, or proposes to record, the condominium instruments or on whose behalf the condominium instruments are recorded, thereby subjecting the property to condominium ownership, and includes successors or persons who come to stand in the sane relation to the condominium development as all declarants.

"Director" means the planning director of the planning department of the city.

"Housing accommodation" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling upon, together with all services connected with the use or occupancy of such property.

"Landlord" means the individual who holds title to any housing accommodation in any manner including, but not limited to, a partnership, corporation, or trust. For the purposes of this chapter, the rights and duties of a landlord hereunder shall be the obligation of anyone who manages, controls, or customarily accepts rent on behalf of the landlord.

"Rental housing agreement" means an agreement, verbal, written, or implied between landlord and a tenant for use or occupancy of a housing accommodation or for housing services.

"Tenant" means any person entitled under the terms of a rental housing agreement to the use and occupancy of any housing accommodation. (Ord. 9/23/80 § 1 (part); Ord. 3/11/80 § 5)

#### 15.32.040 Presumption.

For purposes of this chapter, any action to recover possession of a housing accommodation shall be presumed to be a condominium conversion eviction where any one or more of the following have occurred:

- A. Any dwelling unit in any building or structure in which the housing accommodation is located has been sold as a condominium unit;
- B. A master deed for the building or structure in which the housing accommodation is located for which recovery of possession is sought has duly been recorded pursuant to the provisions of Chapter 183A of the General Laws;
- C. A master deed for the building or structure in which the housing accommodation is located for which recovery of possession was sought is duly recorded to the provisions of Chapter 183 of the General Laws within one hundred eighty (180) days after an action is brought to recover such possession; or
- D. Any tenant of any housing accommodation in the building or structure wherein the housing accommodation is located has received any notice required by the provisions of Section 15.32.070. (Ord. 3/11/80 § 6)

#### 15.32.050 Applicability.

This chapter shall be applicable to all multi-family dwellings located within the city which contain three or more residential dwelling units; and which are to be, or have been, subsequent to April 17, 1979, converted to condominium ownership by the filing of a master deed pursuant to Massachusetts General Laws, Chapter 183A, Section 9; provided that if a three-unit residential dwelling is actually occupied by the owner thereof as his or her permanent residence this chapter shall not apply. (Ord. 9/23/80 § 1 (part); Ord. 3/11/80 § 7)

15.32.060 Allowance of condominium conversion.

A. 1. Real property subject to this chapter may not be made into a conversion condominium or otherwise converted to create a condominium unless the vacancy rate for rental housing in the city is in excess of eight percent. The vacancy rate is the ratio of rental vacancies to rental housing stock;

2. Rental housing stock includes only units in habitable condition, as that term is used in the State Sanitary Code, and the following shall be excluded in determining the vacancy rate; boarding houses, nursing homes, hotels, motels, dormitories and seasonable housing occupied on a regular basis less than six months of the year;

3. The applicable vacancy rate shall be determined annually by the planning director according to a procedure developed by the planning director which may include the use of a survey based on a scientific random sample. Upon a determination of the vacancy rate the planning director shall post the rate in appropriate places in the city and publish a notice in a local paper.

B. If real property subject to this chapter has been used for residential purposes at any time since April 18, 1979, no person shall be permitted to bring an action to recover possession of that property for the purpose of condominium conversion, or in furtherance of an already initiated plan of condominium conversion, unless there is a rental vacancy in the city in excess eight percent. The planning director shall determine the rental vacancy in the city. The landowner must allege and prove a vacancy rate of more than eight percent as part of his or her prima facie case.

C. 1. Any person who purchases a building within the city which was previously used for residential purposes but which has been vacant for a period of three months prior to sale may request that the planning department waive the provision contained within subsection A of this section and may apply for a permit to convert the building into condominiums.

2. The planning department shall not grant such waiver when the evidence indicates an intention on the part of the buyer or seller to circumvent the substance and intention of this chapter. (Ord. 9/23/80 § 1 (part); Ord. 3/11/80 § 8)

15.32.070 Notice requirements.

A. A declarant who intends to convert a rental building into condominiums or who has, subsequent to April 17, 1979, filed a master deed with the registry, pursuant to

Massachusetts General Laws, Chapter 183A, or any other person to whom this law applies will be required to give to each of the tenants of that residential rental dwelling unit notice of his or her intention to convert the building into condominiums no later than one year before the declarant will be permitted to bring an action to recover possession of the premises, except that if the tenant in possession is sixty-two (62) years old or older or an individual whose total income for the previous year was equal to or less than the qualification income for the Section 8 Housing Assistance Program as designated from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937 as amended by the Housing and Community Development Act of 1974 and calculated pursuant to such regulations, he or she shall be given notice of the declarant's intent to convert no later than two years before the declarant will be permitted to bring any action for possession.

B. The notice of intention to convert must set forth generally the rights of a tenant under this chapter and must include a copy of this chapter as an attachment. The notice shall be hand delivered to the tenant or mailed postage prepaid by certified mail to the tenant at the unit or any other mailing address provided by the tenant.

C. No tenant may be given notice by the declarant to vacate the premises upon less than the said one year or two year notice as provided in subsection B of this section, except by reason of nonpayment of, conduct that disturbs other tenants peaceful enjoyment of the premises, or other substantial violation of the terms of the tenancy. The terms of the tenancy may not be altered during that period. Failure of a declarant to give notice as required by this section is a defense to an action for possession.

D. Nothing in this section permits termination of a lease by a declarant in violation of its terms. Any tenant under a lease entered into subsequent to the effective date of this chapter shall have the right, at any time after receipt of a notice to convert pursuant to this chapter, to terminate the lease upon sixty (60) days written notice to the lessor, which sixty (60) days shall start to run from the date that the next rental payment is due. Such termination shall be without penalty or other termination charge to the tenant. (Ord. 9/23/80 § 1 (part); Ord. 3/11/80 § 9)

#### 15.32.080 Tenants right to purchase.

A. For thirty (30) days after filing with the city clerk the certificate provided for in Section 15.32.120 the declarant shall offer to convey each unit or proposed unit to the tenant who rents or leases that unit. The tenant's right to first purchase expires at the expiration of that thirty (30) day period. If the tenant fails to execute a contract to purchase during that thirty (30) day period, the declarant may not offer to sell that unit during the following one hundred eighty (180) days after the expiration of that thirty (30) day period at a price or on terms more favorable to the prospective purchaser than the price or terms offered to the tenant. This subsection does not apply to any unit in a conversion condominium if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the

unit before conversion; however, where it is available, another unit similar to the preconversion dwelling unit must be offered to the affected tenant.

B. If a declarant, in violation of subsection A of this section, conveys a unit to a purchaser for value who has no knowledge of the violation, recordation of the deed conveying the unit extinguishes any right a tenant may have under subsection A of this section to purchase that unit, but does not affect the right of a tenant to recover damages from the declarant for a violation of subsection A of this section. (Ord. 3/11/80 § 10)

#### 15.32.090 Relocation assistance.

Within fourteen (14) days after receiving a receipted bill for the costs of relocation, the declarant must pay actual moving expenses to a maximum amount of three hundred dollars (\$300.00) or one month's rent whichever is higher for any tenant and the tenant's family whose total income for the previous year was equal to or less than the qualification income for Section 8 Housing Assistance for the city. Failure of the tenant to tender verification of income upon written demand by the declarant shall constitute a waiver of the right to receive funds. (Ord. 3/11/80 § 12)

#### 15.32.100 Access.

A. The tenant in a conversion condominium shall not unreasonably withhold consent to the declarant to enter the unit in order to inspect the premises, obtain data, or show the unit to prospective or actual workers or purchasers. The declarant shall give the tenant at least two days notice of his or her intent and may enter only at reasonable times.

B. The declarant shall not undertake remodeling for conversion of a unit while it is occupied by a tenant, nor create any unreasonable disruption of the common areas, including, but not limited to restricting access thereto, nor interfere with the quiet use and enjoyment of the premises nor abuse the right of access or use it to harass the tenant. (Ord. 3/11/80 § 12)

#### 15.32.110 Interruption of essential services.

A. It is unlawful for any person to engage in any act of harassment against a tenant which is designed to, or is likely to, result in the termination of the tenancy by the tenant. Conduct which shall be considered harassment shall include but not be limited to the following: failure of the landowner to make repairs in a timely and professional manner; imposition by the landowner of unreasonable and unjustifiable increases in the rental price of a unit; failure of the landowner to provide the tenant with essential services; verbal harassment and/or threats by the landowner against the tenant.

B. Proof of harassment shall be a defense to any summary process action brought against a tenant. (Ord. 9/23/80 § 1 (part); Ord. 3/11/80 § 13)

#### 15.32.120 Abandonment of conversion.

If, after sending notice of intent to convert as required by Section 15.32.070(A) of this chapter, the condominium conversion plan is abandoned, the declarant or any



subsequent owner of the said property may not send notice to any tenant in the said property for a period of at least eighteen (18) months. The declarant shall be required to file with the city clerk a statement indicating his or her abandonment of the condominium conversion plan and the above referred to eighteen (18) months period shall begin to run upon the date of filing. (Ord. 3/11/80 § 14)

15.32.130 Filing requirements.

A. Prior to recordation of the condominium conversion documents at the registry of deeds, the declarant shall file with the city clerk the following:

1. A copy of all documents to be recorded with the registry of deeds;
2. A report of an independent, licensed engineer or architect describing the present condition of all structural components and major mechanical systems of the building(s) and also including the approximate dates of construction, installation, major repairs and the expected useful life of each such item;
3. An affidavit under penalties of perjury listing the names of all tenants in the building(s) to be converted at the time notice was sent pursuant to this chapter; a written statement, signed under the penalties that the notice requirements of this chapter have been filed; and a written statement signed under the penalties of perjury, that the declarant has not and to his or her best knowledge his or her predecessors entitled have not violated Section 15.32.090;
4. The city clerk shall set the fee to be paid by the declarant for filing.

B. If a master deed was filed with the registry pursuant to Massachusetts General Laws, Chapter 183 prior to the effective date of this chapter but subsequent to April 17, 1979, the landowner must immediately upon passage of the ordinance codified in this chapter comply with the provisions of this section. (Ord. 9/23/80 § 1 (part); Ord. 3/11/80 § 15)

15.32.140 Enforcement.

Whoever willfully violates any provision of this chapter or whoever knowingly makes any false statement or affidavit pursuant to Section 15.32.130 shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than thirty (30) days or both; provided, however, that in the case of a second or subsequent offense, such person shall be punished by a fine of not more than three thousand dollars (\$3,000.00) or imprisonment for not more than one year or both. (Ord. 3/11/80 § 16)

15.32.150 Report to council.

The city clerk shall submit an annual report to the city council which provides comprehensive data and other documentation on the development of conversion condominiums in the city and the implementation of this chapter. (Ord. 3/11/80 § 17)

.Chapter 15.36

## SIGNS

### Sections:

15.36.010	Applicability.
15.36.020	Definitions.
15.36.030	General regulations.
15.36.040	Prohibited signs.
15.36.050	Sign control by zoning district.
15.36.060	Special permit.
15.36.070	Nonconformance of signs.
15.36.080	Sign permits and maintenance.
15.36.090	Enforcement authority.
15.36.100	Violation--Penalty.

### 15.36.010 Applicability.

All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the Commonwealth of Massachusetts 780 CMR and other applicable city ordinances. No signs shall be hereinafter constructed, maintained, or permitted except in accordance with this chapter. (Ord. 2/23/93 § 1)

### 15.36.020 Definitions.

"Area of sign" means the entire area within a single continuous perimeter, and a single plane, composed of a square, circle, or rectangle which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim, or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. Sign area of a freestanding sign is the entire area of one side of such sign that has two faces which are back to back and are counted only once for the purposes of freestanding sign area.

"Canopy sign" means a rooflike covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way, and carried by a frame supported upon the ground, sidewalk, or building.

"Freestanding sign" means a sign (ground sign, standing or pole sign, portable sign, etc.) not a part of or attached to any building, but generally located elsewhere on a lot.

"Ground sign" means a freestanding sign located on or close to the ground, the top of which shall not be higher than four feet above the ground.

"Permanent sign" means any sign defined above, intended to be erected and maintained for more than sixty (60) days.

"Portable sign" means a freestanding sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailered signs, but excluding signs affixed to or painted on a vehicle.

"Projecting sign" means any sign which is attached at any angle to a building or other structure and any part of which extends more than twelve (12) inches from the wall surface of that portion of the building or structure in front of which the sign is positioned. Any sign projecting more than twelve (12) inches above any portion of any street or sidewalk shall be subject to all other relevant city ordinances.

1. Projecting signs shall have no more than two faces;
2. Projecting signs shall have a minimum ten (10) foot clearance above ground level;
3. Projecting signs shall not project more than six feet, six inches horizontally from the building wall to which it is attached and shall not project beyond a vertical plane of two feet inside the curb line of the way on which the building fronts;
4. A projecting sign shall be no higher than the lowest of the following: (a) twenty-five (25) feet above grade; (b) the bottom of the sills of the first level of windows above the first story; or (c) the cornice line of the building at the building line. If attached to a parapet, sign shall not exceed the height of the parapet.

"Sign" means:

1. Any permanent structure, device, letter, word, model, insignia, display, emblem, or representation used as or which is in the nature of, an advertisement, announcement, or direction or is designed to attract the eye. This definition shall include window signs as defined within this chapter. Marquees, canopies, clocks, thermometers and calendars shall be subject to the provisions when used in conjunction with signs as defined above;
2. A sign shall be painted, posted, or otherwise securely affixed to a substantial intermediate removable surface and, except for freestanding signs, such surface shall be securely affixed to the face of the building front, which can be street or parking lot frontage, but shall be in a single, unbroken plane. The foregoing shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of one-fourth of an inch. The material of the sign and intermediate surface and the manner of affixation of the sign to the intermediate surface and of the intermediate surface to the wall of the building shall be subject to the approval of the building commissioner for the purpose of protecting the safety of the public.

"Standing or pole sign" means a freestanding sign not exceeding twenty (20) feet in height with ten (10) feet of clearance under the sign area and erected upon supporting devices or stands.

"Temporary sign" means any sign, including its supporting structure intended to be maintained for a continuous period not to exceed thirty (30) days.

"Wall sign" means:

1. A sign not exceeding four feet in height securely affixed to a wall projecting no more than twelve (12) inches from and parallel to the face of such wall on a street or parking lot nor above the highest line of the building to which it is attached;

2. A wall sign shall be no higher than the lowest of the following: (a) twenty-five (25) feet above grade; (b) the bottom of the sills of the first level of windows above the first story; or c) the cornice line of the building at the building line;

3. If attached to a parapet, a sign shall not exceed the height of the parapet.

"Window sign" means:

1. Signs painted or posted on an interior translucent surface, including windows and doors;

2. Permanent window sign coverage shall not exceed twenty-five (25) percent of the area visible from the exterior of the building;

3. Temporary window signs pertaining to special sales or events may be displayed on the interior of a window. The aggregate sign area of all signs in any window, either temporary or permanent shall not exceed thirty-five (35) percent of the area of such window. Window displays or merchandise and signs which area incidental to the displayed merchandise shall not be subject to these area standards. (Ord. 2/23/93 § 1)

#### 15.36.030 General regulations.

The provisions of this section shall be the general controlling section for all signs. Specific regulations by zoning district are set forth in Section 15.40.050.

A. No exterior sign shall be illuminated between twelve midnight and six a.m. except signs identifying police station, fire station, or hospitals, except signs on premises open for business and then only while open for business.

B. All illumination shall be either interior, non-exposed or exterior, shielded and directed solely at the sign and shall be steady and stationary, of reasonable intensity.

C. The limitations as to the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business industry or residence. Such signs shall not exceed one square foot in area.

D. Two signs identifying churches, synagogues, and other similar religious uses are permitted on each street frontage, one of which may not exceed twenty-four (24) square feet in area and one which may not exceed ten (10) square feet in area. One sign may be freestanding and may be used for church notices and announcements of services and events at the church, synagogue, or similar religious institution.

E. One sign is allowed for each of the following in any zone:

Membership club; place of public assembly; community facility; public utility; construction project indicating the name of the engineer, architect, and contractor or other firms associated with the project; premises for sale or lease.

Provided such sign shall not exceed six feet in area, and it shall be located on the face of the building or freestanding and set back a minimum of one-half the depth of the front yard or ten (10) feet from any exterior way line, whichever is less.

F. One temporary sign, which complies with this chapter, is allowed per establishment for a period not to exceed sixty (60) days. Before a temporary sign (other than a temporary sign placed in a window) shall be erected, there shall be deposited with

the commissioner of buildings the sum of twenty dollars (\$20.00) for each sign. The deposit shall be refunded only upon the removal of the sign. Temporary signs which do not comply with this chapter may be authorized for public or charitable purposes.

G. All signs shall have identification marks of the building permit number and year in numerals one and one-half inch in height and three-quarters inch in width preceded by the letter B. (Ord. 2/23/93 § 3)

15.36.040 Prohibited signs.

The following signs shall not be permitted, constructed, erected, or maintained:

- A. Signs which incorporate in any manner flashing, moving or intermittent lighting, excluding public service signs showing time and temperature;
- B. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration;
- C. Portable signs;
- D. Signs constructed, erected, or maintained upon the roof of any building;
- E. Signs which contain a registered trademark or portray a specific commodity for sale occupying more than twenty-five (25) percent of the sign area, unless the registered trademark or commodity is the principal activity conducted;
- F. Political signs in residential areas i.e., lawns, houses, on public buildings, trees or poles. (Ord. 2/23/93 § 4)

15.36.050 Sign control by zoning district.

- A. Signs permitted in single-family (R-1) and general residence (R-2).
  - 1. One unlighted, permanent sign for each dwelling unit indicating the name and address of the occupants therein, not to exceed two square feet in area and if a ground sign, set back a minimum of one half the depth of the front yard or ten (10) feet from any exterior way line, whichever is less;
  - 2. One sign for a pre-existing nonresidential nonconforming use, not exceeding twenty-four (24) square feet in area.
- B. Signs permitted in apartment house (R-3 and R-4) and high rise building (R-5) districts.
  - 1. One unlighted, permanent sign for any single or two-family use indicating the name and address of the occupants therein, not to exceed two square feet in area and if a ground sign, set back a minimum of one half the depth of the front yard or ten (10) feet from any exterior way line, whichever is less;
  - 2. Not more than one accessory wall or ground sign per apartment-house building, not to exceed a maximum of twenty-four feet in area;
  - 3. One permitted sign for a pre-existing non-residential nonconforming use, not exceeding twenty-four (24) square feet in area.
- C. Signs Permitted in Central Business (CBD), Business (B), Business Class-3 (B3) and Industrial (LI and HI) Districts.

1. There shall not exceed a total of two permanent signs for any one business or industrial establishment, and further limited as follows:

a. One wall sign for each street or parking lot frontage of each establishment not to exceed thirty-two (32) square feet in area and to conform to the "wall sign" provisions of Section 15.36.020, to be considered as one total sign for the purposes of this section. If more than one wall sign is provided, the area of the second sign shall be limited to twelve (12) square feet.

b. One projecting sign for each street or parking lot frontage of each establishment not to exceed twenty-four (24) square feet in area except that an additional ten (10) square feet shall be allowed for a projecting sign which incorporates a public service message device such as time or temperature and to conform to the "projecting sign" provisions of Section 15.36.020, to be considered as one total sign for the purposes of this section. If more than one projecting sign is provided, the area of the second sign shall be limited to twelve (12) square feet;

c. One canopy sign for each display window of an establishment to be considered as one total sign for the purposes of this section;

d. One freestanding ground or pole sign which does not exceed twenty-four (24) square feet set back a minimum of ten (10) feet from all property lines;

e. One window sign conforming to the window sign provisions of Section 15.36.020 for each window of an establishment, to be considered as one total sign for the purposes of this section;

f. If containing a registered trademark or portraying a commodity for sale, such trademark or commodity shall not occupy more than twenty-five (25) percent of any sign area, unless said registered one trademark or commodity is the principal activity conducted thereon;

g. One marquee sign for each public entrance to a theater provided that the marquee shall not be more than four feet overall in height;

h. At gasoline service stations, one additional standard sign is allowed for each gasoline pump, bearing in usual size according to state regulations, and usual form, the name and/or type of gasoline and the price thereof.

2. Multiple Tenant Lots. Where a single lot is occupied by more than one establishment, whether in the same structure or not, there shall not be more than one freestanding sign for each street frontage, set back a minimum of ten (10) feet from all property lines. Such multi-tenant freestanding signs shall not exceed forty (40) square feet in area. Each establishment on a lot provided with a multi-tenant freestanding sign in accordance with this section shall be limited to one additional sign;

3. Notwithstanding the limitations of subsection (C)(1) of this section, one directory of the occupants or tenants of the building affixed at each building entrance shall be additionally permitted, provided that the directory shall not exceed an area of one square foot for each occupant or tenant. (Ord. 2/23/93 § 5)

15.36.060 Special permit.

A. In particular instances, the city council may permit more than the number of signs hereinabove permitted or signs of a greater size or in a location other than hereinabove specified, if it is determined that the architecture of the building, the location of the building with reference to the street or the nature of the use being made of the building is such that an additional sign or signs of a larger size should be permitted in the public interest.

B. Any applicant under this section shall provide information required in Section 15.36.080. Prior to the granting of a special permit under this section, the city council shall receive comments from the planning department and the department of community development. (Ord. 2/23/93 § 6)

15.36.070 Nonconformance of signs.

Signs or other advertising devices legally erected before the adoption of the ordinance codified in this chapter may continue to be maintained, provided, however, that no such sign or other advertising device shall be permitted if it is after the adoption of the ordinance, enlarged, extended, redesigned, or replaced, except to conform to the requirements of this section, and provided further that any such sign or other advertising device which has deteriorated to such an extent that the cost of restoration would exceed fifty (50) percent of the replacement cost of the sign or other advertising device at the time of the restoration shall not be repaired or rebuilt or altered except to conform to the requirements of this chapter. Any exemption provided in this section shall terminate with respect to any sign or other a advertising device which:

A. Has been abandoned;

B. Has not been repaired or properly maintained within thirty (30) days after notice to that effect has been given by the building commissioner. (Ord. 2/23/93 § 7)

15.36.080 Sign permits and maintenance.

A. All persons desiring to erect, install, place, construct, alter, move or maintain a sign shall apply to the inspector of buildings for a permit.

B. All applications for sign permits shall include at a minimum a drawing to scale indicating the following:

1. The proposed sign and its location with reference to the building and lot;
2. All existing signs maintained on the premises; and
3. Specifications for its construction, lighting, and wiring. (Ord. 2/23/93 § 8)

15.36.090 Enforcement authority.

The building department shall be the enforcing authority of this chapter. (Ord. 2/23/93 § 9)

15.36.100 Violation--Penalty.

Any person violating the provisions of this chapter shall be fined one hundred dollars (\$100.00). Each day such violation continues shall constitute a separate offense. (Ord. 2/23/93 § 10)

#### Chapter 15.40

### MISCELLANEOUS BUILDING REGULATIONS

#### Sections:

- 15.40.010 Residential buildings with six or more units--Contact person required.
- 15.40.020 Permits for moving buildings.
- 15.40.030 Permits for obstruction of public way.
- 15.40.040 Demolition of buildings--Bond required.

15.40.010 Residential buildings with six or more units--Contact person required.

A. Any residential building with six or more units, is required to have written notice posted at the building, setting forth the name, address and telephone number of an individual who can be contacted on a twenty-four (24) hour a day basis, for the purpose of remedying public safety, health and building code violations.

B. Any violation of this section shall be punished by a fine of one hundred dollars (\$100.00) per day for each day of violation. (Ord. 11/30/90 §§ 1, 2)

15.40.020 Permits for moving buildings.

A. The commission on ways and drainage may grant a permit to any person duly applying, where the same does not conflict with any existing ordinances of the city, for the purpose of removing any building through or over any street, square, bridge or public place. The commission shall not grant such permit where such moving of a building will, in their judgment, be to the injury of any shade trees upon or overhanging any street or public way; nor shall any permit, when granted, afford excuse or justification for the commission of such injury, nor relieve the person responsible for any injury from liability therefor. No person shall move any building in or upon any street unless granted the aforesaid permit.

B. Any permit issued by the commission on ways and drainage, as above, may be revoked or extended by them at their discretion; and the violation of any permit shall render it thereafter void. (Prior code Part I, Ch. IV §§ 26, 27)

15.40.030 Permits for obstruction of public way.

No person shall dig up, obstruct or encumber any street or public way for the purpose of building or erecting any staging therefor, or shall deposit any timber, bricks or building materials thereon, unless a permit is obtained from the commission on ways and drainage. Every person receiving such permit shall put up and maintain a sufficient fence



around all parts of the street so encumbered, and shall properly light the same through the whole night, so long as such encumbrance continues. At the end of the term of his or her permit he or she shall repair such obstructed part to the acceptance of the commission on ways and drainage. (Prior code Part I, Ch. IV § 28)

15.40.040      Demolition of buildings--Bond required.

No person shall be allowed to tear down or demolish any old building, structure of any description in the city so that the said tearing down or demolishing will obstruct a sidewalk or endanger persons traveling thereon until the person shall have given a bond with sureties approved by the city solicitor to indemnify and hold harmless the city from all damages and suits which the city may incur on account of the work. (Prior code Part I, Ch. IV § 34)

## Title 16

### SUBDIVISIONS

(RESERVED)

## TITLE 17

### ZONING

#### Chapters:

- 17.04 Introductory Provisions and Definitions
- 17.08 Zoning Districts Designated
- 17.12 Single Residence District
- 17.16 General Residence District
- 17.20 Apartment House District
- 17.24 High Rise Building District
- 17.28 Business District and Central Business District
- 17.32 Light Industrial District
- 17.40 Design and Use Standards
- 17.44 Off-Street Parking and Loading
- 17.48 Administration and Enforcement

## Chapter 17.04

### INTRODUCTORY PROVISIONS AND DEFINITIONS

#### Sections:

17.04.010 Purpose.

17.04.020 Definitions.

#### 17.04.010 Purpose.

To promote the health, safety, morals, convenience and general welfare of its inhabitants, to lessen the danger from fire, congestion and confusion, and to improve and beautify the city under and pursuant to the provisions of General Laws, Chapter 40 A, Sections 25 to 30, inclusive, and Chapter 143, Section 3, and all amendments thereto, the use, height, area, construction, repair and alteration of buildings or structures and the use of premises in the city are restricted and regulated as provided in this title. (Prior code Part VI § 1)

#### 17.04.020 Definitions.

In this title the following terms shall have the meanings assigned to them.

"Accessory use" means a use of a building or premises customarily incident to the uses permitted in the district.

"Apartment House" means a dwelling for more than two families under one roof.

"Automobile repair shop" means a repair shop for automobiles where power-driven machinery is used, electric or acetylene gas welding, cleaning by explosive sprays, and similar activities of an objectionable nature.

"Court" means an open space other than a yard on the same lot with a building.

"Elderly housing project" means any project which houses elderly persons exclusively shall be considered an elderly housing project.

"Elderly person," for the purposes of this title, shall be anyone who has reached the age of sixty-five (65).

"Family" means any number of individuals living together as a single housekeeping unit.

"Front yard" means a yard across the full width of the lot and extending from the front line of the building to the front line of the lot.

"Garage" means any garage other than a private garage, or where automobiles are equipped for operation, repaired, or kept for remuneration or hire; equipping and repairing to be done only by hand tools.

"Health clinic" means a building or part of a building used to administer physical or mental health needs on an exclusively out-patient basis.

"Height" means the height of a building shall be the vertical distance measured from the mean level of the grade of the street to the mean height of the roof, except that a parapet exceeding three feet in height shall be considered a part of the height.

"High rise building" means a building of first class construction that has a height in excess of five stories or sixty (60) feet but does not exceed ten (10) stories or one hundred twenty-five (125) feet used primarily for residential purposes, or for residential and business purposes, in the central business district.

"Inner court" means a court not extending to a street or yard. A court extending only to a side lot line shall be deemed an inner court.

"Lot" means that area of land described in the application for a permit to construct a building.

"Nonconforming use" means a use of a building or land which does not agree with the use requirements for the use district in which it is located.

"One-family house" means a detached dwelling designed for and occupied by a single family.

"Open air stand" means the use of any premises for sale of goods, wares or merchandise from an open stand which stand is not accessory to or part of any building on the premises.

"Outer court" means a court extending to a street or yard.

"Private garage" means a garage for not more than two automobiles for storage only, in which space may be rented to persons not occupants of the premises.

"Rear Yard" means a yard across the full width of the lot extending from the rear line of the building to the rear line of the lot.

"Row house" means dwellings for one or two families each in a connected row of three or more houses, each two houses separated by a fireproof division with no openings.

"Semi-detached house" means two one-family houses built together at the same time and separated by a fireproof division with no openings.

"Side yard" means a yard between the building and the adjacent side line of the lot and extending from the front yard to the rear yard.

"Story" means any horizontal portion through such building between floor and ceiling of which the ceiling is six feet or more above the mean level of the street or way on which the building abuts or on which it is numbered, or, if there is no street or way, then the average level of the lot at the building.

"Two-family house" means a detached dwelling designed for and occupied by two families. (Ord. 2/12/74 § 2; Prior code Part IV § 2)

## Chapter 17.08

### ZONING DISTRICTS DESIGNATED

#### Sections:

17.08.010 Use regulations.

17.08.020 District boundaries.

17.08.010 Use regulations.

A. For the purpose of this title, the city is divided into eight types of districts designated as:

1. Single residence districts;
2. General residence districts;
3. Apartment house districts;
4. Business districts;
5. Light industrial districts;
6. Heavy industrial districts;
7. High rise building district;
8. Central business district.

B. The districts are shown, defined and bounded on the map entitled Map of Lynn, dated June 8, 1926, as amended from time to time and as amended by this title, signed by the city engineer, and on file with the city clerk, and the map and all explanatory matter thereon are a part of this title. (Prior code Part IV § 3)

17.08.020 District boundaries.

The district boundaries shall be shown on the zone map, the scale of the map and figures entered to serve as guides. Where zone boundaries are indicated as parallel to a street line and approximately one hundred (100) feet from the street line the distance shall be one hundred (100) feet. Where zone lines apparently follow property lines they shall be so interpreted. Where building lines for apartment house buildings and industrial districts are established by the city, the zone lines shall be measured from the building lines. When a district boundary line divides a lot in a single or joint ownership at the time such boundary line is established, a use authorized on the less restricted portion may be extended into the more restricted portion, but in no event except by decision of the board of appeals, made after due notice and hearing to all parties interested. Where a business or industrial district adjoins a residence district, business or industrial buildings shall have no openings on side streets for the receiving or delivery of goods. In case of doubt the zone lines shall be determined by the building inspector. (Prior code Part IV § 16)

## Chapter 17.12

### SINGLE RESIDENCE DISTRICT

#### Section:

17.12.010 Permitted uses.

17.12.010 Permitted uses.

In single residence districts subject to the provisions of Sections 17.48.010 and 17.48.020, no new building or structure and no alteration, enlargement or extension of existing buildings or structures shall be designed, arranged and/or constructed, and no land, buildings, structures, or parts thereof shall be used, except for one or more of the following purposes:

- A. One-family detached house.
- B. The taking of boarders or the leasing of rooms by a family resident on the premises.
- C. Churches, schools, public libraries, public museums, parish houses, and subject to the provisions of Section 17.48.030, the following: hospitals, sanatoria, philanthropic institutions, cemeteries, and commercial greenhouses, and subject to provisions of Section 17.48.030 B, funeral homes and services incident thereto.
- D. Private clubs not conducted for profit.
- E. Municipal, federal, state or county buildings or properties.
- F. Farms, greenhouses, nurseries and truck gardens, except that commercial greenhouses shall be subject to Section 17.48.030, approved January 4, 1929.
- G. Real estate signs containing not over nine square feet of surface and advertising the sale or rental of only the premises on which they are located, and bulletin boards in connection with the purpose specified in subsections C and E of this section.
- H. Such accessory uses as are customarily incidental to any of the above purposes subject to the provisions of Section 17.48.010.
- I. The conducting of "yard" sales by the resident owner or a tenant with permission of the owner no more than twice within a calendar year; but only after requesting and receiving a permit from the city clerk. Nonprofit organizations may apply not more than four times a year. An alternate date, such as a rain date, shall be submitted with each application.
  - 1. The permit shall not exceed three consecutive days;
  - 2. The fee for permit shall be ten dollars (\$10.00);
  - 3. Any individual over the age of sixty-five (65) shall be exempt from the yard sale permit fee of ten dollars (\$10.00);
  - 4. Violation of this section shall be punishable by a fine of twenty-five dollars (\$25.00) per day per violation;
  - 5. Applications will be supplied by the city clerk's office and permits may be obtained at the city clerk's office;

6. Permits must be displayed in a conspicuous place. (Ord. 3/10/98 § 1; Ord. 4/28/87 § 1; Ord. 11/14/78 § 1; Ord. 3/22/77 § 1; Prior code Part IV § 4)

## Chapter 17.16

### GENERAL RESIDENCE DISTRICT

#### Section:

17.16.010 Permitted uses.

17.16.010 Permitted uses.

In general residence districts, subject to the provisions of Sections 17.48.010 and 17.48.020, no building or structure and no alterations, enlargement or extension of existing buildings or structures shall be designed, arranged, and/or constructed, and no land, buildings, structures, or parts thereof shall be used except for one or more of the following purposes:

A. Any purpose enumerated in Section 17.12.010, subject as stated in Section 17.12.010, to the provisions of Section 17.48.030.

B. Semi-detached and two-family dwellings.

C. Hotels subject to the provisions of Section 17.48.030.

D. Telephone exchange, provided there is no service yard or garage and with such conditions as the building inspector may impose to protect the interests of surrounding property, subject to the provisions of Section 17.48.030.

E. Health clinics subject to the provisions of Section 17.48.030 and public hearing by city council. (Ord. 8/9/83 § 1; Ord. 2/12/74 § 1 (part); Prior code Part IV § 5)  
Chapter 17.20

### APARTMENT HOUSE DISTRICT

#### Section:

17.20.010 Permitted uses.

17.20.010 Permitted uses.

In apartment house districts, subject to the provisions of Sections 17.48.010 and 17.48.020, no building or structure and no alterations, enlargement or extension of existing buildings or structures shall be designed, arranged and/or constructed, and no land, buildings, structures, or parts thereof shall be used except for one or more of the following purposes:

A. Any purpose enumerated in Sections 17.12.010 and 17.16.010, subject, as stated in Sections 17.12.010 and 17.16.010, to the provisions of Section 17.48.030.

B. Row houses and apartment houses as regulated in the building code and in this title. (Prior code Part IV § 6)

## Chapter 17.24

### HIGH RISE BUILDING DISTRICT

#### Sections:

17.24.010 Permitted uses.

17.24.020 Dimensional regulations for land for high rise buildings.

17.24.010 Permitted uses.

In high rise building districts no building or structure and no alteration, enlargement or extension of existing buildings or structures shall be designed, arranged and/or constructed, or parts thereof shall be used except for one or more of the following purposes:

A. Only purposes enumerated in Sections 17.12.010(A), (B), (C), (E), (G) and (H) and Sections 17.16.010 and 17.16.020, subject as stated in these sections to the provisions of Section 17.48.030.

B. In multi-family residential buildings with sixty (60) units or more, one newsstand, barbershop, beauty salon, laundry and dry cleaning service center, and dining room for occupants thereof when conducted and entered only from within the building and where no signs advertising the same are visible from the outside of the building. (Prior code Part IV § 6a)

17.24.020 Dimensional regulations for land for high rise buildings.

A. Maximum Height for High Rise Buildings. The limit of height for high rise building district for buildings of second and third class construction shall be three stories for living purposes and not over forty (40) feet in height; for first class construction the limit of height shall be subject to Section 17.48.030; all types construction to be defined in the Lynn Building Code or ordinances and height to be measured from average lot grade.

B. Minimum Front Yard for High Rise Buildings. For each building less than four stories or forty (40) feet, the lot shall have a front building line at least ten (10) feet from and parallel to the front lot line or a proposed front street line, if such has been established within the lot, to provide a front yard. If the height of the building on the lot exceeds three stories, then for each additional story of the building height, there shall be an additional three feet added to the front yard.

C. Minimum Side Yard for High Rise Buildings. For each building less than four stories or forty (40) feet, the lot shall have two side yards, the minimum width of either shall never be less than ten (10) feet. Each corner lot shall have a side building line at least fifteen (15) feet from and parallel to, the side street line to provide a side yard along the street side. If the height of the building on the lot exceeds three stories, then for



each additional story of the building height, there shall be an additional four feet added to each side yard.

D. Minimum Rear Yard for High Rise Buildings. For each building less than four stories or forty (40) feet, the lot shall have a rear yard of at least twenty (20) feet in average depth with a minimum depth of fifteen (15) feet, if the height of the building on the lot exceeds three stories, then for each additional story of the building height, there shall be an additional four feet added to the rear yard average.

E. Minimum Distance Between Multiple Buildings on One Lot. The minimum distance between multiple buildings on a lot in single ownership, measured from the midpoint on any facing walls, shall be not less than the sum of the height of each facing wall plus twice the horizontal length of the shorter facing wall divided by six.

F. Minimum Living Space for High Rise Building. The minimum living space per dwelling unit shall be not less than four hundred (400) square feet measured between interior walls.

G. Maximum Building Coverage. A high rise building shall cover not more than forty (40) percent of the lot area. (Prior code Part IV § 6b)

## Chapter 17.28

### BUSINESS DISTRICT AND CENTRAL BUSINESS DISTRICT

#### Sections:

17.28.010 Permitted uses--Business districts.

17.28.020 Permitted uses--Central business districts.

17.28.010 Permitted uses--Business districts.

In business districts, subject to the provisions of Section 17.48.010 and 17.48.020, no building or structure and no alteration, enlargement or extension of existing building or structures shall be designed, arranged, and/or constructed, and no land, buildings, structures, or parts thereof shall be used except for one or more of the following purposes:

A. Any purpose enumerated in Sections 17.12.010, 17.16.010, 17.20.010 and 17.24.010 subject to Sections 17.40.050 and 17.48.030.

B. Retail stores.

C. Retail trade and custom work shops, and the making of articles to be sold at retail on the premises.

D. Manufacturing clearly incidental or accessory to a retail business lawfully conducted on the premises provided it is in no way a nuisance or a hazard.

E. Offices, business or professional, and banks.

F. Restaurants and other places serving food.

G. Dance halls, billiard rooms, bowling alleys, skating rinks, moving picture shows, theatres and other similar commercial amusement places subject to the provisions of Section 17.48.030.

H. Gasoline and oil filling stations, subject to the provisions of Sections 17.40.050 and 17.48.030.

I. Salesrooms for motor vehicles.

J. Municipal, federal, state and county buildings.

K. Churches, schools, public libraries, public museums, parish houses and subject to approval under Section 17.48.030, hospitals, sanatoria, philanthropic institutions, cemeteries, and commercial greenhouses, and subject to provisions of Section 17.48.080(B)(8), funeral homes and services incidental thereto.

L. Telephone exchanges, provided there is no service yard or garage, subject to the provisions of Section 17.48.030.

M. Hotels and tourist homes subject to the provisions of Section 17.48.030.

N. Board and/or lodging houses subject to the provisions of Section 17.48.030. (Ord. 8/9/83 § 2; prior code Part IV § 7)

17.28.020 Permitted uses--Central business districts.

In the central business district, subject to the provisions of Sections 17.48.010 and 17.48.020, no building or structure and no alteration, enlargement or extension of existing buildings or structures shall be designed, arranged and/or constructed and no land, buildings, structures, or parts thereof shall be used except for purposes enumerated in Sections 17.16.010, 17.20.010, 17.24.010, 17.24.020 and 17.28.010, subject as stated in these sections to the provisions of Section 17.48.030. (Prior code Part IV § 7a)

## Chapter 17.32

### LIGHT INDUSTRIAL DISTRICT

#### Section:

17.32.010 Permitted uses.

17.32.010 Permitted uses.

In the light industrial districts, subject to the provisions of Sections 17.48.010 and 17.48.020, no building or structure and no alteration, enlargement or extension of existing buildings or structures shall be designed, arranged, and/or constructed, and no land, buildings, structures, or parts thereof shall be used except for one or more of the following purposes:

A. Any purpose enumerated in Sections 17.12.010, 17.16.010, 17.20.010, 17.24.010, 17.24.020 and 17.28.010, subject to Sections 17.40.050 and 17.48.030.

B. Fuel, building material, feed and ice establishments, shoe factories and automobile repair shops, all subject to the provisions of Sections 17.40.050 and 17.48.030.

C. Light manufacturing, employing electricity and/or other unobjectionable motive power, utilizing hand labor and/or unobjectionable machinery and/or processes and free from neighborhood disturbing odors and/or other agencies, all subject to the provisions of Section 17.48.030.

D. Notwithstanding the provisions of this section or of Section 17.48.030, no use shall be permitted which would be offensive because of injurious or obnoxious noise, vibration, smoke, gas, fumes, odors, dust or other objectionable features, or to be hazardous to the community on account of fire or explosion or any other cause.(Prior code Part IV § 8)  
Chapter 17.36

## LIGHT INDUSTRIAL DISTRICT

Section:

17.36.010 Permitted uses.

17.36.010 Permitted uses.

In heavy industrial districts, subject to the provisions of Sections 17.48.010 and 17.48.020, no building or structure and no alteration enlargement or extension of existing buildings or structures shall be designed, arranged and/or constructed and no land, buildings, structures and/or part thereof shall be used except for one or more of the following purposes:

1. Any purpose enumerated in Sections 17.12.010, 17.16.010, 17.20.010, 17.24.010 and 17.24.020 subject to Sections 17.40.050 and 17.48.030;
2. Any purposes enumerated in Section 17.32.010;
3. Acid, chlorine or hydrochloric, nitric, picric, sulphuric or sulphurous or other corrosive acid manufacture;
4. Ammonia, bleaching powder or chlorine manufacture;
5. Asphalt manufacturing or refining;
6. Boiler works;
7. Celluloid manufacture, treatment or storage;
8. Cement, lime, gypsum or plaster of paris manufacture;
9. Coke ovens;
10. Crematory, except in the cemeteries;
11. Creosote treatment or manufacture;
12. Dextrine, glucose or starch manufacture;
13. Distillation of bones, coal or wood;
14. Dystuff manufacture;
15. Exterminator and insect poison manufacture;

16. Emery cloth and sand paper manufacture;
17. Explosive manufacture or storage;
18. Fat rendering;
19. Fertilizer manufacture and bone grinding;
20. Fish packing, smoking, curing, or storage;
21. Gas (illuminating or heating) manufacture or storage;
22. Glue, size or gelatine manufacture;
23. Incineration or reduction of garbage, dead animals, offal or refuse;
24. Lamp black manufacture;
25. Match manufacture;
26. Paint, oil, shellac, turpentine or varnish manufacture;
27. Petroleum, gasoline or naphtha refining or storage in excess of an amount necessary for use on the premises or in supplying retail trade at service station;
28. Potash refining;
29. Printing ink manufacture;
30. Pulp manufacture;
31. Pyroxylin manufacture, treatment or storage;
32. Rolling mill;
33. Rubber or gutta percha manufacture from the crude material;
34. Smelters or blast furnaces;
35. Tallow, grease or lard manufacture or refining from animal fat;
36. Tanning, curing, Japanning or storage of rawhides or skins;
37. Tar distillation or manufacture;
38. Vinegar, sausage and sauerkraut manufacturing;
39. Wool pulling or scouring;
40. And in general any use which may prove injurious to the safety or general welfare of the neighborhood into which it proposes to go, and destructive of property values, because of any excessive nuisance qualities. (Ord. 1978 § 1 (part); prior code Part IV § 9)

## Chapter 17.40

### DESIGN AND USE STANDARDS

#### Sections:

- |           |   |
|-----------|---|
| 17.40.010 | Height regulation--Residence and apartment house districts. |
| 17.40.020 | Area regulations.   |
| 17.40.030 | Yards and courts.   |
| 17.40.040 | Screening Requirements.                                     |
| 17.40.050 | Location of automobile services.                            |
| 17.40.010 | Height regulation--Residence and apartment house districts. |

A. The limit of height for one-family, two-family and semi-detached houses shall be two and one-half stories, and not over thirty-five (35) feet.

B. The limit of height of apartment houses for buildings of second and third class construction shall be three stories and not over forty (40) feet in height; for first class construction the limit of height shall be five, stories and not over sixty (60) feet; all types of construction to be as defined in the Lynn building code or ordinances; but in no instance shall such a building be higher than the distance from its front to the opposite side of the street.

The level of the first floor of an apartment or tenement house shall not be more than four feet above the mean level of the street or way on which the building abuts or is to be numbered on and no space below such first floor shall be used for human occupancy.

C. The limitations of height in feet, shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, and other accessory features usually carried above roofs, nor to towers or spires of churches and other buildings, if such features are in no way designed for habitation or occupancy.

D. All apartment houses over three stories shall be provided with elevator service. (Prior code Part IV § 10)

#### 17.40.020 Area regulations.

A. Residential Districts. Dwellings hereafter erected shall be provided with lot areas as follows:

1. For each one-family house, not under six thousand (6,000) square feet; but not more than thirty (30) percent of the lot may be covered by such building.

2. For each semi-detached house, and for each two-family house, not under seven thousand (7,000) square feet; but not more than thirty (30) percent of the lot area may be covered by such building.

3. For each row house, not under two thousand five hundred (2,500) square feet for each family or dwelling unit; but not more than forty (40) percent of the lot area may be covered by such building and ten (10) percent of the lot area shall be developed for landscaping purposes.

4. For each apartment house not under nine thousand (9,000) square feet, but not more than forty (40) percent of the lot area may be covered by such building and ten (10) percent of the lot area shall be developed for landscape purposes.

5. In all districts there shall be no less than fifty (50) foot frontage on a way, except for lots along a curved way in which case the distance shall be measured through that portion of the building nearest the way along a line which is perpendicular to the radius of curvature.

Unenclosed porches need not be included in determining the percentage of lot covered for the purpose of this section.

In no district shall any part of the first story of any building, except a detached post or pier of not more than four square feet horizontal area, be within sixteen (16) feet

of the point of intersection of the outer lines of the curbs at street corners and in no instance shall the horizontal distance between the post or pier and the building be less than four feet.

B. Industrial and Business Districts.

1. In industrial districts no building used for industrial purposes shall be built, reconstructed or arranged so that it covers more than seventy (70) percent of any lot.

2. A building on a business or industrial lot adjoining, on the street line, a lot zoned or used for single residence, general residence or apartment house district, shall have a front yard or front space equal to the front yard or front space of such abutting or adjoining residential or apartment house lot, but such front yard or front space shall not be required to be more than ten (10) feet from the inside sidewalk line, and between every such building and each side lot line, other than the street line, or rear line, there shall be a side yard, the minimum width of which shall never be less than seven and one-half feet of clear space, measured from the side of the building to the side of the adjoining properties.

3. No lot, or the building or buildings thereon, shall be changed in size so as to violate the provisions of this title with respect to size of lots, yard or courts.

4. The open space required in the case of industrial buildings shall be provided in the rear or in part on the sides, so as, in the opinion of the building inspector properly to insure the lighting and ventilating of the buildings. (Prior code Part IV §§ 11, 12)

17.40.030 Yards and courts.

A. Front Yards.

1. In single residence and general residence and apartment house districts (and on any business or industrial lots, only in the manner, however, as provided by Section 17.40.020(B), between every building and the nearest line or lines of the way or ways on which the building abuts, there shall be a front yard of a clear depth of at least ten (10) feet except that on any way which shall hereafter be widened by public authority the said depth of ten (10) feet shall after such widening be measured from the same line as it would have been had such widening not been made, and no dwelling or structure shall be moved, altered, reconstructed or enlarged so that a front yard less in clear depth shall result;

2. Projecting eaves and uncovered steps shall not be considered as coming within the meaning of this section, but fire escapes whether covered or uncovered, shall be considered as coming within the meaning of all the provisions of this section;

3. Dwellings erected less than ten (10) feet from a way before June 29, 1926, may be extended upward and/or to either side, but no closer to the way than the existing front of the building;

B. Side Yards.

1. In all districts there shall be for every one or two-family or semi-detached house, and in single residence districts for all buildings and for every building on a business or industrial lot adjoining, on the street line, a lot zoned or used for single residence, general residence or apartment house districts, on a lot with a frontage of fifty (50) feet or over, a side yard along each lot line, other than a street line or a rear line, the minimum width of which shall never be less than seven and one-half feet of clear space, measured from the side of the building to the side of the adjoining properties;

2. Where the frontage is less than fifty (50) feet the board of appeals shall adjust the matter with due regard to the right of adjoining properties;

3. For apartment houses side yards shall be five feet wide for the first story and two feet shall be added for each additional story, but the side yard may be omitted if a fire wall is constructed on the lot line. Such fire wall may contain no legal windows;

4. Dwellings erected before June 29, 1926, may be extended upward, forward and to the rear in line with the existing side of the building, notwithstanding a side yard violation provided that there exists not less than fifteen (15) feet of a clear space between buildings on the side to be altered.

C. Rear Yards.

1. In all districts there shall be a yard in the rear of every building used for dwelling purposes the minimum depth of which shall never be less than fifteen (15) feet. This provision need not apply to buildings on lots which back on parks, parkways, public lands, railways or water fronts. Not over thirty-five (35) percent of the area of a rear yard may be covered by an accessory building or buildings, except that no accessory building or buildings shall be permitted or allowed on lot used for restricted type apartment house;

2. In single residence, general residence and apartment house district, there shall be no less than twenty (20) feet of clear space between the rear of one structure or building and the front of any other structure used or to be used as a one or two-family house and a clear space of not less than twenty-five (25) feet between the rear of one structure and the front of any other structure used or to be used as an apartment house, and no dwelling or structure in the rear of any other dwelling or structure in single residence, general residence or apartment house districts, shall be erected, moved, altered, reconstructed or enlarged so that the front yard is less in clear depth than the above named distance. For the purpose of this section, projecting eaves and uncovered steps shall not be considered as part of a structure;

3. Dwellings erected with a rear yard of less than fifteen (15) feet before June 29, 1926, may be extended upward and/or to either side provided that there exists fifteen (15) feet of clear space between rear of the building as extended and the nearest building.

D. Courts. Every room used for dwelling purposes shall have a window area measured between the stop heads, equal to at least one-eighth of the floor area of the room and opening upon a street or yard upon a court of the following minimum dimensions:

1. For an outer court, six feet in width for the first story and four feet additional width for each additional story in height. Such a court shall not have a length greater than three times its width;

2. For an inner court, ten (10) feet in width for the first story and five feet for each additional story of height. Such a court shall have a length of not less than twice its width. An inner court shall have an air intake at the bottom, with a cross section of at least twelve (12) square feet, which shall be closed only with a latticed or grilled door or doors, so as to allow the free passage of air;

3. Courts need not extend below the floor level of the part of a building used for dwelling purposes. (Prior code Part IV § 13 (a--d))

#### 17.40.040 Screening requirements.

An opaque and uniform wall, fence or a compact evergreen hedgeplanted to attain a height of not less than six feet shall be erected and properly maintained on the side and/or rear of the business or industrial lot that has any of the following business or industrial uses of land and building adjoining any residential district or a residential property in an industrial or business district.

A. All outdoor areas or facilities for the storage of fuel, materials, or utility installations.

B. All lubrication, washing, repairing, and disposal not conducted entirely within a gasoline station or similar establishment.

C. Any principal use not conducted wholly within a building. (Prior code Part IV § 13 (g))

#### 17.40.050 Location of automobile services.

No public garage, or automobile repair shop, greasing station, storage battery service station, or gasoline filling station, or any of their appurtenances or accessory uses, shall hereafter be erected or placed within twenty-five (25) feet on the street line of any residence district. No driveway to such premises shall be in any part within twenty-five (25) feet of any residence district. No such public garage, automobile repair shop, greasing station, storage battery service station, or gasoline filling station, or any of their appurtenances or accessory uses, shall have any entrance or exit for motor vehicles any portion of which is within three hundred (300) feet of the line of any property used by any public or private school, public library, church, playground, or institution for the sick, dependent, or for children under sixteen (16) years of age. All filling stations hereafter erected shall be so arranged that no filling shall be done into cars standing either on the street or sidewalk. (Prior code Part IV § 17)

#### Chapter 17.44

#### OFF-STREET PARKING AND LOADING



Sections:

- 17.44.010 Required spaces.  
17.44.020 Design standards for off-street parking.  
17.44.030 Off-street loading requirements.

17.44.010 Required spaces.

A. In all districts, there shall be provided and maintained improved off-street parking spaces with the erection, establishment, or increase by units of dimensions of structures, and uses.

The intent is that eventually all structures and uses be provided with sufficient off-street parking spaces to meet the needs of persons making use of such structures and land uses.

B. Buildings and structures in existence on the effective date of this section are not subject to these parking requirements, but any future buildings and uses or enlargement of existing buildings or uses hereafter established shall provide parking facilities as required in this section.

C. Where the computation of required parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as one.

D. All open off-street parking areas, permitted and/or required with ten (10) spaces or more which are located within a residential district, or within a business or industrial district, but adjacent to a residential district whether on the side or rear shall be screened from all adjoining lots in the residential district by a wall of solid and uniform appearance or a compact evergreen hedge planted so as to attain a height of not less than six feet shall be erected and properly maintained.

E. Off-street parking facilities shall be provided as follows:

Class of Uses	Minimum Number of Spaces Required:
Industrial	<p>For industries employing less than 25 persons, one space for each two persons employed and one space for each company owned vehicle plus space for customer vehicles; except when special permission for exception is granted by the city council.</p> <p>For industries employing more than 25 persons, one space for each four employed and one space for each company owned vehicle plus space for customer vehicles; except when special permission for exception is granted by the city council.</p>
Place of public assembly	One space for every three seats therein.
Hospitals, nursing homes, convalescent homes and similar institutions	One space for each two beds plus one space for each two employees and staff.

Class of Uses	Minimum Number of Spaces Required:
Health clinic	One space for each two staff members and one space per examination room.
Residence	For all residential dwelling units in the city, there shall be provided and maintained one off-street parking space, except in the case of elderly housing projects as defined in Section 17.04.020, there shall be provided and maintained one off-street parking space for every four dwelling units. Where the computation of required off-street parking spaces results in a fractional number, there shall be provided one additional off-street parking space.
Retail	One space for each 500 square feet of gross floor area for business uses up to 5000 square feet of gross floor space; two spaces for each 500 square feet of gross floor area for business uses more than 5000 square feet but less than 10,000 square feet of gross floor space; four spaces for each 500 square feet of gross floor space for business uses greater than 10,000 square feet of gross floor space. Basement storage may be excluded from gross floor space calculations.
Hotels, motels, lodging and similar	One space for each room accommodation therein.
Eating and drinking establishments	One space for each floor seats therein.
Office:	One space for each two employees plus space for customer vehicles as appropriate; except when special permission for exception is granted by the city council. Parking spaces for separate office establishments in business or other type of buildings shall be provided in accordance with this requirement and shall be in addition to the parking requirements for the uses of the other portions of the building.

(Ord. 2/12/74 § 1 (part); prior code Part IV § 13 (e) (part))

17.44.020 Design standards for off-street parking.

A. For all required off-street parking spaces each two hundred fifty (250) square feet of net standing and maneuvering area shall be considered one space. However, if such spaces are located in a completely enclosed building, each two hundred (200) square feet of net standing and maneuvering area shall be considered one space. Each car space shall not be less than eight and one-half feet in width and twenty (20) feet in length.

B. No garage shall be provided nearer to the front street line than the prescribed minimum set back distance of the zoning district in which the lot is located.

C. Open air parking shall be at least five feet from any property line or street line and no parking space shall be located less than twenty-five (25) feet from the front building wall or less than five feet from the side wall of any apartment building.

D. Parking required for two or more buildings or uses may be provided in combined facilities where it is evident that such facilities will continue to be available for the several buildings or uses.

E. Required off-street parking facilities shall be provided on the same lot as the principal use they are required to serve with the following exceptions:

1. In the case of multi-family apartment buildings, the required parking facilities may be provided on lots not more than two hundred (200) feet away from the building to be served;

2. In industrial districts and in the case of institutional uses in any district, the required parking facilities may be provided on the lots not more than one thousand (1,000) feet away from the building to be served, except by special permit.

F. In all cases off-site parking lots shall be under the same ownership as the building or buildings which they serve. Where a certificate of occupancy has been issued conditional to the maintenance of off-site parking facilities, such certificate of occupancy shall lapse in the event of the sale or conveyance of the land used for such parking facilities or the unavailability of such parking facilities for required parking.

G. In the case of mixed uses, the parking spaces required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this chapter; parking spaces for one use shall not be considered as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.

H. Required off-street parking facilities provided shall be graded, surfaced with tar, asphalt or concrete, drained, and maintained to the satisfaction of the superintendent of buildings to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways. (Prior code Part IV § 13(e) (part))

#### 17.44.030 Off-street loading requirements.

##### A. Number of Spaces.

1. It is the intention of this section that all future buildings and uses that require the delivery of goods and items as part of their function be provided with necessary space for off-street loading;

2. Where a building existing on the effective date of the ordinance is altered or extended in such a way as to increase the gross floor area by five thousand (5,000) square feet or more, only the additional gross floor area shall be counted in computing the off-street loading requirements;

3. Where a building or land area is used by two or more activities that fall into different classes of use under this section, the facilities required shall be the sum of the requirements for the individual establishments;

4. Where the computation of required loading bays results in a fractional number, only the fraction of one-half or more shall be counted as one;

5. Off-street loading facilities shall be provided for the specified uses as follows:

Class of Use	Number of bays required by gross floor area of structures in thousands of square feet					
	Under 5	5-50	51-100	101-150	151-300	Over 300
Retail trade, wholesale and storage, transportation terminal, manufacturing, public utility	0	1	2	3	4	One additional space for each additional 150,000 square feet over 300,000 square feet
Consumer services office buildings, hotel and motel recreation	0	1	1	2	3	
Institution	0	0	1	1	2	

#### B. Design of Loading Facilities.

1. Each required loading bay shall be no less than ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height if enclosed, such requirements to be exclusive of drives and maneuvering space, and all required bays, drives, and maneuvering space shall be located entirely on the lot with immediate and direct ingress to the building intended to be served. A bay need not be enclosed in a structure provided any yard area used as a loading bay shall not infringe on front, side, and rear yard requirements of the respective districts. All such facilities shall be designed with appropriate means of vehicular access to a street or alley, as well as maneuvering area, and no driveways or curb cuts shall exceed twenty-five (25) feet in width except in industrial districts;

2. Required off-street loading bays may be enclosed in a structure and must be so enclosed if located within fifty (50) feet of a residential district where the use

involves regular night operation, such as that of a bakery, restaurant, hotel, bottling plant, or similar uses. Any lighting provided shall be installed in a manner that will prevent direct light from shining onto any street or adjacent property;

3. All accessory driveways and entrances shall be graded, surfaced, drained and suitably maintained to the satisfaction of the superintendent of buildings to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across public ways;

4. Loading facilities shall not be reduced to total extent or usability after their installation, except when such reduction is in conformity with the requirements of this section. Such facilities shall be designed and used in such a manner as at no time to constitute a nuisance or hazard or unreasonable impediment to traffic. (Prior code Part IV § 13(f))

Chapter 17.48

## ADMINISTRATION AND ENFORCEMENT

### Sections:

17.48.010	Accessory uses.
17.48.020	Nonconforming uses.
17.48.030	Permission of city council required.
17.48.040	Variations.
17.48.050	Plots.
17.48.060	Enforcement.
17.48.070	Occupancy permit.
17.48.080	Appeals.
17.48.090	Board of appeals--Members.
17.48.100	Amendments.
17.48.110	Violation--Penalty.

17.48.010 Accessory uses.

A. Accessory uses shall be permitted only on the same lot with the building to which they are accessory. All accessory uses shall be such only as do not alter the character of the premises on which they are located or impair the neighborhood.

B. A private garage for the use of an occupant shall be permitted as an accessory use with each dwelling in a residence district.

C. Where manufacturing of any kind is allowed as an accessory use, it shall be restricted to such light manufacturing as is incidental to a permitted use and where the product is customarily sold on the premises by the producer to the consumer.

D. The use of a room or rooms in a dwelling in a residence district as an office or studio or workroom for home occupations by a person resident in the house is permitted as an accessory use, provided that no goods are publicly displayed or offered for sale, and no sign over one square foot in area is used, the use of any such room or

rooms in a dwelling in a residence district is permitted only in accordance with Section 17.48.080(B)(9).

E. Hotels, as distinguished from apartment houses, where permitted under this title in general residence districts, shall contain no arrangements of any description for private cooking or housekeeping. (Prior code Part IV § 14)

17.48.020 Nonconforming uses.

A. Any building or part of building or any land which at the time of the adoption of the ordinance codified in this title is being put to a nonconforming use may continue to be used for the same nonconforming purpose.

B. When a nonconforming use has been abandoned, it shall not be re-established and future use shall be in conformity with this title.

C. When a nonconforming use has been discontinued for a period of one year it shall not be re-established and future use shall be in conformity with this title.

D. No building devoted to a nonconforming use shall be altered, except as permitted by the board of appeals, or except as ordered by the building inspector to make it safe, or extended nor shall it in any ten (10) year period be repaired to more than fifty (50) percent of its replacement value at the time of the last application for a permit to repair.

E. 1. The provisions of this title shall not apply to existing buildings or structures, nor to the existing use of any building, structure or premises, but it shall apply to any alteration of a building or structure to provide for its use for a purpose, or in a manner, substantially different from the use to which it was put before alteration;

2. No building or structure with regard to which a nonconforming use has been or is superseded by a use permitted in the district in which it is located, shall again be devoted to any use prohibited in the district involved;

3. Any nonconforming building or structure damaged or destroyed by fire, flood, earthquake or act of god may be reconstructed within twelve (12) months and used as before such calamity;

4. Nothing shall prevent the strengthening or restoring to a safe condition of any building, or part thereof, declared unsafe by the superintendent of public buildings.

F. 1. In residence districts the removal of sod, loam, clay, sand, gravel or quarried stone, from any land or premises, except when incidental to or in connection with the construction thereon of a building for which a permit has been issued, shall be deemed a nonconforming or business use of land, but may be permitted by the board of appeals on petition therefor, after public notice and hearing and under such conditions as the board of appeals may impose and make part of the permit;

2. The board of appeals shall, in each instance, impose such conditions as will protect the neighborhood and the city against permanent or temporary hazards because of conditions which may be left after operations are completed or because of the methods of handling such materials at the site or of transporting such materials through the city. (Prior code Part IV § 15)

17.48.030      Permission of city council required.

A.      Permission of the city council shall be required for anything permitted under Section 17.32.010 and as provided in Section 17.36.010, and such permission shall be further required to set limit of height for high rise buildings, build an automobile repair shop; builder's or contractor's shop; building material; fuel, feed, or ice establishment, dyer's establishment; filling station; garage (three or more cars - public or private); hospital; health clinic; hotel; laundry; philanthropic institution; junk business; sanitarium; stable; stone mason business; telephone exchange; lunch car; lunch cart; restaurant; grill room; inn or sandwich shop; or commercial greenhouse; open air stand; any place of business where live chickens, geese, ducks or other fowl are brought into or kept for the purpose of selling or killing, or plucking; permission shall further be required for a lunch car; lunch cart: restaurant; grill room, inn or sandwich shop, where alcoholic beverages in addition to food are to be served; enclosed ice or roller skating rink; carousel; circus; carnival; inclined railways; ferris wheel, flying horses; electric or other type of boat rides within and without building or structure; bowling alley, a room or rooms where pool or billiards are played on tables, however operated, coin or otherwise; shooting gallery and similar commercial amusement places; kennels for the keeping, training or housing of racing dogs; and no application for a permit for any of the aforesaid, including that permitted under Section 17.32.010 and as provided in Section 17.36.010, shall be received by the building inspector, except when accompanied by the written approval of the city council.

B.      1.      Permission of the city council shall be required for the use or occupancy of any premises or lot for the purposes set forth in subsection A of this section, unless a building permit has been issued as provided in subsection A of this section, and for the use or occupancy of any premises or lot for a builder's yard; cemetery; contractor's yard, junk yard; sand or gravel pit; stone mason's yard; general storage yard; lunch car; lunch cart; restaurant; grill room; inn or sandwich shop, either with or without alcoholic beverages; commercial greenhouses; open air stand; any place where live chickens, geese, ducks or other fowl are brought into or kept for the purpose of selling or killing, or plucking; the use of any land, either improved or unimproved, for filling in or depositing therein of any rubbish, waste, refuse, ashes, cans, wood, organic material, garbage, paper bags or paper, and the elevation of such fill shall not exceed by two feet the elevation of the street or way on which the land abuts whether such premises are or are not now being used for such purpose or purposes; enclosed ice or roller skating rink; carousel; circus; carnival; inclined railways; ferris wheel; flying horses; electric or other type of boat rides within and without building or structures; bowling alley, a room or rooms where pool or billiards are played on tables, however operated, coin or otherwise; shooting gallery and similar commercial amusement places; or for anything permitted under Section 17.32.010 and as provided in Section 17.36.010, and no use or occupancy permit for any of the aforesaid purposes shall be granted by any city

department or official except when application therefor is accompanied by the written approval of the city council;

2. Under this section and on and after adoption and approval of the ordinance codified in this title, permission of the city council shall be required by the owner, lessee, tenant or occupant of any land within the city, for the purpose of filling in or depositing upon any improved or unimproved land in the city of any rubbish, waste, refuse, ashes, cans, wood, organic material, garbage, paper bags, or papers, and the elevation of such fill shall not exceed by two feet the elevation of the street or way on which the land abuts whether such premises are or are not now being used for such purpose or purposes.

C. Any person or persons desiring to obtain the permission of the council, for any purpose for which permission is required under this title, shall make written application therefor to the city clerk as he or she is clerk of the city council, and the council shall hold a public hearing thereon after such notice as it may direct and render a decision. It may make rules for such hearing and shall notify all holders of real estate who might be affected and shall at such hearings hear such owners and others who may desire to be heard. No application shall be approved by the council without considering the effects upon the neighborhood and the city. A permit may be issued with conditions such as will protect the community and such conditions shall be specified in writing on the permit and may from time to time be changed in the interest of the community. If a permit would result in substantial injury it shall be refused. (Ord. 1978 § 1 (part); Ord. 2/12/74 § 1 (part); prior code Part IV § 18)

#### 17.48.040 Variations.

In general this title is supplementary to other laws and ordinances affecting the use, height, area and construction of buildings and the use of premises. Where this title imposes greater restrictions upon the construction or use of buildings or the use of premises than are imposed by existing provisions of laws or ordinances, the provisions of this title shall control. (Prior code Part IV § 19)

#### 17.48.050 Plots.

Applications for building or use or occupancy permits shall be accompanied by a plot of the lot in duplicate, drawn to scale, showing the actual dimensions of the lot, together with streets and alleys adjacent thereto, the exact location and size of buildings already upon the lot, and of the building or buildings to be erected. A record of such applications and plots shall be kept on file in the office of the building inspector. (Prior code Part IV § 20)

#### 17.48.060 Enforcement.

Except as otherwise provided, this title shall be administered by the building inspector who shall issue all permits for erection, alteration or addition to any building. He or she shall approve no application of any kind, plans and specifications and intended use for which are not in all respects in conformity with this title. If a use otherwise permitted would cause injury to property or be detrimental to the community a permit



shall be refused. To aid the building inspector in his or her work, it shall be the duty of every police officer to know that all work on buildings on his or her beat is being done under a proper permit and to notify the building inspector if it is not being so done. (Prior code Part IV § 21)

17.48.070      Occupancy permit.

No building erected, altered or in any way changed as to construction or use under a permit or otherwise, and no premises shall be occupied or used without an occupancy permit signed by the building inspector, which permit shall not be issued until the building and its uses and accessory uses and the use of all premises comply in all respects with this title. With such conditions as he or she may deem it wise to impose, the building inspector may issue a temporary certificate for a specified part of the building. (Prior code Part IV § 22)

17.48.080      Appeals.

A.      Any person aggrieved by the refusal of the building inspector to issue a permit under the provisions of this title, and any person aggrieved by the issuance of a permit or by a decision of the building inspector made under the provisions of this title, may appeal to the board of appeals as provided in Sections 13, 15 and 16, Chapter 40A of the General Laws.

B.      The board of appeals may on petition, after public notice, a hearing, and subject to such appropriate conditions and safeguards as it may impose, in specific cases determine and vary the application of the district regulation herein established in harmony with their general purpose and intent as follows:

1.      Permit such variations as are authorized under the provisions of Section 15, Chapter 40A of the General Laws;

2.      Permit the alteration of a one-family house or building existing at the time the ordinance codified in this chapter is adopted, wherever located, to accommodate two families;

3.      Issue conditional permits and permits for temporary structures and uses which do not conform to the regulations herein prescribed, provided that no such permit shall be for more than a one-year period;

4.      Permit a private garage for an additional car for each two thousand (2,000) square feet of area by which a lot exceeds the minimum requirement of six thousand (6,000) square feet;

5.      Permit upon written approval of the building inspector, the alteration of any two and one-half story dwelling, above the second story, and existing, as such, at the time of the adoption of the ordinance codified in this title, for the purpose of accommodating two or three families in the dwelling, provided the exterior of the dwelling remains unchanged other than the addition of dormer windows on gable roof to provide additional light, air and sanitary facilities and with additional rear and front

egress. Extension of third floor area shall be limited to twenty-five (25) percent of present floor area and shall not exceed two and one-half stories in height;

6. Permit the alteration of nonconforming building by addition or additions thereto, of the same class or a higher class of construction as the existing nonconforming building, provided that such addition or additions shall not exceed twenty-five (25) percent of the floor area of the existing nonconforming building nor shall the maximum height of such alteration exceed the height of the existing nonconforming building; and further provided that such addition or additions are to be used for the same nonconforming purpose as the existing building and as part of the existing building. The foregoing provisions shall not allow of the alteration of any two and one-half story dwelling, above the second floor, except as set forth in subsection (B)(5) of this section;

7. Permit, upon written approval of the building inspector, the alteration of any two and one-half or three-story dwelling, located in a general residence district, and existing as such at the time of the adoption of the ordinance codified in this title, for the purpose of accommodating additional family units, providing the exterior of the dwelling remains unchanged other than the addition of dormer windows on gable roof to provide additional light and air; additional egress facilities consisting of enclosed stairways; open piazzas and other facilities to promote health, safety, convenience and the general welfare of the tenants. The facilities to be limited to not more than twenty (20) percent of the present building ground area and shall not exceed the existing height of present dwelling;

8. Grant permits for use of any building or dwelling in single residence, general residence, apartment house districts for funeral homes and services incident thereto;

9. Grant permits for the use of a room or rooms in a dwelling in a residence district as an office, studio or workroom for home occupations by a person resident in the house as an accessory use, provided that no goods are publicly displayed or offered for sale and that no sign over one square foot in area is used. (Prior code Part IV § 23)

#### 17.48.090 Board of appeals--Members.

A board of appeals is established to consist of five members. The members of the board shall be elected by the city council for terms of one, two, three, four and five years, respectively, and thereafter, one each year for a five-year term. Elections to the board shall be made as soon as practicable after the adoption of the ordinance codified in this title, and thereafter annually on or before the fifteenth day of January. A member elected to fill a vacancy shall serve for the unexpired term. The board shall keep minutes of its proceedings, and its members shall serve without compensation. No member shall act in any case in which he or she is interested and in case any member is so disqualified, or is absent because of illness or other cause, an associate member shall act in case of such vacancy, inability to act, or interest on the part of a member of the board. The mayor shall designate four such associate members who shall act in the manner prescribed in General Laws, Chapter 40A, Section 14. (Prior code Part IV § 24)

17.48.100 Amendments.

A. The city council may, from time to time, on its motion or on petition, after a public hearing before said city council or any committee designated or appointed for the purpose by the city council, of which public hearing there shall be at least ten (10) days public notice by advertisement in at least one daily newspaper published in the city, which advertising shall be at the expense of the petitioner, and after a report from the planning board, supplement or change the district boundaries or other provisions of this title; if the proposed repeal or modification affects the district boundaries or any property set forth on the zoning map of the city, then, in addition to the aforesaid public notice by advertisement of public hearing, notice shall be given, by mail, postage prepaid, at the expense of the petitioner, to the owner or owners of the land abutting thereon or immediately affected, if the same are not the petitioner or petitioners (except that in the case of a general amendment to both the zoning ordinance and zoning map affecting all property in the city, or of the property therein of a specified class, or an amendment affecting an area with more than fifty (50) separate abutters thereon, notice by newspaper advertisement as herein provided shall be sufficient.) If the planning board or any owner of real estate which would be affected by any such proposed change shall object thereto, in writing, such change shall not become effective except by a vote of three-fourths of all members of the city council, and in no case shall it become effective except by a vote of two-thirds of all the members of the city council.

B. If any area is hereafter changed from one use to another by a change in district boundaries under the foregoing provisions, no such change, shall apply to the use of buildings or premises existing at the time of the passage of such amendment. (Prior code Part IV § 25)

17.48.110 Violation--Penalty.

Whoever, himself or herself or by his or her servant or agent, or as the servant or agent of any other person, or any firm or corporation violates any provision of this title shall be punished by a fine of not more than fifty dollars (\$50.00) for each offense which may be recovered on complaint before the district court of Southern Essex. (Prior code Part IV § 31)

