

CITY OF LYNN, MASSACHUSETTS

LYNN CITY COUNCIL
2016-2017

Ward One Wayne A. Lozzi
Ward Two William R. Trahant, Jr.
Ward Three Darren P. Cyr, Vice-President
Ward Four Richard C. Colucci
Ward Five Dianna M. Chakoutis
Ward Six Peter L. Capano
Ward Seven John M. Walsh, Jr.



At-Large Buzzy Barton
At-Large Daniel F. Cahill, President
At-Large Brian P. LaPierre
At-Large Hong L. Net

City Clerk Mary F. Audley

MEETINGS SCHEDULED FOR THE WEEK BEGINNING JANUARY 8, 2017:

Tuesday, January 10, 2017:

Ordinance and Rules Committee, 6:30 P.M., Room 402

Public Hearings: A Proposed Ordinance Amending the Ordinance Regulating Fire Alarms in the City of Lynn; A Proposed Ordinance Amending the Ordinance Relative to the Granting or Renewing of Certain Licenses and Permits in the City of Lynn; and Other Business.

Licensing Committee, 7:15 P.M., Room 402

Discussion re: Minor Licenses and Other Business.

CITY COUNCIL MEETING, 8:00 P.M., COUNCIL CHAMBERS

City Council Agenda

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LYNN, MASS

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**ORDINANCE AND RULES COMMITTEE AGENDA
TUESDAY, JANUARY 10, 2017
6:30 P.M. - ROOM 402**

PUBLIC HEARINGS:

1. A Proposed Ordinance Amending the Ordinance Regulating Fire Alarms in the City of Lynn.
2. A Proposed Ordinance Amending an Ordinance Relative to the Granting or Renewing of Certain Licenses and Permits in the City of Lynn.

3. OTHER BUSINESS:

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**IN THE YEAR TWO THOUSAND AND SIXTEEN AN ORDINANCE AMENDING THE
ORDINANCE REGULATING FIRE ALARMS IN THE CITY OF LYNN**

Be it Ordained by the City Council of the City of Lynn and by the authority of the same as follows, to wit:

SECTION 1.00 TITLE

An Ordinance Amending the Ordinance Regulating Fire Alarms in the City of Lynn, and said Ordinance shall provide as follows:

SECTION 2.00 PURPOSE

The purpose of this ordinance, finds that excessive false alarms unduly burden the Lynn Fire Department's limited safety enforcement resources. The purpose of this ordinance is to establish reasonable expectations of alarm users and to ensure that alarm users who abuse the valuable resources of the Lynn Fire Department are held accountable for their use of alarm systems.

SECTION 3:00 DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply:

ALARM DEVICE -- Any device which, when activated by a criminal act, fire or other emergency calling for Fire Department response, transmits a signal to the Police or Fire Department headquarters, transmits a signal to a person who relays information to the Fire Department headquarters or produces an audible or visible signal to which the Fire Department is expected to respond. Excluded from this definition and the scope of this Ordinance are devices which are designated to alert or signal only persons within the premises in which the device is installed and devices which are activated by the release of water from a sprinkler system.

ALARM USER -- The owner of any premises on which an alarm device is used, provided that the occupant who expressly accepts responsibility for an alarm device.

AUTOMATIC DIAL ALARM -- A telephone device or attachment that mechanically or electronically selects a telephone line to fire headquarters and produces a prerecorded voice message to report a criminal act, fire or other emergency calling for Fire Department response. Excluded from this definition are devices which relay a digital-coded signal to fire headquarters.

CONTRACTOR -- Any firm or corporation in the business of supplying and installing alarm devices or servicing the same.

FALSE ALARM -- Any activation of an alarm device to which the Fire Department responds and which is not caused by a criminal act, fire or other emergency, except an activation caused by malfunction of telephone company equipment or lines verified by monitoring facilities at police or fire headquarters or power failure as verified by the administrators. A series of such

activations attributable to the same cause and occurring under circumstances beyond the control of the responsible alarm user shall be deemed a single "false alarm."

SECTION 4:00 **FINES**

Any person or persons within any calendar year, activating or causing to be activated any fire alarm system privately owned and connected to the City of Lynn Fire Department for any reason not found to be based upon need of the services of the responding fire personnel shall be fined as follows:

- (a) For the first two (2) baseless responses there shall be no fines.
- (b) For the third (3rd) baseless response, there shall be a fine of One Hundred (\$100.00) dollars.
- (c) For the fourth (4th) baseless response, there shall be a fine of Two Hundred (\$200.00) dollars.
- (d) For the fifth (5th), and any other, baseless response, there shall be a fine of Three Hundred (\$300.00) dollars.

Charges for false alarms will be collected by the administrators and deposited into the General Fund of the City of Lynn.

SECTION 5:00 **NO LIABILITY ON CITY**

Notwithstanding the provisions of this Ordinance, the City, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm monitoring facilities the fire headquarters. No liability whatsoever is assumed for the failure of such alarm devices or monitoring facilities or for the failure to respond to alarms or for any other act or omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless, the City of Lynn, its departments, officers, agents and employees from liability in connection with the alarm user's alarm device.

SECTION 6.00 **INCONSISTENT ORDINANCES**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7.00 **TIME OF TAKING EFFECT**

This ordinance shall take effect thirty-one (31) days after its final approval as adopted and advertised.

**IN THE YEAR TWO THOUSAND AND SIXTEEN AN ORDINANCE AMENDING AN
ORDINANCE RELATIVE TO THE GRANTING OR RENEWING OF CERTAIN
LICENSES AND PERMITS IN THE CITY OF LYNN**

Be it Ordained by the City Council of the City of Lynn and by the authority of the same as follows, to wit:-

SECTION 1:00 **TITLE**

An Ordinance is hereby amended relative to the granting or renewing of certain licenses and permits in the City of Lynn.

SECTION 2:00 **DENIAL OF LICENSE**

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 when said local taxes, fees, assessments, betterments or any other municipal charges have been outstanding for more than sixty (60) days.

SECTION 3:00 **FURNISHING OF TAX DELINQUENCY**

Upon the receipt of any application for a local license or permit, 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 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 persons, 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 more than sixty (60) days, 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.

SECTION 4:00

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said 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 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said 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 for 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 said certificate.

SECTION 5:00 PAYMENT AGREEMENT

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

SECTION 6:00 WAIVER

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 immediate family, as defined in Section One of Chapter Two Hundred and Sixty-Eight in the business or activity conducted in or on said property.

SECTION 7:00 EXEMPTED LICENSES

This Ordinance shall not apply to the following licenses and permits: open burning, Section Thirteen or Chapter Forty-Eight; bicycle permits, Section Eleven A of Chapter Eighty-Five; sales of articles for charitable purposes, Section Thirty-Three of Chapter One Hundred and One; children work permits, section Sixty-Nine of Chapter One Hundred and Forty-Nine; clubs, associations dispensing food or beverage licenses, Section Twenty-One E of Chapter One Hundred and Forty; fishing, hunting, trapping license, Section Twelve of Chapter One Hundred and Thirty One; marriage licenses, Section Twenty-Eight of Chapter Two Hundred and Seven and theatrical events, public exhibition permits, Section One Hundred and Eighty-One of Chapter One Hundred and Forty.

SECTION 8.00 INCONSISTENT ORDINANCES

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 9.00 TIME OF TAKING EFFECT

This ordinance shall take effect thirty-one (31) days after its final approval as adopted and advertised.

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LICENSING COMMITTEE AGENDA

TUESDAY, JANUARY 10, 2017

7:15 PM – ROOM 402

TAXI OPERATORS (NEW)

Encarnacion, Ruddy, 5 Oakwood Avenue, #C5,
Nguyen, Truong, 373 Centre St. #3-Tabled
Rojas, Luz, 8 Bennett Circle 32
Rossino, Anthony, 20 Niblick Way, N. Reading, MA 01864

LIVERY OPERATOR (NEW)

Hunter, James, 56 River St.

Acosta, Joel 87 Warren St

TAXI OPERATOR (60 DAY REVIEW)

Garcia, Jelame, 33 Circuit Ave.

Robertson, Corey D., 469 Westerm Ave. #3

LIVERY OPERATOR(60 DAY REVIEW)

Garcia, Jelame, 33 Circuit Ave.

OLD GOLD / SILVER - RENEW

51 Central Square, Omar & Oscar Jewelry

810 Lynnway, Eric Jeweler

810 Lynnway, We Buy Gold 24

810 Lynnway, Marcelino Jewelry

62 Market Square, All Checks Cashed

2-4 Market Street, Linda's Jewelers

PAWN LICENSE - RENEW

51 Central Square, Omar & Oscar Jewelry

810 Lynnway, Marcelino Jewelry

2-4 Market Street, Linda's Jewelers

SECOND HAND ARTICLE – NEW

306 Essex Street, Ultracliff Wireless

SECOND HAND ARTICLE – RENEW

42 Bennett St., Carole's Designer Closet

101 Commercial Street, My Son's Store

4 Freeman Square, Sherman Loan Co., LLC

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810 Lynnway, We Buy Gold 24
810 Lynnway, Marcelino Jewelry
810 Lynnway, Galactronica Electronic Store
2-4 Market Street, Linda's Jewelers
53 Market Street, Black Friday Year Round
381A Summer Street, JMP Wireless (30 day review in Feb for 2016 License)
693 Western Ave., S & M Treasure Chest
875 Western Ave., Mass Telepage

SIGN LICENSE - NEW

616 Washington St, Evolution Artistic Hair Design

SIGN LICENSE - RENEW

61 Franklin St., Caribe Restaurant
23 Market Square, Del Pueblo Market
9 Minot Street, West Auto Sport Tire
475R Lynnway, Barrero & Son's Auto Body Repair
144 Washington St., Del Patio
577 Western Ave., Mas Comida Restaurant

AUTO REPAIR/FLAMMABLE LICENSE – NEW

350 Chestnut St. – Duran Auto Repair, Inc.

COIN OPERATED DEVICES – NEW

408 Summer St. – El Pulgarsito Restaurant II – 2 Class II

CLASS I AUTO DEALER /AUTO REPAIR/FLAMMABLE – RENEWAL

164 Blossom St. – Jim McLaughlin's Lynnway Truck Center

CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE – RENEWAL

164 Blossom St. – JEM Auto Sales, Inc.
8 Burrus Sq. – Meadow Park Auto Sales, Inc.
100 Central Ave. – Action Auto Sales, Inc.
234 Chestnut St. – D & D Auto Sales
100 Ford St. – Sooren Inc. dba Performance Auto Brokers
475 Lynnway – LAS Inc.
592-596 Lynnway – The Hertz Corporation dba Hertz Car Sales
811 Lynnway – Far East Exports, Inc. dba North Shore Auto Mall
847-853 Lynnway – North Shore Group, LLC
1071 Western Ave. – Joan B.A. Bonia dba Bonia Motors

AUTO REPAIR/FLAM- NEW – TEMP GIVEN ON DEC 20, 2016

1117R Western Ave. – Massachusetts Recovery Bureau and Mass. Towing and Repair

OTHER BUSINESS:

Agenda



January 10, 2017 First Regularly Scheduled Meeting Of the New Year

Roll Call
Moment of Silence
Pledge of Allegiance

Accept the minutes of December 20, 2016 and December 27, 2016.

Election of Council President and Vice President.

COMMUNICATIONS:

PUBLIC HEARINGS:

Petition of Eastern Bank, Richard Batten, for permission for a sign permit at 195 Market Street. (Chakoutis)

Petition of Lighttower Fiber Networks, Robert Walls, for permission to install 44' +/- of (1) 4" communication conduit in a Northerly direction from MH#3-21 at the intersection of Blake Street and Buffum Street to the building at 9 Buffum Street. (Colucci)

Petition of Lighttower Fiber Networks, Robert Walls, for permission to install 91' +/- of (1) 4" communication conduit in an Easterly direction from MH #2-21 at the intersection of School Street and Ellis Street to the building located at 20 School Street. (Colucci)

Petition of Lightower Fiber Networks, Robert Walls, for permission to install 122' +/- of (1) 4" communication conduit in a Southerly Direction from MH #16-21 at the intersection of School Street and Union Street to MH #1 on School Street. (Colucci)

Petition of Lightower Fiber Networks, Robert Walls, for permission to install 50' +/- of (1) 4" communication conduit in a Northerly direction from MH #4-23 at the intersection of Market Street and Tremont Street to the building located at 62 Market Street. (Chakoutis)

Petition of Lightower Fiber Networks, Robert Walls, for permission to install 96' +/- of (1) 4" communication conduit in an Easterly direction from MH #13-21 at the intersection of Union Street and Silsbee Street to a proposed 36" x 36" Lightower Manhole and continuing 26' +/- in a Southerly direction to the building located at 270 Union Street. (Colucci)

PUBLIC HEARINGS TO BE SET DOWN:

Petition of Comcast, David R. Flewelling, for permission to install, starting at Pole 17 on Circle Avenue, placing (1) 4" PVC Conduit 149' +/- to a Comcast proposed 24" x 36" Vault. Continuing on to Carolyn Road, 58' +/- and crossing the road 112' +/- to 11 Circle Avenue. (Capano)

UNFINISHED BUSINESS:

COMMITTEE REPORTS:

**Ordinance Committee
Licensing Committee
Ways & Means Committee**

NEW BUSINESS: