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
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
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.
LYNN CITY COUNCIL
2016-2017

CITY OF LYNN, MASSACHUSETTS

WARD ONE
Wayne A. Lozzi

WARD TWO
William R. Trabant, 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

LICENSENG 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 Western 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
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:**
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 Lightower 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 Lightower 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: