SENATE DOCKET, NO. 2108 FILED ON: 7/15/2014

SENATE . . . . . No. 2276

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. McGee

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the Department of Inspectional Services in the city of Lynn.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas M. McGee	*Third Essex*
Robert F. Fennell	*10th Essex*

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SENATE . . . . . No. 2276

By Mr. McGee, a petition (accompanied by bill, Senate, No. 2276) of Thomas M. McGee and Robert F. Fennell (with the approval of the mayor and city council) for legislation relative to the Department of Inspectional Services in the city of Lynn. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to the Department of Inspectional Services in the city of Lynn.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 51 of the acts of 1999 is hereby repealed.

SECTION 2. Chapter 136 of the acts of 2004 is hereby repealed.

SECTION 3. Chapter 117 of the acts of 2006 is hereby repealed.

SECTION 4. Section 4-3 of the charter of the city of Lynn which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out clause (e) and inserting in place thereof the following clause:-

(e) control all school buildings and grounds connected with those buildings, except maintenance and repairs which shall be under the jurisdiction of the department of inspectional services.

SECTION 5. (a)(1) There shall be in the city of Lynn a department of inspectional services which shall be responsible for the coordination and management of the inspection-related activities of the city as provided in this act and for the coordination of all activities of all other city agencies in relation to any inspection services. The department of inspectional services shall be responsible for and shall perform the following functions:

(i) coordination of all inspection functions carried out by any officer or employee of the city;

(ii) maintenance in a central place of all records relating to inspections, including a common index;

(iii) coordination of enforcement actions for violations of the General Laws, the state building code and city ordinances, rules and regulations which are subject to enforcement by an officer or employee of the city; provided, however, that the department of inspectional services shall be available to consumers to assist them in implementing the intent of this act;

(iv) development of a single application form indicating all inspections which may be necessary;

(v) the rendering of advice, assistance and guidance to all city offices and agencies in any matter relating to city inspection services; and

(vi) the rendering of advice, assistance and guidance to members of the public relating to city inspection services and the development of user-friendly systems for the convenience of the public.

(2) All inspections performed by or under the authority of the building inspector, board of health, historic districts commission, inspector of gas piping and gas appliances, plumbing inspector, sealer of weights and measures, zoning enforcement officer and any other local inspection as may be authorized shall be coordinated through the department of inspectional services.

(b)(1)The department of inspectional services shall be headed by a chief of inspectional services who shall be the executive and administrative head of the department and the building commissioner. Notwithstanding chapter 143 of the General Laws, the appointment of a chief of inspectional services shall satisfy the requirement of said chapter 143 as to the appointment of an inspector of buildings or building commissioner and the chief so appointed shall possess all the necessary qualifications, experience and certification required for inspectors of buildings or building commissioners under said chapter 148. The chief of inspectional services shall be appointed by the mayor, subject to city council confirmation, and shall be the executive and administrative head of the department. The chief may be removed as provided in section 8.

(2) The chief shall be exempt from chapter 31of the General Laws. The chief shall have the following powers and duties:

(i) to establish a full and complete, inventory of all inspection services performed by any officer of the city;

(ii) to establish common files, by property address, which shall be accessible to all persons performing inspection services for the city and which shall contain recordings of all inspections performed by city officers and employees;

(iii) to provide common services for all inspection-related personnel and a centralized location for consumers of city inspection services; provided, however, that the chief of inspectional services shall also be available to consumers to assist them in implementing the intent of this act;

(iv) city of Lynn public construction and the inspection, maintenance and repairs of public buildings and facilities, including the public schools, and oversight of all capital construction;

(v) supervision of the coordinator who has direct supervision of clerical and administrative staff;

(vi) zoning enforcement; and

(vii) serve as the agent to the planning board and shall appear at meetings of the city of Lynn planning board; provided, however, that the chief shall administer 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 officers, boards and agencies, record keeping and infrastructure and traffic safety and improvement project planning, development and implementation.

(c)(1) The chief of inspectional services shall assure quality control by: (i) reviewing a least 15 per cent of all inspections; (ii) expediting the issuance or denial of all permits; (iii) establishing a service manual within 90 days of appointment; and (iv) performing such other duties and responsibilities as may be established by city ordinance.

(d)(1) The department of inspectional services shall be divided into 3 divisions: (i) the inspectional division to be headed by a deputy building commission; (ii) the facility division to be headed by a director of buildings and grounds; and (iii) the public health division to be headed by a public health director.

(2) The inspectional division shall be responsible for all inspectional, administration and enforcement duties relating to a building or property, including the enforcement of all building, housing, health, sanitation and safety regulations mandated by the city and the commonwealth, including: (i) the state building code pertaining to buildings and other structures; (ii) the state building code applicable to plumbing; (iii) the state building code applicable to gas fittings and gas appliances; (iv) the state building code applicable to electrical wires and fixtures; (v) the state sanitary code promulgated by the department of public health which is subject to enforcement by cities and towns; and (vi) all rules and regulations promulgated by the board of health of the city of Lynn. The inspectional division shall administer and control the building inspector, the plumbing inspector, inspector of gas fittings and gas appliances, the wire inspector,

88 the sealer of weights and measures, the health inspectors, including the sanitarian, food, sanitary,
89 code, lead paint inspectors and the planning department which shall be responsible for all of its
90 present functions conferred upon it by the General Laws and city ordinances. The deputy
91 building commissioner shall have direct supervision of the inspectional division, including the
92 chief building inspector and sanitarian, and shall be responsible for the day-to-day management
93 of the operations of the division including, but not limited to, direct supervision of the chief
94 building inspector and sanitarian positions, overseeing the issuance of all permits, plan review,
95 oversight of all inspections and the coordination of multi-inspector inspections of nuisance
96 properties. The person serving as deputy building commissioner shall be required to become
97 certified as a building commissioner. The deputy building commissioner shall be a level 2
98 department head for salary purposes and shall be preferred to have a bachelor of science degree
99 in architecture or engineering or 5 years of similar experience in the supervision of inspectional
100 staff.

101 (3) The facility division shall be responsible for the custodial, maintenance and ground
102 services for all public buildings and facilities in the city of Lynn, including the ordinary
103 maintenance of plumbing and plumbing fixtures and electrical wires and fixtures in all municipal
104 buildings and structures, including all city recreational facilities, and for the operation and
105 maintenance of the electrical components of the street lighting and traffic regulatory signals and
106 devices. The facility division shall include custodial and maintenance employees and
107 supervisors and shall be under the direct supervision of the director of buildings and grounds
108 who shall be a level 2 department head for salary purposes. The director of buildings and
109 grounds shall be preferred to have as minimum qualifications a bachelor of science degree in
110 facility management, architecture or engineering or 5 years of similar experience in municipal
111 facility management.

112 (4) The public health division shall be responsible for oversight of the state sanitary code
113 promulgated by the department of public health which is subject to enforcement by cities and
114 towns and to adopt from time to time additional regulations as necessary or desirable to protect
115 the public health of the citizens of Lynn and to enforce all such regulations through the board of
116 health and the inspectional division. The public health division shall be under the direct
117 supervision of the public health director. The division shall be responsible for providing public
118 health services, grant administration, clinic operation, tobacco control and the day-to-day
119 administration of public health and safety grants. The division's primary focus shall be to
120 investigate health problems and threats and to prevent, minimize and contain adverse health
121 effects from communicable diseases, disease outbreaks from unsafe food and water, chronic
122 diseases, environmental hazards, injuries and health behaviors which shall include increased
123 public health programming within the community, increased collaboration with other local
124 responders for emergency response planning and a more robust grant funding effort with
125 associated administrative duties. The division shall administer, control and include the public
126 health coordinator, nurses, doctors, city veterinarian and grant employees. The sanitarian

position within the inspectional division shall be the employee assigned to liaison with the board of health.

(5) Division heads shall be appointed by the mayor subject to confirmation by the city council. Their terms of office shall be for 3 years and they shall be granted tenure upon reappointment pursuant to section 6-5 of the charter. Division heads currently employed on the effective date of this act who have already been granted tenure upon reappointment pursuant to said section 6 -5 shall only be removed pursuant to sections 2-4 and 6-6 of the charter. Division heads hired on or after the effective date of this act shall be subject to removal for just cause by the chief of inspectional Services after a hearing that satisfies the requirements of due process.

(6) Division heads shall appoint all other officers and employees serving under them subject to the approval of the chief of inspectional services and the mayor.

(7) The following multiple member bodies shall, for administrative and communication purposes only, be considered to be within the department of inspectional services: (i) the board of appeals; (ii) the board of examiners; (iii) fence viewers; (iv) the board of health; and (v) the planning board. Nothing in this act shall be construed to give the chief of inspectional services authority to direct the activities of any of these multiple member bodies when they are exercising their official duties.

SECTION 6. The position of director of building and grounds established in subsection (d) of section 5 shall replace the positions of facility manager and supervisor of custodians and maintenance. The positions of facility manager and supervisor of custodians and maintenance shall be eliminated through attrition at which time the position of second assistant supervisor of custodians and maintenance shall be created.

SECTION 7. Nothing in this act shall affect the civil service status or seniority rights of any employees serving in any of the positions within the divisions of the department of inspectional services.

SECTION 8. The mayor of the city of Lynn may, pursuant to the removal procedure established in sections 2-4 and 6-6 of the charter of the city of Lynn, remove the current chief of the department of inspectional services from office. A chief appointed on or after the effective date of this act who has not been granted tenure shall serve for an initial term of 3 years and shall be granted tenure pursuant to section 6-5 of said charter if reappointed. Thereafter, the mayor may, pursuant to the removal procedure established in said sections 2-4 and 6-6remove any such chief who has been granted tenure.

SECTION 9. This act shall take effect upon its passage.