

**SENATE . . . . . No. 2276**

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**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*

**SENATE . . . . . No. 2276**

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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.]

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Fourteen**  
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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:*

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 Chapter 51 of the acts of 1999 is hereby repealed.

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 Chapter 136 of the acts of 2004 is hereby repealed.

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 Chapter 117 of the acts of 2006 is hereby repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

61 (vi) zoning enforcement; and

62 (vii) serve as the agent to the planning board and shall appear at meetings of the city of  
63 Lynn planning board; provided, however, that the chief shall administer the technical functions  
64 formerly performed by the planning department, including serving as administrative support to  
65 the planning board performing the statutory functions related to subdivision control, waterways  
66 regulation and the laying out and discontinuance of public ways, project review and  
67 coordination, providing research and technical assistance to municipal officers, boards and  
68 agencies, record keeping and infrastructure and traffic safety and improvement project planning,  
69 development and implementation.

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

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

78 (2) The inspectional division shall be responsible for all inspectional, administration and  
79 enforcement duties relating to a building or property, including the enforcement of all building,  
80 housing, health, sanitation and safety regulations mandated by the city and the commonwealth,  
81 including: (i) the state building code pertaining to buildings and other structures; (ii) the state  
82 building code applicable to plumbing; (iii) the state building code applicable to gas fittings and  
83 gas appliances; (iv) the state building code applicable to electrical wires and fixtures; (v) the  
84 state sanitary code promulgated by the department of public health which is subject to  
85 enforcement by cities and towns; and (vi) all rules and regulations promulgated by the board of  
86 health of the city of Lynn. The inspectional division shall administer and control the building  
87 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

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

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

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

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

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

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

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

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