

By Mr. Clancy, a petition (accompanied by bill, Senate, No. 1795) of Edward J. Clancy, Jr., Robert F. Fennell and Thomas M. McGee (with the approval of the mayor and city council) for legislation to establish a department of inspectional services in the city of Lynn. Local Affairs. [Local approval received.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Nine.

AN ACT ESTABLISHING A 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. (a) Notwithstanding the provisions of chapter 143
2 of the General Laws or any other general or special law to the
3 contrary, there is hereby established in the city of Lynn a
4 Department of Inspectional Services which shall be responsible
5 for the coordination and management of the inspection related
6 activities of the city herein assigned and for the coordination of all
7 activities of all other city agencies in relation to any inspection
8 services. The Department of Inspectional Services shall be
9 responsible for and shall perform the following functions:

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

12 (2) maintenance in a central place of all records relating to
13 inspections including a common index;

14 (3) coordination of enforcement actions for violations of
15 any provision of the General Laws, state building code, city
16 ordinances, rules or regulations which are subject to enforcement
17 by any officer or employee of the city. The Department of
18 Inspectional Services shall be available to consumers in order to
19 assist them in implementing the intent of this act;

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

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

25 (6) the rendering of advice, assistance and guidance to all
26 members of the public relating to city inspection services and the
27 development of user friendly systems for the convenience of the
28 public; and

29 (7) all inspections performed by or under the authority of the
30 building inspector, board of health, historic districts commission,
31 inspector of gas piping and gas appliances, plumbing inspector,
32 sealer of weights and measures, zoning enforcement officer and
33 every other local inspection as may be authorized is to be coordi-
34 nated through the Department of Inspectional Services.

35 (b) The Department of Inspectional Services shall be headed
36 by a Chief of Inspectional Services. The Chief of Inspectional
37 Services shall have the following specific powers and duties:

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

40 (2) to establish common files, by property address, which will
41 be accessible to all persons performing inspection services for the
42 city containing recordings of all inspections performed by any city
43 officer or employee; and

44 (3) to provide common services for all inspection-related per-
45 sonnel and centralized location for consumers of city inspection
46 services; the Chief of Inspectional Services shall also be available
47 to said consumers in order to assist them in implementing the
48 intent of this act.

49 (c) The Chief of Inspectional Services shall assure quality
50 control by:

51 (1) reviewing at least 15 per cent of all inspections;

52 (2) expediting the issuance or denial of all permits;

53 (3) establish a service manual within 90 days of appointment;
54 and

55 (4) performing such other duties and responsibilities as may be
56 established by city ordinance.

57 (d) The Department of Inspectional Services shall consist of the
58 following divisions:

59 (1) the Division of Building Inspection and Maintenance which
60 shall be responsible for the enforcement of the provisions of the
61 state building code pertaining to buildings and other structures
62 and shall be responsible for the ordinary maintenance of all city
63 buildings;

64 (2) the Division of Plumbing which shall be responsible for the
65 enforcement of all provisions of the state building code applicable
66 to plumbing;

67 (3) the Division of Gas Fittings and gas appliances which shall
68 be responsible for the enforcement of all provisions of the state
69 building code applicable to gas fittings and gas appliances;

70 (4) the Division of Electrical Inspections and Maintenance
71 which shall be responsible for the enforcement of all the provi-
72 sions of the state building code applicable to electrical wires and
73 electrical fixtures and shall be responsible for the ordinary mainte-
74 nance of electrical wires and fixtures in city buildings and other
75 structures including all city recreational facilities and for the oper-
76 ation and maintenance of the electrical components of the traffic
77 regulatory signals and devices and fire alarm signals and devices;

78 (5) the Division of Health and Sanitation which shall be respon-
79 sible for enforcement of all provisions of the state building code
80 promulgated by the department of public health of the common-
81 wealth which are subject to enforcement by cities and towns and
82 to adopt from time to time additional regulations as are necessary
83 or desirable to protect the public health of the citizens of Lynn and
84 to enforce all regulations so promulgated. A sealer of weights and
85 measures shall, for administrative purposes, be within the division
86 of health and sanitation; and

87 (6) The following multiple member bodies shall, for adminis-
88 trative and communication purposes only, be considered to be
89 within the department of inspectional services:

90 (i) Board of Appeals

91 (ii) Board of Examiners

92 (iii) Fence Viewers

93 (iv) Board of Health

94 Nothing herein shall be construed as giving the Chief of
95 Inspectional Services authority to direct the activities of any of
96 these multiple member bodies when they are exercising their
97 official duties.

1 SECTION 2. The provisions of this act shall not affect the civil
2 service status of any of the positions within said divisions.

1 SECTION 3. The Mayor of the city of Lynn shall appoint a
2 Chief of Inspectional Services who shall be the executive and

3 administrative head of the department subject to city council con-
4 firmation. The term of office shall be for three years without any
5 tenure and shall not be extended, without reappointment, beyond
6 said three year term. Such Chief shall possess all the necessary
7 qualifications, experience and certification required for an
8 Inspector of Buildings or Building Commissioner under the provi-
9 sions of chapter 143 of the General Laws.

1 SECTION 4. The Mayor may for cause pursuant to the removal
2 procedure established in Section 6-6 of the Lynn City Charter
3 remove the Chief of the Department of Inspectional Services from
4 office before the term of appointment has expired. The City
5 Council may, for cause, by following the removal procedure
6 established in Section 3-7(d) of the Lynn City Charter, by a two-
7 thirds vote, remove the Chief of this Department from office
8 before the term of appointment has expired.

1 SECTION 5. The appointment of a Chief of Inspectional
2 Services shall satisfy the requirement of chapter 143 of the General
3 Laws as to the appointment of an Inspector of Buildings or
4 Building Commissioner; provided, however, that said chief shall
5 be exempt from the provisions of chapter 31 of the General Laws.

1 SECTION 6. Division heads shall be appointed by the Mayor
2 subject to City Council confirmation. The term of office shall be
3 for three years without any tenure or rollover provisions.

1 SECTION 7. Division Heads shall appoint all other officers and
2 employees serving under them subject to the approval of the Chief
3 of Inspectional Services and the Mayor.

1 SECTION 8. The provisions of this act shall not impair the
2 terms and conditions of employment of any person currently
3 employed as a division head on the effective date of this act.
4 Division Heads not employed as of the effective date of this act
5 shall be subject to removal for cause by the Chief of Inspectional
6 Services after a hearing that satisfies the requirements of due
7 process.

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