

CITY OF LYNN

**Regular City Council Meeting – November 18, 2014
Council President Daniel F. Cahill, Presiding**

Ten Councilors Present (Councilor Chakoutis absent).

Moment of Silence. Councilor Capano asked that Arthur Salkins be remembered.

Pledge of Allegiance

Motion made by Councilor Colucci and seconded by Councilor Capano to accept the Meeting Minutes of October 28, 2014.

Motion carried.

COMMUNICATIONS:

Communication from Richard Fortucci, Treasurer:

Dear Councilors:

We are petitioning the Court to vacate the decree on the following properties:
95 Harbor Street, 80 Clarendon Avenue, and 3 River Street/612 Summer Street.

Sincerely, Richard Fortucci

Motion made by Councilor Colucci and seconded by Councilor Crighton to accept for the files.

Motion carried.

PUBLIC HEARINGS:

Petition of Comcast, Timothy Broderick to place new underground conduits in two phases to provide service to 319, 333, 349, 361, and 364 Lynnway.

The following appeared in Favor:

Timothy Broderick, Comcast

No one spoke in Opposition.

Public Hearing Closed.

Motion made by Councilor Capano and seconded by Councilor Trahan to grant the prayer of the Petitioner with the stipulations submitted by the DPW.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent).

Petition of AL Prime Energy, Brian Shannon, for a sign permit at 760 Summer Street

The following appeared in Favor:

Brian Shannon

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Ford and seconded by Councilor Trahan to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent).

Public Hearing on a Proposed Ordinance Amending the Ordinance Establishing Regulations Relative to the Storage, Disposal and Maintenance of Residential and Commercial Refuse Containers and Property Within the City of Lynn.

SECTION 1:00 **PURPOSE**

It is the intent of the City Council that this Chapter be liberally construed for the purpose of providing a sanitary and satisfactory method for the collecting, storing, disposing and recycling of waste for residences participating in the city waste collection and recycling program in a clean, orderly and sanitary condition for the benefit of the health and welfare of the citizens and visitors to the City of Lynn.

SECTION 2:00 **DEFINITIONS**

The following words, terms and phrases shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

"Abutter" - the owner of a parcel of real estate that directly abuts a sidewalk; or in the event there is no sidewalk, directly abuts a public way.

"Barrel" - a City approved barrel used for storage of waste in the manner and means prescribed by the Commissioner.

"Bulky Items" - any large sized item weighing less than fifty (50) pounds that cannot be placed in City Approved Overflow Bags or Barrels but is otherwise acceptable as waste and include but are not limited to furniture, chairs, tables, cribs, couches, bed frames, sofas, fans, doors, windows, mattresses, box springs, and rugs and similar items. Rugs must be cut up into four foot to five foot lengths, rolled and tied.

"City Approved Overflow Bag" - a pre-paid trash bag authorized by the City and used for the collection and disposal of excess waste.

"Commissioner" - the Commissioner of the Department of Public Works or his/her duly authorized representative.

"Curbside Collection" — the portion of the City's waste collection and recycling program where the City collects waste and recyclables from a Household's address.

"Curbside Recyclables" - discarded non-hazardous food containers and non-soiled paper products capable of being reclaimed and considered to be marketable and shall mean the following items placed untied in a Recycling Bin or barrel: glass bottles/jars, clean plastic containers labeled #1 through #5 and non-foam #6 and #7 (labels and caps), aluminum/tin/steel cans and lids, milk cartons and juice boxes, newspapers and inserts, magazines, catalogs, telephone books, mail, office paper, paperboard (such as cereal, cracker boxes), flattened corrugated cardboard smaller than 3 x 3', and brown paper bags.

"**CRT**" - cathode ray tubes that are intact, broken or other state used to provide visual displays along with any attachments, which include but are not limited to televisions, computer monitors and scientific instruments.

"**Designated Hauler**" - a business that collects waste generated in the City of Lynn, licensed by the Board of Health and in accordance with all applicable provisions of federal, state and local laws, the Sanitary Code and rules and regulations established by the Commissioner.

"**Dumpster**" – each individual refuse container.

"**Dwelling Unit**" - any room or suite of rooms forming a habitable unit for one (1) family unit with its own cooking and food storage equipment and its own bathing and toilet facilities and its own living, sleeping and eating areas wholly within such room or suite of rooms. See *Dwelling Unit*

"**Household**" - a building consisting solely of dwelling units and containing no more than six (6) said units.

"**Litter**" - a waste of any kind, in any amount, whether or not contained in an Authorized Rubbish Receptacle.

"**Littering**" - the act of disposal of Litter, outdoors, onto a public street, sidewalk, public park, or other public property, or the private property of another person, or otherwise in any manner not in compliance with the provisions of this Ordinance or other applicable law intended for the lawful collection and disposal of such waste.

"**Multi-Family Building**" - a residential or mixed used building lawfully constructed to contain more than two habitable dwellings, or in the case of a mixed use building, one or more habitable dwellings in addition to any commercial space, under one roof.

"**One Family Detached House**" - a detached building lawfully designed to be occupied by a single family solely for residential purposes.

"**Ordinary Waste**" -- debris, garbage, refuse or other materials produced in the normal course of Residential; Household Activities that are no longer intended to be used, or intended for disposal, and do not meet the definition of Prohibited Waste as that term is defined in this Ordinance.

"**Owner**" - any person, corporation trust or other similar entity or trust holding title to real property.

"**Person**" or "**persons**" - a natural person or persons, and shall also include corporations, or other such entities, trusts, or any entity capable of holding title to real property.

"**Prohibited Waste**" - includes the following:

Commercial Waste, which shall consist of waste materials, waste products or byproducts produced in the normal course of business enterprise whether for profit, or non-profit and in any event shall include mufflers, tailpipes, or other parts of any motor vehicles; demolition waste such as discarded

buildings or construction materials, whether usable or non-useable, generated in construction, alteration or repair of any structure, (e.g. brick, earth, plaster, lathing, roofing materials, lumber, plumbing fixtures, etc.); medical waste produced in the normal course of any health care profession; and waste produced by a food service establishment.

Industrial Waste, shall consist of waste materials, waste products or byproducts produced in the normal course of business of industrial enterprises or other such manufacturing enterprises and shall specifically include, but not be limited to: harmful pollutants such as asbestos, lead, mercury, nitrates, phosphates, oils, sulfur, petrochemicals and dangerous salts; as well as food processing waste, highly flammable material, toxic substances, cleaning products, or other dangerous and/or hazardous waste.

Other Prohibited Waste, which shall include waste resulting from the handling, preparation and cooking of food for consumption produced in the normal course of business of any profit or non-profit enterprise, ashes, or the residue of the combustion of solid fuel, such as wood, coal, coke, or like substances, construction or demolition waste produced in the course of building, demolition or renovation of any buildings or structures, and discarded household furniture, including mattresses and other bedding materials, household appliances Freon-based appliances, televisions, computer monitors, Cathode Ray Tube (CRT) devices, air conditioners or such large items being discarded or any other items determined by the Department of Public Works to be inappropriate to be collected by the City of Lynn's normal trash collection program unless permitted to be discarded and collected via the City of Lynn's Bulky Waste Sticker Purchase Option as stated in this Ordinance.

"Recycling Bin" - a City issued container or a City approved alternative container used for recycling household curbside recyclables. A City recycling bin is owned by the Hauling Contractor and provided to households. City approved alternative containers are prescribed in a manner and means as authorized by the Commissioner.

"Religious Residential Property" - the residential address of a duly organized corporation registered with the Commonwealth's Secretary of State as a religious entity.

"Residential Household Activities" - any activities undertaken in the normal course of running a single residential household, apartment or unit in a condominium intended for residential use.

"Sidewalk" - any path designed solely for pedestrian travel, whose outside limits are defined by a curb, gutter, street or other established line or its inner limits are defined by a private or public parcel of property.

"Tenant" - any person who leases, rents or otherwise occupies for any purpose any part or parcel of real property whether or not a formal landlord-tenant agreement exists.

"Two Family House" - a detached building lawfully designed to be occupied by no more than two families solely for residential purposes.

"White Goods" - "appliances employing electricity, oil, natural gas or liquefied petroleum gas to supply heat or motor power to preserve or cook food, to wash or dry clothing, cooking or kitchen utensils or related items; or to cool or heat air or water. These include, but are not limited to, refrigerators, freezers, air conditioners, water coolers, dishwashers, clothes washers,

clothes dryers, gas or electric ovens and ranges, and hot water heaters. White goods do not include microwave ovens.”

"Yard Waste" - any grass clippings, leaves, twigs, branches, and all other garden refuse. Any brush and tree limbs must be less than one and a half (1.5) inches in diameter, four (4) feet or less in length. Any such brush or limbs must be tied (non-metallic twine) in bundles less than thirty-five (35) pounds. Trees (including Christmas trees), branches and stumps are not yard waste.

SECTION 3:00 LITTERING PROHIBITED

1. Littering: No person shall litter or otherwise dispose of litter onto a public street, sidewalk, public park, or other public property, or the private property of another person, or otherwise in any manner not in compliance with the provisions of this Ordinance or other applicable law intended for the lawful collection and disposal of such waste. No person shall litter or otherwise dispose of litter on any private property in Lynn in such a manner as to cause a general nuisance to the public welfare. No person shall sweep or otherwise transfer litter from private property onto a public street, sidewalk, public park, or other public property, or the private property of another person.

2. Convenient Stores/Take-Out Restaurants: All convenient stores or take-out food restaurants shall provide barrels of a design such that accumulating waste is covered and not prone to scatter in windy conditions, nor prone to accumulate water during a period of inclement weather. The barrels shall be placed within ten (10) feet of each entrance or exit, whether inside or outside the establishment, for the use of customers entering and exiting such premises. Each instance in which the barrel is determined to be seventy-five (75%) percent full shall also be treated as if no such barrel is present.

SECTION 4:00 MAINTENANCE OF SIDEWALKS

1. Responsibilities: Abutters shall be responsible for reasonable maintenance of sidewalks, including cleanliness, removal of debris, removal of weeds and removal of litter from any sidewalk that abuts owned or rented property and shall exercise good and reasonable judgment in maintaining the sidewalk free from litter so as to ensure the safe passage of all pedestrian traffic. Each instance in which an abutter fails to conduct reasonable maintenance, as described above, of a sidewalk abutting property they own, rent or otherwise occupy shall be in violation of this Ordinance.

2. Applicability: All abutters owning or renting property, except owners or renters of one and two family homes shall conduct such maintenance of sidewalks, as described above, on a daily basis. Each day in which such an abutter fails to conduct such daily maintenance of such sidewalks abutting such property, as described above, shall be a violation of this Ordinance. All abutters owning or renting one or two family homes shall conduct such maintenance of sidewalks, as described above, on a weekly basis.

SECTION 5:00 STORAGE OF WASTES PLACED OUT FOR COLLECTION.

1 One and Two Family Homes: The owners of each One Family Detached House or Two Family House shall, at all times, provide for the accumulation of ordinary waste in City approved Recycling Bins, Barrels or City Approved Overflow Bags which shall be covered or otherwise secured in such a manner as to reasonably avoid such waste from being infiltrated and/or scattered by inclement weather, animals, rodents or other such pests; and shall also reasonably contain such waste so as to avoid such waste from emitting noxious odors and

becoming a nuisance. City approved overflow bags shall not be stored outside of the one or two family dwelling.

2.- All other collected properties: The owner, property manager or operator of all other collected properties with six or fewer habitable dwellings that may include one or more commercial spaces, shall provide at all times, at least one City of Lynn approved barrel and one City of Lynn approved recyclable bin for each such habitable dwelling on such property to accommodate the regular accumulation of ordinary waste for such habitable dwellings on such property. City approved overflow bags shall not be stored outside of the property.

- a. The owner, property manager or operator of such structures may keep such barrels and recyclable bins for the accumulation of waste by the habitable dwellings inside a building or structure designed for the storage of waste. All waste stored outside must, at all times, be completely contained inside City of Lynn approved barrels or City of Lynn approved recyclable bins with a permanently attached cover and resist infiltration by rodents or other such pests; and shall also reasonably contain such waste so as to avoid such waste from emitting noxious odors or becoming a nuisance.
- b. Barrels and recyclable bins stored inside a building or structure shall be covered or otherwise secured so as to prevent waste from escaping. Any such building or other structure used for storage of waste must be kept reasonably clean and must be resistant to the infiltration by rodents or other such pests; and shall also reasonably contain such waste so as to avoid such waste from emitting noxious odors or becoming a nuisance.
- c. Any business establishment lawfully inhabiting commercial space in a multi-family building that only produces Ordinary Waste and produces no Prohibited Waste, may also store such Ordinary Waste in the same manner as habitable dwellings in that multi-family building. Any business establishment that produces any Prohibited Waste must containerize all of its accumulating waste as provided in Section 5:00 Paragraph 3 and Section 6:00 Paragraph 4 below. Barrels kept near the entrance or exit of convenience stores or takeout food restaurants must be regularly maintained on at least a daily basis such that waste kept in said barrels does not overflow, and such barrels shall be cleaned periodically so that any food waste or liquids that may accumulate in said barrels do not become an attraction for animals, rodents or other pests and such barrels do not emit noxious odors or become a nuisance.

5. Bulky Waste: Household furniture, including mattresses and other bedding materials, household appliances, Freon-based appliances, televisions, computer monitors, Cathode Ray Tube (CRT) devices, air conditioners, or other large household items that are not reasonably intended for use outdoors may not be stored outdoors, but must be stored in a building or other structure that must be resistant to rain, wind, and infiltration by animals, rodents or other such pests; and shall also be reasonably maintained so as to avoid such items from emitting noxious odors or becoming a nuisance. This Paragraph shall not apply to items which are permitted to be

collected pursuant to the City of Lynn's Bulky Waste Collection as stated in Section 8:00 this Ordinance, on the day of collection.

SECTION 6:00 **ELIGIBILITY FOR CURBSIDE COLLECTION**

1. **Eligibility:** The Department of Public Works of the City of Lynn shall only collect Ordinary Waste and shall collect only such Ordinary Waste that is contained in an Authorized Waste Receptacle, curbside, from in front of One Family Detached Houses, Two Family Houses, commercial properties with not more than (6) units which are presently receiving curbside collection as of the effective date of this Ordinance, and any other building with not more than six (6) units which are presently receiving curbside collection as of the effective date of this Ordinance, provided that only Ordinary Waste will be collected from such structures. In the case of commercial properties with not more than six (6) units that are presently being collected as of the effective date of this ordinance, curbside collection shall cease upon the transfer of the business to a subsequent owner.

2. **Schedule:** All such Ordinary Waste will be collected weekly at curbside only on the scheduled day of collection as prescribed and published on the City of Lynn Website by the Commissioner of the Department of Public Works and only if contained in an Authorized Waste Receptacle. Barrels will be emptied and returned to curbside.

3. **Placement:** City Approved Barrels shall be placed at curbside in such a manner so as not to obstruct pedestrian traffic, and City Approved Overflow Bags shall be either contained inside a City of Lynn Approved Barrel or placed on top of the Barrel, but not placed directly on the ground. All waste placed at curbside must, at all times, be completely contained inside City of Lynn approved barrels or City of Lynn approved recyclable bins with a permanently attached cover and are resistant to infiltration by rain, wind, rodents or other such pests; and shall also reasonably contain such waste so as to avoid such waste from emitting noxious odors or becoming nuisance. and must be resistant to the infiltration by rodents or other such pests;

4. **Prohibited Waste:** Items that fall within the definition of "Prohibited Waste" that may be produced by residential households will not be collected curbside, and may only be discarded in a manner to be prescribed and published on the City of Lynn Website by the Commissioner of the Department of Public Works and/or via the City of Lynn's Bulky Waste Collection as stated in Section 8:00 of this Ordinance.

5. **Condominium Units:** Any exclusively residential condominium association which are presently receiving curbside collection as of the effective date of this Ordinance, that wishes to have Ordinary Waste collected must participate in the City's Recycling Program. Said Ordinary Waste must be contained in Authorized Waste Receptacles and must containerize all Ordinary Waste in buildings, structures, dumpsters or other such containers that are reasonable designed to contain such waste at its own expense. The manner in which such waste is to be collected shall be determined, whether by curbside collection or otherwise, by the Commissioner of the Department of Public Works on a case by case basis. The managing board or property manager of any such condominium unit must also execute a waiver, release and/or agreement, drafted by the City Solicitor, holding the City harmless and free of any liability for damages and/or injury to person(s) and/or property caused by the contracted collection service in order to have this Ordinary Waste collected in accordance with this Ordinance.

6. **Properties Ineligible for Curbside Collection:** The owners of all other properties that are not eligible for collection of waste by the City of Lynn's Department of Public Works, or in the

case of condominiums not presently receiving collection as of the effective date of this Ordinance shall provide for lawful collection and disposal of all waste accumulated on such properties at their own expense no less than once per week. Each day in which waste accumulating on such property is not lawfully collected and disposed shall constitute a separate and distinct violation of this Ordinance.

- a. A property on which a total of ten (10) or more fines for violations of this Ordinance have been cited by the appropriate enforcement authorities within a twelve months period of time, and any appropriate appeals have been exhausted, shall be ineligible for collection and disposal of waste from such property until such time as the owner(s) of such property, the Board of Health and the Commissioner of Public Works enter into a stipulation that specifies how such property owner will store and/or dispose of waste generated on such property in a manner consistent with this Ordinance. The owner(s) of any such property found to be ineligible for collection and disposal of waste in accordance with this Paragraph shall provide for collection and disposal of waste at their own expense on accordance with Section 6:00 (6) above.

7. Receptacles containing waste, number of receptacles: Unless otherwise specified under this Ordinance, all waste prior to placement for Curbside Collection shall be stored in City Approved Barrels and Recyclable Bins with tight fitting covers. One such City Approved Barrel and City Approved Recyclable Bin shall be provided to each dwelling unit at no cost. Additional City Approved Barrel and City Approved Recyclable Bin may be made available at a yearly cost through the Hauling Contractor. The maximum number of City Approved Barrels at any one unit shall be five. The maximum number of City approved Recyclable Bins at any one unit shall be five.

8. Time, Place and Location for Curbside Collection: Curbside Collection shall be placed out for collection no earlier from 5:00 p.m. on the evening preceding the scheduled day for collection and no later than 7:00 a.m. on the scheduled day of collection. All Authorized Waste Receptacles shall be removed from curbside no later than 8:00 p.m. on the scheduled day of collection. Curbside Collection shall be placed on the edge of the sidewalk that does not obstruct or interfere with pedestrians if applicable, otherwise placed on the edge of the public way in front of the Household's property. No Curbside Collection waste shall be placed in front of another's property

9. Uncollected Waste: Unless otherwise specified, only waste placed in a Recycling Bin, Barrel or City Approved Overflow Bag will be collected. Whoever allows uncollected waste or an empty Recycling Bin, Barrel, City Approved Overflow Bag or city approved receptacle to remain on the curb the day after collection shall be subject to a fine of twenty-five dollars (\$25.00) for the first violation.

SECTION 7:00 **DUMPSTER REQUIREMENTS**

1. Permit Required: No dumpster shall be placed on any private property without a permit issued to the owner by the Board of Health. Such permit shall be issued upon application to the Board of Health and shall be renewed on January 1st of each year.

2. Maintenance of structural elements of Dumpster: all dumpsters shall have affixed in clear legible print, the name and telephone number of firm or corporation of the owner of the dumpster. All dumpsters shall be printed and free from discoloration from oxidation and covers and lids shall be in proper working condition. All dumpster drainage openings shall remain plugged at all times. The dumpster company shall be required to submit to the Board of Health, a list of all customers located within the City semiannually in January and June of each year.

3. Maintenance of Dumpsters by Property Owners: All areas surrounding the dumpster shall be kept clean and litter free. All dumpsters shall be maintained clean and free of offensive odors and shall be closed at all times when not in use. When deemed necessary by the Board of Health, dumpsters shall be kept locked at all times. At no time shall a dumpster cause a nuisance resulting from the overgrowth of the contents. When deemed necessary by the Board of Health, property owners may be ordered to enclose each individual dumpster by wall, fence or other means so constructed as to be inaccessible to the general public. Such enclosures shall be equipped with self-latching and lockable gate or an equivalent enclosure sufficient to deny access to the general public. The Board of Health may order the immediate emptying of any dumpster when in the opinion of the Board, there is an imminent health hazard and that the cost be the responsibility of the property owner renting or owning the dumpster.

4. Restrictions: Unless otherwise authorized by the Board of Health, no person may dispose of contents of the individual dumpster between the hours of seven p.m. and seven a.m. Placement of dumpsters for one or two family homes shall be limited to temporary use only. Property owners on one or two family homes shall notify the Board of Health of the reasons for such temporary placements and the approximate duration or time of which the services will be rendered.

5. Dumpster Permit Fees: A fee of twenty-five (\$25.00) dollars per dumpster shall be payable to the Board of Health upon application of a permit.

SECTION 8:00 **CITY OF LYNN BULKY WASTE COLLECTION**

1. Bulk Waste: Bulky Waste shall be eligible for collection and disposal provided an owner and/or tenant arranges and pays for a Bulk Pick-up through the trash collection contractor. The bulk waste shall not exceed fifty (50) pounds. Said trash collection contractor shall establish a fee for the purchase of a bulky waste collection and said fee shall be published on the Department of Public Works Website. The trash collection contractor will provide the owner and/or tenant a date for collection. The bulky waste item must be placed at curbside no earlier than 5:00 p.m. of the evening preceding the pre-arranged collection date and no later than 7:00 a.m. on the date of the pre-arranged collection dated.

SECTION 9:00 **MANDATORY RECYCLING PROGRAM**

There is established a program for the mandatory separation of certain recyclable materials from refuse which shall apply to all who participate in the City trash collection program. The program shall be carried out under the supervision of the Commissioner of the City of Lynn Department of Public Works (DPW). It shall be mandatory to separate all recyclable materials designated by the Commissioner of the Department of Pubic Words in rules and regulations issued under this

Ordinance, and clearly published on the City of Lynn Website, from other refuse in accordance with the provisions of this Ordinance.

1. **Program:** The Commissioner of Public Works may designate a method of identifying a receptacle for participation on the Mandatory Recycling Program. All eligible property owners will be provided one City Approved Barrel and one City Approved Recyclable Bin at no cost to the property owner. Materials designated for recycling in rules and regulations promulgated by the Commissioner of the Department of Public Works shall be placed in the recycling receptacles.
2. **Placement:** The preparation and placement of recyclables shall be accomplished in accordance with rules and regulations to be issued by the Commissioner of the Department of Public Works under this Ordinance. The recycling containers shall be placed for collection on the outer edge of the sidewalk, so as not to obstruct the free passage of pedestrians, or in such other place and on days specified by the Commissioner in rules and regulations to be issued under this Ordinance.
3. **Prohibitions:** Recyclables shall not be placed in plastic garbage bags for collection, removal or disposal. Recyclables shall not be placed in the same refuse containers as waste or mixed with waste or litter for collection, removal or disposal. If separation of recyclable materials from waste does not take place, the City may decline to collect said rubbish, and each instance in which separation of recyclable material does not take place shall be a violation of this Ordinance. Said fines may be imposed upon tenants who fail to comply with the mandatory recycling program.
4. **Property of City:** Upon placement of recyclables for the City or its contractor at the curbside, pursuant to this Section, such recyclables shall become the property of the City. It shall be a violation of this Ordinance for any person, other than authorized agents of the City acting in the course of their employment or contract, to collect or cause to be collected, any recyclables so placed. Each and every such collection in violation of this Section from one or more locations shall constitute a separate and distinct violation of this Ordinance. In addition to the penalty provided in Section 14:00 of this Ordinance, any violator of this Section shall make restitution to the City for the value of recyclables illegally removed.
5. **Penalties:** The failure to place recyclable materials in City approved recyclable containers may result in the suspension of all collection in addition the fines provided for in this Ordinance.
6. The Commissioner of the Department of Public Works may promulgate rules and regulations for the implementation of the Mandatory Recycling Program and all other provisions of this Ordinance, which shall not take effect prior to publication on the City of Lynn Website.

SECTION 10:00 **YARD WASTE AND DROP OFF LOCATIONS**

1. Yard Waste: Yard Waste shall be disposed of by bundle, a biodegradable paper leaf bag or a different container as approved by the Commissioner of the Department of Public Works. Yard Waste is removed in a manner and means as prescribed by the Commissioner.
2. Drop Off Locations: The City may designate drop off locations for the deposit and collection of specified types of waste in a manner and means prescribed by the Commissioner.

SECTION 11:00 **WASTE IMPORTATION**

1. Waste placed in public ways: Whoever places waste in a public way that impedes the traveling public shall be punished by a fine in addition to any other fines imposed by federal, state or municipal law.
2. Waste in a City of Lynn container: Whoever without authority disposes of waste by placing it in a dumpster or other container owned, controlled or operated by the City of Lynn well shall be punished by a fine
3. Importation of Waste: Whoever brings, disposes, stores, or places any waste from any location not eligible for Curbside Collection shall be punished by a fine. Each piece of waste shall constitute a separate offense.
4. Banned Waste: Unless otherwise specified under this Ordinance, whoever places for Curbside Collection any waste barred by state or federal law, rule regulation including but not limited to hazardous waste, hazardous materials, sewage, ash, sludge, coal, cans containing paint or aerosol, light bulbs, mirrors, window glass, motorized equipment, motorized vehicles and parts, tires and rims, motor vehicle products, oils, machinery, stumps, all branches not defined as Yard Waste, electronics, asphalt, pavement, brick, concrete, metal, and wood, chemicals, explosives and storage tanks shall be punished by a fine in addition to any other fines imposed by federal, state or municipal law. Each piece of waste shall constitute a separate offense.

SECTION 12:00 **SCAVENGING OF CURBSIDE COLLECTION MATERIALS**

Waste placed for Curbside Collection shall not be disturbed, collected or removed except by the Household that placed said waste, a Designated Hauler or agent of the City. Violation of this Section is subject to a twenty-five dollar (\$25.00) fine.

SECTION 13:00 **WASTE AGREEMENTS**

The City may enter into agreements with other governmental units or private entities for the collecting, storing, and disposing of waste and recyclable items. The City may take into consideration the volume and type of waste to be addressed and the making of other regional cooperative agreements with governmental units.

SECTION 14:00 ENFORCEMENT, PENALTIES AND NON CRIMINAL DISPOSITION

1. Enforcement: Unless otherwise excluded by state or federal law, employees of the City of Lynn Department of Inspectional Services, the Lynn Police Department, the Department of Public Works and the Lynn Housing Authority or other official designated by the Mayor, Commissioner, or the Board of Health shall be the enforcing authorities for the provisions of this Ordinance.

2. Penalties

a. Criminal Penalty

Unless otherwise noted in a specific Section, a person or entity who violates a provision of this Ordinance shall be subject to a fine not to exceed three hundred dollars (\$300.00). Unless otherwise specified, each day shall constitute a separate violation.

b. Noncriminal Disposition

Whoever violates this Ordinance shall be subject to the following fines: fifty dollars (\$50.00) for the first violation, and one-hundred dollars (\$100.00) for the second violation and three-hundred dollars (\$300.00) for all subsequent violations, unless another fine is stated herein. Any violation of this Ordinance, may as an alternative to a criminal penalty and in the discretion of the enforcing officer may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D subject to a fine not to exceed three hundred dollars (\$300.00). Unless otherwise specified, each day shall constitute a separate violation. Dispositions, payments and/or appeals, of violations of this Ordinance shall be made through the Parking Department of the City of Lynn Room 102, City Hall, Lynn, Massachusetts. Proceedings maybe be commenced by the City of Lynn to place liens on real or personal property and/or a criminal complaint to be issued as provided in M.G.L. c. 270, §16.

SECTION 15:00 EFFECT OF INCONSISTENT MUNICIPAL WASTE/RECYCLING COLLECTION CONTRACTS

The Commissioner of the Department of Public works shall have the authority to temporarily enact additional and inconsistent rules and regulations relating to trash, waste and recycling collection when necessary in order to comply with the provisions of any contract for the collection of trash, waste and recyclable materials.

SECTION 16:00 INCONSISTENT ORDINANCES

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

SECTION 17:00 TIME OF TAKING EFFECT

This ordinance shall take effect thirty-one (31) days after its final adoption as advertised, unless accompanied by an Emergency Preamble.

The following appeared in Favor:
 Attorney James Lamanna, Solicitor's Office
 Andrew Hall, DPW Commissioner
 Michael J. Donovan, ISD Director
 Michael Wall, Waste Management
 No one appeared in Opposition.
 Public Hearing Closed.

Councillor Crighton attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a Proposed Ordinance Amending the Ordinance Establishing Regulations Relative to the Storage, Disposal and Maintenance of Residential and Commercial Refuse Containers and Property Within the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent).

PUBLIC HEARINGS TO BE SET DOWN:

-Public Hearing to make a determination on the percentages of the FY'2015 Tax Levy to be borne by each class of real and personal property.

-Petition of National Grid, Rafael Panos, for permission to install 50'+/- of 6-4" PVD Conduit from MH104 Broad at Silsbee Street. This work is to provide service to 137 and 149 Broad Street.

-Petition of Tony Tipico Restaurant, Osvaldo Salcedo, for permission to add Wine and Malt License to existing restaurant at 268 Essex Street.

Motion made by Councilor Colucci and seconded by Councilor Net to set down for Public Hearings.

Motion carried.

COMMITTEE REPORTS:

Report of the November 18, 2014 Committee on Ways and Means recommending the following to be accepted:

Ordered that the City Comptroller take the following actions:

Transfer the sum of One Hundred Sixty Nine Dollars and Sixteen Cents (\$169.16) from the Fire Expense Account to the Unpaid Bills of Prior Years.

Councillor Barton attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a Transfer the sum of One Hundred Sixty Nine Dollars and Sixteen Cents (\$169.16) from the Fire Expense Account to the Unpaid Bills of Prior Years.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent).

Certify as an "Available Fund" the amount of Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) as allotted to the City of Lynn Community Development by the Executive Office of Energy and Environmental Affairs to fund a Grant Initiative to Renovate a Splash Pad at Kiley Park. Grant Period is 8/6/14 to 12/31/14.

Councillor Barton attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to Certifying as an "Available Fund" the amount of Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) as allotted to the City of Lynn Community Development by the Executive Office of Energy and Environmental Affairs to fund a Grant Initiative to Renovate a Splash Pad at Kiley Park. Grant Period is 8/6/14 to 12/31/14.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent).

Certify as an "Available Fund" the amount of Five Million One Hundred Fifty Eight Thousand One Hundred Seventeen Dollars and Zero Cents (\$5,158,117.00) as allotted

to the City of Lynn School Department by the Department of Elementary and Secondary Education to fund the FY'15 Title One Grant. Grant Period 10/31/14 – 6/30/16.

Councillor Barton attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to Certifying as an “Available Fund” the amount of Five Million One Hundred Fifty Eight Thousand One Hundred Seventeen Dollars and Zero Cents (\$5,158,117.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education to fund the FY'15 Title One Grant. Grant Period 10/31/14 – 6/30/16.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent).

Certify as an “Available Fund”: the amount of Two Hundred Ninety Nine Thousand Dollars and Zero Cents (\$299,000.00) as allotted to the City of Lynn School Department by the Department of Early Education and Care to fund the FY'15 237 Coordinated Family and Community Engagement Grant. Grant Period is 7/1/14 – 6/30/15.

Councillor Barton attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to Certifying as an “Available Fund”: the amount of Two Hundred Ninety Nine Thousand Dollars and Zero Cents (\$299,000.00) as allotted to the City of Lynn School Department by the Department of Early Education and Care to fund the FY'15 237 Coordinated Family and Community Engagement Grant. Grant Period is 7/1/14 – 6/30/15.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent).

Certify as an “Available Fund” the amount of One Hundred Sixty Thousand Dollars and Zero Cents (\$160,000.00) as allotted to the City of Lynn Health Department by the Executive Office of Health and Human Services (EHS) to fund a Grant initiative for the FY'15 Safe and Successful Youth Initiative Grant. Grant Period is 9/30/14 to 6/30/15.

Councillor Barton attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to Certifying as an "Available Fund" the amount of One Hundred Sixty Thousand Dollars and Zero Cents (\$160,000.00) as allotted to the City of Lynn Health Department by the Executive Office of Health and Human Services (EHS) to fund a Grant initiative for the FY'15 Safe and Successful Youth Initiative Grant. Grant Period is 9/30/14 to 6/30/15.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent).

REPORT ACCEPT.

Report of the November 18, 2014 Committee on Public Safety and Public Health recommending the following to be accepted:

The following Constables were Appointed:

Paul Minsky, 15 Lynn Shore Drive, Lynn - Granted

Richard C. Colucci, 265 Ocean Street, Lynn - Granted

Robert Capozzi, Sr., 616 Humphrey Street, Swampscott - Granted

REPORT ACCEPTED.

Report of the November 18, 2014 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS (NEW)

Adgurson, Troy A., 123 Bowler St. - Granted

Agramonte, Armando, 36 Newhall St. #7- Granted

Charles, Jean, 90 Aborn St. #5, Peabody, MA 01960 - Granted

Jalloh, Wurie, 69 N. Common St. Apt. 23- Granted

Lopez, Jaime, 21 Shepard St. #5- Granted

Nazario, Carlos A., 12 Border St. Apt. #2- Granted

Rijo, John A., 119 Jefferson St. #1- Granted

Santos-Sosa, Edilio A., 26 Glenwood Terr. #1- Granted

LIVERY OPERATOR (NEW)

Perez, Abraham, 237 Chatham St. #1- Granted w/stipulations no parking vehicle at house.

TAXI OPERATOR (REVIEW)

Bingham, Joseph, 58 Broad St. #2- Granted to December 2, 2104

DeJesus, Steven, 119 Jefferson St., Apt. #1- DENIED PERMANTENTLY. (Officer Michael Eddows was at meeting to explain incident with Mr. DeJesus. Mr.

DeJesus did not show up at meeting. Officer Eddows said he was speeding in

crosswalk area. Swore at Officer Eddows and gave Officer Eddows the middle finger. He said that Mr. DeJesus was also cited four days later on the Lynnway).

TAXI OPERATOR (60 Day Review)

Middleton, Scott, 77 Kirtland St. #2- **Granted**

EXTENDED HOURS - PUBLIC HEARING TO BE SET DOWN FOR DEC 16TH – NEW

512 Chestnut St., Ghenw Inc-Lynn Mobil Hours 5:00 AM to 2:00 A. M. 7 days - **Granted**

80 Boston Street, Dunkin Donuts – 24 Hours / 7 Days a Week - **Granted**

DOOR TO DOOR SALES-NEW

1245 Hancock St. Direct Sales Solutions (prev tabled) **DENIED (No one showed up at meeting).**

DOOR TO DOOR SALES-RENEWAL

19 Tozier Rd., Beverly, MA, Comcast (renewal) - **Granted**

OLD GOLD & SILVER-RENEWAL

431 Lynnway, Empire Loan of Lynn- **Granted**

2-4 Market St., Linda's Jewelers- **Granted**

OLD GOLD & SILVER-NEW

857 Western Ave., Phnom Penh Jewelry – **Withdrawn Application**

Pawn Shop-Renewal

431 Lynnway, Empire Loan of Lynn- **Granted**

2-4 Market St. Linda's Jewelers- **Granted**

SECOND HAND- NEW

88 Lewis St., North Shore Wireless – **TABLED – Owner to be at next meeting.**

5A Union St., Union Discount- **Granted**

SECOND HAND-RENEWAL

101 Commercial St., My Son's Store- **Granted**

229 Lewis St., USA Furniture (change address) - **Granted**

431 Lynnway, Empire Loan of Lynn- **Granted**

800 Lynnway, Duc Anh & Clock Repair- **Granted**

2-4 Market St. Linda's Jewelers- **Granted**

693 Western Ave. S & M Treasure Chest- **Granted**

857 Western Ave., Phnom Penh Jewelry- **Granted**

OLD GOLD & SILVER-RENEWAL

431 Lynnway, Empire Loan of Lynn- **Granted**

2-4 Market St., Linda's Jewelers- **Granted**

OLD GOLD SILVER-NEW

857 Western Ave., Phnom Penh Jewelry – **Withdrawn Application**

SIGN LICENSE-RENEWAL

38 Market St., M & R Convenience Store- **Granted**

AUTO AUCTION DEALER/AUTO REPAIR/FLAMMABLE LICENSE/RENEWAL

732R Lynnway – Coast Corp. DBA Car Sales, Inc. - **Granted**

CLASS II AUTO DEALER/AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE –

71-79 Bennett St. – Saugus Auto Craft, Inc. - **Granted**

295 Lynnway – Lynnway Auto Sales, Inc. - **Granted**

443 Lynnway – Lynn Auto Service and Sales, LLC dba Kyle Holmes Auto Sales- **Granted**

847-853 Lynnway – North Shore Group, LLC- **Granted**

CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE/RENEWAL87A Rear Bennett St. – Bennett St. Auto Sales, Inc. - **Granted**613 Lynnway – Lynnway Grand Prix Inc. dba Lynnway Cycles- **Granted**730R Lynnway – Coast Corp. DBA Car Sales, Inc. - **Granted**811 Lynnway – North Shore Auto Mall- **Granted**837 Lynnway – Sunrise Auto, Inc. - **Granted**921 Western Ave. – EDU Auto Sales, Inc. - **Granted****CLASS III AUTO DEALER/AUTO BODY/AUTO REPAIR/FLAMMABLE – RENEWAL**480 Lynnway – Harbor Auto Sales Co., Inc. - **Granted**1069R Western Ave. – Cap’s Auto Wrecking Corp. - **Granted****COIN OPERATED DEVICES – RENEWAL**612 Summer St. – White Eagle – 1 Class III- **Granted****FLAMMABLE LICENSE – NEW**626 Lynnway – Garelick Farms Lynn- **Granted****AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE-6 MONTH REVIEW**52 Oakville St. – 26 Auto Body, Inc. - **Granted****CLASS II DEALER/AUTO REPAIR/FLAMMABLE-RENEWAL & CHANGE OF ADDRESS**168-170 Franklin St. – A Starr Auto Sales - **(ON HOLD FROM 10/14/2014) - TABLED****OTHER BUSINESS**

Councilor Cyr stated that a Livery Operator, Andres Encarnacion is parking his vehicle on Aubrey Terrace. Councilor Cyr asked that the Operator and/or the company’s license be suspended.

REPORT ACCEPTED.

Report of the November 18, 2014 Committee on Public Property and Parks recommending the following to be accepted:

1. Discussion re: Request from Lynn Youth Hockey to hang a banner on Lynnfield Street during the month of December for their “Learn to Skate” Program which starts January 3, 2015. - **Granted**
2. **OTHER BUSINESS**
Request the Solicitor’s Office to meet with the various departments and Ward Councilors to decide the disposition of city-owned property with emphasis on lots with buildings.

Request Her Honor the Mayor to appoint the Lynn Housing and Neighborhood Development (LHAND) as the Property Manager

REPORT ACCEPTED.

NEW BUSINESS:

Discussion with Representatives from the Mayo Group re: 137 Broad Street, Lynn
Jody Harrah from the Mayo Group was present.

Motion made by Councillor Colucci and seconded by Councillor Capano to adjourn.

Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.

A True Copy Attest:

CITY CLERK