

**STUDENT GOVERNMENT AGENDA FOR THE WAYS AND MEANS COMMITTEE
TUESDAY, APRIL 24, 2012
COUNCIL ORDERS, RECOMMENDATION & REQUESTS
6:30 P.M.-ROOM 402**

Council Orders:

- 1. Councilor Tran: Recommends that the Lynn City Council set down for Public Hearing a proposed Ordinance for a teen Social Club.**

SECTION 1:00 Definitions.

Establishment which provides entertainment or social activities primarily to teenagers of the ages restricted by the City of Lynn Curfew Ordinance of the City of Lynn regardless of whether such establishment is conducted, operated or maintained for a profit; "teen social club" does not include movie theaters, amusement parks or a sporting event or facility.

(b) "Advertise" shall mean promotional signs on the premises, off-premise signs and any written, live, For the purposes of this Ordinance, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by context:

(a) "Teen social club" shall mean any business establishment which advertises itself, holds itself out to the public as, or is operated primarily as a "Teen Club", "Teen Dance Club", and/or any businessvideotaped or audiotaped promotional presentations for the business establishment which feature or promote the attendance of teenagers.

(c) "Alcoholic beverages" shall mean beer or other beverages of like alcoholic content regulated by M.G.L. c. 148.

(d) "Curfew Ordinance" shall mean City of Lynn Municipal Code, Chapter 9.28.

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(b) "Advertise" shall mean promotional signs on the premises, off-premise signs and any written, live, videotaped or audiotaped promotional presentations for the business establishment which feature or promote the attendance of teenagers.

(c) "Alcoholic beverages" shall mean beer or other beverages of like alcoholic content regulated by M.G.L. c. 148.

(d) "Curfew Ordinance" shall mean City of Lynn Municipal Code, Chapter 9.28.

(e) "Entertainment and social activities" shall mean activities at establishments which feature live music for attendance by teenagers, activities at establishments which feature recorded music activities attended by teenagers, and activities at establishments which provide dancing activities for teenagers.

(f) "Licensed premises" shall include the building or facility in which the teen social club is located and any parking area provided by the establishment for its patrons.

(g) "Teenager" shall mean a person age thirteen up to age eighteen.

SECTION 2:00 License Application

Any teen social club located within the City of Lynn shall obtain a license for continued business operation from the Lynn City Council which shall be displayed in a conspicuous public place in the teen social club within 30 days after the effective date of this ordinance. Any operator of a teen social club desiring to obtain a license shall make application to the City Clerk's Office and shall

pay an annual license fee to the City of \$50.00. The failure to obtain a license pursuant to this section shall constitute a violation of this ordinance and is subject to the civil penalties in the amount of three hundred (\$300.00) dollars).

SECTION 3:00 **Location restrictions.**

No part of the licensed premises of a teen social club operating within the City of Lynn shall be located within five hundred feet (500') of the nearest property line of any property on which alcoholic beverages are served.

SECTION 4:00 **Revocation of license or permit.**

- (a) The Lynn City Council shall revoke a license granted to any teen social club for any of the following reasons:
- (1) The operator, or any employee of the operator, violates any provision of this Article, provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the City Council shall find that the operator had no actual or constructive notice of such violation and could not, by the exercise of due diligence, have had such actual or constructive knowledge.
 - (2) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.
 - (3) Any operator allows continuing violations of the rules and regulations of the City of Lynn Health Department.
 - (4) More than five violations of the Curfew Ordinance occur on the licensed premises in a twelve-month period.
- (b) Before revoking or suspending the license of any teen social club, the City Council shall give written notice to the person or company in whose name such license is issued notifying such license holder of the charges against the teen social club and setting a hearing date not less than five (5) business days in advance in which the licensee may appear and be heard. The decision of the City Council shall be final.

SECTION 5:00 **Hours of Operation; Inspection by Police Department.**

(a) Teen social clubs shall be closed between the hours of eleven o'clock (11:00) p.m. to six o'clock (6:00) a.m. provided that on Friday and Saturday nights such clubs may remain open until twelve o'clock (12:00) midnight, and provided further that on Sunday mornings such clubs shall be closed until twelve o'clock (12:00) noon.

(b) Teen social clubs shall be open to inspection at all reasonable times by any officer of the City of Lynn Police Department.

SECTION 6:00 Responsibilities of Operators; exemptions; identification of minors.

(a) No teen social club within the City of Lynn shall allow a teenager under the age of 16 years to enter the licensed premises during any hours in violation of the Curfew Ordinance.

(b) No teen social club within the City of Lynn shall allow any teenager under the age of 16 years to remain on the licensed premises during any hours in violation of the Curfew Ordinance.

(c) All teen social clubs shall post in a visible location at the entrance and inside the establishment upon signage approved by the Chief of Police the applicable curfew hours for teenagers as specified by the Curfew Ordinance.

(d) All operators of teen social clubs shall be personally responsible and vicariously liable without proof of intent for any violations of the Curfew Ordinance occurring during any hours of operation during which teenagers would be prohibited from being present on the licensed premises under the provisions of the Curfew Ordinance.

(e) The following are exceptions to the operation of the Curfew Ordinance:

(1) At any time if a minor is accompanied by such minor's parent or legal guardian;

(2) When accompanied by a person age eighteen (18) or over authorized by a parent or guardian of such minor to

take such parent or guardian's place in accompanying the minor for a designated period of time and purpose within a specified area;

(3) If the minor is legally employed for the period from forty-five (45) minutes before to forty-five (45) minutes after work while going directly between the minor's home and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in a course of the minor's employment. To come within this exception, the minor must be carrying written evidence of employment which is issued by the employer;

(4) When returning home by direct route from and within thirty (30) minutes of the termination of a school activity or an activity of a religious organization or a place of entertainment open to the public at large such as a movie, play or sporting event. This exception shall not apply beyond one o'clock (1:00) a.m.

(5) In the case of reasonable necessity, but only after such minor's parent has previously communicated to law enforcement personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose, including place or origin and destination. A copy of such communication, or the record thereof, an appropriate notation of the time it was received and of the names and addresses of such parent or guardian and minor constitute evidence of qualification under this exception;

(6) When exercising freedom of religion or freedom of speech, provided that the minor shall have shown evidence of the good faith of such exercise and provided notice to the City by previously delivering to the Chief of Police a written communication signed by such minor with the minor's home address and telephone number, specifying when, where and in what manner the minor will be on the streets at night during hours when the curfew is still otherwise applicable to the minor in the exercise of the minor's rights specified in such communication.

(f) Each teen social club operator shall be required at all times to identify by wristband any individuals on the licensed premises under the age of sixteen (16) years. Photo identification shall be required of all minors under the age of sixteen (16) years admitted into a teen social club and an entry log shall be kept of the information contained within the photo identification, including the name, age and birth

date of all patrons under the age of sixteen (16) years. Such log shall be provided to any officer of the Lynn Police Department upon request.

SECTION 7:00 Inconsistent ordinances

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

SECTION 8:00 Time of Taking Effect

This ordinance shall take effect thirty-one (31) days after its final adoption as advertised. (HONG)

2. **Councilor Arguello:** Order that the City of Lynn provide funding to the Lynn Public Schools for the implementation of a voluntary school uniform program throughout the middle and high schools. (CAHILL)

3. **Councilor Kurpiel:** Recommends the Director of the Office of Economic and Community Development look into the feasibility of hosting a free Concert at Manning Field for the youth of Lynn. (CAPANO)

4. **Councilor Culp:** Ordered that all city of Lynn elected officials, including the Mayor, City Council, School Committee, State Senator and State Representatives be subject to random drug testing annually, conducted by the city health department and appropriate medical personnel, and if any elected official fail said test for illegal drugs they shall immediately be removed from their elected position. (PHELAN)

5. **Councilor Gonzalez:** Recommends that the Lynn City Council set down for Public Hearing a proposed Ordinance regulating Satellite Dishes in the City of Lynn:
SECTION 1:00
Satellite dish providers must identify all terminated accounts and with permission from the property owner remove the non functioning dishes.
SECTION 2:00
Any new or replacement satellite dishes must be installed on the roof of the building or house where possible and permitted by the property owner.
SECTION 3:00
For any structures where the roof installation is not permitted or possible, the satellite dishes must be installed in an organized manner, preferably on the side of the property, with the intent to limit any aesthetic distractions for the neighborhood. These

standards are to be determined by the executive director of the Inspectional Services Department.

SECTION 4:00

The City of Lynn Department of Inspectional Services shall be the enforcing authority for the provisions of this Ordinance.

SECTION 5:00

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

SECTION 6:00

This ordinance shall take effect thirty-one (31) days after its final adoption as advertised. (CRIGHTON)

6. **Councilor Newton:** Recommends that all youth groups requesting “canning” privileges be required to provide community service by cleaning up the city’s parks and playgrounds under the direction of the Department of Public Works (TRAHANT)
7. **Councilor Snyder:** Recommends that the City contact the Banks and Mortgage Companies that own vacant abandoned properties after one year to work with the City to repair the property in order that the City can sell the property to recoup some of the City’s losses. (CYR)
8. **Councilor Stanton:** Recommends that the Director of the Parks and Recreation Program work in conjunction with the Lynn Police Department to include a presentation on bullying in the Parks and Recreation Summer Program. (BARTON)
9. **Councilor Lim:** Recommends that the Lynn School Department look into the feasibility of opening the school gyms after school for the students. (FORD)
10. **Councilor Bui:** Recommends that all students in the Lynn Public Schools be required to wear their school name on their shirts. (COLUCCI)
11. **Councilor Worthylake:** Require that any non-profit seeking Community Development funding/grant, be properly and lawfully registered and up to date with filing requirements of the Secretary of State's Office and Attorney General's Office. (LOZZI)