

IN THE YEAR ONE THOUSAND NINE HUNDRED NINETY EIGHT AN ORDINANCE DEFINING THE APPLICATION PROCESS, REVIEW AND ISSUANCE OF PERMITS BY THE DEPARTMENT OF PUBLIC WORKS IN THE CITY OF LYNN

Be it Ordained by the City Council of the City of *Lynn* and by the authority of the same as follows, to wit:-

SECTION 1. An Ordinance defining the application process, review and issuance of permits by the Department of Public Works to conduct work in public places in the City of Lynn is hereby established, and said ordinance shall provide as follows:

ACTIVITIES REQUIRING A PERMIT

A street opening permit must be obtained by any person or persons proposing to obstruct, excavate, or perform construction in a public place, including on or under any public road, way, place, alley, square, plaza, park, sidewalk, waterway owned or any similar public property owned, controlled, or maintained by the City of Lynn and dedicated to public use. This shall include any work done to, in or under any street, sidewalk, water, sewer, or drainage system in Lynn. Obstruction of any street or sidewalk for the maintenance, demolition, or construction of any building or structure shall require a street opening permit. Construction of a driveway to access any public way or removal of a street tree shall also require a street opening permit.

SECTION 2. DEFINITIONS

"Excavation" shall mean any opening in the surface of a public place made in any manner whatsoever, except an opening in a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent opening without injury or damage to the public place.

"Public Place" shall mean any public street, way, place, alley, sidewalk, park,



CITY OF LYNN

In City Council

square, plaza, or any other similar public property owned, controlled, or maintained by the City and dedicated to public use.

"City" shall mean the City of Lynn and/or its Commissioner of the Department of Public Works.

"Commissioner" shall mean the Commissioner of the Department of Public Works or his designee.

"Substructure" shall mean any pipe, conduit, tunnel, duct, manhole, vault, buried cable, or wire, or any other similar structure located below the surface of any public place.

"Facility" shall mean any pipe, pipeline stub, main, service, trap, vent, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, or any other material, structure, or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed left, placed or maintained in, upon, along, across, under, or over any public place.

"Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

"Standard Specification (s)" shall mean the Massachusetts Highway Department's Standard Specifications for the Construction of Roadways and Bridges, as amended.

"Utility" shall mean a private company, corporation, or quasi-municipal corporation under the direction and control of the Department of Public Utilities.

"Newly Constructed, Reconstructed or Repaved Street" shall mean any street which has been newly constructed, reconstructed, or repaved within the past five (5) years.



CITY OF LYNN

In City Council

SECTION 3. PERMIT APPLICATION

An application for permit to conduct an excavation or perform maintenance on existing facilities within a public place must be filed with the City of Lynn before preliminary investigation will be made for permit issue. Standard application forms for a permit may be secured from the Lynn Department of Public Works. Each application form shall be completely filled in, signed, and delivered to the Lynn Department of Public Works. Additional information related to the purpose of the permit and the proposed location of work and shall be provided with the permit application to the extent determined necessary by the Commissioner. Work determined to be of a major scope, as determined by the Commissioner, plans prepared by a Professional Engineer shall be submitted, in duplicate, with the permit application

The Applicant will be required to disclose the methods and materials proposed to be used. In the event the Applicant discovers that additional work or repairs not designated in the original permit must be done in the same location, the Applicant shall make an additional application to the City of Lynn for a permit to authorize the additional work in the same manner as the first permit. A determination shall be made by the Commissioner if the additional work shall require an additional permit to be issued or shall be treated as an amendment to the original permit. The Applicant shall be responsible for payment of all additional fees related to the additional work at the time of the determination.

This permit is issued and accepted on the condition that the person accepting it shall not disturb nor interfere with any conduits, culverts, covers, pipes, drains, storm drains, catch basins, hydrants, or pumping stations belonging to the City or the Lynn Water & Sewer Commission used in the laying out* construction, maintenance j or operation of the water, sewer and drainage systems or any water, sewer or drainage project and shall not interfere with the repair, relocation and flowage of said system nor shall reimbursement be required for any cost of relocation or removal of tracks, conduits, pipes, wires or poles or other property located in the public way or domain of the City or the Lynn Water & Sewer Commission which so interfere.



CITY OF LYNN

In City Council

A. Rejection of Application

1) When it appears that the work called for in an application would not conform to City regulation or cause substantial or needless damage to a highway, or create excessive disturbances to traffic or exceptionally dangerous conditions not commensurate with the benefits to the Applicant, the request for a permit shall be denied.

2) The Commissioner may refuse to issue a permit to any person, company, or utility when, in his opinion, work performed under a permit previously issued to the Applicant has not been properly executed, or when said Applicant has failed to reimburse the City for recoverable charges billed under terms governing a previous permit.

SECTION 4. BOND REQUIREMENTS

Prior to the issuance of a permit, the Applicant shall deposit with the City a Bond in an amount and form as shall be determined by the City of Lynn. Subject to the minimum amounts stated below, the bond amount may be established separately for each permit so that the City will be protected against loss in the event of the failure of the permit holder to complete the work or to reimburse the City for restoration involving the work or encroachment authorized by the permit.

The amount of Bond shall be computed on the basis of cost required to make proper restoration or repairs. An annual blanket bond, 'acceptable to the' Commissioner, may be deposited to avoid the inconvenience and expense of obtaining individual bonds for each permit requested. The cash bond shall be released to the applicant upon completion of the active construction authorized by the pen-nit. The Street Permit Bond shall be released to the permit holder upon the expiration of the guarantee period^ The guarantee period shall be for a period of three (3) years following the placement of the permanent patch. During the guarantee period, the Applicant shall be responsible for the restoration, repair, and maintenance of his work.



CITY OF LYNN

In City Council _____ 19

A. Minimum Bond Amounts:

Cash Bond - Certified Checker \$1,000.00 Payable to the City of Lynn, returnable after job has been completed to satisfaction of the city.

Street Permit Bond \$5,000.00 in the name of the City of Lynn

SECTIONS. **INSURANCE REQUIREMENTS**

Prior to the issuance of the permit, an applicant for a permit to work within a public place shall furnish to the City certificates of minimum insurance including automobile, property damage liability, bodily injury liability, and workmen's compensation insurance in the amounts determined by the City of Lynn. Insurance coverage shall be reviewed and updated periodically. These certificates shall contain g. provision that the insurance company will notify the certificate holder, by registered mail, at least 15 days in advance of any cancellation or material change.

SECTION 6. **FEES**

The Department of Public Works shall levy charges and fees as determined by the City of Lynn.

A. Administrative Processing Fee: A \$50.00 administrative fee* non refundable, is required for each permit requested, Fee is payable to the City of Lynn Department of Public Works.

B. Unless otherwise exempted, an inspection fee will be charged for all street openings. The inspection fee will be determined by the area of the proposed excavation and will be remitted at the time the permit application is filed. Subsequent to completion of work, the inspection fee will be adjusted based upon the actual area of excavation and fees remitted prior to the release of the performance bond. Inspection fees are as follows:



CITY OF LYNN

In City Council _____: _____ 19

■ ■ Inspection and Maintenance fee for
Excavations up to 1 00 s. f in area \$150.00

Each additional 100 s.f. or portion thereof \$ 50.00

Inspection and Maintenance fee for Soil
Borings and Small Holes \$25.00

The inspection fee for soil borings and small holes may be modified and/or combined should a number of the borings/holes be located closely together as determined by the Commissioner.

SECTION 7. ISSUANCE OF PERMIT

A permit shall be issued:

- A. After completion of all aspects of the application for permit.
- B. Upon receipt of bonds and insurance in the correct amounts; and approval of said bonds and insurance by the City Solicitor.
- C. After payment of all applicable fees, as required.
- D. Approved permits will be issued by the Department of Public Works within five (5) full working days after the application for a permit has been received in good order. A permit must be signed by the Commissioner, or his designee, before it becomes valid.
- E. The term of a permit is to be determined by the Commissioner, or his designee. Permits shall be issued for a time period not to exceed ninety (90) days; however, all permits will expire on November 15th



CITY OF LYNN

In City Council

F. The Applicant is forbidden to commence work until the above mentioned items have been completed, and the Applicant has notified the Engineer's Department at least twenty-four (24) hours in advance of the exact date and hour he proposes to begin work.

SECTION 8. EMERGENCY PERMITS

Nothing in this ordinance shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property, provided that the person making such excavation shall apply to the City for such permit on the first working day after such work is commenced. Before any excavation work is started, the person or utility excavating must contact all utilities and the City for on the spot locations.

SECTION 9. REVOCATION OF PERMITS

Any permit issued by the City of Lynn is revocable immediately upon written notification to the Applicant.

SECTION 10. DISPLAY OF PERMITS

A copy of the Permit shall be at the job site at all times for inspection by local Department of Public Works personnel, police, and other interested persons. To be valid, the permit must show the effective and expiration dates and must be signed by the Commissioner or his designee. This regulation shall apply to subcontractors performing work on behalf of the Applicant.

SECTION 11. EXTENSION OF TIME

All required work shall be completed in a manner satisfactory to the City before the expiration date shown on the permit except in cases where permanent repairs, such as loaming and seeding, must be made at a future date. Otherwise, the permit holder shall make written request to the City to allow for an extension of time. An extension of time may be granted at the discretion of the Commissioner



CITY OF LYNN

In City Council _____ 19

upon written request by the Applicant stating the reason(s) for the request.

SECTION 12. ADHERENCE TO PERMIT MANUAL

All work performed under permit shall be in line with the standard Department of Public Works of the City of Lynn specifications, requirements or rules, including but not limited to those requirements set forth in the "Permit Manual" on file in the office of the Commissioner of the Department of Public Works. The Commissioner shall be authorized to revise this manual and to determine the procedures for permit application, conditions of performing work in a public place, methods of construction/reconstruction and other relevant terms of a permit not addressed within the Permit Manual and not inconsistent with this ordinance.

SECTION 13. INSPECTIONS

The City shall make such inspections as are reasonably necessary in the enforcement of these regulations. The City shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary.

SECTION 14. DRIVEWAY OPENING

The approval of a permit application For driveway construction shall be contingent on the following conditions:

- a. That the driveway opening approval shall be used strictly to provide access to adjoining property and not for the purpose of parking or servicing vehicles within the City right-of-way.
- b. The driveway shall be constructed in accordance with standard details and specifications for driveway openings and such changes as may be necessary to fit a particular condition. There shall be no charge to homeowners for curb cuts, where there is an existing driveway or house.

CITY OF LYNN

In City Council _____ 19

Existing driveway openings fronting the property and which will not be in use shall be reconstructed to a normal sidewalk and curb cross section where such sidewalk and curb exists.

No more than one combination entrance and exit shall be allowed for any property the frontage of which is less than sixty (60') feet. Parcels having a frontage from sixty (60') feet to; one-hundred (100') feet will be permitted two (2) entrances if a minimum of ten (10') feet is used as a channelizing island. Driveway layouts for lots with a frontage greater than one hundred (100') feet for which more than two (2) entrances are requested shall be reviewed separately by the Commissioner and a decision made based on the circumstances of each case. Driveways shall not have a greater width than thirty (30') feet (not including splays).

The driveway within the limits of the City right-of-way shall slope towards the gutters.

Gutters or drainage channels shall not be altered or impeded in any way. Whereas driveway shall cross an open channel, the Applicant shall provide suitable drainage structures as determined by the Commissioner.

When existing sidewalk or curbing has to be removed to construct a driveway, such sidewalk or curbing SHALL BE REMOVED to its full depth and to formed joints. The breaking and removal of parts of sidewalk slabs or parts of curbing will not be permitted. All curbing removed is the property of the City of Lynn and must be returned to the City's storage yard. New sidewalks and curbs shall be constructed with materials consistent with that of the adjoining sidewalk and curb area.

Under unusual circumstances as decided by the Commissioner, the above regulations may be varied.



CITY OF LYNN

In City Council

- i. If, in the opinion of the Commissioner, a proposed driveway will jeopardize public safety, the request may be denied.

PENALTY

Any person, firm, or corporation who violates any of the regulations of this ordinance or the Permit Manual, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than \$200.00. Each day such violation continues shall constitute a separate offense:

If the work, or any part thereof, mentioned in the preceding sections or Permit Manual, shall be unskillfully or improperly done, the City shall cause the same to be skillfully and properly done, and shall keep an account of the expense thereof, and, in such case, such person or utility shall pay the City an amount equal to the whole of said expense incurred by said City with an additional amount of 50% to cover indirect costs. Thereafter, upon completion of the work and the determination of the costs thereof, the City shall issue no further permits to any person or utility until it shall receive payment of said costs.

Any person or utility who continues to violate any regulation of this ordinance or the Permit Manual shall receive no further permits until such time as the City is satisfied that the person or utility shall comply with the terms of this manual.

SECTION 15. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 16. This ordinance shall take effect thirty-one days after its final approval as adopted and advertised.