

Number: 2000-01

Date: January 11, 2000

Subject:

INSPECTION REQUEST AND PAYMENT FOR OFF HOURS

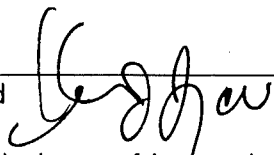
Determination:

Effective immediately all third party billing for inspections during non-working hours will be by the attached agreement. The following procedure is to be implemented:

- 1) The request for an overtime inspection must be approved by a supervisor prior to payment.
- 2) The applicant will provide payment of \$200.00 to the cashier for acknowledgment of payment by stamp on the agreement form.
- 3) The supervisor will sign for final authorization and assignment.

The applicant also agrees to pay for additional cost over-time (over 4 hours) if required. That billing will be performed by the Personnel Department.

Signed



Commissioner of Inspectional Services Department

Number: 2000-1

Date: January 11, 2000

Revised January 27, 2000

Subject:

PROCEDURE FOR OFF HOURS INSPECTION REQUESTS AND
THIRD PARTY BILLING.

Determination:

Effective immediately a fee of \$200.00 shall be paid to the Inspectional Services Department prior to scheduling inspections to be performed during non-working hours. In addition, the applicant shall pay any additional cost for overtime if the off hour inspection exceeds four (4) hours.

The following procedure is to be followed in arranging for off-hour inspections:

- 1) The request for the off hour inspection, first must be approved by a supervisor.
- 2) The applicant completes an "Off Hour Inspection Request Form" copy attached and pays \$200.00 to the Personnel Division. The Inspectional Services Department cashier shall acknowledge payment by perforating the form.
- 3) The Supervisor will sign for final authorization and shall then schedule the off hour inspection.

Any additional billing shall be performed by the Human Resources Division.

Signed: 
Commissioner
Inspectional Services Department



Thomas M. Menino
Mayor

Boston Inspectional Services

OFF HOUR INSPECTION REQUEST

As a condition to scheduling off hour inspections, the Boston Inspectional Services Department requires an initial payment of \$200.00 from the person requesting the off hour inspection. If the off hour inspection exceeds four hours, the applicant agrees to pay any additional costs associated with the inspection to the Boston Inspectional Services Department upon receipt of an invoice from the Boston Inspectional Services Department.

Instructions: Applicants please complete section I below. Section II is to be completed by ISD.

I. Application Information - Inspection Request

Date of This Request: _____

Applicants Name: _____
(Person to be contacted by ISD)

Billing Address: _____
No. Street City State Zip

Phone Number: () _____
(Phone number to be contacted by ISD)

Requested Inspection Date: _____

Location of Requested Inspection: _____
No. Street City State Zip

Permit Number: _____ Division: _____

Applicants Signature: _____

Print Name: _____

II. Request Approved: Yes No

Supervisor: _____

Print Name: _____

Human Resources Approval: _____ Amount: \$ _____

Payment Received: Yes No Date: _____

INSPECTION REQUEST AND PAYMENT FOR OFF HOURS

Date: _____

Name: _____

Home Address: _____

D/B/A: _____

Address: _____

Phone Number: (Home) _____ **(Business)** _____

REASON FOR THIS REQUEST: _____

Kevin J. Joyce, Commissioner of Inspectional Services
1010 Massachusetts Avenue, Boston, MA 02118

Dear Commissioner Joyce:

I, _____ of the above establishment request a **Building, Health, Gas, Plumbing, Electrical Inspection, and Weights & Measures, (circle one).**

(Inspection Location) **(Date)**

at: _____
(Time)

I agree to pay costs for this inspection to the City of Boston. Total now due is \$200.00. However, if the inspection exceeds four hours, I understand that a supplemental bill will be due which will be equal to the inspector's hourly rate for overtime for each additional hour.

(Signature) **(Printed Name)**
PLEASE BRING THIS FORM TO THE CASHIER FOR PAYMENT STAMP
PRIOR TO FINAL AUTHORIZATION. _____ **(Initials)**

ISD staff authorizing inspection: _____
1/4/00

Number: 2000-02

Page 1 of 2

Date: February 24, 2000

Subject:

MODIFYING THE PRACTICE OF WRITING "RIGHT OF ENTRY" VIOLATIONS

Purpose:

"RIGHT OF ENTRY" POLICY

Determination:

1. Commissioner's Bulletin 99-05 instructs BISD inspectors that they may not conduct inspections of private residences unless the inspector has obtained written consent from the occupant/owner, or has obtained an administrative search warrant for the premises, or the inspection is in conjunction with an issued building permit. Inspections under issued permits should be scheduled through BISD.
2. If an inspector wants to inspect a site and the owner/occupant is not present to consent, or if consent is refused, then the inspector must obtain an administrative search warrant prior to conducting the inspection. This practice is consistent with the requirements of both the State Sanitary Code and State Building Code.
3. If there is no one present at the site, the inspectors may leave a notice announcing that they were there and requesting that the owner/occupant call to schedule the inspection. Inspectors should not write violations when an occupant refuses to allow the inspector onto the premises prior to the inspector obtaining an administrative search warrant. Inspectors should not write violations if an occupant is not home to allow entry.
4. If the person on the premises denies access, inspectors are required to follow the procedures stated in Commissioner's Bulletin 99-05 for obtaining an administrative search warrant. Attached is an approved form to assist inspectors with obtaining an administrative search warrant.

Number: 2000-02

Page 2 of 2

Date: February 24, 2000

5. This bulletin is effective immediately.

Signed: 
Commissioner 2.24.00
Inspectional Services Department

Request for Administrative Search Warrant

1. For what address are you requesting a warrant?

Number _____

Street _____

City _____

2. Did the owner/occupant refuse, impede, interfere with, restrict or obstruct entry and free access to any part of the structure?

Yes _____ Complete the rest of #2 and omit #3.

No _____ Go to Question #3.

Date _____ Time _____

If so, how?

3. If access was not denied but no one was present to consent to the inspection how many attempts were made to gain access?

Number of attempts _____

Date _____ Time _____

Date _____ Time _____

Date _____ Time _____

4. Please describe any additional circumstances surrounding your attempt(s) to gain access that you feel is necessary.

Name of Inspector Requesting Warrant _____

Extension _____

Number: 2000-03

Page 1 of 2

Date: March 29, 2000

Subject:BOSTON ZONING CODE ARTICLE 2 § 24 DEFINITION OF HOTEL

Purpose:

To ensure the consistent application of the Boston Zoning Code definition of hotel among all divisions of this department when reviewing applications or inspecting premises in connection with building permits, certificates of use and occupancy, or any other related matter.

Determination:

1. Boston Inspectional Services Department employees are to use the following zoning code definition and relevant criteria when classifying an establishment as a hotel.
2. For the purposes of applying the definition of the word "hotel" contained in the Boston Zoning Code, art. 2, §24 (1997), a hotel is a building (other than a dormitory) which:
 - a) contains four or more apartments without kitchens;
 - OR**
 - b) which contains sleeping accommodations for ten or more persons, which serves primarily as the *temporary abode of persons who have their residences elsewhere*.
3. When applying the phrase "temporary abode of persons who have their residences elsewhere", employees shall use the following criteria in making their determinations: **1)** the stay of guests is temporary and guests have a permanent place of abode elsewhere; **2)** whether there is a fixed rate of room and related charges per day; **3)** whether the facility maintains a guest register; **4)** whether there is an office and lobby; **5)** whether there is a parlor or common area for the use of guests; **6)** whether the building is held open to the public generally, i.e. advertises in publications as a hotel or other place offering accommodation for the public; and/or **7)** whether the facility applies the Massachusetts 12.45% room tax.
4. The Boston Inspectional Services Department shall classify as a hotel any building which meets the definition contained in paragraph 2 AND meets some or all of the criteria outlined in paragraph 3. Although a building may reserve a portion of units for permanent lodging, if the dominant character of the building is for temporary use the Boston Inspectional Services Department shall classify the building as a hotel.¹ This policy is consistent with the legal standards of relevant Massachusetts case law.

¹ See, *Selvetti v. Building Inspector of Revere*, 353 Mass. 645, 648 (1968).

Number: 2000-03

Page 2 of 2

Date: March 29, 2000

5. The above bulletin is effective immediately.

Signed:

Commissioner

Boston Inspectional Services Department

Number: 2000-04**Page 1 of 2****Date:** March 29, 2000

Subject:**ADMINISTRATIVE PROCEDURE FOR ANSWERING REQUEST FOR PUBLIC DOCUMENTS**

Purpose:

By law, members of the public are entitled to receive copies of or access to public records. The policy contained in this Commissioner's Bulletin is established to ensure that Boston Inspectional Services Department (BISD) effectively and consistently complies with the requirements of the Massachusetts Public Records Law, G.L. c. 66 § 10, which provides access to governmental records to members of the public.

Determination:

1. The public records law is administered by the Secretary of State, who has issued guidelines for compliance with the law. The guidelines contained in this Commissioner's Bulletin comply with the guidelines published by the Secretary of State.
2. The public records law presumes that all records and documents in possession of a governmental agency are public. Although there are exceptions to this general principle, the public records law permits government agencies to redact exempt information so they can comply with the law.
3. To comply with the public records law effectively and ensure consistency among divisions in answering requests for records, the following procedures are established:
 - a) The administrator of the document room is hereby designated the General Keeper of Records for the entire department. Each division in ISD shall appoint a designated Division's Keeper of Records who will be responsible for collecting records within that division. The General Keeper of Records is authorized to appoint Deputy General Keepers of Records. All such designations shall be posted in the document room for public viewing. The General Keeper of Records shall oversee the processing of all record requests, including, but not limited to, the gathering of record requests by individual divisions. The document room shall serve as a central location in the department where members of the public will be able to schedule appointments, view records, and pick up requested copies.
 - b) A member of the public may request to copy and view the records. Requests may be either oral (in person or by telephone) or written (fax or letter).
 - c) In order to expedite the request process, members of the public are asked to complete a public records request form. The purpose of this form is to assist BISD in assembling the

Number: 2000-04**Page 2 of 2****Date:** March 29, 2000

requested records and to inform the person making the request of both the costs associated with fulfilling requests and of the required response time. The person requesting a record is not legally required to provide his or her name or address on the request form. Therefore, employees shall complete the form in all circumstances where the member of the public either withholds name and address or requests a document by telephone.

- d) Upon receipt of request or letter all public records requests shall be honored within ten calendar days. Requested documents must be assembled and ready for delivery or appointments to view documents must be scheduled within the allotted ten-day period.
 - e) If the BISD employee responsible for completing public records requests believes that the records requested, or portions thereof, are not public, he or she shall consult his/her supervisor. The supervisor shall consult with the Legal Division of this department to determine whether the requested records may be released. If it is determined that the requested records are not public records as defined by G.L. c. 66, § 10, then the General Keeper of Records shall notify the person requesting the records within ten days of the receipt date of the records request. This notification shall be in writing and contain the specific legal reasons why the requested documents will not be released.
 - f) Pursuant to the Code of Massachusetts Regulations Title 950 § 32.06 (2), if the estimated cost of copying and locating the records is greater than \$10, the person requesting the records shall be contacted, where possible, and informed of the expected cost.
 - g) Copied records may be picked up in person or mailed to the petitioner upon receipt of payment.
4. Attached to this bulletin are copies of the approved public records request form.
 5. The above policy is effective immediately.

Signed: 
Commissioner
Inspectional Services Department

BOSTON INSPECTIONAL SERVICES DEPARTMENT

PUBLIC RECORD COPY REQUEST

LOCATION OF RECORD(S)	
Division	Section / Branch

USE TYPE OR PRINT FIRMLY - YOU ARE MAKING 2 COPIES.

RECORD(S) REQUESTED (Identify by title, control number, date, description)

OPTIONAL	REQUEST MADE BY:		
	Name of requestor	Daytime telephone number	
	Address (if records are to be mailed):		
	Date / time of request	Date / time filed	Request filed by (name and title)

STANDARD SIZE (8 1/2" X 11" OR 8 1/2" X 14")	
copy fee	\$
No. of copies made	x
TOTAL CHARGE	\$

IF REQUEST IS NOT FILLED, STATE REASON (i.e., confidential by statute, etc.)		
		Signature
		Title
		Date

BOSTON INSPECTIONAL SERVICES DEPARTMENT

PUBLIC RECORD COPY REQUEST

LOCATION OF RECORD(S)	
Division	Section / Branch

PLEASE TYPE OR PRINT FIRMLY - YOU ARE MAKING 2 COPIES.

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	Name of requestor	Daytime telephone number	
	Address (if records are to be mailed):		
	time of request	Date / time filed	Request filed by (name and title)

STANDARD SIZE (8 1/2" X 11" OR 8 1/2" X 14")	
copy fee	\$
No. of copies made	x
TOTAL CHARGE	\$

IF REQUEST IS NOT FILLED, STATE REASON (i.e., confidential by statute, etc.)		
		Signature
		Title
		Date

MEMORANDUM

TO: Dion Irish, Acting Assistant Commissioner of Housing

FROM: Brigid Kenny, General Keeper of Records

CC: Kevin Joyce, Commissioner

DATE: February 28, 2002

RE: **Administrative procedures for answering requests for public records**

In compliance with Commissioner's Bulletin 2000-04, which designates me as the General Keeper of Records for the department, I hereby designate the administrative support staff of the Housing Division to be my deputy keepers of records.

As deputy keepers of record they are responsible for receiving requests for records for Housing Division files, they are responsible for collecting said records within your Division and fulfilling these requests in accordance with Commissioner's Bulletin 2000-04.

In cases where members of the public wish to view documents from the Housing Division, the document room is to be used to accommodate such viewing requests.

Please have your administrative support staff members familiarize themselves with the aforementioned Commissioner's Bulletin, which is available for their review in the document room, and on the City of Boston Web Site, as are all Commissioners' Bulletins.

Number: 2000-5

PAGE 1 OF 1

Date: May 1, 2000

Subject:

INTERIM PROCEDURES FOR ISSUING BUILDING PERMITS FOR WORK
REQUIRING G-12 LICENSES

Determination:

The City of Boston Board of Examiners is presently reviewing its criteria for accepting applications for G-12 licenses.

Pending conclusion of review the following procedure is established for issuing building permits in the interim:

1. The Board of Examiners will accept and file all applications tendered for G-12 licenses.
2. The Boston Inspectional Services Department shall issue building permits for G-12 work provided that:
 - A. The applicant has an application for a G-12 license on file with the Board of Examiners and ;
 - B. The applicant is deemed qualified to undertake the proposed work by the building official.
3. This policy is effective immediately, and shall automatically terminate without notice at the end of thirty days from the date of this bulletin unless it is extended in writing.

Signed: 
Commissioner
Inspectional Services Department

Number: 2000-6
Date: May 23, 2000

Page 1 of 1

Subject:

BOSTON ZONING CODE ARTICLE 2, § 44 AND ARTICLE 2A;
DEFINITION OF "STREET"

Purpose: To ensure the consistent application of the Boston Zoning Code definition of "street" and its applicability to private ways when reviewing applications for building permits.

Determinations:

1. ISD employees are to use the following Zoning Code definition and interpretation when determining if a private way is a "street."
2. For the purposes of applying the definition of the word "street," the Boston Zoning Code, Article 2, § 44 and Article 2A both define "street" as: a public way, alley, lane, court, sidewalk and such parts of public squares and public places as form traveled (sic) parts of highways.
3. When determining whether a private way is a "street," employees shall reference the latest edition of "Boston's Streets, Squares, Places, Avenues, Courts and other Public Locations" as prepared by the City of Boston's Public Works Department (the "Street Directory").
4. Employees shall also determine if the private way is open and available for public passage, either paved or hardpack soil, and not designated as a "paper street." This determination shall be made by the registered Land Surveyor for the proposed project, and shall be shown on the site plans submitted for project review.

5. If a private way is listed in the Street Directory, and it is open and available for public passage, it is a "street" for the purposes of applying the definitions in Articles 2 and 2A.
6. This bulletin memorializes and is consistent with past and existing practice.


Signed:
Commissioner
Inspectional Services Department

Number: 2000-7

Page 1 of 1

Date: October 20, 2000

Subject:

PORCHES AND DECKS: DESIGN AFFIDAVITS

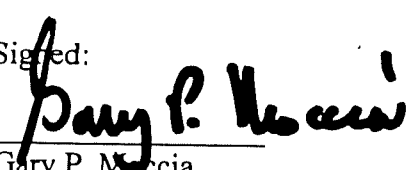
Determination

Effective immediately, pursuant to authority under Chapter One of 780 CMR, where an applicant seeks to construct a deck or porch whose height exceeds 15 feet above grade on a structure of 35,000 cubic feet or more, the following must be supplied:

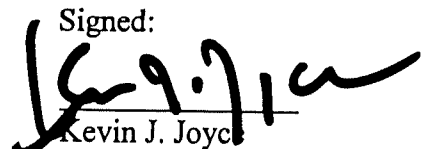
1. Two (2) copies of a structural engineer's stamped affidavit certifying that the addition of the porches (decks) design live load (in accordance with Chapter 16, Table 1606.1 = 60 psf for 1 family and 2 family, = 100 psf all other) plus the dead loads to the existing building structure are in compliance with 780 CMR 16, et seq;
2. A detail of the attachment of the deck or porch to the building structure; and
3. As per the requirements of Chapters Eighteen and Twenty Three of 780 CMR, evidence of a foundation system indicating size and depth of footings, framing plans indicating size, spacing of material and methods of attachment to existing structure.

Where in the discretion of the Inspector of Buildings public safety will be furthered, the above requirements, in part or in their entirety, may be applied to alterations or repairs of similarly situated porches or decks.

Signed:


Gary P. Muccia
Inspector of Buildings

Signed:


Kevin J. Joyce
Commissioner of ISD

Number: 2000-8

Page 1 of 1

Date: October 23, 2000

Subject:

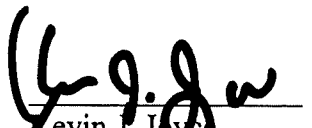
**AUTHORIZATION OF THE LEGAL DIVISION TO ACCEPT SERVICE OF
SUBPOENAS, SUMMONSES, AND LEGAL NOTICES**

Determination

Department Policy Statement 92-1 is hereby rescinded.

Effective on this date only Legal Division staff are authorized to accept service for any subpoenas, summons, and legal notices addressed to the Inspectional Services Department or to any individual employed at the Department. Any mail service of process is to be immediately directed to the Legal Division. Any process server shall be directed to go to Legal Division.

Signed:



Kevin J. Joyce
Commissioner of ISD

Signed:



Gary P. Moccia
Inspector of Buildings

Number: 2000-9
Date: October 23, 2000

Page 1 of 1

Subject:

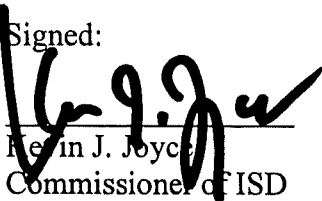
HAYMARKET FISH VENDOR DATES OF OPERATION

Purpose: To ensure the protection of the public health during the periods of high heat.

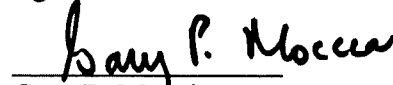
Determinations:

1. Open-air fish vendors in Haymarket will not operate from July 1 through September 1.
2. During the time periods of June 15 through July 1 and/or September 1 through September 15, open-air fish vendors may apply for a special permit.
3. The application must indicate who will be responsible and what measures will be taken to mitigate odors and spoilage during hours of operation.
4. Review and approval will be by the Commissioner of ISD or his designee.
5. Allowable dates of operation will be printed on the annual permit.

Signed:


Kevin J. Joyce
Commissioner of ISD

Signed:


Gary P. Moccia
Inspector of Buildings

Number: 2001-01

Page 1 of 1

Date: February 14, 2001

Subject: Boston Zoning Code Article 23 §1; Off-Street Parking Requirements with FAR of 6.0.

Purpose: Interim measure to ensure the consistent application of the Boston Zoning Code for off-street parking requirements when the FAR is 6.0.

The following interpretation shall be applied when determining the off-street parking requirements as noted in Article 23, §1:

Where the underlying zoning district has an FAR of 6.0, the off-street parking requirements shall be 0.3 space+.

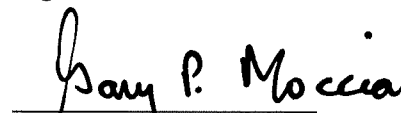
Effective immediately. Expires upon signing of relevant Amendment to the Boston Zoning Code.

Signed:



Kevin J. Joyce
Commissioner of ISD

Signed:



Gary P. Moccia
Inspector of Buildings

Number: 2001-02**Page 1 of 3****Date:** April 5, 2001**Subject:****SPECIAL OPERATIONS UNIT ESTABLISHED****Purpose:** Establishing a Special Operations Unit ("SOU") within the Investigations and Regulatory Enforcement Division of the Inspectional Services Department.**Determination:**

Increased co-operation between law enforcement and public health and safety agencies and the community requires the Inspectional Services Department ("ISD") to participate in working arrangements with these agencies. And in special circumstances such as in the aftermath of fires, sudden death and other emergency incidents the SOU is required by these agreements to respond appropriately to these requests for assistance. For this reason, the SOU is being established.

Responsibilities:

1. The SOU is hereby created and shall be located within the Investigations and Regulatory Enforcement Division of ISD. The SOU shall be under the charge of the Director of the Investigations and Regulatory Enforcement Division. The SOU shall have assigned to it personnel as needed by the Commissioner from the various divisions of ISD. Any personnel so appointed shall perform their duties in accordance with the requirements of all applicable laws, regulations, and work rules.
2. The SOU is hereby designated as this department's first responder when ISD is called to the scene of major emergency incidents by law enforcement and public safety agencies. The SOU shall assist and co-ordinate its activities at the scene of an emergency with the incident commander or such other official designated by City of Boston Ordinances and/or federal or state laws or regulations.
3. The SOU shall participate as requested in working arrangements between law enforcement and public safety agencies and shall direct all co-operative undertakings between inspectors from different divisions of ISD and these outside agencies and organizations.

Number: 2001-02

Page 2 of 3

Date: April 5, 2001

4. The Investigations and Regulatory Enforcement Division shall be notified of requests for assistance from outside agencies including Boston Police Department ("BPD"), Boston Fire Department ("BFD") and Emergency Medical Services ("EMS") by all ISD employees.
5. The SOU shall administer all special enforcement and public safety initiatives including but not limited to the Auto Shop Team, the Rooming House Enforcement Team, the Hazardous Awareness Team, Boston Emergency Management Agency ("BEMA"), Receiverships and any other co-ordinated enforcement initiatives that may be assigned to it from time to time.
6. For the purposes of BEMA's response the Inspector of Buildings or his designee is designated as the SOU's representative to BEMA.
7. The Director of the Investigations and Regulatory Enforcement Division is hereby designated as ISD's representative to the Boston Environmental Strike Team ("BEST") and shall be responsible for assisting in developing and implementing prudent enforcement policies and procedures.
8. The SOU shall coordinate ISD's efforts regarding the abatement of substandard housing units or commercial properties that are reported as nuisances in the community. The SOU shall focus its enforcement efforts to best abate problems of chronic abandoned buildings, squatters, vagrancy, fire hazards, or other illegal use of premises, which contributes to the deterioration of buildings, land and neighborhoods.
9. In conducting its activities the SOU shall adhere to and shall follow all established departmental policies and procedures for conducting inspections, vacating buildings, initiating legal proceedings and in abating conditions and aftermaths of sudden death and other conditions which may be harmful to the public health and safety. The SOU shall coordinate their actions on scene with the appropriate city departments so that the best response is accomplished.

Number: 2001-02

Page 3 of 3

Date: April 5, 2001


10. The SOU shall respond to all incidents and requests for assistance from the BPD, BFD and EMS Departments and shall take all steps that are appropriate to abate squalid conditions. Squalid conditions found in buildings and on land include but are not limited to accumulation of garbage and trash, infestations of rodents, spilling of blood and body fluids resulting from sudden death and matter from decomposing human bodies and animals. The abatement shall be after the site has been turned over to the SOU from BPD, BFD, and or EMS.
 11. The SOU shall provide assistance to effected parties by referring them to professional counseling and other services that may be warranted by the circumstances and it shall co-ordinate its activities with other agencies.
 12. The SOU shall sponsor training seminars to inform inspectors of precautions and procedures to follow when they come in contact with hazardous or squalid conditions.
 13. This Commissioner's Bulletin is effective immediately and shall remain in place unless superseded or revoked.
-

Signed:



Kevin J. Joyce
Commissioner of ISD

Signed:



Gary P. Moccia
Inspector of Buildings

Number 2001-03

Date 4-25-01

Subject: Guidelines for the enforcement of the Site Cleanliness Ordinance in the City of Boston

Purpose: The City of Boston Code (CBC) Ordinance Chapter 9. Section 9-9.8 regulates the maintenance and operation of bulk refuse containers within the City of Boston. This bulletin is issued to provide guidance for the orderly and consistent administration of this Ordinance.

Determination:


Any City official designated to enforce CBC, ord. § 9-9.8 shall follow these guidelines:

1. Enforcement of the Site Cleanliness Ordinance will be independent of, and in addition to, enforcement of any other applicable statute, regulation, by-law or ordinance.
2. Officials shall issue a written Site Cleanliness warning, citing violations of CBC, ord. § 9-9.8(1-3) for each of the first two violations within a calendar year.
3. If three written warnings are issued to any one licensee within a year, the Commissioner of Inspectional Services may, with notice to the licensee, convene an Administrative Hearing pursuant to § 9-9.8(L3). The policy of the Inspectional Services Department is to seek compliance of this Ordinance pursuant to CBC, ord. § 9-9.8 (L2.3).
4. Notice of violation shall be served to all licensees pursuant to CBC, ord. § 9-9.8(1-4).
5. A Site Cleanliness data base will be established and maintained.
6. City officials shall review the licensee's history to determine the number of existing warnings or violations and will take appropriate action under this bulletin regarding the licensee.
7. This Bulletin is effective immediately.

Signed:


Commissioner
Inspectional Services

Signed:


Deputy Commissioner
Inspectional Services

Number: 2001-4

Page 1 of 2

Date: June 14, 2001

Subject:

REQUIRED PERMITS FOR ALL SITE WORK

Purpose:

Clarifies Permitting Requirements for all site work including parking uses.

Determination:

The City of Boston Zoning Code regulates uses of property and the Building Code regulates demolition and excavation for structures. When anyone causes construction, reconstruction, demolition, or excavation, a permit is required to verify compliance with the above codes.

The Building Code 780 CMR 3310.1 requires notice of intent. The person intending to cause a demolition or an excavation shall deliver written notice of such intent to the owner of each potentially affected adjoining lot at least one week prior to commencement of work.

The Zoning Code Article 8 regulates uses of land and structures and it is the duty of the Inspectional Services Department to enforce the provisions of the code. Section 8-7 use regulations state no land or structures shall be erected, used or arranged or designed to be used, in whole or in part except in conformity with the code.

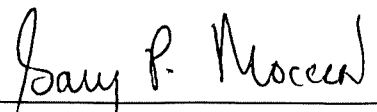
Based on the requirements of notice of intent of the Building Code and alteration of land for use in design (whole or part) of the Zoning Code, the Inspectional Services Department requires an issued permit for all site clearing including clear cuts, paving operations, tree removal and the like.

FULL DISCLOSURE FOR LAND USE OR FUTURE BUILDINGS IS REQUIRED AT TIME OF APPLICATION.

This Commissioner's Bulletin is effective immediately and shall remain in place unless superseded or revoked.



Kevin J. Joyce
Commissioner



Gary P. Moccia
Asst. Commissioner/Inspector of Blds.



Number: 2001-5**Page 1 of 2****Date:** June 28, 2001

Subject: **Guidelines for Removal of Solid Waste Containers**

Purpose: To ensure compliance with the solid waste container removal laws in Boston. These guidelines are intended to reduce the potential safety and health risks associated with leaving multiple and/or unattended dumpsters on or near a public way. These guidelines are to be applied absent a special permit from the department of Public Works or Inspectional Services Department.

Determination:

The following guidelines are adopted effective this date:

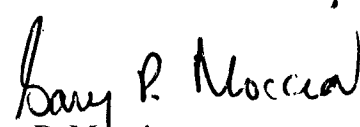
Under the authority of the City of Boston Municipal Ordinance Ch.23 §§ 2,5 and the Massachusetts State Building Code 780 CMR 106.1 and 780 CMR 111.1, the following guidelines are adopted effective this date.

1. For purposes of this bulletin, a dumpster is defined as a device used or intended for the storage of one cubic yard or more of trash, rubbish, construction debris, or the like.
2. Boston Inspectional Services shall allow the temporary placement of a dumpster in or upon any way, street, alley, or other public place within the City, while replacing a dumpster that is lawfully placed on a private lot, provided the dumpster is supervised while on or near public property and removed immediately following the replacement of the new dumpster.
3. It shall not be permissible for a waste removal company to replace a dumpster and leave the filled dumpster in or upon any way, street, alley, or other public place within the City, nor in or upon any estate within the City for removal at a later time.
4. It shall not be permissible for a waste removal company to deposit one or more dumpsters at a site in or upon any way, street, alley, or other public place within the City, nor in or upon any estate within the City that is not directly abutting the site where the waste is generated, regardless of whether there is supervision over the site.

5. It shall not be permissible for a waste removal company to place a dumpster within 20 feet of an intersection. It shall not be permissible for a waste removal company to block visibility at any location, regardless of the proximity to an intersection, that would create a safety concern for vehicular or pedestrian traffic.

Signed
Commissioner


Inspectional Services Department


Gary P. Moccia
Inspector of Buildings

Number: 2001-6**Page 1 of 2****Date:** July 3, 2001

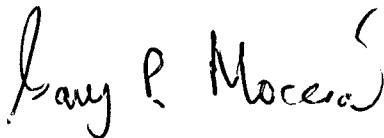
Subject: Procedures to be followed by inspectors when relocation of occupants from buildings is required.

Purpose: To establish procedures to be followed by the inspectors when relocation of occupants from buildings is required because of dangers and life threatening conditions. These procedures shall be followed by all Inspectors in all cases where relocation of tenants is required.**Determination:**

1. The inspector in charge of the scene shall make arrangements for the accommodation of the occupants to be relocated with approval from the Deputy Commissioner of Administration and Finance who shall require that all arrangements made for relocation comply with applicable procurement procedures.
2. Once relocation arrangements are made, the inspector in charge of the scene shall use reasonable efforts to locate the building owner or other responsible persons to pre-pay the accommodations which were secured, before obligating the Inspectional Services Department ("ISD")
3. In all cases where ISD is obligated from necessity to make payment for accommodating displaced occupants, it shall be the duty of the on scene inspector to file a report with the Director of Special Operations. This report shall make full disclosure of all facts material to securing accommodations and efforts made to obtain pre-payment of the legally obligated persons.
4. It shall be the duty of the Director of Special Operations to obtain reimbursement from third parties of the amount expended by the City of Boston for providing accommodations to occupants of buildings displaced by emergency and life threatening conditions, in addition, the Director of Special Operations shall check for other ISD expenditures (ie, board-up, police, or o.t. expenses) for each event to obtain reimbursement as described. The Director of Special Operations shall obtain reimbursement by:
 - a. Secure a lien for expenses of the property/building that was maintained, or
 - b. File a complaint seeking reimbursement of expenses in a court of competent jurisdiction,
 - c. From the Commonwealth of Massachusetts pursuant to the provisions of G.L.c III § 27,
 - d. In any other manner deemed appropriate and warranted by the circumstances.

5. To assist the Director of Special Operations in fulfilling the duties imposed under the bulletin, the Inspectional Services Department shall make available such staff and administration support as the Commissioner may determine.
6. The Deputy Commissioner of Administration and Finance shall assist the Director of Special Operations in the implementation of the procedures/guidelines as may be necessary to accomplish these purposes.
7. Within three months of the publication of this bulletin the Director of Special Operations and Deputy Commissioner of Administration and Finance shall train and educate all department personnel in the provisions of this bulletin.
8. This Commissioner's Bulletin is effective immediately and shall remain in place unless superseded or revoked.

Signed 
Commissioner
Inspectional Services Department


Gary P. Moccia
Inspector of Buildings

Number: 2001-7 **Page 1 of 1**

Date: July 18, 2001

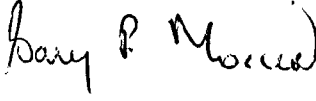
Subject: **MITIGATION OF NUISANCES AND HEALTH HAZARDS CAUSED DURING SITE WORK, DEMOLITION, EXCAVATION AND CONSTRUCTION, AS REQUIRED BY LAW.**

Purpose: Requiring Building Permit Applicants /Projects to Submit Mitigation Plans for Nuisances and Health Hazards in Connection With Their Building Permit Applications and Plans.

Determination:

1. 780 CMR § 3307 (The State Building Code) mandates construction project safeguard the public from nuisances and health hazards caused by excavation and construction operations. Diffusion of airborne dust, stone or other small particles, toxic gases or other harmful substances shall be mitigated to ensure safety of the public and protection of the public health, noise and other conditions.
2. The prompt removal of dust or mitigation of other harmful agents is required in order to keep them from diffusing and spreading over adjoining premises or streets.
3. The building official shall require all applicants to submit a nuisance health and hazard mitigation plan in conjunction with the building permit application. Controls may include but are not limited to water trucks, sprinklers, street sweepers and the like, protective curtains, special ventilation, vacuuming, and chemical treatment.
4. The building official shall consult with the Boston Health Commission, the Boston Environmental Department or any other appropriate agency before approving any mitigation plans if the building official deems such consultation is warranted in the circumstances.
5. The Inspectional Services Department may require the applicant to alter or amend any approved mitigation plans, at any time, if the Inspectional Services Department deems such action is necessary to protect the public from harm or injury.
6. This bulletin is effective immediately and shall remain in force until it is altered, amended or revoked.

Signed 
Commissioner
Inspectional Services Department


Gary P. Moccia
Inspector of Buildings

Number: 2001-8 **Page 1 of 3**

Date: August 6, 2001

Subject: PROCEDURES FOR PROVIDING SECURITY FOR VACANT BUILDINGS AND LAND IN THE TEMPORARY CUSTODY OF THE INSPECTIONAL SERVICES DEPARTMENT AND FOR THE TRANSFER OF CUSTODY TO THE MUNICIPAL POLICE DEPARTMENT FOR SECURITY.

Determination:

The Inspectional Services Department is responsible for abating dangerous conditions found in abandoned buildings and land including the aftermath of sudden death, squalor, life threatening hazards and for the temporary security and custody of the scene. Once the location is cleaned and made safe custody of the location will be maintained by the City of Boston. The Municipal Police Department shall provide security for the location while it remains in the custody of the City of Boston. This bulletin establishes the procedures for Inspectional Services Department employees to follow when transferring custody of locations in their temporary custody to the Municipal Police Department.

Responsibilities:

1. It shall be the duty of all managers and all employees whose duties relate in any way to the cleaning, boarding, or otherwise providing for the temporary care and custody of buildings and land to read and be familiar with a certain "memorandum of agreement related to security of condemned buildings and vacant lots by and among Boston Inspectional Services and the Municipal Police of the City of Boston dated 01 June 2001 (copy attached, exhibit "A") and the policies and procedures contained in this bulletin.
2. The Boston Inspectional Services Department has provided the Municipal Police Department with a list of buildings in the temporary custody of the Inspectional Services Department as of July 31, 2001 (copy attached, exhibit "B") and in accordance with the requirements of the agreement referenced in paragraph one of this bulletin.

3. After the date of this bulletin the Inspectional Services Department shall notify the Municipal Police Department of any building or land being transferred from the temporary custody of the Inspectional Services Department to the Municipal Police Department by forwarding a completed "notification of transfer of building and/or land for security to the Municipal Police Department" in the form approved by the Commissioner (the notice)(copy) attached, exhibit "B") along with any necessary locks and keys, or other security devices to the Municipal Police Department. It shall be the duty of the Director of the Emergency Response Unit to provide a completed notice to the Municipal Police Department no later than
 - (a) within twenty four (24) hours from the time when ISD has taken custody of a building or land from an incident commander (as designated by City of Boston ordinances see Bulletin 2001-02 paragraph 2), or
 - (b) within twenty four (24) hours from the time when ISD has taken custody of a building or land by virtue of a legal notice of condemnation or such legal order as from time to time may be issued by a court or public safety or health official.
4. Once the completed notice is delivered to the Municipal Police Department, then the Municipal Police Department shall solely control all access to the building or land which is the subject of the duly completed and delivered notice.
5. The Municipal Police Department shall permit access to buildings under its control only upon twenty-four (24) hour notice from ISD. To provide for reasonable access by building owners and tenants, the Inspectional Services Department shall coordinate the scheduling of appointments with those seeking access and shall notify the Municipal Police Department within the proscribed period.
6. The Municipal Police Department may from time to time in their discretion install such alarms and other security devices in buildings or land under their care. The Inspectional Services Department shall co-operate with and provide such assistance to the Municipal Police Department to the extent requested by the Municipal Police Department in connection with the installation of alarms and or other security devices. The Inspectional Services Department may also provide the Municipal Police Department with such assistance as may be requested in connection with the posting or removing signs from buildings and lots as contemplated by the agreement or for any other reason deemed necessary for accomplishing the purposes of the agreement or the purposes of this bulletin.
7. Upon receipt of any notice from the Municipal Police Department or any other person that a secured building has been broken into or otherwise invaded the Inspectional Services Department shall immediately secure the building and so notify the Municipal Police Department.

8. It shall be the duty of the Director of the Emergency Response Unit to promptly inform the Municipal Police Department of the dissolution of any order or any subsequent order regarding any building in the custody of the Municipal Police Department. Thereafter, the Inspectional Services Department shall undertake whatever means are necessary to effect whatever responsibilities are imposed upon it, if any, by any order effecting buildings and land under it's custody.
9. All notices required by this bulletin shall be sent to the municipal Police Department addressed as follows:

Frank Pedersen (or his successor)
Chief of Staff
Boston Municipal Police Department
170 Hancock Street
Boston, Ma 02114

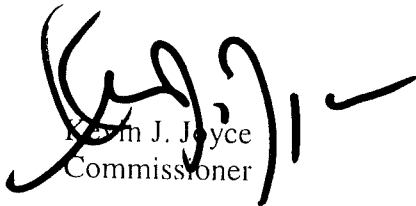
Telephone: (617) 635-4918

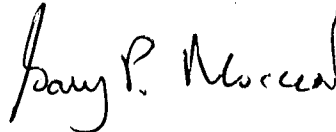
Fax: (617) 635-0590

Email Address: Frank.Pedersen@ci.boston.ma.us

10. It shall be the duty of the Director of Emergency Services for the Inspectional Services Department to inform all staff members of any changes in the notification procedures or any other matter contained in this bulletin as from time to time may occur. The director of Emergency Services shall provide all training necessary to employees so that provisions of this bulletin are strictly followed. All divisions of ISD shall cooperate with the Director of Emergency Services in planning and implementing training programs as required by this bulletin.

11. This bulletin is effective immediately upon publication.


Thomas J. Joyce
Commissioner


Gary P. Moccia
Inspector of Buildings

**MEMORANDUM OF AGREEMENT RELATED TO SECURITY OF
CONDEMNED BUILDINGS AND VACANT LOTS**

BY AND AMONG

**BOSTON INSPECTIONAL SERVICES AND THE MUNICIPAL POLICE OF
THE CITY OF BOSTON**

This Agreement related to security of boarded buildings and vacant lots is made as of June 01, 2001, hereinafter known as the effective date, by and among Boston Inspectional Services ("ISD") and the Municipal Police of the City of Boston, operating under the charter of the City of Boston, a duly incorporated municipality within the Commonwealth of Massachusetts.

Whereas, there are increasing numbers of vacant lots and abandoned buildings coming under the control of the City of Boston, through the enforcement efforts of Boston Inspectional Services, it has become necessary to increase security at these properties;

Whereas, since the number of illegal entries has increased into boarded, condemned buildings and trespassing has occurred onto vacant lots, the service of the Municipal Police has become increasingly necessary in order to facilitate greater protection for these properties;

Now THEREFORE, in consideration thereof, Boston Inspectional Services and the Municipal Police of the City of Boston agree as follows:

1. Joint Committee:

Commencing on the effective date of this Agreement, ISD and the Municipal Police of the City of Boston agree to establish a joint committee, consisting of a Municipal Police Supervisor, the Director of the ISD Emergency Response Unit or his designee, and the Director of ISD Special Operations or his designee. The purpose of this committee is to discuss any issues that may arise while this Agreement is in effect.

2. ISD Representation:

Commencing on the effective date of this Agreement, ISD will regularly provide the Municipal Police with a list of all condemned buildings and vacant lots under the control of ISD. The Director of Emergency Response for ISD, or his designee, will give the Municipal Police written notice within twenty-four (24) hours after an official condemnation of a building has taken place. ISD will notify the Municipal Police at least twenty-four (24) hours in advance when access is needed by ISD to any alarmed building and when any condemnation is officially lifted by ISD. ISD will provide the Municipal Police with the necessary locks and keys to any condemned building. ISD will provide no trespassing signs with the Municipal Police emergency number.

3. Municipal Police Representation:

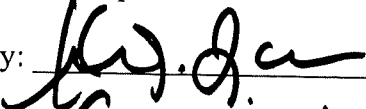
Commencing on the effective date of this Agreement, the Municipal Police will monitor all vacant lots and condemned buildings that have been brought under the control of ISD. The Municipal Police will solely control access to all condemned buildings under the control of ISD and anyone wishing to gain access must contact the Municipal Police to make the appropriate arrangements. Post all appropriate no trespassing/no loitering signs on said vacant lots and condemned buildings. The Municipal Police will add to their schedule of regular patrols said vacant lots and condemned buildings under the control of ISD. The Municipal Police will, if circumstances allow, conduct regular interior inspections of condemned buildings. The Municipal Police will notify on call ISD manager immediately through the Mayor's 24 hour service of any unlawful intrusion into any condemned building or any other condition that may require further ISD action. The Municipal Police will install, monitor and maintain any alarm system provided by ISD for any condemned building. The Municipal Police will, after any condemnation is officially lifted by ISD, remove any and all posted signage and cease all regularly scheduled patrols. After notification from ISD, the Municipal Police will remove and return to ISD any installed alarm system after condemnation has been officially lifted by ISD.

4. Termination of Agreement:

One year after the date of commencement, this Agreement shall be reviewed by personnel from ISD and the Municipal Police. This review shall determine what adjustments in procedures are necessary to bring about the desired results articulated in this Agreement. This review shall also afford the departments the opportunity to extend this Agreement for another year.

EXECUTED as of the date first written above.

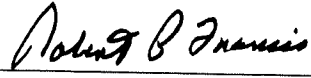
Boston Inspectional Services

By: 

Title: Commissioner

Date: 01 June 01

Municipal Police

By: 

Title: Deputy Director

Date: May 28, 2001

**BOSTON MUNICIPAL POLICE MONITORING LIST
ABANDONED BUILDINGS**

WARD	ADDRESS	BMP MONITORED	ALARM	RELEASED
1	97 Everett Street	Yes	No	
1	64 Trenton Street	Yes	No	
7	12 Wendover Street	Yes	No	
10	70 Wyman Street	Yes	No	
10	186-188 Heath Street	Yes	No	
11	32 Dennison Street	Yes	No	
11	54 Cedar Street	Yes	No	
11	2 Atherstone Street	Yes	No	
12	2-4 Nazing Street	Yes	No	
12	100 Walnut Ave.	Yes	Yes	
12	176 Humboldt Ave.	Yes	No	
12	40 Dale Street	Yes	No	
12	55 Crawford Street	Yes	No	
12	232 Magnolia Street	Yes	Yes	
14	79 Radcliffe Street	Yes	Yes	
14	16 Greenock Street	Yes	Yes	
14	27 Greenock Street	Yes	Yes	
14	139 Norwell Street	Yes	Yes	
14	1113 Blue Hill Ave.	Yes	No	
14	57 Westmore Road	Yes	Yes	
14	32 Fowler Street	Yes	No	
14	220 Magnolia Street	Yes	No	

WARD	ADDRESS	BMP MONITORED	ALARM	RELEASED
14	191 Bowdoin Street	Yes	Yes	
14	155 Woodrow Ave.	Yes	Yes	
14	139 Harvard Street	Yes	Yes	
15	20 Claybourne Street	Yes	No	
17	61 Colonial Ave.	Yes	No	
17	96 Harvard Street	Yes	No	
18	678 Cummins Highway	Yes	No	
18	150 River Street	Yes	Yes	
18	213 Dana Ave.	Yes	No	
19	30 Orchard Street	Yes	No	
20	50 Ardale Street	Yes	No	

MEMORANDUM

To: Municipal Police Department

From: Director of Emergency Response Unit
Boston Inspectional Services Department

Re: Notification of Transfer of Building and/or Land for Security to the Municipal
Police Department

Date: July 19, 2001

Subject Property: (For Example)
1010 Massachusetts Avenue
Boston, Ma 02118

Owner: John Doe
Owners Address: 1010 Massachusetts Ave
Boston, Ma 02118

Date: July 19, 2001

This memorandum transfers the above described building/land from the Boston Inspectional Services Department to the Municipal Police Department for security pursuant to the agreement dated 01 June 2001, until further notice thank you for your attention to this matter.



Boston Inspectional Services Emergency Response Unit

Building Opening Request Form

Date of Request: _____

Location: _____

Address: _____

Area: _____

Ward: _____

Request: _____

Date of Opening: _____

Time of Arrival: _____

Time of Departure: _____

**Name of Resident/Owner
Requesting Access:** _____

Phone: () _____

Number: 2001-9

Page 1 of 2

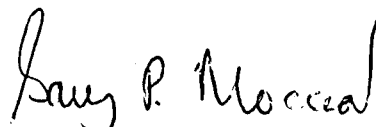
Date: August 6, 2001

Subject: Required Permitting For All Drilling Operations Within The City of Boston

Purpose: To ensure consistent supervision of job sites for drilling operators applying the necessary safeguards for the protection of the public and adjacent structures.**Determination:**

1. All drilling for wells, monitoring wells, borings, augerings and the like are considered construction activities and shall be permitted per 780 CMR the Massachusetts State Building Code.
2. 780 CMR requires protection of adjoining property and supervisory control of the construction activity.
3. A short form building permit shall be secured by a licensed builder or registered engineer who will be responsible for overseeing the drilling activity.
4. The responsible party shall complete Attachment A, part I at the time of issuance of the short form permit. This information will assure ISD that the site has been reviewed/inspected for safety/hazards.
5. Attachment A, part II shall be completed and mailed back to ISD at the completion of the project (no call for inspection is required).
6. The building inspectors shall close the short form permit based on the completed Attachment A part II and attach it to the closed permit.
7. The front counter will issue the above referenced short form permit on a color code card.
8. For street and sidewalk drilling the permit address will be the project address with the description detailing the street on sidewalk locations.
9. It should be noted that the permit is in addition to all other permitting by other departments.

Signed 
Commissioner
Inspectional Services Department


Gary P. Moccia
Inspector of Buildings

ATTACHMENT A

Address:
Date:
Permit Number:

Part I To be completed at time of issuance or permit

I understand that I am providing the supervisory controls for this drilling operations and will provide the necessary safety precautions to protect the public and adjacent structures as required by law.

I have reviewed the site prior to the drilling operation for both below grade and above grade hazards.

I have determined that the listed items specified below are the necessary safety precautions to be taken: _____

Signed By Licensed Builder or Registered Engineer

Part II To be completed at time of completion of project

The drilling was completed on _____.

All conditions are safe and the site has been returned to it's original conditions.

Signed By Licensed Builder or Registered Engineer

Once completed

Note: This form is to be mailed to:

**Inspector of Buildings
City of Boston
Inspectional Services Department
1010 Massachusetts Avenue
Boston, Ma 02118
5th Floor**

Number: 2001 - 10
Date: September 13, 2001

Page 1 of 1

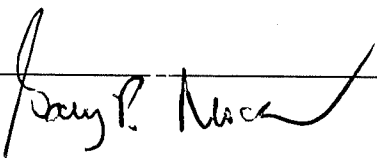
Subject: APPLICATION OR ARCHITECTURAL ACCESS BOARD RULES AND REGULATIONS 521 CMR, TO BUILDING APPLICATIONS AND PLANS

Purpose: Specifies The Application Of 521 CMR To Building Applications And Plans Submitted To The Inspectional Services Department For Review

Determinations:

1. All work performed on buildings, structures and facilities, including construction, reconstruction, alterations, remodeling, additions, and changes of use, shall conform to The Architectural Access Board Rules and Regulations promulgated as 521 CRM.
2. Both 521 CMR 3.2, New Construction, and 521 CMR 3.3, existing Buildings, are incorporated in the Massachusetts State Building Code 780 CMR under section 101.5 as a "specialized code." As such, 521 CMR is enforceable by the Architectural Access Board and all local and state building inspectors.
3. If compliance under a "specialized code" becomes impractical due to construction difficulties or regulatory conflicts, 780 CMR 3400.2 shall not be used to circumvent 521 CMR. The only available remedy under a "specialized code" is to obtain a variance directly from the specialized board.
4. 780 CMR 3400.2 allows for compliance alternatives of existing buildings where "such compliance is impractical because of construction difficulties or regulatory conflicts. 780 CMR 3400.2 is only permitted when "specialized code" do not apply.

Signed: 
Commissioner
Inspectional Service Department


Gary P. Moccia
Inspector of Building

Number: 2001 - 11
Date: October 15, 2001

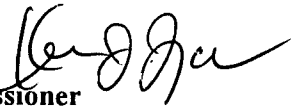
Page 1 of 1

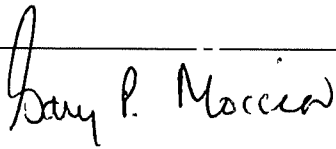
Subject: **INTERIM PROCEDURES AND PRECAUTIONS FOR PROCESSING MAIL AND PACKAGES PRESENTED TO THE INSPECTIONAL SERVICES DEPARTMENT**

Purpose: Because Of Recent National Events, The Following Interim Procedures And Precautions For Processing Mail And Packages Are Instituted Immediately.

Determinations:

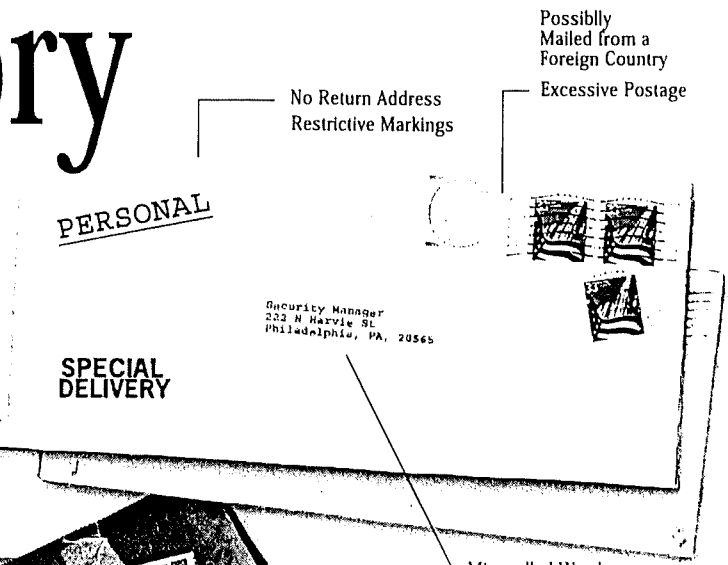
1. All mail and packages presented to this department shall be received by the Administration and Finance division in the first instance.
2. The Administration and Finance division shall screen for security purposes all mail and packages delivered to it. Screening shall be undertaken in accordance with the criteria recently published by the Federal Bureau of Investigation (copy attached).
3. Once screened by the Administration and Finance division mail and packages shall then be delivered to the different divisions of the Inspectional Services Department for further processing in the usual manner.
4. All employees who process mail should inform themselves of the criteria provided by the Federal Bureau of Investigation regarding the processing of mail and packages. Employees shall take all appropriate care and caution while performing this function.
5. It is the duty and obligation of all division heads and managers to disseminate the contents of this bulletin to all employees. In order to assist division heads and managers in fulfilling this obligation, the director of Special Operations shall institute such training for division heads, managers and employees as the director of Special Operations may determine necessary and appropriate in these circumstances.
6. The interim procedures contained in this bulletin shall remain in effect until permanent procedures are instituted by the City of Boston for all departments or until such time as they are otherwise altered amended or revoked in writing.

Signed: 
Commissioner
Inspectional Service Department


Gary P. Moccia
Inspector of Building

FBI Advisory

If you receive a suspicious letter or package
What should you do?

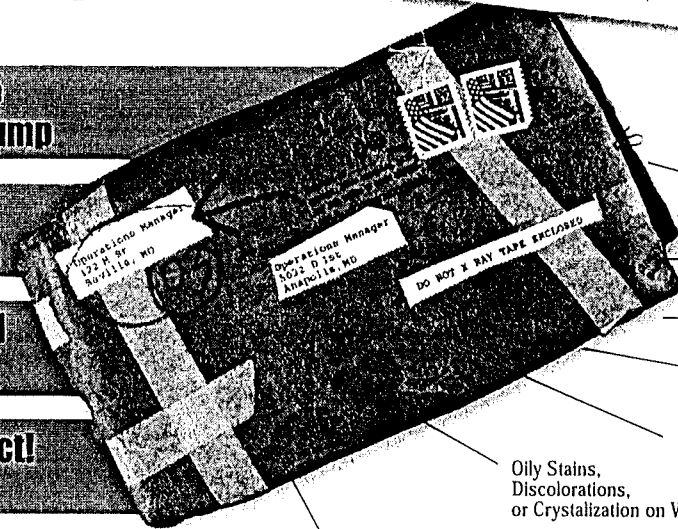


1 Handle with care
Don't shake or bump

2 Isolate and look for indicators

3 Don't Open, Smell or Taste

4 Treat it as Suspect!
Call 911



Misspelled Words
 Addressed to Title Only or Incorrect Title
 Badly typed or written

Protruding Wires

Lopsided or Uneven

Rigid or Bulky

Strange Odor

Wrong Title with Name

Oily Stains, Discolorations, or Crystalization on Wrapper

Excessive Tape or String

If parcel is open and/or a threat is identified...

For a Bomb

Evacuate Immediately
 Call 911 (Police)
 Contact local FBI

For Radiological

Limit Exposure - Don't Handle
 Distance (Evacuate area)
 Shield yourself from object
 Call 911 (Police)
 Contact local FBI

For Biological or Chemical

Isolate - Don't Handle
 Call 911 (Police)
 Wash your hands with soap and warm water
 Contact local FBI



Police Department 911

Fire Department 911

Local FBI Office Will be contacted by Boston Police

(Ask for the Duty Agent, Special Agent Bomb Technician, or Weapons of Mass Destruction Coordinator)

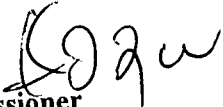
Number: 2001 - 11A
Date: October 23, 2001

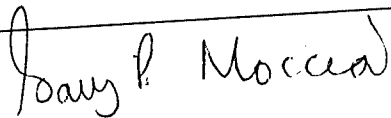
Subject: CITY OF BOSTON PROTOCOLS FOR HANDLING MAIL AND PACKAGES

Purpose: The City Of Boston Has Published Protocols For Handling Mail And Packages, Which Supplement The Procedures Contained In Commissioner's Bulletin No. 2001-11.

Determinations:

1. Recently the City of Boston adopted "Protocols for handling mail/packages," which are attached to this bulletin.
2. These protocols comport with the procedures contained in Commissioner's Bulletin No. 2001-11 and are published here as a supplement to the information contained in the Commissioner's Bulletin No. 2001-11.
3. All division heads, managers, and employees should take note of this information.

Signed: 
Commissioner
Inspectional Service Department


Gary P. Moccia
Inspector of Building

Boston

Thomas M. Menino, Mayor

City of Boston Protocols for Handling Mail/Packages

1. Guidelines from the CDC and the US Postal Service regarding handling biological agent threats that may be sent via the mail or through packages will be used to instruct all city staff handling mail and/or packages; all staff handling mail and/or packages will receive copies of these guidelines.
2. Mail will continue to be sorted in the Mail Room, and also in Departments. Staff sorting Mail will be provided with rubber gloves that they can choose to use. Suspicious mail or packages will not be sent any further. Rather, any suspicious mail will be separated and reviewed by Security prior to further distribution. Characteristics of suspicious letters/packages include:
 - No return address
 - Stained, discolored or mail with an odor
 - Return address not matching city/state in the postmark
 - Lopsided or uneven envelope
 - Ticking sound
 - Excessive postage/excessive weight
 - Mail with visual threats on packaging material
 - Mail with an international postmark
3. Mail that is not of an obvious suspicious nature will be sent on to the designated Department. Program staff who open mail will be supplied with rubber gloves that they can choose to use. All staff handling mail will receive instruction on basic safety techniques to be used when handling/opening packages and letters.
4. Suspicious mail will be placed in a sealed plastic bag in the Mail Room or the Department. Security should be called at 5-4444.
5. Should any staff identify any possible source of biological agent contamination, they will immediately contact security @ 5-4444.





Public Health Emergency Preparedness & Response
Your source for information about CDC & State activities

This is an official CDC Health Advisory

Distributed via Health Alert Network
October 12, 2001, 21:00 EDT (9:00 PM EDT)

HOW TO HANDLE ANTHRAX AND OTHER BIOLOGICAL AGENT THREATS

Many facilities in communities around the country have received anthrax threat letters. Most were empty envelopes; some have contained powdery substances. The purpose of these guidelines is to recommend procedures for handling such incidents.

DO NOT PANIC

1. Anthrax organisms can cause infection in the skin, gastrointestinal system, or the lungs. To do, so the organism must be rubbed into abraded skin, swallowed, or inhaled as a fine, aerosolized mist. Disease can be prevented after exposure to the anthrax spores by early treatment with the appropriate antibiotics. Anthrax is not spread from one person to another person.
2. For anthrax to be effective as a covert agent, it must be aerosolized into very small particles. This is difficult to do, and requires a great deal of technical skill and special equipment. If these small particles are inhaled, life-threatening lung infection can occur, but prompt recognition and treatment are effective.

SUSPICIOUS UNOPENED LETTER OR PACKAGE MARKED WITH THREATENING MESSAGE SUCH AS "ANTHRAX":

1. Do not shake or empty the contents of any suspicious envelope or package.
2. PLACE the envelope or package in a plastic bag or some other type of container to prevent leakage of contents.
3. If you do not have any container, then COVER the envelope or package with anything (e.g., clothing, paper, trash can, etc.) and do not remove this cover.
4. Then LEAVE the room and CLOSE the door, or section off the area to prevent others from entering (i.e., keep others away).
5. WASH your hands with soap and water to prevent spreading any powder to your face.
6. What to do next...
 - If you are at HOME, then report the incident to local police.
 - If you are at WORK, then report the incident to local police, and notify your building security official or an available supervisor.
7. LIST all people who were in the room or area when this suspicious letter or package was recognized. Give this list to both the local public health authorities and law enforcement officials for follow-up investigations and advice.

ENVELOPE WITH POWDER AND POWDER SPILLS OUT ONTO SURFACE:

1. DO NOT try to CLEAN UP the powder. COVER the spilled contents immediately with anything (e.g., clothing, paper, trash can, etc.) and do not remove this cover!
2. Then LEAVE the room and CLOSE the door, or section off the area to prevent others from entering (i.e., keep others away).
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5. REMOVE heavily contaminated clothing as soon as possible and place in a plastic bag, or some other container that can be sealed. This clothing bag should be given to the emergency responders for proper handling.
6. SHOWER with soap and water as soon as possible. *Do Not Use Bleach Or Other Disinfectant On*

Your Skin.

7. If possible, list all people who were in the room or area, especially those who had actual contact with the powder. Give this list to both the local public health authorities so that proper instructions can be given for medical follow-up, and to law enforcement officials for further investigation.

QUESTION OF ROOM CONTAMINATION BY AEROSOLIZATION:

For example: small device triggered, warning that air handling system is contaminated, or warning that a biological agent released in a public space.

1. Turn off local fans or ventilation units in the area.
2. LEAVE area immediately.
3. CLOSE the door, or section off the area to prevent others from entering (i.e., keep others away).
4. What to do next...
 - If you are at HOME, then dial "911" to report the incident to local police and the local FBI field office.
 - If you are at WORK, then dial "911" to report the incident to local police and the local FBI field office, and notify your building security official or an available supervisor.
5. SHUT down air handling system in the building, if possible.
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Some characteristics of suspicious packages and letters include the following...

- Excessive postage
- Handwritten or poorly typed addresses
- Incorrect titles
- Title, but no name
- Misspellings of common words
- Oily stains, discolorations or odor
- No return address
- Excessive weight
- Lopsided or uneven envelope
- Protruding wires or aluminum foil
- Excessive security material such as masking tape, string, etc.
- Visual distractions
- Ticking sound
- Marked with restrictive endorsements, such as "Personal" or "Confidential"
- Shows a city or state in the postmark that does not match the return address

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You have received this message based upon the information contained within our emergency notification data base. If you have a different or additional e-mail or fax address that you would like us to use please notify us as soon as possible by e-mail at healthalert@cdc.gov.

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Updated October 15, 2001

The U.S. Postal Service has had only one confirmed incident of the U.S. Mail being used to transport anthrax bacteria

How likely is it that someone would receive a harmful biological or chemical substance in the mail?

The Postal Service delivers approximately 208 billion pieces of mail per year. Presently, there has been only one confirmed incident of anthrax bacteria being sent through the mail.

What Should I do if I Receive an Anthrax Threat by Mail?

Do not handle the mail piece or package suspected of contamination. Notify your supervisor, who will immediately contact the Inspection Service, local police, safety office or designated person. Make sure that damaged or suspicious packages are isolated and the immediate area cordoned off. Ensure that all persons who have touched the mail piece wash their hands with soap and water. The Inspectors will collect the mail, assess the threat situation and coordinate with the FBI. Designated officials will notify local, county, and state health departments. Designated officials will notify the state emergency manager. List all persons who have touched the letter and/or envelope. Include contact information. Provide the list to the Inspection Service. Place all items worn when in contact with the suspected mail piece in plastic bags and keep them wherever you change your clothes and have them available for law enforcement agents. As soon as practical, shower with soap and water. If prescribed medication by medical personnel, take it until otherwise instructed or it runs out. Notify the Center for Disease Control Emergency Response at 770-488-7100 for answers to any questions.

What Is Anthrax?

Anthrax is a bacterial, zoonotic disease caused by *Bacillus Anthracis*. Anthrax occurs in domesticated and wild animals, including goats, sheep, cattle, horses and deer.

The skin form of the disease may be contracted by handling contaminated hair, wool, hides, flesh, blood or excreta of infected animals and from manufactured products such as bone meal. Infection is introduced through scratches or abrasions of the skin, wounds, inhalation of spores, eating insufficiently cooked infected meat or from flies. *The spores are very stable and may remain viable*

for many years in soil and water. They will resist sunlight for varying periods.

, What Are the Symptoms and Effects of Anthrax?

After an incubation period of 1-7 days, the onset of inhalation anthrax is gradual.

Possible symptoms include:

fever

malaise

fatigue

cough

mild chest discomfort followed by severe respiratory distress

This mild illness can progress rapidly to respiratory distress and shock in 2-4 days followed by a range of more severe symptoms, including breathing difficulty and exhaustion. Death usually occurs within 24 hours of respiratory distress.

, What Are the Clinical Features of Anthrax?

Anthrax is an acute bacterial infection of the skin, lungs or gastrointestinal tract. Infection occurs most commonly via the skin.

The cutaneous or skin form of the infection occurs most frequently on the hands and forearms of persons working with infected livestock or contaminated animal products and represents 95% of cases of human anthrax. It is initially characterized by a small solid elevation of the skin, which progresses to a fluid-filled blister with swelling at the site of infection. The scab that typically forms over the lesion can be black as coal, hence the name anthrax - Greek for coal. With treatment, the case fatality rate is less than 1% among people who get the skin form of the disease. The fatality rate for untreated inhaled or intestinal anthrax is over 90%.

The inhaled form of anthrax is contracted by inhalation of the spores, occurs mainly among workers handling infected animal hides, wool and furs. Under natural conditions, inhaled anthrax is exceedingly rare, with only 18 cases reported in the United States in the 20th century.

, What Is the Treatment for Anthrax?

Treatment with antibiotics beginning one day after exposure has been shown to provide significant protection against death in tests with monkeys, especially when combined with active immunization. Penicillin, doxycycline, ciprofloxacin, are all effective against most strains of the disease. Penicillin is the drug of choice for naturally occurring anthrax. If untreated, inhaled anthrax is fatal.

A vaccine is available and consists of a series of 6 doses over 18 months with yearly boosters. This vaccine, while known to protect against anthrax acquired through the skin, is also believed to be effective against inhaled spores.

Effective decontamination can be accomplished by boiling contaminated articles in water for 30 minutes or longer and using common disinfectants. Chlorine is effective in destroying spores and vegetative cells. Remember, anthrax spores are stable, able to resist sunlight for several hours and able to remain alive in soil and water for years.

, What constitutes a "suspicious parcel?"

Some typical characteristics Postal Inspectors have detected over the years, which ought to trigger suspicion, include parcels that are unexpected or from someone unfamiliar to you.

are addressed to someone no longer with your organization or are otherwise outdated.
have no return address, or have one that can't be verified as legitimate.
are of unusual weight, given their size, or are lopsided or oddly shaped.
are marked with restrictive endorsements, such as "Personal" or "Confidential."
have protruding wires, strange odors or stains.
show a city or state in the postmark that doesn't match the return address.

What should I do if I've received a suspicious parcel in the mail?

Do not try to open the parcel!
Isolate the parcel.
Evacuate the immediate area.
Call a Postal Inspector to report that you've received a parcel in the mail that may contain biological or chemical substances.

###

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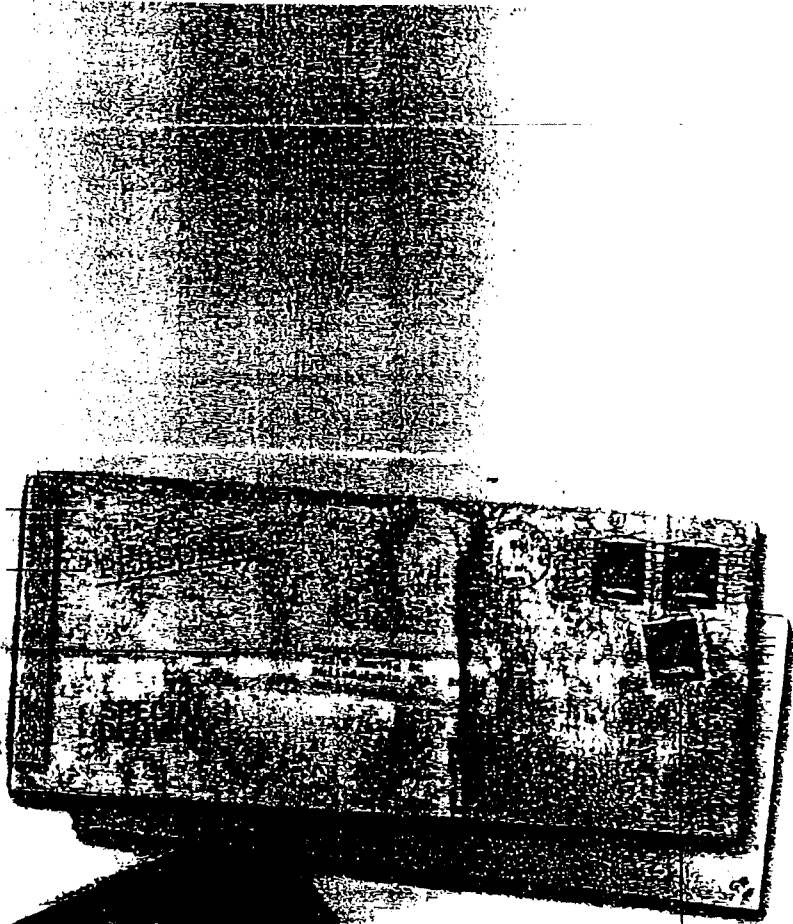
Warning Signs

Here are some things that the Federal Bureau of Investigation is asking people to look for in their mail

No return address

Restrictive markings

Misspelled words; addressed to title only or incorrect title; badly typed or written



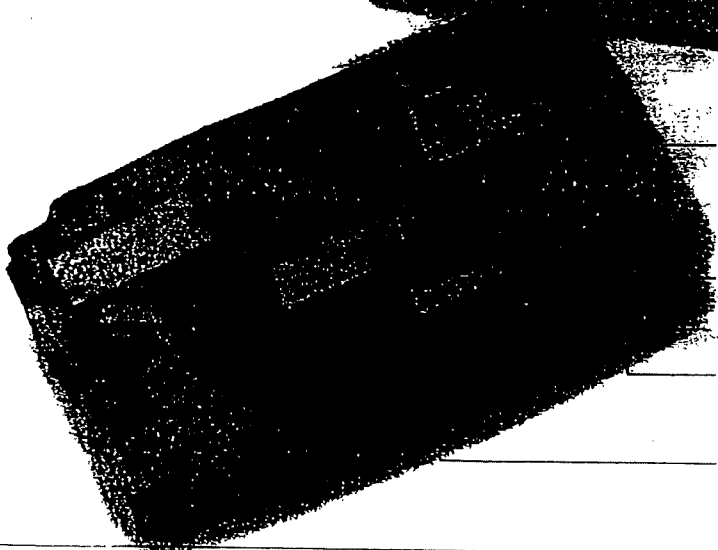
Protruding wires

Excessive postage

Lopsided or uneven rigid or bulky

Excessive tape or string

Oily stains, discolorations or crystallization on wrapper; strange odor





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Public Health Emergency Preparedness & Response
Your source for information about CDC & State activities...

This is an official CDC Health Advisory

Distributed via Health Alert Network
October 12, 2001, 21:00 EDT (9:00 PM EDT)

HOW TO HANDLE ANTHRAX AND OTHER BIOLOGICAL AGENT THREATS

Many facilities in communities around the country have received anthrax threat letters. Most were empty envelopes; some have contained powdery substances. The purpose of these guidelines is to recommend procedures for handling such incidents.

DO NOT PANIC

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2. PLACE the envelope or package in a plastic bag or some other type of container to prevent leakage of contents.
3. If you do not have any container, then COVER the envelope or package with anything (e.g., clothing, paper, trash can, etc.) and do not remove this cover.
4. Then LEAVE the room and CLOSE the door, or section off the area to prevent others from entering (i.e., keep others away).
5. WASH your hands with soap and water to prevent spreading any powder to your face.
6. What to do next...
 - If you are at HOME, then report the incident to local police.
 - If you are at WORK, then report the incident to local police, and notify your building security official or an available supervisor.
7. LIST all people who were in the room or area when this suspicious letter or package was recognized. Give this list to both the local public health authorities and law enforcement officials for follow-up investigations and advice.

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Some characteristics of suspicious packages and letters include the following...

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 healthalert@cdc.gov.

Number: 2001 - 12
Date: October 26, 2001

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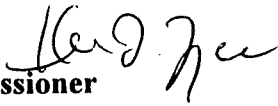
Subject: **DOCUMENT ROOM OFFICIAL DESIGNATED REPOSITORY FOR
INSPECTIONAL SERVICES DEPARTMENT'S POLICY STATEMENTS
AND COMMISSIONER'S BULLETINS**

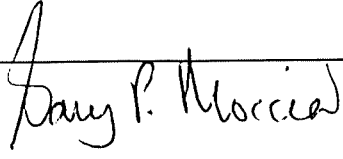
Purpose: To Designate The Document Room As The Official Repository For Inspectional Services Department's Policy Statements And Commissioner's Bulletins

Determinations:

1. Inspectional Services Department's policy statements and Commissioner's Bulletins constitute the officially adopted policies and procedures of the department. As such, these principals, policies, procedures, and rules contained therein are to be followed by all division heads, managers and employees of the Inspectional Services Department while performing the duties and responsibilities incumbent upon them as employees of the department.
2. The Document Room, under the charge of the administrator and ex officio designated general keeper of records for the Inspectional Services Department, shall be the official repository of Inspectional Services Department policy statements and Commissioner's Bulletins.
3. The general keeper of records shall keep policy statements and commissioner's bulletins on file, in consecutive order according to the date each policy statement and commissioner's bulletin is issued. Simultaneously or as soon thereafter as practical (time being of the essence), a new policy statement or Commissioner's Bulletin shall be added to the electronic data file of this department and shall be available for public inspections in this format, or other appropriate format.
4. The general keeper of records shall make policy statements and Commissioner's Bulletins open for public viewing and copying in accordance with the provisions of the State records law and the criteria contained in Commissioner's Bulletin No: 2000-04 dated March 29, 2000.
5. The general keeper of records, shall no later than January 15th of each year publish and deliver to each division head a "Annual Supplement of Policy Statements and Commissioner's Bulletins" compiled as of December 31st of the previous calendar year.

6. The general keeper of records shall by January 31st of each year file with the Commissioner's office a "Certificate of Compliance" certifying that an annual supplement was delivered to and received by each division head. This "Certificate of Compliance" shall be maintained as a permanent record certifying deliveries and receipt of the annual year supplement.
7. This Commissioner's Bulletin is effective immediately and shall remain in force and effect until altered amended or revoked in writing.

Signed: 
Commissioner
Inspectional Service Department


Gary P. Moccia
Inspector of Building

Number: 2001 - 13
Date: October 26, 2001

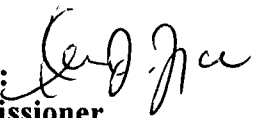
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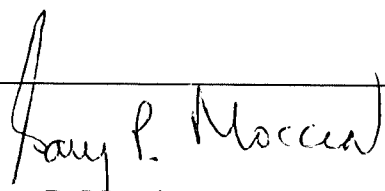
Subject: LEGAL SIGNATURES

Purpose: To Assure Documents Are Approved By Appropriate Personal And Provide Accountability To The Responsible Parties.

Determinations:

1. Effective immediately, if your signature can not be easily read by others; you are required to print your name under your signature. It is each employee's responsibility to check with their supervisor for legibility of your signature if you have any questions.

Signed: 
Commissioner
Inspectional Service Department


Gary P. Moccia
Inspector of Building

Number: 2001 - 14
Date: November 2, 2001

Page 1 of 2

**Subject: IMPLEMENTING A MANDATORY TRAINING PROGRAM WITHIN
THE INSPECTIONAL SERVICES DEPARTMENT**

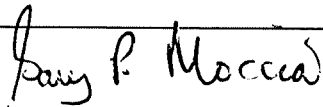
Determinations:

There is a need for organized and regular training programs within the Inspectional Services Department to provide employees with the necessary skills to better serve and protect public safety.

1. An official department training and certification program is established within the Human Resource Division of the Administration and Finance Bureau of the Inspectional Services Department (ISD).
2. The head of the Human Resources Division shall consult with the heads of the several divisions of ISD and representatives of employee unions in planning and implementing training seminars to ensure that training sessions are timely and inclusive of all appropriate personnel.
3. By no later than December 15, 2001 the head of the Human Resources Division shall file with the Commissioner's Office a certificate certifying that the aforesaid training has been established and at a minimum indicating that:
 - A) A preliminary schedule of training seminars has been established for the calendar year 2001. This schedule shall include a session each on:
 - 1.) The work rules of the Inspectional Services Department and the policies and procedure contained in Commissioner's Policy Statements and Bulletins; and
 - 2.) Right of entry and administrative search warrant procedures; and
 - 3.) The role of the Inspectional Services Department in connection with its responsibilities as a member of the Boston Emergency Management Agency and Massachusetts Emergency Management Agency; and
 - 4.) Practice and procedures for on call managers; and
 - 5.) Ethics (G.L.C. 268A) Training; and
 - 6.) Environmental - Hazards Training for field personnel; and
 - B) A statement that all training received by employees during the previous three years has been noted in the personnel records of the Inspectional Services Department for each employee and that their supervisors and managers have been informed that their employees have received such training and/or certification.

4. By no later than December 31, 2001 the head of the Human Resource Division shall in writing inform employees of the training scheduled for calendar year 2002.
5. Once a regular training program has been implemented, it shall be the responsibility of the head of the Human Resources Division to provide the Commissioner's Office with a certificate of the training scheduled for the department for the up coming calendar year by no later than December 15th in the previous calendar year. And provide notice to the department no later than December 31st in each year.
6. Nothing in this bulletin shall prohibit the director of the Human Resource Division from scheduling additional training seminars during the calendar year for which a certificate has already been filed with the Commissioner. The policy of the department is to encourage its employees to take advantage of the training programs it offers to them. In this way, the public is assured that our policies and practices comport with the requirements of modern methods and prevailing practice for providing public safety services.
7. All division heads and managers shall extend their full cooperation to the head of the Human Resources Division in the furtherance of the goals and objective set forth in this bulletin.
8. The commissioner shall make available to the head of the Human Resource Division such administrative staff necessary for accomplishing the purposes of this bulletin.
9. This bulletin is effective immediately and shall remain in force until it is altered, amended or revoked in writing.
10. Records pertaining to any training made available under this bulletin shall be entered and kept current on an electronic database which shall be developed by this department for this purpose. Said electronic database shall be operating by no later than March 15, 2002.

Signed: 
Commissioner
Inspectional Service Department


Gary P. Moccia
Inspector of Building

Number: 2001 - 15
Date: November 19, 2001

Page 1 of 2

Subject: **SECURITY AND EMERGENCY MANAGEMENT TASK FORCE
ESTABLISHED**

Determinations:

Recent attacks on the United States necessitate the immediate implementation of additional security measures and emergency management procedures for the protection of employees and the general public.

Security and Emergency Management Task Force

1. The Chief of Staff shall assemble a working group including the Chief of Staff, who shall be chair, the Director of Special Operations and the Director of Building & Structure. The working group shall be known as the security and emergency management task force. The working group shall meet regularly, but not less than on a monthly basis. The working group shall file quarterly reports with the Commissioner's Office. Each quarterly report shall describe the issues examined by the task force and its recommendations regarding those issues. The Commissioner shall assign sufficient administrative staff to the task force.
2. The task force shall periodically review all emergency and security procedures presently in existence for the facilities occupied by the department such as - existing emergency notification and evacuation procedures, existing security measures for protecting employees and members of the public, existing emergency staffing requirements and disaster recovery procedures. The task force shall make recommendations regarding these measures and shall take into consideration new threats which develop that could have implications regarding these procedures.
3. The task force shall consult with division heads, managers, employees and representatives of the department's safety and wellness committee and such other individuals and organizations as need arises or as events from time to time determine.
4. The task force shall co-ordinate its activities with other city officials and with the 1010 Massachusetts Avenue lease committee as it deems appropriate.
5. The Deputy Commissioner of Administration and Finance shall act as liaison between the task force and the 1010 Massachusetts Ave. lease committee.
6. No later than March 15, 2002 the task force shall file a report of its proceedings with the Commissioner's Office which shall include but not be limited to a description in sufficient detail of the department's responsibilities and obligations under State approved emergency management plans, and an emergency staffing and disaster recovery plan. Once certified by the Commissioner the official emergency management plan and disaster recovery plans shall be published as an amendment to this bulletin and distributed to all division managers.

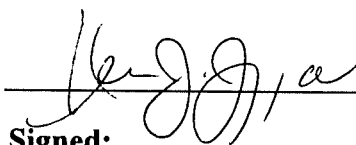
7. No later than January 15, 2002 the task force shall advise the Commissioner in writing of the obligations that the Inspectional Service Department has under BEMA and MEMA and indicate how the departments shall meet these obligations.

Interim Security Measures

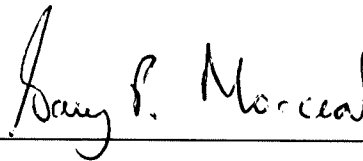
8. Until further notice the following precautions shall be taken by all employees:
9. All employees who handle mail or packages shall follow the procedures contained in Commissioner's Bulletin No. 2001-11 and 2001-11A.
10. The existing security stations on the first and fifth floors shall be monitored at all times by Municipal Police Officers and such other officers as may be deemed necessary from time to time by the head of the Boston Municipal Police Department and the Commissioner's Office.
11. All division heads and managers shall be cognizant of the conditions in work place and shall report to appropriate authorities any unusual or suspicious occurrence or circumstance which they deem may pose a threat and/or danger to employees, the public, or a safe working environment.
12. All division heads and managers shall meet regularly with their staff members to exchange information regarding safety in the work place and emergency procedures, so that each employee has a current understanding and the precautions they need to follow to protect their safety and health.

Document Room Official Repository of Approved Security and Emergency Plans

13. The Document Room is designated the repository for approved security and emergency management plans. Any amendments to these plans once approved by the Commissioner shall be deposited in the document room where they shall be suitably arranged and indexed and kept under the care, custody and control of the department's keeper of records.
14. This bulletin is effective immediately and it shall remain in full force and effect until it is amended, altered or revoked in writing.



Signed:
Commissioner
Inspectional Service Department



Gary P. Moccia
Inspector of Building

Number: 2001 - 16
Date: December 10, 2001

Page 1 of 1

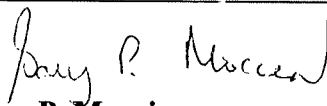
Subject: ORGANIZATIONAL CHART

Purpose: To Publish An Organizational Chart For The Inspectional Services Department

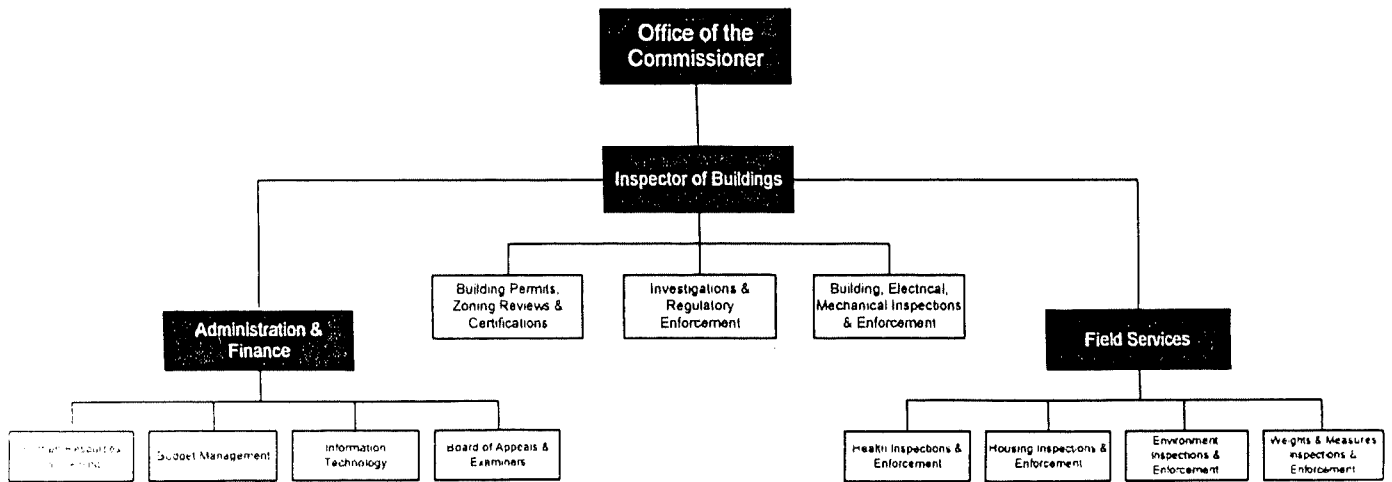
Determinations:

1. City of Boston ordinances require the Inspectional Services Department to prepare and keep current a statement of the organization of the Inspectional Services Department. See, City of Boston Ordinances Chapter 9.
2. Attached to this bulletin is an organizational chart for the Inspectional Services Department which is hereby published in compliance with the requirements of City ordinances. The organizational chart is also published yearly in the City of Boston Operating Budget and may be entered on the City of Boston web page.
3. This organizational chart shall be kept on file in the Document Room where it will be available for public inspection.
4. No later than July 15th of each year the Deputy Commissioner of Administration and Finance shall prepare and file a current organizational chart with the document room.
5. This bulletin is effective immediately and it shall remain in full force and effect until it is altered, amended or revoked.
6. All Division Heads and managers have an affirmative duty to disseminate copies of the current organizational chart to employees within their division and require employees to follow the chain of command specified therein.

Signed: 
Commissioner
Inspectional Service Department


Gary P. Moccia
Inspector of Building

Inspectional Services Department Operating Budget



COMMISSIONER'S BULLETIN # 2001-16

Number: 2001 - 17
Date: December 17, 2001

Page 1 of 1

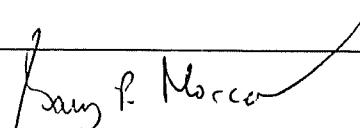
Subject: **EMPLOYEE ACHIEVEMENT AWARDS**

Purpose: To Establish An Employee Achievement Awards Program For The Inspectional Services Department

Determinations:

1. There is a need for the recognition of ISD employee's who perform their duties professionally and above expectations. ISD has established an achievement awards program as follows:
2. A committee will be established consisting of the Chief of Staff, ex officio, the Director of Human Resources, ex officio and three employees appointed by the commissioner. The employees appointed by the commissioner shall be co-terminus with the commissioner.
3. The committee shall meet and establish guidelines for selecting candidates for receiving an employee achievement awards. Employee achievement awards shall be awarded quarterly to an employee selected by the committee and approved by the commissioner. The committee shall meet regularly for the purpose of selecting recipients.
4. In selecting employees to receive an award the committee shall, among other things, consider the employee's competence and professional demeanor in undertaking assignments; the employee's initiative and proven ability to deliver services and effectively communicate with other employees and members of the public, and the employee's demonstrated management and effective undertaking of all assigned responsibilities.
5. Achievement award recipients shall be recognized at a yearly awards ceremony to be held no later than the first Tuesday previous to Thanksgiving Day each year.
6. This bulletin shall be effective immediately and shall remain in effect until it is altered, amended or revoked.

Signed: 
Commissioner
Inspectional Service Department


Gary P. Moccia
Inspector of Building

Number: 2001 - 18
Date: December 24, 2001

Page 1 of 1

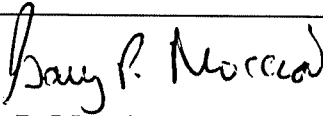
Subject: **GUIDELINES FOR THE ABANDONMENT OF ELECTRICAL PERMITS
WITH NO ACTION BY THE CONTRACTOR.**

Purpose: To Control The Amount Of Open Electrical Permits On Filed Over Two Years.

Determinations:

1. 780 CMR (Commonwealth of Mass. Building Code) regulates construction within the Commonwealth addressing the administration requirements in Chapter 1 and the electrical wiring, equipment and systems requirements in Chapter 27. Chapter 27 of 780 CMR is the Mass. State Electrical Code currently NEC 1999. MGL 143 § 3 L provides for the rules governing electrical installing subject to MGL 143 section 3-60 and the State Building Code.
2. This department may establish rules for the enforcement of the building code. Chapter 111.8 provides for the expiration of permits (copy attached).
3. Effective with the issuance of this bulletin electrical permits over two years old without any action (inspection (s) documented within 6 months) will be deemed expired. Electrical Inspectors will abandoned all such permits referenced this bulletin.

Signed: 
Commissioner
Inspectional Service Department


Gary P. Moccia
Inspector of Building

THE MASSACHUSETTS STATE BUILDING CODE

111.5 Debris: As a condition of issuing a permit for the demolition, renovation, rehabilitation or other alteration of a *building* or *structure*, M.G.L. c. 40, § 54 requires that the debris resulting therefrom shall be disposed of in a properly licensed solid waste disposal facility as defined by M.G.L. c. 111, § 150A. Signature of the permit applicant, date and number of the building permit to be issued shall be indicated on a form provided by the building department, and attached to the office copy of the building permit retained by the building department. If the debris will not be disposed of as indicated, the holder of the permit shall notify the building official, in writing, as to the location where the debris will be disposed.

111.6 Workers' Compensation: No permit shall be issued to construct, reconstruct, alter or demolish a *building* or *structure* until acceptable proof of insurance pursuant to M.G.L. c. 152, § 25C(6) has been provided to the building official.

111.7 Hazards to air navigation: Application for building new structures or adding to existing structures within airport approaches as defined in M.G.L. c. 90, §35B and any amendments thereto or language substituted therefor, must include a certification by the applicant that;

1. Either a permit from the Massachusetts Aeronautics Commission is not required because the structure is, or will be; a) In an area subject to airport approach regulations adopted pursuant to M.G.L. c. 90, §§ 40A through 40I, or; b) in an approach to Logan International Airport, or; c) less than 30 feet above ground level, or;
2. A permit from the Massachusetts Aeronautics Commission is required pursuant to M.G.L. c. 90, § 35B and a copy of said permit is enclosed with the application.

Applications for permits to build a new structure or add to an existing structure requiring the filing of a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the Federal Aviation Commission shall mail a copy of the completed FAA Form 7460-1 to the Massachusetts Aeronautics Commission within three business days after submitting said form to the FAA.

111.8 Expiration of permit: Any permit issued shall be deemed abandoned and invalid unless the work authorized by it shall have been commenced within six months after its issuance; however, for cause, and upon written request of the owner, one or more extensions of time, for periods not exceeding

six months each, may be granted in writing by the building commissioner or inspector of buildings. Work under such a permit in the opinion of the building commissioner or inspector of buildings, must proceed in good faith continuously to completion so far as is reasonably practicable under the circumstances. It is the sole responsibility of the owner to inform, in writing, the building commissioner or inspector of buildings of any facts which support an extension of time. The building commissioner or inspector of buildings has no obligation under 780 CMR 111.7 to seek out information which may support an extension of time. The owner may not satisfy this requirement by informing any other municipal and/or state official or department.

For purposes of 780 CMR 111.7 any permit issued shall not be considered invalid if such abandonment or suspension of work is due to a court order prohibiting such work as authorized by such permit; provided, however, in the opinion of the building commissioner or inspector of buildings, the person so prohibited by such court order, adequately defends such action before the court.

111.9 Previous approvals: 780 CMR shall not require changes in the construction documents, construction or designated *use group* of a *building* for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been actively prosecuted within 180 days after the effective date of 780 CMR and is completed with dispatch.

111.10 Signature to permit: The building official's signature shall be attached to every permit; or the building official shall authorize a subordinate to affix such signature thereto.

111.11 Approved construction documents: When the building official has determined that the proposed construction conforms to the provisions of 780 CMR and other applicable laws, by-laws, rules and regulations under his/her jurisdiction, the building official shall stamp or endorse in writing the three sets of construction documents "Approved". One set of the approved construction documents shall be retained by the building official, one set by the head of the local fire department and the other set shall be kept at the construction site, open to inspection of the building official or an authorized representative at all reasonable times.

111.12 Revocation of permits: The building official shall revoke a permit or approval issued under the

Number: 2001-19

Page 1 of 4

Date: December 26, 2001

Subject: **INTERIM RULES FOR REGULATION OF LODGING HOUSES A/K/A
ROOMING HOUSES IN THE CITY OF BOSTON**

Purpose: To establish interim rules for interpreting and applying the word "person" contained in M.G.L. c. 140, §22 in a manner that is consistent with federal and state constitutions, fair housing laws and public health and safety regulations and zoning regulations in the City of Boston.

Determination:

1. It is the policy of the City of Boston to enable residents of Boston to obtain affordable housing. The City of Boston implements this policy by allowing families and individuals to choose suitable living arrangements provided that their living arrangements do not violate the requirements of applicable public health and safety regulations; and by promoting neighborhood stability in Boston by controlling residential density in a manner that is consistent with the requirements of federal and state constitutions and fair housing laws.
2. The City of Boston implements its housing policies and discharges its legal obligations to regulate housing accommodations, including lodging houses a/k/a rooming houses by and through its Inspectional Services Department ("ISD").
3. ISD regularly establishes rules for the interpretation and application of regulations it is authorized to enforce and for the conduct of inspections in connection with its administration of these regulations.
4. It is the responsibility of ISD to promote effective administration of public health and safety regulations through proper utilization of the resources provided to it by the City of Boston and in a manner which promotes neighborhood stability and is consistent with the requirements of federal and state constitutions and fair housing laws.

5. In order to ensure that the practices of ISD conform with these constitutional requirements the following definition and interpretation shall henceforth govern the interpretation and application of the word "person" contained in M.G.L. c. 140, §22 and shall apply to all actions by ISD for enforcement.

- A. Definition

- "Family" shall mean two or more persons related by blood, marriage, or adoption or two or more persons, not so related, but living together as a single household in a single dwelling unit and whose living situation approximates the permanency and cohesiveness of a family. A family shall be considered a "person" for all purposes under M.G.L. c. 140, §22 provided that the number of individuals does not exceed the spatial requirements contained in the state sanitary code.

- B. Interpretation

- When a tenant under a lease or at will agrees to allow another person or persons to reside in the dwelling unit occupied by the tenant in exchange for a financial contribution toward the rent, utilities and/or household expense, the tenant and the tenant's family shall be considered the person "conducting it" for the purposes of M.G. L. c. 140, §22.

6. ISD has proposed and the City of Boston has sponsored legislation House Bill 3934 that would amend G. L. c. 140 to provide modern definitions for housing accommodations. These proposed definitions recognize non-traditional living arrangements for individuals and families. Some of these non-traditional living arrangements are common among members of diverse cultures who live in many of Boston's neighborhood. The proposed definitions for lodging house/boarding house/rooming house are as follows:

- Type I:** A dwelling containing four or more single room occupancy units that are let on an individual basis, and where the occupant(s) of each single room occupancy unit contract with the landlord separately; pay rent separately; and can be evicted by the landlord separately without affecting the tenancy of the other occupants; or

- Type II:** A dwelling where lodgings are let to five or more persons who are not related by blood, marriage, adoption, or civil union and who are not living together as a single housekeeping unit; or a dwelling where lodgings are let to a family and four or more persons, not including minor children, who are not members of the single housekeeping unit maintained by the family, provided such occupancy shall not exceed limits under the State Sanitary Code.

Single housekeeping unit: Two or more persons not related by blood, marriage, or adoption, but who live together as a single household in a single dwelling unit and whose living situation approximates the permanency and cohesiveness of a family.

*For purposes of controlling residential density, the number of individuals living as a single housekeeping unit shall be limited to the spatial requirements of the State Sanitary Code.

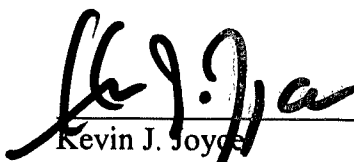
Family: Two or more persons related by blood, marriage, or adoption; or two or more persons, not so related, but living together as a single housekeeping unit.

Dwelling Unit: A single unit providing complete, independent living facilities including cooking, sleeping, and sanitary facilities.

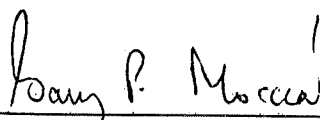
Single Room Occupancy Unit: A room or group of rooms within a dwelling let to one or more persons for living and sleeping quarters, whether or not kitchen facilities are provided.

7. ISD shall continue to use reasonable efforts to secure passage of this legislation. These definitions are derived from consensus between other regulatory agencies having legal responsibility for administering regulations regarding rooming houses, and group residences, representatives of property owners, representatives of tenants organizations, community organizations and residents. These proposed definitions are also consistent with the requirements of building, public safety and zoning regulations.
8. To support implementation of this bulletin, ISD shall as of January 1, 2002 and for a period of 120 days thereafter refer all complaints regarding allegations of illegal rooming houses and or overcrowding to the Investigations and Regulatory Enforcement Division of ISD ("IRED"). During this period, ISD shall hold training sessions for all inspectors and employees regarding the implementation of the policies and procedures set forth in this bulletin. Only after written certification by the Director of Human Resources that all affected employees have been trained in the policies and procedures contained in this bulletin, ISD shall no longer refer all such complaints of illegal rooming houses to the IRED.
9. The IRED shall co-ordinate a review of all pending citations issued by the ISD to determine their compliance with these new rules. The IRED shall use reasonable effort to complete this review within 120 days from the date of this Commissioner's Bulletin. Any citation found not to be in compliance with the rules specified in this bulletin shall be withdrawn and/or deemed closed by the Inspectional Services Department. Any member of the public may request a review of citations issued to them, and the IRED shall use reasonable efforts to conduct a prompt review.

10. This Commissioner's Bulletin is effective immediately and shall remain in place until it is altered, amended, revoked or superseded by the enactment of legislation changing the definitions presently contained in M.G.L. c. 140.



Kevin J. Joyce
Commissioner



Gary P. Moccia
Asst. Commissioner/Inspector of Blds.

Commissioner's Bulletin Boston Inspectional Services Department

Commissioner's Bulletin

Department of Inspectional Services
Boston, MA

Number 2002-01

Date: 07-30-02

Subject: Standard Rules of Practice and Procedure for Housing Inspectors and Housing Inspection Division Employees.

Purpose: This bulletin is issued to establish the responsibilities and duties of the position of Housing Inspector and to establish standard rules of practice and procedure for Housing Inspectors and Housing Inspection Division (HID) Employees to follow when they are performing their official duties.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be understood that where used they are to be interpreted as applying to both male and female HID employees.

Determination:

General considerations -

A HID Employee, in carrying out the functions of the Inspectional Service Department (ISD), shall direct his best efforts to accomplish that end intelligently and efficiently and shall hold himself in readiness at all times to respond to requests for assistance from the general public and his superiors. He shall conduct his affairs in a manner consistent with the policies of ISD and reflect the highest standards of honesty, integrity and fairness at all times when performing his official duties. He shall exercise care and good judgement in the use of official City of Boston equipment. Housing Inspectors must present themselves in a professional manner at all times when performing official duties.

Article I. Public Integrity Policy

1. Policy -

It is the policy of ISD that every action of ISD as an organization, and those of individuals, who act on its behalf, will reflect the highest standards of honesty and integrity. In all of our interactions, whether with the general public, or with each other, we will act in accordance with the ethical standards established by the City of Boston, ISD and this bulletin. It is the responsibility of ISD and its employees to prevent detect and correct instances of misconduct, whether administrative or in violation of law or the public trust.

2. Compliance with Public Integrity Policy -

It shall be the duty and responsibility of each and every HID employee to become familiar with and conduct themselves in accordance with the public integrity policy of ISD as stated in this bulletin, and Commissioner's Bulletin Number 1993-03, and any other published policy statements or Commissioner's Bulletins regarding the Public Integrity Policy or ISD.

Article II: Standard Rules of Practice and Procedure for Housing Inspectors.

General Considerations:

Housing Inspectors shall at all times be prepared for the proper discharge of their official duties; shall be impartial in the use of their legal authority; shall avoid all conflicts of interest and appearances of impropriety; and shall exhibit the utmost respect for the legal rights of all. HID employees shall comply with the following standard rules of practice and procedures when performing their official duties.

Section 1.0: Reporting, Review and Scheduling of Inspections 105 CMR 410.820

1.1 *General Questions*

- a. Upon receipt of a request for an inspection of alleged code violation(s), the Housing Inspection Division Employee taking the complaint shall advise the complainant to notify the Property Owner or Agent of the alleged violation(s) in addition to requesting an inspection from ISD. If the complainant fails or refuses to notify the Property Owner or Agent of the alleged violation(s) that will not prevent ISD from fulfilling its responsibility to investigate alleged violations of the State Sanitary Code.
During intake HID employees must ask all of the necessary questions in order to complete the intake (4 part) form accurately, and as fully as possible.

1.2 *Emergency Complaints*

- a. Any request for inspection that alleges that conditions exist that may endanger or impair the health or safety of occupants or the general public, as listed in 105 CMR 410.820 S.A1, shall be deemed to be an emergency complaint. Approval from a HID supervisor is required before designating a complaint as an emergency complaint.
- b. Emergency complaints must be scheduled for an inspection within 24 hours of receipt of the request.

1.2 *Non-Emergency complaints*

- a. All Requests for inspections of alleged violations of the State Sanitary Code that do not meet the criteria of an emergency complaint are to be designated as non-emergency complaints.
- b. Non-emergency complaints must be scheduled for an inspection within five calendar days of the receipt of such a request.

1.3 *Compliance Inspections*

- a. If an inspection reveals that a dwelling does not comply with the provisions of Article II of the State Sanitary Code, a written order to correct must be prepared by the inspector and served upon the owner of the dwelling or the owner's agent in the manner provided by law.
- b. Said order to correct must contain a compliance time frame of 24 hours for emergency conditions. Non-emergency orders to correct must contain compliance time frames of 7, 14, 21 or 30 days.
- c. Emergency orders to correct must be inspected for compliance within 48 hours from the date of service of the order to correct.
- d. Non-emergency orders to correct must be inspected for compliance within 5 days after the date for compliance.
- e. A compliance inspection report must be completed and submitted by all HID Inspectors, for every compliance inspection conducted.
- f. The HID inspector must notify the property owner or agent of the results of a compliance inspection by telephone communication or by mailing a copy of the compliance inspection report to the property owner or agent. The aforementioned notification must be accomplished in no more than 5 days after the date of the compliance inspection. Notification via telephone must be direct and must be noted on the compliance inspection form and must be placed in that particular file.

1.4 *Landlord Participation During an Inspection*

- a. It is the policy of ISD to allow property owners and/or agents to be present during inspections for alleged violations of the State Sanitary Code and during inspections for compliance with the State Sanitary Code. If said inspection is being conducted in a dwelling unit, the occupant of that dwelling unit must approve that the owner and/or agent can accompany the ISD inspector.
- b. ISD Inspectors cannot guarantee the property owner or agent entry during and inspection and must, at all time respect the occupants right to have an inspection conducted solely with ISD inspectors.

Section 2.0: *Obtaining Legal Entry for Inspections*

2.1 *Administrative Inspection Consent Forms*

- a. It shall be the duty and responsibility of each inspector to familiarize himself with the rules set forth in Commissioner's Bulletin Number 1999-05 and Number 2000-02 regulating the manner in which inspectors may obtain access in order to perform inspections. Inspectors shall strictly adhere to the procedures and requirements set forth in this bulletin.
- b. This bulletin provides occupants with notice of their right to refuse to consent to an administrative inspection. And further sets forth the procedures to be followed in obtaining an administrative inspection warrant if an occupant refuses a legal request to enter by an inspector.

2.2 *Foreign Language Interpretation*

- a. ISD will provide interpreters as needed: Whenever HID employees are unable to communicate with a client or customer due to a language barrier a supervisor should be contacted. The supervisor will make the necessary arrangements to provide you with an interpreter.

Section 3.0: **Conduct of Inspections**

3.1 Presenting Identification

- a. When conducting inspections in public or with other agencies, inspectors shall identify themselves as City of Boston officials. At all times, while on duty, inspectors shall carry their badges and identification cards on their person and shall have them readily accessible for display at all times.
- b. All employees must present a badge or picture identification at the beginning of inspections. These procedures provide the public with the assurance and knowledge that they are dealing with employees of the City of Boston.

3.2 Inspections

- a. All inspections shall be conducted in accordance with 105 CMR 410.822 and any other applicable legal requirements. It is the duty and responsibility for each inspector to familiarize themselves with the above-mentioned requirement as well as all other regulations and ordinances that HID is required to enforce.
- b. All HID inspections shall include at minimum the conditions alleged to be in violation. General Examinations are to be conducted in all non emergency cases, provided that full access to the dwelling and dwelling unit is allowed
- c. All occupants must be informed of their right to a comprehensive inspection at the beginning of every inspection.
- d. A written summary of the conditions noted during the inspection shall be provided to the occupant or the occupant's representative at the conclusion of every inspection on a form approved by ISD.

3.3 Emergency Inspections

- a. If an inspection reveals conditions that present an imminent health or safety hazard to the occupant or to the general public, HID inspectors must immediately notify a supervisor.
- b. An emergency order to correct must be written during the inspection and served within 24 hours if the property owner resides within the City of Boston.
- c. The inspector must contact a supervisor and inform her/him of the conditions observed the actions taken and the inspector's recommendation for further action.

3.4 Reporting Requirements for Emergency Cases

- a. All emergency complaints received via intake or via inspectors in the field must be entered into the required Housing Division database(s), immediately upon receipt.
- b. Inspectors must immediately notify a supervisor of emergency conditions observed during an inspection, and await further instructions before leaving an inspection site.
- c. Supervisors and Inspectors must ensure that all complaints are properly followed through to compliance or court enforcement; and that the applicable databases are updated daily.
- d. At no less than one hour before the end of every business day each assistant director must submit a report of all the emergency inspections and re-inspections conducted during that particular business day to the Assistant Commissioner of the Housing Inspection Division or his designee.

- e. Said report must contain at minimum the address, the complainant's information, the conditions observed, the action taken, and a recommendation for any further action that may be necessary.


Section 4.0: Condemnations and Relocation Assistance 105 CMR 410.831

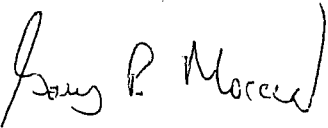
1.1 Condemnations

- a. All condemnations must be conducted in accordance with 105 CMR 410.831 and 950.
- b. Approval must be obtained from the Assistant Housing Commissioner or his designee, before a condemnation order or a vacate order is issued.
- c. All condemnations conducted by the Housing Division must be entered in the Housing Inspection Division emergency database, under the category of condemnation.
- d. A Special Operations Unit condemnation checklist must be completed and submitted to the director of the Investigative and Regulatory Enforcement Division and to the condemnation file.
- e. All relocation of occupants shall be conducted in accordance with commissioner's Bulletin 2001-6, which establishes procedures to be followed by inspectors when relocating occupants from buildings is required because of dangers and life threatening conditions.

Section 5.0: Housing Inspection Division Organization Chart

- a. The attached organizational chart outlines and memorializes the management structure of the Housing Inspection Division. The chart outlines that the Assistant Commissioner in charge of the Housing Inspection Division is first in command. The second in command of the Housing Inspection Division is Assistant Director Steven O'Donnell. The third in command of the Housing Inspection Division is Assistant Director Regina Hanson. The fourth in command of the Housing Inspection Division is Assistant Director Indira Alvarez.

Signed: 
Kevin Joyce, Commissioner
Inspectional Services Department
Date: 4.30.02

Signed: 
Gary Moccia, Assistant Commissioner
Inspectional Services Department
Date: 7/30/02

Number: 2002 – 02
Date: May 20, 2002

Page 1 of 2

Subject: DESIGNATION OF INSPECTIONAL SERVICES DEPARTMENT HEARING OFFICER(S)

Purpose: This bulletin is issued to establish procedures for the designation of Inspectional Services Department Hearing Officers.

Determination:

This bulletin is issued to establish procedures for the designation of Hearing Officers to conduct administrative hearings in the Inspectional Services Department pursuant to the statutes, regulations and ordinances we are charged to enforce, including, but are not limited to, G.L. c. 31, § 41 (Civil Service); G.L. c. 111 §127B (Housing/Health); G.L. c. 143 § 9 (Building); Chapter 665, Acts of 1956 (Zoning) and the various regulations, by laws and ordinances promulgated thereunder.

All designations of Hearing Officers shall be made in writing by the Commissioner of Inspectional Services and shall specify the division to which that Hearing Officer is assigned. All such designations shall be filed with the Division of Administration and Finance and in the Document Room.

A. STANDARD RULES AND PROCEDURES FOR DESIGNATION OF INSPECTIONAL SERVICES DEPARTMENT HEARING OFFICERS

§ 1 General Considerations:

The Commissioner of Inspectional Services shall make all designations of Hearing Officers in writing. All such designations shall be filed with the Division of Administration and Finance, under the direction of the Deputy Commissioner for Administration and Finance, with a copy of the designation filed in the Document Room.

§ 2 Current List of Hearing Officers

The Supervisor of the Document Room shall maintain a current list of all designated Hearing Officers, categorized by division, which shall be kept on file in the Document Room and made available for public inspection.

§ 3 Docket of All Hearings Required

The Deputy Commissioner for Administration and Finance shall maintain a docket of all hearings held by the department, which shall specify the date, time, place and reason for all department hearings. Upon conclusion of all department hearings, the Hearing Officer shall, within five (5) business days, report to the Deputy Commissioner for Administration and Finance and provide all of the information necessary to maintain the docket.

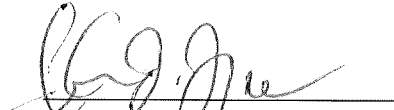
a. Personnel Hearings

The record of all hearings regarding personnel matters are exempt from § 3 of this bulletin and, pursuant to Massachusetts General Law Chapter 31 § 41 and Massachusetts General Law 149 § 52C, shall be kept in the Personnel Office, under the direction of Director of Labor Relations and Personnel, in a manner consistent with the record keeping practices and procedures of the Personnel Office.

§ 4 Record of All Hearing Decisions Required

Upon conclusion of all department hearings, Hearing Officers shall file the record of all decisions in the Document Room within five (5) business days. The Supervisor of the Document Room shall file the record of all decisions in the building jackets or in such other suitable index. The record shall include, but not be limited to, all tape recordings of department hearings, documents, photographs and other materials and evidence presented during the department hearing that formed the basis for the Hearing Officer's decision. The record shall be maintained in accordance with the Boston Archives and Records Management Division's Records Retention Schedule.

Signed:


Kevin J. Joyce
Commissioner of ISD

Number: 2002 - 02a
Date: May 20, 2002

Page 1 of 6

Subject: STANDARD RULES OF PRACTICE AND PROCEDURE FOR INSPECTIONAL SERVICES DEPARTMENT HEARINGS

Purpose: This bulletin is issued to establish standard rules and procedures for all Inspectional Services Department Hearings conducted pursuant to the statutes, regulations and ordinances it is legally obligated to administer in the City of Boston.

Determination:

These standard rules of practice and procedure shall apply to all hearings conducted by the Inspectional Services Department under the various codes we are charged with enforcing. These rules are intended to establish procedural consistency for all hearings conducted by the department and to insure the fair and expedient adjudication of all matters brought before department hearing officers.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be understood that where used they are to be interpreted as applying to both male and female employees.

A. STANDARD RULES OF PRACTICE AND PROCEDURE FOR THE CONDUCT OF INSPECTIONAL SERVICES DEPARTMENT HEARINGS

§ 1 General Considerations:

These rules establish uniform standards of general applicability for conducting department hearings. Accordingly, these rules establish general procedures for providing notice of hearings to parties; determining the order of proceedings; decorum in the hearing room; the introduction of evidence; settling of the hearing record; and, providing notice of the Hearing Officer's decision to the parties. These rules are intended to be a self-contained segregable body of regulations of general applicability to informal administrative hearings conducted by the

Inspectional Services Department in connection with its legal obligation to conduct such hearings pursuant to the statutes, regulations, ordinances and rules it is authorized by law to enforce in the City of Boston.

Where the procedures stated in these rules may conflict with procedures specified under a specific statute, regulation, ordinance or rule that the Inspectional Services Department is legally obligated to enforce, the requirements contained in such statute, regulation, ordinance or rule shall control and be followed by the Hearing Officer conducting the department hearing. In all other cases, the Hearing Officer shall follow the rules set forth in this bulletin.

§ 2 Notice of Department Hearings

When the department initiates a proceeding against a person or persons regarding a department action or intended action, the department shall provide the person or persons with written notice of the action or an order to show cause why the action should not be taken. The notice or order shall state the reason and statute(s) or regulations authorizing the action and include the date, time and place of the hearing, an explanation of the hearing procedure and an explanation of the party's right to have an authorized representative present.

In addition, all notices shall contain a notice printed in English, Spanish, Vietnamese and Chinese that informs the reader that this document is important and should be translated immediately.

§ 3 Emergency Scheduling

The department or the Hearing Officer, on its own or by request of a Party, may for good cause order an accelerated hearing, upon waiver of any written notice required by statute to the effected parties.

§ 4 Conduct of Hearings

All Hearings shall be informal and administrative. However, all Parties, their authorized representatives, witnesses and other persons present at a hearing shall conduct themselves in a manner consistent with the standards of decorum commonly observed in Massachusetts administrative agency hearings.

§ 5 Duties of the Hearing Officer

The Hearing Officer shall conduct the hearing, administering an oath or affirmation to all witnesses, if any is required by law, and make all decisions on the admission or exclusion of evidence and resolve questions of procedure. The Hearing Officer shall file a decision or recommended decision, as the case may be, with the department within a reasonable time after the close of the hearing, but in any event no less than seven business days after the close of the hearing unless a greater or shorter period is required by law.

§ 6 Rights and Duties of Parties.

- (a) Each Party may present his or her own case, or may be assisted by an Authorized Representative at his or her expense. The Party, or authorized representative, shall have a right to:
- (1) present witnesses;
 - (2) present and establish all relevant facts and circumstances by oral testimony and documentary evidence;
 - (3) advance any pertinent arguments without undue interference;
 - (4) question or refute any testimony including an opportunity to cross-examine adverse witnesses; and
 - (5) examine and introduce evidence from his or her records, and examine and introduce any other pertinent documents.

§ 7 Subpoenas

Where applicable statutes so provide, the Department or Hearing Officer may issue, vacate or modify subpoenas in accordance with the provisions of M.G.L. c. 30A, § 12.

§ 8 Administrative Notice

Where applicable statutes so provide or are silent, the Hearing Officer may take notice of fact(s), pursuant to the requirements of M.G.L. c. 30A, § 11(5).

§ 9 Record of Proceedings

(a) Contents of the Record

All documents and other evidence offered or taken shall become part of the record, which shall be the exclusive basis of the department's decision. The record shall include, but not be limited to, all tape recordings of department hearings, documents, photographs and other materials and evidence presented during the department hearing that formed the basis for the Hearing Officer's decision. The record shall be maintained in the Document Room in accordance with the Boston Archives and Records Management Division's Records Retention Schedule.

(b) Tape Recording

The Hearing Officer may elect to tape-record the proceeding to record its events in lieu of a verbatim transcript. Upon conclusion of all department hearings, Hearing Officers shall file the record of all decisions in the Document Room within five (5) business days. The Supervisor of the Document Room shall file the record of all decisions in the building jackets or in such other suitable index.

(c) Settling the Record

At the close of the department hearing, the Hearing Officer shall declare the record closed for the purposes of adjudicating the matter at hand and reaching a final decision on the merits.

(d) Evidence after Record Closed

No evidence shall be admitted after the close of the record unless the Hearing Officer reopens the record.

§ 10 Evidence

The Hearing Officer need not apply the rules of evidence observed by law. Evidence that reasonable persons are accustomed to rely on in the conduct of their affairs may be considered. Unduly repetitious evidence may be excluded.

§ 11 Order of Proceedings

a. Opening

In the usual case, in hearings resulting from orders to show cause, the division issuing the order shall open and first present evidence.

b. Order of Presentation

The Party taking the position contrary to that of the Party opening shall have the right to present his position upon completion of the opening Party's case.

c. Closing

The Party opening shall argue last in summation.

d. Discretion of the Hearing Officer

The Hearing Officer may, when the evidence is peculiarly within the knowledge of one Party, or when there are multiple parties, or when he or she otherwise determines appropriate, direct who shall open and may otherwise determine the order of presentation.

§ 12 Notice of Decision

The Hearing Officer shall promptly provide all Parties with a copy of every department decision or order when filed and otherwise give prompt notice of all department actions from which any time limitation commences.

§ 13 Miscellaneous Provisions Applicable to All Department Hearings

a. Applicability

The following provisions are applicable to all department hearings held pursuant to these Standard Rules Of Practice And Procedure For The Conduct Of Inspectional Services Department Hearings.

b. Amendments

The Commissioner of Inspectional Services may adopt any appropriate amendments and additions to Standard Rules Of Practice And Procedure For The Conduct Of Inspectional Services Department Hearings in accordance with M.G.L c. 30A, § 9. Any Division may apply to the Commissioner of Inspectional Services to make amendments to these rules.

c. Severability

If any rule contained herein is found to be unconstitutional or invalid by a Court of competent jurisdiction, the validity of the remaining rules will not be so affected.

d. Exemptions

Any Division wishing to be exempted from Standard Rules Of Practice And Procedure For The Conduct Of Inspectional Services Department Hearings shall apply for exemption to the Commissioner of Inspectional Services.

e. Conflicts

No Hearing Officer who has a direct or indirect interest, personal involvement or bias in a department hearing shall conduct a hearing or participate in decision-making for the relevant department hearing.

f. Ex Parte Communications

(A) General Provisions

1. Any member of the body comprising the department, Hearing Officer, or other department employee, who is or may reasonably be expected to be involved in the decisional process of the department hearing:
 - a. shall not make or receive an ex parte communication to or from any interested person outside the Department relevant to the merits of the Department hearing ; and
 - b. shall place on the public record of the Department hearing:
 - i. all prohibited written communications made or received;
 - ii. memoranda stating the substance of all prohibited oral communications made or received; and
 - iii. all written responses, and memoranda stating the substance of all oral responses, to the materials described in § 13(f) Ex Parte Communications(A) 1.b.i. and .ii.; and
 - iv. a statement whether, in his or her opinion, the receipt of the ex parte communication disqualifies him or her from further participation in the department hearing , pursuant to § 13(e) Conflicts.
2. The Hearing Officer may, upon the motion of any Party or on his or her own motion, accept or require the submission of additional evidence of the substance of a communication prohibited by § 13(f) Ex Parte Communications.
3. Upon receipt of a communication knowingly made or knowingly caused to be made by a Party in violation of § 13(f) Ex Parte Communications, the Hearing Officer may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the Party to show cause why his claim or interest in the Department hearing should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

4. The prohibitions of § 13(f) Ex Parte Communications shall apply beginning at the time at which an Department hearing is initiated under these standard rules for department hearings unless the person responsible for the communication knows or reasonably should know that the Department hearing will be initiated, in which case the prohibitions shall apply beginning at the time of such person's acquisition of such actual or constructive knowledge.
5. **Exception** § 13(f) Ex Parte Communications does not apply to consultation among Department members concerning the Department 's internal administrative functions or procedures.


§ 14 Rules Effective Immediately

The rules and procedures contained in this bulletin shall take effect immediately.

§ 15 Rules Effective Until Amended, Altered or Revoked in Writing

The rules and procedures contained in this bulletin shall remain in effect until they are amended, altered or revoked in writing.

Signed:



Kevin J. Joyce
Commissioner of ISD

Number: 2002 - 03
Date: August 30, 2002

Page 1 of 3

Subject: Establishment of the On-Call Manager List and Standard Rules and Procedures for On-Call Managers.

Purpose: Establish a schedule for on-call managers to handle off-hours service calls and emergencies.

General Considerations: Boston Inspectional Services personnel are charged with legal responsibility and public trust in ensuring the well being of the public health, welfare and safety. ISD must maintain the capability to respond to this duty 24-hours a day seven days a week.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and should be interpreted as gender neutral. .

ESTABLISHMENT OF ON-CALL MANAGER LIST AND THE STANDARD RULES AN PROCEDURES FOR ON CALL MANAGERS.

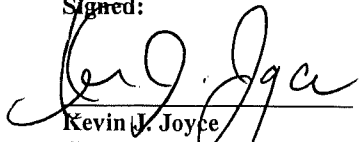
§ 1. On-call manager- ISD shall have an on-call manager available everyday for weekend and after hours emergencies. The on-call manager shall be the primary contact for other city agencies and departments, including the Mayor's 24 hour service, when ISD is needed during non-business hours.

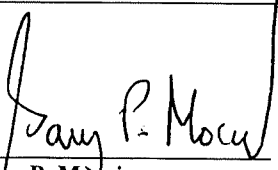
§ 2. Schedule- All on call manager shifts shall begin on Friday of each week at 4:00 p.m. and end the following Friday at 4:00 p.m. When the shift changes each week, the previous manager shall contact the succeeding manager to formally notify that manager the shift has started. All managers shall have on their person at all times either a Department issued Nextel phone or a beeper. All calls for ISD service to any on-call manager should be returned immediately. To this end, managers should have with them at all times a means for being contacted which is known to other ISD on-call staff and the Mayor's 24 hour service.

§ 3. Designation as on-call managers- All Deputy Commissioners, Assistant Commissioners, Directors and principal inspectors shall qualify as on-call managers once appointed by the Commissioner. Any person holding one of these positions shall be placed on the on-call manager list, which will have a standardized weekly rotation assigning the duty subject approval by the Commissioner. .

§ 4. Duties and Responsibilities- On-call managers shall function as "managers" by managing calls for service, using discretion as to the type of response needed and ensuring the service needed is delivered and followed up during the next business day as needed. On-call managers shall also be responsible for ensuring the safety of ISD personnel sent into the field at the on-call managers direction. ISD on-call managers may also be required to respond on--scene to some incidents and therefore shall travel to any location more than 1 hour in travel time from the City of Boston when on duty. In responding to calls for service all managers shall adhere to the protocol outlined in the On-Call Manager's Manual. This manual shall be the controlling protocol for all after-hours situations. Deviation from these protocols may only be authorized by the Director of Special Operations or the Commissioner's Office, unless there are clear and substantial reasons requiring such deviation.

Signed:


Kevin J. Joyce
Commissioner
Inspectional Service Department
Date:


Gary P. Moccia
Inspector of Building
Date:

Number: 2002 - 03
Date: August 30, 2002

Page 1 of 3

Subject: Establishment of the On-Call Manager List and Standard Rules and Procedures for On-Call Managers.

Purpose: Establish a schedule for on-call managers to handle off-hours service calls and emergencies.

General Considerations: Boston Inspectional Services personnel are charged with legal responsibility and public trust in ensuring the well being of the public health, welfare and safety. ISD must maintain the capability to respond to this duty 24-hours a day seven days a week.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and should be interpreted as gender neutral. .

ESTABLISHMENT OF ON-CALL MANAGER LIST AND THE STANDARD RULES AN PROCEDURES FOR ON CALL MANAGERS.

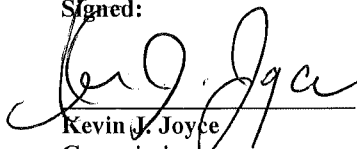
§ 1. **On-call manager-** ISD shall have an on-call manager available everyday for weekend and after hours emergencies. The on-call manager shall be the primary contact for other city agencies and departments, including the Mayor's 24 hour service, when ISD is needed during non-business hours.

§ 2. **Schedule-** All on call manager shifts shall begin on Friday of each week at 4:00 p.m. and end the following Friday at 4:00 p.m. When the shift changes each week, the previous manager shall contact the succeeding manager to formally notify that manager the shift has started. All managers shall have on their person at all times either a Department issued Nextel phone or a beeper. All calls for ISD service to any on-call manager should be returned immediately. To this end, managers should have with them at all times a means for being contacted which is known to other ISD on-call staff and the Mayor's 24 hour service.

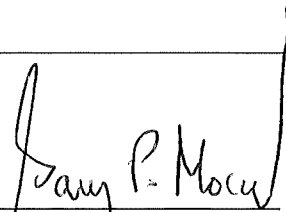
§ 3. **Designation as on-call managers-** All Deputy Commissioners, Assistant Commissioners, Directors and principal inspectors shall qualify as on-call managers once appointed by the Commissioner. Any person holding one of these positions shall be placed on the on-call manager list, which will have a standardized weekly rotation assigning the duty subject approval by the Commissioner. .

§ 4. **Duties and Responsibilities-** On-call managers shall function as "managers" by managing calls for service, using discretion as to the type of response needed and ensuring the service needed is delivered and followed up during the next business day as needed. On-call managers shall also be responsible for ensuring the safety of ISD personnel sent into the field at the on-call managers direction. ISD on-call managers may also be required to respond on--scene to some incidents and therefore shall travel to any location more than 1 hour in travel time from the City of Boston when on duty. In responding to calls for service all managers shall adhere to the protocol outlined in the On-Call Manager's Manual. This manual shall be the controlling protocol for all after-hours situations. Deviation from these protocols may only be authorized by the Director of Special Operations or the Commissioner's Office, unless there are clear and substantial reasons requiring such deviation.

Signed:



Kevin J. Joyce
Commissioner
Inspectional Service Department
Date:



Gary P. Moccia
Inspector of Building
Date:

APPENDIX J: Commissioner's Bulletin 2002- On call management establishment

Commissioner's Bulletin Boston Inspectional Services Department

Number: 2002 - 03
Date: August 30, 2002

Page 1 of 3

Subject: **Establishment of the On-Call Standard Rules and Procedures.**

Purpose: Establish a schedule for on-call managers to handle off-hours service calls and emergencies.

General Considerations: Boston Inspectional Services personnel are charged with legal responsibility and public trust in ensuring the well being of the public health, welfare and safety. ISD must maintain the capability to respond to this duty 24-hours a day seven days a week.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and should be interpreted as gender neutral.

ESTABLISHMENT OF ON-CALL MANAGER LIST AND THE STANDARD RULES AND PROCEDURES FOR ON CALL MANAGERS.

§ 1. On-call manager- ISD shall have an on-call manager available everyday for weekend and after hours emergencies. The on-call manager shall be the primary contact for other city agencies and departments, including the Mayor's 24 hour service, when ISD is needed during non-business hours.

§ 2. Schedule- All on call manager shifts shall begin on Friday of each week at 4:00 p.m. and end the following Friday at 4:00 p.m. When the shift changes each week, the previous manager shall contact the succeeding manager to formally notify that manager the shift has started. All managers shall have on their person at all times either a Department issued Nextel phone or a beeper. All calls for ISD service to any on-call manager should be returned immediately. To this end, managers should have with them at all times a means for being contacted which is known to ISD on-call staff and the Mayor's 24 hour service.

§ 3. Designation as on-call managers- All Deputy Commissioners, Assistant Commissioners, Directors and principal inspectors shall qualify as on-call managers once appointed by the Commissioner. Any person holding one of these positions shall be placed on the on-call manager list, which will have a standardized weekly rotation assigning the duty subject approval by the Commissioner. .

§ 4. Duties and Responsibilities- On-call managers shall function as "managers" by managing calls for service, using discretion as to the type of response needed and ensuring the service needed is delivered and followed up during the next business day as needed. On-call managers shall also be responsible for ensuring the safety of ISD personnel sent into the field at the on-call managers direction. ISD on-call managers may also be required to respond on--scene to some incidents and therefore shall travel to any location more than 1 hour in travel time from the City of Boston when on duty. In responding to calls for service all managers shall adhere to the protocol outlined in the On-Call Manager's Manual. This manual shall be the controlling protocol for all after-hours situations. Deviation from these protocols may only be authorized by the Director of Special Operations or the Commissioner's Office, unless there are clear and substantial reasons requiring such deviation.

Signed:

Kevin J. Joyce
Commissioner

Gary P. Moccia
Inspector of Building

Number: 2002 - 04
Date: May 9, 2002

Page 1 of 5

Subject: INSPECTORS, CODE ENFORCEMENT OFFICERS AND ISD PERSONNEL
ASSIGNED TO DEPARTMENT MOTOR VEHICLES

Purpose: This bulletin is issued to establish the responsibilities and duties of Inspectors Code Enforcement Officers and ISD personnel assigned to department motor vehicles.

Determination:

The Division of Administration and Finance, under the direction of the Deputy Commissioner for Administration and Finance has charge of all department Motor Vehicles. Inspectors, Code Enforcement Officers or any other ISD personnel assigned to duty in a department motor vehicle shall comply with the rules proscribed for such service herein.

A. STANDARD RULES AND PROCEDURES FOR OPERATION OF DEPARTMENT MOTOR VEHICLES:

§ 1 General Considerations:

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall adhere to the rules proscribed for such service and shall be subject to all other rules and regulations proscribed for Inspectors and Code Enforcement Officers to the extent that they are not in conflict with the specific rules for use of department motor vehicles.

a. Strict Compliance:

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall strictly comply with the requirements set forth in this bulletin.

needed basis, by the Inspectors, Code Enforcement Officers and ISD personnel assigned to that department motor vehicle.

§ 7 Damage to Department Motor Vehicles

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall be held responsible for failure to report any damage to the vehicle entrusted to his/her care and for any assigned department property or equipment missing from such vehicle when such damage or missing property or equipment should have been clearly discoverable by the inspection required before use of department motor vehicles.

§ 8 Speed of Department Motor Vehicles

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall, at all times, operate the department motor vehicle at a moderate rate of speed and in a manner consistent with the requirements contained in the Massachusetts General Laws and the rules of the road. Department motor vehicles, regardless of the posted speed limit must never travel faster than is reasonable and proper for the current traffic, weather and road conditions and public safety.

§ 9 Radio Receivers

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall, if provided, have the radio receiver of his/her vehicle in operation at all times while on duty.

§ 10 Radio Equipment

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall not tamper in any way with radio equipment and shall not make frivolous or unnecessary broadcasts nor interfere in any way with regular department radio communications.

§ 11 Department Motor Vehicles Defects

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall immediately report to the Deputy Commissioner of Administration and Finance any defect in the operation of the vehicle. If he/she is unable to transmit, he/she shall inform a supervisor of the condition of the radio.

§ 12 Unauthorized Passengers

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall not, except as in case of an emergency or other proper performance of duty, permit any person to ride in or on the vehicle to which he/she is assigned, unless specifically authorized by the Deputy Commissioner of Administration and Finance or their immediate supervisor.

§ 13 Unattended Department Motor Vehicles

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall not at any time while on duty, leave his/her vehicle unattended except in an emergency, or when authorized to do so. Legally parked and locked department motor vehicles during the course of inspection or other official department business shall not be considered “unattended” for the purposes of this section.

§ 14 Most Direct Route to Destination

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall drive his/her vehicle to a destination by the most direct route and the speed and operation of the vehicle shall be regulated with the utmost regard for public safety.

§ 15 Guidelines for Operating Department Motor Vehicles

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall, when reporting to inspect a premises or responding to a call for assistance from other emergency officials, at all times obey speed limits, observe and obey all stop signs and traffic signals and in general obey the rules of the road and operate the department motor vehicle in a manner demonstrating the utmost regard for public safety.

§ 16 Limited Use of Emergency Equipment

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall restrict the use of emergency equipment, flashing lights and sirens to when the vehicle is pulled over to the side of the road or when proceeding as part of a group of emergency vehicles to an inspection or emergency incident. Drivers may also use flashing lights and sirens when directed to do so by an incident commander on the scene of an emergency incident.

§17 Accidents Involving Department Motor Vehicles

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall immediately report any accident involving his/her assigned vehicle to the Deputy Commissioner of Administration and Finance and his/her direct supervisor.

§ 18 Regulations and Guidelines for Reporting and Investigating Accidents

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall adhere to the following regulations and guidelines for reporting and investigating all accidents involving department motor vehicles:

(a) Notification

Inspectors, Code Enforcement Officers and ISD personnel shall immediately report the time and location of any accident involving his/her assigned vehicle to the Deputy Commissioner of Administration and Finance and his/her direct supervisor. The vehicle operator will have the responsibility of obtaining all the necessary information and shall have the responsibility to

complete an Accident Report with the Boston Police Department. If the vehicle operator is unable to complete the Accident Report, then an observer or his/her direct supervisor may complete the Accident Report. A copy of this Accident Report must be filed with Deputy Commissioner of Administration and Finance and his/her direct supervisor.

(b) Citations

If vehicle operator is issued citation for a moving violation as a result of the accident, he/she will immediately report and provide copies of the citation to the Deputy Commissioner of Administration and Finance.

(c) Investigation

If the Deputy Commissioner of Administration and Finance determines that further investigation of the cause and circumstances of the accident is required, he/she shall request that the operator's direct supervisor assist the operator at the scene. The direct supervisor shall conduct a thorough on-scene investigation, including, if necessary, photographs of damaged property and interviews of witnesses and operators.

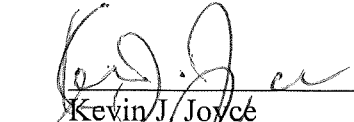
§ 19 Responsibility for Damage

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall be held responsible for any damage to department motor vehicles resulting from his/her negligence.

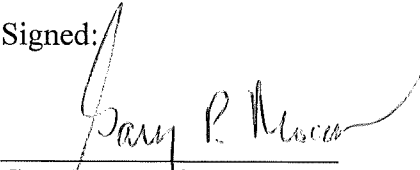
§ 20 Civil Claims Arising Out of Accidents Involving Department Motor Vehicles

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles, who retains an attorney to prosecute a third party liability claim for personal injuries resulting from any accident involving any department motor vehicle, must immediately notify the Deputy Commissioner of Administration and Finance and his/her direct supervisor of such claim in writing. The notice shall include the name and address of such attorney.

Signed:


Kevin J. Joyce
Commissioner of ISD

Signed:


Gary P. Moccia
Commissioner of Buildings

Commissioner's Bulletin Boston Inspectional Services Department

Number: 2002 - 05
Date: May 23, 2002

Page 1 of 3

Subject: **TIME STANDARDS FOR PROCESSING LEGAL NOTICES OF VIOLATIONS OF THE STATE BUILDING CODE.**

Purpose: Establishing Time Standards For Prosecution Of Legal Notices Of Violations Issued By The Inspectional Services Department Pursuant To Its Legal Authority Under G.L.c.143 For Administering 780 CMR (the "State Building Code") In the City of Boston.

Determinations:

1. It is the policy of the Inspectional Services Department to administer the laws, regulations and rules it is legally obligated to administer in a fair and judicious way. Members of the Department are expected to exercise proper care and due diligence and act in a manner which comports with the legal due process requirements of state and federal constitutions at all times.
2. In furtherance of this policy it becomes both necessary and appropriate to adopt and publish uniform time standards for employees to follow when they are determining whether to seek a complaint in court to enforce any law, regulation, or rule that the Inspectional Services Department is legally obligated to enforce.

Note:

For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be understood that where used they are to be interpreted as applying to both male and female employees.

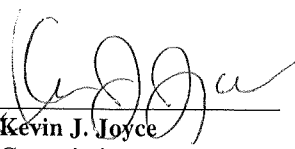
Time Standards

1. G.L.c. 143 regulates buildings and structures in the Commonwealth of Massachusetts and authorizes the promulgation of the state building code (780 CMR). Among other things, the state building code provides minimum safety standards for buildings and structures and a legal process for prosecuting violations of the state building code when buildings and structures are found out of compliance with the requirements of the state building code.
2. By law, G.L.c. 143 and 780 CMR are administered in Boston by the Inspector of Buildings through the Inspectional Services Department. In order to comply with the due process requirements contained in G.L.c. 143 and 780 CMR for the prosecution of violations of the state building code it is the policy of the Inspectional Services Department that all of its employees shall strictly comply with the time standards set forth in this bulletin.
3. It is the duty of the local inspector to exercise due care, diligence and professional judgement at all times when discharging his/her official duties.

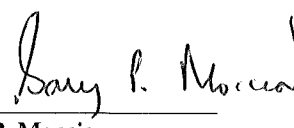
4. It is the duty of the Local Inspector to determine whether there is cause for complaint under the applicable provisions of 780 CMR (the state building code) and to issue a legal notice of violation to the person in control of the subject property, if it is determined that cause for issuing a violation exists.
5. Once a written legal notice of violation has issued, it is the duty of the local inspector who caused the legal notice of violation to issue, to timely re-inspect the subject property and determine if the legal notice of violation has been complied with in accordance with the terms and time periods specified in the legal notice of violation.
6. If the Local Inspector determines the cause underlying the issuance of the legal notice of violation is corrected, it is the duty of the local inspector to inform the Inspector of Buildings in writing that the legal notice of violation is corrected and that no further legal action by the Inspectional Services Department is warranted.
7. If the Local Inspector determines that the cause underlying the issuance of the legal notice of violation is not corrected, then it is the duty of the local inspector to inform the Inspector of Buildings in writing that it is the local inspector's determination that legal proceedings should be initiated to obtain compliance with the state building code as specified in the legal notice of violation. If he concurs with the local inspector's determination, then the Inspector of Buildings shall forward the matter to the Office of Investigations and Regulatory Enforcement for prosecution.
8. The Local Inspector shall have a period of sixty days from the compliance date (date of service) specified in the legal notice of violation to notify the Inspector of Buildings in writing that the legal notice of violation has either (1) been resolved or (2) should be brought forward to legal proceedings. If the local inspector fails to provide such notification to the Inspector of Buildings within this sixty-day period, then the legal notice of violation shall be dismissed sua sponte by the Inspectional Services Department for lack of prosecution. Repeated dismissals for lack of prosecution and/or failure to timely provide the Inspector of Buildings with the written notices specified in this bulletin could lead to disciplinary action of the Local Inspector.
9. After the effective date of this bulletin, no application for complaint shall be sworn out for prosecution after a period of 60 days has elapsed from the date of service of the legal notice of violation unless the Local Inspector certifies in writing the reason why he is seeking to bring the matter forward for prosecution after the expiration of the 60-day period.
10. It is the duty of each Local Inspector to keep accurate and complete written records of all legal notices of violation issued by the Local Inspector and to keep the Inspector of Buildings appropriately informed of the status and substance of each pending legal notice of violation issued by the Local Inspector. Local Inspectors are encouraged to keep private records of their work, noting all matters of importance in which they are engaged in their official capacity.

11. It is the duty of each Local Inspector to coordinate the efficient assignment of pending legal notices of violation (open court cases) when routinely being transferred from ward to ward or to other duty stations in the Inspectional Services Department. It is the further duty of the Local Inspector upon re-assignment to review all open violations transferred to the Local Inspector upon re-assignment and to further re-inspect the buildings and conditions giving rise to such open violations before requesting that such open violations be brought forward for prosecution.
12. Beginning on July 1, 2002 and until October 31, 2002 there shall be a grace period within which Local Inspectors are to review all outstanding legal notices of violation in their assigned wards and determine their validity. Any outstanding legal notice of violation which is not brought forward by the Local Inspector in accordance with the time standards contained in this bulletin prior to October 31, 2002 shall be dismissed by the Inspectional Services Department for lack of prosecution.
13. The practice of the automatic "swear out" of legal notices for violations of the state building code is abolished. Henceforth all so called "swear out" of violations shall be administered solely by the Office of Investigations and Regulatory Enforcement (formerly the Legal Division) on a case by case basis or as may be further determined by the Inspector of Buildings.
14. Nothing contained in this bulletin shall effect the immediate prosecution of emergency violations or have implications for any required response to emergency incidents and/or emergency inspections undertaken in accordance with public safety provisions of the state building code or any other regulation or at the direction of the incident commander on the scene of a critical incident or under emergency conditions.
15. Failure to comply with the time standards contained in this bulletin could lead to disciplinary action.
16. This bulletin is effective immediately and shall remain in force until it is amended or revoked in writing.

Signed:



Kevin J. Joyce
Commissioner
Inspectional Service Department



Gary P. Moccia
Inspector of Building
Inspectional Service Department

Date: 5.23.02

Date:

Number: 2002 -06
 Date: October 16, 2002

Page 1 of 2

Subject: ESTABLISHMENT OF STANDARD RULES OF PRACTICE AND PROCEDURE FOR FIELD DIVISION OPERATIONS

Purpose: This bulletin will establish the process for creating clear and consistent standards for all field divisions within the Inspectional Services Department. Standardization of rules and procedures support the fair and consistent administration of the laws and regulations ISD is legally obligated to enforce. This bulletin memorializes the standard operating procedures within each division to ensure greater accountability and to provide direction to division staff.

General Considerations: Boston Inspectional Services Department ("ISD") personnel are charged with great responsibility and trust in ensuring the well being of the public health, welfare and safety. Consistent, clear and efficient operational protocols are essential to ensuring that Department personnel fairly and effectively administer the law that ISD is legally obligated to enforce. Memorializing a clear set of standard rules of practice and procedure for each field division will support accountability from both employees and managers and ensure fairness in the workplace and in the administration of the law. These standard rules of practice and procedure shall be read in concert with existing work rules, not replace existing work rules.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be interpreted as gender neutral.

§ 1. Creation of and purpose: Each field division shall develop and operate under standard rules of practice and procedure published by Commissioner's Bulletin to serve as the standard for proper day to day operation of the division. These written standard rules of practice and procedure will be the controlling standard operating procedure for each field division. There shall be no deviation from these standard rules of practice and procedure without special circumstances and approval from the Commissioner's office. Any employee who is given an order from a supervisor that the employee feels is inconsistent with the division's standard rules of practice and procedures shall state the objection to the supervisor and the basis for the objection. The employee shall continue to follow the directions of the supervisor if that supervisor decides to reject the objection, unless a supervisor of higher authority provides a different order of action. The employee may note the objection in writing to the Commissioner's office or the Personnel Director to resolve the conflict of interpretation. The written objection should state the supervisor's name, circumstances, time, date and location and the basis for the objection. Each field division shall publish a set of standard rules of practice and procedures by Commissioner's Bulletin as follows:

- ✓ • 2002-6a Standard Rules of Practice and Procedure for the Building Department personnel
- ✓ 2002-6b Standard Rules of Practice and Procedure for Code Enforcement Police personnel ✓
- ✓ • ✓ 2002-6c Standard Rules of Practice and Procedure for Environmental Services Division personnel
- ✓ • ✓ 2002-6d Standard Rules of Practice and Procedure for Health Division personnel
- ✓ • ✓ 2002-6e Standard Rules of Practice and Procedure for Housing Division personnel ✓
- ✓ • ✓ 2002-6f Standard Rules of Practice and Procedure for Weights and Measures Division personnel
- 2002-6g [reserved]

§ 2 Development of Standard Rules and Procedures: The assistant commissioner in each division shall be responsible for developing, updating and ensuring the implementation of the standard rules and procedures for the division under his charge. The assistant commissioner shall be responsible for ensuring the standard rules and procedures in the Bulletin are consistent with existing laws and regulations.

§ 2a Content: The legal standards established in the Massachusetts General Laws and Code of Massachusetts Regulations administered by each division shall serve as the basis for defining the standards, procedures, process and jurisdiction for the standard day to day operation of each division within the Inspectional Services Department. Each division's standard rules and procedures shall reflect the relevant legal authority in clearly defining, at a minimum, the following:


- *Public Integrity Policy*: This section shall spell out the Department's policy as that of the division.
- *Chain of Command for the Division and Department*: The command structure of the division including its managers and the responsibilities of those managers shall be described.
- *Staff schedules*: Employee work day hours and breaks shall be described.
- *Process for making Inter- division Referrals, Media Inquiries, Foreign Language Interpretation and Use of ISD Issued Equipment* policies shall be stated for the division consistent with ISD policy. .
- *Intake procedures*: This section shall describe the process for handling the intake of complaints, questions or applications for permits licenses or certificates issued by the Division. The section shall also define how to classify a situation in either the emergency or non-emergency category and the necessary response for each. Response time to such issues shall also be stated.
- *Inspections*: This section shall state the legal authority for when the division shall perform inspections. The objective, scope and procedure for all inspections shall be defined here in accordance with the relevant law.
- *Violations*: This section shall state the legal authority setting the standard for the issuance of violation notices, fines and the legal process for executing such. Laws and regulations may be incorporated by reference where they are too numerous or cumbersome to detail here.
- *Condemnations, revocations or suspensions*: This section shall state the legal standard for any condemnation, permit/ license revocation or suspension or any other legally authorized action that may be taken by the division. The process for executing such actions shall be stated here and include citation to the proper legal authority for such action or process. The division's process for lifting such action shall also be stated.

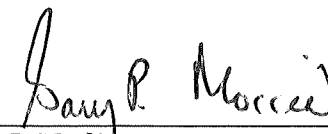
§2b. *Updates*: The assistant commissioner of each division shall be responsible for updating the division's standard rules and procedures as needed to conform with staff changes, changes in the law or operation changes to the Division.

§3b. **Process for issuing Standard Rules of Practice and Procedures.** Each assistant commissioner shall submit a draft Bulletin containing the division's standard rules and procedures to the Commissioner's office for review. The Commissioner's office and the assistant commissioner for the division shall review the document for completeness, efficiency, clarity and proper legal basis of authority. The draft of the document shall then be published following any necessary editing. The assistant commissioner shall then present the published version of the Bulletin to the division staff. The assistant commissioner must then submit, within 30 days of publication, a list, signed and dated by all division employees, acknowledging receipt and understanding of the division's published Commissioner's Bulletin.

§4. **Failure to Comply**: Any staff person, including a manager, who fails to follow the division's standard rules and procedures could be subject to employee discipline pursuant to the employee's respective collective bargaining agreement. The standard rules and procedures shall serve as the basis for judging the appropriateness of an employee's conduct in the course of professional duty for the division.

§5. **REVOCTION OF PREVIOUS BULLETINS**: All previous Commissioner's Bulletins or documents guiding the standard day to day operating procedure of any division is revoked upon publication of this bulletin. Commissioner's Bulletin 2002-1 "*Standard Rules of Practice and Procedure for Housing Inspectors and Housing Inspection Division employees*" shall republished as Commissioner's Bulletin 2002-6d "*Standard Rules of Practice and Procedure for Housing Inspectors and Housing Inspection Division employees.*"


 Signed: Kevin J. Joyce
 Commissioner
 Date: 10.18.02


 Gary P. Moccia
 Assistant Commissioner of the Department
 Date: 10/18/02

Number: 2002-6a
Date: January 15, 2003

1 of 5 pages

Subject: Standard Rules of Practice and Procedure for Building, Electrical & Mechanical Inspectors and Building & Structures Division Employees.

Purpose: This bulletin is issued to establish the responsibilities and duties for the position of Building, Electrical & Mechanical Inspector, and to establish standard rules of practice and procedure for Building & Structures Division (BSD) Employees to follow when they are performing their official duties.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be understood that where used they are to be interpreted as applying to both male and female employees of the Building & Structures Division. Also, the term Inspector shall be intended to include Building, Electrical and/or Mechanical Inspector where applicable. All specific references to Building Code Sections pertain to the Sixth edition of the Massachusetts State Building Code (Building Code) or it's referenced codes and standards.

Determination:

General considerations

A BSD Employee, in carrying out the functions of the Inspectional Services Department (ISD), shall direct his best efforts to accomplish that end intelligently and efficiently and shall hold himself in readiness at all times to respond to requests for assistance from the general public and his superiors. He shall conduct his affairs in a manner consistent with the policies of ISD and reflect the highest standards of honesty, integrity and fairness at all times when performing his official duties. He shall exercise care and good judgement in the use of official City of Boston equipment. Inspectors must present themselves in a professional manner at all times when performing official duties.

Article I. Public Integrity Policy

1. Policy

It is the policy of ISD that every action of ISD as an organization, and those of individuals, who act on its behalf, will reflect the highest standards of honesty and integrity. In all of our interactions, whether with the general public, or with each other, we will act in accordance with the ethical standards established by the City of Boston, ISD and this bulletin. It is the responsibility of ISD and its employees to prevent detect and correct instances of misconduct, whether administrative or in violation of law or the public trust.

2. Compliance with Public Integrity Policy

It shall be the duty and responsibility of each and every BSD employee to become familiar with and conduct themselves in accordance with the public integrity policy of ISD as stated in this bulletin, and Commissioner's Bulletin Number 2002-17, and any other published policy statements or Commissioner's Bulletins regarding the Public Integrity Policy or ISD.

Article II: Standard Rules of Practice and Procedure for Inspectors.

General Considerations:

All BSD employees shall conduct themselves in a professional manner at all times. Inspectors shall be prepared at all times for the proper discharge of their official duties. They shall be impartial in the use of their legal authority in enforcing the code, shall avoid all conflicts of interest and appearances of impropriety; and shall exhibit the utmost respect for the legal rights of all. BSD employees shall comply with the following standard rules of practice and procedures when performing their official duties. Office hours are from 8:00 AM to 5:00 PM. The workweek consists of 35 hours and inspectors until further notice will be assigned either an 8:00AM to 4:00PM or 9:00AM to 5:00PM shift. Field inspectors shall set aside the first and last hours of the day for office time to allow for scheduling, meeting with the public and returning phone messages.

Section 1.0: Scheduling of Inspections 780 CMR 115.0

1.1 General Inspections

Upon receipt of a request for an inspection of a proposed or current construction project, the Inspector shall make every effort to accommodate this request within 48 hours. In the event that the district inspector cannot accommodate the request, he shall attempt to coordinate an inspection by another inspector. When the request is taken by someone other than the specific inspector, the person taking that request shall obtain the name and daytime phone number of a contact person. The inspector shall call to confirm, or rearrange the time of inspection if needed.

1.2 Complaints

- a. All Complaints shall be referred to Data Entry for proper tracking and distribution. Once entered, complaints should be transmitted to the appropriate unit supervisor for assignment.
- b. Any request for inspection that alleges that conditions exist that may endanger or impair the health or safety of occupants or the general public are to be referred to a BSD supervisor who shall determine whether it is an emergency or not. Emergency complaints must be scheduled for an immediate inspection.
- c. All requests for inspections of alleged violations of the State Building, Electrical or Mechanical Code, or City of Boston Zoning Code that do not meet the criteria of an emergency complaint are to be designated as non-emergency complaints. These shall be referred to the district inspector who shall investigate and report their findings to their supervisor within three business days.

1.4 Violations

- a. If an inspection reveals that a violation of the Building, Electrical, Mechanical or Zoning Code does exist, a written violation notice to correct must be prepared by the inspector, approved and signed by their supervisor, and served upon the owner, owner's agent or contractor, in the manner provided by law.
- b. Said order to correct must contain a compliance time frame of 24 hours for emergency conditions. Non-emergency orders to correct must contain a compliance time frame of 30 days.
- c. All written violations must be monitored for status until completely corrected. Violations shall be sworn out in court no later than 60 days after service if not completely corrected.
- d. The above shall be carried out in a manner consistent with Commissioner's Bulletin 2002-05 (Time Standards for processing Legal Notices of Violations of the State Building Code) and 2002-19 (Standard Rules for the Alternative Disposition of Legal Notices of Violation).

1.5.1 *Stop Work Orders/Revocations*

- a. STOP WORK: If an inspection reveals conditions at a construction site that present an imminent health or safety hazard to the workers or to the general public, BSD inspectors must immediately notify a supervisor and inform her/him of the conditions observed. The Inspector shall then and post the site with a Stop Work Order citing the reasons same in accordance with the State Building Code Section 119.0, and follow up in writing as outlined in paragraph 1.4a above.
- b. REVOCATION: If conditions in the field or information obtained relative to an issued permit are found to be inconsistent with the documents on file, the inspector shall revoke the permit in accordance with Section 111.12 of the State Building Code after a supervisor has reviewed the facts and given authorization for such action. The Inspector shall also post the site as outlined in paragraph 1.5a above. Permit revocation shall require the permit holder to resubmit an application for new permit subject to a double fee or, at the discretion of the Building Commissioner, to submit an application amendment as set forth in 780 CMR 110.13 to properly correct any misrepresentation.

Section 2.0: Obtaining Legal Entry for Inspections

2.1 *Administrative Inspection Consent Forms*

- a. It shall be the duty and responsibility of each inspector to familiarize himself with the rules set forth in Commissioner's Bulletin Number 1999-05 and Number 2000-02 regulating the manner in which inspectors may obtain access in order to perform inspections. Inspectors shall strictly adhere to the procedures and requirements set forth in this bulletin.
- b. This bulletin provides occupants with notice of their right to refuse to consent to an administrative inspection. And further sets forth the procedures to be followed in obtaining an administrative inspection warrant if an occupant refuses a legal request to enter by an inspector in accordance with Section 115.6 of the Mass. State Building Code.

2.2 *Foreign Language Interpretation*

- a. ISD will provide interpreters as needed. Whenever BSD employees are unable to communicate with a client or customer due to a language barrier a supervisor should be contacted. The supervisor will make the necessary arrangements to provide an interpreter. Once an interpreter is present at the site, the inspector may proceed as outlined in paragraph b.

Section 3.0: Conduct of Inspections

3.1 *Inspections*

When conducting inspections in public or with other agencies, inspectors shall identify themselves as City of Boston officials. At all times, while on duty, inspectors shall carry their badges and identification cards on their person and shall have them readily accessible for display at all times.

All employees must present picture identification at the beginning of inspections. These procedures provide the public with the assurance and knowledge that they are dealing with employees of the City of Boston.

Applicants shall be informed of the required points of inspection at the time of application in accordance with Section 115.2 of the Mass. State Building Code. All inspections shall be conducted in accordance with 780 CMR 115.0 and any other applicable legal requirements. It is the duty and responsibility of each inspector to familiarize themselves with the above-mentioned requirement as well as all other regulations and ordinances that BSD is required to enforce.

3.2 *Emergency Inspections*

If an inspection reveals conditions that present an imminent health or safety hazard to the occupant or to the general public, BSD inspectors must immediately notify a supervisor and inform her/him of the conditions observed, any immediate actions taken, and the inspector's recommendation for further action. An emergency order to correct must be written during the inspection and served within 24 hours if the property owner resides within the City of Boston. If the premises are determined to be a threat to public health or safety, and cannot be reasonably secured by the owner in a timely manner, a building or premises watch may be ordered by the supervisor. This shall be done in a manner consistent with published rules for building watches. If response is an off-hours emergency involving any potential danger of collapse, soil shifting or other site safety issues, a stop work order shall be issued immediately and the permit holder or his agent directed to meet with the Inspector of Buildings the next business day. Notwithstanding the permit holder's certified professional engineer finding that no safety issues are present prior to that meeting, the procedure outlined in this section shall be followed unless directed otherwise by the Inspector of Buildings or the Assistant Commissioner of Buildings and Structures.

3.3 *Reporting Requirements for Emergency Cases*

All emergency complaints received via complaint line (Mayor's 24 hour or in house) or via in the field must be reported to a supervisor in the appropriate inspection division (i.e., building, electrical, mechanical). The unit supervisor will dispatch an Inspector who will report on emergency conditions observed during an inspection, and await further instructions before leaving an inspection site. The Unit Supervisor will inform the Investigative and Regulatory Enforcement Division (Special Operations) of the situation where conditions warrant.

Supervisors and Inspectors must ensure that all complaints are properly followed through to compliance or court enforcement; and that the applicable databases are updated daily.

Section 4.0: Condemnations and Relocation Assistance 105 CMR 410.831 **Exit Order/Hazardous Means of Egress**

4.1 *Condemnations*

All condemnations shall be referred to the Housing Inspection Division and/or the Investigative and Regulatory Enforcement Division (Special Operations) and conducted in accordance with 105 CMR 410.831 and 950.

Approval must be obtained from the Assistant Housing Commissioner or his designee, before a condemnation order or a vacate order is issued.

4.2 *Exit Orders*

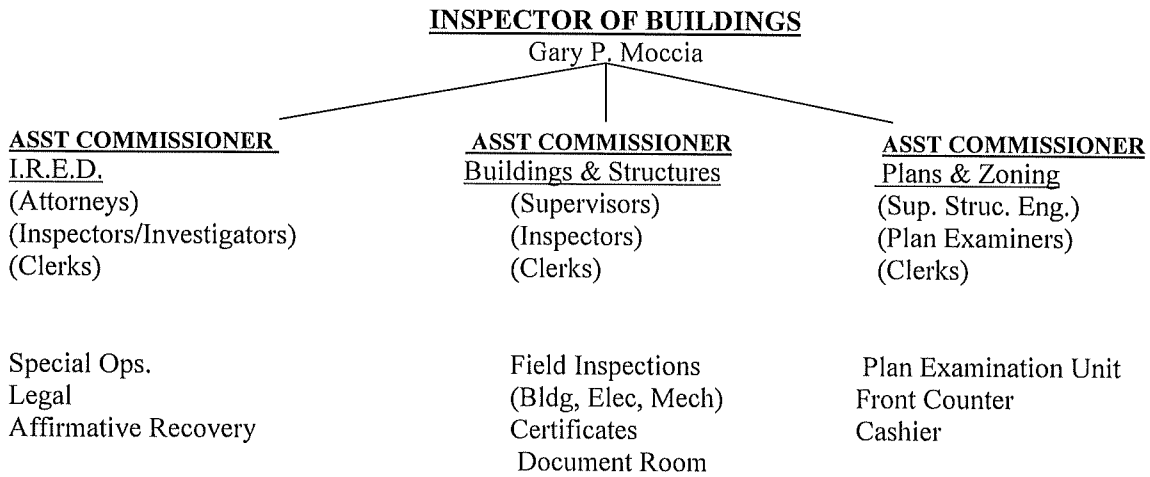
In accordance with Section 1004.2.1 of the Building Code, in any building not provided with the proper exit facilities and in which the exits are deemed hazardous or dangerous to life and limb, the Building Official shall declare such building unsafe in accordance with Section 121.0 and issue a Vacate Order. All relocation of occupants shall be conducted in accordance with commissioner's Bulletin 2001-6, which establishes procedures to be followed by inspectors when relocating occupants from buildings is required because of dangerous or life threatening conditions.

Section 5.0: Building & Structures Division Organization


The Building and Structures Division shall be under the direction of the Inspector of Buildings. He shall be assisted in the performance of his duties by Assistant Commissioners in the following departments:

- Investigations and Regulatory Enforcement Division (Special Operations)
- Plans and Zoning
- Buildings and Structures

The responsibilities and personnel assigned to the Assistant Commissioners are as outlined in the Organizational Chart below:

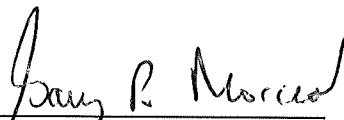


Signed:



Commissioner
Inspectional Services Department
Date:

Signed:



Assistant Commissioner of Department
Inspectional Services Department
Date:

Assistant Commissioner, Bldgs & Structures
Inspectional Services Department
Date:

Date: January 15, 2003

Number: 2002-6b

1 of 6 pages

Subject: Standard Rules of Practice and Procedures for Environmental Services Inspectors and Employees.

Purpose: This bulletin is established in order to identify the responsibilities and duties of individual staff within the Environmental Services Division as well as establish standard rules and procedures to be adhered to. All staff will be required to follow these guidelines.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be understood that where used they are to be interpreted as gender neutral and apply to both male and female employees.

General Considerations

An employee of the Environmental Services Division, in carrying out the functions of the Inspectional Service Department (ISD), shall direct his best efforts to accomplish that end intelligently and efficiently and shall hold himself in readiness at all times to respond to requests for assistance from the general public and his superiors. He shall conduct his affairs in a manner consistent with the policies of ISD and reflect the highest standards of honesty, integrity and fairness at all times when performing his official duties. He shall exercise care and good judgement in the use of official City of Boston equipment and present himself in a professional manner at all times.

Article I Public Integrity Policy**Section 1.0**

It is the policy of ISD that every action of ISD as an organization, and those of individuals, who act on its behalf, will reflect the highest standards of honesty and integrity. In all of our interactions, whether with the general public, or with each other, we will act in accordance with the ethical standards established by the City of Boston, ISD and this bulletin. It is the responsibility of ISD and its employees to prevent detect and correct instances of misconduct of any kind.

Section 2.0

Compliance with Public Integrity Policy - Each ESD employee shall be responsible for understanding and conducting themselves in accordance with the public integrity policy of ISD as stated in this bulletin, and Commissioner's Bulletin Number 1997-03, and any other published policy statements or Commissioner's Bulletins of the Department or City.

Article II Standard Rules and Practices/Environmental Services**Section 1.0 Chain of Command**

All employees shall follow the ISD chain of command. The Assistant Commissioner, who reports directly to the Deputy Commissioner of Field Services, is responsible for the entire Division. The Assistant Commissioner shall be responsible for operational management, compliance with policies and procedures, developing innovations, ensuring proper staff training, deployment and discipline. The Principal Health Inspector is second in command with responsibility for the day to day operations, including compliance with all regulations, laws, policies and procedures in day to day operations. In the absence of either the Assistant Commissioner or the Principal Inspector, the Deputy Commissioner for Field Services leads the Division. In the field, authority is granted to the manager or manager's designee.

Section 2.0

Staff Schedule

The normal working hours for the Division are 8:00a.m.- 4:00p.m. Staff schedules may as specified in the collective bargaining agreement and the work rules of Inspectional Services to accomplish necessary ESD rodent abatement tasks. Regardless of the scheduled hours assigned, each employee shall work a five days a week for seven-hour a day with one hour for lunch and one fifteen minute break per 3.5 hours of work. These breaks can be taken only after the 3.5 hours has been worked, unless prior approval from a manager is obtained.

Section 3.0

Use of Equipment and Supplies

3.1 General use. All employees issued equipment by ISD to perform their essential duties are responsible for complying with Commissioner's Bulletin 2002-18 *"Standard Rules and Procedures For Issue, Use and Care of ISD Equipment"* while using the equipment. All pest applicators accurately document the use of pesticides, including the quantity, type and location of the use, on the baiting sheets provided for annual reporting purposes to the Commonwealth of Massachusetts. Any equipment needed is logged out and/ or accounted for during each shift. The employee using the equipment is the person responsible for it. The supervisors are responsible for ensuring day to day compliance with the use of equipment. Any pertinent information that will affect later use of equipment shall be reported immediately to a supervisor. In addition, all employees use vehicles, even vehicles assigned on a one time or random basis, in compliance with Commissioner's Bulletin 2002-04 *"Standard Rules for the use of ISD motor vehicles."* Any loss, misuse or damage of equipment or vehicles, including the unauthorized taking home of vehicles or equipment, must be reported in writing immediately to the Assistant Commissioner who will in turn will alert the Deputy Commissioner for Administration and Finance.

3.2 Rodent Control vehicles. Each vehicle contains one case of Victor Snap Traps, two buckets of Vengeance bagged bait and three buckets of Final Block for baiting sewers and areas adjacent to waterways. Surgical gloves, copper mesh, sewer baiting wire, sledge hammers and regular hammers are distributed on an as needed basis approved by a supervisor. All equipment use complies with Commissioner's Bulletin 2002-18, with special regard for the accounting of all equipment at the beginning and end of each shift on a standard form provided by ESD.

3.3 The Environmental Services Board Up. The Truck is stocked at all times with 40 sheets of plywood, 20 2x3 boards and 20 2x4 boards. When operational, the vehicle will also contain a Dewalt Combo Kit consisting of a portable skill saw and 18-Volt Dewalt drill, 3" and 4" sheet rock screws, nails and carriage bolts for high security board up jobs. Additional equipment, including the surplus of stock materials such as wood, fasteners, landscape equipment and other pertinent supplies, are stored off-site. Any time the truck is put into use or off-site equipment is used, it is done in compliance with 2002-18, with special regard for the accounting of all equipment. The same applies to use of any Department equipment in support of the Basic Services Team or Project Pride operations.

Section 4.0

Conduct and Field Assistance

Each employee is required to report to their immediate supervisor situations that may be under the jurisdiction of another Division or other city agency. All employees are required to report to their supervisor any allegations of misconduct by any city employee or observations of alleged misconduct in their day to day duties. A report will then be made to the Personnel Director and/or his supervisor. Failure to report such misconduct may result in disciplinary action under the respective collective bargaining agreements.

Section 5.0

Media Inquiries/On Scene Presence

All media inquiries in the office or in the field are immediately referred to the Commissioner's Office. There are to be no exceptions to this rule. It is acceptable for the individual to secure the name and a way of contacting the media outlet for referral purposes only, but no comments are to be issued either personally or on behalf of the department without the consent of the Commissioner's Office.

Article III Standard Practice and Procedure for Environmental Services Staff

Section 1.0 Intake and Scheduling of Inspections.

1.1 Emergency complaints: Environmental Services Division employees shall treat the following situations as emergencies:

1.1a Report of a rat bite or rat free in a residential dwelling: Immediately after any call describing a potential rat bite or rat free in a dwelling, ESD staff will alert the Housing Division for dispatch of a housing inspector. An ESD inspector may report to the scene at the direction of a ESD or Housing Division manager to conduct appropriate pest control measures in accordance with the Code of Massachusetts Regulations for pest control applications. *See Section 3.3 Pest Control below*

1.1b. Building Security / re-securing

ESD personnel shall respond immediately to requests from a manager, including the on-call manager, to secure a building condemned by ISD. Inspectors are required to secure all openings identified by the contact person on-scene. When the property is secured, the inspectors are required to record the amount and type of material used, number of man hours, designating the number of overtime hours if applicable, required to complete the job. This information shall be presented to the Budget office for invoicing the following business day. ESD shall be responsible for the disposition of all secured buildings in accordance with Commissioner's Bulletin 2001-8.

1.2 Non Emergency Complaints. All complaints to ESD other than those identified as emergency complaints in section 1.1 shall be non-emergency complaints and may come from constituent phone calls to the Department or the Mayor's 24 hour hotline, or basic correspondence from a constituent, another ISD division or a city department. Non-emergency complaints shall receive a field response no later than the end of the following business day. The Principal Health Inspector will assign these complaints to the local inspector. Typical non-emergency complaints are handled as follows:

1.2a Rodent complaint. The inspector responding to such complaints applies the Integrated Pest Management approach. Each inspector explain any finding to the complainant or the owner/agent of the property where the alleged activity is to have occurred. At all times the inspector is to act courteously and professionally when he addresses the party in interest. The inspector may issue notices of violation for 105 CMR410.550 or others as set out in Section 3.2 above.

1.2b Trash and refuse complaints. When assigned such a complaint an inspector may issue notices of violation for 105 CMR 410.600 -602. These complaints are also referred immediately upon receipt to the Code Enforcement Police for collateral enforcement efforts. Inspectors notify supervisors if added resources are needed to remove trash or any rodent harborage.

1.3 Compliance inspections: Site Cleanliness licenses. ESD inspectors perform an annual inspection of all authorized bulk refuse containers and the area surrounding them licensed under the Site Cleanliness Ordinance. The inspectors examine the area for compliance with the Site Cleanliness plan on file with the Department and general compliance the State Sanitary Code. These inspections will be conducted for issuing a new Site Cleanliness License or the annual renewal. The Code Enforcement Police and the Environmental Services Division will monitor these locations across the city.

Section 2.0 Obtaining Legal Entry for Inspection

2.1 No ESD inspector enters onto private land or into a private dwelling without first obtaining a signed administrative inspection form providing consent to such lawful entry. If consent is not granted then see Section 2.3 of this document. The consent requirement does not preclude inspectors from making observation from a public way or area held open to the public of conditions in existence on the land.

2.2 Foreign Language Interpretation

If an individual or group is unable to understand the particular spoken or written word of ISD personnel because of a language barrier, the inspector requests an interpreter who speaks the specific language through the Inspectional Services staff or by contacting the Mayor's Office of Neighborhood Services. The inspection shall not proceed until an interpreter has arrived at the scene.

2.3 Warrants

If an inspector cannot gain consent to enter the land or premises, then upon such denial the inspector shall notify a supervisor for the purposes of coordinating the process of obtaining a search warrant with the Division of Investigative and Regulatory Enforcement and/or the Law Department.

Section 3.0 Inspections and Other Field Conduct

- 3.1 **Presenting Identification.** All field personnel are required to present Department issued identification upon presenting themselves for any inspection or other official duties including after hours and weekend work. Identification is used for official purposes or verification of employment, membership for professional organizations or as a second means of identification.
- 3.2 **Inspections.** All inspections are conducted in a clear and methodical manner, taking legible notes. Inspectors conduct complete inspections. ESD staff may inspect any property to which it has a justified legal presence for compliance with 105 CMR 410.600-2 (residential property); 105 CMR 590.020-021 (commercial property), Site Cleanliness Ordinance CBC c. 9-9.8. All inspections are assigned to local inspectors based on complaints except for annual Site Cleanliness inspections and when needed Construction site inspections.
- 3.3 **Pest control.** Pest control measures are used only on public property unless rodent activity on private property is causing a public nuisance or emergency situation and expressed written consent is provided to ESD inspectors to perform such duties by the private property owner. All pest control measures shall only be performed by licensed pest applicators on the exterior of any dwelling or building to address a violation of 105 CMR 410.550. Pest control measures shall comply with M.G.L. c. 132B; 333 CMR 10.00, 105 CMR 410.550(D) and other laws.

Section 4.0 Violations

4.1 Issuance of Violations: ESD Inspectors issue notices of violation to the owner and /or occupant upon observing the conditions violating provisions of the State Sanitary Code stated in Section 3.2 above within 24 hours of taking notice of such violations. An ESD supervisor signs all notices prior to their service to ensure accuracy and proper citation. Violations are written neatly and legibly. Each inspector writes out the violation witnessed and code section violated. Inspectors make an effort to record the conditions either through written description or photographs to supplement any future prosecution. All inspectors make an effort to schedule re-inspections with the offending party at the time of the initial inspection. All violations shall be given two response time categories:

4.1a 24 hour response requirement: Any violation of 105 CMR 410.550 requires the property owner to correct the violations or at least make a good faith effort to do so within 24 hours of notice pursuant to 105 CMR 410.830. Interior violations of 105 CMR 410.550 are referred immediately to the Housing Division.

4.1b 7-day response requirement: All other violations noticed by ESD inspectors as set forth in section 3.2 above require the property owner to correct the violations within seven days of notice pursuant to 105 CMR 410.830. All such violations are also referred to the Code Enforcement police for collateral enforcement through the process set forth in G.L. c. 40 § 21D.

4.2 Re-inspection and Failure to correct within time period authorized: Upon expiration of the time allowed to correct a violation, inspectors execute a re-inspection scheduled at the time of the initial violation when possible. Inspectors shall be responsible for all follow up on violations issued by them, unless otherwise directed by a manager. All re-inspection results are reported to the Principal Health Inspector for closure, a hearing or prosecution. ESD holds administrative hearings for uncorrected violations. The hearings are conducted consistent with Commissioner's Bulletin 2002-02 and 2A, the hearing officer issues a written decision consistent with the same, filed with the building jacket and mailed to the owner. ok.

4.3 Failure To Comply With Hearing Decision, Notice to legal: Failure to comply with the hearing officer's written decision results in referral of the case to the Legal Division for prosecution. The inspector conducting the initial inspection shall monitor the property for decision compliance and over all sanitary condition, a follow up inspection may be scheduled. It shall be the responsibility of the ESD to highlight problem properties and recommend them to the legal division with all supporting documentation.

4.4 Site Cleanliness violations. Any party using a bulk refuse container without a valid Site Cleanliness License or a failure to comply with a valid Site Cleanliness License or any part of the Ordinance is issued a violation. Failure to correct a violation results in subsequent violations each day the violation continues. After three violations, the violator is sent written hearing notice stating with particularity the issues being considered at the hearing, the time, place and date of the hearing. The hearing officer may order remedial steps and impose a \$1000 a day per fine after the hearing. A hearing officer issues a written hearing decision that is served either in person or sent through regular mail to the violator. All hearings comply with Commissioner's Bulletin 2002-2, 2A. For failure to comply with the hearing decision see Section 4.3.

Section 5.0 Revoking or Suspending Permits or Licenses

5.1 Environmental Services Division enforcement action may result in the suspensions or revocations in the following way:

5.1a Site Cleanliness Licenses: A site cleanliness license may be suspended under the authority of the City of Boston Site Cleanliness Ordinance. All aggrieved parties shall petition EDS for a hearing on the matter

5.1b Unabated rodent activity on construction site: Failure to abate any rodent activity caused by the demolition, drilling or construction of a building or on a parcel of land shall be reported to the Principal Inspector, who shall make a weekly report to the Building Division pursuant to Commissioner's Bulletin 87-4 "Proper Extermination for Building Department Permit Applications." Such cases referred to the Building Division shall be reviewed for potential issuance of a stop work order pursuant to 780 CMR 119.1 until the rodent problem is abated.

5.1c. TSOP of Health Permit: Any permitted food service establishment may be subject to the Temporary Suspension of its Operating Permit in accordance with 105 CMR 590.014. after repeated citation the improper storage of trash or other sanitary violations. EDS inspectors shall refer all food establishments receiving violations from ESD inspectors to the Health Division for inspection to ensure compliance in daily food service with public health provisions for food service as set forth in 105 CMR 590.00.

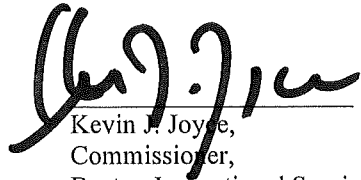
6.0 Programmatic Support

ESD staff shall provide programmatic support to the various quality of life efforts of the Department including but not limited to clearing debris, trash, overgrowth and other rodent harborages from public and private lands in conjunction at times with the Suffolk County House of Correction workers or the Mayor's Basic Services Team. EDS staff shall also support emergency operations as needed. ESD shall be issued the necessary equipment to accomplish such tasks. ESD staff using such equipment shall be responsible for its proper use, care and accountability as set forth in Commissioner's Bulletin 2002-18.

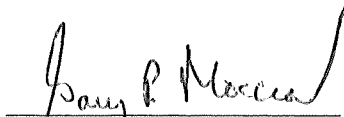
7.0 Failure to Comply

Any failure to comply with this bulletin or any Department or City policy may result in discipline against any violating employee, including managers. For employees with membership in a union, employee discipline shall be in accordance with the respective collective bargaining agreement between employee's union and the City of Boston.

Signed:



Kevin J. Joyce,
Commissioner,
Boston Inspectional Services
Date: 1.16.03



Gary P. Moccia, P.E.
Asst. Cmsr. of the Department
Boston Inspectional Services
Date: 1/16/03



Leo Boucher,
Asst. Commissioner,
Environmental Services
Boston Inspectional Services
Date: 1/16/03

Number: 2002 - 06c
Date: October 16, 2002

Page 1 of 7

Subject: Standard Rules and Procedures for Health Division Personnel.

Purpose: Establish standard rules and procedures by which Health Division personnel shall execute their duties under the law.

General Considerations: Boston Inspectional Services Department (ISD) personnel are charged with great responsibility and trust in ensuring the well being of the public health, welfare and safety. Consistent, clear and efficient operational protocols are essential to ensuring that Health Division personnel fairly and effectively administer the law. Health Division personnel must use these rules and sound professional judgment in performing all duties with the overriding themes of integrity and honesty.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be interpreted as gender neutral. .

ARTICLE I. Public Integrity Policy

Section 1.0

It is the policy of ISD that every action of ISD as an organization, and as those of individuals, who act on its behalf, will reflect the highest standards of honesty and integrity. In all of our interactions, whether with the general public, or with each other, we will act in accordance with the ethical standards established by the City of Boston, ISD and this bulletin. It is the responsibility of ISD and its employees to prevent, detect and correct instances of misconduct, whether administrative or in violation of law or the public trust.

Section 1.1

It shall be the duty and responsibility of each Health Division employee to become familiar with, and to conduct themselves in accordance with, the Public Integrity Policy of ISD, as stated in Commissioner's Bulletin 2002-17, as well as Commissioner's Bulletin 1993-3.

ARTICLE II Health Division Operations

Section 1.0 Chain of Command

The Assistant Commissioner is in charge of the Health Division and shall report directly to the Deputy Commissioner of Field Services. He shall conduct his duties pursuant with City of Boston policies and Ordinances as well as those mandated in the Massachusetts General Laws. He is responsible for all aspects of the Health Division's operation, development of enforcement strategies and innovations. He shall be aware of issues that need to be addressed in the field or for the Department. He shall be responsible for the day to day activities of Principal Health Inspectors, Health and Environmental Sanitation Inspectors and clerical staff. In the event that the Assistant Commissioner is absent, the Deputy Commissioner of Field Services or his designee shall assume these duties. The Assistant Commissioner shall be responsible for all staff training, developing policy, the efficiency of enforcement, and the oversight of the Principal Health Inspectors day to day operations. Principal Health Inspectors shall report directly to the Assistant Commissioner. Principal Health Inspectors shall have executive responsibility for ensuring the procedures, protocols, policies and orders of the Assistant Commissioner and those of the Department are effectively and consistently followed in the day to day deployment and performance of Health Division personnel. Principal Health Inspectors shall ensure consistency in all matters of operation and procedures to make sure Health Division personnel are following the same policy. Environmental Sanitation Inspectors shall report directly to their assigned Principal Health Inspector or in his absence a Principal Health Inspector. All Health Division personnel, when responding to an emergency, shall report to the incident commander, Commissioner or Commissioner's designee.

Section 2.0 Staff Schedule

The regular workday of the Health Division for all staff is 8:00 AM to 4:00 PM, Monday through Friday. Principal Health Inspectors shall assign daily inspections and route assignments to all Environmental Sanitation Inspectors. All Environmental Sanitation Inspectors shall draft a proposed Daily Activity Report at the start of each workday, endorse it and submit it to their assigned Principal Health Inspector for his approval by endorsement. All Environmental Sanitation Inspectors shall accurately complete the Daily Activity Report at the end of the workday, endorse it and submit it to their Principal Health Inspector for his approval and endorsement. Environmental Sanitation Inspectors shall be assigned an inspection area by City ward and these wards shall be rotated every two years. Environmental Sanitation Inspectors are allowed a fifteen (15) minute rest period during each one-half (1/2) work day. The rest period shall be scheduled at the middle of each one-half (1/2) work day when feasible. Breaks shall not be taken immediately prior to or after the lunch period unless approved in advance by a manager.

Section 3.0 Use of Equipment

The Health Division shall adhere to Commissioner's Bulletin No. 2002-18 "Standard Rules and Procedures for Issue, Use and Care of ISD Equipment". Health Division personnel shall limit the use of equipment to times in which they are performing a task required by their professional duties. They shall be accountable for the proper use and care of ISD equipment. Health Division personnel shall be responsible for all assigned equipment and forms such as: calibrated metal stem thermometers, thermo-couples, alcohol wipes, flashlights, thermo-labels, hair restraints, test kits, specimen bags and cooler, inspection forms, codes and regulations, assigned jacket and cap, and any other assigned equipment.

Section 4.0 Inter-Division Issues/Referrals

All Health Division personnel shall understand their responsibility to report possible violations found in the field that may be under the jurisdiction of another ISD division and/or any other issue concerning the conduct of ISD personnel to their immediate supervisor for proper referral and/or action.

Section 5.0 Media Inquiries

It is the policy of ISD to refer all media inquiries to the Commissioner's Office or the Commissioner's media designee. The purpose of this policy is to ensure one informed response that encapsulates all the pertinent facts involved in an issue of media interest and also to limit the legal liability of unattended misstatements by those solicited.

Section 6.0 Safety

Health Division personnel shall consider safety precautions during all inspections and shall notify a supervisor if there are safety concerns regarding persons and/or equipment.

ARTICLE III Standard Rules of Practice and Procedure for Health Division Personnel

Section 1.0 Scheduling of Mandatory Inspections

Health Division mandatory inspections are assigned to inspectors by ward. Inspectors must work to balance hours required to inspect the total number of establishments within each assigned ward. Inspectors shall complete inspections required by State Sanitary Code 105 CMR 590.013 and other inspections according to dates stipulated on the monthly report form. If an inspector encompasses problems completing inspections on time, he shall notify a Principal Health Inspector seven (7) days before the deadline. Completions of the required initial inspections are reviewed and updated monthly by Principal Health Inspectors.

Food Establishments: 105 CMR 590.013 "Inspection and Correction of Violations" states that a regulatory authority shall inspect a food establishment at least once every six months. The regulatory authority may increase the interval between inspections beyond six months if the food establishments are assigned a less frequent inspection frequency based on a written risk-based inspection schedule that is being uniformly applied throughout the jurisdiction. The frequencies of inspections are risk based and require timely inspections. High risk establishments, which include highly susceptible populations such as hospitals, nursing homes, day care centers, elderly feeding programs, food processors, commissaries and non highly susceptible population establishments such as those who have multiple food preparation processes, deemed

compliance risks with three or more repeated risk factors or unsanitary conditions and those closed for sanitary violations must be inspected at least three times, medium risk establishments such as those with a limited menu of prepared unpackaged food, those where most products are prepared, cooked and served immediately, and those with hot and/or cold food holding of potentially hazardous food products for a single meal must be inspected at least two times, low risk establishments, such as those with pre-packaged foods only, limited preparation of non-potentially hazardous food products, and service of alcoholic beverages only must be inspected at least one time annually.

Recreational Camps for Children: 105 CMR 430:000 states that no recreational camp for children shall receive a license to operate in each year until it has been inspected by the local board of health and found by the board to meet all the requirements of 105 CMR 430:000. Recreational Camps for Children shall be inspected at least once annually.

Swimming Pools: 105 CMR 435:000 states that the board of health and the Department of Public Health or the authorized agent or representative of either are authorized to develop and adopt plans for the systematic, periodic inspection of swimming pools. Swimming pools shall be inspected at least once annually.

Massage and Bath: M.G.L. - Chapter 140, Section 51 - City of Boston Code, Ordinances, Chapter II, Section 2-12.5 states that a licensee shall permit authorized inspectors and agents of the Department to visit and inspect the establishment at reasonable times in order to ascertain whether it is in compliance with laws, including this regulation. Massage and Bath Establishments shall be inspected at least once annually.

Funeral Directors: M.G.L.- Chapter 114, Section 49 states that the board is authorized to employ inspectors who shall investigate and report to the board the results of their investigation. Funeral homes shall be inspected at least once annually.

Section 1.1 Complaint Intake

All complaints received by the Division of Health Inspections are deemed priorities and shall be responded to appropriately depending on the category of threat to public health and safety. Intake personnel will strive to obtain all the information necessary to properly respond to each individual complaint in a manner that will allow inspectors to understand and solve the complainant's issues. All complaints whether food service, massage, recreational camps for children, funeral homes, swimming pools and commercial will receive equal priority by intake personnel. Intake personnel shall log complaints and give complaints to a Principal Health Inspector who will refer to the appropriate inspector for investigation.

Section 1.2 Emergency Complaints

A complaint that is considered to be a possible imminent health hazard such as a food alert due to a possible foodborne illness, no water, sewage backup, no electricity, fire and/or smoke damage, which poses a significant threat or danger to health shall receive inspection priority and will be responded to within one to two days. A complaint that is not considered an imminent health hazard will be responded to within one to two days.

Section 1.3 Initial and Compliance Inspections - Purpose

The purpose of in initial inspection is to ensure that the establishment is in compliance with all relevant codes and is operating in a safe and sanitary manner. Should the initial inspection find violations that would create an imminent health hazard, an administrative action (refer to section 4.0) could occur. The purpose of a compliance inspection is to ensure that any violations cited in the initial inspection have been corrected. Should the compliance inspection reveal uncorrected violations a hearing (refer to Section 3.4) and/or other administrative action (refer to section 4.0) could occur.

Section 1.4 Establishment Participation During Inspections

Health Division personnel shall ask the person in charge to accompany them during the entire duration of the inspection. It is required that the person in charge demonstrate the proper knowledge necessary to operate an establishment in a safe and sanitary manner.

Section 2.0 Obtaining Legal Entry for Inspections

No prior notice of inspection is required so long as the regulatory authority presents official credentials and provides notice of the purpose and intent to conduct an inspection. The person in charge shall allow the regulatory authority entry to determine if the establishment is in compliance, allowing inspection, and providing information and records specified to which the regulatory authority is entitled according to law, during the establishments hours of operation and other reasonable times.

Section 2.1 Administrative Inspection Consent Forms - Right To Access

If denied access to an establishment for an authorized purpose, the regulatory authority shall inform the establishment that: the permit holder is required to allow access to the regulatory authority as specified under 105 CMR 400.100 and/or 105 CMR 590:012 and shall be in compliance with Commissioner's Bulletin 1999-05 "Administrative Inspection Consent Forms" and Commissioner's Bulletin 2000-02 "Right of Entry Policy". Access is a condition of the acceptance and retention of an establishment's permit to operate as specified under 105 CMR 400:100 and/or 105 CMR 590:012. If access is denied, an order by the appropriate authority allowing access, hereinafter referred to as an administrative warrant, may be obtained and make a final request for access.

Section 2.2 Foreign Language Interpretation

If, during the course of an inspection, Health Division personnel feel that an interpreter is necessary to properly ensure compliance and understanding of health issues, he shall notify his supervisor, who will make arrangements for the assistance of an interpreter.

Section 2.3 Warrants: Process

If denied access to a establishment for an authorized purpose and after complying with 105 CMR 400:100 and/or 105 CMR 590:012, the regulatory authority may issue, or apply for the issuance of, an administrative warrant in compliance with Commissioner's Bulletin 1999-06 "Effective Warrant Management" to gain access as provided in law.

Section 3.0 Conduct of Inspections

Health Division personnel shall present themselves in professional business attire at all times. The professional but personal approach is the tone that sets a positive balance for the inspection process. Health Division personnel shall establish a good rapport and show a genuine interest in the establishment, which shall be helpful in conveying the Health Division's goals of ensuring public health and safety.

Section 3.1 Presenting Identification

Health Division personnel will upon entering the establishment request to speak with the person in charge. Make proper introductions, present department issued identification and state the intent of the visit.

Section 3.2 Inspections - Standards, Scope, Completeness

At the time of the initial inspection, under 105 CMR 590:000, the inspector will inform the owner or person in charge (PIC), in writing of the existence of any violations. The inspection form serves as an order of correction. Correction of non-critical violations shall be corrected by an agreed to or specified compliance date, routinely within a one to two-week period. A Foodborne Illness Risk Factor Critical Violation means improper practices or procedures, which have been identified by the Center for Disease Control and Prevention (CDC), through epidemiological data as the most prevalent contributing factors of foodborne illness or injury. A Critical Violation is a violation that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazards. A Non-Critical Violation does not seriously affect the public health. If the inspector finds only minor violations that do not affect the safe operation of the establishment, he may elect to file these violations and there will not be a scheduled compliance inspection. Minor violations must be corrected prior to the next initial inspection. Requests for extensions beyond the specified or agreed date require documentation to be attached to the original inspection forms and approved by the supervisor. If an imminent health hazard exists, the inspector contacts a supervisor to review possible closure procedures (refer to section 4.0). Inspectors will follow Health Division Temporary Suspension of Permit (TSOP) procedures under 105 CMR 590:000. Operators must be notified of their right to submit a request for a hearing at the time of the action. At the time of the compliance inspection, the inspector will ensure that all critical violations have been corrected. If the compliance inspection reveals only minor violations that do not affect the proper sanitary operation of the establishment, the inspector may elect to file these violations for review at the next sanitary inspection. If the compliance inspection reveals a failure to correct critical violations, if new critical violations are noted or if an accumulation of violations resulting

in unsanitary conditions exists, an administrative hearing (refer to section 3.4) may be scheduled within seven to fourteen calendar days. A pre-hearing inspection will be made before the scheduled hearing, usually the same day. If all violations are corrected, the owner will be in compliance, the hearing cancelled, and no further action will be taken. If all violations are not corrected, the owner/operator must appear at the hearing as scheduled. Principal Health Inspectors will ensure that all inspection procedures and protocols are in compliance under 105 CMR 590:000 and/or 105 CMR 400:000.

Section 3.2a HACCP Inspections

The Hazard Analysis Critical Control Point (HACCP) approach inspection process under 105 CMR 590:000 examines an operation as a total process by identifying "risk factors / critical control points" (Cooking, Cooling, Hot and Cold Holding, and Reheating) in an attempt to prevent food safety hazards from occurring (i.e., conditions at the establishment, which could lead to foodborne illness).

Section 3.2b Pre-Operational Procedures

All plan review, pre-operational, and remodeling requests must be scheduled with a Principal Health Inspector who specializes in those functions. Area inspectors will conduct pre-operational initial inspections provided the proper Certificate of Occupancy /Inspection has been filed, criteria for Certified Manager if applicable, as well as the permit application. This inspection will ensure that all areas of the establishment are in compliance with the relevant codes and/or ordinances prior to the inspector's approval for opening. This inspection is required after the completion of all construction and before opening to the public. Inspectors will conduct follow-up and other compliance inspections as required.

Section 3.3 Violations - Process, Notice, Follow-up, Referral to Legal, Closing Of

The inspection process under 105 CMR 590:000 and/or 105 CMR 400 is not complete until all violations have been corrected and/or filed. Minor non-critical violations that do not endanger the public health may be filed/closed out, but will be addressed during the next inspection. Any violation cited by the Division of Health Inspections such as Nuisance Notices, M.G.L. Chapter 111, Sections 122,123 and 125 and properly served by person, by constable, by certified mail or posting under 105 CMR 400:400 that is not corrected shall be referred to the Legal Division of Boston Inspectional Services for prosecution.

Section 3.4 Hearings

The Health Division shall adhere to Commissioner's Bulletin No. 2002a "Standard Rules of Practice and Procedures for Inspectional Services Department Hearings" and Commissioner's Bulletin No. 2002-02 "Designation of Inspectional Services Department Hearing Officer(s)".

At the Administrative Hearing, an individual owner or partner must appear at the hearing or be represented by a responsible person with written authorization signed by the owner or the partner. A corporation must be represented by an officer or by a responsible person with written authorization to represent the corporation, signed by an officer. The person appearing at the hearing may be accompanied by legal counsel or by an interpreter if English is not spoken. A request may be made that the hearing not be public. The owner will be afforded the opportunity to show cause as to why the establishment should not be closed and/or publicized. The Hearing Officer will preside over the hearing to address uncorrected violations. The inspector who cited the violations shall complete all administrative hearing forms. During the hearing, the inspector clearly conveys the compliance status of the establishment, The public health reasons for citing the violations and possible preventative actions. Acceptable alternatives and time frames for compliance are established during this hearing.. The person in charge of the establishment at the time of the inspection should be the establishment representative at the hearing. The Hearing Officer may establish a date for final inspection of the establishment or order the establishment's permit to operate suspended. Final inspections will be scheduled at the discretion of the hearing officer. Failure to appear at the hearing shall be reason for immediate action by the Division of Health Inspections. The owner will be served with a notice of hearing decision by certified mail.

If a Final Inspection reveals uncorrected critical violations or an accumulation of violations resulting in unsanitary conditions, the permit to operate will be immediately suspended, the establishment will be required to close, and the public will be notified of these actions by the Health Division.

Nothing in this policy shall preclude the Health Division from immediate closure of any establishment presenting an imminent danger to the public health as defined by 105 CMR 590:00 and /or any other required Codes and Ordinances.

Section 4.0 Revoking or suspending permits, activity or occupancy of premises.

In accordance with M.G.L. 111, § 30, the board of health or its authorized agent, as determined by the board of health, may, without a prior hearing, suspend a permit to operate when an imminent health hazard is found to exist and/or as the result of an administrative hearing decision. Permits to operate may be revoked if an establishment has shown, by its continuous failure to correct violations cited by the Health Division that its continued operation would pose a serious health threat to the safety of the public. A permit may be summarily suspended (M.G.L. 111, § 30), without prior notice, notice of a hearing, or a hearing, provided that the right to a hearing is afforded within three business days of the request. The permit holder shall file a written request for a hearing within ten days of receipt of the summary suspension order.

Section 4.1 Standards and Process for making determination - embargoes, civil disposition, recommendations for prosecution.

The Health Division shall take such steps as necessary, pursuant to M.G.L. c. 94, §§ 146 or 189A, to affect the condemnation and disposal of any food product found to be unfit for human consumption. The Health Division will ensure that all embargo procedures are in compliance with Commissioner's Bulletin 2002-15 regarding "Standard Rules and Procedures for the Embargo and Handling of Property".

Section 4.2 Duration

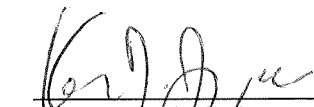
All administrative actions under 105 CMR 590:000 and/or 105 CMR 400:000 shall remain in affect until all violations have been corrected and/or have complied with the written decision of the Hearing Officer.

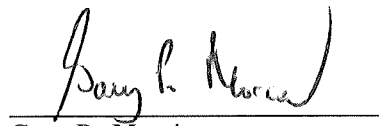
Section 4.3 Rights of the Aggrieved

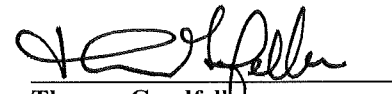
The person appearing at any administrative action may be accompanied by legal counsel or by an interpreter if English is not spoken. Any person aggrieved by the final decision of a board of health may seek relief in a court of competent jurisdiction in the Commonwealth.

Section 4.4 Lifting the Action Taken

All administrative actions taken by the Division of Health Inspections shall remain in effect until the conditions cited in the order are corrected and their correction is confirmed by the Division of Health Inspections through reinspection and other means as appropriate.


Signed: Kevin J. Joyce
Commissioner
Date: 10.17.02


Gary P. Moccia
Assistant Commissioner
Date: 10/18/02


Thomas Goodfellow
Assistant Commissioner
of Health Division
Date:

Number: 2002-06d
Date: October 16, 2002

Page 1 of 5

Subject: Standard Rules of Practice and Procedure for Housing Inspectors and Housing Inspection Division Employees.

Purpose: This bulletin is issued to establish the responsibilities and duties of the position of Housing Inspector and to establish standard rules of practice and procedure for Housing Inspectors and Housing Inspection Division (HID) Employees to follow when they are performing their official duties.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be understood that where used they are to be interpreted as applying to both male and female HID employees.

Determination:

General considerations -

A HID Employee, in carrying out the functions of the Inspectional Service Department (ISD), shall direct his best efforts to accomplish that end intelligently and efficiently and shall hold himself in readiness at all times to respond to requests for assistance from the general public and his superiors. He shall conduct his affairs in a manner consistent with the policies of ISD and reflect the highest standards of honesty, integrity and fairness at all times when performing his official duties. He shall exercise care and good judgement in the use of official City of Boston equipment. Housing Inspectors must present themselves in a professional manner at all times when performing official duties.

Article I. Public Integrity Policy

1. Policy -

It is the policy of ISD that every action of ISD as an organization, and those of individuals, who act on its behalf, will reflect the highest standards of honesty and integrity. In all of our interactions, whether with the general public, or with each other, we will act in accordance with the ethical standards established by the City of Boston, ISD and this bulletin. It is the responsibility of ISD and its employees to prevent, detect and correct instances of misconduct, whether administrative or in violation of law or the public trust.

2. Compliance with Public Integrity Policy -

It shall be the duty and responsibility of each and every HID employee to become familiar with and conduct themselves in accordance with the public integrity policy of ISD as stated in this bulletin, and Commissioner's Bulletin Number 1993-03, and any other published policy statements or Commissioner's Bulletins regarding the Public Integrity Policy or ISD.

Article II: Standard Rules of Practice and Procedure for Housing Inspectors.

General Considerations:

Housing Inspectors shall at all times be prepared for the proper discharge of their official duties; shall be impartial in the use of their legal authority; shall avoid all conflicts of interest and appearances of impropriety; and shall exhibit the utmost respect for the legal rights of all. HID employees shall comply with the following standard rules of practice and procedures when performing their official duties.

Section 1.0: Reporting, Review and Scheduling of Inspections 105 CMR 410.820

1.1 General Questions

- a. Upon receipt of a request for an inspection of alleged code violation(s), the Housing Inspection Division Employee taking the complaint shall advise the complainant to notify the Property Owner or Agent of the alleged violation(s) in addition to requesting an inspection from ISD. If the complainant fails or refuses to notify the Property Owner or Agent of the alleged violation(s) that will not prevent ISD from fulfilling its responsibility to investigate alleged violations of the State Sanitary Code.
During intake HID employees must ask all of the necessary questions in order to complete the intake (4 part) form accurately, and as fully as possible.

1.2 Emergency Complaints

- a. Any request for inspection that alleges that conditions exist that may endanger or impair the health or safety of occupants or the general public, as listed in 105 CMR 410.820 S.A1, shall be deemed to be an emergency complaint. Approval from a HID supervisor is required before designating a complaint as an emergency complaint.
- b. Emergency complaints must be scheduled for an inspection within 24 hours of receipt of the request.

1.2 Non-Emergency complaints

- a. All Requests for inspections of alleged violations of the State Sanitary Code that do not meet the criteria of an emergency complaint are to be designated as non-emergency complaints.
- b. Non-emergency complaints must be scheduled for an inspection within five calendar days of the receipt of such a request.

1.3 Compliance Inspections

- a. If an inspection reveals that a dwelling does not comply with the provisions of Article II of the State Sanitary Code, a written order to correct must be prepared by the inspector and served upon the owner of the dwelling or the owner's agent in the manner provided by law.
- b. Said order to correct must contain a compliance time frame of 24 hours for emergency conditions. Non-emergency orders to correct must contain compliance time frames of 7, 14, 21 or 30 days.
- c. Emergency orders to correct must be inspected for compliance within 48 hours from the date of service of the order to correct.
- d. Non-emergency orders to correct must be inspected for compliance within 5 days after the date for compliance.
- e. A compliance inspection report must be completed and submitted by all HID Inspectors, for every compliance inspection conducted.
- f. The HID inspector must notify the property owner or agent of the results of a compliance inspection by telephone communication or by mailing a copy of the compliance inspection report to the property owner or agent. The aforementioned notification must be accomplished in no more than 5 days after the date of the compliance inspection. Notification via telephone must be direct and must be noted on the compliance inspection form and must be placed in that particular file.

1.3 Landlord Participation During an Inspection

- a. It is the policy of ISD to allow property owners and/or agents to be present during inspections for alleged violations of the State Sanitary Code and during inspections for compliance with the State Sanitary Code. If said inspection is being conducted in a dwelling unit, the occupant of that dwelling unit must approve that the owner and/or agent can accompany the ISD inspector.
- b. ISD Inspectors cannot guarantee the property owner or agent entry during an inspection and must, at all times, respect the occupant's right to have an inspection conducted solely with ISD inspectors.

Section 2.0: Obtaining Legal Entry for Inspections

2.1 *Administrative Inspection Consent Forms*

- a. It shall be the duty and responsibility of each inspector to familiarize himself with the rules set forth in Commissioner's Bulletin Number 1999-05 and Number 2000-02 regulating the manner in which inspectors may obtain access in order to perform inspections. Inspectors shall strictly adhere to the procedures and requirements set forth in this bulletin.
- b. This bulletin provides occupants with notice of their right to refuse to consent to an administrative inspection. And further sets forth the procedures to be followed in obtaining an administrative inspection warrant if an occupant refuses a legal request to enter by an inspector.

2.2 *Foreign Language Interpretation*

- a. ISD will provide interpreters as needed. Whenever HID employees are unable to communicate with a client or customer due to a language barrier a supervisor should be contacted. The supervisor will make the necessary arrangements to provide you with an interpreter.

Section 3.0: Conduct of Inspections

3.1 *Presenting Identification*

- a. When conducting inspections in public or with other agencies, inspectors shall identify themselves as City of Boston officials. At all times, while on duty, inspectors shall carry their badges and identification cards on their person and shall have them readily accessible for display at all times.
- b. All employees must present a badge or picture identification at the beginning of inspections. These procedures provide the public with the assurance and knowledge that they are dealing with employees of the City of Boston.

3.2 *Inspections*

- a. All inspections shall be conducted in accordance with 105 CMR 410.822 and any other applicable legal requirements. It is the duty and responsibility for each inspector to familiarize themselves with the above-mentioned requirement as well as all other regulations and ordinances that HID is required to enforce.
- b. All HID inspections shall include at minimum the conditions alleged to be in violation. General Examinations are to be conducted in all non emergency cases, provided that full access to the dwelling and dwelling unit is allowed.

- c. All occupants must be informed of their right to a comprehensive inspection at the beginning of every inspection.
- d. A written summary of the conditions noted during the inspection shall be provided to the occupant or the occupant's representative at the conclusion of every inspection on a form approved by ISD.

3.3 *Emergency Inspections*

- a. If an inspection reveals conditions that present an imminent health or safety hazard to the occupant or to the general public, HID inspectors must immediately notify a supervisor.
- b. An emergency order to correct must be written during the inspection and served within 24 hours if the property owner resides within the City of Boston.
- c. The inspector must contact a supervisor and inform her/him of the conditions observed the actions taken and the inspector's recommendation for further action.

3.4 *Reporting Requirements for Emergency Cases*

- a. All emergency complaints received via intake or via inspectors in the field must be entered into the required Housing Division database(s), immediately upon receipt.
- b. Inspectors must immediately notify a supervisor of emergency conditions observed during an inspection, and await further instructions before leaving an inspection site.
- c. Supervisors and Inspectors must ensure that all complaints are properly followed through to compliance or court enforcement; and that the applicable databases are updated daily.
- d. At no less than one hour before the end of every business day each assistant director must submit a report of all the emergency inspections and re-inspections conducted during that particular business day to the Assistant Commissioner of the Housing Inspection Division or his designee.
- e. Said report must contain at minimum the address, the complainant's information, the conditions observed, the action taken, and a recommendation for any further action that may be necessary.

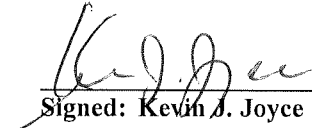
Section 4.0: Condemnations and Relocation Assistance 105 CMR 410.831

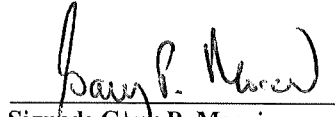
1.1 Condemnations

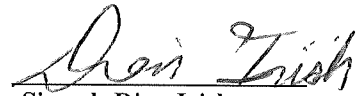
- a. All condemnations must be conducted in accordance with 105 CMR 410. 831 and 950.
 - b. Approval must be obtained from the Assistant Housing Commissioner or his designee, before a condemnation order or a vacate order is issued,
 - c. All condemnations conducted by the Housing Division must be entered in the Housing Inspection Division emergency database, under the category of condemnation.
 - d. A Special Operations Unit condemnation checklist must be completed and submitted to the director of the Investigative and Regulatory Enforcement Division and to the condemnation file.
 - e. All relocation of occupants shall be conducted in accordance with commissioner's Bulletin 2001-6, which establishes procedures to be followed by inspectors when relocating occupants from buildings is required because of dangers and life threatening conditions.
-

Section 5.0: Housing Inspection Division Organization Chart

- a. The attached organizational chart outlines and memorializes the management structure of the Housing Inspection Division. The chart outlines that the Assistant Commissioner in charge of the Housing Inspection Division is first in command. The second in command of the Housing Inspection Division is Assistant Director Steven O'Donnell. The third in command of the Housing Inspection Division is Assistant Director Regina Hanson. The fourth in command of the Housing Inspection Division is Assistant Director Indira Alvarez.
-


Signed: Kevin J. Joyce
Commissioner
Date: 10.17.02


Signed: Gary P. Moccia
Assistant Commissioner
Date: 10/18/02


Signed: Dion Irish
Assistant Commissioner
of Housing Division
Date: 10/21/02

Commissioner's Bulletin Boston Inspectional Services Department

Commissioner's Bulletin

Department of Inspectional Services
Boston, MA

Number 2002-01^{ce}

Date: 07-30-02

Subject: Standard Rules of Practice and Procedure for Housing Inspectors and Housing Inspection Division Employees.

Purpose: This bulletin is issued to establish the responsibilities and duties of the position of Housing Inspector and to establish standard rules of practice and procedure for Housing Inspectors and Housing Inspection Division (HID) Employees to follow when they are performing their official duties.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be understood that where used they are to be interpreted as applying to both male and female HID employees.

Determination:

General considerations -

A HID Employee, in carrying out the functions of the Inspectional Service Department (ISD), shall direct his best efforts to accomplish that end intelligently and efficiently and shall hold himself in readiness at all times to respond to requests for assistance from the general public and his superiors. He shall conduct his affairs in a manner consistent with the policies of ISD and reflect the highest standards of honesty, integrity and fairness at all times when performing his official duties. He shall exercise care and good judgement in the use of official City of Boston equipment. Housing Inspectors must present themselves in a professional manner at all times when performing official duties.

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1.1 *General Questions*

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- d. At no less than one hour before the end of every business day each assistant director must submit a report of all the emergency inspections and re-inspections conducted during that particular business day to the Assistant Commissioner of the Housing Inspection Division or his designee.

- e. Said report must contain at minimum the address, the complainant's information, the conditions observed, the action taken, and a recommendation for any further action that may be necessary.


Section 4.0: Condemnations and Relocation Assistance 105 CMR 410.831

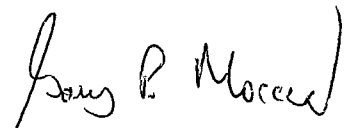
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Signed: 
Kevin Joyce, Commissioner
Inspectional Services Department
Date: 7.30.02

Signed: 
Gary Moccia, Assistant Commissioner
Inspectional Services Department
Date: 7/30/02

Number: 2002 – 06f
Date: October 16, 2002

Page: 1 of 5

**Subject: Standard Rules of Practice and Procedure for Weights and Measures
Division (WMD) Personnel**

Purpose: This bulletin is issued to establish the responsibilities and duties of the position(s) of Sealer and Deputy Sealer of Weights and Measures.

Note: For the purpose of clarity and brevity, the pronouns “He” and “His” are used editorially throughout this rule and it should be interpreted as gender neutral.

General Considerations:

All Inspectional Services Department (ISD) personnel are charged with great responsibility and trust in ensuring the well being, health and safety of our citizens. Consistent, clear and efficient operational protocols are essential to ensuring that ISD fairly and effectively administers the law. A WMD employee, in carrying out the functions of ISD, shall direct his best efforts to accomplish that end intelligently and efficiently and shall hold himself in readiness at all times to respond to requests for assistance from the general public and his superiors. He shall conduct his affairs in a manner consistent with the policies of ISD and reflect the highest standards of honesty, integrity and fairness at all times when performing his official duties. He shall exercise care and good judgement in the use of official City of Boston equipment. WMD inspectors must present themselves in a professional manner at all times when performing official duties.

Article I. Public Integrity Policy

Section 1.0

It is the policy of ISD that every action of ISD as an organization, and as those of individuals, who act on its behalf, will reflect the highest standards of honesty and integrity. In all of our interactions, whether with the general public, or with each other, we will act in accordance with the ethical standards established by the City of Boston, ISD and this bulletin. It is the responsibility of ISD and its employees to prevent, detect and correct instances of misconduct, whether administrative or in violation of law or the public trust.

Section 1.1

It shall be the duty and responsibility of each and every WMD employee to become familiar with, and to conduct themselves in accordance with, the Public Integrity Policy of ISD, as stated in Commissioners Bulletin 2002 – 17, as well as Commissioner's Bulletin 1993-03.

Article II: Division / Department Operations

Section 1.0 *Chain of Command*

The Assistant Commissioner/Sealer of Weights and Measures is in charge of the WMD. He shall conduct his duties pursuant with City of Boston policies as well as those prescribed in the Massachusetts General Laws. He shall be responsible for the day to day activities of the WMD, including but not limited to, the assignments of Deputy Sealers and Head Clerk, the enforcement of violations of MGL relating to weights and measures, various reports required by ISD and the Commonwealth, staff development, etc. Also, the Assistant Commissioner/Sealer of Weights and Measures shall ensure that all staff under his supervision is made aware and follow this bulletin and City of Boston policies. In the event that the Assistant Commissioner/Sealer is absent, the ISD/Field Services Deputy Commissioner or his designee shall assume these duties. The Assistant Commissioner/Sealer of Weights and Measures shall report directly to the Deputy Commissioner of Field Services and the Commissioner of ISD. Also, he shall report indirectly to the Chief of Staff, Deputy Commissioner of Buildings and Deputy Commissioner of Administration and Finance.

Section 1.1 *General Duties*

The duties of the Division are set forth in the Massachusetts General Laws, Chapter 6, 94 through 98, 101 and 885, with amendments and additions thereto. Generally, they state the requirements regarding the testing, sealing or condemning of all weighing and measuring devices used for buying and selling foods, wares, or merchandise for public weighing or for hire or reward. The Division also enforces Laws and Ordinances pertaining to: Giving false or insufficient weight or measures; all metering systems for fuel; gas and oil deliveries (retail and wholesale); taxi metering; proper measurement of all products sold by weight or measure; electronic check-out systems (scanners); pricing regulations; visibility of cash registers; all apothecary and jewelers scales; heavy capacity scales; all truck scales; hawkers, peddlers and transient vendors; motor fuel laws and the investigation of all complaints and prosecution of all violations of the Weights and Measures Laws and Ordinances.

Section 1.2 *Certification*

The Assistant Commissioner/Sealer of Weights and Measures and all Deputy Sealers of Weights and Measures shall be certified by the Commonwealth of Massachusetts, Division of Standards and shall participate in continuing education programs stipulated by the State Certification Committee as required by MGL c. 98 § 29.

Section 1.3 *Inspection Procedures*

All inspections, tests and code applications shall be conducted following the procedures laid out in National Institute of Standards and Technology (NIST) Handbook (s) 44, 130 and 133, NIST Publication 19 (Price Verification), applicable Commonwealth of Massachusetts Regulations (CMR) promulgated the State Division of Standards and applicable Massachusetts General Laws relating to weights and measures.

Section 1.4 *Complaint Investigations*

It is the duty of the WMD, generally within 24 hours, to promptly investigate every complaint brought before it by a consumer or merchant. All complaints shall be thoroughly investigated. All Deputy Sealers assigned to investigate a complaint shall submit a written report detailing the findings of his investigation and submit said report to the Sealer for his endorsement.

Section 1.5 *Violations*

All Deputy Sealers shall report violations of MGL (as outlined in Section 1.1 *General Duties*) to the Assistant Commissioner/Sealer or his designee, who will coordinate the appropriate action in response (Notice of Non-Compliance, Civil Citation, Administrative Hearing or Criminal Complaint).

Section 1.6a *Increased Enforcement and the Issuance of Civil Citations*

It is the goal of the WMD to maintain compliance and provide equity in the marketplace. The WMD shall afford all clients due process and attempt to inform, educate and warn those found to be in violation of laws under WMD statutory jurisdiction. When necessary the Assistant Commissioner/Sealer or his designee only, shall issue civil citations for violations of weights and measures law. The appropriate enforcement action shall be based on the following factors; a) compliance history with violator or at location, b) evidence of intent c) evidence of gross negligence d) verbal or physical abuse of an inspector

Section 1.6b *Appeal of Civil Citations*

A person aggrieved by a citation may appeal the citation by filing a notice of appeal with the City of Boston Inspectional Services Department, Weights and Measures Division, attn: Appeals, 1010 Massachusetts Avenue, Boston, MA, 02118, within seven (7) days of the receipt of the citation. All persons filing an appeal shall be granted a hearing before the designated hearing officer of the Inspectional Services Department. All appeal hearings shall be conducted according to G. L. c. 30A and Commissioners Bulletin # 2002-2 and #2002-2A. There will be no change to the date/time of the hearing scheduled by the hearing officer. A person aggrieved by a decision of the hearing officer may file an appeal in the superior court. If a person fails to pay any civil penalty provided thereby within 21 days of the date of issuance of such violation, or within 30 days following the decision of the hearing officer if such citation has been appealed, excluding any time during which judicial review of the hearing officer's decision remains pending, the Sealer of Weights and Measures may apply for a criminal complaint against such person for the violation, or may initiate a civil action in the district court.

Section 2.0 *Staff Schedule*

The regular workday of the WMD for all staff is 8:00 a.m. to 4:00 p.m. Monday through Friday. The Assistant Commissioner/Sealer assigns inspections. All Deputy Sealers shall draft a "daily activity report" at the start of each workday, endorse it and submit it to the Assistant Commissioner/Sealer for his endorsement. All Deputy Sealers shall accurately complete the "daily activity report" at the end of the workday, endorse it and submit to the Assistant Commissioner/Sealer for his signature.

Section 3.0 *Use of Equipment*

Due to the nature of its inspection specialty, the WMD is required to employ the use of City of Boston issued equipment on a constant basis. Therefore, the WMD are bound to adhere to the "Standard Rules and Procedures for Issue, Use and Care of ISD Equipment", as set forth in "Commissioners Bulletin 2002-18". In addition, from time to time, the WMD is required to use certain specialty equipment that shall be "secured" after each use. Such equipment shall include, but not be limited to the "octane analyzer", "UPC scanner gun", and "precision weights" used for jewelry/pharmacy scale inspections and glassware.

Section 3.1 *Use of City of Boston Vehicles*

Due to the nature of its inspection specialty, the WMD uses City of Boston vehicles in all of its activities. Therefore the WMD is bound to adhere to the “Standard Rules and Procedures for Operation of Department Motor Vehicles”, as set forth in “Commissioners Bulletin 2002 – 4.”

Section 3.2 *Commercial Driver License (CDL)*

All Deputy Sealers required to have a CDL license shall follow all rules and procedures as outlined in the City of Boston CDL Program and its stated policy.

Section 4.0 *Referrals*

Whenever WMD staff discovers actual or potential violations/problems overseen by another ISD Division he shall immediately report such violation/problem to his supervisor for referral.

Section 5.0 *Media Inquiries*

It is the policy of ISD to refer all media inquiries to the Commissioner’s Office or the Commissioner’s media designee. The purpose of this policy is to ensure one informed response that encapsulates all the pertinent facts involved in an issue of media interest and also to limit the potential claim of legal liability of unintended misstatements by those solicited.

Section 6.0 *Safety*

Deputy Sealers shall consider safety precaution in every inspection. Deputy Sealers shall notify his supervisor if any safety equipment is needed or in need of repair.

Article III Standard Rules of Practice and Procedure for Weights and Measures Inspectors

Section 1.0 *Scheduling of Inspections*

Deputy Sealers, when assigned inspections by district or discipline, shall schedule those inspections in an efficient manner, taking into account the travel, size and scope of the inspection planned. Deputy Sealers shall be prepared with alternative inspection “stops” if circumstances warrant a deviation from his daily schedule.

Section 1.1 *Compliance Inspections-Devices*

When conducting annual compliance inspections of weighing and measuring devices, Deputy Sealers shall be aware and diligent in inspecting all aspects of their weights and measures jurisdiction at the location, i.e. pricing, net weight, cash register visibility and motor fuel laws. Whereas, since many compliance inspections generally take place once a calendar year, it is imperative that Deputy Sealers verify that all responsibilities under their jurisdiction are in compliance. When assigned to districts, Deputy Sealers shall be aware to investigate any new or unfamiliar establishments for usage of any weighing or measuring device or any law/regulation under their weights and measures regulatory control. Deputy Sealers should note any device rejected which requires a possible re-inspection. Deputy Sealers shall be responsible to follow-up on inspections they performed without supervision.

Section 1.2 *Compliance Inspections-Laws and Regulations*

When conducting any compliance inspection of weights and measures laws and regulations, Deputy Sealers shall also be aware and diligent in inspecting all aspects of their weights and measures jurisdiction at the location, i.e. cash register visibility, new devices and store notice posting requirements. When inspecting "home heating oil" deliveries, Deputy Sealers shall collect all pertinent information required.

Section 1.3 *Inspection Reports*

All required inspection reports shall be accurately completed. Billing and contact information is critical to accurately managing the operation of the WMD. Particular care shall be given to completing all reports in timely manner at the conclusion of the workday. Inspectors are encouraged to log and maintain notes of locations requiring a re-inspection or any other follow-up action.

Section 2.0 *Conduct of Inspections*

A Deputy Sealer shall professionally present himself during every inspection. Deputy Sealers are representing the City of Boston, ISD and the WMD.

Section 2.1 *Participation of owner/ manager during inspection*

Deputy Sealers are encouraged to educate owner/managers as to scope of the inspection(s) being performed. At the very least, Deputy Sealers shall inform the owner/manager of the result(s) of his inspection.

Section 2.2 *Presenting Identification*

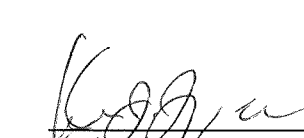
Deputy Sealers shall always be in possession of their official identification and present that identification prior to every inspection. Lost or missing identification must be reported immediately to a supervisor. Massport identification (Logan Airport Security Access) shall always be kept secure.

Section 2.3 *Foreign Language Interpretation*

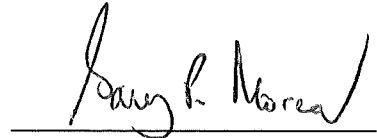
The City of Boston possesses many diverse populations. It is the policy of this department to respect the diversity encountered in our neighborhoods. If, upon the course of any inspection, an interpreter is needed or requested, it is the duty of the Deputy Sealer to request from his supervisor to arrange for an interpreter.

Section 2.4 *Confiscation of Weighing and Measuring Devices*

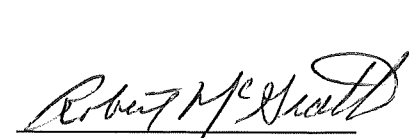
Massachusetts Law that provides for the confiscation of weighing and measuring devices without a warrant, being use as evidence in criminal complaints. Therefore the WMD is bound to adhere to the "Standard Rules and Procedures for the Embargo and Handling of Property", as set forth in "Commissioners Bulletin 2002 - 15."



Kevin J. Joyce
Commissioner
Date: 10.17.02.



Gary P. Moccia
Assistant Commissioner
Date:



Robert McGrath
Assistant Commissioner
Weights and Measures Division
Date:

Number: 2002 - 15
Date: June 24, 2002

Page 1 of 4

Subject: **STANDARD RULES AND PROCEDURES FOR THE EMBARGO AND HANDLING OF PROPERTY**

Purpose:

General Considerations: By virtue of the statutes, rules and regulations that ISD is authorized to enforce, ISD is sometimes required to embargo personal property in order to safely abate a nuisance or arrest a danger or injustice to the public health, safety or welfare. On those occasions it is appropriate for ISD personnel to have rules and procedures to follow which provide for the safe embargo and storage of property and its disposition in accordance with the requirements of applicable laws and statutes.

Accordingly, it is the policy of ISD to follow the standard rules and procedures outlined in this Bulletin when the embargo of personal property is determined to be necessary and authorized. This Bulletin shall be followed in all instances where Boston Police do not take custody of property for ISD or in general and the embargo of property by ISD is needed.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be interpreted as gender neutral. .

Definitions:

Inspectional Services Personnel - shall include the Code Enforcement Police after July 1, 2002 for the purposes of this bulletin.

Embargo - shall include any act by which ISD personnel seize or take control of any personal property in the possession of another, including seizures executed under a valid warrant, under ISD's legal authority to protect the public health, safety and welfare.

Property - shall refer only to personal property embargoed by ISD personnel. For standard rules and procedures for the embargo and handling of real property by ISD personnel refer to Commissioner's Bulletin 2001-8. ✓

Crime Scene - shall be defined for the purposes of this Bulletin only as any premises at which it reasonably appears that a serious crime such as homicide, burglary or any other crime where the need for preserving integrity of the premises is essential for the purposes of investigation.

Criminal Evidence - any item or paraphernalia that is potentially illegal or relevant to an investigation by Boston Police or other law enforcement, including but not limited to guns, weapons, ammunition, needles, drugs, or substantial amounts of human blood.

STANDARD RULES AND PROCEDURES FOR THE EMBARGO OF PROPERTY

§ 1. Authorization for Embargo: When Boston Police do not take custody of property, ISD personnel may embargo property only when legally authorized do so by the city, state or federal laws and regulations from which ISD derives its authority to act. A manager at least of the level of an assistant commissioner must authorize all embargoes unless time will not allow for personnel on-scene to gain such approval because the property may be otherwise destroyed, lost, moved or present an immediate danger to the life or limb of personnel or the general public. The Director of Code Enforcement will be an assistant commissioner for the purposes of this Bulletin.

§ 2. Recording the Embargo of Property: ISD personnel shall assume embargoed property will be used as real evidence in legal proceedings requiring all due care and a secured chain of custody. When an embargo is authorized, the ISD personnel embargoing the property shall prepare a report on-scene with ISD Form 02-15 to record the information surrounding the embargo. The report should contain:

- A. Date, time and location of the embargo, names of persons involved with the embargo, legal basis and reasons for embargo and the authorizing manager.
- B. A listing of all items embargoed and described sufficiently enough to allow for the identification of the property or to prove the property presented is the actual item embargoed in legal proceedings. Details such as quantity, quality, color, shape or other objective factors conspicuous and relevant for identifying the property should be included.
- C. Time, Date of transport from the embargo scene and persons transporting to ISD custodial facility and location of the custodial facility.
- D. The property owner's name, contact information and the type of documentation showing proof of ownership and identity. If owner or owner's agent is not on-scene, then ISD personnel shall collect contact information from the person in possession of the property. If no information is available or persons refuse to provide information about ownership or possession on-scene, then this fact must be documented and reasonable steps taken to find the owner. ISD personnel shall take reasonable steps on-scene to verify the accuracy of the person's identity or contact information either through photo identification or other reasonable means.
- E. Any information not mentioned here that a reasonable person carrying out the duties in which the embargo is legally authorized would include that. Any damage to property between transport and check in to ISD custodial facility should also be documented.

ISD personnel, when possible, should photograph the scene and property at time of embargo. All embargo reports (Form 02-15) shall be kept as public records of the embargo by the embargoing division at ISD and the Keeper of Records.

ISD personnel should take reasonable steps to have the report signed by the owner, agent of the owner, or the person in possession of the property at the time of embargo. If the person refuses or is unavailable at the scene, the inspector should obtain a signature from another person on-scene, preferably a disinterested person such as a police, fire or other city official, on scene attesting to the accuracy of the facts stated in the report.

§ 3. Notice of embargo to owner: The owner, the owner's agent, or person in possession of the property shall be given, as notice of the embargo, a copy of Form 02-15 on-scene or within a reasonable time, but not more than 48 hours after the embargo. The party claiming an interest, if known, shall also be informed that the rights and obligations of any person claiming ownership are on the reverse side of the form. Notice, when not on scene, may be served in-hand, posted at the current or last known address of the party claiming an interest or sent by certified or registered mail. The keeper of records shall be charged with ensuring proper notice is sent to party providing contact information on Form 02-15 at all points where notice is required.

Notice shall inform the on Form 02-15 of the right to a hearing, the need to prove ownership and pay all costs incidental to the embargo before release of the property from ISD control and that failure to claim the property within 60 days after the embargo date shall result in the property being classified as abandoned property. The person on scene claiming an interest in the property shall be considered as to have waived notice if the party provides ISD personnel with false or inaccurate identity and contact information. ISD personnel shall inform the person of this rule when filing out Form 02-15. If more than one party provides information and the information for at least one person is accurate then the waiver shall not apply.

§ 4. Custody of Embargoed Property: Once property has been properly identified, Form 02-15 completed, and the property marked for identification, ISD personnel shall be responsible for getting the property to an authorized custodial facility for ISD. There shall be a secure property room or another authorized area for custodial purposes of embargoed property. ISD personnel shall ensure the chain of

custody for all embargoed property from the moment of embargo to disposition. Any property embargoed as evidence for any criminal proceeding not within the jurisdiction of ISD shall be released on scene to the custody of the Boston Police. ISD shall treat such evidence with the utmost care consistent with this bulletin until such evidence is released into the custody of Boston Police. For procedures for handling illegal paraphernalia or criminal evidence see § 10 of this bulletin.

§ 5. ISD Property Record: ISD shall maintain a Property/Evidence Record for the purposes of establishing a chain of custody for embargoed property and maintaining an accurate inventory for eventual return to the rightful owner. The Record shall log all instances in which property has been embargoed by ISD. Each entry to the Record shall document the type of property, time and date of embargo, personnel embargoing, date of notice to the property owner, and the property storage location. The Keeper of Records for ISD shall be charged with ensuring the Property/Evidence Record is sufficiently maintained. The Record shall also contain all completed Form 02-15s pursuant to §3 of this Commissioner's Bulletin. No person, including any City of Boston or ISD personnel, shall access the property room established in § 8 of this Commissioner's Bulletin without first noting such access, the date and reason in the Record along with any persons accompanying the personnel during the time of access to the property and signature of personnel accessing property. If the personnel accessing the property need to remove the property from its place of storage before disposition, this shall be noted in the Record before removal. The entry should include the person removing, the reason for removal, the expected date of return and signature of removing personnel. Only the Keeper of Records or her designee shall make entries in the Record for recording the embargo, disposition of or access to embargoed property in ISD custody. The Record shall also provide a place for the owner of embargo to sign as acknowledgement of receipt of the embargoed property after complying with the requirements outlined in §6 of this Bulletin.

§ 6. Release of Embargoed property: No property in the custody and control of the Inspectional Services Department shall be released without a satisfactory showing of rightful ownership by the party claiming such. A party proving ownership to the satisfaction of the Inspectional Services Department must sign a receipt for return of the goods and pay all costs owed the City of Boston associated with the embargo before the property can be released.

Where ownership is doubtful, no property shall be released until the Deputy Commissioner for Administration and Finance or his designee has reviewed the issue of ownership and directed or denied release of the property.

Unless the property is needed for pending legal proceedings, embargoed property shall be deemed abandoned 60 days after the embargo date if the owner is unknown, the person in possession of the property at the time of embargo cannot produce proof of ownership, or any party fails to come forward and meet the requirements of this section for disposition to the owner. If a party proves rightful ownership but cannot meet the costs associated with the embargo, ISD shall not classify the property as abandoned for an additional 60 days. Once property has been classified as abandoned the Keeper of Records shall send notice to the person provided as the contact informing them that the property has been classified as abandoned property. Failure to respond to a notice that property is being classified by ISD as abandoned within 30 days of sending such notice, the property shall be subject to police auction after public notice.

§ 7. ISD Property Room: ISD shall have a secure property room located at 1010 Massachusetts Avenue accessible only by the Keeper of Records or personnel who have been properly entered into the Record as outlined in §5 to ensure a proper chain of custody and inventory. The property room shall be locked at all times. There shall be an off site location for the storage of larger items embargoed by ISD. The keeper of Records shall be responsible for maintaining the Record for showing the secure chain of custody and accurate inventory of property at both locations.

§8. Accounting of Property in the Record: The Keeper of the Records shall once a month provide to the Deputy Commissioner of Administration and Finance an accounting of all property in the control and custody of the Inspectional Services Department as a result of a lawful embargo. The Deputy Commissioner of Administration and Finance shall provide the Keeper of Records with the resources necessary for the proper implementation of this Bulletin to store, record and dispose of all embargoed property. Resources may include ISD entering into agreements with other city of Boston Departments for proper care and custody of property. The Deputy Commissioner of Administration and Finance or his designee may inspect at any time the condition of such property and the manner in which it is being stored.

§9. Duty of Care for Embargo d Property: The Boston Inspectional Services Department shall afford all property embargo d by the Department due care in maintaining the property within such condition as it was embargo d with the exception of perishable goods.

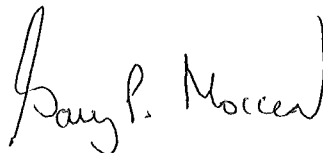
§ 10. Entry to potential crime scene: No ISD personnel shall enter a crime scene without authorization from the Boston Police or other law enforcement agency charged with investigating the crime. ISD personnel shall immediately contact Boston Police once it becomes apparent that a location or premises may be a crime scene. Once it becomes apparent that a premises to which ISD personnel have entered may be a crime scene, ISD personnel must immediately exit the area of the apparent crime scene, secure the area from access and stand post outside the secured area until police arrive. ISD personnel must assume responsibility for maintaining the site securely until police officials respond. Re-entry to the premises by ISD personnel is forbidden without authorization from police officials, absent emergency circumstances risking life or limb of personnel or others or the general public safety. ISD personnel shall follow the same procedures set out in this section for a crime scene when personnel also find criminal evidence as defined for the purposes of the Bulletin only.

§ 11. Compliance Failure: Any ISD personnel failing to follow the standard rules and procedures outlined in this bulletin shall be subject to discipline, up to and including termination. Criminal liability may also result for the failure to follow the guidelines of this bulletin. ISD managers may also be subject to discipline for the failure of personnel under their command to demonstrate knowledge of the standard rules and procedures outlined in this bulletin.

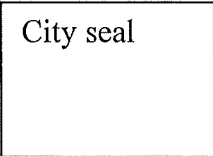
Signed:



Kevin J. Joyce
Commissioner
Inspectional Service Department
Date: 6.24.02



Gary P. Moccia
Inspector of Building
Date:



Boston Inspectional Services Department
1010 Massachusetts Avenue
Boston, MA 02118

FORM 02-15 Embargoed Property Report

ATTN: Rights of person claiming ownership are on reverse side of this form

1. Property embargoed and description:
(type, quantity, appearance, distinguishing features and other relevant information)
Pictures? Y / N

2. Date: Time: Location:
Basis: G.L. c. 101 § 14 G.L. c. 98 § 54-55 G.L. c. 111 § 122 105 CMR 590.016 780 CMR
other (explain basis:)
Authorizing Manager: Persons present:
(ISD personnel, other govt. agencies, owner)

3. The property was taken from: a. Owner/ agent b. Person in possession c. No one
Contact information : (If 'a' or 'b' above refuses to disclose - document on 'name' line)
Name: (first) (m.i.) (last)
Address: (number and street) (city/town) (state) (zip code)
DOB: / / Driver's Lic.: - - Phone: ()
Contact Information verified: Y / N I.D. used to verify:

4. Transport of property:
(ISD custodial facility, date, time and persons transporting. NOTE: record any damage to property during transport)

5. The circumstances and embargoed property have been accurately described:
ISD employee (print name) (sign name) (Date)
Signature of attesting to accuracy of information in this report:
(print name: owner possessor other) (sign name) (Date)

NOTICE

The Boston Inspectional Services Department has embargoed property described on the reverse side of this form. The person identified in section 3 expressed at the time of embargo an ownership interest in the property. The person identified in section 3 or any person must comply with the following requirements to gain release of the embargoed property from the care and custody of Boston Inspectional Services:

- Provide documentation to the satisfaction of the Boston Inspectional Services Department showing ownership of the embargoed property.
- Pay to the City of Boston all storage and transport costs incidental to the embargo of the property.
- The above mentioned requirements must be completed within 60 days of the embargo date or risk having the property disposed of as "abandoned property." A notice of disposition will go to the person identified in section 3 within 60 days. **Refusal to provide any contact information or to provide accurate contact information in section 3 will constitute waiver of notice of disposition subjecting owner to loss of the property.**
- Any person seeking a return of embargoed property may request a hearing in writing addressed to: Boston Inspectional Services Department, Attn: Keeper of Records, 1010 Massachusetts Avenue, Boston, MA 02118.

If you or any party seeking the return of property have any questions regarding this embargo please call the Boston Inspectional Services Department at 617-635-5300 during business hours (8a.m.-4 p.m.). Ask to speak to the manager who authorized the embargo as indicated in section 2 on the reverse side of this form.

Number: 2002 – 17
Date: June 06, 2002

Page 1 of 3

Subject: Public Integrity Policy

Purpose: The purpose of this bulletin is to set forth the standards of ethics which will guide both the Inspectional Services Department (ISD), as an organization, and its inspectors and employees in the conduct of their official duties. This bulletin is a supplement (and does not supercede) to the Commissioner's Bulletin #99-3 regarding compliance with the "State Ethics Law (G.L.c.268A).

POLICY: It is the policy of ISD that every action of the Department as an organization, and those of the individuals who act on its behalf, will reflect the highest standards of honesty and integrity. In all of our dealings, whether with the public, other city agencies, or with each other, we will act in accordance with the ethical standards that are set forth below and in Commissioner's Bulletin Number 99-3 regarding compliance with the State Ethics Law. Additionally, it is the responsibility of each and every member of ISD to adhere to those standards and to take all necessary and prudent actions to protect the public trust. It is the responsibility of ISD to prevent, detect and correct instances of misconduct, administrative or criminal, within the organization.

Inspectional Service Department employees, inspectors and code enforcement officers share the same visibility in the community as other public safety officials. As such, public scrutiny, and public criticism, is, at times, directed not only at the Inspectional Services as a whole but also at the individuals who deliver our services. Accordingly, employees shall conduct themselves in accordance with the Public Integrity Policy and the stated ethical standards of the Inspectional Services Department.

DEFINITIONS:

Authority: The legally granted right to issue legal orders and give direction to others.

Bias: The use of authority, legal or otherwise, which results in the unequal application of the law toward some identifiable group or group member because of his/her affiliation with that group.

Discretion: The authorized capacity to make judgments and choose from among a variety of actions, within the limits of law and Departmental policy, to resolve a problem.

Employee: All members of the Inspectional Services Department for the City of Boston.

Ethics: Standards or principles of conduct governing a profession, the rules of conduct or duty.

Integrity: Soundness of moral principles; the character of uncorrupted virtue; uprightness, honesty, self-control, courage and compassion.

Public Trust: Exercising public authority within the legal limits and according to the ends for which it was created, i.e., to serve the public interest.

CANONS OF ETHICS:

General Statement – In furtherance of this policy, the following Canons of Ethics are adopted. They are not meant to be exclusive, but are presented because history and sound judgment indicate that violations of these canons severely undermine the ability of the Department to gain the confidence of both its employees and the public, and also negatively affect its ability to fulfill its essential mission. They are not meant to replace or supersede existing laws, Commissioner’s Bulletins, departmental policies, statutes, rules or regulations, but to supplement them; they also serve as a reminder of the public trust that has been conferred upon ISD by the citizens of Boston, and the need for constant vigilance in support of that trust.

Canon One: ISD and every employee acting under its authority shall uphold the Constitution of the United States, the Constitution of the Commonwealth of Massachusetts and all laws enacted or established pursuant to legally constituted authority.

Canon Two: As an enforcement agency, ISD and its agents shall treat all those with whom it comes in contact, or who may seek its assistance, or whose property may come under its care or custody, with respect and dignity inherent in every person.

Canon Three: As an employer, ISD shall treat its personnel with fairness, respect, and consideration in all aspects of the job including hiring, assignment, promotion, training, collective bargaining, discipline and, when necessary, termination. It shall establish and promulgate rules, procedures and orders in such a manner as to promote professionalism, merit, and equal opportunity for advancement as well as equal access to resources. ISD shall value communication and solicit and respect the opinions of its employees on matters in which they have expertise, or which may affect their professional interests.

Canon Four: Employees shall at all times be prepared for the proper discharge of their duties; knowledgeable in the rules and legal procedures; competent in the use of equipment and standard procedures; respectful of other departments and agencies; and possessing the necessary temperament and attitude to effect the cause of public safety and public health.

Canon Five: Employees shall be impartial in the use of their authority, providing fair access to their services and favoring no group or individual for any improper reason. They shall not allow their prejudices or biases to affect their official actions. They shall exercise their discretion in performing their duties in a manner consistent with the rule of law and Department policy.

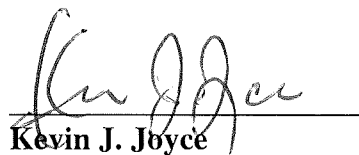
Canon Six: Employees shall avoid all conflicts of interests and appearances of impropriety. They shall never seek or accept gratuities when it can be construed to involve their official position with the department.

Canon Seven: Employees shall not engage in any corrupt or unlawful activity. They shall immediately report all corruption and illegal activity involving members of the Department that may come to their attention.

Canon Eight: Employees shall conduct their private affairs so as not to reflect unfavorably on ISD; or in such a manner as to affect their ability to perform their duties honestly, effectively, fairly and without impairment.

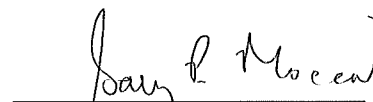
Canon Nine: While the responsibility to report knowledge of illegal and unethical conduct belongs to all employees, regardless of title or position, management and supervisors may be personally accountable for the actions of the personnel under their command if they knew or should have known that their actions were illegal or unethical. This places upon them a specific duty to proactively prevent, detect and expose improper conduct. Additionally, they shall conduct themselves in such a manner as to serve, by uncompromising adherence to these canons, as an example to those who serve under them.

Signed:



Kevin J. Joyce
Commissioner
Inspectional Services Department

Signed:



Gary Moccia
Inspector of Building
Inspectional Services Department

Date:

Number: 2002 - 18
Date: July 29, 2002

Page 1 of 4

Subject: STANDARD RULES AND PROCEDURES FOR ISSUE, USE AND CARE OF ISD EQUIPMENT

Purpose:

General Considerations: Boston Inspectional Services personnel are charged with great responsibility and trust in ensuring the well being of the public health, welfare and safety. Many ISD personnel are issued badges as a sign of public trust and responsibility. Personnel are issued other pieces of equipment to the effectively carry out professional duties in the field and in the office. Employees must be accountable for their actions at all times in the field and in the office. This accountability extends to the proper use and care of department issued equipment. The standard rules and procedures for the issuance and care of department equipment are set forth in this bulletin.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be interpreted as gender neutral.

Definitions:

Inspectional Services Personnel - shall include the Code Enforcement Police after July 1, 2002 for the purposes of this bulletin.

Equipment - shall refer to any item procured by ISD and issued to or made available to ISD personnel to carry out professional obligations and duties for the Department.

STANDARD RULES AND PROCEDURES FOR THE ISSUE, USE AND CARE OF DEPARTMENT ISSUED PROPERTY

§ 1. DEPARTMENT ISSUED EQUIPMENT: ISD personnel issued equipment by the Department for the performance of their duties shall limit the use of the equipment to times in which they are performing a task required by their professional duties. ISD employees may be issued the following equipment:

- Blue jackets with department identification lettering ;
- Orange jackets with ISD lettering
- Breathing apparatus;
- Video and still photography cameras;
- Plastic Gloves;
- Nextel radios/phones;
- Two way radios;
- Tools, plywood, and weights and measures proofing equipment
- Computer software and hardware;
- Stamps for approving plans, permits and applications of any kind;
- Notices of violation, applications, permits or any departmental forms;
- ISD employee identification cards;
- ISD employee "on-duty" vehicle placards;
- ISD Badges;
- Any other item or equipment provided to a particular Division to properly carryout legally authorized enforcement duties.

***FOR VEHICLES SEE COMMISSIONER BULLETIN 2002-4

§ 2. Issue and care of ISD equipment: All ISD personnel issued or authorized to use property of any kind from the Department shall treat the property with respect and care. ISD personnel shall ensure the property is properly used to further the mission of the Department. ISD personnel shall be accountable for the locating, proper care, proper use and safe return all property issued to them. ISD personnel shall also be responsible for reporting to managers when issued equipment is broken or malfunctioning, running low in supply or in need of updating.

2a. ISD personnel shall immediately report missing equipment to their manager. The manager shall make an effort to account for the property. If the property cannot be accounted for then the manager shall within 24 hours file a report with the Deputy Commissioner of Administration and Finance or his designee without exception.

2b. ISD personnel shall be responsible for reporting when equipment or property issued by ISD is being inappropriately used as outlined in this bulletin. ISD personnel failing to report this inappropriate use may also be party to any discipline for failing to alert managers to this situation. Managers shall be responsible for properly reprimanding and taking steps to correct inappropriate use of equipment or property.

ISD personnel must return all equipment issued to them upon separation of service, especially any equipment that may identify the person as an ISD employee. Managers shall be responsible for collecting and accounting for all equipment before an employee separates service.

§ 3. Display of ISD issued identification: ISD personnel issued identification and/or badges shall have them in their possession during the course of any professional duties or obligations performed for ISD including work after hours and on weekends. ISD personnel shall conspicuously display issued identification when in the field to allow for proper identification by other city officials and members of the public. ISD personnel will be accountable for the care of the identification card, badges and vehicle placards issued to them. ISD identification for personnel or personal vehicles used in the field shall be put away when not performing professional duties for ISD. Vehicle placards shall at no time be displayed by ISD personnel except when operating the vehicle to perform official business for ISD. ISD personnel issued placards for personally owned vehicles should ensure that the placard is installed in such a way that the placard can be taken down and posted repeatedly if the vehicle is used for both personal and official ISD business. Use of any identification equipment issued by ISD shall be used consistent with ISD policy and state law on the ethical behavior of public employees.

3a. Use of badges, placards or I.D. cards: ISD badges, a symbol of public trust, are for the exclusive use of the person to which each badge is issued. At no time shall ISD personnel allow another person, even other ISD personnel issued similar badges, to use issued badge, even for official purposes. Managers shall be issued a master list from budget of all badges and placards issued with the number of the badge or placard and to whom it was issued for whom they are supervising. ISD personnel are forbidden from possessing ISD badges unless the badge was issued to them for official identification purposes.

3b. Loss of badges, I.D. cards and Vehicle Placards: All ISD personnel shall immediately notify a manager when an ISD issued identification card, vehicle placard or badge has been lost or stolen. ISD personnel shall also contact Boston Police to fill about a report of the lost or stolen property. Replacement of the identification equipment will come after the cost is paid by the employee.

3c. Use of ISD identification: ISD issued identification of any kind shall only be used for official, professional purposes or at other times when identification is requested to verify identity, such as verification of employment, membership to professional organizations, drivers license renewal or other situation where a second means of identification may be required. ISD issued identification shall never be used to:

- prove identity or age to gain access to any premises for personal business or entertainment including but not limited to bars, clubs, or restaurants, or
- gain any benefit by virtue of their employment as an ISD personnel.

The public trust inherent to ISD badges, identification cards and vehicle placards cannot be emphasized enough. ISD issued identification used or presented in a forbidden manner shall establish cause for

investigating an ethics violation under state law and ISD policy which may result in discipline up to an including termination as well as potential criminal liability.

3d. Reproduction: No ISD personnel shall reproduce any type of ISD issued identification. If such identification is lost or stolen, personnel must report it to their manager.

This section shall also be read to guide the use of any stamps, seals, forms, business cards or any symbol used to show or to effect the legal authority vested in ISD to approve, deny, or take enforcement action against any entity or person with business before the Department. Such stamps, seals or symbols of authority also have an inherent level of public trust, which must be closely guarded.

§ 4. Storage of special equipment: Equipment such as two way radios, video and still cameras, or any other special equipment not regularly issued to personnel or equipment with a certain value threshold requiring greater safekeeping shall be stored in the property room at 1010 Massachusetts Avenue established in 2002-15.

4a. All equipment of this nature will be issued daily and accounted for at the end of each shift in which the equipment is used.

4b. A master list of such special equipment shall be kept by the Deputy Commissioner of Administration and Finance. The Division manager or his/her designee can sign out all equipment needed for the unit at one time, but will be responsible for its return.

4c. The Deputy Commissioner or his designee shall be charged with the signing in and out of equipment.

4d. Any special equipment that is stored with first responders working in Special Operations or any other equipment that would be too cumbersome to carry in and out of ISD vehicles each day need not be stored in the property room. Equipment falling into either of these categories shall be recorded as to type, quantity and location on the special equipment master list. Personnel using the special equipment not stored in the property room shall provide a report each day to their division manager verifying that the equipment was present at the beginning of each shift and at the end of each shift with any notations for breakage or other problems. These reports shall be filed daily with the division manager, who shall also store these sheets in an organized manner that is easily accessible. Division managers shall also be responsible for creating a checklist for personnel to use to expedite the accounting of equipment by personnel daily. Managers shall provide the Deputy Commissioner with a copy of all daily checklists at the end of each month.

§ 5. Storage of Issued Equipment in Department Vehicles: All equipment stored in Department vehicles shall be stored in a neat and organized fashion that is uniform in each truck used by that Division. Division managers shall create a standard uniform way of storing equipment in vehicles so all personnel will know where various equipment is located all trucks of that division. A diagram documenting the manner/ location of equipment in the vehicle shall be conspicuously displayed in the equipment storage area of the vehicle.

§ 6. Issued clothing/ dress code: ISD personnel shall present themselves in a professional manner at all times, including the manner of dress. ISD personnel issued or authorized to wear uniforms or official clothing must maintain the issued clothing or uniform in a neat and clean fashion. Uniforms or issued clothing must be treated with due care given allowances for incidents in the field. Personnel issued clothing or uniforms, which is then damaged in the field not through their own negligence, should report this to their manager for replacement of the clothing at no cost. Personnel will not be authorized to wear any ISD issued clothing or uniform that is ripped, tattered or heavily soiled as these garments are often used to identify ISD personnel in the field and create a poor representation of the professionalism of the employee and the Department. Managers should take notice when personnel are using clothing or any equipment in such condition. ISD personnel should maintain themselves and issued clothing or uniforms in a neat and tidy nature while representing the Department in the office or in the field. Neat and tidy shall not limit personnel to any style of clothing, but should be interpreted to mean that clothing shall be clean, properly tailored and either pressed or ironed. Division managers shall set the dress code for their respective divisions. It is suggested that all managers restrict personnel from wearing non-collared shirts and denim /dungaree style pants.

§ 7. Compliance Failure: Any ISD personnel failing to follow the standard rules and procedures outlined in this bulletin shall be subject to discipline, up to and including termination. Criminal liability may also result for the failure to follow the guidelines of this bulletin. ISD managers may also be subject to discipline for the failure of personnel under their command to demonstrate knowledge of the standard rules and procedures outlined in this bulletin. Managers and personnel should review the Department Public Integrity Policy in Commissioner's Bulletin 2002-a and Commissioner's Bulletins 99-3 and 99-4.

Signed:



Kevin J. Joyce
Commissioner
Inspectional Service Department
Date:



Gary Moccia
Inspector of Building
Inspectional Service Department
Date:

Number: 2002 -19
Date: 21 August, 2002

Page 1 of 2

Subject: STANDARD RULES FOR THE ALTERNATIVE DISPOSITION OF LEGAL NOTICES OF VIOLATION

Purpose: This bulletin establishes standard rules and procedures for Inspectional Services Department personnel to follow in disposing of legal notices of violation for violations of 780 CMR, the Massachusetts State Building Code; the Massachusetts State Sanitary Code, or any other regulation or ordinance administered by ISD.

Policy: Boston Inspectional Services shall enforce all regulations it is legally authorized to enforce with professional integrity and fairness at all times. ISD shall maximize the use of city resources in pursuing these objectives by availing itself of judicial efficiencies where possible to remedy issues and dispose of cases.

Determination:

When ISD has determined there are grounds to issue a fine violation to any person charged with violating a law, regulation or ordinance which ISD has the legal authority to enforce, ISD personnel shall proceed under the rules and standards contained in this bulletin.

Note: For purposes of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this bulletin and should be interpreted as gender neutral.

§ 1 Legal Notice of Fine Violation:

Inspectors shall cause written legal notices of violation, with the approval of the Chief of the Department or other person as required by law, to issue and be served upon the offending person in the manner prescribed by law. In determining whether to issue legal notices of violation for fines, ISD shall consider all facts relevant to making such determination including, but not limited to the following:

- a. Whether the offense charged was willful, intentional, reckless or repeated;
- b. Whether the offense could lead to bodily harm, serious injury or damage to property.
- c. The standard rules and regulations for each division.

§ 2 Return of Service:

Once proof of service of the legal notice of violation is returned to the Inspectional Services Department, ISD shall proceed in accordance with one of the following alternative courses of action.

§3 Alternatives for Disposing of Legal Notices of Violation for Fines.

a. Alternative I – Resolution before Initiating Criminal Proceedings:

If at any time after service of a legal notice of violation, the offending person wishes to remedy the fine violation before this Department initiates criminal proceedings, the Inspectional Services Department shall file a civil complaint with a proposed court order with the court. The proposed court order may provide for a civil penalty to be paid by the offending person in lieu of any fine that may be assessed by the court after arraignment. The court order may also require the offending person to pay to City of Boston its incidental or consequential costs for the enforcement action taken.

b. Alternative II- Failure to reach a pre-arraignment agreement for disposition:

Upon lapse of thirty (30) days from the date of service of the legal notice of violation, the Inspectional Services Department shall seek enforcement by means of filing a Criminal Complaint in Housing Court or a court of competent jurisdiction. If the offending person appears at arraignment or pretrial conference and wishes to remedy the legal notice of violation without further proceedings, then the Inspectional Services Department shall withdraw the Criminal Complaint and move the Court to treat the violation as a civil matter. Such motion shall urge the Court to:

- 1.) Adjudicate the matter against the offending person
- 2.) Impose a civil penalty in lieu of a fine and in an amount up to the maximum amount allowed by law
- 3.) Grant any equitable relief requested.

(See, G.L. c. 277, § 79; G.L. c. 185C § 19; G.L. c. 143, G.L. c. 111 § 127A.)


c. Alternative III- Failure to obtain remedy or agreed fine at or before arraignment

If the offending party has failed to remedy the violation upon appearing for arraignment on a Criminal Complaint filed with the Housing Court or court of competent jurisdiction, ISD shall aggressively pursue all fines and costs incurred as a result of the offending party's acts or omissions relative to the violation.

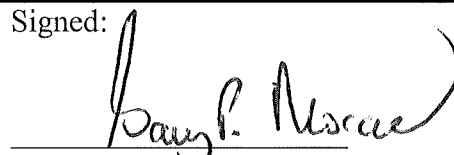
§ 4 Effective Date:

The rules and procedures contained in this bulletin shall take effect immediately and shall remain in effect until they are revoked by the Commissioner of Inspectional Services.

Signed:


Kevin J. Joyce
Commissioner of ISD
DATE: 8/26/02

Signed:


Gary P. Moccia
Commissioner of Buildings
DATE:

Number: 2002-20**Page 1** of 2**Date:** November 6, 2002


Subject: **STANDARD RULES AND PROCEDURES FOR PROCESSING PERMITS AND LICENSES ISSUED BY THE INSPECTIONAL SERVICES DEPARTMENT TO BOARDS, OFFICERS OR EMPLOYEES OF THE CITY OF BOSTON ACTING IN THEIR OFFICIAL CAPACITIES.**

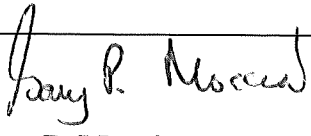
Determinations: Because City of Boston Ordinances provide an exemption for City Officials from payment of fees due for permits and licenses issued by the Inspectional Services Department this department is adopting the following standard rules and procedures for processing permits and licenses which fall into this category.

Responsibilities:

1. It shall be the duty of all staff members associated with issuing permits and licenses to read and be familiar with the information, rules and procedures contained in this bulletin. The requirements of this bulletin apply to all divisions in this department. Division Managers are required to inform, train, and lead their staff in the implementation of these requirements.
2. City of Boston Code ordinances Chapter 18, section 18-5 provides: "18-5 Exemptions for Public Officials. No Board, Officer or employee of the City or of the County of Suffolk shall be required to pay any fee for any license or permit required of it or him personally in the performance of its or his official duties; and no such Board, Officer or employee requiring in the performance of its or his official duties any services or work by the City or any Department, Board or Officer thereof, shall be required to pay any charge for such services or work." And further, City of Boston Code Ordinance Chapter 18 section 18-7 provides: "Exemption for Boston Housing Authority. Neither the Boston Housing Authority nor any person acting in its stead shall be charged any fee for any license or permit for which the fee may be fixed by ordinance under Chapter 222 of the acts of 1949."
3. When processing applications for permits and licenses in accordance with the exemptions described in paragraph numbered two of this bulletin the Inspectional Service Department shall require that the application form for the permit or license for which exemption from the fee requirement is sought shall be signed by such board, officer or employee of the City of Boston acting in their official capacity or duties seeking such exemption.
4. All employees are expressly reminded that there shall be no other exemptions from the payment of fees due for permits and licenses issued by the Inspectional Services Department other than those specified in this bulletin.

5. Any deviation from the requirements contained in this bulletin could lead to disciplinary action.

Signed: 
Commissioner
Inspectional Service Department
Date: 11.5.02


Gary P. Moccia
Inspector of Building
Date: 11/5/02

Number: 2003 - 01
Date: February 28, 2003

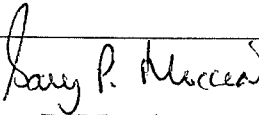
Page 1 of 1

Subject: CARRY OF FIREARMS BY EMPLOYEES OF THE DEPARTMENT OF INSPECTIONAL SERVICES

Determination:

1. It is the policy of the Department of Inspectional Services that firearms of any kind are not to be part of the working equipment of any personnel of this Department.
2. Firearms are not to be carried during the course of official duty nor are they to be carried within or without the Offices of the Department while on official duty.
3. This policy has been in effect since the date of this Policy Statement (87-3) and remains in effect with this bulletin. Any employee who violates this policy may be subject to disciplinary action.

Signed: 
Commissioner
Inspectional Service Department


Gary P. Moccia
Inspector of Building

Number 2003-03

Date: March 7, 2003

Inspectional Services Department

Boston, MA

**Subject: PROCEDURE FOR OFF-HOURS INSPECTION REQUESTS AND
THIRD PARTY BILLING**

Purpose: To properly administer Department's public health and safety mission during non-working hours of the Department within reasonable fiscal controls. Bulletin 2000-1 "Procedure For Off Hours Inspection Requests and Third Party Billing" is rescinded and replaced by Bulletin 2003-3 upon publication of the latter.

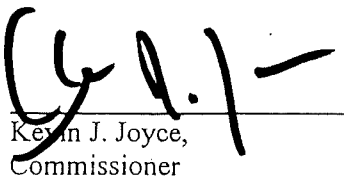
DETERMINATION:

Any party requesting an inspection by any Division during any time other than regular business hours for the Boston Inspectional Department must comply with the following:

1. The party requesting such an application completes an "Off-Hours Inspection Request Form" and attaches a cashier's check for the off-hours inspection fee. The fee shall be \$200 for all off-hours inspections as set forth by the relevant sections regarding compensation minimums for off-hours work in the respective collective bargaining agreements. The application and check are presented to the Division performing the inspection.
2. The submitted request is reviewed for approval by a supervisor at the grade of MM08 or above. The supervisor shall keep a log of each request and note whether it has been denied or approved. The supervisor shall then ensure the applicant is notified that the request has been denied or approved.
3. The supervisor will sign approved applications for final authorization and then schedule the off-hour inspection. The inspector to whom the inspection is assigned shall present the form signed by the supervisor to the requesting party upon completion of the scheduled inspection for the party's signature confirming completion.
4. The inspector shall present the form, signed by the requesting party, to the authorizing supervisor upon completion of the inspection. Either each day, but not less frequently than each week, the Supervisor in each Division shall submit to the Administration and Finance Division all the completed "Off Hours Inspection Forms," accompanying checks and a tally log sheet.

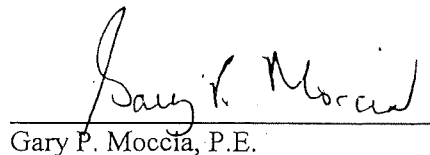
All requests for off-hours access to buildings within the control of the Department shall be treated as "Off-Hours Inspection Requests" and require prior approval and a \$200 payment prior to providing such access. No inspector shall take payment on behalf of the Department during off-hours inspection. All payments must be made in advance.

SIGNED


Kevin J. Joyce,
Commissioner

Date:

3.10.03


Gary P. Moccia, P.E.

Assistant Commissioner/ Inspector of Bldgs.

Date:

Number: 2003 - 4
Date: August 2003

Page 1 of 3

Subject: **Transfer of Building Documents to Off-site City Archive Facility**

General Considerations: Efficient use of space at the 1010 Massachusetts Avenue offices and proper maintenance of documents that are public records requires the Boston Inspectional Services Department to provide off-site storage of all documentation now stored on-site in file cabinets. Available technologies have enabled I.S.D. to make Electronic records available on the Internet. As custodian of the records, I.S.D. will maintain access to these originals upon request. The removal of the records to an off-site location is consistent with I.S.D.'s on-going movement toward greater application of available technologies to improve operations and service.

Determination and Authorization:

Under the authority of City of Boston Code c. 9-1, creating the Boston Inspectional Services Department, and consistent with the Massachusetts public records law on the Archiving of City Documents, the following actions are authorized regarding the ISD Building Jacket Documents:

1. **Relocation of originals:** The ISD building jackets now held in file cabinets located in the Fifth Floor Document Room and any overflow space on the 4th floor will be removed and transported for storage in the City of Boston Archive Facility in Hyde Park. All building jackets shall be relocated to the Archive facility at the end of each fiscal year. All scanning of materials in the building jackets from the previous fiscal year must be completed prior to the relocation of the records not yet scanned. The only original documents that will remain on-site at 1010 Massachusetts Avenue will be the building jacket records for the current fiscal year.
2. **Access to copies:** Documentation available in the building jackets will now be available on ISD's website through the infiltrate scanned document facility. The records and documentation are public records as defined in G.L. c. 4 § 7. Copies of relevant documents can be downloaded and copied at ISD for a charge of fifty cents per page and, when search time by an employee is required to obtain records, a charge for such employee's time as permitted under public records law for the Commonwealth of Massachusetts. Individuals may also search and download the documentation any where there is access to the Internet and a printer, including work or home. I.S.D. shall also provide public terminals at 1010 Massachusetts Avenue for this purpose. The keeper of records may certify upon his belief that the records presented are true and accurate copies of the original documents maintained by the I.S.D. Certification shall require the keeper to issue a statement so stating with a date stamp and initials on the documents.

3. **Additional Records:** As fresh records are created for filing in the building jackets they will be scanned into the electronic form so they may be accessible through the website facility while the originals will be transferred to the Archive Site on an annual basis and in accordance with this Bulletin - segregated and maintained by address. The records shall be maintained segregated by address for as long as they made available to the public. Until such transfer is effected, any such records shall be segregated by address and maintained in the 5th floor document room.
4. **Maintenance prior to relocation:** During the course of the year, records shall be stored in a manner to be determined by the Commissioner of Inspectional Services or his designee. The manner of storage shall enhance accessibility of the records by the public and staff.
5. **Documentation to be contained in each building jacket:** All building jackets shall be used as the public records repository for each property. Effective upon publication of this bulletin, each jacket should contain at a minimum all of the following documentation, if issued for the property:
 - all permits applications, whether issued or abandoned,
 - all issued certificates of occupancy,
 - all annually issued certificates of inspection,
 - all zoning decisions received by I.S.D.;
 - Hearing decisions issued by an I.S.D. hearing officer, and
 - Any other documentation that the Inspector of Buildings or the Commissioner of Inspectional Services may deem appropriate.

The Deputy Commissioner of Administration and Finance or his designee shall coordinate with relevant managers to ensure proper routing of all documentation after submission or issuance for scanning.

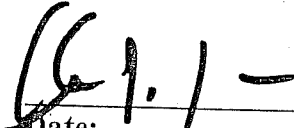
Public access to original documents

1. The original documents may be obtained by filling out a Document Request Form, which will then be sent to the Danvers Archive Facility and the document will be sent to ISD. The requester will be notified and may examine the document in the ISD Document Room for no more than two days.
2. **Retrieval fees** The charge for the retrieval service is based on the existing Document Storage and Retrieval Contract with the Boston Archives Unit of the City Clerk's Office. I.S.D. shall post the retrieval fees in a conspicuous place for the public.

The retrieval form and prices will also be added to the I.S.D. website within ninety days of the bulletin's publication. The normal time elapse from request to document delivery is two days. A requester must provide a photo identification and valid contact information to ensure proper return of any original documents. The Keeper of the Records for Boston Inspectional Services shall maintain a log of all off-site record retrieval requests.

2. If a user of the website, in viewing a particular building jacket, finds that documentation is missing from the jacket, the user should make the appropriate application to ISD on the fifth floor to institute a remedy and replacement for the document. The expense for this replacement will be borne by ISD, if it is determined that the original documentation existed at one point.

Signed:
Kevin J. Joyce
Commissioner
Inspectional Service Department


Date: 9.29.03

Number: 2003 - 5
Date: December, 2003

Page 1 of 3

Subject: **Expansion of the Fast Track Program**

General Considerations: Boston Inspectional Services Department in performing its legal obligation to accept and review applications and issue building permits has a significant economic development role in the City of Boston in effecting the timely issuance of permits for an expanded number of buildings. In this regard, the Fast Track program will be expanded to include permit applications submitted pursuant to 780 CMR. 110.1 which meet the eligibility criteria noted below.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this bulletin and should be interpreted as gender neutral.

Determination and Authorization:

Commissioner's Bulletin, No. 86-5 as amended, is hereby rescinded and replaced by this bulletin. Under the authority of the Massachusetts State Building Code, Section 102.2 and the City of Boston Code c. 9-1, as amended, there is hereby established within ISD a procedure to be known as the "Fast Track Program" to facilitate approval of permit applications meeting the eligibility criteria set out in this bulletin.

I. ELIGIBILITY FOR PARTICIPATION IN FAST TRACK PROGRAM

All permits for proposed work which are in substantial compliance with all applicable building regulations and standards and do not require:

- a. a zoning determination.
- b. a change of use or occupancy or an expansion of existing use.
- c. substantial alterations to the building structure.

II. DOCUMENTS REQUIRED FOR FAST TRACK PROGRAM:

Applicants for the FT program shall submit a fully completed long form application (Form BD2/BD2A). The application must be accompanied by the following documentation:

1. A check for the permit fee. The applicant may also indicate intention to pay the permit fee by debit or credit card.
2. Two sets of complete plans and specifications, including, if relevant, layout of sprinkler heads and compliance with other applicable fire prevention requirements.
3. A letter from the building owner(s) or authorized agent indicating approval of the plans as submitted.
4. A signed affidavit from the approved independent architect or engineer who is required to visit the work site periodically to ensure that construction is consistent with the permit as issued and all applicable laws and requirements. The designated

independent professional shall keep a log of visits which shall include comments and instructions given regarding construction conformance. This independent professional shall meet the requirements as outlined in Section III below.

5. All affidavits signed by those professionals associated with the proposed project (e.g. architects, engineers, mechanical/electrical engineers, etc.) shall make the following assurances as applicable:
 - a. the submitted plans conform to all applicable building, zoning and fire codes;
 - b. the proposed construction does not constitute a "substantial alteration" of the building structure or a change in the use or occupancy of the building as defined in applicable codes;
 - c. structural alterations and floor loading complies with applicable building and fire codes;
 - d. installation of fire alarms, smoke detectors, etc, as required by applicable codes have, or will be, provided;
6. The name, address, day-night phone number, and license information of builder in charge of work-site operations.

Incomplete applications will not be accepted for the Fast Track Program.

III. REQUIREMENTS OF THE INDEPENDENT PROFESSIONAL:

The Inspector of Buildings or his designee must approve any professional associated with the project who is required to submit an affidavit. A written request must be submitted by the independent professional for such approval. The written request shall state at a minimum the name, contact information and professional certifications, the scope of responsibility of the professional, permit number and the address for the project. The Inspector of Buildings or his designee shall legibly sign and date the written request as either approved or denied. A copy of written requests shall be stored in the application and then the building jacket.

The designated independent professional shall keep a log of visits which shall include comments and instructions given regarding construction conformance which shall be kept under his professional seal. The professional shall be independent of the contractor(s) doing the work. The professional shall not be an employee or associate of the architect/engineer of record unless requested by the owner and approved by the Inspector of Buildings or his designee. Such records and logs of the independent professional shall be made available to the Inspector of Buildings or his designee upon request.

IV. PROCESSING FAST TRACK APPLICATIONS:

FT applications shall be submitted in the same manner as long form applications and shall be initially examined at the time of submission to assure that basic criteria have been met and that all required documentation is included. If these requirements have been met, the submission shall be stamped as received under the FT program and will be assigned to a plan reviewer.

If the submitted application, with all documentation is in order, the applicant will be notified within seven (7) working days that the building permit is ready for issuance.

No work under the FT Program may begin until a building permit has issued.

No FT permit application may be amended if the amendment will take the scope of the proposed project outside the criteria of the FT program. Any amendment to a FT application shall reference the application number and scope of work of the original FT application. Any amendment that fails to meet the FT criteria will result in the issuance of a stop work order, if the work has started, until the entire proposed project has been reviewed in the context of the proposed amendment.

The plan examiner to whom the application is assigned may also reject the application as ineligible or incomplete after submission if the facts warrant. ISD reserves the right, and has the obligation, to make a more detailed review of the FT application at any time after the permit has been issued.

Should violations be identified, these will be brought to the attention of the builder. Construction work may, at the discretion of the Inspector of Buildings, be required to stop until the required items are corrected. Failure to stop work or correct violations will result in withdrawal of the permit and forfeiture of deposits and all permit fees.

V. CERTIFICATE OF OCCUPANCY:

When the work is completed, the owner or the owner's representative shall file an application for a Certificate of Use & Occupancy ("CO") for the completed construction accompanied by fee payment. The application must be accompanied by an affidavit signed by the independent professional attesting that:

- a. the site has been visited periodically during the construction, giving dates and time of these inspections;
- b. the work was completed, except for minor punch-list items, in conformance with the approved plans;
- c. the finished construction conforms to all of the FAST TRACK PROGRAM REQUIREMENTS identified in this Bulletin;

Any approved amendments to the original plans must be reflected in any affidavit submitted and bear the similar certification as noted above.

All of the current requirements and timeframes for obtaining a Certificate of Occupancy are applicable to FT program applications.

Signed:

Kevin J. Joyce
Commissioner
Inspectional Service Department

Gary P. Moccia
Inspector of Buildings

Date:

12.11.03

Date:

ET 12
1/87

**FAST TRACK BUILDING PERMIT PROGRAM
FOR COMMERCIAL OFFICE BUILDINGS**

REQUIRED ITEMS CHECK LIST

Application Date: _____ NUMBER: _____

1. Fast Track Permit Fee _____
 2. Two complete sets of plans & Specifications... _____
 3. Building owner letter of approval _____
 4. Inspection Affidavit _____
 5. Design Affidavit:
 - a. Architect or engineer _____
 - b. _____
 - c. _____
 - d. _____
 - e. _____
 - f. _____
 - g. _____
 - h. Tenant _____
 - i. Builder _____
 6. Builder contact information _____
 7. Fast Track Building Bond _____
- *Building Owner or owner of the work (i.e. tenant)?

8. Final Inspection Affidavit (to be submitted with application
for Certificate of Use and Occupancy)

Eligibility For Participation in Fast Track Program

All permits for proposed work, which are in substantial compliance with all applicable building regulations and standards and **DO NOT REQUIRE:**

- a. A zoning determination.
- b. A change of use or occupancy or an expansion of existing use.
- c. Substantial alterations to the building structure.

Fast Track Checklist

- A check for the permit fee. The applicant may also indicate intention to pay the permit fee by debit or credit card.
- Two sets of complete plans and specifications, including, if relevant, layout of sprinkler heads and compliance with other fire prevention requirements.
- A letter from the building owner(s) or authorized agent indicating approval of the plans as submitted.
- A signed affidavit from the approved independent architect or engineer who is required to visit the work site periodically to ensure that construction is consistent with the permit as issued and all applicable laws and requirements.
- All affidavits signed by those professionals associated with the proposed project
 - Inspection Affidavit (Architect)
 - Design Affidavit (Architect/ Engineer)
 - Design Affidavit (Consulting Engineer)
 - Design Affidavit (Owner)
 - Design Affidavit (Tenant)
 - Design Affidavit (Builder)
 - Final Inspection Affidavit (Architect)
 - Mechanical Engineer Affidavit (HVAC)
 - Electrical Engineer Affidavit
 - Structural Engineer Affidavit (if required)
 - Fire Protection Affidavit
 - Fire Protection Systems Narrative
 - Hydraulic Calculations
- The name, address, day/ night phone number, and license information of builder in charge of work-site operations.

1/87

FAST TRACK BUILDING PERMIT PROGRAM
FOR COMMERCIAL OFFICE BUILDINGS

BUILDING CONTACT INFORMATION

Builder Name _____ License No. _____

Address _____

Home Address _____

Day Time Phone No. _____

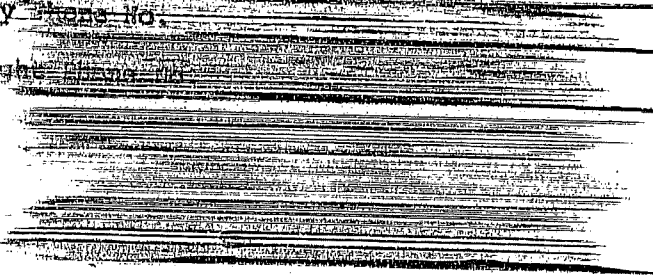
Night Time Phone No. _____

Alternate Contact Person _____

Alternate Address _____

Alternate Day Phone No. _____

Alternate Night Phone No. _____





Inspectional Services

Martin J. Walsh, Mayor

If a project is designated an "Affidavit Project" or "Fast Track", submit all affidavits sealed by the registered professional. Attached are preliminary affidavits that must be presented at the time of submittal.

These affidavits can be reproduced as need. All affidavits can also be found on the website below:

<http://www.mass.gov/eopss/consumer-prot-and-bus-lic/license-type/csl/construction-control.html>



Initial Construction Control Document
 To be submitted with the building permit application by a
 Registered Design Professional
 for work per the 8th edition of the
 Massachusetts State Building Code, 780 CMR, Section 107.6.2

Project Title: _____ Date: _____
 Property Address: _____

Project: Check one or both as applicable: New construction Existing Construction

Project description: _____

I, _____ MA Registration Number: _____ Expiration date: _____, am a
 registered design professional, and hereby certify that I have prepared or directly supervised the preparation of all design
 plans, computations and specifications concerning:

- Entire Project Architectural Structural Mechanical
 Fire Protection Electrical Other _____

for the above named project and that such _____ made the applicable provisions of the
 Massachusetts State Building Code; _____
 understand and agree that I (or my designee) shall be present on the
 construction site on a regular and periodic basis to provide the necessary professional services and be present on the

1. Review, for conformance to this code, the design concept, shop drawings, samples and other submittals by the contractor in accordance with the provisions of the construction documents.
2. Perform the duties for registered design professionals in all cases as applicable.
3. Be present at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine if the work is being performed in a manner consistent with the approved construction documents and this code.

When required by the building official, I shall submit field/progress reports (see item 3.) together with pertinent comments, in a form acceptable to the building official.
 Upon completion of the work, I shall submit to the building official a 'Final Construction Control Document'.

Enter in the space to the right a "wet" or electronic signature and seal:

Phone number: _____ Email: _____

Building Official Use Only

Building Official Name: _____ Permit No.: _____ Date: _____

FT #7
1/87

**FAST TRACK BUILDING PERMIT PROGRAM
FOR COMMERCIAL OFFICE BUILDINGS**

DESIGN AFFIDAVIT (OWNER)

To the Inspectional Service Commissioner:

Re: (Address)

(Ward)

I certify that to the best of my knowledge, information and belief: (a) the proposed work does not constitute a substantial alteration of an existing building; (b) the proposed work does not involve a change of use, as defined in the Boston Zoning Code and Massachusetts State Building Code; (c) that if any violations of the building code, zoning code, or other applicable codes, laws and regulations were discovered, the owner and/or tenant at his own expense and without recourse to the city or any of its agencies, will correct or will have corrected any such violations prior to the issuance of any required occupancy permits.

Owner Name: _____

Company Name: _____

Address: _____

Date: _____

Then personally appeared the above named _____
and made oath that the above statement by him is true.

Before me,

Notary Public

My commission expires _____

FT 18
1/87

FAST TRACK BUILDING PERMIT PROGRAM
FOR COMMERCIAL OFFICE BUILDINGS

DESIGN AFFIDAVIT (TENANT)

To the Inspectional Services Commissioner:

Re: (Address)

(WARD)

(Application No.)

I certify that to the best of my knowledge, information and belief: (a) the proposed work does not constitute a substantial alteration of an existing building; (b) the proposed work does not involve a change of use, as defined in the Boston Zoning Code and Massachusetts State Building Code; (c) that if any violations of the building code, zoning code, or other applicable codes, laws and regulations are discovered, the owner and or tenant at his own expense and without recourse to the city or any of its agencies, will correct or will have corrected any such violations prior to the issuance of the required occupancy permits.

Tenant Name: _____

Company Name: _____

Address: _____

Date: _____

That personally appeared the above named _____
and made oath that the above statement by his is true.

Before me,

Notary Public

My commission expires _____

FT 19
1/07

FAST TRACK BUILDING PERMIT PROGRAM
FOR COMMERCIAL OFFICE BUILDINGS

DESIGN AFFIDAVIT (BUILDER)

To the Inspectional Services Commissioner:

Re: (Address)

(Ward)

(Application No.)

I certify that to the best of my knowledge, information and belief: (a) the proposed work does not constitute a substantial alteration of an existing building; (b) the proposed work does not involve a change of use, as defined in the Boston Zoning Code and Massachusetts State Building Code; (c) that as license holder I will be responsible for the execution of all work in accordance with the approved construction documents, and for the execution and control of all methods of construction in a safe and satisfactory manner in accordance with all applicable local, state and federal statutes and regulations; (d) I will be fully and completely responsible for all work for which I have received this permit from the Inspectional Services Department of the City of Boston, and I will be responsible for seeing that all work is done pursuant to the State Building Code.

Builder Name: _____

Company Name: _____

Address: _____

License Number: _____

Class: _____

Expires: _____

Date: _____

Then personally appeared the above named _____
and made oath that the above statement by him is true.

Before me,

Notary Public

My commission expires _____

Number: 2003-06

Page 1 of 3

Date: December 2003

Subject: Standard Fees for Certificates of Inspection (annual and temporary)

Purpose: The purpose of this bulletin is to assist the Department in administering the City of Boston Code ("C.B.C") Ordinance c. 18-1.12 which establishes fees for the inspection of licensed establishments as required by the State Building Code.

GENERAL CONSIDERATIONS:

- The City of Boston has authorized the I.S.D. Commissioner to fix a reasonable fee for issuing annual or temporary certificates of inspection ("C.I.") required by the State Building Code. These fees are permissible under C.B.C. c. 18-1.12 so long as they remain reasonable, are assessed only to the user and provide a particularized benefit to the user.¹
- The fee schedule set out in c. 18-1.12 shall, pursuant to G.L. c. 40 § 22F, supersede any fee established under any statute or regulation, including the State Building Code, for a C.I..
- A temporary certificate authorizing a change to a temporary use, for example from a gymnasium to a function hall, shall carry the fee established for the use group of the temporary use. The fee shall, to avoid an excessive fee, take special consideration as to the compatibility between the annual and temporary maximum capacities to avoid paying a fee for occupants that may already have been figured into the annual fee.

DETERMINATION:

Boston Inspectional Services shall charge the following fees for annual and temporary inspection certificates in accordance with the provisions of C.B.C. c. 18-1.12:

Section 1.0. Assembly Use Groups

Opera Houses, Movie Theaters and "other similar uses."*

Annual fee: 0.50 cents per person for maximum capacity stated on the annual C.I.

Temporary fee: \$50 + per diem charge

Per diem charge = (use group fee/ 365) x # of days for the temporary use. Per diem charge assessed **only if the charge is one (\$1.00) dollar or more. Per diem charge shall be based upon** the formula in C.B.C. c. 18-1.12 for the temporary use beyond and/or capacity in excess of that authorized on the annual certificate. Charges shall be rounded down to the nearest 0.05. Applicants requesting or requiring inspections be performed off-hours shall also be subject to the fees set forth in Commissioner's Bulletin 2000-1 for such off-hours inspections.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-1 Use Group Assembly theaters, which generally includes places of assembly usually with fixed seating intended for viewing performing arts or motion pictures.

¹ See Emerson College v. City of Boston, 391 Mass. 415, 425 (1987)

Nightclubs, Dance Halls, Live Entertainment Bar, Lounge and "and other similar uses."*

Annual Fee: \$1.00 for each person allowed up to the maximum capacity stated on the annual C.I.

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-2 Use group which includes places of assembly without a theatrical stage.

Restaurants, Art Galleries, Lecture Halls, Libraries, Exhibitions Halls, Function Hall and "Similar Uses."*

Annual: 0-400 person capacity: \$37.50
400-5000 capacity: \$75.00.
5000 + capacity: \$75.00 + \$15.00 for each 1,000 persons over 5000

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-3 Use group which generally includes no permanent seating, incidental motion picture projection facility used for entertainment, amusement or recreation.

Churches, Temples, Funeral Homes and "Similar Uses"*

Annual: \$37.50

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-4 use group which generally includes places of assembly that have low density for worship or other religious service.

Outdoor Assembly, Bleacher Seating, Stadium, Coliseum and "Similar Uses"*

Annual: \$37.50 for 0- 5000 (five thousand) person capacity, then an additional \$7.50 for every one-thousand (1,000) people over the first 5000 people.

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-5 use group which generally includes assembly intended for viewing such as bleachers and stadiums and coliseum.

Section 2.0 Institutional Uses

Child Day Care (as defined in 780 C.M.R. 202)², Hospitals, Nursing Homes, Sanitariums, Orphanages, Jails, Prisons and "Similar Uses." *

² 780 C.M.R. 202 defines Child day care center as any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school child

Annual: \$100 for each building containing up to one hundred (100) beds, plus two dollars (\$2.00) for each additional ten (10) beds or a fraction thereof. No bed facilities shall be charged fee for 0-100 beds. Beds shall be permanent or temporary sleeping arrangements(e.g. napping space)

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 308 for either the I-1, I-2 or I-3 use group, which generally include all buildings and structures housing people suffering from limitation because of health or age are harbored for medical or other care or treatment or which people are detained for penal or correction purposes or in which the inmate liberty is restricted.

Section 3.0 Residential Uses

Hotels, Motels, Boarding Houses, Lodging Houses and Dormitories.

Annual: \$75.00 for the first ten units and then \$10.00 for each unit beyond the first ten.

Temporary: Same formula as "Temporary fee" above.

Term "units" shall, for the purposes of setting fees in this bulletin only, be defined by the State Building Code, Table 106, and set out below, as this has been the department policy for defining this term in the city ordinance for approximately 20 years:

Hotels/Motels: 2 guest rooms = 1 unit

number of guest rooms / 2 = # of units used to determine the fee amount.

Lodging Houses: 2 guest rooms = 1 unit

number of guest rooms / 2 = # of units used to determine the fee amount.

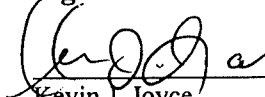
"# of guest rooms" will be the same as number of occupants, unless applicant provides documentation corroborated by field inspection showing otherwise.

Dormitories: 4 persons/sleeping beds = 1 unit (one person per bed)

number of beds (building occupants) / 4 = # of units used to determine the fee.

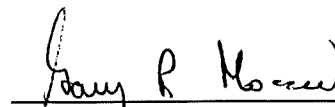
EFFECTIVE FEBRUARY 01, 2004: All applicants for both temporary and annual certificates for uses in the lodging/boarding houses, dormitories and hotel/motels must list both the number of **occupants** and the number of **units** on the C.I. and C.O. applications in order to be complete.

Signature:



Kevin J. Joyce
Commissioner

Date: 12.12.03



Gary P. Moccia, P.E.
Inspector of Buildings

Date:

12/12/03

development center, or preschool or known under any other name, which receives children not of common parentage under 7 years of age or under 16 years of age if such children have special needs for non-residential custody and care during parts or all of the day separated from their parents. Child day care **SHALL NOT INCLUDE:** public school systems, any part of a private, organized education system unless limited primarily to kindergarten, nursery or related preschool services, a Sunday school conducted by religious institution or facility for caring for children while parents attend worship services, a family day care home as defined by G.L. c 28A or an informal arrangement among neighbors or relatives.

Number: 2004-1

Date: March 15, 2004

Subject: ESTABLISHING PROCEDURE FOR INSURANCE CLAIM NOTICES OF LOSS UNDER G. L. c. 139, sec. 3B

Purpose: Establish a procedure for ISD personnel to process Claim Notices of Loss Under G. L. c. 139, sec. 3B.

Determinations:

In response to the Claim Notices of Loss we receive from the various insurance companies this department has made a determination that employees are required to follow the procedure contained in the attached manual when processing these notices.

Signed:

Kevin J. Joyce
Commissioner
Inspectional Services Department

Gary P. Moccia
Inspector of Buildings


Date: 3.15.04


Date: 3/15/04

MANUAL FOR PROCESSING
CLAIM NOTICES OF LOSS
UNDER G. L. c. 139, Sec. 3B



City of Boston
Inspectional Services Department

March 15, 2004

Kevin J. Joyce
Commissioner

Gary P. Moccia
Inspector of Buildings

Insurance Claim Notice of Loss Procedure
Under G.L. c. 139, sec. 3B

Step One: Check mail on a daily basis (i.e. morning and afternoon) for Insurance Claim Notices.

Step Two: Once we receive the Insurance Claim Notices, do the following:

- a. Look up address in Special Operations Lien Database.
- b. If address is in the Special Operations Lien Database, a letter needs to be sent immediately to the Insurance Company stating our intentions to perfect a lien. (See attached form letter).

(*Note: You need to fill in the pertinent information for the address that has incurred cost on the form letter.)

Step Three: Once the letter has been sent to the Insurance Company, do the following:

- a. Make sure you have all amounts owed from all divisions (Special operations, Budget, Personnel, Code Enforcement, Building, Project Pride and Housing).
- b. Send an e-mail out to all of the Division Managers and the On-Call Manager for that week to double check and make sure they do not have any outstanding cost.
- c. File the Lien immediately after you have all of the amounts (See attached process on how to file a Lien)

(*Note: The Insurance Company should contact us before they settle the claim to see what we are owed.)

Step Four: When payments are received it should be brought to the Cashier's Cage with a cover letter detailing what expenses are being paid i.e. emergency overtime, board up, etc...

Step Five:

If the address is **not** in Special Operations Lien Database or costs have already been paid, do the following:

- a. Bring the Insurance Claim Notice up to the Document Room to be scanned into the Infotrieve Database.

Step Six:

If any special circumstances arise in the course of processing they should be brought to the attention of the Senior Manager present ASAP.

By Certified Mail No: 00000000-00

March , 2004

Acme Insurance Company
28 State Street
Boston, MA 02108

Re: Insured:
Property Address:
Policy Number:
Type of Loss:
Date of Loss:
Claim Number:

Greetings:

This letter is Legal Notice to you as required by G.L. c. 139, sec. 3B that the City of Boston intends to initiate legal proceedings within thirty days from your receipt of this letter to perfect a lien pursuant to G.L. c. 139, sec. 3A, or G.L. c. 143, sec. 9, or G.L.c. 111, sec. 127B against the above described building or structure.

You may contact the City of Boston Inspectional Services Department Legal Division directly at (617) 635-5300 or (617) 961-3368 at your convenience should you need further information regarding this matter.

Yours Truly,

Senior Legal Assistant

Process on how to file a Lien

1. Prepare and send out the Notice to owner, Commitment to Collector-Treasurer, and Lien (These documents are in Time Matters Lien Database-Merge Template).
Note: The Notice to owner is sent by mail, the Commitment to Collector-Treasurer is sent by inter-office mail & the Lien is brought to the Registry by Dennis Sullivan who then brings back a time stamped copy for your records.
2. Generate the Schedule of Bills Receivable to notify the Auditing Department of all of the Liens filed that day. (This document is an Excel Template).
3. Concurrently with preparation of the Schedule of Bills Receivable, a Deposit Certification and Deposit Listing is prepared to submit to the Collector-Treasurer. (These documents are in Time Matters Lien Database-Merge Template). These documents are generated separately and stapled together.
4. When the recorded lien finally comes back from Registry enter the Book Lien and Page Lien information into Time Matters.

Number: 2005-01
Date: March 2005

Page 1 of 2

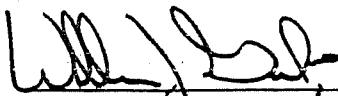
Subject: ISD Personnel Authorized In there Professional Capacity To
Translate For ISD Customers/Constituents in Languages other than
English

Purpose: The purpose of this bulletin is to establish a list of ISD Personnel capable of speaking commonly encountered languages other than English. The list should be made readily accessible for all divisions.

GENERAL CONSIDERATIONS:

- ISD will use employees willing to volunteer to assist in translating for constituents who do not speak English to effect proper service and communication.
- The employees who shall be authorized to assist in translating must be able to speak the language fluently so as to effect proper communication needed with constituents. This is of particular concern with regard to gaining informed consent from adult occupants prior to commencing a residential inspection.
- Employees willing to serve as translators must confirm their availability with the Personnel Office by submitting their name, division, phone and Nextel number, languages spoken fluently and for how many years.
- Employees on the attached list shall be authorized to translate for ISD in the field or otherwise. If an employee wishes to be removed from the list, such requests must be made in writing to the Personnel Director.
- ISD will make use of other translator services as circumstances dictate, (e.g. a situation providing enough notice to secure a translator, such as a hearing or planned field inspection).

Signed,



William J. Good, III
Acting Commissioner

TRANSLATOR LIST

LANGUAGE	STAFF	EXT / NEXTEL	QUICK CODE
SPANISH	Raoul Jacques, Housing	3307 / 592-2870	712
	Marcio Fonseca, Electrical Insp.	3251 / 839-3022	
	Iris Jones, Housing	3302 / 592-2942	13
	Leo Martinez, Building	3241 / 590-6431	719
	Maria Walton, Health	3345 / 592-5483	215 1022
PORTUGUESE	Raoul Jacques, Housing	3307 / 592-2871	712
	Phil Taylor, Plans & Zoning	3272	
	Marcelina McGrath, Document Room	3359	
CAPE VERDEAN	Julia Scott, Housing	3317 / 828-3409	58654
	Raoul Jacques, Housing	3307 / 592-2871	712
	Marcelina McGrath, Document Room	3359	
VIETNAMESE	Brian Nguyen, Environmental Service	3335 / 592-6756	911
HATIAN/CREOLE	Raoul Jacques, Housing	3307 / 592-2870	712
	Marc Joseph, Building	3233 / 590-6423	212
CHINESE	Nancy Lo, Commissioner's Office	3377 / 438-4735	
	Bobby Chan, Environmental Services	3332	
	Rich Chung, Information Counter	3424	
RUSSIAN	Luis Santana, Plans and Zoning	3286	

ADMINISTRATIVE INSPECTION CONSENT FORM

(This is a two-sided form)

Occupant to initial all boxes below:

I, _____, have ___ / have not ___ requested in advance this inspection of my home located at: Address: _____
 Unit # _____ in _____, MA

BY SIGNING THIS DOCUMENT I REPRESENT THAT:

- ✓ I understand that I have the **RIGHT TO REFUSE** an inspection of my dwelling or home unless there is a specific order signed by the Court (a "warrant"), as explained to me. I agree, voluntarily and without a warrant, to permit members of the Inspectional Services Department ("ISD") to inspect my dwelling or home.
- ✓ I am 18 years of age or older.
- ✓ I _____ live at the above-described residence; *or* I _____ am the authorized representative of an adult occupant for this inspection (see reverse side if representative)
- ✓ I speak English; *or*: (check the box that applies to you)

Spanish: Hablo Español no Inglés	Portuguese: Eu falo Portugese nao Inglês
Haitian/Creole: Mwen pale Kreol pa Anglais	Vietnamese: Tôi chỉ nói tiếng Việt không nói tiếng Anh
Cape Verde: Eu falo crioulo de Cabo Verde, mas mao Ingles	Russian: Я говорю русского а нглийского
Chinese: □□□□□□□□	

→ Interpreter: see reverse side before occupant signs this form

FOR HOUSING INSPECTIONS ONLY:

- I understand that I have the right to a **full inspection** of my home under the State Sanitary Code, and I do ___ / do not ___ request a comprehensive inspection at this time.

SCOPE OF CONSENT

- I understand that this inspection is to be conducted under the authority of, and in compliance with, the ordinances, codes and regulations and statutes that ISD is authorized to enforce. **This consent authorizes ONLY members of ISD to enter and / or to inspect the above residence. If I do not speak English, an interpreter who speaks the above language has read this form and explained my rights to me. I am signing this form VOLUNTARILY, without threats or promises of any kind, and BEFORE any inspection has taken place.**

Signature: _____ Date: ___ / ___ / ___

Print name: _____

TO BE SIGNED BY INSPECTOR:

I have explained to the occupant his/her right to refuse an inspection and/or photo/videotaping in the absence of a warrant and have read this form to the occupant. If the occupant does not speak English, ISD has provided an interpreter to read this form and to explain the occupant's rights (see reverse for interpreter's signature). If this is a Housing inspection, I have explained to the occupant his/her right to a full inspection of the residence as defined in the State Sanitary Code (105 CMR 410.822(B)(1).

Signature: _____ Date: _____

Printed name: _____ Inspector #: _____

FORMULARIO DE CONSENTIMIENTO PARA QUE LA ADMINISTRADORA EFECTÚE UNA INSPECCIÓN

(Este es un formulario de dos lados)

El ocupante debe colocar sus iniciales en todas las casillas que aparecen abajo

Yo, _____, he ___ / no he ___ solicitando con antelación la presente inspección de mi vivienda ubicada en: Dirección: _____ Unidad # _____ en _____, MA

CON LA FIRMA DE ESTE DOCUMENTO YO DECLARO QUE:

- Comprendo que me encuentro en el **DERECHO DE REHUSARME** a que se realice una inspección de mi vivienda u hogar, a menos de que se me entregue una orden específica que emita un tribunal (una "orden judicial"), tal y como se me explicó. Acuerdo de manera voluntaria y sin que se presente una orden judicial que concederé permiso para que los miembros del SID (en inglés, Inspectional Services Department, Departamento de Servicios de Inspección) inspeccionen mi vivienda o mi hogar.
- Tengo 18 años de edad o soy mayor de 18 años de edad.
- Yo ___ vivo en la residencia descrita arriba: o Yo ___ soy el representante de una persona adulta u ocupante de la vivienda con la autoridad de permitir esta inspección (Vea el dorso de la hoja en caso de ser un representante)
- Yo hablo el idioma inglés; o: (Seleccione la casilla que le corresponda a usted)

Spanish: Hablo Español no Inglés	Portuguese: Eu falo Portugese nao Inglês
Haitian/Creole: Mwen pale Kreol pa Anglais	Vietnamese: Tôi chỉ nói tiếng Việt không nói tiếng Anh
Cape Verde: Eu falo crioulo de Cabo Verde, mas nao Inglês	Russian: Я говорю русского а нглийского
Chinese: □□□□□□□□	

→Intérprete, vea el dorso de la hoja antes de que el ocupante firme el presente formulario.

PARA LAS INSPECCIONES DE VIVIENDAS SOLAMENTE:

- Comprendo que me encuentro en el derecho de que se realice una inspección completa de mi vivienda bajo el reglamento del Código Sanitario Estatal; y, yo solicito ___ / no solicito ___ que se realice una inspección comprensiva en este momento.

ALCANCE DEL CONSENTIMIENTO:

- Comprendo que esta inspección será conducida bajo la autoridad de y en conformidad con las ordenanzas, códigos, reglamentos y estatutos que hace cumplir el ISD. El presente consentimiento autoriza **SOLAMENTE** a los miembros del ISD para que entren y/o para que inspeccionen la residencia arriba mencionada. Si no hablo el idioma inglés, un intérprete quien habla mi idioma ha leído el formulario y me ha explicado mis derechos. Firmo el presente formulario de manera **VOLUNTARIA**, sin amenazas o promesas de ningún tipo y **ANTES** de que se lleve a cabo la inspección.

Firma: _____ Fecha: ___ / ___ / ___

Nombre en letra de imprenta: _____

PARA LA FIRMA DEL INSPECTOR:

Le he explicado al ocupante sobre su derecho a rehusar la inspección y/o a tomar fotografías/o a tomar un video de la inspección en la ausencia de una orden judicial y le he leído el formulario al ocupante. Si el ocupante no habla el idioma inglés, el ISD ha ofrecido los servicios de un intérprete para leer el formulario y explicarle al ocupante sus derechos (vea el dorso de la hoja en donde aparece la firma del intérprete). Si ésta es una inspección de viviendas, le he explicado al ocupante su derecho de obtener una inspección completa de la residencia, tal y como lo estipula el Código Sanitario Estatal (105 CMR 410.822(B)(1)).

Firma: _____ Fecha: _____

Nombre en letra de imprenta: _____ Inspector #: _____

Portuguese

FORMA DE CONSENTIMENTO DE INSPECCÃO ADMINISTRATIVA

(Este é um formulário com dois lados)

O ocupante deverá por as suas iniciais em todas as caixas abaixo

Eu, _____, requeri/não requeri _____ antecipadamente esta Unidade # _____ em _____, MA.

AO ASSINAR ESTE DOCUMENTO REPRESENTO QUE:

→ Compreendo que tenho o DIREITO A RECUSAR uma inspeção do meu apartamento ou casa, a não ser que haja uma ordem específica assinada pelo Tribunal (um "mandato") conforme me foi explicado. Concordo, voluntariamente e sem o mandato, a permitir que membros do Departamento dos Serviços de Inspeção ("ISD") inspecionem o meu apartamento ou casa.

Tenho 18 anos de idade ou mais.

→ Eu ____ vivo na residência acima mencionada; ou eu ____ sou o representante autorizado de um ocupante adulto, para esta inspeção (ver o verso deste formulário se for o representante).

→ Falo Inglês; ou (marque a caixa que se aplica a você)

Spanish: Hablo Español no Inglés	Portuguese: Eu falo Português não Inglês
Haitian/Creole: Mwen pale Kreol pa Anglè	Vietnamese: Tôi chỉ nói tiếng Việt không nói tiếng Anh
Cape Verde: N ta papiá crioulo de Cabo Verde, inglês/ N ta papiá mal	Russian: Я говорю русского а нглийского
Chinese: 我講中國話有英國	

→ Intérprete: ver o outro lado antes do ocupante assinar este formulário

→ **SÓMENTE PARA INSPECCOES DE CASAS**
Compreendo que tenho o direito a uma inspeção total da minha casa conforme previsto no Código de Sanidade do Estado, e requiro ____ / não requiro ____ uma inspeção compreensiva neste momento.

→ **FINALIDADE DO CONSENTIMENTO**
Compreendo que esta inspeção é para ser conduzida sob a autoridade de, e de acordo com mandatos, códigos, regulamentos e estatutos que a ISD está autorizada a enforçar. Este consentimento autoriza SÓMENTE os membros do ISD a entrarem e/ou inspecionarem a residência acima mencionada. Se não falo Inglês, uma intérprete que fala a lingua acima mencionada, leu-me este formulário e explicou-me os meus direitos. Estou assinando VOLUNTARIAMENTE, sem ameaças ou promessas de qualquer tipo, e ANTES de qualquer inspeção ter lugar.

Assinatura: _____ Data: ____ / ____ / ____

Imprima o nome: _____

A SER ASSINADO PELO INSPECTOR:

Expliquei ao ocupante os seus direitos a se recusar a uma inspeção e/ou foto/gravação de video, na ausência de um mandato e li este formulário ao ocupante. Se o ocupante não falar Inglês, ISD providenciou uma intérprete para ler este formulário e para explicar ao ocupante os seus direitos (ver o verso para a assinatura da intérprete). Se isto for uma inspeção de Casa, expliquei aos ocupantes os seus direitos a uma inspeção completa da residência conforme definido no Código de Sanidade do Estado (105 CMR 410.822 (B)(1)).

Assinatura: _____ Data: _____

Imprima o Nome: _____ Inspector #: _____

Ver ambos os lados deste formulário

FÒM KONSANTMAN POU ENSPEKSYON ADMINISTRATIF

Inisyèl non
moun ki nan
kay la nan
tout kaz ki
anba yo:

(Fòm sa a gen de (2) paj)
Mwen, _____, mande ___ / pa mande ___ enspeksyon sa a
davans lakay mwen ki nan: Adrès: _____ Apatman _____
_____ Vil _____, MA

DEPI MWEN SIYEN DOKIMAN SA A, SA VLE DI:

- Mwen rekonèt mwen gen DWA POU REFIZE yon enspeksyon nan apatman oswa lakay mwen sof si gen lòd espesyal Tribinal siyen pou sa (yn "manda"), selon eksplikasyon mwen jwenn. Mwen dakò, avèk volonte mwen epi san yon manda, pou pèmèt manm Depatman Sèvis Enspeksyon ("ISD") enspekte apatman oswa kay mwen.
- Mwen gen 18 tan.
- Mwen _____ ap viv nan adrès kay ki endike anwo a; oswa Mwen _____ se reprezantan otorize yon adilt k ap viv nan kay la pou enspeksyon sa a (ale nan lòt paj la si gen yon reprezantan)
- Mwen pale Angle; oswa (tcheke kaz ki kòrèk pou ou)

Panyòl Hablo Español no Inglés	Portuguese: Eu falo Portugese nao Inglês
Ayisyen/Kreyòl: Mwen pale Kreyòl pa Angle	Vyetnamyen Tôi chi nói tiếng Việt không nói tiếng Anh
Cap-Vè: Eu falo crioulo de Cabo Verde, mas mao Ingles	Ris: Я говорю русского а нглийского
Chinwa: 我講中國沒有英國	

→ Entèprèt: ale nan lòt paj la anvan moun nan kay la siyen fòm sa a

POU ENSPEKSYON LOJMAN SÈLMAN:

- Mwen rekonèt mwen gen dwa pou gen yon enspeksyon okonplè nan kay mwen selon Kòd Sanità Leta, epi mwen mande ___ / pa mande ___ yon enspeksyon okonplè pou kounye a.

ENPÒTANS KONSANTMAN

- Mwen rekonèt enspeksyon sa a ap fèt selon ak respè otorite kòd ak règleman ak lwa ISD otorize pou aplike. Konsantman sa a otorize SÈLMAN manm ISD yo antre ak/oswa enspekte ky ki endike nan adrès anwo a. Mwen pa pale Angle, se yon entèprètè ki li lang lan ki li fòm sa a epi li eksplike mwen dwa mwen genyenyo. Mwen siyen fòm sa a AK VOLONTE MWEN, san okenn menas ni okenn kalite pwomès, epitou ANVAN enspeksyon an fèt.

Siyati: _____ Dat: ___ / ___ / ___

Non an Majiskil: _____

PATI SA A DWE GEN SIYATI ENSPEKTÈ:

Mwen eksplike moun nan kay la dwa li genyen pou li refize yon enspeksyon ak/oswa foto/vidyeo san yon manda epi mwen li fòm sa a pou li. Si moun nan kay la pa pale Angle, ISD pwokite yon entèprèt pou li fòm sa a epi pou eksplike moun nan kay la dwa li genyen (ale nan lòt paj la pou wè siyati entèprèt la). Si se yon enspeksyon Lojman, mwen eksplike moun nan kay la dwa li genyen pou li jwenn yon enspeksyon okonplè jan sa defini nan Kòd Sanità Leta (105 CMR 410.822(B)(1).

Siyati: _____ Dat: _____

Non an Majiskil: _____ Enspektè #: _____

MẪU ĐƠN CHẤP THUẬN KIỂM TRA HÀNH CHÍNH

(Mẫu đơn này có hai mặt)

Chủ hộ phải viết tất tên họ trong mọi ô vuông dưới đây:

Tôi, tên _____, đã _____ / không hề _____ yêu cầu sự kiểm soát này của nhà tôi tại: Địa chỉ: _____ Căn số _____ tại thành phố _____, MA

BẢNG CHỮ KÝ TÊN TRONG ĐƠN NÀY. TÔI XÁC NHẬN RẰNG:

- Tôi hiểu rằng tôi có QUYỀN TỪ CHỐI một sự kiểm soát cư ngụ hoặc nhà của tôi trừ khi có trát lệnh đặc biệt của Tòa Án (một giấy "warrant"), đã được giải thích cho tôi. Tôi đồng ý, trong phong cách tự nguyện và không cần giấy trát lệnh, cho phép nhân viên của Bộ Dịch Vụ Kiểm Duyệt ("ISD") để kiểm soát cư ngụ hoặc nhà của tôi.
- Tôi là 18 tuổi hoặc hơn.
- Tôi _____ cư ngụ tại địa chỉ trên; hoặc Tôi _____ được ủy quyền đại diện cho một chủ hộ đã trưởng thành cho sự kiểm soát này (xem mặt sau nếu là đại diện)
- Tôi nói được tiếng Anh; hoặc: (đánh dấu vào ô vuông nào thích hợp)

Spanish: Hablo Español no Inglés	Portuguese: Eu falo Portugese nao Inglês
Haitian/Creole: Mwen pale Kreol pa Anglais	Vietnamese: Tôi chỉ nói tiếng Việt không nói tiếng Anh
Cape Verde: Eu falo crioulo de Cabo Verde, mas maõ Ingles	Russian: Я говорю русского а нглийского
Chinese: □□□□□□□□	

→ Interpreter: see reverse side before occupant signs this form

CHỈ ĐỀ KIỂM SOÁT NHÀ:

- Tôi hiểu rằng tôi có quyền có một cuộc kiểm soát vệ sinh toàn bộ của nhà tôi, theo Bộ Luật Vệ Sinh của Tiểu Bang, và tôi có _____ / không có _____ yêu cầu một cuộc kiểm soát toàn thể lúc này.

PHẠM VI CHẤP THUẬN:

- Tôi hiểu rằng cuộc kiểm soát này sẽ được thi hành dưới quyền, và dựa theo sắc lệnh, luật lệ và quy chế mà ISD được ủy quyền thi hành. Sự chấp thuận này ủy quyền **CHỈ NHỮNG** nhân viên của ISD để vào và/hoặc kiểm soát cư ngụ trên. Nếu tôi không biết nói tiếng Anh, một thông dịch viên biết nói tiếng Anh đã đọc đơn này và giải thích cho tôi biết quyền lợi của tôi. Tôi ký tên trong đơn này trong phong cách TỰ NGUYỆN, không có lời đe dọa hoặc hứa hẹn nào hết, và **TRƯỚC KHI** sự kiểm soát nào đã được thi hành.

Chữ ký: _____ Ngày: _____ / _____ / _____

Viết tên bằng chữ hoa: _____

DÀNH CHO CHỮ KÝ CỦA THANH TRA:

Tôi đã giải thích cho chủ hộ biết quyền của ông/bà để từ chối một cuộc kiểm duyệt và/hoặc chụp hình/quay phim mà không có giấy warrant và đã đọc mẫu đơn này cho chủ hộ. Nếu chủ hộ không biết nói tiếng Anh, ISD đã cung cấp một thông dịch viên để đọc mẫu đơn này và để giải thích quyền của chủ hộ (xem mặt sau cho chữ ký của thông dịch viên). Nếu đây là một cuộc kiểm duyệt Nhà, tôi đã giải thích cho chủ hộ rằng ông/bà có quyền được một cuộc kiểm duyệt toàn bộ của gia trú, như đã định nghĩa trong Bộ Luật Vệ Sinh Tiểu Bang (105 CMR 410.822(B)(1)).

Chữ ký: _____ Ngày: _____

Tên viết hoa: _____ Thanh tra số: _____

*** Xem hai mặt của mẫu đơn này ***

Бланк согласия на проведение административной инспекции

(бланк на двух сторонах)

Жилец должен поставить инициалы во всех клетках

Я, _____, заранее запросил _____ / не запрашивал _____ проведения инспекции моего дома по следующему адресу: Адрес: _____ Unit # _____, MA

ПОДПИСАВ ЭТОТ ДОКУМЕНТ, Я ЗАЯВЛЯЮ, ЧТО:

- Я понимаю, что у меня есть ПРАВО ОТКАЗАТЬ в проведении инспекции в моем помещении или доме, если нет конкретного судебного постановления ("ордера"), что было мне объяснено. Я соглашаюсь, добровольно и без ордера, на то, чтобы члены Инспекционного управления (Inspectional Services Department ("ISD")) провели инспекцию моего помещения или дома.
- Мне 18 лет или более.
- Я _____ проживаю по вышеуказанному адресу или я _____ уполномочен представлять взрослого жильца для этой инспекции (если представитель, см. обратную сторону)
- Я говорю по-английски или: (позметить относящуюся к вам клетку)

Spanish: Hablo Español no Inglés	Portuguese: Eu falo Portugese nao Inglês
Haitian/Creole: Mwen pale Kreol pa Anglais	Vietnamese: Tôi chỉ nói tiếng Việt không nói tiếng Anh
Cape Verde: Eu falo crioulo de Cabo Verde, mas nao Inglês	Русский: Я говорю по-русски, но не знаю английского
Chinese: 我講中國話沒有英國	

→ Для переводчика: см. обратную сторону перед тем, как жилец подпишет этот бланк

ТОЛЬКО ДЛЯ ИНСПЕКЦИИ ЖИЛОГО ДОМА:

→ Я понимаю, что имею право на проведение полной инспекции моего дома согласно Санитарных норм штата, и в настоящий момент я запросил _____ / не запрашивал _____ проведения всесторонней инспекции.

СТЕПЕНЬ СОГЛАСИЯ

→ Я понимаю, что данная инспекция будет проводиться согласно и в соответствии с постановлениями, нормами, правилами и законами, которые ISD уполномочено осуществлять. Настоящее согласие уполномочивает **ТОЛЬКО** членов ISD **входить и (или) проводить инспекцию вышеуказанного жилья.** Если я не говорю по-английски, то переводчик, знающий вышеуказанный язык, прочитал этот бланк и объяснил мне мои права. Я подписываю этот бланк **ДОБРОВОЛЬНО**, без применения ко мне угроз или обещаний любого рода, и до проведения инспекции.

Подпись: _____ Дата: ____ / ____ / ____

Полное имя печатными буквами: _____

ДОЛЖНО БЫТЬ ПОДПИСАНО ИНСПЕКТОРОМ:

Я объяснил жильцу его (ее) право отказаться от проведения инспекции и (или) фотографирования/снятия на видеопленку в случае отсутствия ордера и прочитал этот бланк жильцу. Если жилец не говорит по-английски, ISD обеспечивает переводчика для прочтения этого бланка и объяснения прав жильца (переводчик подписывается на обратной стороне). Если проводится инспектирование дома, то я объяснил жильцу его (ее) права на полную инспекцию жилья согласно положений Санитарных норм штата (105 CMR 410.822(B)(1).

Подпись: _____ Дата: _____

Имя печатными буквами _____ Инспектор №: _____

DOCUMENTO DI CONSENTIMENTO DI INSPECÇÃO ADMINISTRATIVA

(documento tem dós pagina)

Ocupante tem que
poi se iniciai na
tudo quadrado

(Nomi) ; _____, pidi/ ca pidi es inspeção di nha casa situado na: Direcção
_____, n° _____, na _____, MA.

SI 'N SINA ES DOCUMENTO 'N TA DECLARA QUI:

- ✓ 'N sabê qu 'n tem direito di recusá inspeção di nha residencia ou casa, a não ser qui tem um orde expressa sinado pa um Tribunal (mandado), conforme es explica' m. 'N tá concordá, di livre vontade e sem um mandado, di autoriza membros di Departamento di Serviço di Inspeção ("ISD") inspecioná nha residencia ou casa.
- ✓ Mim é maior de 18 ano de idade.
- ✓ N _____ ta vivê nes residencia; ou Mim _____ é representante autorizado de um adulto ocupante pa es inspeção (se é representante spia costa di papel).
- ✓ 'N ta papiá Inglês; ou: (procurá na caixa lingua que nho ta entendê).

Spanish: Hablo Español no Inglés	Portuguese: Eu falo Português não Inglês
Haitian/Creole: Mwen pale Kreol pa Anglais	Vietnamese: Tôi chỉ nói tiếng Việt không nói tiếng Anh
Cape Verde: 'N ta papiá crioulo de Cabo Verde, inglês 'N tá papiá mal	Russian: Я говорю русского а нглийского
Chinese: 我不会说英语	

SÓ PA INSPECÇÃO DI CASA:

- ✓ 'N ta compreendê qui 'N tem direito a um inspeção completo de nha casa conforme State Sanitary Code, 'N ta pedi _____ / 'N cá ta pedi _____ nes altura um inspeção completa.

ALCANCE DE CONSENTIMENTO

- ✓ 'N ta compreendê qui es inspeção ta fazedo debaixo di autoridade e di acordo cu custumes, códigos e regulamentos e estatutos qui ISD sta autorizado a fazê. Es consentimento ta autorizá entrada/inspeção di residencia SÓ a membros de ISD. Si 'N cá ta papiá inglês, um pessoa _____ qui ta papiá crioulo, lé es documento e explica 'n nhas direitos. 'N ta siná es documento di _____ LIVRE VONTADI, sem meaçã ou promessa di nenhum especie, antes di inspeção.

Sinatura _____ Data ____/____/____

Nome _____

PA INSPECTOR SINÂ

- ✓ 'N explica morador sê direito di recusá inspeção/ ou fotos/ ou filmagem na ausencia de um mandado e 'N lé morador este documento. Si ocupante cá ta papiá Inglês, ISD tá ranjá um _____ interprete pá lê es documento e pá explicá direitos di ocupante (spia na costa di papel sinatura di _____ interprete). Si é um inspeção di casa, 'N explicá ocupante sês direitos a um completo inspeção de residencia conforme definido na State Sanitary Code (105 CMR 410.822(B)(1))

Sinatura: _____ Data: _____

Nome _____ Inspetor _____

*** Spiá dós lado dês documento ***

行政檢查同意書

(本同意書有兩面)

居住者須在
以下所有方
框內簽署姓
名起首字母

本人， _____， 已經 _____ / 尙未 _____ 預先請求檢查本人位於
以下地址之住宅：地址： _____
單元# _____， _____， 麻薩諸塞州。

簽署本文件，即表示本人在此聲明：

- 本人理解，根據對本人的解釋，除非法院簽署特別令（以下簡稱「法院令」），否則本人有權拒絕對本人之住所或住宅進行檢查。本人同意，在自願及無法院令之情況下，允許檢查服務部（**Inspectional Services Department**，簡稱「**ISD**」）人員檢查本人之住宅或住所。
- 本人年滿 18 歲或以上。
- 本人 _____ 居住在上述寓所；或本人 _____ 是一成人居住者因此次檢查而指定的授權代表（如為代表，見背面內容）
- 本人會說英文；或：（勾選適用於您的方框）

Spanish: Hablo Español no Inglés	Portuguese: Eu falo Portugese nao Inglês
Haitian/Creole: Mwen pale Kreol pa Anglais	Vietnamese: Tôi chỉ nói tiếng Việt không nói tiếng Anh
Cape Verde: Eu falo crioulo de Cabo Verde, mas mao Ingles	Russian: Я говорю русского а нглийского
中文：本人說中文，不會說英文。	

→ 譯員：在居住者簽署此同意書前，請先看背面。

僅限於住宅檢查：

- 本人理解，本人有權按「州衛生法」要求全面檢查本人之住所，本人此次已經 _____ / 沒有 _____ 提出綜合檢查申請。

同意範圍

- 本人理解，此次檢查係根據授予 ISD 執行權的法令、法規及規章條例所賦予之權限及規定進行。此同意書僅授權 **ISD** 人員進入及/或檢查上述寓所。若本人不會說英文，則會說上述語言之譯員已宣讀此同意書，並向本人解釋了本人之權利。在進行任何檢查之前，本人在未受到任何脅迫或得到任何承諾的情況下，自願在此同意書上簽名。

簽名： _____ 日期： _____ / _____ / _____

姓名印刷體： _____

以下由檢查員簽名：

本人已向居住者說明，在無法院令的情況下，其有權拒絕檢查及/或拍照/錄影，並已向其宣讀此同意書。若居住者不會說英文，ISD 已提供譯員宣讀此同意書，並已說明居住者之權利（見背面譯員簽名）。若此為住宅檢查，本人已向居住者說明其有權要求對其寓所進行州衛生法（105 CMR 410.822 (B) (1)）規定的全面檢查。

簽名： _____ 日期： _____

姓名印刷體： _____ 檢查員編號： _____

請看本同意書正反兩面

Number: 2005-02
Date: February 2005

Page 1 of 4

Subject: Polices and Procedures for Making Entry to an Occupied Residential Dwelling for Purposes of an Administrative Inspection

Purpose: The purpose of this bulletin is to implement changes to the existing practices for gaining consent to enter residential dwellings for purposes of inspections initially implemented in 1999. The bulletin will implement changes mandated by consent decree entered in U.S. Federal District Court.

GENERAL CONSIDERATIONS:

- The right to refuse an inspection is a constitutionally guaranteed right. All staff when faced with a question as to whether or not consent is needed to should immediately consult a manager. Staff should always assume consent is needed for any interior inspection for an occupied residential dwelling.
- Proper consent is essential to providing the proper foundation upon which to uphold orders to correct certain conditions that violate the law.
- **No exceptions to these protocols shall be effective unless specifically set out below.** If at any time, ISD seeks to change the protocols set out in this bulletin, such changes **MUST** be approved by stipulation between the parties in Sang Vo et. al. v. City of Boston (C.A. No.00-11733-RWZ) or after being granted leave from the Court to make such changes.
- Failure to comply with the requirements of this bulletin will result in action pursuant to the graduated disciplinary process set out in each collective bargaining agreement.
- This bulletin shall incorporate and supersede the existing consent to inspections policy embodied in Commissioner's Bulletins 99-05. Commissioners Bulletin 99-05 shall be revoked in so far as it pertains to procedures for gaining consent. The process for securing administrative warrants shall remain in effect, unless otherwise changed by subsequent bulletin.

DETERMINATIONS: EFFECTIVE FEBRUARY 24, 2005 ISD shall implement the following in its enforcement of the State Building Code, the Boston Zoning Code, the State Sanitary Code, the Lodging House Statute and all other laws and regulations.

1.0 ISD staff presenting themselves for entry and making entry

1.1 Initial attempt to gain access: No more than two (2) ISD personnel shall present themselves at the doorway or threshold of any residential dwelling when initially attempting to gain consent to enter the dwelling for purposes of an inspection. Other

ISD personnel on scene shall wait out of view of the occupants until consent or a warrant is secured.

1.2 Upon gaining access: Upon gaining access to a residential dwelling unit either through consent of the occupants OR through an administrative search warrant, no more than four (4) ISD personnel shall enter the dwelling at any one time. **EXCEPTION FOR SECTION 1.2:** Conditions meeting the standards set forth in 780 CMR 121 "Unsafe and Dangerous."

1.2a Person charged with managing personnel on scene: At all times when there is a need for multiple ISD disciplines or personnel to be on scene, the manager on scene shall be charged with ensuring compliance with this section and proper rotating of staff in and out of a dwelling to effect a proper inspection and compliance with the requirements of this section. If no manager is on scene, the on-call manager or the appropriate ISD manager shall designate one person to maintain a proper head count.

2.0 Gaining Consent to Enter a dwelling

2.1 English speaking For all occupant requested and non-occupant requested inspections, unless exempted in Section 4.0 below, staff shall upon coming to the threshold or doorway of any dwelling execute the following steps:

1. Ensure Department issued I.D. card is visible to the person answering the door.
2. State your name and purpose for being there.
3. Determine if the person is an **occupant, above the age of 18 and speaks English** or if anyone present in the household at the time of the inspection meets those three (3) requirements. **IF NO ONE SPEAKS ENGLISH GO TO SECTION 2.2 BELOW.**
4. Inform the adult occupant of the need to sign a consent form (*Official consent form is attached as EXHIBIT A*) **BEFORE** entering the dwelling.
5. Inform the occupant of the particular areas to be inspected and that they have a right to refuse the inspection by reading/~~translator reading~~ the relevant sections of the form to the occupant. Also inform the occupant an administrative search warrant to access the dwelling could issue **ONLY IF** it is found by a court of law that there is probable cause to believe conditions on the property exist that violate the law and that the occupant would be required to hold the property open for an inspection under the court's order.
6. If occupant decides to sign the consent form after being properly informed of the options, the inspector should have the occupant fill out the relevant sections, name, address and then sign the form. **HOUSING INSPECTORS:** Inform the occupant of their right to have a comprehensive inspection conducted and note the offer on the designated portion of the official consent form.

2.2 Non-English Speaking Occupants: For all occupant requested and non-occupant requested inspections, unless exempted in Section 4.0 below, staff shall upon coming to the threshold or doorway of any dwelling shall execute the following steps:

1. Ensure Department I.D. card is visible to the person answering the door.

2. State your name and purpose for being there.
3. Determine if the person is an **occupant of the dwelling unit in which entry is sought, above the age of 18 and speaks English** or if anyone present in the household at the time of the inspection meets those three (3) requirements.
4. If no adult occupant at home during the time of the inspection speaks English then determine what language the person speaks.
5. If the ISD staff person present is authorized by the Department to speak the occupant's language then continue with Step 6 below otherwise contact a manager via Nextel radio to obtain a translator. Once the translator is on scene or able to communicate with the person via Nextel radio or phone continue with step 6 below
6. Inform the occupant, in the occupant's language, of the need to sign a consent form BEFORE entering the dwelling. Present the appropriate form written in the occupant's language to the occupant for completion by the occupant. *Official consent form is attached as EXHIBIT A*
7. Inform the occupant, in the occupant's language, the particular areas to be inspected and that the occupant has a right to refuse the inspection by having relevant sections of the consent form read to the occupant. Also inform the occupant that ONLY IF it is found by a court of law that there is probable cause to believe conditions on the property exist that violate the law an administrative search warrant may issue. At that time, the occupant would be required to hold the property open for an inspection pursuant to the Court's order.
8. If occupant decides to sign the consent form after being properly informed of the options, the inspector should have the occupant fill out the relevant sections, name, address and then sign the form. Translator, if on scene, should fill out the information on the reverse side of the form. If not on scene the inspector should fill out the information for the translator and obtain the translator's signature upon returning to the office. If consent to entry is denied see Section 2.3 below.

2.3 Consent to Entry Denied by Occupant: An inspector refused entry shall immediately contact a manager, make observations from a legally justified position, (which is generally any place held open to or accessible to the public) such as conditions that would indicate there is probable cause to believe violations exist on the property and its interior necessitating access to further determine the condition of the dwelling and dwelling unit/s. The manager should be able to guide any inspector on such indicia based on the type of inspection.

2.3a Securing administrative search warrants: Any time it is determined that an administrative search warrant is needed, the inspector being denied access shall complete the affidavit template made available to the inspector and sign it. Another inspector based on the verbal reports of an inspector in the field may also complete the affidavit upon gaining such personal knowledge. The inspector shall complete the affidavit including as much information as possible based on observations made from a justified position as to why there is probable cause the violations exist. Inspectors should also note the exterior conditions or other indicia. Commissioner's Bulletin 99-05 shall be the protocol followed for obtaining a warrant, unless amended by subsequent bulletin.

3.0 Securing Documentary Evidence through the use of photography and

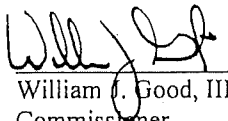
videotape: No ISD personnel shall take any photographs or videotape the interior of any dwelling unit without advance, specific, written consent of an adult occupant who speaks English or to whom a translator has explained the purpose of needing the additional consent. The consent must be recorded on the official department consent form attached as Exhibit A. **EXCEPTIONS TO SECTION 3.0:** See Section 4.0 # 4.

4.0 General Exceptions To Consent Requirements: ISD shall not be required to obtain consent for of the following situations that would otherwise be required under this bulletin for inspections performed in residential dwellings:

1. **780 CMR 115.2:** Rough, finals or any other inspections in a residential dwelling needed under an issued building permit will not require consent.
2. **Annual Certificate of Inspections:** For all residential use groups **EXCEPT** lodging houses or multi-dwelling unit where access to the interior of an individual dwelling unit is required to complete the inspection. .
3. **Certificate of Occupancy inspections.**
4. **Videotaping or photographing** exterior or common area conditions or interior dwelling unit conditions deemed unfit for human habitation or unsafe and dangerous.

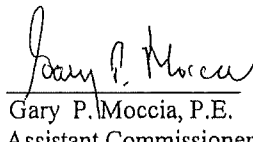
All other inspections performed by ISD in residential dwellings will require consent and signed consent forms and translators UNLESS SPECIFICALLY SET OUT ABOVE.

Signed:



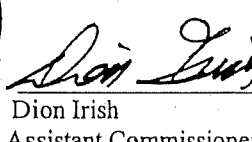
William F. Good, III
Commissioner

Date:



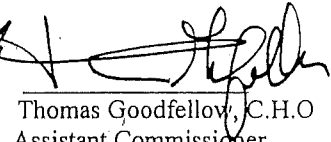
Gary P. Moccia, P.E.
Assistant Commissioner

Inspector of Buildings
Date:



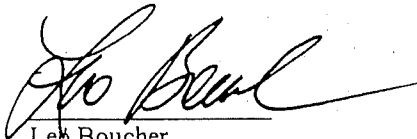
Dion Irish
Assistant Commissioner

Housing Division
Date:



Thomas Goodfellow, C.H.O.
Assistant Commissioner

Health Division
Date:



LeB Boucher,
Assistant Commissioner
Environmental Services/Code Enforcement

Date:

**INSPECTIONAL
SERVICES
DEPARTMENT**

Memo

To: All ISD Senior Staff
From: William J. Good, III; Commissioner
Date: December 4, 2006
Re: Commissioner's Bulletin

Attached please find Commissioner's Bulletin # 2006-1 dated November 30, 2006. This bulletin is an update of existing bulletin 2002-18, combining it with the existing dress code policy.

It is to take effect immediately.

This bulletin does not change any responsibilities of ISD Personnel, it does, however, update the bulletin to reflect existing Department staffing and resources.

Please ensure that your staff is aware of their responsibilities as reflected in this bulletin.

Commissioner's Bulletin: 2006-1

Subject: STANDARD RULES AND PROCEDURES FOR ISSUE, USE AND CARE OF ISD EQUIPMENT

Purpose: Boston Inspectional Services personnel are charged with substantial responsibility and trust in ensuring the safety, health and well being of the public. Many ISD personnel are issued badges as a symbol of that public trust and responsibility. Personnel may also be issued other pieces of equipment to effectively carry out professional duties in the field and in the office. Employees must be accountable for their actions at all times, which extends to the proper use and care of Department issued equipment.

Note:

- **Equipment** shall refer to any item procured by ISD and issued to or made available to ISD personnel to carry out professional obligations and duties.
- This bulletin updates and replaces the previous bulletin on the Standard Rules and Procedures for Issue, Use and Care of ISD Equipment dated: June 24, 2002, Number: 2002-18.

THE STANDARD RULES AND PROCEDURES FOR THE ISSUE, USE AND CARE OF DEPARTMENT ISSUED EQUIPMENT ARE AS FOLLOWS:

§1. Department Issued Equipment: ISD personnel shall limit use of equipment issued by the Department to those times in which they are performing a task required by their professional duties. The following list is not all-inclusive, but shall serve as a general guide of equipment that may be issued to or made available to ISD personnel:

- Jackets with Department (ISD) or Division (e.g. Housing Inspector) identification lettering;
- Video and digital photography cameras;
- Plastic Gloves;
- Nextel radios/phones;
- Two-way radios;
- Automation tablets or handhelds;
- Breathing apparatus;
- Tools, plywood, and weights and measures proofing equipment;
- Stamps for approving plans, permits and applications of any kind;
- Notices of violations, applications, permits or any Departmental forms;

- ISD employee identification cards;
- ISD employee “on-duty” vehicle placards;
- ISD badges;
- Any other item or equipment provided to a particular Division to properly carry out legally authorized enforcement duties.

§2. Issue and Care of ISD equipment: All ISD personnel issued or authorized to use property of any kind from the Department shall treat the property with respect and care. ISD personnel shall ensure the property is properly used to further the mission of the Department. ISD personnel shall be accountable for the proper care, proper use and safe return of all property issued to them. ISD personnel shall also be responsible for reporting to managers when issued equipment is broken or malfunctioning, running low in supply or in need of updating.

2a. ISD personnel shall immediately report missing equipment to their manager. The employee and the manager shall make an effort to account for the property. If the property cannot be accounted for then the manager shall within 24 hours file a report, which will include the employee’s statement, with the Commissioner’s office without exception.

2b. ISD personnel shall be responsible for reporting any instances when equipment or property issued by the Department is observed being inappropriately used or cared for as outlined in this bulletin. ISD personnel failing to report any inappropriate use or care of equipment may also be subject to discipline. Managers shall be responsible for properly reprimanding and taking steps to correct inappropriate use of equipment or property.

2c. ISD personnel must return any and all equipment or property issued to them upon separation of service, especially anything that may identify the individual as an employee of ISD or the City of Boston.

§ 3. Display of ISD issued identification. All ISD personnel are issued identification cards and/or badges and shall have them in their possession during the course of any professional duties or obligations performed for ISD including work after hours and on weekends. ISD Personnel shall conspicuously display issued identification when in the field to allow for proper identification by other city officials and members of the public. ISD personnel will be accountable for the care of the identification card, badges, and vehicle placards issued to them. ISD identification for personnel and personal vehicles used in the field shall be put away when not performing official duties.

Vehicle placards shall at no time be displayed except when operating the vehicle to perform official business for ISD. ISD personnel issued placards for personally owned vehicles shall ensure that the placard is installed in such a way that the placard can be taken down easily if the vehicle is used for both personal and official ISD business.

Use of any identification equipment issued by ISD shall be consistent with ISD policy and state law on the ethical behavior of public employees.

3a. Use of badges placards or I.D. cards: ISD badges, a symbol of public trust, are for the exclusive use of the person to which each badge is issued. At no time shall ISD personnel allow another person, even other ISD personnel issued similar badges, to use their badge, even for official purposes. Administration & Finance shall keep a master list of all badges and placards issued with the number of the badge and/or placard and to whom it was issued. ISD personnel are forbidden from possessing ISD badges or placards unless they were issued for official purposes.

3b. Loss of badges, I.D. cards and/or Vehicle Placards: All ISD personnel shall immediately notify a manager when an ISD issued identification card, badge, or vehicle placard has been lost or stolen. ISD personnel shall also contact the Boston Police Department to file a report about the lost or stolen property. The replacement identification card, badge or vehicle placard will be issued after the employee pays the replacement cost.

3c. Use of ISD identification: ISD issued identification of any kind shall only be used for official, professional purposes or at other times when identification is requested to verify identity, such as verification of employment, membership in professional organizations, drivers license renewal or other situations where a second means of identification may be required. ISD issued identification shall never be used to:

- prove identity or age to gain access to any premises for personal business or entertainment including but not limited to bars or restaurants, or
- gain any benefit by virtue of their employment at ISD.

The public trust inherent to ISD issued identification cannot be emphasized enough. ISD issued identification used or presented in a forbidden manner shall establish cause for investigating an ethics violation under state law and ISD policy, which may result in discipline, up to and including termination, as well as potential criminal liability

3d. Reproduction: No ISD personnel shall reproduce any type of ISD issued identification. If such identification is lost or stolen, it must be reported as outlined in 3b above.

This section should also be read to guide the use of any stamps, seals, forms, business cards, or any symbol used to show or to exercise the legal authority vested in ISD to approve, deny, or take enforcement action against any entity or person with business before the Department. Such stamps, seals, or symbols of authority also have an inherent level of public trust, which must be closely guarded.

§ 4. Storage of special equipment: Special Equipment not regularly issued to individuals is to be issued as needed by Divisions, and returned, accounted for, and secured after each use.

Special equipment stored in vehicles shall be recorded as to type, quantity, and location on an inventory list. Personnel using the vehicles shall provide a report to their supervisor verifying that the equipment was present at the beginning of each rotation; and, at the end of each rotation with any notations for breakage, loss, replenishment, or any other problems or needs. These reports shall be filed with the supervisor, who shall store them in an organized manner that is easily accessible after taking whatever action necessary based on the report.

Supervisors will be responsible for creating an inventory checklist for personnel to use to expedite the accounting of equipment by vehicle operators. Supervisors shall provide the Deputy Commissioner with a copy of all checklists at the end of each month.

§ 5. Clothing/dress code: ISD personnel shall present themselves in a professional manner at all times, including their manner of dress. ISD personnel issued or authorized to wear uniforms or official clothing must maintain the issued clothing or uniform in a neat and clean fashion. Uniforms or issued clothing must be treated with due care given allowances for incidents in the field.

- Personnel issued clothing or uniforms, which are damaged in the field, not due to negligence, should report this to their manager for replacement of the item(s) at no cost. ISD employees will not be authorized to wear any issued clothing or uniform that is ripped, tattered or heavily soiled as this could represent a poor reflection on the professionalism of the employee and the Department.
- All office staff must report to work in professional business attire, which means no jeans, shorts, sneakers, or t-shirts. According the City of Boston policy on casual Fridays in the summer, "casual attire does not include jeans sweat suits, tank tops, tee-shirts and other clothing not appropriate in an office or business environment."
- Field inspectors are allowed to wear acceptable attire that is appropriate for the scheduled field environment and in accordance with Division policy.

This policy is not affected by the weather, as long as conditions are such that staff are expected at work, they will be expected to adhere to the dress code. Anyone working during a declared emergency is not subject to this policy.

5a. Infractions of the dress code will be treated as follows:

- Anyone found in violation of the dress code will be sent home to change at the expense of their accumulated leave (use of sick time will not be an option).
- Employees will be given a reasonable amount of time to accomplish this mission. If they fail to return by the prescribed time they will be carried as AWOL and be docked (not paid) and the time will be negatively recorded for purposes of Managing Attendance.
- The employee may also be subject to progressive discipline under existing union contracts.

Any requests for exemption to this policy must be presented to the Human Resources Director and approved in advance.

§6. Compliance/Failure to Comply. Any ISD personnel failing to follow the standard rules and procedures outlined in this bulletin shall be subject to discipline, up to and including termination. ISD personnel failing to follow any equipment-specific rules and procedures issued by the Department shall be subject to discipline, up to and including termination. Criminal liability may also result for the failure to follow the guidelines in this bulletin. ISD managers may also be subject to discipline for failing to reprimand and/or failing to take steps to correct inappropriate use of equipment or property.

Signed:



William J. Good, III
Commissioner

Dated: 1 December 2006

ISD EQUIPMENT AND PROPERTY

ACKNOWLEDGEMENT OF RECEIPT

DATE _____

I, _____, employee ID # _____
(print name)
of the _____ Division, accept a

List of any accessories:

I acknowledge receipt and accept responsibility for the above, which extends to the proper use and care of the equipment. I also agree to notify my direct supervisor as soon as possible if the above equipment is lost, stolen or broken.

I understand that I may be subject to discipline, up to and including termination, for failure to comply with the STANDARD RULES AND PROCEDURES FOR ISSUE, USE AND CARE OF ISD EQUIPMENT, Commissioner's Bulletin 2006-1.

Signed: _____
(Employee)

Number: 2006-02
Date: February 27, 2007
Re-issued: December 1, 2007

Page 1 of 3

Subject: Implementation of the Auto Shops Program in the City of Boston

Purpose: This bulletin is issued to establish guidelines for the implementation of the Auto Shops program pursuant to City of Boston Ordinance 9-9.9

Determination:

1. Policy

The City of Boston has enacted an ordinance to regulate auto shops and the operation of automotive establishments. This ordinance was created in the interest of the public health, safety and quality of life of residents of the City. To ensure compliance with this ordinance the following policy is hereby established and will be effective 30 days from its issuance:

- 1.1 No person shall operate or maintain an automotive establishment without first obtaining an auto shops license required by the Auto Shops ordinance 9-9.9.
- 1.2 The Inspectional Services Department (ISD) will compile a database containing the records of these licenses to ensure that automotive establishment owners are in compliance with the ordinance.
- 1.3 For the purposes of this bulletin the term "automotive establishment" shall include auto body shops, car washes, garages, gasoline stations, motor vehicle repair garage or lot, retail business establishment or other place for the sale, service, repair or installation of new or used motor vehicle parts, new or used tires or new or used motor vehicle accessories, whether or not the vehicles are serviced or parts or accessories are installed or used on or off the premises (refer to CBC 9-9.9).

2. Applicability

The Auto Shops Ordinance shall apply to all existing and future automotive establishments located within the City.

3. Licensing Requirements

No automotive establishment shall operate without first obtaining an auto shops license from the Commissioner of Inspectional Services. If the Commissioner of Inspectional Services determines that a submitted auto shops license application is accurate and adequate to keep the site free of hazardous waste or like material that is injurious to public health, safety and the environment, the Commissioner shall issue an auto shops license for the establishment. Performance of the activities scheduled in the auto shops plan shall be a condition of the license and nonperformance of the activities scheduled in the auto shops plan shall be a violation of the license and conditions of the ordinance. All auto shops shall operate using best industry practices during the allowed hours of operation indicated in their license.

4. Violations

Violations include the following: the operation or maintenance of any establishment governed by the Auto Shops Ordinance without an auto shops license; the failure to operate or maintain the same in accordance with a validly issued auto shops license and auto shops plan; and the interference with an inspection conducted pursuant to a validly issued inspection warrant.

- 4.1 *Time Frame* – After an auto shops establishment has been cited by the Commissioner of Inspectional Services or his designee for failure to comply with a validly issued auto shops license the owner, occupant or person responsible for the operation or maintenance of the establishment, shall have seven (7) days in which to comply, or, in an emergency, as determined by the inspector from Inspectional Services, twenty-four (24) hours.

5. Fines

All fines and penalties assessed and collected under the Auto Shops Ordinance 9-9.9 may be enforced pursuant to G.L. c. 40, section 21D and will remain the property of ISD.

- 5.1 *Regulation* - No fine shall be issued under the Auto Shops ordinance but shall be issued under the State Sanitary Code G. L. c.111, sections 122, 123, 125.

5.2 *Fine Schedule* – Citations for failure to comply with the ordinance will be issued by ISD through a code enforcement ticket. A clearly defined and progressive fine schedule would result in the following:

1 st offense	\$100.00
2 nd offense	\$250.00
3 rd offense	\$500.00

6. Auto Shops License Fee

The fee for the Auto Shops License shall be one hundred (\$100) dollars. It is renewable on an annual basis and requires a compliance inspection for the license to be issued.

7. Term of License

The term of each license shall be one year. Annually, on the date set by the Commissioner, all persons who operate or maintain automotive establishments shall file, renew or amend an auto shops plan and obtain a new auto shops license.

8. Effective Date

The ordinance shall take effect within ninety (90) days of passage (February 27, 2007).

Signed:

William J. Good, III
Commissioner
Inspectional Services Department

Gary P. Moccia
Inspector of Buildings
Inspectional Services Department



Commissioner's Bulletin
City of Boston
Inspectional Services Department

Number: 2007- 01
Effective Date: June 1, 2007

Page 1 of 2

Subject: Construction Site Temporary Informational Signage

Purpose: The purpose of this bulletin is to establish guidelines for providing information to the general public regarding activities at or around construction projects which meet the criteria listed below.

1.0 Criteria for Signage

- 1.1 Any project which requires excavation for a new structure
- 1.2 Any project which requires excavation for an addition, which increases the footprint of the building by more than 50%.
- 1.3 Any project for which extended hours permit may be anticipated
- 1.4 Any projects that will require a BTD or PWD permit for street or sidewalk closing for a period exceeding 1 week.

2.0 Location, Material and Dimensions

- 2.1 The sign shall be located at the sidewalk property line or on the site fence.
- 2.2 Signage may be either exterior grade plywood painted or a banner or other type approved by ISD
- 2.3 The sign shall be a minimum* of 4'-0" x 8'-0", except that signage may be 2'-0"x 4'-0" in residential areas for proposed one and two family dwelling.
- 2.4 2.4 The lettering shall be a minimum of 1" high.

3.0 Information Required

- 3.1 Project name
- 3.2 Project address & ISD Building Permit information
- 3.3 Brief description (# of stories, residential, commercial, etc)
- 3.4 Developer's name and phone number
- 3.5 Emergency phone (evenings/weekends)
- 2.6 Anticipated completion date

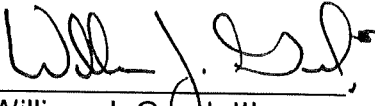
4.0 Posting and Removal

- 4.1 The signage shall be in place a minimum of 7 calendar days prior to any demolition, excavation or site preparation (exclusive of test pits or borings) or street or sidewalk closing of any project meeting these criteria.
- 4.2 The signage shall be removed after final ISD sign off of the project

5.0 Other Public Notice Requirements

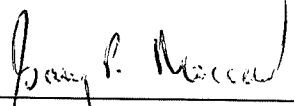
- 5.1 Compliance with this bulletin does not constitute compliance with the Massachusetts State Building Code, section 3310.0 Notice of intent (applicable to demolition and/or excavations).

Signed:



William J. Good, III
Commissioner

Signed:



Gary P. Moccia
Assistant Commissioner of
Building & Structures

Number: 2007- 02
Effective Date: October 5, 2007

Page 1 of 2

Subject: Demolition (takedown) Permits

Purpose: The purpose of this bulletin is to establish guidelines for the demolition (takedown) of structures or portions thereof

1. Applications for removal of all or part of a structure shall be submitted to the Building and Structures Division using either a long or short form permit application. If filing a short form application, all of the required materials must be obtained and submitted with the application at time of filing. All long form demolition (takedown) applications are required to have the following items prior to issuance of the permit:

1.1. Article 85 Review

- 1.1.1. No permit for the demolition of a structure or portion of a structure may be issued until the applicant has either obtained approval from the Landmarks Commission of the City of Boston Environment Department, in accordance with Article 85 of the Boston Zoning Ordinance, or evidence that the building or structure is exempt from Article 85.

1.2. Shut off notices

- 1.2.1. Applications for the takedown of an entire structure must be accompanied by shut off notices from all utility companies that provide service to the affected structure.
- 1.2.2. Partial demolition applications shall include a letter from the utility company, consulting engineer or subcontractor for the respective trades that the service will be cut or modified, (through permits issued for the associated work) or that the proposed work will have no effect on the service.

1.3. Bond

- 1.3.1. Applications shall be accompanied by a performance bond, letter of credit, or a certified check equal to the estimated cost of the demolition which will be returned at the completion of the work provided there is no damage sustained to any abutting property, public or private.

1.4. Notice of intent

- 1.4.1. In accordance with the Massachusetts State Building Code (780 CMR) Section 3320.1, the applicant shall deliver written notice of the proposed project to the owner of each potentially affected adjoining lot, building or structure at least seven days prior to commencement of work.
- 1.4.2. In addition to this notice a project information sign shall be erected or posted at the site seven days prior to commencement of work in accordance with Commissioner's Bulletin 2007-1. The sign shall contain the following information:
 - Project name
 - Project address & ISD Building Permit information
 - Brief description (# of stories, residential, commercial, etc)
 - Developer's name and phone number
 - Emergency phone (evenings/weekends)
 - Anticipated completion date

2. Other Requirements

- 2.1. A letter or an invoice from an exterminating contractor and notice shall be provided to the Environmental Sanitation (rodent control) division of ISD. Extermination must be performed before during and after completion of the work.
- 2.2. A copy of the Fire Prevention demolition permit from the Boston Fire Department.
- 2.3. Additional building code requirements under the state building code (780CMR, Section 3310).
- 2.4. Department of Environmental Protection and/or Boston Public Health Commission permits for the removal of asbestos or any other hazardous materials.

3. Records retention and return of Bond

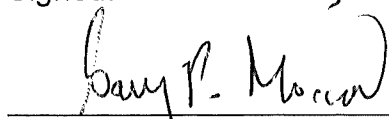
- 3.1. At the completion of the work and final sign off of the permit the bond or security shall be returned to the permit holder and all documents forwarded to the document room for scanning and archiving.

Signed:



William J. Good, III
Commissioner

Signed:



Gary P. Moccia
Assistant Commissioner of
Building & Structures



THOMAS M. MENINO
Mayor

**Commissioner's Bulletin
Inspectional Services Department
Boston, Massachusetts**

Number: 2008-1
Issued: March 5, 2008
Effective: March 12, 2008

Subject: CERTIFICATION OF ROOF DECKS

Purpose: This bulletin is issued to establish guidelines for the certification of roof decks in accordance with **CBC 9-9.13 Regulating Access to Roof Areas of Buildings with Residential Units**

Determination:

1. Policy

The City of Boston has enacted an ordinance to regulate the use of roofs as areas of recreation and as places of assembly. This ordinance was created in the interest of the public health, safety and quality of life of residents of the City. To ensure compliance with this ordinance the following policy is hereby established and will be effective 30 days from its issuance:

- 1.1 All roof decks, or flat roofs without structures used in a comparable manner, shall be required to be certified every five (5) years beginning with the effective date of this ordinance.
- 1.2 The Inspectional Services Department (ISD) will compile a database containing the records of these certifications to ensure that property owners are in compliance with this ordinance.
- 1.3 For purposes of this bulletin the term "roof deck" shall include a flat roof with no structure, but that is accessible and may be used for recreational purposes (refer to CBC 9-9.13). -?

2. Applicability

This ordinance is not applicable in the following circumstances:

- 2.1 Owner-occupied one and two family dwellings (as defined by the Massachusetts state Building Code 780 CMR).

- 2.2 Roof decks accessed through a single access point within owner-occupied units.
- 2.3 Roofs not accessible to tenants or alarmed in accordance with CBC 9-9.13

3. Existing Roof Decks – Compliance Schedule

- 3.1 Existing roof decks which have been previously permitted through the Inspectional Services Department must comply with the ordinance by having the premises certified (see section 4.4 below) by the following relevant dates:

<u>WARD</u>	<u>CERTIFICATION DATE</u>
1, 3, 5, 7, 9	June 30, 2009
2, 4, 6, 8, 10	June 30, 2010
11 through 15	June 30, 2011
16 through 22	June 30, 2012

- 3.2 Once a roof deck has been completed and/or documented with ISD the roof deck must be re-certified as required in section 4.4 below every five (5) years.



4. New, Replacement or Renovated Roof Decks

- 4.1 Applications for new roof decks, or roof decks that are undergoing replacement or repairs, or for roof areas without structures that are intended to be used for recreational purposes shall be submitted to ISD as a long form building permit.
- 4.2 The application must be accompanied by plans stamped by a Commonwealth of Massachusetts registered architect or engineer and show compliance with the requirements of the State Building Code and the City of Boston Zoning Code.
- 4.3 Evidence of any other requirements such as BRA and/or Landmark Commission approvals must also be submitted with the application or prior to issuance of the permit.
- 4.4 At the completion of the project the owner must file an affidavit from a Massachusetts registered architect or engineer certifying that the roof deck is in compliance with the applicable regulations at the time of the original permit issuance.

*Have
to be by
other Reg's*

4.4.1 This certification shall cover all public safety aspects including live load requirements, handrail requirements (height, balusters, applied loads, etc.) access and egress requirements.

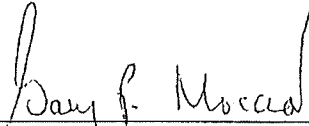
5. Multiple Roof Decks

Buildings with multiple roof decks whether or not in common ownership shall have all roof decks or similar areas certified under the same affidavit if applicable.

Signed:



William J. Good, III
Commissioner
Inspectional Services Department



Gary P. Moccia
Inspector of Buildings
Inspectional Services Department

Inspectional Services Department

Boston, Massachusetts

Commissioner's Bulletin Number: 2008-03

Date: December 1, 2008

Subject: OCCUPANCY COMMITTEE

Purpose: This bulletin is issued to establish policies and procedures relating to the Occupancy Committee of the Inspectional Service Department for the City of Boston. It rescinds and replaces Commissioner's Bulletin 2005-03.

Determination: The Occupancy Committee will meet as necessary for the purpose of establishing the most recent legal occupancy for any permit applications for which there is no record of or where there is a discrepancy in the Building Division files to establish the most recent LEGAL occupancy. The Occupancy Committee will consist of the Directors of Building and Structures and Plans and Zoning, (or their designees) and a building official appointed by the Inspector of Buildings.

1. Determination of Need for Review by Occupancy Committee

1.1 When a review of an applicant for a permit reveals that there is either no long form permit on record or that a discrepancy in the legal occupancy exists in the department records, the applicant will have the following options:

- 1.1.1 If the proposed occupancy conforms to the Boston Zoning Code, to file an application to change occupancy
- 1.1.2 If the proposed occupancy does not conform to the Boston Zoning Code to go before the Zoning Board of Appeal in order to effect a change in occupancy
- 1.1.3 If the proposed occupancy was, in the opinion of the applicant, in use before passage of the current zoning ordinance and thus a pre-existing non-conforming use, to file to have the occupancy validated through a review by the Occupancy Committee.

1.2 When an applicant decides to utilize the administrative process, (item C above) he or she must file a long form building permit application to legalize occupancy and submit documentation to substantiate that the occupancy claimed was in effect prior

to November 23, 1984 (enactment of Article 27 of the Boston Zoning Code, Interim Overlay Planning Districts).

2 Occupancy Committee Policy and Procedure

2.1 The committee will use the following procedure to establish a legal occupancy:

2.1.1 The committee shall review documentation supplied by the occupant in support of the request such as, but not limited to, the following:

2.1.1.1 City of Boston tax bills for the location prior to November 23, 1984, which show occupancy or refer to it by indicating the number of meters, etc.

2.1.1.2 Copies of utility bills prior to November 23, 1984, which show occupancy or refer to it by indicating the number of meters, etc.

2.1.1.3 Affidavits by prior owners as to the occupancy prior to November 23, 1984

2.1.1.4 Affidavits by abutting property owners who have knowledge of how the property in question was occupied as shown prior to November 23, 1984.

2.1.1.5 Legal documents such as deeds, title searches, mortgages, leases, appraisals, abatements, insurance policies, licenses, permit applications, etc. that show occupancy prior to November 23, 1984.

2.2 The Occupancy Committee shall also review the following Departmental records in considering the legalization of occupancy:

2.2.1 existing building jacket

2.2.2 use and occupancy records

2.2.3 egress records

2.2.4 building inspector's field inspection report

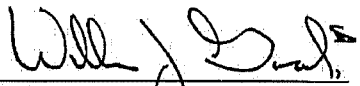
2.3 The Occupancy Committee shall consider the evidence and render its decision. The decision will be forwarded to the Commissioner or his designee who will have final approval.

2.4 The application will then be returned to the Plans and Zoning division for any further action required or issued and scanned to files which will become the official record of the decision reached.

2.5 If the applicant does not agree with the decision of the committee or the Commissioner, he or she may appeal the decision to the Zoning Board of Appeal under provisions of Section 8, Chapter 665 of the Acts of 1956 as amended.

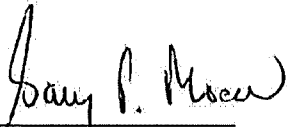
2.6 Commissioner's Policy Statement Number 85-1 with respect to single-family dwellings is also hereby rescinded. A request to confirm occupancy as a single family dwelling may be approved by the Director of Building and Structures or the Director of Plans and Zoning, without a meeting of the committee following a review of the building jacket and assessing records provided there is no evidence that the premises were occupied for any other use.

Signed:



William J. Gorr, III
Commissioner

1.9.09
Date



Gary P. Moccia
Inspector of Buildings

1/9/09
Date



POLICY AND PROCEDURE MEMORANDUM
Inspectional Services Department
Boston, MA

Number: 2009 -01

Date: December 31, 2009

Subject: PROCEDURES FOR ISSUING CITATIONS FOR VACANT AND/OR FORECLOSED PROPERTIES

Purpose: On March 3, 2008 the City of Boston passed an "Ordinance Regulating the Maintenance of Vacant and/or Foreclosing Properties." This ordinance was created in response to the drastic rise in the number of foreclosures across the city resulting in homes left vacant and unmaintained and often creating a public nuisance. This Policy and Procedures memorandum is issued to establish procedures to be followed by ISD personnel when issuing citations to properties that are vacant and/or foreclosed pursuant to the afore-mentioned ordinance.

Determination:

1. As required by the ordinance vacant and foreclosed properties are to be registered with the Inspectional Services Department to increase mortgage lender accountability and to ensure that properties are being maintained in accordance with the sanitary and building codes and relevant local regulations concerning property maintenance.
2. Whether responding to a complaint or as a result of observation, when an ISD inspector or code enforcement officer finds a property in violation of the sanitary or building code or relevant local regulations and the property is vacant a citation will no longer be posted on the property.
 - 2.1 All citations will be brought back to ISD where they will be mailed to the owner or an identified management company.
3. Ownership of the property will be established through ISD and City of Boston databases. If ownership of the property is listed as a bank, lending institution or property management company, the citation will be sent to that business address.
4. A citation will be issued for \$300 for "Failure to Maintain the Property" as outlined in the ordinance, in addition to any citation(s) for conditions observed on site.

5. All other applicable violations under the ordinance must be cited as well, including:
 - 5.1. Failure to register vacant and/or foreclosed properties - \$300. fine
 - 5.2. Failure to post the name of a local individual or management company - \$300. fine
6. If after fourteen (14) days the violation still exists the Code Enforcement Unit may issue an additional citation pursuant to the ordinance.
7. If after thirty (30) days the violation continues to exist with no response from the responsible party the case will be transferred to the Foreclosure Unit in the Legal Division to initiate the lien process.
8. A *Notice of Intent to Lien* will be issued listing for all outstanding violations and fines.
9. If there has been no response from the responsible party after sixty (60) days following the *Notice of Intent to Lien* a lien will be placed on the property.

* Housing

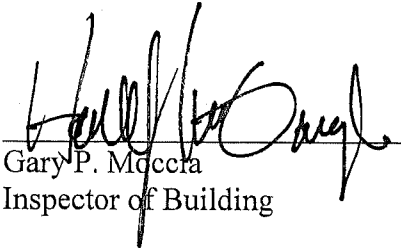
Signed:



William J. Good, III
Commissioner

12-31-2009

Date



Gary P. Moccia
Inspector of Building

#w



Date



**Commissioner's Bulletin
Inspectional Services Department
Boston, MA 02118**

Number: 2009-02

Date: November 1, 2009

Subject: PROCEDURE FOR THE WRITING AND ISSUANCE OF ALL VIOLATIONS FOR PAYPHONE INSTALLATION

Purpose: This Commissioner's Bulletin is issued to standardize procedure when writing and issuing citations for noncompliance of the Building Code and Electrical Code for payphone installation.

Determination:

1. Payphones installed after January 1, 1987 require permitting from ISD.
 - 1.1. Payphones installed after January 1, 1987 are required to have an electrical permit before installation of the phone.
2. As of March 15, 2006 the City of Boston has regulated the installation of indoor and outdoor payphones through the zoning code.
 - 2.1 Payphones installed after March 15, 2006 require a variance from the Zoning Board of Appeal.
 - 2.2 Payphones installed after March 15, 2006 are also required to have a building (indoor) or use of premises (outdoor) permit.
3. If an electrical contractor comes to ISD to file for an electrical permit for a payphone the permit application unit needs to determine whether a use of premises application needs to be submitted for approval and issued prior to issuance of the electrical permit.
 - 3.1. Additionally, the permit application unit should check for building and/or electrical violations.
4. All complaints, concerning payphone installations must be forwarded to both the Building and Electrical Divisions.
5. If, after inspection, it is determined that no electrical permit was issued prior to installation, the electrical inspector is required to write a violation for "non-compliant installation of payphone" as required by the electrical code.
 - 5.1. If the installation was made after March 15, 2006 and no building permit is on file the building inspector is required to write a violation for "failure to secure a permit".

Signed:

William J. Good, III
Commissioner

11-1-09

Date

Gary P. Mocchi
Inspector of Buildings

11-1-09

Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2009-03

Date: December 31, 2009

Subject: ADMINISTRATIVE PROCEDURE FOR ANSWERING REQUESTS
FOR PUBLIC DOCUMENTS

Purpose: This Commissioner's Bulletin is issued to ensure the City of Boston Inspectional Services Department (ISD) effectively and consistently complies with the requirements of the Massachusetts Public Records Law, G.L. c. 66 §10, which provides access to governmental records to members of the public. It replaces Commissioner's Bulletin 2000-04.


Determination:

1. The public records law is administered by the Secretary of State who has issued guidelines for compliance with the law. The guidelines contained in this Commissioner's Bulletin comply with the guidelines published by the Secretary of State.
2. The public records law presumes that all records and documents, in possession of a governmental agency, are public. The public records law permits government agencies to redact exempt information so that they can comply with the law, although there are exceptions to this general principle.
3. To comply with public records law effectively and ensure consistency among divisions in answering requests for records, the following procedures are established:
 - 3.1 The supervisor of the Document Room is hereby designated the General Keeper of Records for the entire department.
 - 3.2 Each division in ISD shall appoint a designated Division's Keeper of Records who will be responsible for collecting records within that division.
 - 3.3 The General Keeper of Records is authorized to appoint a Deputy General Keeper of Records.
 - 3.4 All such designations shall be posted in the document room for public viewing.
 - 3.5 The General Keeper of Records shall oversee the processing of all record requests, including, but not limited to, the gathering of record requests by individual divisions.
 - 3.6 The document room shall serve as a central location in the department where members of the public will be able to schedule appointments, view records and pick up requested copies.
 - 3.7 A member of the public may request a copy and view the records.

Requests may be either oral (in person or by telephone) or written (fax, letter or email).

- 3.8 In order to expedite the request process, members of the public are asked to complete a public request records request form. The purpose of this form is to assist ISD in assembling the requested records and to inform the person making the request of both the costs associated with fulfilling requests and of the required response time.
 - 3.9 The person requesting a record is not legally required to provide his or her name or address on the request form. Therefore, employees shall complete the form in all circumstances where the member of the public either withholds name and address or requests a document by telephone.
 - 3.10 Upon receipt of request or letter all public records requests shall be responded to within ten (10) calendar days. Requested documents must be assembled and ready for delivery or appointments to view documents must be scheduled within the allotted ten-day period.
 - 3.11 If the ISD employee responsible for completing public records requests believes that the records requested or portions thereof, are not public, he or she shall consult his/her supervisor. The supervisor shall consult with the legal division of this department to determine whether the requested records may be released. If it is determined that the requested records are not public records as defined by M.G.L. c. 66, § 10, then the General Keeper of Records shall notify the person requesting the records within ten (10) days of the receipt date of the records request. The notification shall be in writing and contain the specific legal reasons why the requested documents will not be released.
 - 3.12 Pursuant to the Code of Massachusetts Regulations, Title 950 § 32.06 (2), if the estimated cost of copying and locating the records is greater than \$10.00, the person requesting the records shall be contacted, where possible, and informed of the expected cost.
 - 3.13 Copied records may be picked up in person or mailed to the petitioner upon receipt of payment.
4. Attached to this bulletin are copies of the Inspectional Services Department public request form.
 5. The above policy is effective immediately.

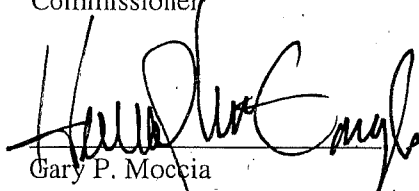
Signed:



William J. God, III
Commissioner

12.31.2009

Date



Gary P. Moccia
Inspector of Buildings

12/31/2009

Date

FW

Boston Inspectional Services Department

Public Record Request Form
M.G.L. c. 66, § 10

Name: _____

Address: _____

City, State, Zip: _____

Contact Number: (____) _____

Please Check: Owner ___ Occupant ___ Legal Representative ___

 News Media ___ None of the above ___

Please indicate the location of the property for which you are requesting records.

Address: _____

Neighborhood: _____ Ward: _____

Business Name (if applicable): _____

I am requesting records from the following division(s):

Building ___ Environmental Services/ Code Enforcement ___ Health ___

Housing ___ Legal ___ Weights and Measures ___

Please identify the documents requested, including the relevant time frame of the request:

1010 Massachusetts Avenue, Boston, MA 02118 · (617) 961.3500

Fees:

The cost for copies of records will be .20¢ per page for photocopies and computer printouts. However, Massachusetts Regulations Title 950 § 32.06 (2) provides the Keeper of the Records may charge the applicant a fee based on the time it took to search, segregate, redact and photocopy the requested documents. This charge is based on the hourly wage of the lowest paid employee capable of performing the task.

Note:

Pursuant to M.G.L. c. 66 §10, all records and documents in possession of a government agency are public records. However, government agencies must redact from all documents exempt information as defined by M.G.L. c.4, §7, 26th clause.

Research of documents may incur additional fees:

In addition to the per page charge, the time for locating, pulling, copying and re-shelving the records, together with the time expended to delete exempt data from the public portion of a record, can be charged at the hourly rate of the lowest paid employee capable of performing the service. Please be advised that hourly rates are subject to change. The fee for computer search is the actual cost of that search. The cost of postage, if any, may also be charged.

Building	\$14.93 per hour
Environmental Services/Code Enforcement	\$14.93 per hour
Health	\$16.79 per hour
Housing	\$14.93 per hour
Legal	\$21.25 per hour
Weights and Measures	\$16.79 per hour

All requested documents dated three years or older are stored in an off-site storage facility. Please be further advised that any and all documents requested from this offsite facility will be subject to additional costs associated with and the document retrieval, return and transportation. *(Please see below.)*

Retrieval fee	\$1.00
Return	\$1.00
Transportation	\$1.00



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2009-04

Date: December 31, 2009

Subject: PROCEDURE TO BE FOLLOWED FOR THE PERMITTING OF
ROOFTOP AGRICULTURAL SYSTEMS OR ROOF GARDENS

Purpose: This Commissioner's Bulletin is issued to establish procedures for the construction and/or installation of rooftop agricultural systems.

Determination:

Environmental testing has shown that rooftop gardens and landscaping help reduce the amount of pollutants and dust particles in the air and water. Additionally, vegetation on roof tops helps reduce the urban heat island effect by keeping buildings cooler. The City of Boston, therefore, encourages the concept of rooftop agriculture through various means including hydroponic farming.

Definitions:

1. A "Rooftop Garden" is presumed to be accessible to the public.
 - 1.1 Additional requirements will be established, such as
 - 1.1.1 the installation of barriers (railings) (780 CMR),
 - 1.1.2 exits from the rooftop (780 CMR),
 - 1.1.3 total dead and live calculations, in accordance with the Massachusetts State Building Code (780 CMR),
 - 1.1.4 raising of exhausts and plumbing vents (248 CMR),
 - 1.1.5 handicapped access in accordance with the Architectural Access Regulations (521 CMR).
 - 1.2 Roof gardens accessory to residential occupancies other than one or two family dwellings are subject to the requirements of CBC 9-9.13 (certification of roof decks).
2. A "Green Roof" is presumed not to be accessible to the public and access will only be provided for maintenance.

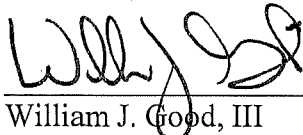
3. Permits and Zoning Requirements

- 3.1 Applicants will need to apply for the appropriate permits at the Inspectional Services Department (ISD).
- 3.2 Plans stamped by a Massachusetts registered architect or structural engineer must be submitted for review by the Plans and Zoning division of ISD.
- 3.3 Two sets of plans must be submitted containing the following information:
 - 3.3.1 the existing roof conditions with the location of all structures, e.g. penthouses, mechanical equipment, chimneys, etc.,
 - 3.3.2 structural information including weight capacity of the roof (snow load, wet and dry plant load) and framing plans if required,
 - 3.3.3 a drawing of the proposed garden/green roof containing all plant and soil information, drainage and/or irrigation systems, and;
 - 3.3.4 any modifications to building systems that are required (raising of vent stacks, etc).

4. Review by Other Agencies

- 4.1 Applications submitted to ISD for any proposed rooftop project shall be accompanied by approvals from any other City of Boston agency having jurisdiction, including, but not limited to, the Environmental Department, the Landmarks Commission, Boston Water and Sewer and the Boston Fire Department.

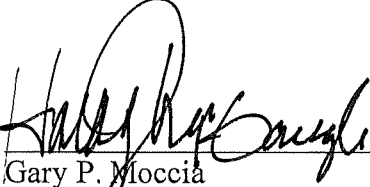
Signed:



William J. Good, III
Commissioner

12-31-2009

Date



GM
Gary P. Moccia
Inspector of Buildings

12/31/2009

Date