

“ORDINANCE RELATIVE TO VACANT BUILDINGS”

BE IT ORDAINED by the Municipal Council that Chapter 3, **Buildings**, of the Revised Ordinances of the City of Attleboro, is hereby amended by inserting the following new Section, 3-12 Registration and Maintenance of Vacant Buildings:

Section 3-12 Registration and Maintenance of Vacant Buildings

3-12.1 Intent: The purpose of this ordinance is to help protect the health, safety and welfare of the residents of Attleboro by preventing blight, protecting property values and neighborhood integrity, protecting City’s resources and ensuring the safe and sanitary maintenance of vacant buildings. Vacant buildings are at an increased risk for fire, water and natural damage as well as vandalism, unlawful entry and other public health and safety hazards. This ordinance will help to promote the City’s public welfare by requiring all property owners to register and properly maintain vacant buildings.

3-12.2 Definitions.

- a. **Building:** A combination of any materials fixed to the ground and having a roof, enclosed within exterior walls, built to form a structure for the shelter of persons, animals or property.

- b. **Commissioner:** Inspector of Buildings of the City of Attleboro or his designee.

- c. **Owner:** a person or entity who, alone or severally with others:
 - i. has legal or equitable title to any building or has care, charge or control of any building in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
 - ii. is a tenant a legal right to possess an entire building; or
 - iii. is a mortgagee in possession of any building; or
 - iv. is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building; or
 - v. is an officer or trustee of an association of unit owners of a condominium or cooperative which contains a vacant building.

- d. **Vacant Building:** Any building which is not legally occupied, abandoned or not used for a period of at least forty-five

(45) consecutive days, and shows visible signs of substantial physical distress, including, but not limited to, boarded-up or broken windows or doors, fire damage, exposure to the elements, susceptibility to unauthorized entry, disconnected utilities, the accumulation of trash, junk, and/or debris, or that appears to pose a risk to public safety, as determined by the Building Commissioner.

e. Board of Survey: A board consisting of the Supt. Of Public Works, the head of the Fire Department, as such term is defined in M.G.L. c. 148 sec. 1, and one disinterested person to be appointed by the building official.

f. Legally Occupied: Occupied in accordance with the provisions of the Massachusetts State Building Code.

3-12.3 Registration: Prior to or not more than seven (7) days after the building becomes vacant, the owners must register the building with the Commissioner on forms provided by the Protective Inspection Department. All registrations must state the individual's name, phone number and mailing address as well as an emergency contact, if not the same. This registration must state if the property is vacant at the time of filing, and if so for how long. None of the required addresses shall be a Post Office Box. Once the building is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of lawful occupancy to the Commissioner. The Commissioner will notify Police, Fire, Water, Wastewater and Health Departments of the submitted registration of vacant/ building as well as the re-occupancy of the building.

3-12.4 Maintenance requirements:

- a. The owner of a vacant building must maintain it in accordance with all applicable local and state Sanitary Codes, Building Codes and Fire Codes, pertaining to the external/visible maintenance of the building and major system maintenance of the property.
- b. The owner of a vacant building must promptly repair all broken windows, doors, other openings and any unsafe conditions at a vacant building. Boarding up of open or broken windows and doors is prohibited except as a temporary measure for no longer than forty-five (45) consecutive days, unless the Commissioner determines that, due to vandalism or security reasons and due to circumstances out of the owner's control, the proper boarding of windows and doors is necessary for a period of time longer than forty-five (45) consecutive days. Boards

or coverings must be fitted to the opening size and colored to blend with the existing building color scheme.

- c. The owner must maintain the building and property for the duration of the vacancy or abandonment. The owner shall maintain a condition of the building and property to appear not to be vacant. Upon notice by the commissioner, any accumulated trash and/or graffiti shall be taken off or removed from the property within (7) days". The Building Commissioner and/or his designee will document violations. The owner of any building vacant for a period exceeding six (6) months whose utilities have been shut off shall have those utilities removed or cut and capped to prevent accidents
- d. If deemed necessary by the Commissioner and The Board of Survey, the owner must erect and maintain, at his/her own cost and expense, a six (6)-foot privacy fence within thirty (30) feet of the entire building. The Commissioner shall notify the owner in writing of the basis for requiring any such fencing.
- e. Compliance with this ordinance shall not relieve the owner of any applicable obligations set forth in any other ordinance, regulation, codes, covenant conditions or restrictions and/or association rules and regulations. In case of a conflict with these rules and regulations, the stricter of the rules and regulations shall apply.

3-12.5 Inspections: The Building Commissioner, Police Chief, Fire Chief and the Health Agent, or their designees shall have the authority to periodically inspect the exterior and interior of any building subject to this ordinance for compliance. The Commissioner shall have the discretionary authority to disconnect utilities immediately if a potential hazard is apparent that may be dangerous to life and limb is present.

3-12.6 Penalties and Enforcement: Violations of any portions of this ordinance shall be punishable by a total fine of \$100.00 a day. However, the Building Commissioner may waive the fine in total or in part upon the abatement of the violation(s).

The Commissioner or his designee shall enforce all provisions of this ordinance and shall institute all necessary administrative or legal action to assure compliance. Any owner found to be in violation of this ordinance shall receive a written warning and a minimum seven (7) days to remedy all violations, prior to the institution of any enforcement action by the Commissioner. The Commissioner, acting on behalf of the City of Attleboro, may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this ordinance.

3-12.7 Unsafe Buildings: If the Commissioner determines the building to be unsafe, the Commissioner may act immediately in accordance with the Massachusetts State Building Code to protect public safety. Furthermore, nothing in this Ordinance shall abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority, including, without limitation, M.G.L. c. 139, §§1 *et seq.* and M.G.L. c. 143, §§6 *et seq.*

3-12.8 Severability: If any provision of this ordinance is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.