

**TOWN OF HULL
COMMONWEALTH OF MASSACHUSETTS**

2018 ANNUAL TOWN MEETING

CERTIFIED VOTE OF ARTICLE 14

To Whom It May Concern:

I hereby certify the following action taken under Article 14 of the Warrant for the Annual Town Meeting held on May 7, 2018 and adjourned on May 9, 2018.

ARTICLE 14:

MOVED: That the Town amends the Code/Bylaws of the Town:

A. By adding the following in a Chapter/Section as determined by the Town Clerk:

Registration and Maintenance of Vacant Commercial Buildings

Section 1. Findings and Purposes

The purposes of this bylaw are to protect the welfare and economic vitality of the residents of the Town of Hull by protecting property values, maintaining neighborhood integrity and accessibility, safeguarding against economic property blight, protecting Town resources, and ensuring the safe and sanitary maintenance of commercial and industrial vacant properties. Among other things, vacant commercial and industrial properties can degrade the vitality of Hull's business districts, frustrate local planning and development efforts, negatively impact property values, create increased specific risks of fire damage, vandalism and unlawful entry or uses, and give rise to other public health and safety hazards. This bylaw is intended to promote the Town's public welfare, economic health and vitality by requiring all property owners to register and properly maintain vacant commercial properties.

This bylaw shall be in effect through September 30, 2023 unless rescinded or amended prior thereto.

Section 2. Definitions

As used in this article, the following terms shall have the meanings indicated: "Town" - means the Town of Hull, MA

"Day" - means consecutive calendar days.

"Local" means within twenty-miles of the property in question.

"Code Enforcement Agents" - means a Department Head or employee within any Department involved in the enforcement of laws pertaining to public health and/or safety.

"Building Department": The Building Department of the Town of Hull.

"Building Commissioner"- The Building Commissioner of the Town of Hull or his or her designee.

"Planning Department"- The Department of Planning and Community Development of the Town of Hull.

"Planning Director"-The Director of Planning and Community Development for the Town of Hull or his or her designee.

"Legally occupied" - Occupied in accordance with the Applicable laws, rules, and regulations. "Owner" -A person or entity who, alone or severally with others:

- A. 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, personal representative, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or
- B. Is a tenant with a legal right to possess an entire building; or
- C. Is a mortgagee in possession of any building; or
- D. Is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building; or
- E. Is an officer or trustee of an association of unit owners of a condominium or cooperative which contains a vacant property.

"Property" - means any real property or portion thereof, located within the Town of Hull, including but not limited to buildings or structures situated on the property.

"Building" -Any structure used or intended for supporting of sheltering any use or occupancy; a structure enclosed within exterior walls or firewalls, built, erected, and framed of a combination of any material, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purposes of this definition, "roof" shall include an awning or similar covering, whether or not permanent in nature and the word "building" shall be construed where the context requires as though followed by the words "or parts thereof."

"Structure" -A combination of materials for permanent or temporary occupancy of use, such as a building bridge trestle, tower, framework, retaining wall, tank, tunnel, stadium, reviewing stand, platform, swimming pool, shelter, pier, bin, fence, sign, gasoline pump, recreational court, or the like.

"Vacant Building" -Any unoccupied nonresidential commercial or industrial real property which:

- A. Is not legally occupied, is abandoned, or is not used for a period of at least ninety (90) consecutive days or longer by occupants having custody or legal right of entry to such property; or
- B. Which is intermittently occupied by persons with legal right of entry, but exhibits in the opinion of the Building Commissioner dilapidated walls, roof or doors which fail to prevent the entry of a trespasser for a period of more than seven (7) days).

"Public Art"-Works of art for public benefit and viewing, approved by the Office of Community Development and Planning, for which owners have agreed to the temporary display inside storefront windows or upon other safe, visible exterior surfaces of vacant properties for agreed upon time periods and other material terms.

"Seasonal Commercial Properties" – Commercial properties occupied by businesses which, annual, close for a period of ninety (90) consecutive days or longer in a twelve (12) month period.

Section 3. Registration

- A. Prior to, or not more than seven (7) days after a unit has been vacant or any portion of a property, becomes vacant, as defined herein, the owner(s) must register the vacancy with the Community Development and Planning Department and the Building Department on forms agreed upon and provided by such departments. All registrations must state the owner's name, phone number, email and mailing addresses as well as a local emergency contact, if not the same. None of the required addresses shall be a post office box. This registration must state that the property is vacant at the time of filing. The registration shall also state the owner's efforts to regain occupancy. Once the building is no longer vacant, the owner must provide proof of lawful occupancy to the Community Development and Planning Department and the Building Department pursuant to the process outlined by such Departments. The Building Commissioner will notify Police, Fire, Municipal Light, Sewer, and Health Departments of the submitted registration of vacant building as well as the re-occupancy of the building.
- B. The Planning Director in consultation with the Building Commissioner may exempt a property owner from the provisions of this bylaw at their discretion provided said exemption does not violate the purpose or intent of this bylaw.

Section 4. Annual Registration Fee, Failure to Pay, Waiver

- A. An annual registration fee will be due to the Town of Hull. The annual registration fee shall be set by the Board of Selectmen pursuant to G.L. c. 40, § 22F.
- B. At the time of registration, and each calendar year thereafter, the owner of any vacant property shall pay to the Town an annual registration fee to cover the administrative cost of monitoring and ensuring the security and proper maintenance of such building. Failure to pay the annual registration fee shall be a violation of this bylaw, and the full fee shall be deemed an assessment resulting from a violation of this bylaw. Such fee, and any fines issued for violations of this bylaw, shall constitute a "municipal charges lien" on the property, to be collected in accordance with G.L. c.40, §58.
- C. Owners may apply for a waiver of the annual registration fee requesting waiver of some, or the entire fee on grounds of demonstrable financial hardship, or by agreeing in writing to display public art as defined herein for the term of a vacancy. Waivers for public art display will be granted only as sufficient public art is available, appropriate to the location for display, and the Town, artist, owner agree to terms of exhibition as set forth by the Community Development and Planning Department. The Community Development and Planning Department shall have

no more than thirty (30) days to review and issue a determination on waiver requests.

Section 5. Maintenance Requirements

- A. The owner of a vacant building must maintain the vacant building 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 allowed by Title V, Article Seven of these bylaws, unless the Building 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 determined period of time. 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 the condition of the building and property so as to appear not to be vacant. Upon notice by the Building Commissioner, any accumulated trash and/or graffiti shall be removed from the property by the owner within seven (7) days. The Building Commissioner and/or his designee will document violations. The owner of any building vacant for a period exceeding six months, whose utilities have been shut off, shall have those utilities removed or cut and capped to prevent accidents and other health and safety hazards
- D. The owner may include advertising materials as they relate to property listing in the vacant space or displayed in the vacant property's street-facing windows. Such advertising materials must be approved by the Planning Director. Advertising materials are not to be permitted in lieu of annual fee or approved public art display.
- E. Compliance with this bylaw shall not relieve the owner of any obligations set forth in any other applicable bylaw, 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.

Section 6. Inspections

The Building Commissioner, Police Chief, Fire Chief and the Health Director, or their designees, shall have the authority to periodically inspect the exterior and interior of any building subject to this bylaw for compliance, as authorized under the terms of registration form filed with the Building Department and Community Development Planning Department. The Building Commissioner shall have the discretionary authority to disconnect utilities immediately if a potential hazard that may be dangerous to life and limb is present.

Section 7. Violations and Penalties; Enforcement

- A. Violations of any portions of this bylaw shall be punishable by a fine of \$100 per day in total.
- B. The Building Commissioner or his designee shall enforce all provisions of this bylaw and shall institute all necessary administrative or legal action to assure compliance. Any owner found to be in violation of this bylaw shall receive a written warning and a minimum of seven (7) days to remedy all violations prior to the institution of any enforcement action by the Commissioner. The Building Commissioner, acting on behalf of the Town of Hull, may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this bylaw. This bylaw may also be enforced through non-criminal disposition in accordance with the provisions of the Town bylaws.

Section 8. Unsafe Buildings

If the Building 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 bylaw shall abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority including, without limitation, G.L. c.139, § 1 et seq. and G.L. c.143, § 6 et seq.

Section 9. Seasonal Commercial Properties

- A. Seasonal commercial property occupants shall register with the Community Development and Planning Department on forms agreed upon and provided by said department. All registrations must state the owner's name, phone number, email and mailing addresses as well as a local emergency contact, if not the same. None of the required addresses shall be a post office box. This registration must state the specific time period which the property will be unoccupied.
- B. A one-time registration fee will be due to the Town of Hull at the time of registration. The registration fee shall be set by the Board of Selectmen pursuant to G.L. c. 40, § 22F. Failure to pay the registration fee shall be a violation of this bylaw, and the full fee shall be deemed an assessment resulting from a violation of this bylaw. Such fee, and any fines issued for violations of this bylaw, shall constitute a "municipal charges lien" on the property, to be collected in accordance with G.L. c.40, §58.
- C. Occupants may apply for a waiver of the registration fee requesting a waiver of some, or the entire fee on grounds of demonstrable financial hardship, or by agreeing in writing to display public art as defined herein for the term of non-occupancy. Waivers for public art display will be granted only as sufficient public art is available, appropriate to the location for display, and the Town, artist, owner agree to terms of exhibition as set forth by the Community Development and Planning Department. The Community Development and Planning Department shall have no more than thirty (30) days to review and issue a determination on waiver requests.

Section 10. Severability

If any provision of this bylaw 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.

B. Amend Chapter 1 of the Code/Bylaws of the Town, Non-Criminal Disposition, as follows:

1. Amend the Table of Provisions Subject to Non-Criminal Disposition, Chapter 90 by adding in the table of offenses:

CITE	ENFORCING PERSON	PENALTY
Chapter ____ (Vacant Commercial Property)	Building Commissioner or designee	For first violation, \$75.00 For second and each subsequent violation, \$50.00

VOTED: Motion by Majority Vote on May 8, 2018

Witness my hand and seal of the Town of Hull 5th this day of June, 2018

Attest:



**Lori West
Town of Hull Town Clerk**