

## **CHAPTER 115**

### **Code Enforcement Agents**

#### **S1 15-1. Compliance with Orders of Code Enforcement Agents**

#### **S115-2. Inspections and Re-inspections**

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#### **S115-1. Compliance with Orders of Code Enforcement Agents**

- A. For purposes of the bylaws of the Town, a Code Enforcement shall be a person vested with authority under law, or designee of such a person, to enforce a law, rule or regulation having among its purposes the promotion of health, safety, security, general welfare and quiet enjoyment of residents, occupants, abutters and neighborhoods, such as but not limited to the State Building Code, the State Sanitary Code and other similar laws, rules or regulations, including bylaws of the Town.
- B. All persons or entities shall comply with lawful orders of a Code Enforcement Agent.
- C. A failure to so comply shall be subject to a fine of \$100.00. Each day of non-compliance shall constitute a separate offense. These provisions may also be enforced under the Town's non-criminal disposition bylaw.

#### **S115-2. Inspections and Re-inspections**

Should it be necessary for any of the Town's inspectional services personnel or departments to inspect or re-inspect property for code compliance or permitting purposes, and no other fee applies to said inspection or re-inspection, there shall be an inspection or re-inspection fee for each such inspection or re-inspection as determined in accordance with the provisions of G.L. c. 40, section 22F. A failure to arrange for an inspection or re-inspection, or failure to pay the fee for same, shall be subject to a fine of \$100.00. Each day of non-compliance shall constitute a separate offense. These provisions may also be enforced under the Town's non-criminal disposition bylaw.

### **S115-3. Insurance Information on Certain Property**

Upon request of any code or other law enforcement official, a property owner, agent of a property owner, mortgagee, or other person or entity having control of and/or an interest in the subject property, shall provide in writing within 15 days of said request the name of any company insuring the property against loss or damage by fire and the amount of insurance provided by each such company and the name of any person who would receive payment for a loss covered by such insurance. If there is no such company, the person shall so respond. Whoever violates the provisions of this section shall be punished by a fine of three hundred dollars (\$300). Each day that the person from whom the information is requested is not in compliance shall constitute a separate offense. These provisions may also be enforced under the Town's non-criminal disposition bylaw.

### **S1 15-4. Registration and Maintenance of Blighted Vacant Buildings, Structures and Properties**

#### **A) Purpose: Enforcement Authority**

The purpose of this bylaw is to help protect the health, safety and welfare of the citizens by preventing properties from becoming blighted or vacant and not maintained, protecting property values and neighborhood integrity, protecting the Town's resources, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of buildings. Blighted buildings are at an increased risk for fire, unlawful entry and other public health and safety hazards. This Bylaw will help secure the Town's public welfare by requiring all property owners (which term shall include managers and those with responsibility for the care of property), including lenders, trustees and service companies and foreclosing parties, to properly maintain blighted properties.

Code Enforcement Agents of the Town shall be the enforcement authorities as to this bylaw.

This bylaw shall be in effect through September 30, 2018 unless rescinded or extended prior thereto.

#### **B) Definitions**

- a. "Town": means the Town of Hull, MA.
- b. "Code Enforcement Agents": means a Department Head or employee within any Department involved in the enforcement of laws pertaining to public safety.
- c. "Days": means consecutive calendar days.
- d. "Local" means within twenty miles of the property in question.
- e. "Property": means any real property or portion thereof, located in the Town of Hull, including but not limited to buildings or structures situated on the property.

- f. "Property Enhancement Plan" (PEP): a Plan which will detail the owner's action steps that address all violations of this by-law and other applicable laws, rules and regulations.
- g. "Owner": a person or entity who, alone or severally with others:
  - a) Has legal or equitable title to property or has care, charge or control of any building, dwelling unit or parcel of land 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) Has legal right to possess the property in question; or
  - c) Is a mortgagee in possession of any building on property; or
  - d) Is an agent, trustee, receiver or other person appointed by the courts or owner and vested with possession or control of a building on property or property itself; or
  - e) Is an officer or trustee of an association of unit owners of a condominium or cooperative which is or is on the property, including the common areas.
- h. "Legally Occupied": Occupied in accordance with the provisions of the applicable laws, rules and regulations.
- i. "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, wharf, bin, fence, sign, gasoline pump, recreational court, or the like.
- j. "Building": Any structure used or intended for supporting or 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 purpose 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".
- k. "Blighted Residential or Non-Residential property (i.e. commercial, business or other property not constituting residential)": means a building, structure or property which has some of the following characteristics: shows signs of substantial physical distress, including, but is not limited to, boarded-up or broken windows or doors, fire damage, collapsed roofs, exposure to the elements, susceptibility to unauthorized entry, the accumulation of trash, junk, and/or debris, or that appears to pose a risk to public safety, as determined by Code Enforcement Agents. Blighted does not include a building that is unoccupied while undergoing renovations for which a valid building permit exists, or while

undergoing repairs due to fire or other casualty for which a valid building permit exists. In order to come within this definition and bylaw, it must be property not being used or occupied as intended, is not legally occupied, has been wholly vacant for sixty (60) days and have one or more of the foregoing characteristics. Property unoccupied due to satisfactory evidence of a medical reason of the owner or occupant and property vacant because of storm damage that is less than one year old shall not be considered blighted under this bylaw.

### **C) Registration and Registration Fees**

- a. Blighted property: If a building, structure or property is determined to be blighted under this bylaw by a Code Enforcement Agent, the agent shall issue a notice to the Owner(s) of the property informing them of all conditions on the property which must be corrected as required by the pertinent codes in order to remove the determination as blighted under this bylaw.. Upon provision of documentary evidence of correction of the conditions in such notice, the Code Enforcement Agents shall inspect the property and, so long as there are no other outstanding violations, the Code Enforcement Agents shall issue a certificate of compliance as relates to this bylaw.
- b. Unless the violations have been corrected within the period of time specified in the notice of violation or such extended time that may be granted after notice of violation has issued, the Owner(s) shall register the property with the Inspectional Services Department on forms provided by said Department.
- c. Any property registered under this By-Law shall pay an annual registration fee which shall be for a one year period or sooner period if the property is issued a certificate of compliance under this bylaw. Registered property that receives a certificate of compliance under this bylaw shall be liable for a new registration fee or fees should it subsequently be determined to be blighted. The registration fee shall be set by the Board of Selectmen pursuant to G.L. c.40, 22F.
- d. Willful failure to pay the annual registration fee shall be a violation of this By-Law, and the full fee shall be deemed and designated an assessment against the Property and constitute a municipal lien on the property in accordance with G.L. c.40, 58.
- e. Within thirty (30) days of registration, unless the property has received a certificate of compliance, the Owner(s) of any property required to be registered under this bylaw shall pay to the Town an annual special inspection fee of one

hundred (\$100.00) dollars to provide for cost of recovery for inspection services provided by the appropriate Town departments. This fee shall be in addition to any other inspection fees that may be required by the Code Enforcement Agents.

- f. If the Owner(s) is a corporation or other entity with a principal place of business outside the Commonwealth of Massachusetts or an individual residing outside the Commonwealth, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this By-Law, such as property manager or real estate professional.
  - i. Each registration shall state the Owner's and, if applicable, agent's name, telephone and cell phone number, email, residence and place of business in the Commonwealth of Massachusetts and mailing addresses located within the Commonwealth of Massachusetts including valid: name, street number, street name, city or town, state and zip code; the residence or place of business shall not be a Post Office box

#### **D) Maintenance and Security Requirement**

- a) Properties subject to this Bylaw must comply with all state and local health, sanitary and safety codes and regulations. The local owner or local property management company must inspect and maintain the property on at least a monthly basis for as long as the property is in violation of this bylaw. The name and the 24 hour contact telephone number of the local owner or local property management company responsible for the maintenance must be posted on the front of the property so as to be clearly visible by the Code Enforcement Agents or their designee from the street.
- b. In accordance with applicable law property that is blighted must be safe and must be safe and must be secured so as not to be accessible to unauthorized persons.
- c. Compliance with this bylaw does not relieve the owner or other responsible party of any applicable obligations set forth in the laws, rules, code, regulations, covenant conditions and restrictions, and/or homeowner's association rules and regulations.
- d. Unless corrected within 30 days of the notice of violation or such extended time that may be granted, a building owner and/or property manager shall submit within 30 days of the notice of violation or such extended time a Property Enhancement Plan (PEP) which shall detail the owner's actions that address all violations of this bylaw. If approved and while in compliance with an approved plan, an owner will not be subject to further citations for violations of this bylaw. Non-compliance with an approved plan or failure to have an approved plan shall be violations of this bylaw. The adoption of a PEP shall not absolve the owner

for financial penalties incurred prior to the adoption for a violation of this bylaw or any other applicable law, rule or regulation or if violations continue to resume after approval.

#### **E) Inspections**

Code Enforcement Agents, or their designees, shall have the authority to periodically inspect the exterior and interior of any building subject to this Bylaw for compliance upon at least twenty-four (24) hours' notice or such notice as is reasonable under the circumstances to the property owners or their designees. If access is not provided by the owner or designee, the Town may seek access by appropriate court approval or other lawful means.

#### **F) Other Actions**

Nothing in this Bylaw shall abrogate the powers and/or duties of the Town to act pursuant to any law, rule or regulation.

#### **G) Appeals**

Any persons aggrieved by a decision or order issued hereunder or seeking an extension of time to comply with directives beyond that allowed by the Code Enforcement Agent may appeal said decision or order to a Board of Appeals. The Board of Appeals for this article should be the Board of Selectmen, the Chairman and Director of the Council on Aging, one private citizen appointed by the Board of Selectmen and the Town Manager or his designee...

#### **H) Applicability**

If any provision of this Bylaw imposes greater restrictions or obligations than those imposed by any general law, special law, regulation, rule, bylaw, order or policy, the provisions of this Bylaw shall control.

#### **I) Severability**

If any provision of this Bylaw is held to be invalid by a Court of competent jurisdiction, then such provisions shall be considered separately and apart from this Bylaw and the remaining provisions, which shall remain in full force and effect.

#### **J) Penalties**

A failure to comply with the provisions of this bylaw shall be subject to a fine of \$100.00 for each day of non-compliance. These provisions may also be enforced under the town's non-criminal disposition bylaw and/or by any other enforcement method under the law.

Nothing contained herein shall serve as a limit on other lawful enforcement mechanism,  
nor shall the same excuse compliance with any other laws, rules or regulations