



CITY OF SOMERVILLE, MASSACHUSETTS
INSPECTIONAL SERVICES DEPARTMENT – BUILDING DIVISION
KATJANA BALLANTYNE - MAYOR

MEMORANDUM

FROM: Nicholas Antanavica, Director Inspectional Services
TO: Public Health and Public Safety Committee
RE: Information Request for the 4/17 PHPS Meeting
DATE: April 17, 2024

Please find attached additional information regarding the information request for orders 24-0389, 24-0388, 24-0097, 24-0096, 24-0093, 24-0387, 24-0384, 24-0094, 24-0386, 24-0095 and 24-0385.

Items 24-0093 through 24-0097, and 24-0384 through 24-0387

The documents submitted on 3/20 provide a list of all of the complaints that have been received for the properties requested in items 24-0093 through 24-0097 and 24-0384 through 24-0387. As shown by the complaints received, there have not been a significant number of recent complaints and those that were received have been addressed appropriately.

Item 24-0389

Attachment A provides a description of how the department tracks, organizes, and addresses complaints. The attachment includes a data overview of tickets issued by ISD between 1/1/2020 until 3/31/2024. In that timeframe ISD has issued 18,151 tickets with a total fine amount of \$2,297,920. 13,606 of which are trash related.

Although trash ticketing takes up a significant portion of ISD efforts, there are several other laws, regulations, and ordinances for which ISD is charged with enforcement. As a further supplement to 24-0389, Attachment B provides an overview of the laws, regulations, ordinances, etc. that ISD enforces, to give a scope of duties in addition to trash violations.

Item 24-0388

Attachment C provides the list of properties that have submitted applications to register as a vacant property and any tickets associated with these properties. There are several issues hindering effective implementation of the Vacant Property Ordinance as written. The ordinance itself does not incentivize vacant property owners to register their properties and includes broad requirements for maintenance. These issues, in combination with a lack of resources to properly implement such an ordinance, make effective, proactive enforcement a significant challenge.



Item 24-0469

The dark skies requirements are located within the Somerville Zoning Ordinance, which puts constraints on enforcement. First, any application submitted or building constructed prior to 2020 is not subject to enforcement of dark sky requirements, as any violations would be considered pre-existing conditions. For applications received after 2020, the requirements have been reviewed and projects have been made to comply. However, projects have appealed ISD determinations regarding the dark skies requirements to the Zoning Board of Appeals and have received relief from these requirements.



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ATTACHMENT A – FINES ORGANIZATION, PROCESS, AND DATA

Ticket Process Overview

ISD utilizes the Citizenserve cloud-based software to administer code cases as well as review and issue the various permits and licenses within its purview.

For Code cases, this enables uploading and retention of violation photos and other supporting documentation which ISD inspectors will input. It organizes case assignments, inspection status classification, and notes for inspections and generating template forms, such as violation notices/orders, and tickets.

When a Code case is created it is assigned a unique file number. Records for a code case are organized within that file number at the simplest level. The software enables searching of multiple fields to locate relevant case files, the most frequent/useful being address.

If ISD receives a complaint directly by email, phone, or in person it is manually entered into the system by ISD staff and routed for assignment and follow up action. Most complaints come through the 311 Qalert system, which integrates with Citizenserve, and allows certain cases to transfer back and forth between the two systems.

Tickets generate off of a customized 'ticket activity type' form that is filled out by an inspector after they have observed and documented a violation within a code case file.

ISD has the ability to issue municipal ordinance tickets in accordance with MGL c 40 s. 21D for specific code sections or Building Code Tickets pursuant to MGL c. 148A s. 2. Each ticket activity type has various informational field requirements to be entered in accordance with their enabling legislation.

At the simplest level, both ticket activity forms require the inspector to select the applicable violation code (the section of the ordinance or regulation from the 'Violation Types' database created within Citizenserve), freeform comments which will appear on the ticket, and enable the inspector to link violation photos to the ticket (that can be used as a reference for the municipal hearing officer, should the tickets be appealed).

Property owner and address information will automatically populate if the ticket is being generated out of a case file with a valid parcel address. For effective code enforcement it is integral ISD be provided valid property addresses when receiving complaints. This enables ISD to be efficient in investigating the correct properties and enables the City to lien the property, should the tickets go unpaid. Tickets generated off of an invalid parcel address cannot be liened.

Violation codes to be utilized for tickets are input into the 'Violation Types' database in Citizenserve. Violation Types contain fields of information of the code citation (such as SCO 11-031 for residential trash), a short description of the violation type, the fine amount for the citation, and a full description of the citation if applicable (usually the full code section text). For violations that have escalated fine amounts (1st offense, 2nd offense etc.), a code entry is needed for each fine amount.

When ticket violation codes are created in the ‘Violation Types’ database in Citizenserve, ISD coordinates with IT and the Clerk’s office to ensure accuracy of codes, fines, and descriptions for proper collection or lien if not paid (if applicable).

When a ticket is generated in the Citizenserve system it creates the ticket in the Code Enforcement case file to be served by ISD and simultaneously creates a Ticket file for the Clerks office to track for collection, appeal, demand, and/or lien purposes.

Ticket reports can be generated out of Citizenserve that will contain details of the ticket which can be exported into an excel spreadsheet format. Ticket reports can be run by field including, date issuance range, address, or violation type.

Ticket Data Overview

From 1/1/2020 – 3/31/2024

ISD issued: 18,151 tickets

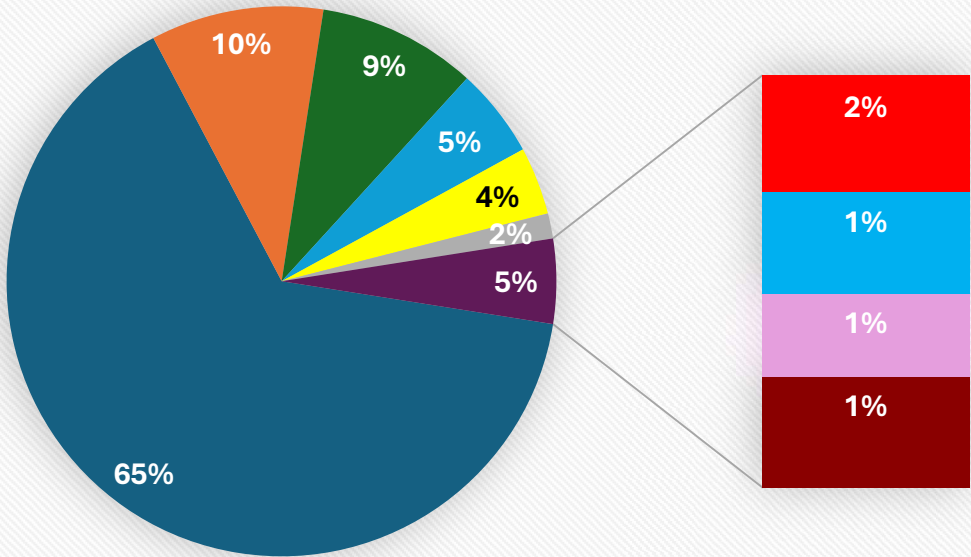
- Fine Amount: \$2,297,920
- Paid: \$929,142
- Liened: \$350,553
- Abated/Overtured on Appeal: \$702,363
- Not Paid, Pre-Demand [Issued since Oct. 2023]: \$180,020
- Latest Demand [3/22/24], Not Paid, Pre-Lien: \$39,780
- Not Paid Other: ~90k

Further breakdown of ticket totals:

Ticket Type	Number of Tickets	Ticket Amount
Residential Trash	11759	\$1,041,910
Commercial Trash	1847	\$317,380
Overgrowth	1694	\$42,250
Snow/Ice Residential	954	\$91,300
Dumpster License	724	\$39,800
Rodent Control	268	\$24,100
Building Code Tickets	253	\$624,500
Snow/Ice Commercial	222	\$38,500
Food Code	180	\$19,500
Other (<i>encapsulates the below rows</i>)	250	\$58,680
Multiple Category	110	\$22,255
STR	63	\$18,900
COVID	26	\$6,900

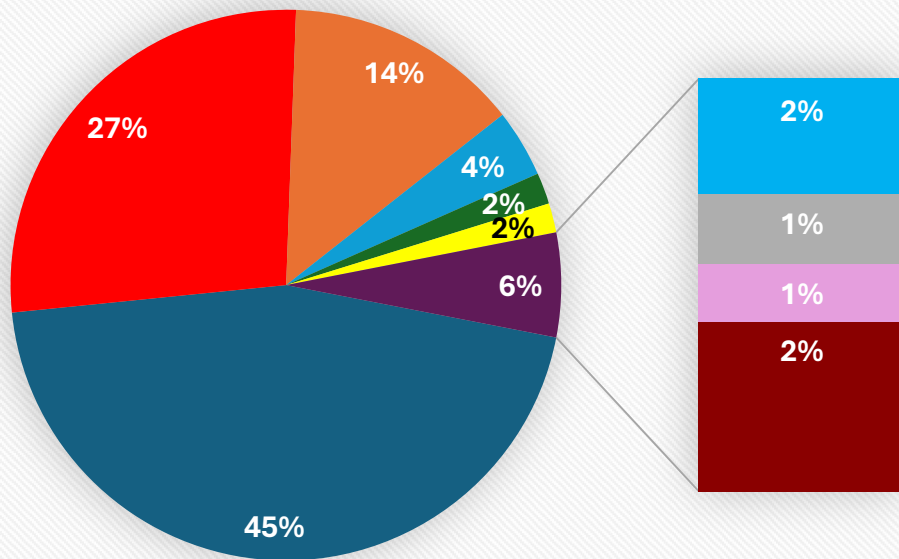
Construction Dumpsters	12	\$2,900
Noise	11	\$2,100
Unregistered Vehicles	10	\$2,600
Zoning	5	\$1,100
Sidewalk Trash	3	\$75
Water Run Off	3	\$900
Shopping Cart	2	\$200
Feeding or Baiting Animals	2	\$50
Demo Review	2	\$600
Smoking	1	\$100

Number of Tickets Issued



- Residential Trash ■ Commercial Trash ■ Overgrowth
- Snow/Ice Residential ■ Dumpster License ■ Rodent Control
- Building Code Tickets ■ Snow/Ice Commercial ■ Food Code
- Other

Tickets by Fine Amount



- Residential Trash
- Building Code Tickets
- Commercial Trash
- Snow/Ice Residential
- Overgrowth
- Dumpster License
- Snow/Ice Commercial
- Rodent Control
- Food Code
- Other

ATTACHMENT B – Laws, Ordinances, and Regulations Under ISD

ISD - Health

State Sanitary Code Regulations, including:

- 105 CMR 410.000: Minimum Standards for Human Habitation
- 105 CMR 123.000: Tanning Facilities
- 105 CMR 435.000: Minimum Standards for Swimming Pools and Specialized Pools
- 105 CMR 460.000: Lead Poisoning and Prevention Control
- 105 CMR 590.000: Minimum Sanitation Standards for Food Establishments; FDA's 2013 Food Code as amended by 2015 *Supplement*

Permits for Removal and Transportation of Refuse (M.G.L. c.111, s.31A.)

Bakeries and Bakery Products (M.G.L. c. 94, s. 2-10)

Frozen Desserts and Frozen Dessert Mix (M.G.L. c. 94, s. 65G-65U)

Milk Inspectors (M.G.L. c.94, s.33 and s.40.)

310 CMR 7.00 Air Pollution Control (7.10: U Noise)

Investigation of Nuisances (MGL c. 111 s. 22)

ISD - Building

2015 International Residential Code, as amended by the 9th edition of the Massachusetts State Building Code (780 CMR)

2015 International Existing Building Code, as amended by the 9th edition of the Massachusetts State Building Code (780 CMR)

2015 International Building Code, as amended by the 9th edition of the Massachusetts State Building Code (780 CMR)

The following specialized codes are incorporated into the Massachusetts State Building Code:

- 2006 Architectural Access Board Regulations (521 CMR)
- 2023 National Fire Protection Association 70A Electrical Code, as amended by 527 CMR 12.00 Massachusetts Electrical Code
- Massachusetts Uniform Plumbing Code (248 CMR 10.00)
- 2021 International Energy Conservation Code, as amended by 2023 Massachusetts Stretch Energy Codes (225 CMR 22.00 and 225 CMR 23.00) with specialized code appendices CC and RC
- 2015 International Mechanical Code

Somerville Zoning Ordinance

ISD - Weights & Measures

Massachusetts General Laws Chapter 98 (Weights & Measures), including the following:

- Municipal Standards (MGL c. 98 Sec 5)
- Sealing and testing of meters for measuring liquefied petroleum gas (MGL c. 98 Sec 28A)
- Testing of taximeters (MGL c.98 Sec 45)
- Examination and testing of automated retail checkout systems (MGL c. 98 Sec 56D)

202 CMR 5.00 Unit Pricing and Automated Retail Checkout Systems

202 CMR 7.00 Price Disclosure

National Institute of Standards and Technology Handbook 44: Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices

National Institute of Standards and Technology Handbook 130: Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality

Other

In addition, ISD is charged with enforcement, at times in conjunction with other departments, for the following sections of the Somerville Code of Ordinances (SCO):

- Biotechnology Research (Chapter 6, Article IV)
- Deceptive Advertising Practices Of Limited Services Pregnancy Centers (Chapter 6, Article VI.)
- Posting of Name and Address of Owner or Agent (Sec. 7-1)
- Feeding or Baiting Animals (Sec. 3-3)
- Historic Preservation (Sec. 7-27, 7-28)
- Condominium Conversion (Sec. 7-71)
- University Accountability (Sec. 7-155)
- Short Term Rentals (Sec. 7-254)
- Housing Stability Notification Act (Sec. 7-286)
- Operating Hours (Sec. 8-7)
- Plastic Bags Regulations (Sec. 8-11)
- Carnivals, Concerts, Circuses & Other Entertainment & Amusement (Sec. 8-14)
- Amusement Devices, Video Games, Pinball Machines (Sec. 8-15)
- Junk Dealers & Junk Shop (Sec. 8-63, Sec. 8-72)
- Hawkers & Peddlers (Sec. 8-86)

- Transient Vendor (Sec. 8-99)
- Open Air Vending (Sec. 8-114)
- Garages (Sec. 8-169)
- Bottle Redemption Centers (Sec. 8-204)
- Fortune Tellers (Sec. 8-350)
- Mobile Food Vendors (Sec. 8-368)
- Vegetation and Wood on Private Property (Sec. 9-56)
- Repairing and Storing Motor Vehicles on Public and Private Property (Sec. 9-57)
- Graffiti Removal (Sec. 9-67)
- Abandoned refrigerators (Sec. 9-90)
- Expanded Polystyrene Ban (Sec. 9-104)
- Plastic Bags in a Retail Establishment (Sec. 9-105.3)
- Distribution of plastic straws, stirrers and plastic cutlery (Sec. 9-106.2)
- Plastic Bag Recycling (Sec. 9-106.7)
- Article VII, Division 2 - Noise
- Household Trash & Rubbish (Sec. 11-31)
- Commercial Trash (Sec. 11-34)
- Grease Container (Sec. 11-36)
- Disinfection of Refuse Vehicles (Sec. 11-37)
- Rodent Control (Sec. 11-38)
- Removal of Litter from a Retail Parking Area (Sec. 11-39)
- Mandatory Recycling: Separation of Recyclable Materials; Collection of Recyclable Materials; Recycling Plans (Sec. 11-40(c), (d) (e))
- Mandatory Recycling - Collection by Unauthorized Persons (Sec. 11-40(d)(1)d.)
- Trash and Litter Upon Sidewalks (Sec. 11-43)
- Trash Outside of Places of Business (Sec. 11-44)
- Paving and Driveways (Sec. 11-88)
- Street Numbering (Sec. 11-109)
- Vacant Property Notification (Sec. 11-111)
- Stormwater Runoff (Sec. 11-145)
- Antilittering (Sec. 12-3)
- Sidewalk Snow and Ice Removal (Sec. 12-8) - Residential dwelling (as defined in Sec. 11-31(b)(23)) - four or more dwelling units; commercial establishment (as defined in Sec. 11-31(b)(7))
- Snow or Ice Generally Prohibited from Being Placed in Street (Sec. 12-9)
- Projections Over Street/Sidewalk (Sec. 12-14, 12-15)
- Awnings (Sec. 12-16)
- Obstacles in streets or sidewalks overnight (Sec. 12-18)
- Parking Lot Sweeping Hours (Sec. 12-20.1)
- Any Violation of the Ordinance Regulating Billboard and Other Forms of Alcohol Advertising (Sec. 12-25)
- Construction Dumpsters (Sec. 12-77)
- Shopping Carts (Sec. 12-89)
- Shopping Cart Violations (Sec. 12-99)

- Tree Preservation (Sec. 12-100, et seq.)
- Vulnerable Road Users (Sec. 12-122)
- Taxicab (Sec. 13-6)
- Body Art (Appendix D, Sec 200-2000)
- Removal or Transportation of Garbage (Appendix D)

Items for which ISD is listed as an enforcer on the distribution table in SCO Sec 1-11, but which are predominantly enforced by another department, have been removed.

ATTACHMENT C - VACANT PROPERTY REGISTRATION APPLICATIONS & TICKETS

VACANT PROPERTY REGISTRATION APPLICATIONS

Permit#	Permit Type	Address
VAP21-000001	Vacant/Abandoned Property Registration Form	17-19 Washington Ter
VAP21-000002	Vacant/Abandoned Property Registration Form	1167 BROADWAY
VAP21-000004	Vacant/Abandoned Property Registration Form	40 EVERETT AVE
VAP23-000001	Vacant/Abandoned Property Registration Form	76 FRANKLIN ST
VAP23-000002	Vacant/Abandoned Property Registration Form	58 HINCKLEY ST

1167 BROADWAY

Ticket#	Issue Date	Issue Dept	Violations	Violation Short Description	Total Fine
66036	08/09/2017	ISD Health	SCO 11-034	COMMERCIAL TRASH REMOVAL	65
71470	07/03/2018	ISD Health	SCO 11-034	COMMERCIAL TRASH REMOVAL	65
78285	10/09/2019	ISD Health	SCO 11-034	COMMERCIAL TRASH REMOVAL	65
81418	06/30/2020	ISD Health	SCO 11-034	COMMERCIAL TRASH REMOVAL	65
89878	08/17/2022	ISD Health	SCO 11-034	COMMERCIAL TRASH REMOVAL	65
96648	11/01/2023	ISD Health	SCO 11-034	COMMERCIAL TRASH REMOVAL	65
97297	12/13/2023	ISD Health	SCO 11-031 (2ND OFF)	RESIDENTIAL TRASH 2ND OFFENSE	100
97470	12/27/2023	ISD Health	SCO 11-034 (3RD-MORE)	COMMERCIAL TRASH REMOVAL-3RD OFFENCE OR MORE-PER DAY	300
97997	01/23/2024	ISD Health	SCO 11-034 (3RD-MORE)	COMMERCIAL TRASH REMOVAL-3RD OFFENCE OR MORE-PER DAY	300
98217	02/06/2024	ISD Health	SCO 11-034 (3RD-MORE)	COMMERCIAL TRASH REMOVAL-3RD OFFENCE OR MORE-PER DAY	300
98614	03/06/2024	ISD Health	SCO 11-034 (3RD-MORE)	COMMERCIAL TRASH REMOVAL-3RD OFFENCE OR MORE-PER DAY	300
98742	03/13/2024	ISD Health	SCO 11-034 (3RD-MORE)	COMMERCIAL TRASH REMOVAL-3RD OFFENCE OR MORE-PER DAY	300
98874	03/19/2024	ISD Health	SCO 11-034 (3RD-MORE)	COMMERCIAL TRASH REMOVAL-3RD OFFENCE OR MORE-PER DAY	300
99261	04/09/2024	ISD Health	SCO 11-034 (3RD-MORE)	COMMERCIAL TRASH REMOVAL-3RD OFFENCE OR MORE-PER DAY	300
Dept Total		14			2590
Total		14			2590

40 EVERETT AVE

Ticket#	Issue Date	Issue Dept	Violations	Violation Short Description	Total Fine
H7533			SCO 11-031	RESIDENTIAL TRASH	50
H7615			SCO 11-031 (2ND OFF)	RESIDENTIAL TRASH 2ND OFFENSE	100
64695	05/25/2017	ISD Health	SCO 11-031	RESIDENTIAL TRASH	50
71304	06/20/2018	ISD Health	SCO 09-056 (WARNING)	VEGETATION & OVERGROWTH PROJECTION INTO SIDEWALK-Warning	0
81994	07/22/2020	ISD Health	SCO 09-056	VEGETATION AND OVERGROWTH PROJECTION INTO SIDEWALK	25
82229	08/04/2020	ISD Health	SCO 09-056	VEGETATION AND OVERGROWTH PROJECTION INTO SIDEWALK	25
83475	10/19/2020	ISD Health	SCO 09-056 (2ND OFF)	VEGETATION & OVERGROWTH PROJECTION INTO SIDEWALK-2ND OFF.	35
86003	10/07/2021	ISD Health	SCO 09-056	VEGETATION AND OVERGROWTH PROJECTION INTO SIDEWALK	25
86016	10/07/2021	ISD Health	SCO 09-056	VEGETATION AND OVERGROWTH PROJECTION INTO SIDEWALK	25
87964	03/03/2022	ISD Health	SCO 12-008	SNOW/ICE REMOVAL RESIDENTIAL	100
96464	10/20/2023	ISD Health	SCO 09-056 (WARNING)	VEGETATION & OVERGROWTH PROJECTION INTO SIDEWALK-Warning	0
Dept Total		11			435
Total		11			435

76 FRANKLIN ST

Ticket#	Issue Date	Issue Dept	Violations	Violation Short Description	Total Fine
87579	02/15/2022	ISD Health	SCO 12-008	SNOW/ICE REMOVAL RESIDENTIAL	100
Dept Total		1			
Total		1			

58 HINCKLEY ST

Ticket#	Issue Date	Issue Dept	Violations	Violation Short Description	Total Fine
H8136			SCO 11-031	RESIDENTIAL TRASH	50
64398	05/11/2017	ISD Building	780 CMR 110.7 Certificate of Inspection	Certificate of Inspection Required	100
65237	06/23/2017	ISD Health	SCO 11-031	RESIDENTIAL TRASH	50
66409	08/31/2017	ISD Building	780 CMR 110.7 Certificate of Inspection 2nd Offense	Certificate of Inspection Required 2nd Offense	500
68375	12/26/2017	ISD Health	SCO 12-008 (isd health)	SNOW/ICE REMOVAL/RESIDENTIAL	50
79788	01/22/2020	ISD Health	SCO 12-008 (isd health)	SNOW/ICE REMOVAL/RESIDENTIAL	50
Dept Total		4			200
Dept Total		2			600
Total		6			800