

**CITY OF SOMERVILLE
ORDINANCE NO. 2010 –
IN THE BOARD OF ALDERMEN:**

WHEREAS, the majority of property owners in Somerville take diligent and good care of their properties;

WHEREAS, at times individuals violate provisions of the Building Code, Fire Code or Sanitation Code;

WHEREAS, the City seeks to encourage compliance by providing opportunity for the violation to be remedied while at the same time holding violators accountable when/if they fail to remedy the violation, now,

Therefore, be it ordained by the Board of Aldermen in session assembled, that the Code of Ordinances of the City of Somerville is hereby amended as identified.

1. Chapter 9 Offenses and Miscellaneous Provisions, Section 9 Offenses Against Public Codes is hereby amended to read as follows (additions are underlined and deletions are ~~crossed-out~~):

Sec. 9-131. - Building code.

(a) In order to protect and enhance public health, safety and welfare, to the extent the city is the enforcing authority for violations of applicable provisions of such code, the provisions of Sections 101.0 through 3622.4, of Chapter 780 of the Code of Massachusetts Regulations (780 CMR), as from time to time amended, are hereby incorporated and made a part of this article and any violation of any provision thereof shall constitute a violation of this section.

(b) ~~The penalty for violation of any provision of this article shall be in accordance with section 1-11(b) of the Code of Ordinances.~~ The penalty for failure to comply with an order to correct violations issued under the State Building Code shall be in accordance with section 1-11(b) of the Code of Ordinances. Each day on which a violation exists shall be deemed a separate offense. Nothing in this provision shall be deemed to limit the use of other lawful methods of abating violations of this section, including but not limited to application for equitable relief from a court of law.

Sec. 9-132. - Fire code.

(a) In order to protect and enhance public health, safety and welfare, to the extent the city is the enforcing authority for violations of applicable provisions of such code, the provisions of Sections 1.00 through 50.00, of Chapter 527 of the Code of Massachusetts Regulations (527 CMR), as from time to time amended, are hereby incorporated and made a part of this article and any violation of any provision thereof shall constitute a violation of this section.

(b) ~~The penalty for violation of any provision of this article shall be in accordance with section 1-11(b) of the Code of Ordinances.~~ The penalty for failure to comply with an order

to correct violations issued under the Fire Safety Code shall be in accordance with section 1-11(b) of the Code of Ordinances. Each day on which a violation exists shall be deemed a separate offense. Nothing in this provision shall be deemed to limit the use of other lawful methods of abating violations of this section, including but not limited to application for equitable relief from a court of law.

Sec. 9-133. - Sanitary code.

(a) In order to protect and enhance public health, safety and welfare, to the extent the city is the enforcing authority for violations of applicable provisions of such code, the provisions of Sections 410.000 through 419.00, of Chapter 105 of the Code of Massachusetts Regulations (105 CMR), as from time to time amended, are hereby incorporated and made a part of this article and any violation of any provision thereof shall constitute a violation of this section.

(b) ~~The penalty for violation of any provision of this article shall be in accordance with section 1-11(b) of the Code of Ordinances.~~ The penalty for failure to comply with an order to correct violations issued under the State Sanitary Code shall be in accordance with section 1-11(b) of the Code of Ordinances Each day on which a violation exists shall be deemed a separate offense. Nothing in this provision shall be deemed to limit the use of other lawful methods of abating violations of this section, including but not limited to application for equitable relief from a court of law.

2. Chapter 1 General Provisions, Section 1-11(b) Penalties and Violations is hereby amended to read as follows (additions are underlined and deletions are ~~crossed out~~):

Offense	Fine	Enforcing Personnel
Building Code (Sec. 9-131)	1 st Offense: Warning \$100 2 nd and subsequent offense: \$300	Inspectional services
Fire Code (Sec. 9-132)	1 st Offense: Warning \$100 2 nd and subsequent offense: \$300	Fire
Sanitary Code (Sec. 9-133)	1 st Offense: Warning \$100 2 nd and subsequent offense: \$300	Health inspectors