

**CITY OF SOMERVILLE**  
**ORDINANCE NO. 2019-\_\_\_\_\_**  
**IN CITY COUNCIL: \_\_\_\_\_**

**REGISTRATION AND MAINTENANCE OF VACANT  
BUILDINGS**

Be it ordained by the City Council, in session assembled, that Section 11-111 \_\_\_\_ of the Code of Ordinances of the City of Somerville, is hereby amended by deleting the existing Section 11-111 and inserting the following new Section 11-111.

**Section 11-111. Registration and Maintenance of Vacant Property.**

**A. Purpose.**

The purpose of this ordinance is to protect the welfare and economic vitality of the residents of the City of Somerville by protecting property values, maintaining neighborhood integrity and accessibility, safeguarding against economic property blight, protecting City resources, and ensuring the safe and sanitary maintenance of vacant properties.

**B. Registration.**

(a) In the absence of extenuating circumstances, every owner of a vacant property shall register the vacancy with the superintendent of inspectional services in writing, within 90 days of that property's becoming vacant. If the property has vacant ground floor commercial or industrial space, the vacancy shall also be registered with the director of planning. All registrations must state the owner's name, phone number, and mailing address as well as an emergency local contact, if not the same. None of the required addresses shall be a post office box. This registration shall state the owner's plan for the property. 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 Planning Department and Inspectional Services Department. The Building Inspector will notify Police, Fire, Water and Sewer, and Health Departments of the submitted registration of the vacant building as well as the re-occupancy of the building.

(b) For the purposes of this section, "property" subject to registration shall mean:

(i) any vacant ground-floor commercial unit, regardless of whether other units in the same building or structure are occupied or whether such ground-floor commercial unit is a stand-alone building or structure; or

(ii) a building or structure in which every unit is vacant, regardless of the purpose for which such property is used or has been used. .

(c) "Vacant" shall mean abandoned, empty, uninhabitable, or which is not being used or occupied.

**C. Registration Fee, Failure to Pay.**

(a) A registration fee shall be due and payable at the time of registration.

(b) On or before October 15 of each calendar year, the City shall send a billing statement, setting forth the annual registration fee, to the owner of the vacant property. The annual registration fee shall be set by the City Council pursuant to G.L. c. 40, §22F.

(c) On or before November 15 of each calendar year, the owner of any vacant property shall pay to the City an annual registration to cover the administrative cost of monitoring and ensuring the security and proper maintenance of such building, as identified in said billing statement. Failure to pay the annual registration fee shall be a violation of this ordinance, 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 ordinance, shall constitute a "municipal charges lien" on the property, to be collected in accordance with G. L. c. 40, §58.

**D. Maintenance Requirements.**

(a) The owner of a vacant property must maintain the vacant property 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 property must promptly repair all broken windows, doors, other openings and any unsafe conditions at a vacant property. Boarding up of open or broken windows and doors is prohibited except as a temporary measure, unless the Building Inspector 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 Inspector, any accumulated trash and/or graffiti shall be removed from the property by the owner within seven (7) days. The Building Inspector and/or his designee will document violations. The owner of any building whose utilities have been shut off, shall have those utilities removed or cut and capped to prevent accidents.

(d) The owner of a vacant property must maintain the property free from rats, mice, and other vectors. Upon registration with the city, the owner must provide the superintendent of inspectional services with either a letter or other certification from a Massachusetts state licensed exterminator stating that the inside and outside of the property has been inspected and found to

be free from moderate to severe rodent activity, or documentation that rodent activity or infestation has been discovered and appropriate baiting or other abatement measures have occurred or will occur within thirty days of registration. These abatement measures must take place for a period of at least two weeks, or until rodent activity on the property has ceased, whichever time period is longer. Six months after this initial inspection, and every six months thereafter while the property remains vacant, the owner must provide the Superintendent of Inspectional Services with documentation that the property has been re-inspected and either found to be free from rodent activity or that appropriate abatement measures have been taken, as defined above.

All windows, doors, exterior walls, foundations, basements, cellars, crawlspaces, and interior spaces on the property shall be maintained in a sound condition, free from cracks, holes, breaks, gaps, loose boards, and all other conditions that allow for rodent entry and harborage on the property. The property shall remain free from all dead or overgrown vegetation, junk, trash, lumber, boxes, and large debris, or any material that may provide food or harborage for rodents.

(e) Compliance with this ordinance shall not relieve the owner of any obligations set forth in any other applicable ordinance, regulation, codes, covenant conditions or restrictions and/or association rules and regulations. In case of a conflict with this ordinance, the stricter of the rules and regulations shall apply.

(f) Notwithstanding the foregoing, the superintendent of inspectional services shall enforce all other state and federal statutes and regulations pertaining to the maintenance of buildings.

#### **E. Inspections.**

The Building Inspector, 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 ordinance for compliance, as authorized under the terms of the registration form filed with the Building Inspector and Director of Planning. The Building Inspector shall have the discretionary authority to disconnect utilities immediately if a potential hazard that may be dangerous to life and limb is present.

#### **F. Violations and penalties; enforcement.**

Violations of the provisions of this section are subject to a penalty in accordance with section 1-11. Each day that such owner fails to comply with this section shall constitute a separate offense.

#### **G. Unsafe buildings.**

If the Building Inspector determines the building to be unsafe, the Inspector 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.

**H. 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.

APPROVED:

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President  
City Council