

**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, some property owners allow their property to be maintained in a status that can provide locations for infestations of rodents, vermin, or dangerous insects, or allow hazardous trees to remain on their properties;

WHEREAS, some property owners allow inoperable or unregistered vehicles to remain on their properties for extended periods of time when can become a health or safety hazard;

WHEREAS, the City needs appropriate regulations to ensure that properties are maintained in a manner that does not contribute to infestations of rodents, vermin or dangerous insects, or as health or safety hazards, 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, Article 4 Offenses Against Property, Section 9-56 Nuisances on Private Property is hereby amended to read as follows (additions are underlined and deletions are ~~crossed out~~):

Section 9-56. —Weeds and Grass on Sidewalks.

Section 9-56. Vegetation and Wood on Private Property.

Section 9-56(a) Weeds and overgrowth on or abutting public property.

~~(a)~~—No person in control of any property abutting a sidewalk or public right of way shall allow to remain uncut any overgrowth of grass, shrubs, ~~planted therein by the city nor suffer to remain any overgrowth of grass~~ and weeds growing in or around such sidewalk or public right of way.

Section 9-56(b) Vegetation on private property.

All persons in control of property shall maintain such property free of vegetation that is or may reasonably become infested with rodents, vermin, other dangerous insects or other animals, conceal pools of stagnant water conducive to the breeding of mosquitos, or create a fire hazard.

Section 9-56(c) Wood stored outside on private property.

No person in control of property shall store, place, or permit to be stored or placed any wood out of doors in a manner which may reasonably provide rodents or other animals with harboring places. All wood stored outside on a property that is not actively used in construction shall be raised off the ground by at least one foot.

Section 9-56(d) Decayed or hazardous trees.

No person in control of any property shall allow to remain any decayed, dead, or hazardous trees or tree limbs potentially injurious to the public health and safety or property.

Section 9-56(e) Penalty.

~~(b)~~ Whoever violates any of the provisions of this section shall be fined in accordance with Section 1-11. Each day that a violation exists shall be considered a separate offense.

2. Chapter 9 Offenses and Miscellaneous Provisions, Article 4 Offenses Against Property, Section 9-57 Repairing Automobiles on Public Property is hereby amended to read as follows (additions are underlined and deletions are ~~crossed out~~):

Section 9-57. – Repairing and Storing Motor Vehicles ~~Automobiles on Public and Private Property.~~

Section 9-57(a) Repairing automobiles on public property.

No person shall repair, restore or maintain any vehicle on any street or on any public property.

Section 9-57(b) Unregistered motor vehicles on private property.

No person, firm, or corporation shall store, place or permit to be stored or placed, any unregistered motor vehicle on private property located in the City for more than ninety (90) days. No more than one unregistered motor vehicle may be stored, placed, or permitted to be stored or placed at any time. This ordinance shall not apply to the storage of motor vehicles within an enclosed building or to a person licensed under G. L. c. 140, s. 59.

Section 9-57(c) Inoperable motor vehicles.

No person, firm, or corporation shall store, place, or permit to be stored or placed, any inoperable motor vehicles on private property located within the City of Somerville. For purposes of this Article, "inoperable motor vehicle" means any motor vehicle which, for a period of at least seven (7) days, is incapable of being driven under its own motor power, including, but not limited, to where the engine, wheels, windshields, or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged, or otherwise so treated, but shall not include: 1) Any motor vehicle that is kept within a building when not in use; 2) A motor vehicle on the premises of a place of business licensed under G. L. c. 140, s. 59.

Section 9-57(d) Storage of Boats, Trailers and Recreational Vehicles.

One recreational vehicle, boat or utility trailer less than nine feet in height and less than 20 feet in length, may be stored outside of a building on any lot containing a dwelling unit. The recreational vehicle, boat or trailer must be located not closer to the street than the existing front facade of any dwelling unit on the property. The recreational vehicle, boat or trailer must also not be stored within the required side yard and rear yard setbacks as referenced in the Somerville Zoning Ordinance. The recreational vehicle, boat or trailer must be sight-screened from the street and abutting properties by solid fencing at least six feet in height. The recreational vehicle shall not be used or occupied for living, housekeeping, or business purposes. All such recreational vehicles, boats or trailers shall be kept in good repair and must comply with all other City ordinances concerning nuisances and abandoned vehicles.

Section 9-57(e) Penalty.

Whoever violates any of the provisions of this section shall be fined in accordance with Section 1-11(b). Each day that a person, firm, or corporation violates this ordinance shall be deemed a separate offense.

3. 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.

4. 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
Cutting of Grass on Sidewalks <u>Vegetation and Wood on Private Property (Sec. 9-56)</u>	<u>1st Offense: \$25</u> <u>2nd Offense: \$50</u> <u>3rd and subsequent offense: \$100</u>	Police; commissioner of public works, inspectional services, health inspectors
Repair of Automobiles on Public Ways <u>Repairing and Storing Motor Vehicles on Public and Private Property (Sec. 9-57)</u>	<u>1st Offense: \$50 \$100</u> <u>2nd Offense: \$150 \$200</u> <u>3rd & subsequent offense: \$300</u>	Police; commissioner of public works, inspectional services, health inspectors
Building Code (Sec. 9-131)	<u>1st Offense: Warning \$100</u> <u>2nd and subsequent offense: \$300</u>	Inspectional services
Fire Code (Sec. 9-132)	<u>1st Offense: Warning \$100</u> <u>2nd and subsequent offense: \$300</u>	Fire
Sanitary Code (Sec. 9-133)	<u>1st Offense: Warning \$100</u> <u>2nd and subsequent offense: \$300</u>	Health inspectors