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CITY OF SOMERVILLE
ORDINANCE NO. 2016-____
In Board of Aldermen _____

Be it ordained by the Board of Aldermen, in session assembled, that Section 11-105 of the Code of Ordinances of the City of Somerville is hereby amended as follows:

Section 11-105(a) is amended by adding the following provision:

“(4) a dust control plan that the Superintendent of Buildings determines is appropriate to protect the health and well-being of the surrounding neighborhood,”

Section 11-105(c)(5) is deleted in its entirety and replaced with the following language:

“(5) Revised date of demolition. If actual demolition will occur more than one week later than the proposed date of demolition, but less than forty five days from the proposed date of demolition, the applicant: shall post a revised notice stating the demolition date and time in a publicly visible place on the property subject to demolition for at least seven days prior to the revised demolition date; shall deliver a new notice to all abutting property owners as detailed in subsection (c)(1) via certified mail with return receipt requests and hand deliver or place a notice setting forth the revised demolition date and time on the abutting properties so as to be clearly seen by the occupants at least seven days prior to the revised date of demolition and; shall notify the ward alderman and the inspectional services department at least 48 hours prior to the revised date of demolition. An affidavit of compliance shall be submitted to inspectional services attesting to compliance of proper notice to abutting property occupants. An affidavit of compliance or certified mail return receipts shall be submitted to inspectional services regarding proper notice to abutting property owners. In the event that the actual demolition will occur more than forty five days after the proposed demolition date, the applicant must file new documentation pursuant to the entirety of Sec. 11-105.”

Approved:

President
Board of Aldermen

Sec. 11-105. - Demolition of buildings.

- (a) No permit to demolish any structure which is within 30 feet of another structure shall be issued by the superintendent of the building department unless the applicant meets the following minimum conditions precedent:
- (1) Provide with the fire department for a fire detail;
 - (2) Deposit with the fire department a sum of legal tender equal to the estimated cost of the fire detail;
 - (3) Compliance with the requirements of the board of health, division of highways, division of electric lines and lights, division of engineering and division of waterworks shall be provided by written acknowledgement of compliance as the superintendent of buildings deems necessary.
- (b) The fire department must provide written acknowledgement to the superintendent of the building department of compliance with the provisions of subsections (a)(1) and (a)(2) of this section.
- (c) *Notification of demolition.* No permit to demolish any building or structure in its entirety, or more than 25 percent of a building or structure excluding interior only demolition, shall be issued by the superintendent of inspectional services until the following notification has been provided by the applicant for the demolition permit:
- (1) *Written notice to abutting property owners and residents.* The applicant must give written notification of his or her demolition application to residents of abutting property; to owners of all property within 300 feet of the lot on which demolition is proposed; or, in the case of a structure with a gross floor area of 500 square feet or less and a height of 15 feet or less, to owners of all property within 100 feet of the lot; and to the ward alderman. The notification must be mailed by certified mail with return receipt at least seven days before the demolition permit is issued and should state the proposed date, time and manner of demolition. An affidavit of compliance or certified mail return receipts must be submitted to the inspectional services department before the demolition permit may be issued.
 - (2) *Post the application on the premises.* The applicant is responsible for ensuring that notice of proposed demolition is posted continuously in a publicly visible place on the property subject to demolition for at least seven days prior to the issuance of the demolition permit. Such notice shall be on a form prepared by the inspectional services department.
 - (3) *Post the application in city hall.* The applicant, through the city clerk's office, shall post notice of proposed demolition in city hall for at least seven days prior to the issuance of the demolition permit.
 - (4) *Definition of owner and resident.* For the purpose of identification in providing notice, owners shall be those persons as they appear on the most recent tax list maintained by the city assessor, and residents shall be those persons as they appear in the most recent city listing as maintained by the city election commission.
 - (5) *Revised date of demolition.* If actual demolition will occur more than one week later than the proposed date of demolition, the applicant shall post a revised notice stating the demolition date and time in a publicly visible place on the property subject to demolition for at least 48 hours prior to demolition, and shall also notify the ward alderman and the inspectional services department at least 48 hours prior to demolition.

- (6) *Emergency demolition.* The above notification requirements may be waived by the superintendent of inspectional services in the event of an emergency demolition of an unsafe structure in conformance with the regulations of the State Building Code 780 CMR, sections 123.0 and 124.0 regarding unsafe structures and emergency measures.

(Code 1963, § 8-44; Ord. No. 1992-1, 2-27-92)

Cross reference— Demolition and fire details, § 5-8; demolition and fire details, § 5-36; demolition review ordinance, § 7-28.