

TOWN OF BRIDGEWATER

OFFICE OF THE TOWN COUNCIL



Rules & Procedures Committee Meeting

Committee Members:

*Aisha Losche, Chair
District 1 Councilor*

*Timothy Fitzgibbons, Member
District 2 Councilor*

*William Wood, Member
District 6 Councilor*

Location: Academy Building
66 Central Square
Room 201B
Bridgewater, MA

Date & Time: Tuesday, August 15, 2017
7:30 p.m.
Agenda

- A. Call to Order
- B. Approval of Minutes
 - June 26, 2017
- C. Measures Referred:
 - Charter Changes Review
 - Order O-2016-027: Acceptance of Changes to the Bridgewater Home Rule Charter
 - Ballot Question
 - Ordinance D-2017-001: Amend General Ordinances – Vacant and Abandoned Property
- D. Public Comment
- E. Adjourn

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Bridgewater Town Council

In Town Council, Tuesday, June 27, 2017

Council Order: O-2016-027

Introduced By:	Councilors Aisha Losche and William Wood
Date Introduced	November 15, 2016
First Reading:	November 15, 2016
Second Reading:	May 9, 2017
Third Reading:	June 27, 2017
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Order #O-2016-027

ACCEPT CHANGES TO BRIDGEWATER'S HOME RULE CHARTER

Ordered that, that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to adopt the changes set forth in the following document, "Town of Bridgewater's Home Rule Charter with Changes Noted" and submit these changes to the Town Charter to the Legislature with all due speed.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Rules & Procedures • Referred back to Rules & Procedures – 5/9/17	• 5/2/17: Vote 3-0 recommend to full council with amendments. • Meet 6/26/17: Will provide updated disposition to full council.



Bridgewater Town Council

In Town Council, Tuesday, March 21, 2017

Council Ordinance: D-2017-001

Introduced By:	Councilors Edward Haley, Kevin Perry, Peter Colombotos
Date Introduced:	January 10, 2016
First Reading:	January 10, 2017
Second Reading:	March 21, 2017
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2017-001

AMEND GENERAL ORDINANCES RELATIVE TO VACANT AND ABANDONED PROPERTIES

ORDERED that pursuant to Article II, Section 2-2 of the Bridgewater Town Charter; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater General Ordinances, Part III, Chapter 1, Article II. Non Criminal Enforcement of Violations by adding the following:

Chapter 1

Article II. Non Criminal Enforcement of Violations

Section 3. Schedule of Fines

Ch. 180. Problem Properties, Article I	First offense \$50.00, Second Offense \$100, Third offense \$200.00, Fourth and Following Offenses \$300
Ch. 180. Problem Properties, Article II	First and Following Offenses \$50

And vote to amend the Bridgewater General Ordinances, Part III, Chapter 180, Article I Registration of Vacant and Abandoned Properties by deleting it in its entirety and replacing it with the following:

Chapter 180. Problem Properties

Article I. Nuisance and Vacant or Abandoned Building Ordinance

Section 1. Purpose and Intent

Vacant structures and abandoned properties are visual eyesores and have a detrimental impact on the economic viability of the corresponding commercial districts. Often vacant storefronts and abandoned properties attract illegal activity, including criminal havens, squatting, vandalism, and dumping. Illicit activity suppresses surrounding property values, deters potential patrons from frequenting commercial corridors, makes investment less attractive, and places undue service burdens on Town departments. The Police Department, Fire Department, and the Department of Public Works expend resources by routinely responding to abandoned commercial properties and vacant storefronts to remove trespassers, clean up graffiti, secure buildings, and remove illegally discarded refuse and debris.

Therefore, it is the purpose and intent of this section to secure vacant and abandoned buildings and eliminate nuisances in the Town of Bridgewater. Nuisances including dilapidated buildings, overgrowth, debris, trash, stagnant pools of water, structures with defective weather protection, and vacant or abandoned buildings cause and contribute to blight and decay within residential neighborhoods and commercial areas of the town and adversely affect the property values for adjacent and surrounding property. Such nuisances on property also impair the public health and safety of residents

and visitors. This ordinance is intended to further the objectives of, and to act in concert with, any existing state or local laws regulating, prohibiting, preventing and mitigating the impacts of nuisances.

Section 2. Definitions

“Abandoned” means a property that is vacant, or under current notice of default or trustee’s sale, pending tax lien or tax sale, or subject to foreclosure sale whereby title is retained by deed beneficiary, or notice of trustee’s sale, pending the Treasurer’s sale, or properties that have been subject to foreclosure sale or properties transferred under a deed in lieu of foreclosure.

“Commercial Building” means any improved or unimproved real property or portion thereof that is designated or permitted for commercial enterprise, residential rental, leased, industrial use, wholesale, retail, business or professional purposes as designated in the Use Regulations. This definition includes any real property used for such purpose, whether or not it is legally permitted or zoned for commercial use.

“Dilapidated” means a condition or state of decay, deterioration, or having fallen into ruin especially through neglect or misuse. A property or structure in this state shows visible signs of substantial physical distress, including, but not limited to: boarded or broken windows or doors, fire damage, exposure to the elements, susceptibility to unauthorized entry, overgrown vegetation, graffiti, or dumping or accumulations of detritus.

“Evidence of vacancy” means any condition, or combination of conditions, indicating a state of vacancy. Such conditions may include, but are not limited to: overgrown or dead vegetation; accumulation of mail, newspapers, circulars or flyers; disconnected utilities; accumulation of trash, debris, or junk; broken or boarded up windows or doors; the absence of furnishings or merchandise consistent with an ongoing concern; the presence of graffiti or squatters.

“Public Nuisance” or “Nuisance” means an unreasonable activity or condition that is harmful, or a disturbance, to the general public, including circumstances posing a harm to public health, are contrary to public safety or threaten general welfare. In general, a pervasive nuisance promotes criminal activity, results in code violations, and precipitates increased deployment of Town resources.

“Owner” means any person, co-partnership, corporation, fiduciary or trust having a legal or equitable title, recognized interest in, or otherwise owns, possesses, manages, or controls any real property. Generally the Owner is sufficiently identified by the name and address appearing in the records of the Assessor.

“Secure” means measures to secure a property or otherwise render a property inaccessible to unauthorized persons. Securing a property may include, but is not limited to: repairing or boarding windows, doors or other openings; repairing or installing fences or gates; and chaining or padlocking gates or doors.

“Vacant” means any condition or situation whereby a property, building or structure is unused, unoccupied or otherwise empty for a period exceeding 30 calendar days. Vacant shall describe a condition or state of a property whether taken in whole or in part.

Section 3. Minimum Property Standards.

All property in the Town of Bridgewater shall be maintained in accordance with the following property standards:

1. Generally. All property, whether occupied or vacant, shall be maintained in good repair and a safe and sanitary condition as provided herein, so as to not cause, or contribute to, the creation of a hazard or blighted area or to affect adversely the public health and safety or property value of adjacent or surrounding property.
2. Vegetation. All property shall be maintained in a condition which would not reasonably lead to an area becoming infested with rodents, vermin, or other animals, concealing pools of stagnant water, or creating a fire safety hazard. All property shall be kept in a manner which does not pose a hazard to the health and safety of any person in the vicinity of the property, including any persons traveling on any portion of any public way, or any surrounding property.
3. Structures. All structures, including any buildings, fences, storage sheds, garages, or any element thereof shall be maintained in a structurally sound condition and in good repair, including proper weather protection and waterproofing, and shall be maintained in a condition so as to not cause or contribute to creation of a fire safety

hazard. All property shall be maintained free of extensive peeling, flaking, or chipped paint. All property with siding shall be maintained in a weather resistant and watertight condition.

4. Accumulation of Trash, Rubbish or Debris. All property shall be maintained in a clean and sanitary manner and free from accumulations of litter, rubbish, trash or other debris, except in closed receptacles intended for such use.
5. Pools of Stagnant Water. All property shall be maintained to prohibit the formation of stagnant pools of water, that may adversely affect the public health by attracting and harboring mosquitoes and other insects.

Section 4. Vacant and Abandoned Properties Exclusions

For purposes of this Section, a building shall not be considered vacant or abandoned if:

- (1) There is a valid building permit for repair, rehabilitation, or construction of a vacant structure and the owner completes the repair, rehabilitation, or construction within one year from the date the initial permit was issued, unless the building permit is extended or renewed allowing additional time to complete the repair, rehabilitation, or construction of the structure; or
- (2) The owner or leaseholder of a vacant structure or property has filed an application for, and is actively seeking to, obtain authorization permits or a license required by state or local law thereby permitting the lawful use and occupancy of the structure or property; or
- (3) The commercial property complies with all provisions of state and local law, does not create a nuisance, is ready for occupancy, and the owner provides evidence that the commercial property is actively being offered for sale, lease, or rent. Satisfactory evidence shall include, but is not limited to, evidence that the owner has hired a real estate agent or other rental agent who advertises and promotes the commercial property for rent, lease or sale, or the owner provides proof that the commercial property is offered for sale on the Multiple Listing Service or any other comparable real estate listing service

Section 5. Removal of Nuisance

It shall be unlawful for the owner of any property in the Town to violate any one or number standards contained in Minimum Property Standards and any such property in violation shall be deemed to be a public nuisance. The Building Inspector, the Health Agent, the Police Chief, or the Fire Chief, or any of their respective designees, shall declare the property a public nuisance and order the property owner to remove the nuisance within ten (10) calendar days after service of notice of the violation. Such notice shall be served in accordance with MGL c. 111, § 124 and MGL 143 §9. The notice shall contain the following information:

- (1) The street address and description of the property sufficient for identification of the property.
- (2) A statement that the property has been declared a public nuisance because of the presence of a nuisance on the property.
- (3) A concise description of the conditions on the property that have lead to the determination that the property is a public nuisance.
- (4) A statement that the nuisance shall be removed from the property within ten days from service of the notice and that if the owner fails to remove the nuisance within the time frame specified that the owner will be in violation of this ordinance and subject to the penalties described therein.

Section 6. Violations

1. If the owner fails to remove a documented nuisance within the time frame provided, the Town or its agent may enter the property and remove the nuisance and the owner shall reimburse the Town for any expense incurred for such removal. The sum so expended may be recovered by the Town as provided in the General Laws Chapter 111 § 125, or Chapter 143§9, or in an action of contract by the Town against the owner.
2. Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.
3. In addition to the penalties set forth above, the Health Agent, the Building Inspector, or the Fire Chief may seek an injunction from a court of competent jurisdiction to restrain any violation of this section.
4. This section shall not be enforced against the Town or the Commonwealth of Massachusetts, its authorities, departments, or agencies.

And vote to adopt Bridgewater General Ordinances, Part III, Chapter 180, Article II Graffiti on Private Property as follows:

Article II. Graffiti on Private Property

Section 1. Purpose and Intent

It is the purpose and intent of this section to eliminate graffiti. Graffiti on buildings, walls, signs, and other structures or places or other surfaces causes and contributes to blight within neighborhoods and commercial districts of the city and constitutes a public nuisance. Graffiti impairs public health and safety and degrades the value, condition, or appearance of real or personal property and contributes to the general deterioration of property and business values for adjacent and surrounding property. The purpose of this ordinance is to provide the city with enforcement tools to eliminate graffiti on private property and to impose penalties upon private property owners who fail to remove graffiti from their property in a timely manner. This ordinance is not intended to supersede any existing vandalism and anti-graffiti state laws.

Section 2. Definitions

The following words and phrases, when used in this section, shall have the following meanings:

“Graffiti” means the intentional painting, marking, scratching, coloring, tagging or other defacement of any property without the consent of the owner.

“Person” means any individual, voluntary association of individuals, business, entity, organization whether incorporated or not.

“Owner” means any person who owns, manages or controls any property and shall be sufficiently identified by the name and address appearing in the records of the Assessor.

“Property” means any land, building, structure of real property, including any fixtures attached thereto, or any personal property located within the Town of Bridgewater.

Section 3. Removal of Graffiti

It is the responsibility of the owner of the property to which graffiti has been applied to promptly remove the graffiti. No owner of property shall allow graffiti to remain on the property for a period of seven days after service of notice of the graffiti from the Building Inspector, Health Agent, or the Fire Chief, or their designees. The notice shall contain the following information:

- (1) The street address and description of the property sufficient for identification of the property;
- (2) A statement that the property has been declared a public nuisance because of the presence of graffiti on the property;
- (3) A concise description of the conditions on the property that have lead to the determination that the property is a public nuisance;
- (4) A statement that the graffiti shall be removed from the property within seven days from service of the notice and that if the owner fails to remove the graffiti within the time frame specified that the owner will be in violation of this ordinance and subject to penalties described therein.

Section 4. Violations

1. If the owner fails to remove a documented nuisance within the time frame provided, the Town or its agent may enter the property and remove the nuisance and the owner shall reimburse the Town for any expense incurred for such removal. The sum so expended may be recovered by the Town as provided in the General Laws Chapter 111 § 125, or Chapter 143 § 9, or in an action of contract by the Town against the owner.
2. Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.
3. In addition to the penalties set forth above, the Health Agent, the Building Inspector, or the Fire Chief may seek an injunction from a court of competent jurisdiction to restrain any violation of this section.
4. This section shall not be enforced against the Town or the Commonwealth of Massachusetts, its authorities, departments, or agencies.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Rules & Procedures • This measure requires advertising, therefore may not be finally considered this evening.	• Meeting 3/21/17. Will provide disposition to full Council.