

§ 42. Nuisances on Property

(a) *Purpose and Intent.* It is the purpose and intent of this section to eliminate nuisances in the city. Nuisances, such as dilapidated buildings, overgrowth, debris, trash, stagnant pools of water, property having defective weather protection and vacant or abandoned buildings, cause and contribute to blight within neighborhoods and commercial areas of the city and adversely affect the property values for adjacent and surrounding property. Such nuisances on property also impair the public health and safety. This ordinance is intended to further the objectives of and to act in concert with any existing state or local laws.

(b) *Property Standards.* All property in the city of Worcester shall be maintained in the accordance with the following property standards:

- (1) *General.* 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 hazardous or blighted area or to affect adversely the public health and safety or property value of adjacent or surrounding property.
- (2) *Overgrowth.* All property shall be maintained free of vegetation over twelve (12) inches high that is or may reasonably become infested with rodents, vermin, or other animals, conceal pools of stagnant water, or create a fire safety hazard. All property shall be kept free of overgrown, decayed, dead, or hazardous trees, shrubs, or any other vegetation that poses 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, 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 the accumulation 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, which may affect adversely the public health by attracting and harboring mosquitoes and other insects.

(c) *Removal of Nuisance.* It shall be unlawful for the owner of any property in the city to violate any one or number of the property standards contained in section (b) and any such property in violation shall be deemed to be a public nuisance. The commissioner of inspectional services, the building commissioner, the director of housing, the director of health inspections or the fire chief shall declare the property a public health nuisance and order the property owner to remove nuisances listed in §42 (b)(2), (b)(4), and (b)(5) within five days and nuisances listed in §42 (b)(1) and (b)(3) within 24 hours, 10 days or five days after service of notice of the violation. Such notice shall be served in accordance with G.L. c. 111, § 124. The notice shall contain the following information:

- (1) the street address and description of the property sufficient for identification of the property.
- (2) statement that the property has been declared a public nuisance because of the presence of a nuisance on the property.
- (3) concise description of the conditions on the property that have lead to the determination that the property is a public nuisance.
- (4) statement that the nuisance shall be removed from the property within either 24 hours, 10 days or five days (depending on type of nuisance as noted above) 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.

(d) *Violations.*

(1) If the owner fails to remove such nuisance within the time frame provided in the section (c), the city may enter the property and remove or caused to be removed the nuisance and the owner shall reimburse the city for the expense incurred for such removal. The sum so expended may be recovered by the city as provided in G.L. c. 111, § 125 or in an action of contract by the city against the owner.

(2) This section may also be enforced by civil process, criminal process or by non-criminal disposition as provided in General Laws, chapter 40, §21D. Each day on which a violation exists shall be deemed to be a separate offense and any person in violation of this section shall be subject to the following fines:

First violation:	\$ 50.00
Second violation:	\$100.00
Third violation:	\$200.00
Fourth and each subsequent violation:	\$300.00

(3) In addition to the penalties set forth above, the commissioner of the department of health and human services, the commissioner of inspectional services, 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 city or the commonwealth of Massachusetts, its authorities, departments, or agencies.

(e) *Definitions.* The following words and phrases, when used in this section, shall have the following meanings:

Nuisance – a failure to satisfy any one or more of the property standards set forth in section (b) herein.

Owner - any person who owns, possesses, manages, or controls any property and shall be sufficiently identified by the name and address appearing in the records of the city assessor.

Property – any land, building, structure of real property, including any fixtures attached hereto, or any personal property located within the city.

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