

City of Worcester

An Ordinance Relative to Nuisances on Property

Chapter 8 § 42.

(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 the nuisance within ten (10) 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) 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.

(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.

§ 43. Graffiti on Private Property

(a) *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.

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

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

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

Owner - 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 city assessor.

Property - any land, building, structure of real property, including any fixtures attached thereto, or any personal property located within the city of Worcester.

(c) *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 commissioner of the department of health and human services, or his or her designee. 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.

(d) *Violations.* This section may be enforced by civil process, criminal process or by non-criminal disposition as provided in General Laws, Chapter 40, § 21D. Any person in violation of this section shall be punished by a fine of not more than twenty-five dollars (\$25.00). Each day on which a violation exists shall be deemed to be a separate offense. The commissioner of inspectional services or his or her designee may seek an injunction from a court of competent jurisdiction to restrain any violation of this section. This section shall not be enforced against the city or the commonwealth, its authorities, departments or agencies.