

Ordinance



City of Revere  
City Council

City Council Order No. 07-22

Date: January 29, 2007

Offered By Councillor Novoselsky

**AN ORDINANCE TO REGULATE AND STIMULATE THE REHABILITATION OF VACANT BUILDINGS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REVERE AS FOLLOWS:

Section 1. Title 8 is hereby amended by adding a new Chapter 8.05 entitled "Regulation of Vacant Buildings." The new Chapter 8.05 shall have the following Sections:

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**Section 8.05.010 PURPOSE**

The City has found that vacant buildings encourage temporary occupancy by transients, drug users and persons engaged in criminal activity; cause surrounding areas to suffer from stagnant or declining property values; and create significant costs to the City by virtue of the need for constant monitoring and occasional cleanup. Accordingly, the purpose of this Ordinance requiring the registration of all vacant buildings, both residential and commercial, is to assist the City government in protecting the public health, safety and welfare of its residents by encouraging the prompt rehabilitation and permanent occupancy of such abandoned structures.

**Section 8.05.020 DEFINITION**

For purposes of this Ordinance, a "vacant" building means any commercial building in which no person or entity actually conducts a lawfully licensed business in such building; or any residential building in which no person lawfully resides in any part of the building; or a mixed use building in which neither a licensed business nor a lawful residents exists. Further, any building in which more than one half of the total exterior windows and doors are broken, boarded or open without a functioning lock shall be deemed "vacant" regardless of occupancy.

### Section 8.05.030 REGISTRATION

Within 45 days of a building becoming vacant, each owner of such vacant building shall register said building with the Department of Municipal Inspections by providing such Department, on a form to be created by such Department, with the name, address and telephone number of each owner of the building, the street address of the building and the map, block and parcel number of such building. If none of the owners are at an address within the Commonwealth of Massachusetts, then the registration shall also include the name, address and telephone number of a person who resides within the Commonwealth of Massachusetts and is authorized to accept service of process on behalf of the owners, and who shall be designated as a responsible local agent, both for purposes of notification in the event of an emergency affecting the public health, safety and welfare and of service of any and all notices issued pursuant to this Ordinance. The failure timely to register a vacant building shall be a violation of this Ordinance.

### Section 8.05.040 REGISTRATION FEES

On or before November 15 of each calendar year, the owners of any vacant building shall pay to the Department of Municipal Inspections a Registration Fee to cover the administrative cost of monitoring and ensuring the proper maintenance of such vacant buildings. The annual registration fee shall be based on the duration of the vacancy as of November 15 of such year according to the following schedule:

\$500.00 – For properties that have been vacant for less than one year.

\$1,000.00 – For properties that have been vacant for one year or more but less than two years.

\$2,000.00 – For properties that have been vacant for two years or more but less than three years.

\$3,000.00 – For properties that have been vacant for three years or more.

A failure to pay timely the Registration Fee shall be a Violation of this Health Code, and the full fee shall be deemed an assessment resulting from a Violation of this Health Code subject to a lien on property to be collected in accordance with Chapter 497 of the Acts of 1991.

#### Section 8.05.050 BILLING STATEMENT

On or before October 15 of each calendar year, the Department of Municipal Inspections shall send a billing statement, setting forth the required Registration Fee, to each owner of a vacant building. However, the Registration Fee set forth in Section 8.05.040 shall be due and payable on November 15 of each year regardless of the delivery or receipt of such billing statement.

#### Section 8.05.060 APPEAL

Any owner assessed a Registration Fee under this Ordinance shall have the right to appeal the imposition of such fee to the Revere Board of Health upon the filing of an application in writing, no later than 15 calendar days after mailing of the Billing Statement. The appeal request shall be accompanied by a \$50.00 non-refundable appeal cost. The appeal shall be limited solely to the issues of whether the building is vacant and how long the building has been vacant. The owner shall have the burden of proof on appeal. Upon the proper filing of an appeal, payment of the Registration Fee shall be stayed pending the outcome on appeal. If the decision is adverse to the owner, the payment shall be due within 10 calendar days of the decision of the Revere Board of Health.

#### Section 8.05.070 OTHER VIOLATIONS

The provisions of this Ordinance are in addition to, and not in lieu of, any and all other applicable provisions of the Revised Ordinances of the City of Revere or any provisions of the regulations and laws of the Commonwealth of Massachusetts.

#### Section 8.05.080 ENFORCEMENT

Any person or entity violating this Ordinance, by failing to register a vacant building, failing to pay the registration fee or otherwise, shall be subject to a fine of up to \$300.00 per offense. Each day that the owner is in violation shall constitute a separate offense. The Health Agent and/or Code Enforcement Officers of the Board of Health shall have the right to enforce this Ordinance pursuant to the Non-Criminal Disposition procedures set forth in Chapter 1.12.

January 29, 2007

ORDERED to a first reading.

January 29, 2007

ORDERED to second reading.

January 29, 2007

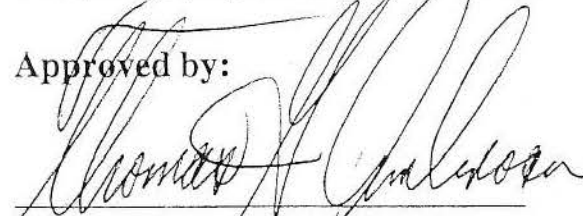
ORDERED to a third and final reading.

January 29, 2007

**ORDERED ENGROSSED AND ORDAINED**  
On a Roll Call: Councillors Casella, Colella,  
Correggio, Goodwin, Guinasso, Haas,  
Novoselsky, Powers, Rizzo, Rotondo and  
Zambuto voting "YES".

Attest: John J. Henry, City Clerk

Approved by:



Mayor Thomas G. Ambrosino

1/31/07

Date

Attest:

  
City Clerk

City Clerk