TITLE 15

BUILDINGS AND CONSTRUCTION

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I. BUILDING AND OCCUPANCY PERMITS

15-1 Building permit issuance--Report to City Council.

A. The Woburn building commissioner shall submit to the City Council by one p.m. on the third Tuesday of every month, the building permits issued by that department during the elapsed time cycle.

B. The following information should be included as a minimum in this report:
   1. Applicant, and address of applicant;
   2. Owner of property, and address of owner;
   3. Planned end use of construction;
   4. Summary of approved construction.
   (Prior Ch. 4, sec.1).

15-2 Publication of weekly list of building permits.

The Woburn building commissioner shall cause to be published in the local newspaper of general circulation a list of building permits issued or denied by that department every week. Said list shall be submitted by ten a.m. on each and every Monday at the newspaper office. (Ord. dated 8/20/84: prior Ch. 4, sec. 1A).

15-3 Occupancy permit--Submittal of copy to fire department.

The building commissioner shall submit a copy to the Woburn fire department, of all occupancy permits issued to industrial, commercial, or mercantile buildings. (Prior Ch. 4, sec. 2).

15-4 Building permit--Removal of gravel or loam fill.

Every application for a building permit shall state thereon the amount of gravel, loam, fill or other earthy material to be removed from the site of the proposed construction. No such permit shall be granted if in the judgment of the building commissioner the amount of gravel, loam, fill or other earthy material to be removed from said site would be excessive and inconsistent with the size of the area upon which the building is to be constructed or excessive and inconsistent with the extent of the related site development and landscaping. (Prior Ch.4, sec. 3).

15-5 Building permit fees.

Building permit fees shall be as follows:

RESIDENTIAL

For construction regulated by 780 CMR – present edition of Massachusetts State Building Code:

$13 per $1000 of estimated Construction Value
Minimum Fee: $30.00

Other: Re-Roof, Siding, Open Decks, Above Ground Pools, Solid Fuel Appliances
$13 per $1000 of estimated Construction Value
Minimum Fee: $30.00

COMMERCIAL

For construction regulated by 780 CMR – present edition of Massachusetts State Building Code:

$13 per $1000 of estimated Construction Value
Minimum Fee: $100.00

ADDITIONAL FEES

Demolition: Commercial	$13 per $1000 of Demo Costs Minimum Fee: $100.00
Demolition: Residential	$13 per $1000 of Demo Costs Minimum Fee: $30.00
Fences:	$13 per $1000 of Material & Installation Costs Minimum Fee: $30.00
Signs:	$4.00 per square foot of signage Minimum Fee: $50.00
Storage Sheds up to 200 sq. ft.:	$13 per $1000 of Construction Value Minimum Fee: $30.00
Tents:	$13 per $1000 Minimum Fee: $30.00
Temporary Certificate of Occupancy:	
Residential:	$30.00 for 30 days
Commercial:	$100.00 for 30 days
Certificate of Inspection Fee:	$100.00
Mobile Home, as a temporary residence Per Section 5.1(7), Note 2, Table of Use Regulations, Woburn Zoning Ordinance:	$100.00

MISCELLANEOUS

1) Building Permit Fees are non-refundable once the permit has issued.
2) Estimated Construction Value: Final determination to be based on Means Cost Data and/or Building Commissioner/Inspector.
3) Any activity commenced without a permit: Applicant/Owner will be subject to

actions allowed per 780 CMR/State Building Code and other remedies at law or equity.

4) When re-inspection is necessary due to violations or work not ready on scheduled inspection date, an additional fee of $50.00 will be paid in advance of inspection.
5) Re-issuance of lost inspection record permit card: $50.00
6) Permit Renewal/Extension: $50.00 per six (6) month extension
7) Inspections that take place outside normal hours: cost per hour, based on minimum established by union contract.

(Ords. dated 9/5/86; 6/19/86: 7/22/83; 5/24/96: Prior Ch. 4, sec. 9; amended 2/11/2009; amended 4/29/2014)

II. ELECTRICAL PERMITS

15-6 Electrical permit fees.

Electrical permit fees shall be as follows:

RESIDENTIAL:

New dwellings - Complete (Including single family, two-family and multi-family)	$150.00 per unit
Complete remodeling	$150.00 per unit
Partial remodeling (additions, etc.)	$50.00
Heating and/or Air Conditioning System	$25.00
Fire Alarm/Security System	$25.00
Pools	$25.00
Service Work: Upgrade or replacement	
for each 100 AMP	$25.00
for each Meter	$25.00
Minimum Fee:	$25.00

COMMERCIAL:

Lighting 120 volts 277 volts	$ 2.00 each
Each 115 volt outlet	$ 2.00 each
Horsepower, K.V.A. or K.W. Ratings as follows:	
1st horsepower or fraction of each add'l. horsepower	$ 2.00 each
K.V.A. or K.W. Rating	$ 2.00 each
Transformers	$ 2.00 per KVA
Generators	$ 2.00 per KW
100 AMP Service	$ 50.00
Each add'l. 100 AMP or portion thereof	$ 25.00

Distribution Centers including:

Motor Control Center, Buss Ducts Sub panels	$ 25.00
Each Meter	$ 50.00
Heating/A.C. Systems	$ 25.00
Signs	$ 30.00
Temporary Service	$100.00
Fire Alarm System: Main Panel	$ 10.00
Municipal Box	$ 10.00
Devices: Including horns, strobes, bells, pull stations, heat and smoke detectors, flow switches, tamper switches	$ 2.00 each
Telephone Systems (per device)	$ 1.00
Communication, Computer Data Systems (per device)	$ 1.00
Security Systems	$ 50.00
Lighting Retrofit System (per fixture)	$ 1.00
Fixed Appliances Equipment and Machinery will be calculated by Name Plate Ratings	$ 2.00 A.K.W.
Demolition Work	$ 50.00
Office Partitions (portable) (per cube)	$ 2.00
Minimum Fee:	$ 30.00

MISCELLANEOUS

1) Permit fees are non-refundable once the permit issues.
2) Permits shall be obtained prior to the start of work.
3) Where the amount of work installed is greater than the amount paid, additional fees will be paid in advance of inspection.
4) When re-inspection is made necessary because of violations of the Mass. Electrical Code, a fee of $50.00 shall be paid for such re-inspection prior to said inspection and approval.
5) Maintenance Permit - $200.00 annual fee required per building for Residential, Commercial & Industrial complexes that employs an electrician to do electrical maintenance. Companies with multiple buildings shall pay a $400.00 annual fee.
6) Any activity commenced without a permit – Applicant/Owner will be subject to actions allowed per 527 CMR/State Electrical Code and other remedies at law or equity.
7) Inspections outside of normal business hours - cost per hour, based on minimum established by Union Contract Agreements.
8) Temporary occupancy $100.00 per 30 days (non-residential)
   Temporary occupancy $30.00 per 30 days (residential)

(Ord. dated 7/22/83: prior Ch. 4, sec. 10: Ord. dated 3/14/89: Ord. dated 5/24/96; amended 10/6/2000; amended 4/29/2014)

III. MOVING OF BUILDINGS

15-7 Permit issuance--Notice to railroad.

A. The superintendent of public works, upon application of a building-mover actually engaged in the business, for a permit to occupy and use portions of the street for the purpose of moving a building, describing the locations from and to which and the route over which the building is to be moved, the length, width and height of the building, and the principal material of its exterior and roof, may issue the permit applied for on a condition, the terms of which shall be those stated in Section 12-16. After notification in writing, by the superintendent of public works to the police chief, conservation commission, the ward alderman, and the aldermen-at-large and if a period of twenty days have passed with no written objections received, the superintendent may issue the requested permit.

B. Whenever it appears that the moving of a building under the provisions of this section, will encumber the tracks of any railroad, said railroad shall be given a written notice of the pendency of such application 48 hours before such permit is issued. (Prior Ch.22, sec. 14(A)).

15-8 Violation--Penalty.

No person shall move, or cause to be moved any building in a public street, in the City, without first having obtained a written permit from the superintendent of public works; and any person who fails to comply with such terms as are set forth in such permit, shall forfeit and pay for every such offense a sum of money, not exceeding two hundred dollars; provided, that in no case shall a permit be granted for the removal of any building whatsoever which in the course of its removal, will be likely to destroy or damage any trees or shrubs, the property of individuals, whether standing in the roads or in the fields, unless the consent of such individuals is first had and obtained. (Prior Ch. 22, sec. 14(B)).

IV. MISCELLANEOUS BUILDING REQUIREMENTS

15-9 Plan of gas line installation.

A. On all installation of gas into buildings used for recreation, public assembly, or multifamily dwellings, the gas company shall show such installation on a plan. This plan shall show the place of entrance into the dwelling and/or structure and the tie-ins by feet and inches shall be recorded on said plan.

B. Also, the turnoff of such gas installation shall be shown on said plan and the tie-ins of said shutoff shall also be so recorded on said plan.

C. A copy of this plan shall be recorded with the fire department, and kept in a book solely for such purpose.

D. It shall be the responsibility of the gas inspector to enforce this section. (Prior Ch. 4, sec. 4)

15-10 Alarm systems--Control of signals.

Alarm systems which emit signals shall be subject to the following regulations:

A. For the purposes of this part, the term "alarm system" means an assembly of equipment and devices or a single device, arranged to signal the presence or detection of an unauthorized intrusion into a premises. The term "alarm user" means any person on whose premises an alarm system is maintained except for alarm systems on motor vehicles.

B. Every alarm user shall submit to the police chief the names and telephone numbers of at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal by an alarm system and who can open the premises wherein the alarm system is installed.

C. Within 6 months from the effective date of the ordinance codified in this part, all present alarm systems which use an audible horn or bell shall be equipped with a device which will shut off the horn or bell within 15 minutes after the activation of the alarm system. All alarm systems installed after the effective date of the ordinance codified in this part shall be equipped with such a device.

D. Any alarm system emitting a continuous and uninterrupted signal for more than 30 minutes and which disturbs the peace, comfort or repose of a neighborhood shall constitute a public nuisance. In the event that the police chief is unable to contact the alarm user or members of the alarm user's family or those persons designated in subsection B of this section, or if the aforesaid persons cannot or will not curtail the signal, he may direct a police officer or a firefighter or a qualified alarm technician to enter upon the property outside the house or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.

E. Failure to abide by the provisions of either subsections B or C shall be punishable by a fine of 50 dollars, with each subsection constituting a separate offense. Maintenance of a public nuisance as defined in subsection D of this section shall be punishable by a fine of one hundred dollars. (Prior Ch. 4, sec. 6).

15-11 Air conditioning systems to have water recirculation system.

All air conditioning units that are of a water-cooled compressor design shall have a water recirculation system. (Prior Ch. 4, sec. 7).

15-12 Installation and use of exhaust system components.

The basic requirements for the design, installation and use of exhaust system components including (1) hoods, (2) grease removal devices, (3) exhaust ducts, (4) dampers, (5) air-moving devices, (6) auxiliary equipment, (7) fire extinguishing equipment for the exhaust system and the cooking equipment used therewith in commercial, industrial, institutional and similar cooking applications shall be as follows:

A. All such installations made in the City shall, upon adoption of the ordinance codified in this part, be made in compliance with the National Fire Protection Association Standard 96, "Standard for the Installation of Equipment for the removal of smoke and grease-laden vapors from Commercial Cooking Equipment."

B. All in-line gas valves shall be of the mechanical type only as referred to in Massachusetts Fuel Gas Code Established under Chapter 737, Acts of 1960, effective February 1, 1975, sec. 4.21. (Prior Ch. 4, sec. 8).

15-13 Plumbing and gas permit fees.

The fees for plumbing and gas permits issued under Chapter 358 of the Massachusetts State Plumbing Code shall be amended to be as follows:

RESIDENTIAL PLUMBING:
$50.00 first fixture; $10.00 each additional fixture

RESIDENTIAL GAS:
$50.00 first fixture; $10.00 each additional fixture

COMMERCIAL PLUMBING:
$100.00 first fixture; $10.00 each additional fixture

COMMERCIAL GAS
$100.00 first fixture; $10.00 each additional fixture

MISCELLANEOUS
1) Permit fees are non-refundable once the permit issues.
2) Permits shall be obtained prior to the start of work.
3) Any activity commenced without a permit – Applicant/Owner will be subject to actions allowed per 248 CMR/State Plumbing Code and other remedies at law or equity.

4) When re-inspection is made necessary a fee of $50.00 shall be paid in advance of such inspection.
5) Inspections outside of normal business hours - cost per hour, based on minimum established by Union Contract Agreements.

(Ord. dated 2/5/85; 01/22/87; 5/24/96; 10/23/98; amended 4/29/2014)

15-14 Security gates, grilles and shutters on storefronts, office buildings and other buildings and/or structures used for commercial purposes

A. Security devices involving gates, grilles or solid shutters designed to limit or block access to the front or sides of storefronts, office buildings or of buildings or structures used for commercial purposes, are prohibited throughout the downtown area of the city of Woburn as identified on the Woburn Zoning Map of the City of Woburn in the Business-Downtown (B-D) zoning district.

B. All security devices involving gates, grilles or solid shutters lawfully in existence on the effective date of this ordinance, shall be maintained in good repair, painted a uniform color and be free from graffiti. Any security device involving gates, grilles or solid shutters exhibiting substantial conditions of deterioration including either rusted finishes, peeling paint, accumulated grime, graffiti, bent, broken or distorted surfaces, if not repaired within ten (10) days after written notice from the City, shall be considered beyond repair, and shall be removed by the owner of the property at his or her own expense upon direction by the City. For purposes of this section, "substantial conditions" shall be considered to be twenty (20%) percent or more of the surface material of the security gate, grille or solid shutter.

C. Nothing in this ordinance shall be construed to prohibit the usage of security gates, grilles or solid shutters in the interior spaces of any shopping mall, storefronts, office buildings or of buildings or structures used for commercial purposes provided that said security gates, grilles or solid shutters are not visible from the exterior of said premises.

D. Each day that a condition exists contrary to the terms of this ordinance shall be considered a separate violation.

(added 7/10/2008)

V. DEMOLITION DELAY – THE PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS

15-15 Intent and Purpose

This Ordinance is enacted for the purpose of preserving and protecting Significant

Buildings within the City which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the City and to limit the detrimental effect of demolition on the character of the City. Through this Ordinance, owners of Preferably Preserved Buildings or Structures are encouraged to seek out alternative options that will preserve, rehabilitate or restore such Buildings or Structures, and residents of the City are alerted to impending demolitions of Significant Buildings. By preserving and protecting Significant Buildings, streetscapes and neighborhoods, this Ordinance promotes the public welfare by making the City a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Commissioner with respect to Demolition Permit applications. The issuance of Demolition Permits is regulated as provided by this Ordinance.

15-16 Definitions

APPLICANT: Any person or entity who files an application for a demolition permit. If the Applicant is not the owner of the premises upon which the Building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

APPLICATION: An application for the demolition of a Building.

BUILDING: A combination of materials assembled, constructed, erected or maintained at a fixed location and placed permanently in or on the ground forming a shelter for persons, animals, or property.

BUILDING COMMISSIONER: The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.

BUSINESS DAY: A day which is not a legal municipal holiday, Saturday or Sunday.

COMMISSION: The Woburn Historical Commission.

DEMOLITION: Any act of pulling down, destroying, removing, dismantling or razing a Building or commencing the work of total or substantial destruction with the intent of completing the same.

DEMOLITION BY NEGLECT - A process of ongoing damage to the fabric, viability and/or functionality of a Building or Structure leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the Building or Structure from pests or

vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures.

DEMOLITION PERMIT: The Building permit issued by the Building Commissioner for a demolition of a Building or Structure, excluding a Building Permit issued solely for the demolition of the interior of a Building or Structure.

PREFERABLY PRESERVED: Any significant Building or Structure which the Commission determines, following a public hearing, is in the public interest to be preserved rather than demolished. A preferably preserved Building or Structure is subject to the twelve month demolition delay period of this Ordinance.

SIGNIFICANT BUILDING or STRUCTURE: Any Building or Structure within the City which is in whole or in part seventy-five (75) years or more old and which has been determined by the Commission or its designee to be significant based on any of the following criteria:

- is listed on, or is within an area listed on, the National Register of Historic Places; or
- has been found eligible for the National Register of Historic Places; or
- is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the City or the Commonwealth; or
- is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of Buildings or Structures.

STRUCTURE: A fixed combination of materials assembled, constructed, erected or maintained at a fixed location and placed permanently in or on the ground for a purpose other than creating shelter for persons, animals or property.

15-17 Procedure

No permit for the demolition of a Building or Structure which is in whole or in part more than seventy-five (75) years old shall be issued without following the provisions of this Ordinance. For the purposes of this Ordinance, if a Building or Structure is of unknown age, it shall be assumed to be older than seventy-five (75) years.

1. An Applicant proposing to demolish a Building or Structure subject to this Ordinance shall file with the Building Commissioner an application containing the following information:

    - The address of the Building or Structure to be demolished.

- The owner's name, address and telephone number.
- A description of the Building or Structure.
- The reason for requesting a Demolition Permit.
- A brief description of the proposed reuse, reconstruction or replacement.
- A photograph or photograph(s) of the Building or Structure.

An application will be considered “complete” only when accompanied by all of the aforementioned materials/information, together with the filing fee.

2. The Building Commissioner shall forward a copy of the completed application to the Commission within seven (7) business days of his/her receipt thereof. The Commission shall within fifteen (15) business days after its receipt of the completed application, make a written determination of whether the Building or Structure is significant.

3. If the Commission determines that the Building or Structure is not significant, the Commission shall so notify the Building Commissioner and Applicant in writing. The Building Commissioner may then issue the Demolition Permit.

4. If the Commission determines that the Building or Structure is significant, the Commission shall so notify the Building Commissioner and the Applicant in writing. No Demolition Permit may be issued at this time. If the Commission does not notify the Building Commissioner within fifteen (15) business days of its receipt of the completed application, the Building Commissioner may proceed to issue the Demolition Permit.

5. If the Commission finds that the Building or Structure is significant, it shall hold a public hearing within forty-five (45) days after the filing of the completed application with the Building Commissioner. The Commission shall give public notice thereof by publishing notice of the time, place and purpose of the hearing in a local newspaper one time at least seven (7) business days before said hearing. A copy of said notice shall be mailed to the Applicant, to the owners of all abutting property as they appear on the most recent tax list, to the Building Commissioner, Planning Board and if applicable, the Conservation Commission.

6. The Applicant shall bear all costs for the publication of notice.

7. If, after such hearing, the Commission determines that the demolition of the Significant Building or Structure would not be detrimental to the historical or architectural heritage or resources of the City, or where less than a complete demolition is being proposed such that the work to be done will not materially diminish its historical significance, the Commission shall so notify the Applicant and the Building Commissioner within ten (10) business days of such

determination. The Building Commissioner may then proceed to issue the Demolition Permit in accordance with applicable law.

8. If the Commission fails to hold a public hearing within forty-five (45) days of the day the completed Application was filed with the Building Commissioner or, if the Commission fails to make a decision within ten (10) business days following said hearing, the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable laws, rules and regulations, issue the Demolition Permit.

9. If agreed to in writing by the Applicant, the determination of the Commission may be postponed.

10. If the Commission determines that the Building or Structure should be Preferably Preserved, the Commission shall notify the Building Commissioner and Applicant in writing. No Demolition Permit may then be issued for a period of twelve (12) months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Commissioner in writing within twenty one (21) days of the public hearing, the Building Commissioner may issue the Demolition Permit.

11. Notwithstanding the preceding sentence, the Building Commissioner may issue a Demolition Permit for a "Preferably Preserved Significant Building or Structure" at any time after receipt of written advice from the Commission to the effect that the Commission is satisfied that bona fide and reasonable efforts have been made to locate a purchaser willing to preserve, rehabilitate and restore the subject Building or Structure, and that such efforts have been unsuccessful or, if the Commission notifies the Building Commissioner in writing that the Commission finds that the intent and purpose of this Ordinance is served even with the issuance of the Demolition Permit or the Building Permit.

15-18 Alternatives to Demolition

A. If the Commission imposes a demolition delay as set forth in Section 15-17 and/or if alternatives to demolition are developed in the public hearing which are acceptable to the Applicant and/or owner, then the Commission is hereby empowered, in its discretion, to enter into an agreement with such Applicant and/or owner providing for such alternatives and a time period for implementation of same.

B. A copy of said agreement shall be filed with the Building Commissioner and any other applicable City agency, and thereafter no work shall be done on the Building or Structure except in accordance with the terms of said agreement

unless and until a new Demolition Permit application is filed and processed hereunder.

15-19 Minimum Maintenance of Significant Buildings/Demolition by Neglect

A. Significant Building or Structure shall be maintained in a weather tight condition so as to prevent water intrusion into any portion of the Building or Structure and to prevent Demolition by Neglect, including but not limited to maintenance of the roofing, siding, windows, doors, trim and other architectural features. Maintenance shall also include the replacement or repair of any structural element or exterior architectural feature that if left unattended would result in further damage or degradation to any element thereof**.**

B. If the Commission has reason to believe, through visual inspection or other means that a Significant Building or Structure may be undergoing Demolition by Neglect then the Commission shall notify the Building Commissioner and the owner. The Commission shall hold a public hearing to determine whether or not the Significant Building or Structure is undergoing Demolition by Neglect. In furtherance of determining its condition, the Commission may, at any time, request an inspection of the Building or Structure by the Building Commissioner. If the Commission determines that the Significant Building or Structure is undergoing Demolition by Neglect, the Commission shall attempt to negotiate a voluntary agreement with the owner for appropriate and timely repairs sufficient to structurally stabilize the Significant Building or Structure and/or prevent further deterioration.

C. In the event that the Commission is unable to negotiate such an agreement with the owner, or the owner has agreed to undertake but has failed satisfactorily to complete such repairs in a timely manner, the Commission shall state in writing the findings of fact in support of such determination of violation of this Section and shall issue and cause to be served upon the owner and/or other parties in interest therein an order to repair within a time to be specified in the written decision those features of the Building or Structure that do not comply with Section 15-19(A)

D. The Commission's determination may be appealed to the Woburn Board of Appeals by, a written application filed by the aggrieved party with the City Clerk within ten (10) business days following receipt of the Commission's order. A hearing on the appeal shall be held within sixty (60) days of the written application.

E. If, after the allotted time period has expired and after the hearing of an appeal, if any, the owner or person with an interest in property has failed to meet the requirements of Section 15-19(A), the City may enter the property, subject to

applicable law, to correct the violations of this Ordinance. The City shall charge the expenses incurred in doing such work or having work done or improvements made to the owner of record of such property. If such work is done or improvement made at the expense of the City then such expenses shall be assessed as a lien on the real estate upon which such expense was incurred. Subject to applicable law, the City is authorized to enter upon private property at all reasonable hours for the purpose of completing the work necessary for correcting the violations of this section. The Commission may forbear from commencing an action in court for any reason.

F. Upon completion of all repairs that have been agreed upon between the owner and the Commission, that have been ordered by the Commission, or that have been ordered by the court, and upon certification by the Building Commissioner that said repairs have been completed, the Commission shall certify that the Structure is no longer undergoing Demolition by Neglect.

G. The Commission may grant a waiver from the requirements of this Section upon a showing of impossibility, or financial hardship, or the occurrence of events beyond the owner's control, or such other circumstances as the Commission may determine.

H. Nothing in this Ordinance shall be construed to require a property to be renovated or restored to original conditions.

15-20 Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of this Ordinance.

The Commission is authorized to adopt a schedule of reasonable fees to be borne by an Applicant to cover the costs associated with the administration of this Ordinance.

15-21 Emergency Demolition

Nothing in this Ordinance shall be construed to prevent the demolition of any Building or Structure or portion thereof which the Building Commissioner shall certify is required by public safety because of an unsafe or dangerous condition. However, the Building Commissioner shall endeavor to notify the Commission of his intention to cause or permit such demolition as early as possible.

15-22 Enforcement and Remedies

The provisions of this Section may be enforced by the Commission or the Building

Commissioner, by noncriminal disposition pursuant to M.G.L. c.40, § 21D. Any owner of a Building subject to this Ordinance that demolishes the Building without first obtaining a demolition permit in accordance with the provisions of this Ordinance shall be subject to a fine of Three Hundred Dollars. Each day the violation exists shall constitute a separate offense until the demolished Building is re-created, restored, rebuilt or otherwise agreed to by the Commission.

The Commission and/or the Building Commissioner are each specifically authorized to institute any and all other actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this Ordinance or to prevent a threatened violation thereof.

If a Building subject to this Ordinance is demolished without first obtaining a demolition permit, no Building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control.

15-23 Historic District Act

Nothing in this Ordinance shall be deemed to conflict with the provisions of the Historic Districts Act, M.G.L. c.40C, with respect to requirements as to notice, a hearing and issuance by a Historic District Commission of a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship prior to demolition of any Building in an historic district, provided, however, that any temporary Building erected or maintained in an historic district pursuant to a certificate issued by the Historic District Commission may be demolished in a manner not inconsistent with the terms of said certificate.

15-24 Severability

In the event that any section, paragraph or part of this Ordinance is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

(added 1/1/2013)

VI. MAINTENANCE OF VACANT PROPERTY

15-25 Intent and purpose

It is the intent of this section to protect and preserve public safety, security, and quiet enjoyment of occupants , abutters and neighborhoods by (1.) requiring all Mortgagee's that have initiated the foreclosure process, to properly maintain vacant , foreclosing or foreclosed property (2.) regulating the maintenance of

vacant, foreclosing and foreclosed residential properties to prevent blighted and unsecured residences.

15-26 Definitions

Mortgagee - the creditor, including but not limited to service companies, lenders in a mortgage agreement, and any agent, servant, or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

Initiation of the Foreclosure process - taking any of the following actions (1.) taking possession of residential property pursuant to MGL c. 244 (2) delivering the mortgagee's notice of intention to foreclose to the borrowers pursuant to MGL c. 244 or (3) commencing a foreclosure action on a property in either the Land Court or Suffolk Superior Court.

Residential Property - any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

15-27 Registration

All Mortgagee's must register vacant, foreclosing and foreclosed residential property with the Building Commissioner on forms provided by The Commissioner. All Registrations must state the Mortgagee's(or their agents) phone number and mailing address located within The Commonwealth as required by MA General Laws 59 sec. 57D and 156D sec 5.02. The Registration must designate and retain a local individual or local property management company responsible for maintenance of the property.

An annual registration fee of $100.00 must be paid until property is sold to third party and no longer vacant.

15-28 Maintenance and Inspections

Properties subject to this section must be maintained in accordance with the relevant sanitary codes, building codes, MA General Laws and local regulations concerning external and or visible maintenance. The Building Commissioner shall have the authority to inspect properties subject to this section and issue citations for any violations. This ordinance shall not prevent the Woburn City Council from Scheduling a nuisance hearing under Ma General Laws c. 139.

15-29 Penalties

Failure to Register with the building commissioner is punishable by a fine of

$300.00. Failure to maintain property is punishable by a fine of $300.00 for each week the property is not maintained.

15-30 Notice

A copy of this ordinance will be mailed to all lenders licensed to do business in the Commonwealth of Massachusetts.

15-31 Severability

If any provision of this ordinance is held to be invalid or unconstitutional by any court, every other section shall continue in full force and effect

[Added 10/3/2008]

VII. STRETCH ENERGY CODE

15-32 Definitions

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the Massachusetts State Building Code will default to IECC 2009 and Massachusetts amendments.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained therein.

15-33 Purpose

The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

15-34 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

15-35 Authority

The City of Woburn, seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR, hereby mandates adherence to this appendix. The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Woburn Municipal Code, as amended.

15-36 Enforcement

The Stretch Code is enforceable by the building commissioner.

(added 3/17/2011)

VIII - NUISANCE CONTROL

I. CONDITION OF PROPERTY

15-37 Purpose

Inadequately maintained residential or commercial/business buildings are at an increased risk for fire, unlawful entry, or other public health and safety hazards. This Ordinance is adopted to protect the health, safety, and welfare of the citizens of Woburn by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and ensuring the safety and sanitary maintenance of all buildings and structure by requiring all property owners, including lenders, trustees and service companies and the like, to properly maintain their respective properties in good repair and in a safe and sanitary condition, and to impose penalties on and collect from property owners and other responsible persons for the nuisances and harm caused by conduct that rises to the level of nuisance activity as provided herein. Nothing herein shall prevent the City from using the authority and procedures in any other provision of the charter, City Ordinance or Massachusetts General Laws.

15-38 Definitions

Blight: Any condition constituting a nuisance as described in Section 15-37 below that seriously impairs the value, condition, strength, durability or appearance of real property, including real property owned or occupied by an Interested Party as defined below.

Building: A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, of a combination of any materials, to form shelter for

persons, animals, or property. See “structure” below.

Premises: Any residence or other private property, place, or location, including commercial or business property.

Dilapidated: A condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to: Property having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows or doors; Property having defective weather protection (such as paint, stain, siding or tarpaulin) for exterior wall covering; deleterious weathering due to lack of such weather protection or other protective covering; Personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise due to deterioration and is unsuitable for the purpose for which designed.

Hazard: A condition likely to expose persons to injury, or property to damage, loss or destruction.

Interested Parties: In connection with the notification requirements of this Ordinance, the Building Commissioner; owner(s) and/or occupants of property which is the subject of a hearing; any known agent of an owner, lessee, or tenant; any known person holding an unrecorded contract for deed, being a mortgagee or vendee in physical possession of the building; owners and/or occupants of property directly opposite the subject property on any public or private street or way, owners and/or occupants of property abutting the subject property, and owners and/or occupants of property abutting such abutting property within 300 feet. Other persons who own or occupy property and who demonstrate to the satisfaction of the Building Commissioner that they are affected by the condition of the property or building that is the subject of a hearing may be regarded as Interested Parties for purposes of this Ordinance.

Nuisance: See Section 15-37 below.

Nuisance Event or Condition: See Section 15-44 below.

Chronic Nuisance Property: Property on which a combination of three or more nuisance events or activities occur or exist during any period of time not to exceed six (6) months;

Occupant: A person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

Owner: Every person entity, service company, or property manager, who

alone or severally with others:

a. has legal or equitable title to any building, structure or property or parcel of land vacant or otherwise;
b. control of any such building, structure or property or parcel of land vacant or otherwise in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, guardian or conservator of the estate of the holder of legal title; or as life tenant;
c. is a lessee under a written lease agreement;
d. is a mortgagee in possession;
e. is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property;
f. is an officer or trustee of the association of unit owners of a condominium;
g. the operator of a lodging house;
h. is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

Structure: A combination of materials, whether wholly or partially level with, above or below, the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter or enclosure such as a building, (see above), framework, retaining wall, stand, platform, bin, fence (having a height at any point of six feet or greater above grade), parking area sign, flagpole, or mast for an antenna or the like.

Vacant Property: Any property that is unoccupied for a period greater than one hundred eighty (180) consecutive days by the person or persons with legal right to occupancy thereof, except for bona fide temporary absences.

Personal service: Service of any Notice required by this Ordinance shall be made:

a. To an Individual: Service by personally handing a copy of the Notice to the intended recipient or by leaving a copy at the intended recipient's residence or place of business with a person of suitable age and discretion, or by leaving at the intended recipient’s last and usual place of abode together with mailing to the same address via first class mail.
b. Upon a domestic corporation (public or private), a foreign corporation subject to suit within the Commonwealth, or an unincorporated association subject to suit within the Commonwealth under a common name: by delivering a copy of Notice, to a managing or general agent, or to the person in charge of the business at the principal place of business thereof within the Commonwealth, if any; or by delivering such Notice to any other agent authorized by appointment or by law to receive service of process, provided that any further notice required by law be given.
c. In the event that the Notice cannot be served as set forth in subparagraphs (b) or (c), Service may be made to an Owner by mailing, first class mail, postage prepaid, to the mailing address on record with the City Assessor’s Office.

Last known address: the address shown on the records of the City Assessor's Office or a more recent address known to the police department. In the case of parties not listed in these records, the last known address shall be that address obtained by the police department after a reasonable search. If no address can be found, such address shall be that of the building in which the nuisance occurred, or was maintained or permitted.

15-39 Nuisances Prohibited

It shall be a violation of this Ordinance to maintain, cause or create a nuisance which substantially interferes with the common interest of the general public in the maintenance of decent, safe, and sanitary buildings or structures that are not dilapidated, and neighborhoods, when such interference results from the hazardous or blighted condition of private property, land or buildings. The fact that a particular structure or use may be permitted under the zoning Ordinance does not create an exemption from the application of this Ordinance. The existence of a nuisance may be demonstrated by any of the following conditions:

a. burned buildings or structures not otherwise lawfully habitable or usable;
b. dilapidated real or personal property;
c. dangerous or unsafe buildings or structures or personal property;
d. overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other nuisances, or which is otherwise detrimental to neighboring properties or property values;
e. dead, decayed, diseased or hazardous trees, shrubs or any vegetation that pose a hazard to the health and safety of any person in the vicinity of the property or which is otherwise detrimental to neighboring properties or property values;
f. vehicles, machinery or mechanical equipment or parts thereof that are located on soil, grass or other porous surfaces that may result in the destruction of vegetation or contamination of soil.
g. accumulation of litter, rubbish, debris or trash;
h. personal property which has been placed for collection as rubbish or refuse in violation of any rule or regulation of the Board of Health, or left in public view for more than three (3) days.
i. the exterior storage or accumulation of junk, trash, litter, bottles, cans, rubbish, or refuse of any kind, except for domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed fifteen (15) days. The term "junk" shall include parts of machinery or motor vehicles, used stoves, refrigerators, or other cast off material of any kind whether or not the same could be put to any reasonable use.
j. the storage of building materials upon residential property unless there is in force a valid building permit issued for construction upon said property and said materials are intended for use in connection with said construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or

cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, nails, screws, steel, or any other materials commonly used in constructing any structure.

k. gravel, rocks, and dirt piles stored by the owner for purposes of construction and/or landscaping and said item(s) remain stored for more than twelve months upon the owner's premises.

15-40 Maintenance of Vacant Properties - Requirements

Owners of vacant properties must fulfill the following minimum adequate maintenance requirements for any such property they own:

a. maintain vacant properties in accordance with the relevant sanitary, building, and fire codes;
b. secure vacant properties so as to prevent unauthorized entry and exposure to the elements;
c. maintain vacant properties in a manner that ensures their external/visible maintenance, including but not limited to the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery, and other landscape features;
d. repair or replace broken windows or doors. The boarding up any doors or windows is prohibited except as a temporary measure for no longer than thirty (30) days; and
e. for properties vacant for six months or more, the utilities must be shut off, removed or cut and capped to prevent accidents.

Compliance with this Section shall not relieve the owner of any applicable obligations set forth in any other code, regulation, covenant condition or restriction, and/or homeowner or condominium association rules and regulations.

15-41 Enforcement

a. The Building Commissioner shall be charged with the enforcement of this Ordinance. If the Building Commissioner shall be informed or have reason to believe that any provision of this Ordinance has been, is being, or is likely to be violated, he shall make or cause to be made an investigation of the facts, including an investigation of the property where the violation may exist. If he finds any violation he shall give immediate notice in writing to the Owner and to the occupant of the premises to immediately cease such violation.
b. In conducting investigations, the Building Commissioner shall coordinate inspections by and among the Board of Health, the Police Chief and the Fire Chief, or their designees, as the Building Commissioner deems appropriate to ensure that this Ordinance is enforced.
c. In making such inspection, the Building Commissioner, and/or the Board of Health, the Police Chief and the Fire Chief, shall have such right of access to

premises that may be lawfully exercised by him under the laws and constitution of the Commonwealth or of the United States.

d. If the Building Commissioner determines that the condition is subject to the jurisdiction of the Board of Health or is a violation of the State Sanitary Code or any health regulation, in addition to enforcing this Ordinance, he shall refer the matter to the Board of Health of the City or any other appropriate state or City officials for action.

e. If, after such notice and order, such violation continues, or if any Owner or Occupant fails to obey an order of the Building Commissioner with respect to any violation of this Ordinance, the Building Commissioner may make complaint to the Superior Court or any court of competent jurisdiction seeking an injunction or order restraining any further use of the premises and the continuation of the violation, and shall take such other action as is necessary to enforce the provisions of this Ordinance. In addition to the foregoing remedy, whoever violates any provision of this Ordinance or fails to obey any lawful order issued by the Building Commissioner in enforcing this Ordinance shall be liable to a fine of three hundred ($300.00) for each violation. Each violation of this Ordinance shall constitute a separate offense. Each day that any such violation continues shall constitute a separate offense.

f. The Building Commissioner may require disclosure to him/her of the identity of the person bringing a complaint of nuisance. The Building Commissioner may require that such complaint be made under oath or subject to the penalties of perjury. If the Building Commissioner determines that a reported condition may warrant immediate action, constitute a substantial violation of this Ordinance, or adversely affect protected interests of others than the complainant, the Building Commissioner may commence action under this Ordinance without requiring the disclosure of the identity of the complainant. During his investigation of the matter, the Building Commissioner may consult, but is not required to do so, with any Interested Party in an attempt to obtain voluntary compliance with this Ordinance without the need to issue a notice of violation.

15-42 Notice to Complainant

In any matter in which a complaint has been made by a person other than the Building Commissioner, the Building Commissioner shall promptly notify the complainant in advance of all conferences or proceedings concerning resolution of the nuisance complaint or of any enforcement action and the complainant shall be allowed to be present and to be heard.

15-43 Other Action

a. The remedies provided herein are in addition to, and not in lieu of, any other remedies that may be available to the City including, but not limited to those remedies available to the City Council as provided in M.G.L. c.139. The City

Council may pursue those remedies before, during, or after any enforcement action pursued by the Building Commissioner. The disposition by the City Council pursuant to M.G.L. c.139 shall not relieve the complainant of any action or fees otherwise imposed or assessed pursuant to this Ordinance.

b. If the Building Commissioner determines the Property to be unsafe, he may act immediately in accordance with the State Building Code to protect public safety.
c. Nothing in this Ordinance shall pre-empt or abrogate the powers and/or duties pursuant to any general statutory authority including, without limitation, M.G.L. c.139, §1 et seq., M.G.L. c.143, §6 et seq., M.G.L. c.148 and the Massachusetts Comprehensive Fire Safety Code as provided in 527 C.M.R.

15-44 Reports by Building Commissioner

The Building Commissioner shall file quarterly with the City Council, (on or before January 15, April 15, July 15 and October 15) a report that shall include all complaints of nuisance made to him during the prior quarter; all proceedings begun by him under this Ordinance; all pending complaints and all investigations and enforcement actions taken by him or referred to the Board of Health. The report shall state the location of the premises, a summary of the nature of the complaint, the name of the Responsible Party(ies), and the disposition or the status of the matter.

II. NUISANCE ACTIVITY

15-45 Nuisance Event or Condition

Nuisance Event or Condition means one or more of the following behavioral incidents occurring or committed within a building or upon premises:

a. Maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public;
b. Actions which result in the arrest for a Crime Against the Person as provided in Massachusetts General Laws Chapter 265, Crimes Against Property as provided in Massachusetts General Laws Chapter 266 and Crimes Against Chastity, Morality, Decency and Good Order as provided in Massachusetts General Laws Chapter 272;
c. Actions which result in arrest for Prostitution or prostitution-related activity committed within the building;
d. Actions which result in arrest for gambling or gambling-related activity committed within the building.
e. Actions which result in arrest for unlawful sale, possession, storage, delivery, giving, manufacture, cultivation, or use of controlled substances committed within the building;

f. Actions which result in arrest for unlicensed sales of alcoholic beverages committed within the building;
g. Actions which result in arrest for unlawful sales or gifts of alcoholic beverages by an unlicensed person committed within the building or unlawful consumption or possession within the building by persons under the age of 21 years in;
h. Actions which result in arrest for unlawful use or possession of a firearm;
i. Activity that creates a substantial disturbance of the quiet enjoyment of private or public property in a neighborhood including, but not limited to, any one or a combination of the activity set forth in Paragraphs a-h, excessive noise and excessive pedestrian and vehicular traffic related thereto, obstruction of public ways or sidewalks by crowds, vehicles, trash or refuse, illegal parking, public urination, the service of alcohol to underage persons, public consumption of alcohol, fighting, disturbances of the peace, and littering.

15-46 Violation

Any property within the city which is a chronic nuisance property is in violation of this section and subject to its remedies

15-47 Notice of Nuisance Event or Condition

In the event the Chief of Police or his designee have determined that a Nuisance Event or Condition exists, has occurred, or is maintained or permitted in a building, or on a property, and that the property constitutes a chronic nuisance property, then he shall provide a written notice, by personal service as provided herein, to the owner and each interested party known to him or her. A copy of the written notice shall be provided to the Building Commissioner. The written notice shall:

a. State that a nuisance event or condition as defined in this ordinance has occurred, or is maintained or permitted in the building, and specify the kind or kinds of nuisance event or condition which has occurred, or is being maintained or permitted;
b. Summarize the evidence that a nuisance event or condition has occurred, or is maintained or permitted in the building, including the date or dates on which nuisance event or condition related activities have occurred or were maintained or permitted, provided, however, that one or more police reports can be used to satisfy this requirement; and
c. State the grounds for the determination that the property constitutes a chronic nuisance including the events or conditions or activities that constitute the three or more nuisance events or activities that occurred during any period of time not exceeding six (6) months;
d. Inform the recipient of the notice that: (i) he or she has thirty (30) days to abate the conduct constituting the nuisance event or condition, and to take steps to make sure that actions constituting a nuisance event or condition will not re-occur; (ii) if, after thirty (30) days from the date of service of the notice, the

nuisance event or condition re-occurs, or actions or conduct constituting a nuisance event or condition take place that the City may assess against the owner and interested parties that were served with the written notice a fine of three hundred ($300.00) for each violation.

15-48 Applicability

a. The property owner shall not be held responsible for any violation and penalties if the property owner is actively pursuing eviction from the premises of a tenant who controlled, organized, sponsored or is/or was otherwise responsible for the nuisance event or condition.
b. Nothing in this Ordinance shall be construed to require or prevent the arrest and/or citation of any person or persons for violations of federal, state or local laws or Ordinances.
c. The provisions of this section are enforceable independent of any provisions of the Woburn Municipal Code.

15-49 Penalty and Enforcement

Violations of this Ordinance shall be subject to a fine of three hundred ($300.00) for each violation. Each violation of this Ordinance shall constitute a separate offense, and each day that any such violation continues shall constitute a separate offense. The Police Chief and his designee, and any Woburn Police Officer shall have authority to enforce the provisions of this title. Any alleged violation of this Ordinance may, in the sole discretion of the enforcing agent, be made the subject matter of noncriminal disposition proceedings commenced by such agent in accordance with M.G.L. c.40, §21D.

15-50 Reports by Police Chief

The Police Chief shall file quarterly with the City Council, (on or before January 15, April 15, July 15 and October 15) a report that shall disclose all Nuisance Event or Condition proceedings begun by him under this Ordinance. The report shall state the location of the premises, a summary of the nature of the Nuisance Event or Condition, the name of the Responsible Party(ies), and the disposition or the status of the matter.

15-51 Lien

The provisions of Title 3, Municipal Lien Charges, of the Woburn Municipal Code shall apply to unpaid fees assessed pursuant to this article.

(added 12/20/2012)
[Note: Title 8 numbering amended 5/19/2016]