



THE CITY OF LEOMINSTER

In the year two thousand and fourteen

AN ORDINANCE

amending Chapter 4 of the Revised Ordinances entitled "Buildings."

Be it ordained by the City Council of the City of Leominster,
as follows:

Chapter 4 of the Revised Ordinances entitled "Buildings" is hereby amended by inserting a new Article as follows:

Article V. Registration and Maintenance of Foreclosed Properties

Sec. 4-13. Purpose; Enforcement Authority

- (1) Unsecured and un-maintained foreclosed properties present a danger to the safety and health of the public, occupants, abutters, neighbors, and public safety officers. It is the purpose and intent of this ordinance to protect and preserve public safety, health, welfare and security, and the quiet enjoyment of occupants, abutters and neighbors, and to minimize hazards to the public safety personnel inspecting or entering such properties by:
 - a. Requiring all residential, commercial, and industrial property owners, including lenders, trustees and service companies, to register and maintain foreclosed properties with the City of Leominster; and by
 - b. Regulating the maintenance and security of foreclosed properties to help prevent blighted and unsecured properties.
- (2) The Director of the Health Department of the City of Leominster, the Fire Chief or their designee is empowered to enforce this ordinance.

A TRUE COPY ATTEST

Lynn A. Borchard
CITY CLERK
CITY OF LEOMINSTER

Read once and

adopted as presented.. A hearing was set for October 27, 2014 at 7:00 P.M.

October 14, 20 14

Steph M. Bouchard
City Clerk

Published in Leominster Enterprise

October 20, 20 14

Steph M. Bouchard
City Clerk

Read a second time and

adopted as presented and passed to be ordained.

October 27, 20 14

Steph M. Bouchard
City Clerk

Approved as to form

October 7 20 14

John Dombrowski
City Solicitor

Approved,

October 30, 2014

[Signature]

Mayor

Published in Leominster Enterprise

October 30, 20 14

Steph M. Bouchard
City Clerk

PUBLIC NOTICE

CITY OF LEOMINSTER CITY COUNCIL

PUBLIC HEARING

In accordance with Section 3-9 of the Leominster City Charter, the Leominster City Council will hold a Public Hearing on Monday, October 27, 2014, at 7:00 P.M. in the City Council Chambers, 25 West Street, Leominster, Massachusetts, relative to amending Chapter 4 of the Revised Ordinances entitled "Buildings" by inserting a new Article V relative to the Registration and Maintenance of Foreclosed Properties.

At the regular meeting of the City Council, October 14, 2014, ordinance read once, adopted as presented, and ordered published.

Per Order, Legal Affairs Committee:

John Dombrowski,

Chairperson,

Lynn A. Bouchard,

City Clerk

October 20, 2014

Public Notice

Public Notice

THE CITY OF LEOMINSTER

In the year two thousand and fourteen

AM ORDINANCE Entitled "Chapter 4 of the Revised Ordinances Entitled "Buildings"

Be it ordained by the City Council of the City of Leominster, Massachusetts, as follows:

Chapter 4 of the Revised Ordinances entitled "Buildings" is hereby amended by inserting a new Article as follows: Article V. Registration and Maintenance of Foreclosed Properties

Sec. 4-13. Purpose: Enforcement Authority

(1) Unsound and unimproved foreclosed properties present a public danger to the safety and health of the public, occupants, visitors, neighbors, and public utility officers. It is the purpose and intent of this ordinance to protect and preserve public safety, health, welfare and security and to eliminate hazards to the public safety, persons, property, and to enforce such provisions by:

- a. Regulating all residential, commercial and industrial property owners, including lenders, business and service companies, to register and maintain foreclosed properties with the City of Leominster; and by
- b. Regulating the maintenance and security of foreclosed properties of the registered foreclosed and unimproved properties.

(2) The Director of the Health Department of the City of Leominster, the City Clerk or their designee is empowered to enforce this ordinance.

Sec. 4-14. Definitions

When used in this ordinance, the following terms shall have the following meanings, unless a contrary intention clearly appears:

- (1) "Vacant" means a residential, commercial or industrial building which has not been actively used or occupied within the preceding sixty days. This definition does not include buildings that are unoccupied while undergoing renovations or while undergoing repairs due to fire or other casualty, or residential buildings that are temporarily vacant due to seasonal absences.
- (2) "City" means the City of Leominster.
- (3) "Director" means the Director of the Health Department of the City of Leominster or the Fire Chief or their designee.
- (4) "Days" means consecutive calendar days.
- (5) "Foreclosed" means residential, commercial or industrial property placed as security for a real estate loan, as to which all rights in the mortgage or the grantee in this property have been terminated, as a result of a default of the loan.
- (6) "Secession" means the process by which a property placed as security for a real estate loan, is being recovered by a mortgagee in detail of said loan.
- (7) "Local" means within twenty miles of the property in question.
- (8) "Mortgagee" means the creditor, including but not limited to service companies, lenders in a mortgage agreement, or any successor in interest and/or assignee of the mortgagee's legal interest or obligations under the mortgage agreement.
- (9) "Owner" means every person, entity, service company, property manager or real estate broker, who alone or severally with others has legal or equitable title to any property or has been charge or control of any property in any capacity, including but not limited to agent, executor, successor, administrator, administrator, trustee or guardian of the estate of the holder of legal title, or mortgagee, possessor of any such property, or an agent, trustee or other person appointed by the court and vested with possession or control of any such property, or an officer or trustee of any association or unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards and bylaws were

Sec. 4-14. Definitions

When used in this ordinance, the following terms shall have the following meanings, unless a contrary intention clearly appears:

- (1) "Vacant" means a residential, commercial or industrial building which has not been actively used or occupied within the preceding sixty days. This definition does not include buildings that are unoccupied while undergoing renovations, or while undergoing repairs due to fire or other casualty, or to residential buildings that are temporarily vacant due to seasonal absences.
- (2) "City" means the City of Leominster.
- (3) "Director" means the Director of the Health Department of the City of Leominster, or the Fire Chief or their designee.
- (4) "Days" means consecutive calendar days.
- (5) "Foreclosed" means a residential, commercial or industrial property, placed as security for a real estate loan, as to which all rights of the mortgagor or his grantee in the property have been terminated as a result of a default of the loan.
- (6) "Foreclosing" means the process by which a property, placed as security for a real estate loan, is being recovered by a mortgagee for default of said loan.
- (7) "Local" means within twenty miles of the property in question.
- (8) "Mortgagee" means the creditor, including but not limited to service companies, lenders in a mortgage agreement, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.
- (9) "Owner" means every person, entity, service company, property manager or real estate broker who alone or severally with others has legal or equitable title to any property or has care, charge or control of any property in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or mortgagee in possession of any such property; or is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he/she

were the owner. However, this ordinance shall not apply to a condominium association created pursuant to M.G.L. c. 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association. "Owner" also means every person who operates a rooming house or is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

(10) "Property" means any residential, commercial or industrial property or portion thereof, located in the City of Leominster, including but not limited to buildings and structures situated on the property; excepted from this definition is any and all property owned by the City, the state, or the federal government.

(11) "Residential Property" means any property that contains one or more units used, intended, or designed to be occupied for living purposes.

Sec. 4-15. Registration

(1) All owners of foreclosed properties shall register such properties with the Director on forms provided by the Director within seven days of the date of foreclosure. If the owner is an out-of-state corporation, person, or other entity, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this ordinance.

- a. Each registration must state the owner's or agent's name, telephone number and mailing address located within the Commonwealth of Massachusetts including name of owner, street number, street name, city or town, and zip code; the mailing address shall not be a post office.
- b. Each registration must also certify that the property has been inspected by the owner and must identify whether the property is vacant. Each registration must designate a property manager, who shall be a local individual or local property management company responsible for the maintenance and security of the property. This designation must state the individual or company's name, direct telephone number, and local mailing addresses shall not be a post office box. The property manager shall be available twenty-four hours per day, everyday, by telephone

and/or electronic mail notification, and shall respond to all notifications from the Director to secure, maintain, inspect or repair the property within twenty-four hours.

- (2) All property registrations pursuant to this section are valid for one calendar year from the date when the registration is received by the Director. An annual registration fee of one hundred dollars (\$100.00) must accompany the registration form. Subsequent registrations and fees are due within thirty days after the date of the expiration of the previous registration.
- (3) Any owner that has registered a property under this section must report any change in information contained in the registration within ten days of the change.
- (4) Once the property is sold, the owner shall provide the Director with written proof of sale.

Sec. 4-16. Maintenance and Security Requirements

- (1) Properties subject to this ordinance must be maintained in accordance with the State Building Code, State Sanitary Code, and City ordinances. The owner or property manager must inspect and maintain the property on at least a monthly basis for as long as the property is vacant.
- (2) The owner shall maintain properties subject to this section, including but not limited to maintaining and keeping in good repair any building(s), structure(s), and improvements, the removal of trash and debris, and the regular mowing of lawns, pruning and/or trimming of trees and shrubbery, and upkeep of other landscape features.
- (3) The owner shall repair or replace broken windows or doors within thirty days of breakage. Boarding up doors and windows is prohibited unless ordered by the City or a court except as a temporary measure for no longer than thirty days.
- (4) In accordance with the state law, including but not limited to Massachusetts General Laws Chapter 143 sections 6 through 10 and the State Building Code, property that is vacant must be safe and must be secured from exposure to the elements and so not to be accessible to unauthorized persons.

- (5) Compliance with this section does not relieve the owner of any applicable obligations set forth in regulations, covenants, conditions, restrictions, and/or homeowner's association rules and regulations.

Sec. 4-17. Inspections

The Director or his/her designee shall have the authority and the duty to inspect properties subject to this ordinance for compliance with this ordinance and to issue citations for any violations. The Director or his/her designee shall have the discretion to determine when and how such inspections are to be made, provided such determination is reasonably calculated to ensure that this ordinance is enforced.

Sec. 4-18. Penalties

- (1) In addition to any other means of enforcement available to the Director, the Director may enforce this ordinance by means of noncriminal enforcement pursuant to Massachusetts General Laws Chapter 40 section 21D. The following penalties are established for purposes of said noncriminal disposition;
- a. A failure to initially register with the Director pursuant to Section C: three hundred dollars (\$300.00).
 - b. A failure to properly designate the name of the local individual or local property management company responsible for the maintenance and the security of the property pursuant to Section C: three hundred dollars (\$300.00) for each violation, and a like penalty for each day's continuation of such violation.
 - c. A failure to maintain and/or to secure the property pursuant to section D: three hundred dollars (\$300.00) for each week during which the property is not maintained and/or not secured in compliance with Section D.
- (2) The penalties provided in this section shall not be construed to restrict the City from pursuing other legal remedies available to the City, including recovery of costs and reasonable attorney fees. Violation of this ordinance shall be subject to a fine not to exceed three hundred dollars for each violation; each day shall be considered a new violation.

Sec. 4-19. Appeals

Any persons aggrieved by the requirements of this ordinance or by a decision issued hereunder may file an appeal for a hearing before the full Board of Health. The hearing shall take place within thirty (30) days of the filing of the appeal. Any person(s) aggrieved by the decision of the Board of Health may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth.

Sec. 4-20. Applicability

If any provisions of this ordinance impose greater restriction or obligations than those imposed by any general law, special law, regulation, ordinance, order or policy, then the provisions of this ordinance shall control.

Sec. 4-21. Severability

If any provision of this ordinance is held to be invalid by a court of competent jurisdiction, then such provisions shall be considered separately and apart from this ordinance's remaining provisions, which shall remain in full force and effect.

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