

CITY OF SOMERVILLE
ORDINANCE NO. 2008-11
IN THE BOARD OF ALDERMEN: June 25, 2008

“MINIMUM MAINTENANCE STANDARDS” ORDINANCE

Whereas, the City of Somerville contains distinctive and historic resources that help make up the city’s special character;

Whereas, the City of Somerville has adopted a Demolition Ordinance that establishes a review process when property owners affirmatively seek to demolish a significant property;

Whereas, on occasion, property owners have failed to maintain their properties and these distinctive resources have been lost even though a demolition permit has not been sought, i.e., “demolition by neglect”;

Whereas, it is in the public’s best interest to establish a process to prevent demolition by neglect and the associated loss of significant buildings; now, therefore,

Be it ordained by the Board of Aldermen, in session assembled, that the Code of Ordinances of the City of Somerville is hereby amended by adding a new section to Chapter 7, Housing, Article II Historic Preservation, as follows (additions are underlined and deletions are crossed out):

Chapter 7. Section 7-29 – Minimum Maintenance Standards.

A. This Section is intended to preserve and protect significant buildings in the City of Somerville in conjunction with the Demolition Review Ordinance and the Ordinance Creating and Protecting Historic Districts.

Exclusions. This ordinance shall not apply to properties in receipt of a residential exemption as determined by the Board of Assessors.

B. For the purposes of this Section and unless the context of usage clearly indicates another meaning, terms and words shall have the meaning given in the Demolition Review Ordinance and the Ordinance Creating and Protecting Historic Districts set forth in Article II, Chapter VII, Sections 7-16 – 7-28 of the Somerville Code of Ordinances

C. No owner or person with an interest in real property that is within a Local Historic District, is on the National Register of Historic Places, or has been determined to be a “significant” building or structure shall fail to preserve or otherwise permit a deterioration or decay of any significant exterior architectural feature, including, but not limited to, balustrades, bargeboards, belt courses, brackets, buttresses, chimneys, corbelling, cornices, cresting, decorative carvings, dentils, finials, gable ends, masonry, pediments, porches, roofing, shutters, siding, spires, stained glass, towers, and window sashes and casings, provided that such deterioration or decay is not otherwise regulated by the state building code. Nothing in this ordinance shall be construed to prohibit a property owner from installing replacement siding.

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

E. Procedure.

1. If any property is suspected of being in deterioration and decay and is potentially “significant”, a duly noticed public meeting shall be scheduled before the Historic Preservation Commission to determine if the property is “significant”. The property owner and direct abutters shall be provided with written notification regarding the public meeting and advised of their ability to provide comment.

2. Historic Preservation Staff shall state in writing the findings of fact in support of such determination of violation of the Minimum Maintenance Standards Ordinance 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 structure that do not comply with Section B. Findings made by the Historic Preservation Staff may be appealed to the Planning Board. To perfect such an appeal, a written application must be filed by an aggrieved party with the Historic Preservation Staff within ten (10) business days following receipt of the order. A hearing on the appeal shall be held within sixty (60) days of the written application.

F. Enforcement. The provisions of this section may be enforced by the Historic Preservation Staff, by noncriminal disposition pursuant to G. L. c. 40, § 21D. Each day on which a violation exists shall be deemed a separate offense. No fine shall be levied in accordance with G. L. c. 40, § 21D unless and until the Historic Preservation Staff sends a written notice to the person responsible for each violation indicating the nature of the violation and ordering corrective action. The notice shall also set forth the time period when corrective measures must be completed. The notice shall state that failure to correct the violation within the specified time period will result in the fines. If after the allotted time period has expired and after the hearing of an appeal, if any, by the Planning Board, corrective action has not been completed, any person, firm, corporation, association or other entity violating any provision of this section shall be punished by a fine of \$100 per day.

G. 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 this ordinance, 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, lot, or lots 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.

H. Severability: In case any section, paragraph or part of this section for any reason shall be declared invalid by any court, every other section, paragraph and part shall continue in full force and effect.

Approved:

President