AVON BUILDING DEPARTMENT
TOWN OFFICES 65 EAST MAIN ST.
AVON, MASSACHUSETTS 02322
Tel: 508-588-0414 Fax: 508-559-0209

ARTICLE X. REGULATING THE SECURITY AND MAINTENANCE OF ABANDONED AND DILAPIDATED BUILDINGS WITHIN THE TOWN OF AVON

SECTION 1 PURPOSE

Abandoned and Dilapidated Buildings encourage blighted and unsecured properties; cause the surrounding neighborhood to suffer from stagnant or declining real estate values; and create significant maintenance and monitoring costs to the Town of Avon.

Accordingly, it is the intent of this Bylaw to protect public health, public safety, security, general welfare and quiet enjoyment of occupants, abutters, and neighborhoods by requiring the registration of all Abandoned and Dilapidated Buildings, as defined herein, and, by doing so, expedite the prompt rehabilitation and permanent occupancy of such buildings.

SECTION 2 DEFINITIONS

ABANDONED AND/OR DILAPIDATED BUILDING. Any residential, commercial or industrial building that is abandoned or where the Owner, by his or her action or inaction, has failed to correct a material health and/or safety condition at or in the building or surrounding premises. Evidence that a building may be abandoned and/or dilapidated includes but is not limited to:

A. Where a building is vacant for a length of time that is inconsistent with its use as a residential, commercial or industrial building; or

B. Where there exists a lack of maintenance and/or a deterioration of a building or grounds which actually or potentially poses a risk to the public health, public safety, security, general welfare and quiet enjoyment of occupants, abutters, and/or neighborhoods; or

C. Where a building is not safe and/or structurally sound or where the building or its interior is otherwise unfit for healthy or safe habitation or access; or

D. Where the structural vandalism of a building remains unrepaired; or

E. Where a lack of maintenance or use and/or a deterioration of the building and/or premises promotes a degradation of the surrounding neighborhood affecting the public health, public safety, security, general welfare and quiet enjoyment of occupants, and abutters; or

F. Where there is no or inadequate response to requests from officials of the Town of Avon for verification of ownership and/or to orders to repair to Property for more than thirty (30) days after issuance of such requests and/or orders; or

G. Where a building shows signs of decay, strewn trash, deterioration, or full or partial ruination through neglect or misuse; or

H. Where any condition(s) independently, or in the context of the totality of circumstances, would lead a reasonable person to believe that a building is vacant and/or occupied by a person without a legal right of occupancy. Such conditions include but are not limited to: (1) overgrown grass (one (1) foot or higher) or noticeable amounts of dead vegetation; (2) accumulation of unclaimed newspapers, circulars, flyers or mail; (3) past due utility notices or disconnected utilities; (4) accumulation of trash, junk or debris; (5) the absence of window coverings such as curtains, blinds or shutters; (6) the absence of furnishings or personal items consistent with residential habitation; (7) a swimming pool in such disrepair that a dangerous condition may exist; and/or (8) documented and confirmed reports by neighbors, passersby, delivery agents, government employees that the building is vacant.

BOARD OF SELECTMEN. The Board of Selectmen of the Town of Avon.

BUILDING INSPECTOR. The Building Inspector of the Town of Avon or his or her designee.

OWNER. Every person, entity, service company, Property manager or realtor, who alone or severally with others: (1) has legal or equitable title to any building, dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or (2) has care, charge or control of any building, dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate; or (3) is a mortgagee in possession of a building and/or premises; or (4) is an agent, trustee, or other person appointed by the court and vested with possession or control of a building and/or premises; or (5) 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 this Bylaw as if he were the Owner); or (6) operates a rooming house; or (7) is a trustee who holds, owns, or controls mortgage loans or mortgage-backed securities transactions and has initiated foreclosure proceedings.

PROPERTY. Any unimproved or improved real Property, or portion thereof, including but not limited to buildings or structures located on said Property, regardless of condition.

THIS BYLAW. ARTICLE X of the Town of Avon's General Bylaws, entitled, "REGULATING THE SECURITY AND MAINTENANCE OF ABANDONED AND DILAPIDATED BUILDINGS WITHIN THE TOWN OF AVON."

SECTION 3 REGISTRATION, FAILURE TO REGISTER, CHANGE OF OWNERSHIP

Within forty-five (45) days of a written notice being given by the Building Inspector or his or her designee that a building is a Abandoned and/or Dilapidated Building, the Owner of such building shall register said building with the Avon Police Department, Avon Fire Department, Avon Building Department and Avon Health Department by providing each department, on a form to be provided by each such department, the name, address, telephone number of the Owner of the building, the street address of the building, and the map, block and parcel number of such building. If the Owner does not have a primary residence in the Commonwealth of Massachusetts or if the Owner is a foreign legal entity, then the registration form 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 Owner and who shall be designated as the Owner's agent for purpose of receiving all notices issued pursuant to this Bylaw.

Failure to register an Abandoned and/or Dilapidated Building shall be a violation of this Bylaw. The Owner of record shall notify each such department, as referred to above, about any changes in ownership of an Abandoned and/or Dilapidated Building subsequent to registration.

SECTION 4 ANNUAL REGISTRATION FEE, FAILURE TO PAY

On or before October 15th of each calendar year, the Town of Avon shall send a billing statement, setting forth the annual registration fee, to the Owner of the Abandoned and/or Dilapidated Building. The annual registration fee shall be set by the Board of Selectmen pursuant to M.G.L. c. 40, § 22F.

On or before November 15th of each calendar year the Owner of any Abandoned and/or Dilapidated Building shall pay to the Town of Avon an annual registration fee to cover the administrative cost of monitoring and ensuring the security and proper maintenance of such building, as set forth in said billing statement. Failure to pay the annual registration fee shall be a violation of this Bylaw, and the full fee shall be deemed an assessment resulting from a violation of this Bylaw. Such fee, and any fines issued for violations of this Bylaw, shall constitute a "municipal charges lien" on the Property on which the Abandoned and/or Dilapidated Building is located, to be collected in accordance with M.G.L. c. 40, § 58.

SECTION 5 SECURITY AND MAINTENANCE REQUIREMENTS

The Owner, as that term is defined herein, shall secure buildings subject to registration pursuant to this Bylaw in such a manner as to prevent access by unauthorized persons, including but not limited to the following: (1) closing and locking of windows, doors (walk-through, sliding and garage), gates, swimming pools and any other opening of such size that it may allow a child to access the interior of the building; (2) re-glazing or boarding of any broken window; and (3) if directed to do so by the Town of Avon, implement additional maintenance and/or security

measures, including installing additional security lighting, increasing the frequency of on-site inspections, employing an on-site security guard(s), disconnecting utilities and removing meter boxes, or implementing other measures as may be required to stop the structural decline of the Abandoned and/or Dilapidated Building and prevent unauthorized entry.

SECTION 6 INSPECTIONS AND POSTING

If the Owner is a corporation and/or does not reside within the Commonwealth of Massachusetts, inspections of the Abandoned and/or Dilapidated Building shall be periodically performed by or on behalf of said Owner to verify that the requirements of this Bylaw and any other applicable laws are being complied with.

The Abandoned and/or Dilapidated Building shall have signage posted, identifying in clear and conspicuous font the name and 24-hour contact phone number of the Owner and/or the duly authorized agent of the Owner. The posted sign shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be legible from a distance of forty-five (45) feet. The post sign shall contain the words:

"THIS PROPERTY MANAGED BY [*add name of Owner or Agent*]" and "TO REPORT PROBLEMS OR CONCERNS PLEASE CALL [*add 24-hour contact phone number*]"

The post sign shall be placed on the interior of a window of the Abandoned and/or Dilapidated Building that faces the main street or secured to the front exterior of the building facing the main street or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the main street but not readily accessible to vandals. Exterior posting must be constructed of, and printed with weather resistant materials.

The Building Inspector, Police Chief, Fire Chief and the Health Agent, or their designees shall have the authority to periodically inspect the exterior and interior of any building subject to this bylaw for compliance. The Building Inspector shall have the discretionary authority to disconnect utilities immediately if a potential hazard is apparent that may be dangerous to life and limb.

SECTION 7 APPEAL

Any person aggrieved by the requirements of this Bylaw may appeal such requirements in writing to the Board of Selectmen. If said administrative appeal involves a registration fee, said administrative appeal shall be made no later than fifteen (15) calendar days after the receipt of the billing statement. The appeal request must be accompanied by a non-refundable appeal cost to be set by the Board of Selectmen pursuant to M.G.L. c. 40, § 22F. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome of the appeal. If, upon appeal of a registration fee, the decision of the Board of Selectmen is adverse to the Owner, the payment of the registration fee shall be due within ten (10) calendar days of such decision.

SECTION 8 OTHER VIOLATIONS

The provisions of this Bylaw are in addition to, and not in lieu of, any and all other applicable provisions of the General Bylaws of the Town of Avon or any provisions of the Zoning Bylaws or any applicable regulations and laws of the Commonwealth of Massachusetts and/or the Town of Avon.

SECTION 9 ENFORCEMENT, FINE

A violation of this Bylaw shall be subject to a fine of Three Hundred Dollars ($300.00) per offense and each day that the violation is outstanding shall constitute a separate offense. The Building Inspector and/or his or her designee shall have the right to enforce this Bylaw pursuant to non-criminal disposition procedures. This Bylaw shall not supersede, preempt or negate any individual department's statutory authority to act independently on such matters.

SECTION 10 SEVERABILITY

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

SECTION 11 NOTICE

A copy of this Bylaw shall be mailed by the Building Inspector to all Owners of Abandoned and/or Dilapidated Buildings located in the Town of Avon.

Required Registration Fee
$300 1 & 2 Family
$450 3+ Family
$500 Commercial & Industrial

Date: _____

Registration
Abandoned or Dilapidated Structures
Refer to the Avon General Bylaw X

Property Address:_____**Assessors Map**_____**Block**_____**Lot**_____

Name of Title Holder: _____

Mailing Address:_____

Phone # : _____**E-mail:** _____

Person to contact in an emergency: _____

Mailing Address: _____

E-mail address:_____**Phone #**_____

Description of Property (ex. single family, multi, commercial) _____

Capacity of facility (maximum occupancy): _____

Fire prevention, detection or suppression equipment in place: Yes _____ **No** _____

Sprinklers_____ **Smoke and heat detectors**_____ **Fire Alarm** _____

Heating by: Oil _____ **Gas** _____ **Electric** _____ **Other** _____

Delivery or service: Ongoing _____ **Cancel/shut off**_____

Name and address of company servicing heating equipment: _____

_____

Date of most recent inspection by Title Holder or Service Company: _____

The registration of the property described above does not relieve the owner/title holder from responsibility to maintain the grounds and structure in compliance with all state and local statutes such as but not limited to Mass. Building Code, Mass Health Codes, Town of Avon General and Zoning Bylaws.

*Signature:*_____ *Date:* _____

Print Name: _____

Return To: Town of Avon Attn: Building Dept 65 East Main St Avon, MA 02322