

AUTHORIZATION TO AMEND THE GENERAL BYLAWS

To see if the Town will vote to amend the General Bylaws of the Town by inserting the following new Bylaw:

Article 10 – Planning and Zoning

Section 8. Registration of Vacant Buildings Required

A. Registration

- (1) Within thirty (30) days of a building becoming vacant, each owner of such building shall register said building with the Town of Spencer's Building Inspector. All registrations must state the owner's name, mailing address, telephone number and e-mail address if the individual has an e-mail address. The mailing address shall not be a post office box.
- (2) If none of the owner(s) has an address within the Commonwealth of Massachusetts, the registration shall also include the name, address, phone number, and e-mail address of a person who resides in the Commonwealth of Massachusetts, who shall be designated as the responsible local agent for purposes of notification in the event of an emergency affecting the public health, safety and welfare, and for service of any and all notices issued pursuant to this chapter.
- (3) The failure to timely register a vacant building shall be violation of this chapter.

B. Registration Fees

- (1) There shall be a one hundred dollar (\$100.00) fee associated with registering vacant buildings. Buildings which are in the process of foreclosure shall not be required to register until a foreclosure deed has been recorded at the Worcester County Registry of Deeds and the building is vacant at the time of recording, at which time the 30-day registration requirement will commence.
- (2) On January first of each year subsequent to initial registration, provided the initial registration has remained in effect at least for one (1) calendar year, there shall be a one hundred dollar (\$100.00) fee to maintain such registration with the Town.
- (3) Failure to timely register or to maintain registration of any vacant building or shall be a violation of this chapter, and a one hundred dollar (\$100.00) fee shall be imposed as a municipal charges lien on the property in accordance with Massachusetts General Laws, Chapter 40, Section 58.

C. Maintenance Requirements

- (1) Properties subject to this section shall comply with 780 CMR 116.2, standards for making buildings safe or secure, and shall be maintained in accordance with all applicable sanitary codes, building codes, and local regulations;
 - (2) The local owner or local agent must inspect and maintain the property on a monthly basis for the duration of the vacancy.
 - (3) The property must contain a posting with the name and twenty-four hour contact phone number of the local owner or agent responsible for the maintenance. This sign must be posted at the front of the property and must be legible and clearly visible from the public way and / or street.
- D. Once the property is no longer vacant or is sold, the owner must provide proof of sale or written notice of occupancy to the Building Inspector.
- E. This section shall be enforced by the Building Inspector, the Health Inspector, the Police Chief, the Fire Chief and / or their designees.
- F. Penalties.
- (1) Each separate offense of this section shall be punishable of a fine of:
 - a. First offense: \$100
 - b. Second offense: \$200
 - c. Third and each subsequent offense: \$300
 - (2) Each violation of any provision of this section shall be considered a separate offense, and each day that any violation continues shall constitute a separate offense.
- G. Upon failure to comply with any order issued under this section, the Town may, in addition to other penalties and actions, bring civil or legal action against the owner to require compliance with the order, including but not limited to seeking a court-appointed receiver for the property in violation.
- H. The imposition of any fine shall not be construed to prevent the enforcement of other laws upon the premises or prevent the initiation of other enforcement measures or penalties. Failure to pay any fine arising from the enforcement of this section shall constitute a debt in favor of the Town. The Town may place a lien on the property for such debt and / or initiate a civil action against the owner in a court of competent jurisdiction to recover the debt.

or take any other action in relation thereto. (*Petition of the Board of Selectmen and Town Administrator*)