



DEPARTMENT OF INSPECTIONAL SERVICES
133 WILLIAM STREET - ROOM 308
NEW BEDFORD, MA 02740

CITY OF NEW BEDFORD

To:

Re: Vacant Building Registration

Dear Sir or Madam:

The City of New Bedford Department of Inspectional Services has determined that you are the owner of the above-referenced vacant building, as defined in Article VIII of Chapter 6 of the City of New Bedford Code of Ordinances (the Vacant Building Ordinance).

Please note that, if you have already registered, the City is updating its records and database. Please fill out the enclosed form and return it regardless of whether you have registered previously.

Pursuant to the Vacant Building Ordinance, this determination is based upon one or more of the following reason(s):

- No person or entity has conducted a lawfully licensed business in this building for at least 45 days.
- No person has lawfully resided in any part of this building for at least 45 days.
- No person or entity has conducted a lawfully licensed business in this building nor has any person or entity lawfully resided in any part of this building for at least 45 days.
- More than one-half of the total exterior windows and doors have been broken, boarded or open without a functioning lock at this building for at least 45 days.

Each owner of a vacant building must register said building with the Department of Inspectional Services within forty-five (45) days of the building becoming vacant. Please complete and return the enclosed Vacant Building Registration Form to the Department of Inspectional Services at the address listed on the form within ten (10) days.

Owners of vacant buildings must pay an annual registration fee to cover the administrative cost of monitoring and ensuring the proper maintenance of such vacant buildings. The annual registration fee is based on the duration of the vacancy as of November 15th of each year. Please see the enclosed Registration Form for the applicable fee.

You are to allow the Department of Inspectional Services access to the above-referenced building in order to determine the extent of compliance with applicable city codes. The Department of Inspectional Services will contact you to schedule the inspection. A \$500.00 inspection fee will be due within 30 days of this inspection.

If your building is boarded, within fifteen (15) days of the time the building it is to be registered you must post a sign no smaller than 2' x 2' and compliant with the city's sign regulations ordinances and providing the following information: the name, address, and telephone number of the owner, and in addition, for buildings which are the subject of a foreclosure action, the name, address, and telephone number of the plaintiff and the plaintiff's attorney, if any, in the foreclosure action. The sign must be placed so that its message is legible from the public way.

Within seven (7) days of a change of the status of this building due to the sale of the building, new occupancy or other circumstance, please notify the Department of Inspectional Services of such change.

If you have any questions regarding this Ordinance or the determination herein, please contact the Department of Inspectional Services at 508-979-1540.

Sincerely,



Danny D. Romanowicz
Department of Inspectional Services



CITY OF NEW BEDFORD

In the Year Two Thousand and Eight

AN ORDINANCE

Amending Chapter 17, Section 17-18, Noncriminal Disposition of Violations of Certain Ordinances, Rules and Regulations

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1. Chapter 17, Section 17-18, Noncriminal Disposition of Violations of Certain Ordinances, Rules and Regulations (j) is hereby amended by adding the following offense:

<u>Section</u>	<u>Subject</u>	<u>Fine</u>
6-150	Failing to properly register vacant building	\$300.00

SECTION 2.

This Ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.

IN CITY COUNCIL, March 13, 2008
 Referred to the Committee on Ordinances. Rita D. Arruda, City Clerk
 IN CITY COUNCIL, October 07, 2008
 Passed to a Second Reading. Rita D. Arruda, City Clerk
 IN CITY COUNCIL, November 13, 2008
 Passed, to be Ordained – Yeas 9, Nays 1 (Councillor Saunders Opposed.)
 Rita D. Arruda, City Clerk
 Presented to the Mayor for Approval November 17, 2008.
 Rita D. Arruda, City Clerk
 Approved November 26, 2008. Scott W. Lang, Mayor
 Publication No. 2400 in the Standard-Times on October 28, 2008.

a true copy, attest:

Rita D. Arruda
City Clerk



City of New Bedford Office of Inspectional Services

OFFICIAL USE ONLY

Tax Map/Lot #: _____

Address: _____

Date Received: _____

Amount Paid: _____

Registration Complete: ___ Y ___ N

Code Insp. Done: ___ Y ___ N

Employee Initials: _____

Vacant Building Registration Form

Office of Inspectional Services, New Bedford City Hall, 133 William Street, Third Floor, New Bedford, MA 02740
Phone: (508) 979-1540, Fax: (508) 961-3143, www.ci.new-bedford.ma.us

Pursuant to the Code of the City of New Bedford §6-140, et seq., Vacant Building Registry and Maintenance.

Please complete & return within forty five (45) days of vacancy to avoid penalties. Must be typed or legibly printed. See below for directions and fees.

1. PROPERTY INFORMATION

Address _____

Square footage of Building _____ Number of Stories _____

Age of Building _____ Most recent Use _____

Sprinkler System ___ Yes ___ No [Operational ___ Yes ___ No / Current Inspection ___ Yes ___ No]

Stand Pipe System ___ Yes ___ No [Operational ___ Yes ___ No / Current Inspection ___ Yes ___ No]

Fire Detection System ___ Yes ___ No [Operational ___ Yes ___ No / Current Inspection ___ Yes ___ No]

Elevator ___ Yes ___ No [Operational ___ Yes ___ No / Current Inspection ___ Yes ___ No]

2. OWNER(S)* OF RECORD

CHECK HERE IF THIS PROPERTY IS OWNED BY MORE THAN 2 OWNERS

* Attach a separate sheet for additional owners or lien holder(s)

If property is jointly owned such as husband and wife, each name must be listed separately below as Owner 1 & Owner 2.

OWNER 1:

_____ **Date of Birth:** ____/____/_____
Last Name First Name MI Jr., III, etc (Month/ Day/ Year)

Street Address City State Zip Code

NATURE OF ADDRESS (Check One): Home () Business ()

PHONE: Home (_____) _____ - _____

Business (_____) _____ - _____

OWNERSHIP TYPE **MUST** be selected: (CHECK ONLY ONE)

() Titleholder () Land Contract Seller () Land Contract Purchaser () Other – Specify _____

PREFERRED MAILING ADDRESS (optional):

PO Box or Street Address City State Zip Code

“Doing Business As” Name (Optional):

CORPORATE OWNERSHIP:

Check One:

Corporation Limited Partnership Limited Liability Company Limited Liability Partnership

Name of Corporation, Limited Partnership, LLC, or LLP (_____) _____ - _____
Business Phone Number

OWNER 2:

_____ **Date of Birth:** ____/____/_____
Last Name First Name MI Jr., III, etc (Month/ Day/ Year)

Street Address City State Zip Code

NATURE OF ADDRESS (Check One): Home () Business ()

PHONE: Home (_____) _____ - _____

Business (_____) _____ - _____

OWNERSHIP TYPE **MUST** be selected: (CHECK ONLY ONE)

() Titleholder () Land Contract Seller () Land Contract Purchaser () Other -- Specify _____

PREFERRED MAILING ADDRESS (optional):

PO Box or Street Address City State Zip Code

“Doing Business As” Name (Optional):

CORPORATE OWNERSHIP:

Check One:

Corporation Limited Partnership Limited Liability Company Limited Liability Partnership

Name of Corporation, Limited Partnership, LLC, or LLP (_____) _____ - _____
Business Phone Number

3. CONTACT PERSON/REGISTERED PROPERTY MANAGER

Name

PO Box or Street Address City State Zip Code

Business Hour Tel. No. _____ Non-Business Hour Tel. No. _____

E-mail _____

4. LIENHOLDER(S)* OF RECORD

Name

PO Box or Street Address City State Zip Code

5. IS THE PROPERTY LISTED FOR SALE? ___ Yes ___ No

If yes, Real Estate Agency Name _____

Address _____ Tel. No. _____

* Attach a separate sheet for additional owners or lien holder

6. VACANT BUILDING PLAN

The owner must submit such other forms as may be required pursuant to the plan checked below. Please check which applies.

- a. **The building is to be demolished.**
- b. **The building is to remain vacant.**
- c. **The building is to be returned to appropriate occupancy or use.**

7. CODE VIOLATION LIABILITY STATEMENT

I, _____, as owner of all properties recorded and listed herein, acknowledge
 (Print Name Please)
 that I will be held liable for violations of the New Bedford Code of Ordinances, State Sanitation Code and State Building Code and for any violation of orders issued to me by the Department of Inspectional Services regarding these properties.

Owners Signature _____

Date ____ / ____ / ____

7. SIGNATURE OF OWNER(S):

The undersigned hereby attests to the above information as accurate. Any falsification may result in the denial or revocation of the certificate of registration for a vacant building and further fines and penalties.

Owner 1 Signature _____ Date: ____ / ____ / ____

Owner 1 Signature _____ Date: ____ / ____ / ____

Officer of Corporation, Limited Partnership, Limited Liability Company or Limited Liability Partnership

Corp, LP, LLC, LLP _____ Date: ____ / ____ / ____

Trust, Estate or Other _____ Date: ____ / ____ / ____

Title of above Signatory _____

Office of Inspectional Services

Vacant Building Registration Form

Office of Inspectional Services, New Bedford City Hall, 133 William Street, Third Floor, New Bedford, MA 02740
Phone: (508) 979-1540, Fax: (508) 961-3143, www.ci.new-bedford.ma.us

DIRECTIONS FOR COMPLETION OF VACANT BUILDING REGISTRATION FORM:

PROPERTY DESCRIPTION – Provide the requested information.

OWNER – Provide the information for the owner or owners of record or a mortgagee in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the premises. Any such person shall have a joint and several obligations for compliance with the provisions of this article. The address must include a street address. A post office box is not acceptable. Provide a home or business telephone number. Include an E-mail address.

CONTACT PERSON/REGISTERED PROPERTY MANAGER – Provide the name of a party who is responsible for maintenance of the property. A “contact person” may be an owner, agent, property manager, or registered property manager. The Code of the City of New Bedford requires appointment of a “registered property manager” for “Owners and lessors, or their respective agents who do not reside or maintain a principal place of business within the Commonwealth of Massachusetts.” The address must include a street address. A post office box is not acceptable. The contact person or registered property manager must be reachable by telephone during business and non-business hours. Include an E-mail address.

LIENHOLDERS -- The names and addresses of all known lienholders (lenders) with a mortgage affecting the property. The address must include a street address. A post office box is not acceptable. Provide a business telephone number.

REAL ESTATE AGENCY. If the property is listed for sale, provide the requested information for the real estate agency.

VACANT BUILDING PLAN --The owner must select one of the three vacant building plans.

SIGNATURE – Must be signed by the owner(s) or authorized representatives.

VACANT BUILDING REGISTRATION FEES

There is a one time Code Inspection Fee of \$500.00 plus the fees outlined below.

On or before November 15th of each calendar year, the owners of any vacant building shall pay to the Department of Inspectional Services a registration fee to cover the administrative cost of monitoring and ensuring the proper maintenance of such vacant buildings. The annual registration fee shall be based on the duration of the vacancy as of November 15th of such year according to the following schedule:

\$500.00	For properties that have been vacant for less than one year
\$1,000.00	For properties that have been vacant for one year or more but less than two

	years
\$2,000.00	For properties that have been vacant for two years or more but less than three years
\$3,000.00	For properties that have been vacant for three years or more

Payment is required at time of registration. Make checks or money order payable to "City of New Bedford".

We thank you for investing responsibly in our community.

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New Bedford, Massachusetts, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 6 - BUILDINGS AND OTHER STRUCTURES >> ARTICLE VIII. - REGULATION OF VACANT BUILDINGS >>

ARTICLE VIII. - REGULATION OF VACANT BUILDINGS

[Sec. 6-140. - Purpose.](#)

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[Sec. 6-142. - Vacant building determination.](#)

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[Sec. 6-150. - Failure to register; enforcement.](#)

[Sec. 6-151. - Funds for the monitoring of vacant buildings.](#)

Sec. 6-140. - Purpose.

The City of New Bedford has found that vacant buildings can become public nuisances and decrease the value of surrounding properties, provide a location for criminal activity, and create significant costs to the city by virtue of the need for constant monitoring and occasional cleanup. Accordingly, the purpose of this article requiring the registration of all vacant buildings, both residential and commercial, is to assist the city government in protecting the public health, safety and welfare of its residents by encouraging the prompt repair, rehabilitation, and subsequent occupancy of vacant properties.

(Ord. of 11-26-08, § 1)

Sec. 6-141. - Definition.

For purposes of this article, a "vacant building" means any commercial building in which no person or entity actually conducts a lawfully licensed business in such building; or any residential building in which no person lawfully resides in any part of the building; or a mixed-use building in which neither a licensed business nor a lawful residence exists. Further, any building in which more than one-half of the total exterior windows and doors are broken, boarded or open without a functioning lock shall be deemed "vacant" regardless of occupancy.

(Ord. of 11-26-08, § 1)

Sec. 6-142. - Vacant building determination.

The commissioner of inspectional services shall evaluate all buildings in the city that are believed to be unoccupied and make a determination for each as to whether the building is a "vacant building" within the meaning of [section 6-141](#) of this article. The determination shall be in writing and shall state the factual basis for the determination. For buildings that are determined to be "vacant buildings", the commissioner shall send notice of the written determination with the factual findings to the last taxpayer of record listed on the most recent City of New Bedford tax roll. Said notice of determination shall be sent both by certified and first-class United States mail, with proper postage prepaid, or otherwise in the manner provided for in M.G.L.A. c. 111, § 124. Failure of delivery shall not excuse a person from complying with this article. The commissioner may personally serve or cause personal service of the notice of determination. Any person making such service shall execute an affidavit attesting to the facts of service. The commissioner shall maintain an affidavit of such mailing for each notice of determination sent.

The notice shall specify a date and time on which the owner shall allow for a code compliance inspection of the interior of the vacant building to determine the extent of compliance with city property, building codes, health, fire, water and sewer codes. The owner shall pay the five hundred dollar (\$500.00) inspection fee to the city within

thirty (30) days of the date scheduled for inspection. An unpaid fee shall be a lien upon the premises.

The notice shall contain a statement of the obligations of the owner of a building determined to be a vacant building, a copy of the registration from the owner is required to file pursuant to section 6-143 of this article and a notice of the owner's right to appeal the commissioner's determination.

(Ord. of 11-26-08, § 1)

Sec. 6-143. - Registration.

Within forty-five (45) days of a building becoming vacant, each owner of such vacant building shall register said building with the department of inspectional services by providing such department, on a form to be created by such department, with the name, address and telephone number of each owner of the building, the street address of the building and the map, block and parcel number of such building. If none of the owners are at an address within the Commonwealth of Massachusetts, then the registration 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 owners, and who shall be designated as a responsible local agent, both for purposes of notification in the event of an emergency affecting the public health, safety and welfare and of service of any and all notices issued pursuant to this article. The failure timely to register a vacant building shall be a violation of this article.

(Ord. of 11-26-08, § 1)

Sec. 6-144. - Registration fees.

On or before November 15th of each calendar year, the owners of any vacant building shall pay to the department of inspectional services a registration fee to cover the administrative cost of monitoring and ensuring the proper maintenance of such vacant buildings. The annual registration fee shall be based on the duration of the vacancy as of November 15th of such year according to the following schedule:

\$500.00	For properties that have been vacant for less than one year
\$1,000.00	For properties that have been vacant for one year or more but less than two years
\$2,000.00	For properties that have been vacant for two years or more but less than three years
\$3,000.00	For properties that have been vacant for three years or more

A failure to pay timely the registration fee shall be a violation of this article, and the full fee shall be deemed an assessment resulting from a violation of this article subject to a lien on the property.

(Ord. of 11-26-08, § 1)

Sec. 6-145. - Change of status.

Within seven (7) days of a change of the status of a vacant building, due to the sale of the building, new occupancy or other circumstance, the owner shall notify the department of inspectional services of such change of status.

(Ord. of 11-26-08, § 1)

Sec. 6-146. - Billing statement.

On or before October 15th of each calendar year, the department of inspectional services shall send a billing statement, setting forth the required registration fee, to each owner of a vacant building. However, the registration

fee set forth in this article shall be due and payable on November 15th of each year regardless of the delivery or receipt of such billing statement.

(Ord. of 11-26-08, § 1)

Sec. 6-147. - Appeal.

Any owner assessed a regulation fee under this article shall have the right to appeal the imposition of such fee to the City of New Bedford Municipal Hearing Officer upon the filing of an application in writing, no later than fifteen (15) calendar days after mailing of the billing statement. The appeal request shall be accompanied by a fifty dollar (\$50.00) nonrefundable appeal cost. The appeal shall be limited solely to the issues of whether the building is vacant and how long the building has been vacant. The owner shall have the burden of proof on appeal. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome on appeal. If the decision is adverse to the owner, the payment shall be due within ten (10) calendar days of the decision of the City of New Bedford Municipal Hearing Officer.

(Ord. of 11-26-08, § 1)

Sec. 6-148. - Sign posting.

Within fifteen (15) days of the time a building is to be registered as required herein, the owner shall post upon any building which is boarded, a sign no smaller than two (2) feet × two (2) feet and complaint with the city's sign regulations ordinance and providing the following information: the name, address, and telephone number of the owner, and in addition, for buildings which are the subject of a foreclosure action, the name, address, and telephone number of the plaintiff and the plaintiff's attorney, if any, in the foreclosure action. The sign must be placed so that its message is legible from the public way.

(Ord. of 11-26-08, § 1)

Sec. 6-149. - Other violations.

The provisions of this article are in addition to, and not in lieu of, any and all other applicable provisions of the revised ordinances of the City of New Bedford or any provisions of the regulations and laws of the Commonwealth of Massachusetts.

(Ord. of 11-26-08, § 1)

Sec. 6-150. - Failure to register; enforcement.

Any person or entity violating this article, by failing to register a vacant building, failing to pay the registration fee or otherwise, shall be subject to a fine of three hundred dollars (\$300.00) per offense. Each day that the owner is in violation shall constitute a separate offense. The department of inspectional services code enforcement inspectors shall have the right to enforce this article pursuant to the noncriminal disposition procedures set forth in [Chapter 17](#).

(Ord. of 11-26-08, § 1)

Cross reference— Penalty, § 17-18.

Sec. 6-151. - Funds for the monitoring of vacant buildings.

Funds received by the city treasurer from the enforcement of this article shall be deposited into a separate account established under M.G.L.A. c. 44, § 53E½ and shall be used for the monitoring of vacant buildings pursuant to this article. Said separate account shall be subject to the annual authorization of the city council.

(Ord. of 11-26-08, § 1)