



TOWN OF NORTH ATTLEBOROUGH, MASSACHUSETTS
TOWN CLERK'S OFFICE

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NORTH ATTLEBOROUGH, MA 02760
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June 10, 2014

Special Town Meeting, June 2, 2014
North Attleborough Middle School Cafetorium
564 Landry Avenue
North Attleborough, MA 02760

To Whom It May Concern:

ARTICLE 11 AMEND TOWN BY-LAWS – ARTICLE XII NEW SECTION 8 BUILDING INSPECTOR

To see if the town will vote to amend the Town By-Laws by adding a new section 8 "Abandoned/Vacant Buildings" to Article XII Public Safety as follows:

A. Definitions:

1. **Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground except a boundary wall or fence.

2. **Owner:** Any person, entity, service company, property manager or real estate broker, who alone or with others:

i.) Has legal or equitable title to any structure, dwelling unit, or parcel - vacant or otherwise; or

ii.) Has care, charge or control of any structure, dwelling unit, parcel of land and, vacant or otherwise; 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

iii.) Is a mortgagee in possession of any such property; or

iv.) Is an agent, trustee or other person appointed by the courts and vested with possession or control; or

v.) Is an officer or trustee of the associated unit owners of a condominium;

Each such person is bound to comply with the provisions of these minimum standards as if they were the owner; or

vi.) Is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated a foreclosure process.

3. **Days:** Consecutive calendar days.

4. **Foreclosed:** A 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.

5. **Mortgagee:** The creditor, including but not limited to service companies and lenders under a mortgage agreement, or any successor in interest of the mortgagee's rights, interest or obligations under the mortgage agreement.

6. **Property:** Any real property or portion thereof, located in the Town of North Attleborough which contains a building, structure or other improvements.
 7. **Vacant Property:** A vacant building which is not being actively used or occupied and which has not been actively used or occupied within the preceding 120 days. This definition shall not apply to property which is undergoing renovations or repairs due to fire or other casualty. For purposes of this article, "vacant" also includes abandoned, foreclosed and property (ies) for sale or lease. Excluded from this definition is residential property that is vacant due to the owner(s) temporary absence.
 8. **Commissioner:** Inspector of Buildings appointed by the Town of North Attleborough or his designee.
- B. **Registration:**

All owners of vacant and/or foreclosed properties shall register (at no charge) such properties with the Building Commissioner on a form provided by the Building Department. An owner shall file said registration with the Commissioner within 30 days following the occurrence of a vacancy or foreclosure, whichever first occurs. 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 article.

PURPOSE AND JUSTIFICATION

The purpose of the By-Law is to protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, protecting the Town's resources, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of Dwellings, Commercial & Industrial properties. Inadequately maintained vacant buildings are at an increased risk for fire, unlawful entry, and any other public health and safety hazards. This By-Law will help secure the welfare of the Town's residents and neighborhoods by requiring all Residential, Commercial & Industrial property owners, including lenders, trustees, service companies and alike, to properly maintain vacant properties.

FINANCE COMMITTEE VOTE: 6-1

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town By-Laws by adding a new section 8 "Abandoned/Vacant Buildings" to Article XII Public Safety as shown below.

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 - i.) Has legal or equitable title to any structure, dwelling unit, or parcel - vacant or otherwise; or
 - ii.) Has care, charge or control of any structure, dwelling unit, parcel of land and, vacant or otherwise; 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
 - iii.) Is a mortgagee in possession of any such property; or
 - iv.) Is an agent, trustee or other person appointed by the courts and vested with possession or control; or
 - v.) Is an officer or trustee of the associated unit owners of a condominium;
Each such person is bound to comply with the provisions of these minimum standards as if they were the owner; or
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FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote, the RTM members approved the Finance Committee's recommendation.

Attest: A True Copy



Maxwell G. Gould
Town Clerk



Town of North Attleborough
Application to register Vacant/Abandoned Building

Vacant Property Address: _____

Most recent use of building: _____

Date last occupied: _____

How will building be secured? _____

Is the property winterized? Yes or No

List connected/active utilities _____

Plan of action for exterior building maintenance. _____

What building improvements are planned, if any (include timeline) _____

What is the projected date of re-occupancy? _____

Is the building to be sold, rented or demolished? _____

Property Owner/Authorized Agent:

Name: _____

Address: _____

City/Town

State

Zip code

Phone: () _____ - _____ E-Mail address _____

Office use only:

Verified date of re-occupancy _____

**Town of North Attleborough
Application to register Vacant/Abandoned Building cont.**

Name of local individual or property management company responsible for maintenance and security of property (if other than owner)

Name: _____

Address: _____

| | | |
|------------------|--------------|-----------------|
| City/Town | State | Zip code |
|------------------|--------------|-----------------|

Phone: () _____ - _____ **E-Mail address** _____

I hereby certify that I have examined this Vacant Building Application Registration form and that, to the best of my knowledge and belief, it is true, accurate and complete.

Owner/Authorized Agent

Signature: _____ **Date:** _____

Building Commissioner:

_____ **Date:** _____