

ORDINANCE NO. 203

AN ORDINANCE TO AMEND SECTIONS 10.99 AND 95.04(A) OF THE CITY OF WAKEFIELD'S ORDINANCES AND TO ADD SECTIONS 95.04(E) AND 96.03 TO THE CITY OF WAKEFIELD'S ORDINANCES

The City of Wakefield ordains:

1) The City of Wakefield duly enacted Section 10.99 of Chapter 10 of its Ordinances providing for general penalties. The City Council hereby amends Section 10.99 by adding the following sentence to the end of the section:

§10.99 The penalties shall be in addition to the abatement of the violating condition, any injunctive relief, or revocation of any permit or license.

2) The City of Wakefield duly enacted Section 95.04(A) of Chapter 95 of its Ordinances providing for enforcement and abatement of blight. The City Council hereby amends Section 95.04(A) to read as follows:

§95.04(A) This subchapter shall be enforced by such persons who shall be designated by the City Council or City Manager.

3) The City of Wakefield duly enacted Chapter 95 of its Ordinances to address blight. The City Council hereby adds Section 95.04(E) to read as follows:

§95.04(E) Administrative fees shall be charged for enforcement efforts under this subchapter, or any other subchapter that pertains to the cleanliness of property. Said fees shall be as follows, subject to amendment from time-to-time by resolution of the City Council:

- *The 1st contact shall carry no administrative fee.*
- *The 2nd contact, subsequent to a prior notice, shall have an administrative fee of \$75 to be charged to the alleged violator.*
- *The 3rd contact or any subsequent contact, subsequent to a 2nd contact, shall have an administrative fee of \$150 to be charged to the alleged violator.*

4) The City of Wakefield duly enacted Chapter 96 of its Ordinances to address nuisances. The City Council hereby adds Section 96.03 to read as follows:

§96.03 – ABATEMENT

(A) When any lot, building or structure within the City, because of any condition or happening, becomes, in the opinion of the City Council, a public hazard or nuisance which is dangerous to the health, safety or welfare of the inhabitants of the City or those residing or habitually going near such lot, building or structure, the City Council may, by resolution, after investigation, determine that a hazard or nuisance exists. A notice of the City Council's resolution shall be sent to the property owner. The City Clerk shall send the notice by certified mail, return receipt requested, addressed to the last known address of the owners of the land. If a signed return receipt is not received by the City Clerk's office, the City Clerk shall publish the notice in a local

newspaper at least seven (7) days prior to the public hearing. If a rental property, notice shall be sent to the occupants of the dwelling (tenant), as well as the property owner.

(B) The notice to abate or remove a hazard or nuisance shall specify the nature of the hazard or nuisance and describe the property on which the hazard or nuisance is located and require the owner to abate or remove the hazard or nuisance promptly and shall designate a time within which the hazard or nuisance shall be abated or removed, which shall be commensurate with the nature of the hazard or nuisance. The notice shall further establish the date for a public hearing before the City Council at which time the owner may raise any objections to the proposed abatement. The City Clerk shall also give due notice of the hearing to any person who owns real property within three hundred (300) feet of the premises in question and to the occupants of single and two-family dwellings within three hundred (300) feet. Such notices shall be delivered personally or by mail addressed to the respective owners and occupants at the addresses given in the last assessment roll. If an occupant's name is not known, the term "occupant" may be used. All notices shall provide a minimum notice of ten (10) calendar days prior to the public hearing.

(C) If at the expiration of the time limit to remove or to abate a hazard or nuisance, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the City Council may, by resolution, after the public hearing, order such hazard removed or nuisance abated through legal action taken by the City Attorney.

(D) The City Manager or his/her designee shall take all steps necessary to carry out the directions of any court in removing a hazard or abating a nuisance, shall keep or cause to be kept an accurate record of all expenses in connection therewith and, upon completion of the work to be performed, shall submit a report of the work done and all expenses in connection therewith to the City Council and City Attorney.

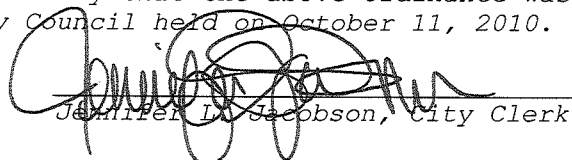
(E) The City Council shall, by resolution, after examination of the City Manager's report, determine what amount or part of each such expense shall be charged and the person, if known, against whom and the premises upon which the expense shall be levied as a special assessment.

5) Any Ordinance provisions in conflict with the above amendments shall be of no further force and effect.

6) This Ordinance shall become effective 30 days after publication by the City Clerk.

Adopted: October 11, 2010

I, Jennifer L. Jacobson, City Clerk, duly appointed and qualified clerk of the City of Wakefield, do certify that the above Ordinance was adopted at a regular meeting of the City Council held on October 11, 2010.


Jennifer L. Jacobson, City Clerk