



BY-LAW

CHAPTER 41

MINIMUM PROPERTY STANDARDS OF COMMERCIAL/INDUSTRIAL PROPERTIES

Section 1. Purpose and Scope.

- A. Purpose.** The purpose of this By-law is to promote the health, safety, and welfare of residents, businesses and stakeholders within the Town of Maynard. By protecting the Town against substandard, dangerous or unsanitary conditions, including, but not limited to unlawful entry, vandalism, rodent infestation, fire hazard etc., Maynard can preserve property values, maintain neighborhood integrity, and safeguard its economic vitality.

The By-law will:

1. Enable the Town to proactively ensure property compliance with the By-laws by establishing standards of minimum maintenance for the exterior of commercial and industrial buildings and structures.
 2. Ensure Maynard's business districts remain in a condition that:
 - a. Protects existing businesses from negative effects of under-maintained property.
 - b. Encourages private investment.
 - c. Contributes to an atmosphere of commercial viability.
- B. Scope.** This By-law shall apply to all commercial, industrial properties within the Town of Maynard, except where such buildings and structures are otherwise specifically regulated by other applicable Town regulations. A multi-family development with multiple structures need not be attached to be subject to this By-law. For the purpose of this by-law, multi-family structures and developments of four (4) units and above shall be considered Commercial. This by-law shall not apply to residential condominiums.

Section 2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

- A. Building** - A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property.
- B. Building Commissioner** - The Building Commissioner of the Town of Maynard and any designee.



- C. Compliance Agent** - The Building Commissioner, the Board of Health Agent, the Town Planner, the Conservation Agent, the Fire Chief, the Police Chief and/or their designated agents. In instances involving jurisdiction of more than one (1) Compliance Agent, the Building Commissioner shall designate the lead Compliance Agent for the case.
- D. Owner** - A person or entity who, alone or severally with others:
1. Has legal title to any building or parcel of land, vacant or otherwise;
 2. Has legal or equitable title to any building or has care, charge or control of any building 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
 3. Is a tenant with a legal right to possess an entire building or property; or
 4. Is a mortgagee in possession of any building or property; or
 5. Is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building or property.
- E. Office of Municipal Services (OMS)** - Planning, Conservation, Building and Health Departments.
- F. Vacant Lot** - A vacant lot is a parcel of land that currently has no buildings. This includes lots that may have non-building improvements on it.

Section 3. Maintenance Requirements for Commercial and Industrial Properties. Minimum Standards Established.

- A.** The property owner or designated governing association shall be responsible for ensuring commercial and industrial buildings comply with the standards of minimum maintenance below. The Compliance Agent, appropriate to their specific area of jurisdiction, shall determine if and when violations of this section exist.
1. The exterior of all property areas and yards shall be maintained in a clean and sanitary condition, free from debris, garbage, refuse, overgrown vegetation and other hazards that may result in unsafe circumstances, create unhealthy conditions, cause unlawful environmental degradation or otherwise negatively affect the property or the surrounding area.
 2. Exterior walls. All exterior walls shall be maintained in such a condition as to prevent unauthorized entry, infestations, vandalism or other potentially unsafe or unhealthy conditions.
 3. Display windows, signage, exterior fixtures and entrances shall be kept clean and maintained in good repair to prevent unauthorized entry, infestations, vandalism or other potentially unsafe or unhealthy conditions or otherwise negatively affect the property or the surrounding area. Boarding up of windows or entrances for a period exceeding two (2) weeks is prohibited unless authorized by the Compliance Agent. Signage frames, fixtures, casings and any associated hardware/materials shall be kept in good repair and maintained intact.



Extensions granted by the Compliance Agent shall be for a specified period of time.

4. Fences. All fences on the premises shall be maintained so that they do not constitute a hazard, blight or condition of disrepair. Examples of hazards, blight or conditions of disrepair are inclusive of, but not limited to, leaning fences, fences that are missing slats or blocks, graffiti, or rotting or damaged materials.
 5. Alleys and passageways. All alleys and passageways shall be kept clean and free of debris by the property owner or designee. Adjacent properties are responsible for maintaining alleys and passageways to the center line of said alley or passageway unless under the sole control of one owner.
 6. Storage in Yards. In order to protect Maynard from negative effects of under-maintained property, and maintain an environment of commercial viability, yards shall not be used to store equipment, appliances, or building materials without screening from street view and in compliance with an approved use pursuant to the Zoning By-laws. Front yard storage of these items is prohibited, however, this does not apply to merchandise for sale by the business carried out on the premises provided it is located in a properly zoned district. Screening does not relieve the property owner of the requirement to comply with the regulatory requirements of the Conservation Commission, the Zoning By-laws or any other appropriate board/agency.
 7. Overgrowth. No hedge, shrub, tree or other vegetation shall overhang, extend or protrude into any street, sidewalk or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles. Nothing in this subsection relieves the property owner of the requirement to obtain, from the Conservation Commission or any other appropriate board/agency, all necessary permits/approvals for the removal of such vegetation.
 8. Vacant lots shall be free from any accumulation of noxious weeds, overgrowth, combustible or noncombustible materials, debris, refuse, rubbish or garbage, physical hazards, or rodent harborage and infestation.
- B.** Compliance with this By-law shall not relieve the owner of any obligations set forth in any other applicable state or local requirements, by-laws, regulations, codes, covenant conditions/ restrictions and/or association rules and regulations. In case of a conflict with these rules and regulations, the most restrictive shall apply.

Section 4. Unsafe Buildings.

If the Building Commissioner determines the building to be unsafe, the Commissioner may act immediately in accordance with the Massachusetts State Building Code to protect public safety. Furthermore, nothing in this By-law shall abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority including, without limitation, M.G. L. c. 139, § 1 et seq. and M.G.L. c. 143, § 6 et seq.



Section 5. Violations and Penalties; Compliance.

- A.** Violations of any portions of this By-law shall be punishable by a fine of \$100 per violation, with each day the violation continues constituting a separate violation. However, the designated Compliance Agent may waive the fine in total or in part upon the abatement of the violation(s).
- B.** The Compliance Agent or his/her designee shall enforce all provisions of this By-law and shall institute all necessary administrative or legal action to assure compliance. Any owner found to be in violation of this By-law shall receive written notice and a minimum of seven (7) days to remedy all violations prior to the institution of any Compliance action by the Compliance Agent. Said notice is to be served upon the owner(s) either in person, by registered mail, return receipt requested, or by posting said notice at the site of the violation. The Building Commissioner, acting on behalf of the Town of Maynard, may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this By-law. This By-law may also be enforced through non-criminal disposition pursuant to M.G.L. c. 40, § 21D and in accordance with Chapter 15 of the Town By-laws.

Section 6. Severability.

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

Section 7. Compliance with Other Regulations.

Nothing herein shall prevent the Town of Maynard from enforcing other applicable sections of the Massachusetts State Building Code or other applicable sections of Massachusetts General Laws, including but not limited to M.G.L. c. 111 (Public Health), and c. 139, § 3A (recovery of abatement costs).

Section 8. Appeals.

Any person aggrieved by a decision issued hereunder may appeal said decision to the Board of Selectmen in the Town within thirty-one (31) days of said decision.

Section 9. Inspections.

The Compliance Agents, or their designees, shall have the authority to periodically inspect the exterior of any building subject to this By-law for compliance.

The Building Commissioner shall have the discretionary authority to seek immediate disconnection of utilities if a potential hazard that may be dangerous to life and limb is present, through authorities having jurisdiction.