



CITY OF TAUNTON

In the year two thousand and thirteen

AN ORDINANCE

Chapter 8

Garbage, Trash, and Refuse

Be it ordained by the Municipal Council of the City of Taunton and by authority of the same as follows:

SECTION 1. Chapter 8, Section 8-28 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by striking out paragraphs (a)-(d) of said section 8-28 and inserting the following language:

- a) *Purpose and Intent.* It is the purpose and intent of this section to eliminate nuisances in the city. Nuisances, such as dilapidated buildings, overgrowth, debris, trash, stagnant pools of water, property having defective weather protection and vacant or abandoned buildings, cause and contribute to blight within neighborhoods and commercial areas of the city and adversely affect the property values for adjacent and surrounding property. Such nuisances on property also impair the public health and safety. This ordinance is intended to further the objectives of and to act in concert with any existing state or local laws.
- b) The owner or person in control of any private property or business property shall at all times maintain the premises free of litter: provided, however that this section shall not prohibit the storage of litter in authorized private receptacles for collection or as otherwise provided for by law.
- c) The owner or person in control of any lot shall at all times, control the growth of any wild plants or cultivated plants, or the existence of any obstruction, so as not to interfere or obstruct the view of a reasonable person to oncoming traffic who is exiting from any private driveway or private way onto a public way or a way to which the public has right of access.
- d) Litter shall be defined for the purposes of section (a) as: any paper, cardboard, cans, bottles, plastic goods, glass goods, used construction material, roof shingles, boards with nails, cut lumber less than 3 feet in length, used motor vehicle parts, boat parts, engine parts, or other

mechanical parts, household appliances or any other object, that a reasonable person would believe has been discarded or otherwise left outside, uncovered, and exposed to the weather unused for the purpose for which it was manufactured.

e) *Property Standards.* All property in the City of Taunton shall be maintained in accordance with the following property standards:

(1) *General.* All property, whether occupied or vacant, shall be maintained in good repair and a safe and sanitary condition as provided herein, so as to not cause or contribute to the creation of a hazardous or blighted area or to affect adversely the public health and safety or property value of adjacent or surrounding property.

(2) *Overgrowth within 100 feet of a residence.* All property shall be maintained free of vegetation over twelve (12) inches high that is or may reasonably become infested with rodents, vermin, or other animals, or create a fire safety hazard. All property shall be kept free of overgrown, decayed, dead, or hazardous trees, shrubs, or any other vegetation that poses a hazard to the health and safety of any person in the vicinity of the property, including any persons traveling on any portion of any public way, or any surrounding property

(3) *Structures.* All structures, including any buildings, fences, storage sheds, or any element thereof shall be maintained in a structurally sound condition and in good repair, including proper weather protection and waterproofing, and shall be maintained in a condition so as to not cause or contribute to creation of a fire safety hazard.

(4) *Accumulation of Trash, Rubbish or Debris.* All property shall be maintained in a clean and sanitary manner and free from the accumulation of litter, rubbish, trash or other debris, except in closed receptacles intended for such use.

f) *Removal of Nuisance.* It shall be unlawful for the owner of any property in the city to violate any one or number of the property standards contained in sections (b) – (e) and any such property violation shall be deemed to be a public nuisance. The Building Commissioner, the Board of Health, the Building Inspector, the Zoning Enforcement Officer, the Fire Chief or the Police Chief shall declare the property a public nuisance and order the property owner to remove the nuisance within ten (10) days after service of notice of the violation. Such notice shall be presented to the owner, in the manner described in G.L. c. 111, sec. 124. The notice shall contain the following information:

1. The street address and description of the property sufficient for identification of the property.
2. A statement that the property has been declared a public nuisance because of the presence of a nuisance on the property.
3. A concise description of the condition on the property that have led to the determination that the property is a public nuisance.
4. A statement that the nuisance shall be removed from the property within ten (10) days from service of the notice and that if the owner fails to remove the

nuisance within the time frame specified that the owner will be in violation of this ordinance and subject to the penalties described therein.

g) *Violations.*

- (1) If the owner fails to remove such nuisance within the time frame provided in section (f) the city may enter the property and remove or cause to be removed the nuisance and the owner shall reimburse the city for the expense incurred for such removal. The sum so expended may be recovered by the city as provided in G.L. c. 111, sec. 125.
- (2) This section may also be enforced by any lawful method, criminal process or by non-criminal disposition as provided in General Laws Chapter 40, sec. 21D. Each occasion on which a violation is identified will be considered a separate offense and any person in violation of this section shall be subject to fines as follows:

First violation:	\$ 50.00
Second violation:	\$100.00
Third violation:	\$200.00
Fourth and each subsequent violation:	\$300.00

h) *Definitions.* The following words and phrases, when used in this section, shall have the following meanings:

Nuisance – a failure to satisfy any one or more of the property standards set forth in section (b) herein.

Owner – any person who owns, possesses, manages, or controls any property. For any property which is the subject of foreclosure proceedings, this ordinance may be enforced against the mortgagee.

Property – any land, building, structure of real property, including any fixtures attached thereto, or any personal property located within the city.

Person – means any individual, voluntary association of individuals, business entity or organization whether incorporated or not.

Severability

If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance shall remain in effect.

**SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed.
This Ordinance shall become effective immediately upon passage.**

City of Taunton

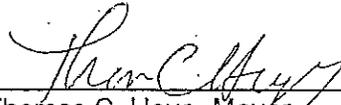
In Municipal Council

First Reading: 6/4/2013

Second Reading: 6/18/2013

Passed to be Ordained: 6/24/2013

Presented to the Mayor and Approved:

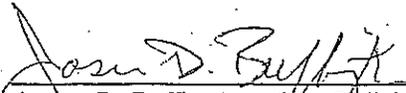


Thomas C. Hoye, Mayor

Approved as to Form and Character:



Rose Marie Blackwell, City Clerk



Jason D. Buffington, City Solicitor