City of Waltham

Jeannette A. McCarthy
Mayor

CITY OF WALTHAM
CITY CLERK'S OFFICE
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March 8, 2018

TO: The City Council
RE: Property Nuisance Enforcement Report

Dear Councillors:

Enclosed please find the annual "Property Nuisance Code Enforcement Report" that is required by Section 10-85 of Article V Nuisance Property.

Inspector of Buildings William Forte will be available to answer any questions that you may have on this matter.

Sincerely,

Jeannette A. McCarthy
JAM/ccb
Enclosure
cc: William Forte

610 Main Street • Waltham, Massachusetts 02452 • (781) 314-3100 • Fax (781) 894-9581

Waltham Building Department
William L. Forte
Inspector of Buildings
Superintendent of Public Buildings

City of Waltham
Massachusetts

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FEB 28 2018
MAYOR'S OFFICE

Property Nuisance Enforcement Report

February 27, 2018

The Honorable Jeannette A. McCarthy
Waltham City Hall
610 Main Street
Waltham, MA 02451

Dear Mayor McCarthy,

Enclosed please find the annual "Property Nuisance Code Enforcement Report" to the City Council that is required by Section 10-85 of Article V. Nuisance Property.

Please review the report and let me know if you have any questions, concerns or suggested changes that you would recommend. If you would like me to submit the report as is, please let me know and I will make 20 copies for the City Council so you can submit the report officially. Thank you.

Respectfully,

William L. Forte
Inspector of Buildings
Superintendent of Public Buildings

Nuisance Property Ordinance
Code Enforcement Report to the City Council
January 1, 2018

The Waltham Building Department
William L. Forte
Inspector of Buildings

Introduction

The Waltham City Council passed an Ordinance on May 22, 2017 Ordinance No. 33734 titled Article V "Nuisance Property" as Amended Chapter 10 of the General Ordinances.

In accordance with Section 10-85, The Enforcing Agent, Inspector of Buildings shall annually in January, and as may be requested, provide the City Council with a report that shall include all complaints of nuisance made to him during the prior month: all proceedings begun by him under this article: all pending complaints and all investigations and enforcement actions taken by the enforcing agent. The report shall state the location of the premises, a summary of the nature of the complaint, the name of the responsible parties (ies), and the disposition or the status of the matter.

The first logged case was on July 20, 2017 under the new Ordinance list of properties. Prior to the passing of the ordinance, any property found to be in disrepair or found to contain hazardous conditions was recorded in the Code Enforcement Report put out annually by the Building Department. A new complaint form was created and is available on the Building Department webpage.

Cases Reported in 2017

There were 30 cases reported in 2017 from July to December. Most cases and complaints originate from overgrown vegetation, trash in yards, abandoned cars, fences in disrepair and the like. Such offenses may not constitute a hazard but are unsightly and degrade the quality of life for the neighborhood.

Enforcement Procedures

Procedures on enforcement and appeal of the decision of the Inspector of Buildings differ markedly from other enforcement action listed in the Zoning Ordinance. A party aggrieved by the Building Inspectors finding may appeal to the City Council. In accordance with Section 10-82, the owner or agent of a property in violation may "voluntarily comply" without the need for a notice of violation in accordance with Section 10.82 (g).

When a complaint is received, the property owner is given notice that the property they own may be in violation. Such notice contains what the deficiencies are and what items need attention. If the property owner cannot be reached, the Building Department will try to contact the mortgage holder to try to get compliance. In most cases, the mortgage holder will refer it back to the owner of record, even if they are deceased. Properties in foreclosure or in probate are difficult to manage compliance.

Statistics as of January 1, 2018

Properties cited	30
Properties observed and photographed	26
Notices sent	11
Resolved cases	6
Unresolved cases	19

Recommendations

After review of the Ordinance, it was discovered that there are inconsistencies with language referring to Inspector of Buildings and Building Commissioner. The Ordinance should be sent to the Law Department for further review to correct the conflicts. In addition, the Department continues to request a full time code enforcement position to better pursue and follow up on all cases. The acquisition of a full time position will increase the resolved case numbers and help to bring properties and owners into full compliance.

	A	B	C	D	E	F	G
1	Date	Address	Violation	Owner	Inspector	Status	Date notice sent
2	7/20/2017	43-45 Francis	Abandoned House	Jack William Clark	Patrick	Resolved	
3	8/1/2017	22 prentice Street	Abandoned House, pool in backyard filled with water	Robin Caruso & Kristie Keane	Patrick	Not Listed-No folder	
4	8/3/2017	490 Lexington street	Old cars and junk in yard	James and Cheryl Chin	Patrick	Resolved	
5	8/7/2017	28 Hollace Street	Eye sore	Dave and Ellen Ringland	Patrick	Certified notice accepted-no response	11/1/2017
6	8/7/2017	1166 Trapelo Rd	Eye sore	Frances and Ellen Teller	Patrick	Site visit made-notice to be sent	
7	8/7/2017	51-53 Fiske Ave.	possible unregistered vehicles parked on untreated earth	George and Paula Cassella	Patrick	Site visit made-notice to be sent	
8	8/7/2017	1151 Trapelo Rd	Eye sore	Alan and Marjory Forbes	Patrick	Notice sent- No response	11/1/2017
9	8/9/2017	128-132 Charles St.	8 unregistered vehicles in Driveway	Charles Street LLC	Patrick	Resolved	
10	8/10/2017	955 Main Street	Overgrown bushes, clean up yard	Joseph Paolini Realty Trust	Jon	Not Listed-No folder	
11	8/14/2017	95 Marlborough Rd	Abandoned side Yard	Rachel Boungiorno	Patrick	Make Site visit	
12	8/15/2017	15 AFT Keach Street	Overgrown vegetation	Paul & Susan Harvey	Patrick	Site visit made- City Property	
13	8/21/2017	44 Clements Road	Overgrown vegetation, animals in and out of house	Stephen Sarkissian	Patrick	Notice Sent- unclaimed-No response	10/30/2017
14	8/22/2017	101 Marlborough Rd	Overgrown vegetation	Tair-Sheng Chiang	Patrick	Site visit to be made	
15	8/23/2017	97 Columbus Ave.	Overgrown vegetation	Fred Curran		Resolved, yard cleaned up	
16	8/30/2017	145 Hammond St.	Overgrown vegetation, possible rodents	Tan Vo Van		Site visit made-notice to be sent	
17	8/24/2017	170 Lakeview Ave.	Overgrown vegetation, tree collapsed on top of shed	Rajan & Sumam George	Patrick	Site visit made-Doesn't meet threshold	
18	8/31/2017	150-152 Weston Street	Overgrown vegetation, trash in yard	Weston St. LLC	Patrick	Site visit made-yard cleaned-Resolved	
19	9/1/2017	56 Edwin Road	Overgrown vegetation, unregistered vehicles	Michael Chugkowski	Patrick	Site visit made-notice to be sent	
20	9/1/2017	35 Edwin Road	Overgrown vegetation	Cathy Stahl	Patrick	Site visit made-Doesn't meet Threshold	
21	9/6/2017	244 Bacon Street	Overgrown vegetation	Davit Petrosyan	Patrick	Site visit to be made	
22	9/14/2017	84 Hibiscus Ave	Overgrown vegetation, possible rodents	Christy Belleau	Patrick	Site visit to be made	
23	9/19/2017	269 Main Street	Overgrown vegetation, furniture left outside	Patricia Sarno	Patrick	Site visit to be made-Notice to be sent	
24	10/3/2017	70 Princeton Ave	Overgrown Vegetation	Edith Horton	Patrick	Site visit made- Owner deceased-Property in Transition	
25	10/25/2017	353 Newton St.	Trash in yard	SFA Realty Trust	Gregg	Site visit made-notice to be sent	
26	11/7/2017	30 Melody lane	Trash in yard and landscaping equipment	Rose Capone	Patrick	Owner responded with deadline	11/7/2017
27	11/7/2017	39 Melody Lane	Trash in yard and landscaping equipment	Wayne Crichlow	Patrick	site visit made- doesn't meet criteria	
28	11/14/2017	91 Dobbins Street	Trash in yard	Camille and D.Craig Turlick	Gregg	Site visit to be made	
29	11/17/2017	21 Harding Ave	fence in deplorable condition	Kenneth and Linda Freda	Patrick	Owner will comply within 2 weeks	11/2/2017
30	11/17/2017	19 Bither Ave	fence in deplorable condition	Ellen Miley	Patrick	fence taken down on 12/11/17- Resolved	11/28/2017
31	2/5/2018	39 Clinton Street	Trash and furniture in yard		Patrick		
32	2/14/2018	112 Charles Street	Water main break, trash and debris in house	Vincy Kapelis	Brian	City United Meeting	
33							
34			# of Notices Sent				
35			# of Resolved Cases				
36			# Of contact and Respond				
37			# of Unresolved Cases				