

CITY OF NEWTON  
IN BOARD OF ALDERMEN

ORDINANCE NO. A-41

June 16, 2014

BE IT ORDAINED BY THE BOARD OF ALDERMEN  
OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended relative to Chapter 5 as follows:

1. Add the following new section:

**Sec. 5-22 Regulation of Public Nuisances: Keeping of Junk, Debris, Overgrown Vegetation.**

- (a) *Purpose*: The purpose of this ordinance is to help protect the health, safety and welfare of the citizens by preventing neighborhood blight from the creation and maintenance of public nuisances on property detrimental to neighboring residents and properties.
- (b) *Regulation of Public Nuisance*. No owner or occupant of any lot in any residential district shall keep in the public view for more than sixty (60) days either, (1) any substantial amount of junk and debris, or (2) a condition of overgrown vegetation. Such keeping of a substantial amount of junk and debris or overgrown vegetation is declared to be a public nuisance if any of the following three criteria are also met:
  - (i) causes adverse effects on the health or safety of neighbors;
  - (ii) materially diminishes the reasonable use and enjoyment of any neighboring properties; or
  - (iii) produces a hazardous or harmful condition of private property, land or structures.

(c) *Definitions*:

*Commissioner*. The Commissioner of Inspectional Services or designee.

*Substantial Amount of Junk or debris*. Any materials or combination of materials including but not limited to scrap, metal, scrap construction materials, rags, plastics, batteries, paper trash, inoperable appliances, inoperable machinery, mattresses, tires, and dilapidated or decayed furniture unusable for its intended purpose, which occupies more than 375 cubic feet in the aggregate on any one lot in a residential district.

*A condition of overgrown vegetation.* Any weeds, grass, bushes, or other shrubbery which are so untrimmed or unkempt that they present a reasonable expectation of harboring or attracting rats and vermin, or concealing pools of stagnant water.

*Public view.* Viewed from public property or ways or is visible from multiple privately owned properties.

- (d) *Regulatory authority.* The Commissioner or designee has the authority to promulgate rules and regulations necessary to implement and enforce this section.
- (e) *Enforcement.* The Commissioner or designee shall enforce the provisions of this section, including any rule or regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance.
- (f) *Notice of violation.* The Commissioner or designee shall issue a written notice of any violation of this section to the owner or occupant of the lot. Said notice shall describe the prohibited condition and order that it be remedied within thirty (30) days of receipt of the notice. If such condition is not remedied within that time, the Commissioner may take action to impose the fines described in sec. 5-22 (g).
- (g) *Penalties.* Any violation of any portion of this section, including violations of any rules and regulations promulgated by the commissioner hereunder, shall be punishable by a fine of one hundred dollars (\$100.00) per day for days one through seven that the violation continues; two hundred dollars per day (\$200.00) for days eight through fourteen that the violation continues; and three hundred dollars (\$300.00) per day for each subsequent day the violation continues. Each day a violation continues shall constitute a separate offense. Where non-criminal disposition of this section by civil fine has been provided for in sections 20-20 and 20-21 of these revised ordinances, as amended, pursuant to the authority granted by G.L. c. 40, section 21D, said violation may be enforced in the manner provided in such statute. The civil penalty for each such violation is set forth in section 20-21(c).
- (h) Action under this section shall not bar any separate regulation by or action by any other City department for health, fire safety, building code or any other violations.
- (i) *Severability.* If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered severable from the remaining provisions, which shall remain in full force and effect.

Cross Reference – State Sanitary Code, 105 C.M.R. 410 *et. seq.*

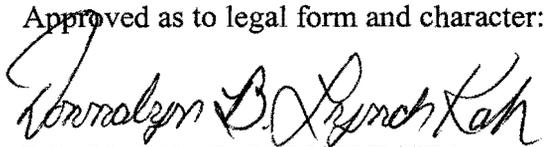
AND

2. Insert at the end of paragraph (c) DEPARTMENT OF INSPECTIONAL SERVICES of Section 20-21 **Enforcing persons and revised ordinances subject to civil fine**, the following language:

Sec. 5-22 Regulation of Public Nuisances: Keeping of Junk, Debris, Overgrown Vegetation

- ( ) Any offense; days one (1) through seven (7)  
that the violation continues ..... \$100.00 per day
- ( ) Any offense; days eight (8) through fourteen (14)  
that the violation continues ..... \$200.00 per day
- ( ) Any offense; days fifteen (15) and each subsequent day thereafter  
that the violation continues ..... \$300.00 per day

Approved as to legal form and character:

  
DONNALYN B. LYNCH KAHN  
City Solicitor

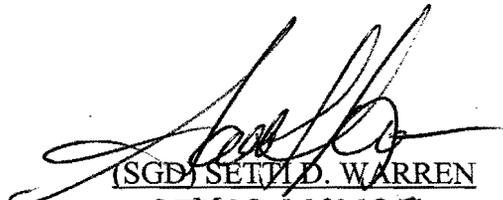
Under Suspension of Rules

Readings Waived and Adopted

16 yeas 6 nays (Aldermen Albright, Crossley, Harney, Hess-Mahan, Johnson, and Sangiolo)

1 absent (Alderman Lappin) 1 vacancy

  
(SGD) DAVID A. OLSON  
City Clerk

  
(SGD) SETTLE D. WARREN  
**ACTING MAYOR**  
Date 6/20/14