



City of New Bedford

IN COMMITTEE

April 12, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Ordinances at a Meeting held on Tuesday, March 27, 2018, considered a COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 12, Section 12-41, that property owners have only five (5) days as opposed to fourteen (14) to dispose of litter that is a source of filth or that is dangerous to the public health, safety or welfare. (Ref'd 1/11/18)

On motion by Councillor Morad and seconded by Councillor Rebeiro the Committee VOTED: To amend the Ordinance. Amending Chapter 12, Health and Sanitation, Sec. 12-41 (b) changing five (5) days to three (3) days in both places. This motion passed on a Roll Call Vote of Yeas 7, Nays 2, with Councillors Abreu and Markey in opposition and Councillor Gomes not present for vote.

On motion by Councillor Morad and seconded by Councillor Rebeiro, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, AS AMENDED, amending Chapter 12, Section 12-41, that property owners have only three (3) days as opposed to fourteen (14) to dispose of litter that is a source of filth or that is dangerous to the public health, safety or welfare. This motion passed on a Roll Call Vote of Yeas 9, Nays 0, with Councillor Gomes not present for the vote.

IN COMMITTEE ON ORDINANCES

Councillor Hugh Dunn, Chairman

HD: dmb



CITY OF NEW BEDFORD

In the Year Two Thousand and Eighteen

AN ORDINANCE

Amending Chapter 12, Health and Sanitation

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1. Chapter 12, Article II., Section 12-41 shall be struck in its entirety and the following shall be inserted in place thereof:

Sec. 12-41. - Clearing of litter from open private property by city.

(a) *Notice to remove.* The City Health Department and its duly authorized designees are hereby authorized and empowered to notify the owner of an open or vacant private property within the City, or the agents of such owner, to properly dispose of litter located on such owner's property that is a source of filth or that is dangerous to public health, safety, or welfare. Such notices shall be by registered mail, addressed to said owner's residence or usual place of business that is on record at the assessor's office.

(b) *Action upon noncompliance.* Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter that is a source of filth or that is dangerous to the public health, safety, or welfare within ~~five (5)~~ ^{three (3)} days after receipt of written notice provided for in subsection (a) above, or within ~~five (5)~~ ^{three (3)} days after the date of such notice in the event the same is returned to the city by the post office department because of its inability to make delivery thereof, provided the same was properly addressed in accordance with subsection (a) above, the City Health Department and its duly authorized designees are hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the city.

(c) *Charge included in tax bill.* When the city has effected the removal of such dangerous or filthy litter and has paid for its removal, the actual cost thereof, plus accrued interest at the rate of fourteen (14) percent per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the

owner of such property on the next regular tax bill forwarded to such owner by the city, and said charge shall be due and payable by said owner within thirty (30) days from the billing date. The actual cost thereof includes but is not limited to any costs incurred in cleaning, moving, securing, and maintaining said property, plus an administrative fee to be established by regulation by the Board of Health.

(d) *Recorded statement constitutes lien.* In the event that the full amount due the City is not paid by such owner within 30 days from the date of the tax billing, the City shall cause to be recorded in the office of the assessors and registry of deeds, Bristol County (S.D.), a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which said work was done. All charges to recover costs imposed in this ordinance shall constitute a municipal charges lien on the property so charged in accordance with M.G.L.A. c. 40, §58. Such lien shall be noticed to all persons from the time of its recording and shall bear interest at the legal rate thereafter until satisfied.

Section 2.

This ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.