

ARTICLE 23-12
ADMINISTRATION AND ENFORCEMENT

SECTION 12.1 ENFORCEMENT BY BUILDING INSPECTOR

This ordinance shall be enforced by the Building Inspector. No building permit or certificate of occupancy shall be granted by him for any purpose except in compliance with the provisions of this ordinance or a written order by the Board of Appeals or the courts.

SECTION 12.101 WRITTEN NOTIFICATION OF VIOLATIONS

If the Building Inspector shall find or shall have reasonable grounds to believe that any of the provisions of this ordinance are being violated, he may notify in writing the person responsible for such violations and the record owner of the premises, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures, removal of illegal buildings or structures of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

SECTION 12.102 FILING OR WRITTEN COMPLAINTS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the case and basis thereof, shall be filed with the Building Inspector. He shall record such complaints immediately investigate and take action, and shall notify in writing the party requesting such enforcement of any action or refusal to act and the reasons thereof, within fourteen (14) days of receipt of such request.

SECTION 12.2 BUILDING PERMIT

No building or structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Inspector. Failure to obtain a building permit shall be a violation of this ordinance and punishable as provided herein.

SECTION 12.201 APPLICATION FOR A BUILDING PERMIT

All applications for building permits for a BR Group Use shall be accompanied by plans and specifications in triplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lot lines within which the proposed building or structure shall be erected or altered, the existing or intended use of each building or part of a building, the number of housekeeping units the building is designed to accommodate, if any.

- A. In case the proposed building would result in the construction of more than one principal building on a single lot, the plan shall indicate for each principal building the boundaries of the land are set aside as the site for each building and provide there on all such area, width, frontage, yards and open spaces as are required in this ordinance for such a building within the district in which it is located.

- B. One set of such plans and specifications for such BR Group Use shall be returned to the applicant by the Building Inspector and a copy of the building permit sent to the Community Development Board. **[Amended 6-28-2022 by Ord. No. 1250]**
- C. All applications for building permits for any conditional uses (Group SR and SP Uses) shall be submitted in triplicate in accordance with requirements as set forth in "Article 23-7" of this ordinance.

SECTION 12.202 EXPIRATION OF BUILDING PERMIT

- A. If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire and be canceled by the Building Inspector and written notice thereof shall be given to the person affected.
- B. If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance, thereof, said permit shall expire and be canceled by the Building Inspector, and written notice thereof shall be given to the person affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

SECTION 12.3 CERTIFICATE OF OCCUPANCY

It shall be unlawful to use or permit the use of any building, structure, or premises or part thereof, thereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy shall have been issued therefore by the Building Inspector, stating that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance, or an order by the Board of Appeals.

- A. A temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion; provided that, such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.
- B. The Building Inspector shall maintain a record of all certificate of occupancy, and a copy shall be transmitted to the Community Development Board and, upon request, any persons. **[Amended 6-28-2022 by Ord. No. 1250]**
- C. Failure to obtain a certificate of occupancy shall be a violation of this ordinance and punishable as provided herein.

SECTION 12.4 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION [Amended 6-28-2022 by Ord. No. 1250]

Building permits or certificate of occupancies issued on the basis of plans and applications approved by the building Inspector, the Community Development Board, and the Zoning Board of Appeals authorize only the use, arrangement and construction as set forth in such approved plans and applications. Use, arrangement, or construction at variance with that authorized shall be deemed as violation of this ordinance and punishable as provided herein.

SECTION 12.5 VIOLATIONS

[Amended 6-28-2022 by Ord. No. 1250]

The Building Inspector shall investigate any reported violation of any provisions of this ordinance. In case such violation has not ceased within such reasonable time as the Building Inspector has specified, he may notify the Community Development Board of the violation or he may institute such legal action as may be necessary to terminate the violation.

SECTION 12.6 CRIMINAL PENALTIES (ORD. #672, 1990)

Whoever shall violate any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction, be fined not more than three hundred (\$300.00) dollars for each offense. Each day such violation continues, shall be considered a separate offense.

Nothing herein contained shall prevent the City from taking such lawful action as it deems necessary to prevent or remedy any violation.

SECTION 12.7 NON-CRIMINAL DISPOSITION (ORD. #672, 1990)

In addition to the procedures for enforcement as previously described, the provisions of this zoning ordinance may also be enforced by the Building Inspector, by non-criminal disposition pursuant to the provisions of MGL Chapter 40, Section 21D. Each day on which a violation exists shall be deemed a separate offense. The penalty for violation of any provision of this ordinance shall be \$50.00 for the first offense; \$100.00 for the second offense; and \$300.00 for the third and each subsequent offense. The Building Inspector shall issue a citation on a form approved by the City Solicitor, when implementing the provisions of this Section.

SECTION 12.8 SCHEDULE OF FEES, CHARGES, AND EXPENSES (ORD. #672,1990)

The City Council may, by order, establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of occupancy, appeals and other like matters pertaining to this ordinance. Until all such applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.