

By Mr. Bassett of Lynn, petition of Timothy A. Bassett, James E. Smith and Robert G. Phelan relative to authorizing the serving of notice of the existence of a dangerous building by registered mail, newspaper publication or by posting. Urban Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Five.

AN ACT AUTHORIZING THE SERVING OF NOTICE OF THE EXISTENCE OF A DANGEROUS BUILDING BY REGISTERED MAIL, NEWSPAPER PUBLICATION OR BY POSTING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 143 of the General Laws is hereby
2 amended by striking out section 6, as most recently amended by
3 section 1 of chapter 214 of the acts of 1957, and inserting in
4 place thereof the following section: —

5 *Section 6.* In a city or town wherein there is in force a build-
6 ing code, so called, established under authority of section three
7 or corresponding provisions of earlier law or established by or
8 under authority of any other provision of law the superintendent
9 of public buildings or such other person as the mayor of such
10 city or the selectmen of such town may designate shall be in-
11 spector of buildings, and, immediately upon being informed by
12 report or otherwise that a building or other structure or anything
13 attached to or connected therewith in that city or town is dan-
14 gerous to life or limb or that any building in that city or town is
15 unused, uninhabited or abandoned, and open to the weather,
16 shall inspect the same; and he shall forthwith send notice by
17 registered mail to the owner, lessee or mortgagee in possession to
18 remove it or make it safe if it appears to him to be dangerous, or
19 to make it secure if it is unused, uninhabited, or abandoned, and
20 open to the weather. If it appears that such structure would be

21 specially unsafe in case of fire, it shall be deemed dangerous
22 within the meaning hereof, and the inspector of buildings may
23 affix in a conspicuous place upon its exterior walls a notice of its
24 dangerous condition, which shall not be removed or defaced
25 without authority from him. If the inspector of buildings is un-
26 able to serve notice as herein required then notice shall be
27 deemed served if such notice is published in a newspaper of
28 general circulation in the city or town in which the property is
29 located once in each of two successive weeks, and if there is no
30 such newspaper, then by posting a copy of the notice in a con-
31 spicuous place in the city or town hall for a period of fourteen
32 days.

1 SECTION 2. Said chapter 143 is hereby further amended by
2 striking out section 8, as most recently amended by section 3 of
3 said chapter 214, and inserting in place thereof the following
4 section: —

5 *Section 8.* If an owner, lessee or mortgagee in possession of
6 such unsafe structure refuses or neglects to comply with the re-
7 quirements of such notice within the time limited, and such
8 structure is not made safe or taken down as therein ordered, or
9 made secure, a careful survey of the premises shall be made by a
10 board consisting in a city or the city engineer, the head of the
11 fire department, as such term is defined in section one of chapter
12 one hundred and forty-eight, and one disinterested person to be
13 appointed by the inspector of buildings, and in a town of a
14 surveyor, the head of the fire department and one disinterested
15 person to be appointed by the inspector of buildings. If there is
16 no city engineer in such city or no head of the fire department in
17 such city or town, the mayor or selectmen shall designate one or
18 more officers or other suitable persons in place of the officers so
19 named as members of said board. A written report of such survey
20 shall be made, and a copy thereof shall be sent by the inspector
21 of buildings by registered mail to such owner, lessee or mortgagee
22 in possession. If the inspector is unable to serve the report as
23 herein required then it shall be deemed served if a copy of such
24 report is published in a newspaper of general circulation in the
25 city or town in which the property is located once in each of two
26 successive weeks, and if there is no such newspaper, then by
27 posting a copy of the report in a conspicuous place in the city or
28 town hall for a period of fourteen days.

1 SECTION 3. Chapter 802 of the acts of 1972 is hereby
2 amended by striking out sections 23 and 24 and inserting in place
3 thereof the following two sections: —

4 *Section 23.* Said chapter 143 is hereby further amended by
5 striking out section 6 and inserting in place thereof the following
6 section: —

7 *Section 6.* The local inspector, immediately upon being in-
8 formed by report or otherwise that a building or other structure
9 or anything attached thereto or connected therewith in that city
10 or town is dangerous to life or limb or that any building in that
11 city or town is unused, uninhabited or abandoned, and open to
12 the weather, shall inspect the same; and he shall forthwith send
13 notice by registered mail, postage prepaid, to the owner, lessee or
14 mortgagee in possession to remove it or make it safe if it appears
15 to him to be dangerous, or to make it secure if it is unused;
16 uninhabited or abandoned and open to the weather. If it appears
17 that such structure would be especially unsafe in case of fire, it
18 shall be deemed dangerous within the meaning hereof, and the
19 local inspector may affix in a conspicuous place upon its exterior
20 walls a notice of its dangerous condition, which shall not be
21 removed or defaced without authority from him. If the inspector
22 is unable to serve notice as herein required then notice shall be
23 deemed served if such notice is published in a newspaper of
24 general circulation in the city or town in which the property is
25 located once in each of two successive weeks, and if there is no
26 such newspaper, then by posting a copy of the notice in a con-
27 spicuous place in the city or town hall for a period of fourteen
28 days.

29 *Section 24.* Said chapter 143 is hereby further amended by
30 striking out section 8 and inserting in place thereof the following
31 section: —

32 *Section 8.* If an owner, lessee or mortgagee in possession of
33 such unsafe structure refuses or neglects to comply with the
34 requirements of such notice within the time limited, and such
35 structure is not made safe or taken down as therein ordered, or
36 made secure, a careful survey of the premises shall be made by a
37 board consisting in a city of the city engineer, the head of the
38 fire department, as such term is defined in section one of chapter
39 one hundred and forty-eight, and one disinterested person to be
40 appointed by the local inspector, and in a town of a surveyor, the
41 head of the fire department and one disinterested person to be

42 appointed by the local inspector. If there is no city engineer in
43 such city or no head of the fire department in such city or town,
44 the mayor or selectmen shall designate one or more officers or
45 other suitable persons in place of the officers so named as mem-
46 bers of said board. A written report of such survey shall be made,
47 and a copy thereof shall be sent by the inspector by registered
48 mail, postage prepaid, to such owner, lessee or mortgagee in pos-
49 session. If the inspector is unable to serve the report as herein
50 required then it shall be deemed served if a copy of such report is
51 published in a newspaper of general circulation in the city or
52 town in which the property is located once in each of two suc-
53 cessive weeks, and if there is no such newspaper, then by posting
54 a copy of the report in a conspicuous place in the city or town
55 hall for a period of fourteen days.