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THE COMMONWEALTH OF MASSACHUSETTS

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**TOWN OF OXFORD
SPECIAL TOWN MEETING WARRANT**

OFFICE OF THE TOWN CLERK
OXFORD, MA

WORCESTER, SS.

To either of the Constables of the Town of Oxford in the County of Worcester

GREETING.

SPECIAL TOWN MEETING WARRANT

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in Town affairs to meet at the **Oxford High School, 100 Carbuncle Drive** in said Oxford on **Wednesday, October 4, 2023 at 7:00 p.m.**, then and there to act on the following articles:

ARTICLE 1. To see if the Town will vote to transfer from available funds and appropriate a sum of money to pay unpaid bills of a prior fiscal year; or act thereon.

Sponsored by the Finance Director, Town Manager

ARTICLE 2. To see if the Town will vote to raise by taxation or transfer from available funds and appropriate a sum of money to the Capital Stabilization Fund; or act thereon.

Sponsored by the Finance Director, Town Manager

ARTICLE 3. To see if the Town will vote to transfer from available funds and appropriate a sum of money to be expended in accordance with the Massachusetts State-Subdivision for Statewide Opioid Settlement Funds; funds to be used for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Addiction Bureau of the Commonwealth's Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled "Abatement Strategies", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds, to supplement and strengthen resources available to communities and families for substance use disorder prevention, harm reduction, treatment, and recovery; or act thereon.

Sponsored by the Public Health Director, Finance Director, Town Manager

ARTICLE 4. To see if the Town will vote to rescind its acceptance of Chapter 8 of the Acts of 1965, An Act Placing the Office of the Chief of Police and the Positions of the Regular or Permanent Members of the Police Force of the Town of Oxford under the Civil Service Law, such rescission not to effect rights already in existence but only apply to the civil service rights of successor employees, or act thereon.

Sponsored by the Town Manager, Police Chief

ARTICLE 5. To see if the Town will vote to appropriate a sum of money to pay the costs of engineering, designing, constructing, and repairing foundations, siding, and roofs of the A.M. Chaffee and Clara Barton Elementary Schools, and the partial roof replacement of the Oxford High School, including the payment of all other costs incidental and related thereto; and to meet this appropriation authorize the Treasurer with the approval of the Board of Selectmen to borrow such amount pursuant to the provisions of General Laws Chapter 44 or any other enabling legislation and to issue bonds or notes of the Town therefor, provided, however, that any such borrowing shall be contingent upon passage of a Proposition 2½ debt exclusion ballot question pursuant to General Laws Chapter 59, §21C(k); or act thereon.

Sponsored by the School Committee, Superintendent

ARTICLE 6. To see if the Town will vote to amend the Oxford Zoning By-law Chapter III, Use Regulations, §3.0 ACCESSORY USES by adding a new section 3.10 as follows:

3.10 Accessory structures 200 square feet of area or less with a maximum eave height of 10 feet used for storage or utility purposes accessory to a primary residential structure are permitted by right in any district. The accessory structure shall comply with the front setback for its residential district, shall have a minimum side and rear setback of no less than 5 feet, and shall be 10 feet from any other structure. Accessory structures that accommodate animals are excluded.

or act thereon.

Sponsored by Building Commissioner

ARTICLE 7. To see if the Town will vote to amend the Oxford General By-Laws, Chapter Seventy-Nine REGISTRATION AND MAINTENANCE OF VACANT AND FORECLOSING PROPERTIES by adding the following:

CHAPTER SEVENTY-NINE PROPERTY MAINTENANCE

SECTION 1. PURPOSE

The purpose and intent of this chapter is to protect the health, safety and welfare of the citizens of Oxford by preventing blight, protecting the Town's resources, avoiding the creation and maintenance of nuisances and ensuring the safety and sanitary maintenance of **all** buildings and structures. Inadequately maintained residential or commercial/business buildings are at an increased risk for fire, unlawful entry, or other public health and safety hazards. This chapter will help secure the welfare of the Town's residents and neighborhoods and further the objectives of and to act in concert with existing state or local laws.

SECTION 2. DEFINITIONS

The following words and phrases as used in the By-Law shall have the following meanings, unless a contrary intention clearly appears:

“Blighted Premises” or “Blighted Property(ies)” or the condition of “blight” involving real property in the Town of Oxford shall mean any building, structure, parcel of land, or any part of a building or structure that is a separate unit, whether commercial or residential, whether occupied or unoccupied, in which at least one (1) of the following conditions exist:

- A. The property is not being adequately maintained and secured as documented by the Enforcement Officer (as the term is defined herein) based upon, but not limited to, the following factors or similar factors:
 1. Missing, broken or boarded windows or doors for more than thirty (30) days;
 2. Collapsing or missing walls, roof or floor;
 3. Siding that is seriously damaged or missing;
 4. Extensive fire or water damage;
 5. A foundation that is structurally faulty;
 6. The exterior storage or accumulation of junk, trash, litter, bottles, cans, rubbish or refuse of any kind, except for domestic refuse stored in a manner as not to create a nuisance for a period not to exceed fifteen (15) days. The term “junk” shall include parts of machinery, motor vehicles, boats, motorcycles or other inoperable machinery, used stoves, refrigerators or other cast-off material of any kind whether or not the same could be put to any reasonable use unless such items are customarily used in connection with a lawfully operating business;
 7. Gravel, rocks and dirt piles stored by the owner for purposes of construction and/or landscaping and said item(s) remain stored for more than twelve (12) months upon the owner’s premises unless such items are customarily used in connection with a lawfully operating business;
 8. Overgrown vegetation that may harbor vermin or pests, conceal pools of stagnant water or other nuisances or which is otherwise detrimental to neighboring properties and which is not grown or permitted to serve conservation purposes;
 9. Dead, decayed, diseased or hazardous trees, shrubs or any vegetation that may pose a hazard to the health and safety of any person in the vicinity of the property or which is otherwise detrimental to neighboring properties and which has not been removed to serve conservation purposes;
 10. Overgrown grass of at least two feet that is not grown to serve conservation purposes;
 11. All dumpsters in place for more than eight (8) weeks shall be screened from public view and shall be always covered. Dumpsters used solely to serve construction carried out under a Building Permit(s) are exempt; or
 12. Other structural deficiencies that contribute to blight as determined by the Enforcement Officer or his/her agents;

- B. Property allowed to exist in a condition of neglect resulting in:

- 1) the harboring of vermin or pests;
- 2) the maintenance of a fire hazard, as determined by the Fire Chief or his designee; or
- 3) the attraction of illegal activity, as determined by the Police Department;

where such condition presents a threat to public health or safety.

- C. Because of fire, wind or other natural disaster, or because of physical deterioration, one or more structures on the property are no longer safe for use.

“Board of Health” shall mean the Board as defined and designated by the Town’s governance documents.

“Building” shall mean a structure having a roof supported by columns or walls, resting on its own foundations; including but not limited to a shed, garage, stable, greenhouse, metal container or other accessory building.

“Costs” shall mean any and all expenses paid or incurred by the Town for work done or efforts expended in furtherance of carrying out the intent and directives of this chapter including but not limited to all technical, administrative, and/or professional fees, and all court costs and attorney fees.

“Day” shall mean consecutive calendar days.

“Dilapidated” shall mean a condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes but is not limited to:

- A. Property having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken or inadequately secured windows or doors; or
- B. Personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise due to deterioration is unsuitable for the purpose for which designed.

“Enforcement Official” shall mean the Board of Health Agent, the Building Commissioner, the Inspector of Buildings, Assistant Inspector of Buildings and the Fire Chief, or their designated agents.

“Inoperable/Neglected Motor Vehicle” shall mean an inoperable motor vehicle, registered or unregistered, not stored within an enclosed building or designed and used for agricultural purposes, in a condition of disrepair or partially dismantled with no progress toward restoration, or showing neglect by invasion of foliage, rodent nesting, or progressive deterioration or other condition attributable to neglect.

“Owner” shall mean any individual, business entity, voluntary association or nonprofit organization, and quasi-governmental entities, which alone or jointly or severally with others:

- A. Has legal or equitable title to any building, structure, or property or parcel of land, vacant or otherwise;
- B. Has care, charge, or control of any such building, structure or property in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title;
- C. Is a lessee under a written agreement;
- D. Is a mortgagee in possession of any such property;
- E. Is an agent, trustee, or other person appointed by the courts and vested with possession or control of such building, structure or property; or
- F. Is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transaction and has initiated the foreclosure process.

“Property” shall mean any real residential, commercial or industrial property or portion thereof, located in the Town of Oxford, including any buildings, structures and personal property located thereon. For purposes of this chapter, “property” does not include property owned by or subject to the control of any governmental entity, including the Town of Oxford or any of its governmental bodies.

SECTION 3. BLIGHTED CONDITIONS

- A. No owner of property, shall allow, create, maintain or cause to be created or maintained any Blighted Premises.

SECTION 4. ADMINISTRATION

- A. Investigation. The Enforcement Official shall undertake an investigation of any alleged violation of this chapter upon their own initiative or upon receipt of a complaint from any individual, civic organization, neighborhood group, governmental entity or other affected agency. In conducting investigations, the Enforcement Official shall coordinate inspections by and among the Board of Health, Chief of Police and the Fire Chief, or their designees, as the Enforcement Official deems appropriate to ensure that this bylaw may be enforced.

In making such inspection, the Enforcement Official shall have such right of access to premises that may be lawfully exercised by him/her under the laws and constitution of the Commonwealth and the United States.

- B. Order to take corrective action. In the event that a violation of this chapter has occurred, the Enforcement Official shall serve notice of the violation and an order to correct such violation on the owner of the property by certified mail or by handing a copy of the notice and order to the intended recipient. The order shall require the owner(s) to take one or more of the following actions to bring the property into compliance with the requirements of this chapter:

1. To take any action that the Enforcement Official deems necessary to correct the violations of this chapter in order to assist the Town in protecting the public health, safety, and the wellbeing.
2. To correct the violation within seven (7) days or within such time as the Enforcement Official deems reasonable and necessary. In the event of demonstrated hardship, an extension or extensions may be granted at the discretion of the Enforcement Official.
3. In instances where permits or other authorizations are required; to file a completed application and any required plans for said permit for repair or rehabilitation along with a schedule indicating a completion date for such work or its various phases. Such schedule shall be approved by the Enforcement Official.

If the Enforcement Official determines that the condition is subject to the jurisdiction of the Board of Health or is a violation of the State Sanitary Code or any health regulation, in addition to enforcing this chapter, s/he shall refer the matter to the Board of Health or any other appropriate state or local officials for action.

- C. Failure to comply. Should the property owner fail to comply, or neglect or refuse to take the corrective action specified in the notice, the Enforcement Official may seek an injunction or order in any court of competent jurisdiction restraining any further use of the property and the continuation of the violation and may take such other action as is provided by law to enforce the provisions of this chapter. As the court may provide, or as is otherwise provided by law, the Town may undertake such repairs or actions or may seek a court-appointed receiver to manage the property and bring said property into compliance with this bylaw and all applicable statutes, regulations and codes, and to take such other corrective action as may be required to protect the health, safety or welfare of the public. Notice of the intention of the Town to make such repairs or other corrective action shall be served on the owner(s) by certified mail or by service in hand by a person duly authorized to do such.
- D. Recovery of costs. When repairs are made or other corrective action is taken by the Town, the costs of such repairs and enforcement action (which "costs" are understood to include all technical, administrative, and/or professional fees to accomplish these repairs and/or corrective action) plus any and all court costs and attorney fees for administration, processing, and/or prosecution of the collection of these costs shall constitute a debt in favor of the town against the owner(s) of the blighted premises. In the event that the property owner(s) fails, neglects or refuses to pay the debt within thirty (30) days of the debt receipt, the Town may collect the debt by any lawful means, including initiating a civil action in a court of competent jurisdiction for the balance due and obtaining a lien on the property for the debt. Lenders foreclosing on a property may seek waiver of such costs that accrued before possession by lender, which the Town may consider in its sole discretion.
- E. Enforcement authority. The enforcement authority under this section shall be in addition to and not in place of any other existing authority under any relevant ordinance or General Law, including MGL c.139 §1, MGL c.111 §122-125, and MGL c.143 §6.

SECTION 5. PENALTIES

Each separate offense of this chapter shall be punishable by a fine of \$300.00. Each violation of any provision of this chapter shall be considered a separate offense and each day that any violation continues shall constitute a separate offense.

The imposition of any fine from this section shall not be construed to prevent enforcement of any other bylaws, laws or regulations of the same property nor prevent other enforcement measures or fines, including civil or legal action against the owner to require compliance with the order. Failure to pay any fine arising from the enforcement of this chapter shall constitute a debt in favor of the Town. In addition to any other means of enforcement available under this bylaw, the Enforcement Official may enforce this bylaw by means of non-criminal disposition pursuant to MGL c.40 §21D.

SECTION 6. APPEALS

- A. Right to a Hearing. Any person or persons upon whom any order to take corrective action has been served pursuant to this chapter, and who is aggrieved by said order may seek an

administrative appeal to the Hearing Officer, such petition must be filed in writing within seven (7) days after the day the order was served.

- B. Hearing Notice. Upon receipt of a petition the Hearing Officer shall in writing inform the petitioner and other affected parties (affected parties shall include the occupants of all affected premises if the petitioner is an owner, and the owner if the petitioner is an occupant) of the date, time and place of the hearing and of their right to inspect and copy the Enforcement Official's file and other public records concerning the matter to be heard.
- C. Appeal of Final Decisions. Any person aggrieved by the final decision issued under this chapter by the Hearing Officer may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth of Massachusetts.

SECTION 7. APPLICABILITY

If any provisions of this chapter impose greater restriction or obligations than those imposed by any general law, special law, regulation, chapter, order or policy, then the provisions of this chapter shall control.

SECTION 8. SEVERABILITY

If any provision of this chapter is held to be invalid by a court of competent jurisdiction, then such provisions shall be considered separately and apart from this chapter's remaining provisions, which shall remain in full force and effect.

The provisions of this chapter are effective immediately upon passage and all provisions shall be enforced immediately.

Or act thereon.

Sponsored by Public Health Director, Building Commissioner

And you are directed to serve this Warrant, by posting up attested copies thereof at the Post Office on the Plains, the Post Office in North Oxford, Memorial Hall, Huguenot Steamer No. 2 and the Post Office in Rochdale in said Town, fourteen days at least before the time of said meeting. HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of said meeting.

Given under our hands this 19th day of September, 2023.

Dorothy
Jen B. Siff
Amy Flick
Leah T. Leonard

SELECTMEN OF OXFORD

WORCESTER, SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Oxford by posting up attested copies of the same at the Post Office on the Plains, the Post Office in North Oxford, Memorial Hall, Huguenot Steamer No. 2 and the Post Office in Rochdale fourteen days before the date of the meeting, as within directed.

Leah T. Leonard
Constable of Oxford

A true copy, ATTEST:

Date: 9-20-2023