

3. DEFINITIONS

3. DEFINITIONS When used in this Bylaw, unless a contrary intention clearly appears, the following terms shall have the following meanings: "Abandoned Property" means any vacant Property and/or any Property not currently legally occupied. "Board" means the Town of Canton Select Board. "Bylaw" means the provisions of this Article XXII of the Town of Canton General By-laws.

22 Inserted under article 37, ATM April 30, 2012 200

"Commissioner" means the Town of Canton's Building Commissioner. "Contact Information" means a person's: (a) name, (b) mailing address, which shall include a street number, street name, city/town and zip code and which may not be a P.O. Box, (c) telephone number where that person may be reached during regular business hours (8:30 A.M. - 5:00 P.M. E.S.T.) and (d) email address. "Dilapidated Building" means any building or structure, or portion thereof, that: (a) shows sign of decay, deterioration or full or partial ruination through neglect or misuse, (b) is unsafe or not structurally sound, and/or (c) is otherwise unfit for healthy or safe habitation or access. "Distressed Property" means: (a) any Property in Foreclosure; (b) any Abandoned Property or any Property showing Evidence of Abandonment; (c) any Dilapidated Building; and/or (d) any Property where the Owner, by their or its action or inaction, has created or failed to correct a material health and/or safety condition at a Property. A material health and/or safety condition may be found where the health, safety and welfare of persons, the neighborhood or general public is or may be at risk, including but not limited to instances where: (1) a building is vacant for any length of time that is inconsistent with its use as a residential, commercial or industrial building and/or premises; (2) there exists a lack of maintenance and/or a deterioration of a building or grounds which actually or potentially poses a risk to the public health, safety, security and welfare and/or to the enjoyment of occupants, abutters and/or neighborhoods; (3) the structural vandalism of a building or grounds has gone unrepaired; and/or (4) a lack of maintenance, a use or a deterioration of a building and/or premises promotes a degradation of the surrounding neighborhood adversely affecting public health, safety, security and welfare or the enjoyment of occupants, abutters or neighborhoods. "Evidence of Abandonment" means any Property that independently or in the context of the totality of circumstances would lead a reasonable person to believe that a Property is Abandoned Property or occupied by a person without a legal right of occupancy. Such conditions include but are not limited to: (1) overgrown grass (1 foot or higher) or noticeable amounts of dead vegetation; (2) accumulation of unclaimed newspapers, circulars, flyers or mail; (3) past-due utility notices or disconnected utilities; (4)

accumulation of trash, garbage, junk or debris; (5) the absence of window coverings such as curtains, blinds or shutters; (6) the absence of furnishings or personal items consistent with habitation; (7) a swimming pool in such disrepair that a dangerous condition may exist; and/or (8) reports by 201

neighbors, passersby, delivery agents or government employees that the Property is Abandoned Property. "Foreclosure" means the process by which a Property serving as security for a loan or other debt is taken to satisfy such loan or debt, regardless of what stage the process is in (from the Initiation of the Foreclosure Process through the conclusion of any such process) and whether the process entails foreclosure by sale, by entry or by action. "Initiation of Foreclosure Process" means taking any of the following actions: (a) taking possession of a Property pursuant to G.L. c. 244, § 1; (b) delivering a notice of intention to foreclose on a Property pursuant to G.L. c. 244, § 17B; or (c) commencing a foreclosure action on a Property in either the Land Court or Superior Court. "Local" means within twenty (20) driving miles distance of the property in question. "Mortgagee" means a mortgagee or creditor that holds rights, title or interests to a Property pursuant to a mortgage or security agreement, and shall include but not be limited to lenders in a mortgage agreement, service companies and their agents, employees, successors in interest and assignees. "Owner" and "Owners" mean every person, entity, service company, property manager or real estate broker, who alone or severally with others: (a) has legal or equitable title to any Property by Foreclosure, transfer, court order or otherwise; (b) is a Mortgagee that has undertaken any Initiation of Foreclosure Process; (c) is a Mortgagee in possession of a Property; (d) is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has undertaken any Initiation of Foreclosure Process; (e) has care, charge, custody or control of any Property in any capacity, including but not limited to as trustee, agent, fiduciary or other personal representative (e.g., executor/executrix, administrator/administratrix, guardian or conservator) of the estate of the holder of legal title; (f) is an agent, trustee or other person appointed by a court and vested with possession, receivership or control of any Property; and/or (g) is an officer or trustee for the organization of unit owners of a condominium created pursuant to G.L. c. 183A, except however, this Bylaw shall not apply to such officers or trustees to the extent that the officers or trustees, on behalf of the organization of unit owners, enforce a lien placed on a unit in their condominium for unpaid

202

delinquent common expenses, fees, assessments and other charges pursuant to G.L. c. 254, §§ 5 and 5A. "Property" means any improved or unimproved real property or portions thereof located in the Town, together with the buildings, structures thereon

and appurtenances thereto, including but not limited to dwellings, dwelling units, mobile dwelling units and commercial properties, or any portions thereof, situated on, over and under such real property regardless of condition and regardless as to whether such real property is used for residential, commercial, industrial or other purposes. For purposes of this Bylaw, "Property" shall not include property owned by the Town. "Town" means the Town of Canton.

Independent reference excerpt. Consult the official town PDF for authoritative formatting and subsequent amendments.

Source: <https://www.town.canton.ma.us/DocumentCenter/View/13507/GENERAL-BY-LAWS-2025#page=200>