

CITY OF WESTFIELD ZONING ORDINANCE

ARTICLE I – ADMINISTRATION & ENFORCEMENT

Section 1-10

Section 1-10.1 – Enforcement.

1. **Penalties.** Any person violating any provisions of this Zoning Ordinance, any of the conditions under which a permit is issued, or any decision rendered by the Planning Board, City Council or Board of Appeals may be subject to:
 - a. A criminal fine of not more than \$100 for a first offense and \$300 for each subsequent offense, with each day of the violation constituting a separate offense;
 - b. A fine imposed through a non-criminal complaint pursuant to Chapter 40, Section 21D of the General Laws of the Commonwealth of Massachusetts. Unless otherwise specified, such fine shall be \$100 for a first offense and \$300 for each subsequent offense, with each day of the violation constituting a separate offense;
 - c. Injunctive relief by means of an action brought by the City in Superior Court pursuant to Chapter 40A, Section 7 of the General Laws; and/or
 - d. Any other lawful action deemed necessary to prevent or remedy a violation.
2. **Authority.** It shall be the duty of the Superintendent of Buildings to enforce the provisions of this Ordinance, as amended.
3. **Refusal to Grant Permits Resulting in a Violation.** The Superintendent of Buildings shall refuse to grant a permit for the construction or alteration of any building, if the building as constructed or altered would be in violation of any of the provisions of this Ordinance, as amended; and state and municipal officers shall refuse any permit or license for a new use of a building, structure or land which use would be in violation of any such ordinance or amendment thereof.
4. **Refusal to Grant Other Approvals on a Standing Violation.** Municipal officials shall also refuse to issue any type of permit, license, or certificate of occupancy for a new use of land where a violation of this Ordinance exists, except as necessary to remedy such violation. (7/13/21)

Section 1-10.2 – Filing Plot Plan. Unless otherwise ordered by the Superintendent of Buildings, all applications for building permits involving new construction and horizontal additions which are not subject to site plan approval (per Section 6-10) shall be accompanied by a plot plan prepared at a scale of 1"=20' or better, in paper and digital formats, with:

1. Sufficient information to identify the property, such as a north indication, address/street name, Assessor's map/parcel and zoning district;
2. An affixed original professional seal of the land surveyor, engineer and/or landscape architect (as appropriate) who prepared the plan and is licensed to practice in the Commonwealth of Massachusetts;

3. Lot dimensions and area, including all lot lines and property corners, with type of monumentation identified; location and dimensions of any existing or proposed easements;
4. Existing and proposed locations of any building/addition, driveway and other features regulated by this ordinance; setback distances from the proposed structure to the front, rear and side lot lines;
5. Existing and proposed site topography generally, including proposed elevations at building corners, doors/garage doors, top of foundation wall, basement floor and benchmark reference. Such information shall be of sufficient detail to allow for the reviewing authority to determine:
 - a. areas and depths of cuts and fills,
 - b. direction of stormwater runoff, and that grading will not increase runoff onto abutting properties,
 - c. high points and low points, including any on-site areas intended to collect or manage stormwater,
 - d. if the lot is located in an approved subdivision, that the proposed grading is generally consistent with the overall development's grading and stormwater scheme, as illustrated on the subdivision plans;
6. Subsurface utilities, with proposed services in conformance with the respective authority's requirements.

Written notice of significant deviations from the filed plot shall be submitted for review prior to implementation. After completion of construction, the Superintendent of Buildings shall be provided with a written certification from the registered land surveyor, engineer or landscape architect that site has been constructed in conformance with the filed plot plan or an accompanying as-built plan containing the above information. Failure to comply with the standards of this section may result in denial of a building or occupancy permit. (5/13/20)

Section 1-10.3 – Pending Applications for Building Permits. Nothing herein contained shall affect any permit issued before notice of hearing by the Planning Board on the question of adoption is first given, provided that construction work under any such permit is commenced within twelve (12) months after its issue. (7/13/21)

Section 1-10.4 -Zoning Permit Required It shall be unlawful for any owner or person to:

- a. Erect, construct, reconstruct or alter any building or other structure (excluding interior alterations, and exterior alterations which are cosmetic and/or don't increase the exterior size of the structure).
- b. Change, alter, extend, displace or increase the use of any building or other structure or lot,
- c. Change or alter lot coverage (maximum building coverage)

without first applying for, and receiving, an approved Zoning Permit from the Zoning Enforcement Officer. Such application shall be filed prior to the filing for any Building permit, Special Permits, Variances or Site Plan Reviews.

An application for a Zoning Permit may be obtained from, and must be filed with, the Building Department/Zoning Enforcement Officer's Office. There shall be no filing fee. It shall be accompanied by such pertinent information as the Zoning Enforcement Officer deems

sufficient to assure a full review. The larger and more complex the property or project, the more detailed the site plan. Inaccurate information provided as part of the Zoning permit application process, including inaccuracy of the site plan as submitted, may cause the Zoning Enforcement Officer to void such Zoning Permit as may have been issued hereunder. Such application may be distributed to such municipal departments that the Zoning Enforcement Officer believes are appropriate.

A record of all applications, plans and permits shall be kept on file at the Building Inspector/Zoning Enforcement Officer's Office. The Zoning Enforcement Officer shall take action on the application, either granting the permit or disapproving the application, within thirty (30) days of its filing. The issuance of a Zoning Permit does not relieve an applicant or owner of the responsibility to obtain such other zoning or non-zoning permits and approvals as are other required. Issuance of a Zoning Permit shall not supercede the authority of any municipal, state or federal official, departments, boards, committees or agencies. (10/10/01)

1-10.4 added (10/10/01)
1-10.2 revised (5/13/20)
1-10.1, 3 revised (7/13/21)