

PROCEDURES FOR POTENTIAL VIOLATIONS
OF THE
LOWELL HISTORIC BOARD
(10/18/21)

The Lowell Historic Board Administrator (the “Administrator), or any other person delegated by the Lowell Historic Board (the “Board) acting upon the recommendation of the Administrator, shall ensure compliance with the Lowell Historic District Act (the “Act”) and the Design Review Standards and regulations promulgated thereunder (the “Standards).

If at any time during this violation procedure the tenant/owner complies with the Act/Standards, the process will be interrupted. If however, within six (6) months the alleged violation, or a violation which is substantially the same (e.g. replacing one noncomplying sign with another) is reintroduced, the Administrator or Board shall not be required to implement the entire violation procedure, but shall resume the procedure at the point it was interrupted when the temporary compliance occurred.

I. Request for Compliance

After a visual inspection and/or visit, the Administrator has reason to believe that a tenant/property owner is allegedly in violation of the Act/Standards, the Administrator shall send a Request for Compliance and attempt to ensure compliance of the Act/Standards within seven (7) days. Depending upon the level of work, an immediate cease and desist order may have to be issued.

II. Order to Appear

If after seven (7) days of mailing the Request for Compliance the alleged violation has not been corrected or is not in the process of being corrected according to the Board’s process and Standards, a report will be made to the Board at its next regular scheduled meeting. If the Board determines that an alleged violation still exists, the Board shall issue an Order to Appear to the tenant/owner, who may then either comply with the Act/Standards or appear before the Board at a public hearing to be conducted at the Board’s next regularly scheduled meeting, at which time the Board will determine if the tenant/owner is in violation of the Act/Standards.

III. Public Hearing

At the Hearing, the Administrator shall describe the nature of the alleged violation(s). Thereafter, the Chairman shall provide the tenant/owner with an opportunity to be heard and to show cause why he/she should not be found in violation of the Act/Standards. Based upon the information presented at the public hearing, the Board shall determine whether the tenant/owner is in violation of the Act/Standards, and shall specifically enumerate its findings of fact and reasons for its decision.

IV. Written Notice of Board’s Decision/Ordered Compliance

The Board shall then issue a written notice of the Board’s decision to the tenant/owner by certified mail, return receipt requested. Any person found to be in violation of the Act/Standards may be assessed a maximum penalty of One Hundred Dollars (\$100.00) per day for each day of each violation. The first day of the violation shall be the date of receipt of the Board’s certified notice indicated by the date on the return receipt. If the certified mail notice is returned as unclaimed, the date of the mailing shall be considered the first day of violation.

V. Enforcement in Superior Court

If the tenant/owner fails to comply with the Board’s order within seven (7) days of notice of the Board’s decision, the Board may file a complaint in the Superior Court Department of the Trial Court seeking enforcement of the Act/Standards.