ON-LINE ZONING ORDINANCE DISCLAIMER

The Web version of the City of Cambridge, Massachusetts Zoning Ordinance is provided for reference and the convenience of having the Ordinance in a computer-readable format. The print version of the Zoning Ordinance, together with any amendments adopted by the City Council subsequent to the most recent update to the print version, remains the official version of the Ordinance. If any discrepancies exist between the print and web versions of the Zoning Ordinance, the print version, together with any City Council amendments, shall be considered correct. Recent amendments to the Zoning Ordinance may appear on the Web prior to being incorporated into the print version of the Ordinance.

ARTICLE 9.000 PROCEDURES AND ADMINISTRATION

Text current through Ordinance #1372 of June 15, 2015.

9.10 ENFORCEMENT
9.20 CERTIFICATE OF OCCUPANCY

9.10 ENFORCEMENT

9.11 The Superintendent of Buildings of the City of Cambridge is hereby designated and authorized as the officer charged with the enforcement of this Ordinance.

9.12 From the time of the effective date of this Ordinance the Superintendent of Buildings shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration would be in violation of any of the provisions of this Ordinance whether by the applicant for the permit or by any other party associated with the property involved; nor shall any municipal officer grant any permit or license for the use of any building or land if such use would be in violation of any of the provisions of this Ordinance. No building permit or certificate of occupancy or other permit or license shall be issued for land or for a building or structure to be erected on land which at the time of application is dedicated to the provision of off street parking as required by this Ordinance, unless such new construction or use shall continue to make available the required number of off street parking spaces in addition to the off street parking facilities required for such new construction or use, or unless substitute parking facilities which meet the requirements of Article 6.000 have been first provided. In the event of doubt whether a building permit or certificate of occupancy should be issued in any particular case the Superintendent of Buildings shall deny the application therefore.

9.13 Whenever such permit is refused, because of the violation of some provision of this Ordinance the reason for such refusal shall be clearly stated in writing.

9.14 Every applicant for a building permit for any construction, alteration, or use of any building or land for which a permit is required by law shall, upon request of the Superintendent of Buildings, file such written information, plans, specifications, or other data as shall be deemed necessary for the full and accurate exposition of the proposed construction, alteration or use with relation to the regulations of this Ordinance. Such material shall be kept on file in the records of the Office of Superintendent of Buildings.

9.15 The Superintendent of Buildings, upon accurate information in writing from any citizen, or upon his own initiative, shall institute any appropriate action or proceedings in the name of the City of Cambridge to prevent, correct, restrain, or abate violations of this Ordinance. Any person aggrieved by a violation of any portion of this Ordinance may request in writing that the Superintendent of Buildings enforce the Ordinance. The Superintendent shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen days of receipt of such request.

9.16 (1) Criminal Penalty. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Ordinance may, upon conviction, be fined a sum not to

exceed three hundred dollars for each offense. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense.

(2) Noncriminal Disposition. Whoever violates any provision of this ordinance may be penalized by a non-criminal disposition as provided in G. L. c. 40, Section 21D. For purposes of this section, the Commissioner of Inspectional Services and his or her designee shall be the enforcing officer. The penalty for each violation shall not exceed three hundred dollars. Each day's violation shall constitute a separate violation.

9.17 In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

9.20 CERTIFICATE OF OCCUPANCY

9.21 No land shall be occupied or used, and no building or structure erected or structurally altered after January 25, 1944, shall be occupied or used, in whole or in part, for any purpose until a certificate of occupancy has been issued by the Superintendent of Buildings stating that the building and use comply with the provisions of the Zoning Ordinance of the City of Cambridge and of the State Building Code in effect at the time of issuance. No such certificate shall be issued unless the building and its use and its accessory uses and the uses of all premises are in conformance with the provisions of the Zoning Ordinance and of the State Building Code at the time of issuance. Where a certificate of occupancy was not issued at the time of occupancy or use permitted by the Zoning Ordinance and State Building Code in effect at such time began, the Superintendent of Buildings may issue a validating certificate of occupancy retroactive to the beginning of the occupancy of use. A certificate of occupancy shall be conditional on the adequacy of parking space and other facilities as required by this Ordinance and shall lapse if such space or spaces facilities are used for other purposes.

9.22 A certificate of occupancy shall be required for any of the following in conformity with the State Building Code and the Zoning Ordinance:

(a) Occupancy and use of a building hereafter erected or structurally altered.
(b) Change in use of an existing building to a use of a different classification.
(c) Change in character or the intensity of the use of land.
(d) Any change in use of a nonconforming structure or use.

9.23 In cases where a building permit is required, a certificate of occupancy shall be applied for at the time of the application for a building permit, and shall be issued within ten days after the lawful erection or alteration of the building is completed if the proposed use of the building is permitted by this Ordinance. In cases where a building permit is not required a certificate of occupancy shall be applied for prior to the happening of any of the events specified in Section 9.22 and shall be issued prior to any such change of use. Such certificates of occupancy shall be posted forthwith by the owner of the property in a

conspicuous place on the premises involved for a period of not less than ten days after issuance.

9.24 Pending the issuance of a regular certificate of occupancy, a temporary certificate may be issued for such period as the Superintendent may designate, but not beyond the completion of the project described in the application for the building permit, provided there is compliance with the provisions of the Zoning Ordinance corresponding to the extent of occupancy.

9.25 The Superintendent of Buildings may issue a certificate of occupancy for a nonconforming use which is substituted for an existing nonconforming use of the same type (e.g. retail store for retail store, restaurant for lunch room) and for a nonconforming use which is substituted for an existing nonconforming use where such substitute use is permitted in Article 4.000 as a matter of right in the the most restricted Residence district in which a similar such existing nonconforming use is permitted; provided there is no enlargement of volume or area and provided such substitution does not occasion any further violation of applicable regulations of this ordinance.