

MEDFORD BOARD OF HEALTH

Regulation 13: Nuisances Affecting Public Health

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I. Purpose

The purpose of this regulation is to legally empower the Medford Board of Health to enforce requirements including and in addition to existing State and Federal laws and regulations for nuisances. This is specifically to prevent unsanitary conditions, rodent and pest harborage. Evidence based practice identifies certain conditions as supporting disease such as mosquito borne illness.

II. Authority

Under the authority of M.G.L. Chapter 111 Section 31 and Section 128A, the Medford Board of Health has promulgated this regulation in an effort to protect the health and safety of the Medford community. These regulations and laws, including but not limited to, the M.G.L. Chapter 111, Sections 122, 123 & 124 are adopted by the Medford Board of Health in an effort to protect the health and safety of the Medford community.

III. Requirements of Property Owners, Managers and Occupants

No owner, manager or occupant in the City of Medford shall cause or permit to exist on said property any stagnant water, overgrowth of vegetation or accumulation of debris in a manner deemed by the Board of Health, to be a harborage of pests, a medium for the growth of arbovirus or the creation of any nuisance or public health risk.

IV. Enforcement

The Medford Board of Health and its agents may order, in writing, the removal or abatement of any said condition within a reasonable time.

V. Hearing

The owner, manager or occupant to whom any order has been served may request a hearing before the Board by filing with the Board within 7 days after the day the order was served, a written petition requesting a hearing on the matter. Upon receipt of such

petition, the Board shall set a time and place for such hearing and shall inform the owner, manager or occupant in writing. The hearing shall be commenced not later than 30 days after the day on which the order was served. The Board, upon application, may postpone the date of the hearing for a reasonable time beyond such 30-day period if in the judgment of the Board the owner, manager or occupant has submitted a good and sufficient reason for such postponement. At the hearing the owner, manager or occupant shall be given an opportunity to be heard and show why the order should be modified or withdrawn. After the hearing, the Board shall sustain, modify, or withdraw the order and shall inform the owner, manager or occupant in writing of its decision. If the Board sustains or modified the original order, it shall be carried out within the time period allotted in the original order or in the modification.

VI. Penalties

Any person who violates any provision of these regulations, or who fails to comply with any order by the Board, for which a penalty is not otherwise provided in any of the General Laws shall upon conviction be fined not less than ten nor more than five hundred dollars. Each day's failure to comply with an Order shall constitute a separate violation. Each day the offense continues shall constitute a separate offense.

Failure to Comply with Orders

590.051 (B) (1) These regulations may be enforced by the Medford Board of Health through Ticket Enforcement under M.G.L. c. 40 s 21D:

Fine Schedule:

First offense, fifty dollars (\$50.00);

Second offense, one hundred dollars (\$100.00)

Third and subsequent offenses, two hundred dollars (\$200.00)

Each day that the offense continues shall constitute a separate offense.

VII. Severability

If any provision of these regulations or the application thereof is held to be invalid by a court of competent jurisdiction, the invalidity shall be limited to said provision(s) and the remainder of these regulations shall remain valid and effective. Any part of these regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulation.

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