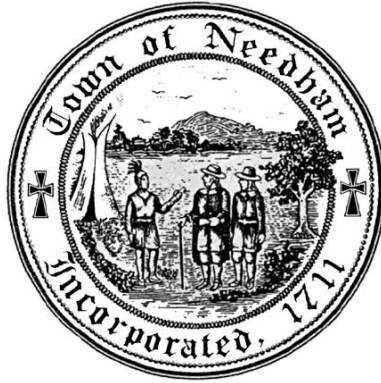




Board of Health

Edward Cosgrove, PhD
Chair

Stephen Epstein, MD, MPP
Member

Jane Fogg, MD, MPH
Vice Chair

ARTICLE 3

REGULATION FOR THE CONTROL OF PUBLIC NUISANCES

SECTION 3.1

GENERAL

The Board of Health, Town of Needham, Massachusetts, acting under the authority of Section 31, Chapter III of the General Laws and amendments and additions thereto, and by any other power thereto enabling, has adopted the following regulation in the interest of and for the preservation of the public health.

SECTION 3.2

REGULATED CONDUCT

The Board of Health shall order the owner or occupant of any private premises, at his own expense, to remove any nuisance, source of filth or cause of sickness found thereon within twenty-four hours, or within such other time as it considers reasonable after notice and such owner or occupant shall be subject to a fine up to \$1,000 for each offense. Each day the violation continues shall be a separate offense.

Such order shall be in writing and be served personally to the owner, occupant or his authorized agent by any person authorized to serve civil process; or a copy of the order may be left at the last and usual place of abode of the owner, occupant or agent by registered mail, return receipt requested, if he is known and within the commonwealth. If the order is directed against the owner and if the residence and whereabouts of the owner or his agent are unknown or outside the commonwealth, the board may direct the order to be served by posting a copy thereof in a conspicuous place on the premises and by advertising it for at least three days out of five consecutive days in one or more newspapers of general circulation within the municipality wherein the building is situated.

If the owner or occupant fails to comply with such order, the board may cause the nuisance, source of filth or cause of sickness to be removed, and all expenses incurred thereby shall constitute a debt due the Town upon the completion of the removal and the rendering of an account therefore to the owner, his authorized agent, or the occupant, and shall be recoverable from such owner or occupant in an action of contract.

A debt due the Town shall constitute a lien on the land upon which the structure is located if a statement of claim, signed by the Board of Health and setting forth the amount claimed without interest, is filed with the Registry of Deeds within ninety days after the debt becomes due. Such lien shall take effect upon the filing of the statement and shall continue for two years from the first day of October next

following the date of such filing. Within a reasonable time after filing the statement of claim with the Registry of Deeds (and certainly before the expiration of the two year period during which the lien is in effect), the Board of Health shall certify to the assessors the claims upon the land. The assessors shall, in turn, commit such claims with their warrant to the collector of the taxes, who shall have the same power and duties with respect to such claim as in the case of the annual taxes upon real estate. The provisions of law relative to the nonpayment thereof, and the redemption of land so sold or taken shall apply to such claim.

The provisions of the above paragraph relative to liens for such debt and the collection of the claims for such debt, shall apply to any debt referred to in this section, except that the Board of Health shall act hereunder in place of the Board of Selectmen.

SECTION 3.3 VARIANCE

The Board of Health may vary any provision of these regulations with respect to any particular case when, in its opinion, the enforcement thereof would manifest injustice; provided that the decision of the Board of Health shall not conflict with the spirit of these standards and provided further, such variance may be granted only after notice is given to all affected occupants and after a hearing is held.

SECTION 3.4 ENFORCEMENT & PENALTIES

Criminal complaint: Whoever violates any provision of these rules and regulations may be penalized up to \$1,000 for each offense. Each day on which a violation exists shall be deemed to be a separate offense.

Effective: 1/27/05