

Town of Millville

Board of Health

Nuisance Regulations

Section 1: Authority and Purpose

Authority. These regulations shall be effective on October 1, 2008 and shall remain in effect until modified or amended by the Millville Board of Health. These regulations are enacted under the authority of the Massachusetts General Laws, Chapter 111, Section 31, 122, 143.

Purpose. These regulations are intended to prevent all nuisances, sources of filth and causes of sickness which may be injurious to the public health, safety, or welfare of the inhabitants of the Town of Millville.

Section 2: Definitions

Abate: shall mean to repair, replace, remove, destroy, or otherwise remedy a condition.

Dumpster or Disposal Container: shall mean a solid waste container including roll-offs or other temporary containers used for the collection of solid waste, but not to include those with a volume of less than two cubic yards used for the collection of solid waste.

Nuisance: An act or failure to perform legal duty which causes or permits a condition to exist which injures or endangers the public health, safety, or welfare of the inhabitants of the Town of Millville.

Rubbish: Combustible and noncombustible waste materials, except garbage and approved compost containers, and includes but not limited to such material as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, grass clippings, tin cans, metals, glass, crockery, plastics, mineral matter, dust and the residue from the burning of wood, coal, coke or other combustibles.

Vermin: Any invertebrate or vertebrae animals which may act as carriers or agents of infection and disease transmission.

Section 3: Regulations

(A) The owner of any parcel of land, vacant or otherwise, shall be responsible for maintaining such parcel of land in clean and sanitary conditions and free from garbage, rubbish, or other refuse. The owner of such parcel of land shall correct any condition caused by or on such parcel or its appurtenance which affects the health or safety, and well-being of the occupants of any dwelling or of the public.

(B) Any person or persons owning, or having control of any building or premises shall keep the same in a clean and sanitary condition and free of garbage, rubbish, or other

filth or causes of sickness. Any such person having control of any building or premises, in or upon which there is any substance or material, or any condition which is or may become a source of danger to the public health or a nuisance, shall, when ordered by the Board of Health in writing, remove or abate the same within the time specified in said order.

(C) In a dwelling that contains less than three dwelling units, the occupant shall be responsible for maintaining in a clean and sanitary condition, free of garbage, rubbish, other filth or causes of sickness the stairs or stairways leading to his/her dwelling unit and the landing adjacent to his/her dwelling unit if the stairs, stairways or landings are not used by another occupant.

(D) In any dwelling, the owner shall be responsible for maintaining in a clean and sanitary condition free of garbage, rubbish, other filth or causes of sickness that part of the dwelling which is used in common by the occupants and which is not occupied or controlled by on occupant exclusively.

(E) No person shall place, throw, or deposit any trash, bottles, cans, refuse, scraps, furniture or appliances or other waste material of any kind on or in any public way or place within the Town or within twenty yards thereof.

(F) Any person or persons owning or having control of any premises abutting and/or adjoining a private way, and having the right to use such private way shall, when ordered by the Board of Health in writing, remove or abate from that part of said private way adjoining such premises, any substance, material or condition, which is or may become a menace to the public health or a nuisance, and such removal or abatement shall take place within the time specified in said order.

The owner of any dwelling abutting a private passageway, private road, drive, or right-of-way owned or used in common with other dwellings or which the owner or occupants under his/her control have the right to use or are in fact using shall be responsible for maintaining in a clean and sanitary condition free of garbage, rubbish, other filth or causes of sickness that part of the passageway or right-of-way which abuts his/her property and which he/she or the occupants under his/her control have the right to use, or are in fact using, or which he/she owns.

(G) No person or persons shall place or cause to be placed or left in or upon any public or private street or way, enclosure or grounds, or in any body or stream of water within the limits of this town, the body of any dead animal, fowl, or any other substance or material that is or may become offensive or cause a nuisance, or may tend to obstruct the flow of any stream.

(H) No person shall keep or maintain dogs, cats, fowl, hogs, goats, cows, chickens, horses, or other animals in a manner that creates a nuisance.

(I) No discharge of any liquids onto any public ways or streets.

(J) If garbage, manure, grass clippings and refuse are collected in compost piles they shall be treated or covered with earth, loam, lime, compost or other suitable material in sufficient amounts to eliminate any odor or nuisance. All such piles shall be at least 50 feet from any highway or dwelling, and 50 feet from any neighbors' lot line. No

garbage, manure, or putrescible matter of whatsoever nature shall, except in the cultivation and use of the soil in ordinary methods of agriculture, be put upon the ground within 250 feet of high water mark of any source of water supply or within 250 feet of high water mark of any open water flowing directly or ultimately into said source of water supply. In addition, during the fly breeding season, they shall be sprayed daily with an appropriate insecticide. If such compost piles are not treated as described, they must be brought to the town recycling center for disposal.

(K) Manure shall be spread upon land only when such land is in condition to plough, and any manure so spread shall be ploughed under within forty-eight hours.

(L) No dumpster or disposal container shall be left open or allowed to overflow. No person shall maintain or allow to be maintained upon his/her premises or property, or upon property or premises under his/her control, any excessive amount of litter, paper, cans, bottles, discarded materials or other waste and refuse. An excessive amount of said materials shall be considered in existence when the same is carried by wind or otherwise migrates from its source to the property of another or to a public way or a way upon which the public has a right of access or lies dormant on the property more than twenty-four (24) hours without being stored in a proper receptacle. It shall be the responsibility of private property owners and/or persons under the control of such property to regularly maintain such property to prevent an excessive amount of litter build up, in instances where such litter is directly attributable to commercial and/or business and/or industrial uses.

(M) Garbage or mixed garbage and rubbish shall be stored in watertight receptacles with tight-fitting covers. Said receptacles and covers shall be of metal or other durable, rodent-proof material. Rubbish shall be stored in receptacles of metal or other durable, rodent-proof material. Garbage and rubbish shall be put out for collection no earlier than the day of collection.

(N) Plastic bags shall be used to store garbage or mixed rubbish and garbage only if used as a liner in watertight receptacles with tight fitting covers. For purposes of the preceding sentence, in making its determination the Department shall consider, among other things, evidence of strewn garbage, torn garbage bags, or evidence of rodents.

(O) The owner of any dwelling that contains three or more dwelling units, the owner of any rooming house, and the occupant of any other dwelling place shall be responsible for providing as many receptacles for the storage of garbage and rubbish as are sufficient to contain the accumulation before final collection or ultimate disposal, and shall so locate them to be convenient to the tenant that no objectionable odors enter any dwelling.

(P) The occupants of each dwelling, dwelling unit, and rooming unit shall be responsible for the proper placement of his/her garbage and rubbish in the receptacles required or at the point of collection by the owner.

(Q) The occupants of each dwelling, dwelling unit, and rooming unit shall be responsible for the proper placement of his/her garbage and rubbish in the receptacles required or at the point of collection by the owner.

(R) No hole over 4 feet in depth shall be left open overnight, or left unattended for any amount of time, unless such holes need to be left open in order to comply with the requirements of these regulations or with Title 5, and in such cases, each hole must be adequately protected from entry by children, persons, or animals and must be made not to pose any risk of accident, and a fence must be erected to protect the perimeter.

(S) No person shall allow the accumulation of material on a property including, but not limited to, animal feces, offal, brine, bones, decayed fruit and vegetables or other rubbish that are liable to produce offensive odors or attract vermin, excluding properly contained compost piles.

(T) No person shall allow the accumulation of rubbish, disused furniture, mattresses, appliances, machinery on a lot, yard, or other property which may become a harborage to mice, rats, snakes, vermin or which may become conducive to fire.

(U) No person without lawful authority to do so, shall dump, deposit, place, throw, or drop, nor cause, nor allow to do so, snow and/or ice in any or on any public or private way within the Town.

(V) If the owner of any parcel of land, vacant or otherwise or the owner or occupant of any dwelling unit or units, shall fail to provide for the proper storage and collection of rubbish and garbage, and maintenance of the property free from garbage and rubbish under the provisions of these regulations, the Town may enforce the regulations.

(W) No owner, occupant, or agent of any building or premises shall permit any sewage, garbage, contents or drainage of a privy vault, cesspool or water closet, sink drain, any other filth or graywater to empty on the surface of the ground or enter into any ditch, brook, stream, or body of water.

(X) 310 CMR 7.00, Air Pollution Control, Section 7.10 Noise, Section 7.52 Enforcement Provisions, as most recently amended, is hereby adopted as a local regulation for the Town of Millville.

Section 4: Enforcement and Penalties

(A) Criminal Complaint -Whoever violates any provision of these rules and regulations may be penalized by indictment or on complaint brought in the District Court. Except as may otherwise be provided by law, and as the District Court may see fit to impose, the maximum penalty for any violation of these provisions shall be \$500.00 for each offense. Each day or portion thereof during which a violation of any provision of this regulation occurs or continues shall constitute a separate offense.

(B) The Board of Health, its agents, officers, and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties for the administration and review of this regulation, and may make or cause to be made such examinations, surveys, or samples the Board of Health or its agents deem necessary.

The Board or its agents shall have the authority to enforce these regulations by violation notices, administrative orders, and civil and criminal court actions.

(C) As an alternative to criminal prosecution the Board may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Chapter 40 Section 21D. For the purpose of this provision, the penalty to apply in the event of a violation shall be as follows:

- \$100 for the first offense
- \$200 for the second offense
- \$300 for the third offense and each subsequent offense
- Each day on which a violation exists shall be deemed a separate offense.

APPEAL

Unless otherwise provided, any person aggrieved by the decision of the Board of Health or its agents may seek relief there from in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Massachusetts.

Section 6: Severability

Each provision of this regulation shall be construed as separate to the end that if any provision, sentence, clause, or phrase thereof, shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

Adopted October 1, 2008

Millville Board of Health

Thomas Houle, Chairman_____

David Stanley, Vice-Chairman_____

Dustin Ciccarelli, Member_____