BOARD OF HEALTH

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Board of Health Regulation:
Penalty for Failure to Comply with an Order

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1. Purpose and Applicability

1.1. The purpose of these regulations is to provide for the protection of public health, safety, welfare and the environment by providing penalties for failure to comply with an order of the Board of Health by the deadline provided in an order issued by the Board.

1.2. These regulations specify the fines or fees that will be assessed when a property owner fails to comply with a Board of Health order, or when an owner or occupant impedes the Board of Health re-inspection process concerning the same order.

2. Authority

These regulations are adopted under the authority of M.G.L. c. 111, §§ 31, 122, 123, 127A.

3. Penalty for Failure to Comply with a Written Order of the Board of Health

3.1. A property owner who fails to comply with a Board of Health order by the required deadline contained therein is subject to the assessment of a fine of $100 per uncorrected violation for each day that the violation remains (or remained) uncorrected beyond the deadline. Each violation identified in an order is considered a separate order of the Board of Health.

3.2. Additionally, if a violation contained in an order is not corrected by the required deadline, and an authorized re-inspection by the Board of Health or its Agent is therefore necessary, a fee of $100 may be charged to the property owner for each subsequent re-inspection needed until such time that all violations have been corrected.

3.3. If a property owner fails to appear at an authorized re-inspection to allow property access and such failure necessitates that the Board of Health or its Agent return for a subsequent re-inspection, the property owner may be charged a fee of $100 for each subsequent re-inspection.

3.4. If an occupant of the subject property fails to permit the Board of Health or its Agent access to the property for the purpose of conducting an authorized re-inspection of the premises to determine the status of compliance, the occupant may be charged a fee of $100 for each subsequent re-inspection.

4. Payment Method, Documentation, and Deadline

4.1. Payment for these fines or fees shall be submitted to the Board of Health office by check or money order payable to the Town of Rockport and include a note identifying the assessment.

4.2. Fines or fees must be paid within 21 days of assessment.

5. Further Penalties

Nothing in these regulations will limit the Board of Health from seeking further penalties as authorizied by the General Laws or the Code of Massachusetts Regulations.

6. Judicial Appeal

Any person aggrieved by the final decision of the board of health may seek relief there from in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

7. Severability

If any provision of these regulations is declared invalid or not enforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

Adopted: 2-25-14
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Copy of regulation sent to DEP: 3-5-14

These regulations are adopted after majority vote at a duly posted public meeting.

Chairman: S. Wedmore
S. Wedmore, M.D.

Russell Sandfield
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