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TOWN OF BOURNE BOARD OF HEALTH

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Acting pursuant to Massachusetts General Laws Chapter 111 Sections 31, 122, and 127b, the Bourne Board of Health has voted to promulgate a Blight Regulation in order to protect the health, safety, and welfare of the public and the environment by preventing and eliminating nuisances. Noncompliance with the following regulation shall result in criminal penalties and/or non-criminal disposition of violations including fines. Nonpayment of fines may result in a municipal charges lien pursuant to Chapter 40 §58 of the Massachusetts General Laws. The following regulation will be adopted as of the regular meeting vote on November 18, 2015:

1) PURPOSE AND INTENT

To prevent and eliminate nuisances while protecting the health, safety, and welfare of the public and the environment. Nuisances such as the accumulation of trash, rubbish, debris, stagnant water, and other refuse cause and contribute to blight. Unsecured and unmaintained properties also contribute to blight and jeopardize neighborhood integrity. Blight is a public health nuisance which has a multitude of negative impacts to the community and its inhabitants. The presence of any factors which contribute to blight and/or are considered a nuisance constitutes a violation of this regulation.

2) APPLICABILITY

This regulation shall apply to all blighted buildings, structures, or parcels of land, hereinafter "property" occupied, vacant, or abandoned, which have an adverse impact on the Town of Bourne and its residents. Every property owner shall comply with this regulation and all applicable provisions of the sanitary, building, and fire codes in both residential and commercial areas to prevent and eliminate blight. The provisions of this regulation are in addition to and not in lieu of any other bylaw, rule, or regulation of the Town of Bourne and any board, commission, or officer. Any property owner who contributes to blight and causes a nuisance shall be in violation of this regulation.

3) DEFINITIONS

A) Blighted- Any building, structure, or parcel of land that contributes to unsanitary or unsafe conditions and is a public health nuisance. Including properties which are detrimental to health, safety, and welfare of the public, environment, and integrity of the Town of Bourne. Where there is trash, graffiti, site deterioration, abandonment, dilapidation, deterioration, harborage for pests, or with the existence of any other condition that endangers life or properties by fire or any other causes.

B) Nuisance- source of filth or causes of sickness or distress within a town, or on board of vessels within the harbor of such town, which may be injurious to the health, safety, and wellbeing of the public and the environment.

C) Owner- any person who alone or severally with others has legal title to a parcel of land with or without buildings, structures, or occupants. This definition shall include any mortgagee in possession, or agent, trustee, or person appointed by a court.

D) Occupant- person who resides on premise, other than as a guest.

E) Property- parcel of land with or without occupants, structures, buildings, regardless of zoning district.

4) ENFORCEMENT

The Board of Health Agent or his/ her designee shall be responsible for enforcing this regulation. Notification of violation of this regulation, whether written or verbal, shall be considered an official order to correct. Failure to correct within twenty-four hours or another reasonable time frame described by enforcing person will result in further action against the property owner. This may include non-criminal disposition of violations pursuant to the Bourne Board of Health Fine Regulation and Massachusetts General Laws c.40 §21D, hearings before the Board of Health, criminal penalties, and municipal charges lien for nonpayment. Each day's failure to correct citations shall constitute a separate violation of this regulation. Violations shall be payable to the Town of Bourne and shall not exceed one thousand dollars per day.

If a violation of this regulation is not removed or abated after notice, the enforcing authority may also elect to bill the violator for the costs incurred by the Town to abate the nuisance if an imminent hazard exists. Costs incurred may include labor, supplies, disposal, construction costs, and other fees to eliminate any violation of this regulation.

5) SEVERABILITY

Compliance with this regulation shall not thereby constitute compliance with any other bylaw, rule, or regulation in the Town of Bourne. Violation of this regulation does not thereby preclude violation of any other bylaw, rule, or regulation, and is in addition to any applicable penalties or enforcement actions.

6) EFFECTIVE DATE

This regulation shall take effect on November 20, 2015 as published in summary in a newspaper of general circulation and as adopted at the public meeting on November 18, 2015.

-The Bourne Board of Health

Kathleen Peterson

Kathleen Peterson
Chairman

Stanley Andrews

Stanley Andrews
Vice-Chairman

Donald Uitti

Donald Uitti
Secretary

Galon Barlow Jr.

Galon Barlow Jr.
Member

Kelly Mastria

Kelly Mastria
Member