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Health Agent

# **TOWN OF BOURNE BOARD OF HEALTH**

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At its regular Board of Health meeting held on March 26, 2008 the Bourne Board of Health, pursuant to Chapter 111, Section 31, voted to amend its Fine Regulation, originally adopted on October 24, 2004, as follows:

## **Findings and Purpose**

It is the Bourne Board of Health's experience that repeat violations of Board of Health and State regulations occur. As a result, the Board may experience difficulty in obtaining compliance with correction of said violations. By enacting this regulation, the Board of Health will be given a tool to obtain compliance in a timely manner.

## **Authority**

The Town of Bourne Board of Health, pursuant to Massachusetts General Laws, Chapter 111, Section 31, hereby adopts this regulation as a reasonable health regulation designed to protect the health and welfare of its residents. These regulations do not supercede any other applicable laws, regulations or rules that are more stringent.

## **Section 1: 105 CMR 590.000 – Food Code**

Any person whom: or business that: offers, sells, vends, packages, or otherwise prepares food in any form in the Town of Bourne is found to be in violation of the "Food Code"- 105 CMR 590.000, may be fined by the Board of Health or its designated representative for failing to correct violations of said code. Each day's failure to comply with an order of correction shall constitute a separate violation of said offense. The fines are as follows:

- Second offense within any continuous twelve-month period  
- \$100.00 and a hearing before the Board of Health
- Third offense within any continuous twelve-month period  
- \$200.00 and a hearing before the Board of Health
- Subsequent offenses within any continuous twelve-month period  
-\$300.00 and a hearing before the Board of Health

## **Section 2: 105 CMR 410.000 – Housing Code**

A property owner whose property is found in violation of 105 CMR 410.000: Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II), also known as “The Housing Code” may be fined by the Board of Health or its designated representative for failing to comply with orders of corrections of violations of said code. Each day’s failure to comply with an order shall constitute a separate violation of said offense. The fines are as follows:

- Second offense within any continuous twelve-month period  
- \$100.00 and a hearing before the Board of Health
- Third offense within any continuous twelve-month period  
- \$200.00 and a hearing before the Board of Health
- Subsequent offenses within any continuous twelve-month period  
- \$300.00 and a hearing before the Board of Health

## **Section 3: Hotel and Motel Regulations**

A hotel or motel owner, manager, or other person in charge who violates an order of correction from a hotel or motel inspection shall be fined by the Board of Health or its designated representative for not completing the ordered corrections. Each day’s failure to correct the violations shall constitute a separate violation of said offense. The fines are as follows:

- Second offense within any continuous twelve-month period  
- \$100.00 and a hearing before the Board of Health
- Third offense within any continuous twelve-month period  
- \$200.00 and a hearing before the Board of Health
- Subsequent offenses within any continuous twelve-month period  
- \$300.00 and a hearing before the Board of Health

## **Section 4: MGL Chapter 111, Section 122 – Nuisance Regulations**

A homeowner whose dwelling or property is found to be in violation of violation of the Massachusetts General Laws Chapter 111, Section 122, may be fined by the Board of Health or its designated representative under Section 123 for violations of said code for allowing the nuisance to remain. Each day’s failure to comply with an order shall constitute a separate violation of said offense. The fines are as follows:

- Second offense within any continuous twelve-month period  
- \$100.00 and a hearing before the Board of Health
- Third offense within any continuous twelve-month period  
- \$200.00 and a hearing before the Board of Health
- Subsequent offenses within any continuous twelve-month period  
- \$300.00 and a hearing before the Board of Health

## **Section 5: Miscellaneous Regulations**

For all other regulations that the Board of Health is responsible for enforcing that are not previously mentioned herein, the Board of Health or its designated representative may fine the responsible party for failing to complete the ordered corrections. Each day's failure to correct the violations shall constitute a separate violation of said offense. The fines are as follows:

- Second offense within any continuous twelve-month period
  - \$100.00 and a hearing before the Board of Health
- Third offense within any continuous twelve-month period
  - \$200.00 and a hearing before the Board of Health
- Subsequent offenses within any continuous twelve-month period
  - \$300.00 a hearing before the Board of Health

### **Enforcement**

Enforcement of this regulation will be achieved through a hearing process and vote at a Board of Health meeting, and/or through the provisions of Massachusetts General Laws, Chapter 40, Section 21D, regarding non-criminal dispositions as adopted by the Town of Bourne.

### **Severability**

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

### **Effective date**

These regulations, as amended, shall become effective on March 26, 2008.

Steven A. MacNally, Chairman  
Kathleen Peterson, Vice-Chairman  
Joseph Gordon, Secretary  
Galon Barlow, Jr.  
Donald Uitti