



Town of Holbrook
Board of Health
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Holbrook, Massachusetts 02343

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BOARD OF HEALTH NOTICE

The Board of Health, Town of Holbrook Massachusetts in accordance with, and under the authority granted by Sections 31 A and 31 B of Chapter 111 of the General Laws of the Commonwealth of Massachusetts hereby adopted the following rules and regulations at a meeting of the Board held on February 18th 2021.

Effective date: These regulations shall take effect on June 1st 2021

Litter Regulation

A. Statement of Purpose:

The purpose of this regulation is to protect the health and well- being of the citizens of the Town of Holbrook. The Board of Health has received numerous complaints of rats and other pests. Rats and other pest infestations become a public health issue since they can destroy and contaminate and transmit viruses, bacteria and parasites to humans.

B. Authority:

This regulation is promulgated pursuant to the authority granted to the Holbrook Board of Health by Massachusetts General Laws Chapter 111, Section 31 that states that “Board of Health may make reasonable regulations.”. The Board of Health, Town of Holbrook, Massachusetts in accordance with, and under the authority granted by Sections 31 A and 31 B of Chapter 111 of the General Laws of the Commonwealth of Massachusetts hereby adopted the following rules and regulations at a meeting of the Board of Health held on February 18, 2021.

Effective date is June 1, 2021.

C. Definitions:

Deposit is the throwing or deposit of any garbage, rubbish or other waste or offensive material upon a street, park or other public or private way, or upon any premise or vacant lot.

Garbage shall be defined as waste to be thrown out.

Litter shall be trash, such as paper, cans, and bottles, that is left lying in an open or public place.

Trash shall be defined as discarded matter; refuse.

- D. No person shall throw, sweep, deposit or cause to be thrown or deposit garbage, rubbish or other water or offensive material upon a street, park or other public or private way or upon any premises or vacant lot, except an approved disposal area, nor store or keep the same.
- E. Persons owning or occupying property shall keep the sidewalk and gutter in front of their premises free of litter and yard waste.
- F. The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in an authorized private receptacle for collection.
- G. The owner or person in control of any vacant lot shall at all times, maintain the premises free of litter and control the growth of any wild plants or existence of any obstruction so as not to interfere with the general view of the people from the windows of the building abutting thereto, excluding basement windows; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.
- H. No person shall throw or deposit litter on any open or vacant private property within the Town, whether owned by such person or not.
- I. All retail stores and or restaurants shall provide trash receptacles for the use of customers entering and exiting the premises.

J. Removal from Premises:

When ordered by the Health Agent or Board of Health; the owner, agent or occupant of a lot or premises shall remove any improper accumulation or storage of garbage, rubbish, litter or other waste or offensive material, within such time as the Health Agent or Board of Health shall deem reasonable. If violation(s) are not remedied in such time, it shall constitute a violation every day the nuisance is not remedied after the time frame.

K. Violations:

The Holbrook Board of Health or Health Agent may issue a citation, pursuant to and in accordance with General Laws, Chapter 40, Section 21D and Section 1-4A (“Non-Criminal Disposition”) of the Town of Holbrook Bylaws. The Holbrook Board of Health may institute other proceedings in any court of competent jurisdiction and pursue any remedy or relief afforded by law.

Violations of this section shall be subjected to the provisions of Massachusetts General Laws, c. 21D and or fines as follows:

- First Offense in a year.....\$25.00
- Second Offense in a year.....\$50.00
- Third Offense in a year..... \$100.00
- Subsequent Offenses in a year \$200.00

L. Procedure for Hearings

The owner to whom any order has been served may request a hearing before the Board by filing with the Board within seven (7) days after the day the order was served, a written petition requesting a hearing on the matter. Upon receipt of such petition the Board shall set a time and place for such hearing and shall inform the owner thereof in writing. The hearing shall be commenced not later than thirty (30) days after the day on which the order was served. At the hearing the owner shall be given an opportunity to be heard and to show why the order should be modified or withdrawn. After the hearing, the Board shall sustain, modify or withdraw the order and shall inform the owner in writing of its decision. If the Board sustains or modifies the order, it shall be carried out within the time period allotted in the original order or in the modification.