

Board of Health
Town of Belmont

NUISANCE CONTROL REGULATIONS

Section 1: Authority

The Board of Health, Town of Belmont, Massachusetts, acting under the authority of G.L. c.111, sections 31A and 31B of the General Laws and amendments and additions thereto, and by any other power thereto enabling, has duly made and adopted the following Regulation. This regulation initially became effective on July 1, 1991 with amendments on October 1, 1995, and June 1, 2002. This update will become effective on July 1, 2007.

The Board of Health, believing that any accumulation of rubbish or garbage, or neglected landscaping will attract disease-carrying rodents and insects, do hereby make the following regulations.

Section 2: Definitions

- (a) Rubbish shall mean combustible and non-combustible waste materials, except garbage, including but not limited to such material as paper and paper products, cartons, containers, boxes, rags, leather, packing materials, wood, bottles, glassware, cans, plastics, and the like. For purposes of these regulations, rubbish will include all items described as recyclables for purposes of curbside pick-up.
- (b) Garbage shall mean the animal, vegetable, or other organic waste resulting from the handling, preparing, cooking, consumption or cultivation of food, containers and cans which have contained food unless said containers and cans have been cleaned or prepared for recycling. Garbage is essentially food waste.
- (c) Occupant shall mean any tenant with or without a legally binding lease who has possession of a space or operates a business out of a space in the Town of Belmont.
- (d) Owner means every person who alone or severally with others:
 - (1) has legal title to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
 - (2) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
 - (3) is a mortgagee in possession of any such property; or
 - (4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
 - (5) is an

officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. Owner also means every person who operates a rooming house.

- (e) Town barrel shall mean trash containers owned and maintained by the Town, placed throughout the Town on public land for the purpose of disposal of single use items, including but not limited to, paper cups, candy wrappers, paper napkins, lunch bags, juice boxes, etc.
- (f) Household trash shall mean a quantity of mixed garbage and rubbish, usually containerized in plastic or paper bags that would ordinarily be put out for curbside pick-up in plastic bags, boxes or watertight, covered barrels.
- (g) Yard waste means grass clippings, weeds, hedge clippings, garden materials and branches one inch or less in diameter.
- (h) Compost bin shall mean any device constructed for the orderly and proper decomposition of raw vegetable matter, leaves, grass clippings and other yard waste. The bin can be constructed of wood, wire, plastic, metal, etc., anything that will discourage disturbance by animals or rodents.

Section 3: Regulations

- (a) The owner of any building used for business or habitation shall be responsible for maintaining the building and property around the building in a sanitary condition free of garbage, rubbish, and other filth or health hazards.
- (b) No owner or occupant of a building shall dispose of rubbish or garbage, generated in a home or business, in Town barrels for any reason.
- (c) Composting in the Town must be done in a bin and according to accepted standards. No open compost piles are allowed because of their attraction to rodents and other wildlife. Composting of raw vegetable matter must be done in a type of container with a lid that due to its design excludes rodents, insects and wildlife.
- (d) Owners of dogs are responsible for removing dog feces from their own property at least twice per week, putting it in paper or plastic bags, and disposing of it in their own household trash put out for curbside pick-up. All common yard areas serving apartment buildings and condominiums shall be considered public property and subject to Town by-law, Section 20.10.7 and 20.10.8, stating that dog feces must be removed immediately.

- (e) All tires, new or used, on residential, public or commercial property, must be stored so that they are completely covered and cannot collect water that would become a mosquito breeding site.
- (f) The owner and/or occupant(s) of any building, regardless of the building's use, shall be responsible for the trimming of all bushes so access to doors and sidewalks is not impeded and for cutting the grass. Grass that exceeds twelve (12) inches in height will be considered a violation.
- (g) The owner and/or occupant(s) are responsible for storing rubbish and garbage in rodent-proof barrels with tight-fitting lids when it is stored outside of the building. Barrels used for yard waste, etc. that do not have lids must be stored upside down so that they cannot accumulate water and become a mosquito breeding ground. Plastic bags of rubbish and/or garbage can only be put outside at the curb on the day of pick-up.
- (h) By June 1st each year, all swimming pools, including public, semi-public and private, fountains and ornamental ponds must have all standing water removed; appropriate filtration and sanitizing systems in operation; or have the pool treated with a product to eliminate mosquito breeding.

Section 4: Enforcement

- (a) Non-Criminal Disposition: This regulation may be enforced by any Town Police officers or agents of the Town's Board of Health. Whoever violates any provision of this regulation may be penalized by a non-criminal disposition process as provided in G.L. c. 40, section 21D and the Town's non-criminal disposition by-law. If non-criminal disposition is elected, then any person who violates any provision of this regulation shall be subject to a penalty in the amount of fifty dollars (\$50.00) per day for each day of violation, commencing ten days following the day of receipt of written notice from the Board of Health. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- (b) Other: Whoever violates any provision of this regulation may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Board of Health may enforce these Regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

Section 5: Severability

If any provision of this regulation is declared invalid or unenforceable by any court of competent jurisdiction, the other provisions of the regulations shall not be affected thereby, but shall continue in full force and effect.

BOARD OF HEALTH

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Approved as to Form by Town Counsel: June 13, 2007

Public Hearing Held: May 16, 2007

Published in the Belmont Citizen-Herald: June 28, 2007