

## **Chapter 146**

### **LOCAL FINES**

#### **§ 146-1. Findings; purpose and scope.**

- A. It is the Board of Health's experience that repeat violations of Board of Health and state regulations occur. As a result, the Board of Health 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.
- B. The purpose of this regulation is to adopt a schedule of fines for noncompliance with orders, notices, reports and other official requests for compliance by the Board of Health or its agents issued pursuant to state regulations and/or the Code of the Town of Williamstown.

#### **§ 146-2. Authority.**

The Town of Williamstown Board of Health, pursuant to Massachusetts General Laws, Chapter 111, § 31, hereby adopts this regulation as a reasonable health regulation designed to protect the health and welfare of its residents by reaching compliance with said orders, notices, reports and other official requests for compliance. These regulations do not supersede any other applicable laws, regulations or rules that are more stringent.

#### **§ 146-3. Reports and orders.**

- A. The Board of Health or its agents will issue correction orders, inspection reports, notices, and/or other official requests for compliance citing violations of state and local public health laws and regulations, and will specify a date by which the violations must be corrected. Violations may be appealed in accordance with state and local public health regulations.
- B. Failure to correct violations by the specified date will result in enforcement as stated in the appropriate regulation, and, if applicable, fines as stated in § 146-4.

#### **§ 146-4. Fines.**

- A. Unless otherwise specified by local Board of Health regulation the following fines may be assessed for noncompliance with notices, reports, official requests for compliance or orders issued under those regulations:
  - (1) First violation: \$100.
  - (2) Second violation: \$200.
  - (3) Third and subsequent violations: \$300.

- B. Each day of noncompliance constitutes a separate violation.
- C. The fines listed above may be used in lieu of the fines as stated in Chapter 1, General Provisions, Article II, Noncriminal Disposition, of the Code of the Town of Williamstown.

**§ 146-5. Appeals.**

- A. Any person or persons aggrieved by any fine issued under this chapter may appeal by filing a written petition for hearing to the Board of Health, which must be received within 10 days after the day the order was served.
- B. The hearing shall be at a date and time determined by the Board of Health.
- C. At the hearing the petitioner and other affected parties shall be given an opportunity to be heard, to present witnesses or documentary evidence, and to show why a fine should be modified or withdrawn. Failure to hold a hearing within the time period specified herein shall not affect the validity of any fine.
- D. The Board of Health shall affirm or withdraw the fine and shall inform the petitioner of such action.
- E. Any person aggrieved by the decision of the Board of Health may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this commonwealth.

**§ 146-6. Severability.**

If any portion, sentence, clause or phrase of this regulation shall be held invalid for any reason, the remainder of this regulation shall continue in full force and effect.

**§ 146-7. Effective date.**

The effective date of this regulation is November 1, 2019.