

Board of Health  
Town of Watertown

**NUISANCE CONTROL REGULATIONS**

**Section 1: Authority**

In accordance with the provisions of Chapter 111, Sections 31 and 122 of the Commonwealth of Massachusetts General Laws, the Watertown Board of Health hereby adopts the following regulations as deemed necessary for the protection of public health.

**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, and 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 every person living or sleeping in a dwelling and any tenant who has possession, whether legally or illegally, of a space or operates a business out of a space in the Town of Watertown.
- (d) Owner shall mean the individual, partnership, corporation or other legal entity listed in the Assessor's Office of the Town of Watertown as responsible for paying the taxes on such property.
- (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

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yard waste. The bin shall be constructed of wood, wire, plastic, metal, or other material as deemed acceptable by the Massachusetts Department of Environmental Protection.

- (i) Standing water shall mean water that is allowed to accumulate and remain undisturbed for a period of four or more days, not including naturally occurring wetlands as defined by applicable state statute and regulations and local ordinances, and not including swimming pools utilizing an active filtration system and maintained in accordance with the State Sanitary Code, Article V.

**Section 3: Regulations**

- (a) The owner of any building or structure used for business or habitation shall be responsible for maintaining the building or structure and the real property associated with the building or structure in a sanitary condition free of garbage, rubbish, and other filth or health hazards.
- (b) No person shall dispose of household trash, yard waste, or rubbish or garbage generated in a business, in Town barrels.
- (c) Composting in the Town must be done in a bin according to standards established by the Massachusetts Department of Environmental Protection. No open compost piles are allowed.
- (d) Owners of dogs shall remove dog feces from their own property at least weekly, putting the dog feces in paper or plastic bags, and disposing of the dog feces in the owners' own household trash to be put out for curbside pick-up.
- (e) All tires, new or used, on residential, public or commercial property, except those installed on a vehicle, shall be stored or completely covered to prevent the collection of water. No container or structure, including but not limited to cans, buckets, landscaping equipment, swimming pools (including covers), non-filtered wading pools, and bird baths shall contain standing water.
- (f) The owner of any parcel of land, vacant or otherwise, shall maintain such parcel of land free from overgrown vegetation as determined by the Board of Health and its agents utilizing their reasonable discretion, standing water, and/or the accumulation of rubbish or other conditions deemed to be a public health nuisance.

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**Section 4: Penalties**

- (a) This regulation may be enforced by any Town police officers or agents of the Town's Board of Health.
- (b) Whoever violates any provision of this regulation may be penalized by a non-criminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition ordinance. If non-criminal disposition is elected, then any person who violates any provision of this regulation shall be subject to a penalty as follows:

- First Offense – twenty five dollars (\$25.00)
- Second Offense – fifty dollars (\$50.00)
- Third Offense – one hundred dollars (\$100.00)
- Fourth and Further Offenses – three hundred dollars (\$300.00)

Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

- (c) Whoever violates any provision of this regulation may be penalized by indictment or on complaint brought in a court of competent jurisdiction. Except as may be otherwise provided by law and as the court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

**Section 5: Severability**

If any clause, section, paragraph, sentence or phrase of these rules and regulations shall be decided invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations, which shall remain in full force and effect, and to this end the provisions of these regulations are hereby declared severable.

Adopted: September 29, 2005

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**Steven J. Ward, Director of Public Health**