



TOWN OF DENNIS – BOARD OF HEALTH REGULATIONS FOR HOUSING

Under the provision of Chapter 111, Section 31, of the Massachusetts General Laws, the Dennis Board of Health hereby adopts the following regulations relative to the Minimum Standards of Fitness for Human Habitation. These regulations are being adopted to supplement, clarify, modify, and augment the provisions of Chapter II, of the State Sanitary Code.

1.0 DEFINITIONS

Conditions deemed to endanger or impair the health, safety, or well-being of an occupant of a residence shall be those listed as such in Chapter II, 105 CMR 410.750, of the state Sanitary code.

2.0 APPLICABILITY

2.1 Unless specifically indicated, these regulations apply to all residential housing units, both rental and owner occupied, in the Town of Dennis.

3.0 MINIMUM REQUIREMENTS

3.1 SPACE AND USE

Every dwelling unit shall contain at least **150 square feet** of floor space for the first occupant and at least **100 square feet** of floor space for each additional occupant. The floor space shall be calculated as provided by Chapter II, Regulation 410.400 of the Massachusetts Sanitary Code.

3.2 SEPTIC SYSTEM

3.2.1 The owner shall provide and maintain in a sanitary condition a means of sewage disposal as provided for in Title 5 of the State Environmental Code, and the Town of Dennis Regulations for the Subsurface Disposal of Sewage.

3.3 SMOKE DETECTORS

3.3.1 Smoke detectors shall be installed in every rental unit. The location(s) shall be to the satisfaction of the Dennis Fire Department.

3.3.2 The owner of each rental unit shall be required to maintain said smoke detectors in an operable manner, and to test them at least once a year.

3.3.3 No person shall tamper with any smoke detector required by these regulations, so as to make it inoperable.

3.4 EXITS

3.4.1 The owner of every dwelling shall maintain every means of egress in a safe and operable condition, the means of egress to be determined by the Massachusetts State Building Code.

3.4.2 No person shall cause or allow any means of egress to be obstructed.

3.5 STORAGE AND DISPOSAL OF RUBBISH AND GARBAGE

3.5.1 Receptacle for the storage of garbage/rubbish shall be made of metal or other durable rodent and insect proof material. They shall be waterproof and have tight fitting covers. The receptacles shall be sufficient in number to accommodate the accumulation prior to collection, and shall be so located that they are convenient to the occupant, but do not cause objectionable odors to enter any dwelling.

3.5.2 Unauthorized use of any residential or commercial receptacle is prohibited.

3.5.3 The owner of any dwelling that contains three or more units, the owner of any rooming house, the owner of any rental unit wherein the rental agreement is for a period of three (3) months or less, and the occupant of any other property shall be responsible for providing the receptacles for storage of garbage and rubbish, and shall be responsible for the final collection and ultimate disposal of garbage and rubbish.

3.5.4 Unauthorized disposal of rubbish/garbage on public or private property is prohibited.

3.6 LEAD BASED PAINT

3.6.1 No lead based paint shall be used in painting any surface or any dwelling.

3.6.2 The Dennis Board of Health shall be notified of all results when a dwelling is inspected for lead paint. Should lead paint be found in a swelling, and state law requires its removal, it shall be done in accordance with all applicable state and town rules and regulations.

3.6.3 REMOVAL OF LEAD BASED PAINT

- a. Only those methods set forth in 105 CMR 460.00 et seq. shall be used in the removal of lead paint.
- b. The deleading contractor shall be state certified, and shall provide the Dennis Board of Health with a copy of the certification.
- c. The Dennis Board of Health, and all others required by state law, shall be notified in writing of all lead paint removals. Notification shall be at least **five (5) days** before work is to begin, and shall include the date and method of removal.
- d. The deleading contractor shall use proper care, when deleading, to provide adequate health protection to his employees, the dwelling's occupants, and the general public. No occupant shall be allowed in the swelling while deleading is in progress, unless the Dennis Board of Health determines that the health of the occupants is not endangered. The deleading contractor shall remove all paint chips, dust, and other debris from the site at the end of each workday.
- e. Should the Dennis Board of Health or its Health Agent determine that the health, safety, or well being of the occupants, workers, or the general public is endangered due to the removal of lead paint; a Stop Work Order may be issued immediately.

4.0 CORRECTION OF VIOLATIONS

4.1 ORDER TO ABATE NUISANCE

Should an inspection by the agent or representative of the Board of Health reveal a violation of the State Sanitary Code, General Laws of the Commonwealth, Town of Dennis By-Laws, or Rules and Regulations of the Dennis Board of Health, an order of abatement may be issued in writing and served:

- a. personally by a person authorized to serve civil process; or

- b. by leaving a copy at the responsible person(s) last and usual place of abode; or
- c. by sending him a copy by registered or certified mail, return receipt requested if he is within the Commonwealth; or
- d. if his last and usual place of abode is unknown or outside the Commonwealth, by posting a copy in a conspicuous place on or about the dwelling or portion thereby affected.

4.2 **CORRECTION OF CONDITIONS DEEMED TO ENDANGER OR IMPAIR HEALTH AND SAFETY**

All conditions deemed to be dangerous to the health, safety, or well being of an occupant shall be corrected within **24 hours** of notification.

4.3 **EMERGENCY ORDER OF CONDEMNATION AND POSTING**

- 4.3.1 An emergency order of condemnation and posting of the same may follow when an inspection is made by an agent or representative of the Board of Health and upon determination by said agent or representative that any part of the dwelling or premises are a source of filth, which may be hazardous to health safety and well being of the tenants or to the general public.
- 4.3.2 No dwelling or a portion thereof which has been condemned and posted as "Unfit for Human Habitation" shall again be used for human habitation until written approval is secured from and such posting is removed by the Board of Health. No person shall deface or remove the posting, and the Board of Health shall remove it whenever the defect or violations on which the condemnation and posting action was based has been eliminated. Removal or possession of the posting by any person other than the agent or representative of the Board of Health shall result in a fine to the offender.
- 4.3.3 Any person refusing to leave a dwelling, or portion thereof, which has been ordered condemned and posted in accordance with these regulations and/or regulations of the State Sanitary Code, may be forcibly removed by the Board of Health. Any person or persons who continue to inhabit a dwelling which has been condemned under provisions of these regulations shall be fined.
- 4.3.4 Following condemnation and posting, an order in writing shall be served on the owner of said property or his authorized agent. The order shall include:

- a. a statement of the violations, conditions or defects; and, in the case of occupied dwelling units, a determination whether any violation(s) or conditions, or the cumulative effect of more than one violation or condition may endanger or materially impair the health or safety, and well being of an occupancy, and a copy of all inspection reports;
- b. notice of the right to a hearing; of the deadline and proper procedure for requesting a hearing, the right to inspect and obtain copies of all relevant inspection or investigation reports, orders, notices and other documentary information in the possession of the Board of Health, the right to be represented at the hearing, and that any affected party has a right to appear at said hearing;
- c. the length of time in which violations shall be corrected;
- d. the following statement translated into any non-English language that is spoken as a primary language by greater than one percent of the population of that community. "This is an important legal document. It may affect your rights. You should have it translated.";
- e. and, in an order to an owner, advise the owner that the conditions which exist may permit the occupant of the dwelling to exercise one or more statutory remedies.

If a request for a hearing is not received, in writing, within seven (7) days of the emergency condemnation, the right to a hearing is waived and the Dennis Board of Health may seek legal action.

5.0 **CHANGE OF USE**

- 5.1 No building within the Town of Dennis shall be converted, altered, or repaired so as to extend its seasonal use, nor shall its use to be changed unless the present, existing septic system complies with requirements of Title 5, 310 CMR 15.00. The Board of Health shall not approve any permits unless the requirements of Regulations 5.1(a) and 5.1(b) are met.
 - a. Each unit intended for living purposes shall meet the minimum requirements set by 105 CMR 410.00, Sanitary Code, Chapter II (Minimum Standards of Fitness for Human Habitation), and Dennis Regulations for Housing.

- b. Each unit intended for living purposes shall be connected to a central or individual septic system which meets the requirements of 310 CMR 15.00, Title 5 and Dennis Regulations for Subsurface Disposal of Sewage.

5.2 Each unit, in addition to the above, shall be in conformance with all state and local laws and/or regulations and an affidavit attesting to the same shall be submitted to the Board of Health.

6.0 VARIANCES

The Dennis Board of Health may vary the application of any provision of these regulations with respect to any particular case, when, in its opinion, the application for a variance meets the standards of the State Sanitary Code, 105 CMR 410.840, for the grant of a variance.

7.0 SEVERABILITY NOTICE

If any section, paragraph, sentence, clause, phrase, or word of these regulations shall be judged invalid for any reason whatsoever, those decisions shall not effect any other portion of these regulations, which shall remain in full force and effect; and to this end the provisions of these regulations are hereby declared severable per order of the Dennis Board of Health.

8.0 FINE

A fine of **\$200.00** per day may be assessed for violation of these regulations. Each day's failure to comply with an order shall constitute a separate violation.

Approved: 2/08/90
Effective: 2/22/90
Amended: 6/27/91

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