

## **CHAPTER 141**

### **KEEPING OF PROHIBITED MATERIAL**

The Town believes that the property values and general welfare of the community are founded, in part, upon the appearance and maintenance of private properties.

There is a need for further emphasis on property maintenance and sanitation in that certain conditions, as described in this article, have been found from place to place throughout the town.

The existence of such conditions as described in this article is injurious and inimical to the public health, safety and welfare of the residents of Hull and contributes substantially and increasingly to the deterioration of neighborhoods.

Unless corrective measures are undertaken to alleviate such existing conditions and assure that avoidance of future problems in this regard, the public health, safety and general welfare and specifically the societal and economic standards of the community, will be adversely affected.

The abatement of such conditions will improve the general welfare and image of the town.

The abatement procedures set forth in this article are reasonable and afford due process to affected persons.

### **CHAPTER 141. KEEPING OF PROHIBITED MATERIAL**

Section 1. No person, tenant or entity, corporate or otherwise, as owner(s) or one(s) in control or premises, shall keep in the open in any area of the Town of Hull, any prohibited material, as the term is hereinafter defined, for more than thirty (30) consecutive calendar days without being licenses to do so under this chapter.

- a. "Prohibited material" shall be defined as, including but not limited to, abandoned, discarded or unused furniture, stoves, toilets, cabinets, scrap metal, lumber, concrete, asphalt, tin cans, tires, rope, rugs, batteries, paper, trash, rubber debris, waste and other old or scrap ferrous and non-ferrous material, which is not being used for its intended purpose.

Section 2. A license to keep any prohibited material shall be requested by filing an application in writing for such a license with the Board of Selectmen no later than fifteen (15) days after a citation has been issued. The Selectmen shall hold a public hearing upon such a request within 30 days of receipt of said application, notice of which shall be published in a newspaper issued in Hull or a paper of general circulation in Hull, at least three(3) days prior to the hearing. The cost of the publishing shall be paid by the applicant.

Section 3. The Selectmen may grant a license for up to one (1) year upon such condition(s) as the Selectmen deem proper to keep such prohibited material in the open after a public hearing has been held and the Selectmen determine that the keeping of the same will not depreciate property values in the area, will not create a hazard to the public safety, or will not become a public nuisance.

Renewals of said licenses shall be granted only after the procedure set forth is followed.

Section 4. The applicant shall at his own expense, give notice of said hearing by mailing a notice of same prepared by the Board of Selectmen to all parties in interest, meaning abutters, owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred (300) feet of the property lien, all as they may appear on the most recent applicable tax list as certified by the Board of Assessors. The applicant shall submit an affidavit as to said notice. Renewals of said licenses shall be granted only after the procedure set forth is followed.

Section 5. Notwithstanding the aforesaid sections, no person shall be in violation of this chapter, if, prior to a determination of guilt by any judicial body, that person or entity acquires a determination by the Hull Planning Board, through the procedures hereinafter prescribed, that those articles or pieces of property which the town of Hull claim to be prohibited material are not prohibited, as defined in the chapter.

Section 6. Any person or entity requesting a determination that articles or property are not in violation of this chapter must do so by written application to the Planning Board of the Town of Hull. Said Planning Board shall hold a public hearing upon such a request, the hearing must be held within thirty (30) days after receiving said application, notice of which shall be published at least three (3) days before the date of the hearing. The cost of publishing shall be paid by the applicant. The applicant shall at his own expense, give notice of said hearing by mailing a notice of same prepare by the Planning Board

Section 7. Notwithstanding the aforesaid sections, no prohibited material shall be deemed to be "in the open" as that phrase is used in Section 1, if it is totally screened from view of any public road or way, or any way which the public has a right of access.

Section 8. Conditions existing on the date of the acceptance of this chapter which meet the definition of prohibited material, must be brought into compliance within thirty (30) days after said acceptance.

Section 9. The Building Commissioner and Board of Health shall be charged with the interpretation and enforcement of this chapter, and may also be enforced by the Hull Police Department. Enforcement of this chapter may be by criminal complaint,

indictment, non-criminal disposition or appropriate civil enforcement action. Selection of one method shall not preclude the selection of any other method or remedy.

Section 10. Any person or entity who is found in violation of this chapter shall be liable for a fine of twenty-five (\$25.00) Dollars a day for the first five days and fifty (50.00) Dollars a day for every day thereafter. The days shall be counted commencing fifteen (15) days after notice of the violation is given. Each day is a separate violation.

Section 11. Any clause, section or part of this chapter determined to be invalid by any judiciary for any reason, shall be severed from any other clause, section or party, without affecting the validity of that which remains.

Section 12. Construction sites complying with the requirement of 780 CMR and MGL Chapter 40, section 54 are exempt from the aforementioned, provided that all related construction debris is maintained in a controlled fashion as determined by the Building Official