

Chapter 10 HEALTH AND SANITATION

ARTICLE I. IN GENERAL

Sec. 10-1. Milk and food inspector.

The board of health shall appoint an inspector of milk and food who shall have the powers, duties and responsibilities of an inspector of milk and collector of samples of milk in accordance with the provisions of General Laws, chapter 94, sections 33 through 38, and such other duties as the board of health may assign to him from time to time.

(Rev. Ords. 1976, Pt. 2, Ch. 9, § 5) Cross reference(s)--Officers and employees, § 2-31 et seq.

Secs. 10-2--10-20. Reserved.

ARTICLE II. BOARD OF HEALTH

Sec. 10-21. Created; composition; appointment of members.

As required by section 35 of the Charter, there shall be a board of health consisting of three (3) persons, one of whom shall be a physician. The members shall be appointed by the mayor subject to confirmation or rejection by the board of aldermen, with the appointments to be made in accordance with the provisions of General Laws, chapter 111, section 26.

(Rev. Ords. 1976, Pt. 2, Ch. 9, § 6)

Sec. 10-22. Annual organization; naming officers, agents and assistants.

The board of health shall organize annually in accordance with the provisions of General Laws, chapter 111, section 27, and name the necessary officers, agents and assistants to execute the health laws and its regulations. (Rev. Ords. 1976, Pt. 2, Ch. 9, § 7)

Sec. 10-23. Appointment and assignment of school physicians and nurses.

The board of health shall appoint and assign school physicians and nurses to carry out the duties and responsibilities of General Laws, chapter 71, section 53.

(Rev. Ords. 1976, Pt. 2, Ch. 9, § 9)

Sec. 10-24. Summoning aid of police department and other city officers.

The board of health may call upon the police department and the various city officers to aid it in the performance of its duties. (Rev. Ords. 1976, Pt. 2, Ch. 9, § 10)

Sec. 10-25. Annual report to mayor.

The board of health shall present to the mayor and the city council annually, in the month of July, a report containing a full and comprehensive statement of the acts of the board of health, including all receipts and disbursements, and a review of the sanitary conditions of the city for the preceding year. (Rev. Ords. 1976, Pt. 2, Ch. 9, § 11) Cross reference(s)--Officers and employees, § 2-31 et seq.

ARTICLE III. CERTIFICATE OF HABITABILITY

Sec. 10-26 Definitions

- (a) *Owner*: any person who alone or severally with others: has legal title to any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park; or 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, administrator, trustee or guardian of the estate of the holder of legal title; or is a mortgagee in possession of any such property; or is an agent, trustee or any other person appointed by the courts and vested with possession or control of any such property; or 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.
- (b) *Dwelling*: every building or shelter including but not limited to rooming houses and temporary housing used or intended for human habitation and every other structure or condition located within the same lot line whose existence causes or is likely to effect noncompliance with the State Sanitary Code.
- (c) *Dwelling Unit*: the room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean condominium unit.
- (d) *Vacant*: empty or unoccupied

Sec. 10-27 Inspection Request before Occupancy

- (a) The owner must request a legal use of status from the Building Department of the City of Everett.
- (b) An application fee is due at the time of request for an application. The fee shall be determined by the Health Department of the City of Everett with approval of the Everett City Council. The fee for the certificate application shall be \$25.00. (Ord of 05-24-2005)
- (c) Owners who qualify for an exemption under MGL Chapter 59, Section 5, Clause 41C will be exempt from paying the fee. (Ord. of 12-13-2003)

Sec. 10-28 Inspection Deadline after Notification

The Health Department of the City of Everett must respond within ten (10) business days of the notification. If such inspection has not been made within ten (10) business days, the owner may rent the apartment.

Sec. 10-29 Certification before Occupancy - Standards

- (a) The unit described in the application must be certified by the Health Department of the City of Everett meeting the standards set forth in the Sanitary Codes, Article II, "Minimum Standards of Fitness for Human Habitation," prior to being occupied.
- (b) The Health Inspector shall forward any suspected violations out of the scope of the Health Department to the appropriate department in the City of Everett for further inspection.

- (c) A certificate of habitability shall not be given until all violations are corrected within the appropriate time.

Sec. 10-30 Refusal to Certify - Correction of Violations

- (a) If after any inspection by the Health Department of the City of Everett, an inspector refuses to issue a certificate of habitability, such inspector shall issue a written order or a copy of the inspection form setting forth the violations of Article II of the State Sanitary Code existing in the unit which must be corrected before a certificate of habitability may be issued.
- (b) It shall be the responsibility of any owner receiving such order to notify the Board of Health when violations have been corrected.

Sec. 10-31 Appeal

The procedures for appealing any decisions of the Health Department of the City of Everett shall be the same as that set forth in Article II of the State Sanitary Code.

Sec. 10-32 Fitness as Public Record

Whether or not a certificate of habitability has been issued by the Health Department of the City of Everett for a particular unit shall be a matter of public record.

Sec. 10-33 Violation - Penalty

- (a) Any owner of property used for dwelling purposes failing to comply with this chapter shall pay a fine not to exceed twenty-five (\$25.00) dollars for each violation.
 - (1) Each day that the owner or allows any person to live, occupy or inhabit such premises without having received a certificate of fitness from the Health Department of the City of Everett for a particular unit shall be a separate offense.
- (b) Such failure shall be a matter of public record.

Sec. 10-34 Severability

The provisions of this Ordinance shall be severable and if any section, part or portion hereof shall be held invalid for any reason by any court, the decision of such court shall not affect or impair any remaining section, part or portion thereof.