

TOWN OF HULL

Notice of “Prohibited Materials” by Law Adoption

Re:

Date:

On April 11, 1994, Town Meeting passes a “Prohibited Materials” By Law which restricts exterior storage of abandoned, discarded and unused material.

Since we have observed materials stored in a fashion contrary to this By Law at the above referenced address, you are hereby notified that the enforcement pursuant to Chapter 141 commenced on September 6, 1994.

Therefore, you are ordered to take the necessary steps now to comply with aforementioned requirements. Failure to comply will result in a violation notice(s), and prescribed fines.

You should carefully review the By Law which is as follows:

1. No person, tenant or entity, corporate or otherwise, as owner(s) or one(s) in control of 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 (30) consecutive calendar days without being licensed 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, rope, rugs, batteries, paper, trash, rubber debris, waste, and other old scrap ferrous or non-ferrous material, which is not being used for its intended purpose.**
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 thirty (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 applicant shall pay the cost of the publishing.

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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 hearing has been

held and the Selectmen determine that the keeping of the same will not depreciate property value in the area, will not create a hazard to the public safety, or will not become a public nuisance. Renewals of said license shall be granted only after the procedure set forth is followed.

4. The application 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 of 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 line, 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.
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 materials are not prohibited, as defined in the chapter.
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 applicant shall at his own expense, give notice of said hearing by mailing a notice of same prepared by Planning Board to all parties of 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 line, all as they may appear on the most recent applicable tax list as certified by the Board of Assessors. The application shall submit an affidavit as to said notice.
7. Notwithstanding the aforesaid sections, no prohibited material shall be deemed to be “in the open” as the 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.
8. Conditions existing on the date of acceptance of this chapter which meet the definition of prohibited material must be brought into compliance within thirty (30) days after said acceptance. Of this chapter, which meets the definition of prohibited material, must be brought into compliance within thirty (30) days after said acceptance.

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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 method or remedy.
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 every day thereafter. The days shall be counted commencing fifteen (15) days after the notice of violation is given.
11. Any clause, section or part of this chapter determined to be invalid by any judiciary for any reason, shall be severable from any other clause, section, or part, without affecting the validity of that which remains.
12. Construction sites complying with the requirements 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

Should you have any questions concerning this new By Law, please contact the Board of Health Office or the Building Department.