



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding
Health Officer

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REGULATION

1.000 Variances

1.001 Authority: This regulation is promulgated pursuant to the authority granted to the Middleborough Board of Health by Massachusetts General Laws, Chapter 111, Section 31.

A) Review and Issuance Authority:

The Middleborough Board of Health or Middleborough Health Officer may vary the application of any provision of a regulation adopted by the Board of Health pursuant to Massachusetts General Laws, Chapter 111, Section 31. A variance may be granted only when in the opinion of the Board of Health or Health Officer –

(1) The person requesting a variance established that enforcement of the health regulation provision from which a variance is sought would be manifestly unjust; and

(2) The person requesting a variance established that a reasonable level of protection of public health and/or public safety can be achieved without enforcement of the provision from which a variance is sought.

B) Variance Request:

Every request for a variance shall be in writing, shall state the specific provision of a regulation from which a variance is sought and include in the request facts, reason(s) and argument why enforcement of the provision would be manifestly unjust and facts, reason(s) and argument why and how a reasonable level of protection of public health and/or public safety can be achieved without enforcement of the provision.

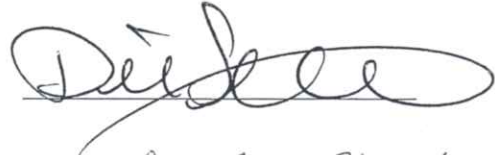
C) Appeal:

Any person aggrieved by the decision of the Health Officer on a request for variance shall be entitled to a hearing before the Board of Health and such person shall file with the Board of Health within seven days after notice of decision, a written request for hearing.


Chairman








John M. Powell

Date Regulation Adopted: 8.11.14

Effective Date of Regulation: 9.1.14