

City/Town of _____
Board of Health

NOTICE OF VIOLATION ORDER
PURSUANT TO MASSACHUSETTS EMERGENCY COVID ORDERS
AND/OR M.G.L. c. 111, §§ 122,123
EFFECTIVE IMMEDIATELY

Date: _____

Name of Business/Landowner/Individual: _____
(Hereafter referred to as "Respondent")

Address of Business/Landowner/Individual: _____

The above-named Board of Health, working under the authority of the Governor's Emergency Orders, including, but not limited to, COVID-19 Orders Numbered 26, 33, 36, 37, 38, 40, 41, 45, 49, 50, 55, 57, 58, 59, 60, 62, 63, 66 and M.G.L. c. 111, §§ 122 and 123, hereby issues a **NOTICE OF VIOLATION** to the Respondent identified above, for the reasons stated herein.

The specific violation(s) leading to the issuance of this Notice of Violation include one or more of the following infractions, as indicated by the check marked box:

The Respondent is a business, organization, or enterprise that is not an industry permitted to be open under the currently achieved Phase of the scheduled "**Phased Reopening**" plans as established by The Governor's Executive Orders and/or Orders of the Commissioner of Public Health and has not closed their physical workplaces and facilities to workers, customers, and the public, pursuant to the applicable Massachusetts COVID-19 Orders.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders mandating the **wearing of facial coverings** as established by The Governor's Executive Orders and/or Orders of the Commissioner of Public Health, and/or Department of Labor Standards COVID Workplace Safety Standards and is thereby endangering the general public pursuant to the nuisance statute in violation of M.G.L. c. 111, §§122, 123.

The Respondent has violated applicable laws and regulations pertaining to **Isolation and Quarantine** as established by The Governor's Executive Orders and/or Orders of the Commissioner of Public Health and is thereby endangering the general public pursuant to the nuisance statute in violation of M.G.L. c. 111, §§122, 123.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders as established by The Governor's Executive Orders and/or Orders of the Commissioner of Public

Health, and/or Department of Labor Standards COVID Workplace Safety Standards regulating **gatherings** and is thereby endangering the general public pursuant to the nuisance statute in violation of M.G.L. c. 111, §122, §123.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders as established by The Governor’s Executive Orders and/or Orders of the Commissioner of Public Health and/or Department of Labor Standards COVID Workplace Safety Standards, regulating **indoor and/or outdoor entertainment** and is thereby endangering the general public pursuant to the nuisance statute in violation of M.G.L. c. 111, §§122, 123.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders as established by the Governor’s Executive Orders and/or Orders of the Commissioner of Public Health and/or Department of Labor Standards COVID Workplace Safety Standards and/or COVID Workplace Safety Standards relative to **immediate, mandatory employer notification to the local board of health of a known positive case** as required in *454 CMR 31.06*.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders as established by the Governor’s Executive Orders and/or Orders of the Commissioner of Public Health and/or Department of Labor Standards Mandatory Safety Standards and/or **COVID Workplace Safety Standards**, *454 CMR 31.00 – 31.11*.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders as established by The Governor’s Executive Orders and/or Orders of the Commissioner of Public Health, and/or Department of Labor Standards COVID Workplace Safety Standards regulating **proper “social distancing” of patrons or guests** and is thereby endangering the general public pursuant to the nuisance statute in violation of M.G.L. c. 111, §§122, 123.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders as established by The Governor’s Executive Orders and/or Orders of the Commissioner of Public Health, and/or Department of Labor Standards COVID Workplace Safety Standards regulating **indoor and/or outdoor recreational activities** and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §§122, 123.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders as established by The Governor’s Executive Orders and/or Orders of the Commissioner of Public Health, and/or Department of Labor Standards COVID Workplace Safety Standards regulating **day care services** and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §§122, 123.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders as established by The Governor’s Executive Orders and/or Orders of the Commissioner of Public Health, and/or Department of Labor Standards COVID Workplace Safety Standards regulating **congregate living facilities** and is thereby endangering the general public pursuant to the nuisance statute in violation of M.G.L. c. 111, §§122, 123.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders as established by The Governor’s Executive Orders and/or Orders of the Commissioner of Public Health, and/or Department of Labor Standards COVID Workplace Safety Standards regulating the **reopening of Phase I, II or III enterprises and/or accompanying workplace safety measures for the reopening of enterprises** and is thereby endangering the general public pursuant to the nuisance statute in violation of M.G.L. c. 111, §§122, 123.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders as established by The Governor’s Executive Orders and/or Orders of the Commissioner of Public Health, and/or Department of Labor Standards COVID Workplace Safety Standards as follows:

and is thereby endangering the general public pursuant to the nuisance statute in violation of M.G.L. c. 111, §§122, 123.

PENALTIES:

Violation of terms of COVID-19 Orders, with the exception of the Orders relative to **Travelers** and **Gatherings**, may result in a civil fine up to \$300 *per violation*, in the manner provided for M.G.L. c.40, §21D. Violation of Orders relative to **Travelers** and **Gatherings** may result in a civil fine up to \$500 *per violation*, in the manner provided for by M.G.L. c. 40, §21D. As provided in M.G.L. c. 40, §21D, a duly authorized person or entity may apply for the issuance of a complaint for the violation of the applicable COVID-19 Order if any person fails to pay a fine issued pursuant to such order within the time specified or, having appeared, does not confess the offense before the clerk or pay the sum of money fixed as a penalty after a hearing and finding.

The adoption of this uniform method for processing violations shall not modify the maximum fines, limit any other method of enforcement, or modify any other term specified in the COVID-19 Orders.

Operation of Enterprise or Other Individual Action in Violation of the Nuisance Statute: Violation of M.G.L. c. 111, §§ 122, 123 may result in a civil fine up to \$1000 *per day per violation*.

You are hereby ordered to pay the amount of _____ by check or money order made payable to the **[city/town]** of **[name of city/town]** within twenty-one (21) days of receipt of this order to the address below.

ENFORCEMENT:

The Board of Health or its agent may be assisted by the Massachusetts Department of Labor Standards and/or the Massachusetts Department of Public Health for matters that fall within the statutory purview of those Departments, together with local Police or State Police in the enforcement of this Notice of Violation Order.

ABATEMENT:

Failure to submit proof of compliance with this Notice of Violation Order within one business day of receipt, to the above-named Board of Health via email at _____, may constitute a further violation punishable by additional fine(s) as set forth above.

APPEAL:

If you are aggrieved by this Notice of Violation Order, you have the right to request a Hearing before the above-named Board of Health. This request must be made by you, in writing, and filed within seven (7) days after the date this Notice of Violation Order was served or actually received. Any affected party has a right to appear at said hearing. If this violation was issued pursuant to G. L. c. 40, § 21D, you have the right to appeal the civil ticket at the town clerk’s office, as described on the ticket.

Signed by:

Name:

Date:

As agent of the [city/town] [health department/board of health]

Address: _____