



TOWN OF RYE • HEALTH OFFICE  
10 Central Road  
Rye, NH 03870-2522  
(603) 964-5523 • Fax (603) 964-1516

**COPY**

**Notice of Violation, and  
Order to Remove Nuisance**  
Town of Rye Health Regulation

RECEIVED

JUL 15 2022

BUILDING DEPT  
TOWN OF RYE NH

July 13, 2022

*SENT VIA REGISTERED MAIL, RETURN RECEIPT REQUESTED,  
AND VIA FIRST CLASS MAIL TO THE FOLLOWING:*

Peter Aikens, Jr.  
Misty Aikens  
1233 Ocean Blvd  
Rye, NH 03870

**Re: Violation of Rye Health Regulation and Order to Remove Nuisance  
1323 Ocean Blvd, Rye, New Hampshire**

Dear Mr. and Mrs. Aikens:

This Order follows on the February 21, 2020, March 1, 2021, and November 12, 2021 letters you received from the Town of Rye ("Town") Building Inspector, notifying you that you are in violation of the Town Health Regulation as it pertains to the property you own at 1323 Ocean Blvd in Rye, New Hampshire (the "Property").

This Order constitutes a final notice and order to remediate a nuisance as contemplated by New Hampshire RSA Chapter 147. If you fail to take the **Corrective Actions Required** within the specified timeframe below, the Town will proceed with enforcement action(s) against you, as detailed in the **Penalties** section below.

**I. Description of Nuisance or Danger to Public Health:**

On January 11, 2016, the Town enacted a Health Regulation for onsite wastewater treatment system pump-out and inspection, applicable to all properties in the Parsons Creek Watershed. The Health Regulation went into effect on June 1, 2016. The Health Regulation requires that all septic tanks be pumped out every 3 years. If the Town Building Inspector or its Designee is not present at the time a property's septic tank is pumped out, the property owner is required to provide the Building Inspector with documentation of the pumping completion, including receipts from the company that did the pumping, the approximate number of gallons of septage pumped, and the



approximate location of the septic tank. All of this information must be provided to the Building Inspector within ten (10) business days from the date the septic tank was pumped out.

Your Property is located within the Parsons Creek Watershed. The Health Regulation, therefore, applies to your Property and to you as the Owners.

As of the date of this Order, you have not provided the Building Inspector with proof that the septic tank at your Property has been pumped out within the past three (3) years, or indeed, since the Health Regulation went into effect. You are therefore in violation of the Health Regulation, and you are hereby ordered to complete the **Corrective Action Required** within the timeframe specified below. Failure to do so shall result in the Town taking enforcement actions against you. A copy of the Health Regulation is enclosed for your convenience.

## **II. Corrective Action Required and Timeframe to Complete Corrective Action:**

You shall complete all of the actions identified in either Paragraph (A) or Paragraph (B), below, in the timeframes set forth below:

(A) If the septic tank at your Property was pumped out within the past three (3) years, you shall provide the Building Inspector with documentation of the pumping, including receipts from the company that did the pumping, the approximate number of gallons of septage pumped, and the approximate location of the septic tank on or before July 20, 2022.

(B) If the septic tank at your Property was not pumped out within the past three (3) years, or if you do not have all of the documentation/information specified in Paragraph (A), you shall complete each of the following actions:

- (1) On or before July 27, 2022, you shall schedule and retain a septic company to pump out the septic tank at your Property; and
- (2) Within twenty-four (24) hours after scheduling a septic company to pump out the septic tank at your Property, you shall provide the Building Inspector with the date and time of the pumping, and the name and telephone number of the septic company that will be doing the pumping; and
- (3) On or before August 10, 2022, you shall cause the septic tank at your Property to be pumped out by the septic company you identified in Subparagraph (3), above; and
- (4) If the Building Inspector is not present at the time the septic tank at your Property is pumped out, on or before August 10, 2022, you shall provide the Building Inspector with documentation of the pumping, including receipts from the company that did the pumping, the approximate number of gallons of septage pumped, and the approximate location of the septic tank.



Failure to complete these **Corrective Actions Required** on or before the dates specified above shall result in the Town taking enforcement actions against you as specified in the "Penalties" section below.

**III. Penalties:**

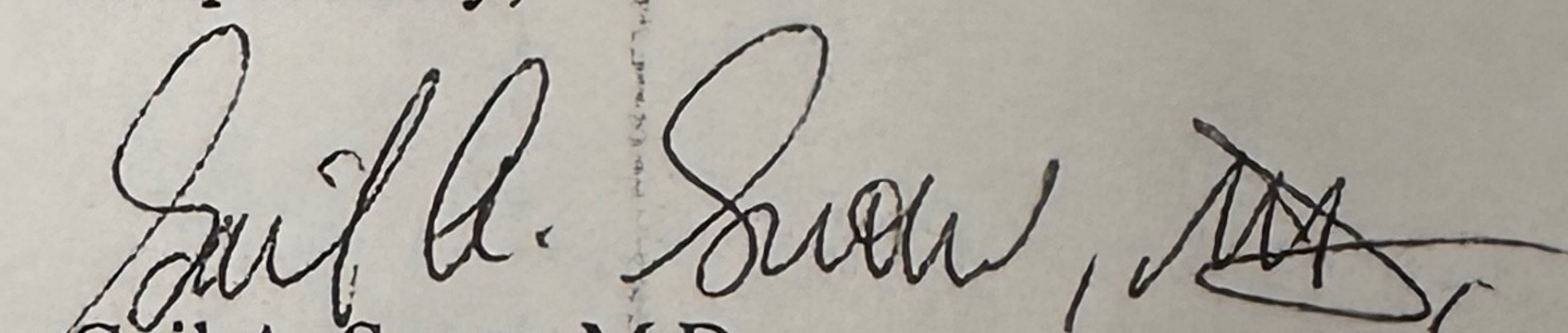
**FAILURE TO TAKE CORRECTIVE ACTION WITHIN THE TIMEFRAME SPECIFIED ABOVE MAY RESULT IN CORRECTIVE ACTION BEING TAKEN BY THE TOWN OF RYE. IF THIS OCCURS, THE TOWN OF RYE'S COSTS SHALL CONSTITUTE A LIEN AGAINST THE REAL ESTATE, ENFORCEABLE IN THE SAME MANNER AS REAL ESTATE TAXES, INCLUDING POSSIBLE LOSS OF THE PROPERTY, IF NOT PAID.**

Pursuant to RSA 147:1, III, any person willfully violating the Rye Health Regulations shall be guilty of a violation. In addition to, or in lieu of, corrective action being taken by the Town of Rye, the Town may refer the matter for criminal prosecution. Additionally, the Town may seek to impose an initial fine of \$100 and a continuing fine of \$50 per day after a period of seven days that corrective action has not been completed, up to a maximum fine of \$1,000.

**THIS IS A FINAL NOTICE.** If you do not complete the **Corrective Actions Required** within the timeframe specified above, the Town of Rye will proceed with taking enforcement action(s) against you.

If you have any questions about the foregoing, please contact Milon C. Marsden, CFM, the Town's Building Inspector and Code Enforcement Officer, at (603) 964-9800.

Respectfully,



Gail A. Snow, M.D.

Town of Rye Health Officer

Enclosure

cc: Milon C. Marsden, CFM, Building Inspector  
Janice Ireland, Executive/Finance Assistant  
Kevin Walsh, Town Administrator